

Rārangi take o te Komiti Taiao
me ngā Whakawā Whanokē

Environment and Hearings Committee Agenda

Wednesday 24 April 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	07/12/22	01/02/23	22/03/23	26/04/23	15/05/23	07/06/23	19/07/23	25/10/23	08/11/23	22/11/23	13/03/24
Meeting	E	O	E	O	O	O	O	O	E	O	O
Andy Beccard	√	√	√	√	√	√	√	√	√	√	√
Leanne Horo	√	√	√	√	A	√	√	√	√	√	A
Aarun Langton	A	√	√	√	√	√	√	A	√	√	√
Steffy Mackay	√	√	√	√	√	√	√	√	√	A	A
Robert Northcott	Y	√	√	√	√	√	√	√	√	√	√
Diana Reid	√	√	√	√	√	A	√	√	√	√	√
Tane Houston - Iwi Representative	-	-	-	-	-	√	√	√	√	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.



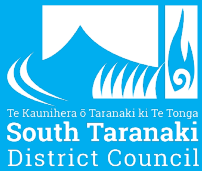
Rārangi Agenda

Environment and Hearings Committee

Wednesday 24 April 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 13 March 2024](#)..... Page 9
6. **Pūrongo / Report**
 - 6.1 [Subdivision Application RMS23026](#) Page 16
7. **Pūrongo-Whakamārama / Information Report**
 - 7.1 [Environmental Services Activity Report](#)..... Page 288
8. **Whakataunga kia noho tūmatanui kore / Resolution to Exclude the Public**
 - 8.1 [Public Excluded Environment and Hearings Committee held on 13 March 2024](#)..... Page 296
9. **Karakia**

Next Meeting Date: Wednesday 5 June 2024 – Council Chamber, Albion Street, Hāwera
Elected Members’ Deadline: Wednesday 22 May 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. 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

To	Environment and Hearings Committee
Date	24 April 2024
Subject	Environment and Hearings Committee – 13 March 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 13 March 2024. The Environment and Hearings Committee is being asked to confirm their minutes from 13 March 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 13 March 2024 is a true and correct record.



Menīti Minutes

Ngā Menīti take o te Komiti Taiao me ngā Whakawā

Environment and Hearings Committee

Held in the Council Chamber, Albion Street, Hāwera on Wednesday 13 March 2024 at 4 pm

Kanohi Kītea / Present: Councillors Andy Beccard (Chairperson), Aaron Langton, Diana Reid and Deputy Mayor Robert Northcott and Tāne Houston (Iwi Representative).

Ngā Taenga-Ā-Tinana / In Attendance: Liam Dagg (Group Manager Environmental Services), Sarah Capper-Liddle (Planner), Chantelle Denton (Regulatory Manager), Sara Dymond (Governance and Support Team Leader), Caitlin Moseley (Planner), Jessica Sorensen (Planning and Development Manager) and three members of the public.

Matakore / Apologies: Councillors Leanne Horo and Steffy Mackay.

RESOLUTION

(Cr Reid/Cr Langton)

03/24 EH **THAT the apologies from Councillors Leanne Horo and Steffy Mackay received.**

CARRIED

1. Pūrongo / Report

1.1 Land Use Consent for a Commercial Activity within the Residential Zone

Rowe Planning Limited applied for a resource consent on behalf of the applicants to establish and operate a boutique cattery facility at 72-74 Glover Road, Hāwera (Lots 8 and 9 DP 3915). The site was located within the Residential Zone with a site area of 1,012 m², comprised of two titles, with a dwelling and associated residential curtilage.

Applicants – Andrea Rowe on behalf of Paul and Darly Paraha

Mrs Paraha saw a niche in Hāwera and South Taranaki for a luxury cattery. She was passionate for animals and had worked for the top prestigious cattery in Auckland and assisted at Pawsome Cattery in Normanby. Looking towards her retirement she wanted to bring her passion for cats and community into a business from home. In South Taranaki there were what she considered 3 star catteries, however what she was looking at was a 4.5 star community cattery and 5 star niche cattery. This would be a small boutique so that those people who wanted all their cats' needs taken care had that at that. It would be unique because there was nothing else that currently met that standard in Taranaki and Whanganui. She was community minded and was interested in working with the local college bringing students who wished to pursue animal welfare and health or veterinary in to gain work experience in the holidays. She would also like Annie Brydon Lifecare and Village to be involved as part of the patting team. Hāwera had an aging population and the

centre of Hāwera location was specific to enable access for local elderly and immobile people.

In response to the query around what was considered a 5 star cattery Mrs Paraha explained that there were a number of factors; size and quality of sleeping area, playing area, climate controlled, security of premises and cats, veterinary wellbeing, activities available and time spent organising the activities, 24 hour care and looking after the owner's expectations. Mr Paraha added that all private suites would have interactive CCTV allowing staff to always monitor the guests. This facility would also allow the cat owners to be able to log in and see and engage with their cats while away on vacation.

Mrs Rowe commented that what was being presented was a cattery in a residential zone. What was important to determine, early on, was that the receiving environment was not in a residential context as there was Glover Road (which was busy), Caltex and the 24 hour service car wash which was not a 9 am to 5 pm operation. In the 5 star cattery she noted that Mr and Mrs Paraha had accommodated acoustic control within the suites available for cats. From an outside perspective that noise was further controlled so it was not as much as a cattery/kennel which had a high level of noise. The outside area to be constructed would allow an inside outside flow. There would be specific controls over how many cats were outside and for how long and would be monitored by 24 hour cameras. All cats would be relocated back into their suites with some suites having access to outside. It was also reiterated there were no provisions in the South Taranaki District that restricted how many cats a person could have.

Mrs Rowe asked the Committee to review the condition around landscaping. The site was not visible from the road and from within the site there was a large fence and well established landscaping. Mr and Mrs Paraha had undertaken beautification of the property and conditions relating to landscaping plans would result in increased costs and in turn burden the applicant. The nature of the driveway and concrete wall already provided additional screening. All adjacent affected residential properties had provided written consent for the proposal. They would like it considered whether this condition was required or if the intention of the condition was to retain the existing fencing.

It was crucial to reemphasise that this activity was not a noise sensitive activity.

Mrs Rowe questioned the baseline of the condition in relation to a commercial bin for trade waste. From the perspective of 30 cats creating faeces the bins would be lined and placed into the rubbish bin. Currently any person in the residential or rural zone could put as much faeces into a bin and dispose of it through the current set of rubbish bins. There was a question about this level of requiring a commercial set of bins whether that was an onerous condition to enforce.

The cattery was considered a complimentary activity to the site, it was a large enough site and was well setback from anyone. All neighbours were on board and provided written approval. Traffic reporting deemed that the affects were no more than minor in this instance.

From a liability perspective Mrs Rowe made a point of clarification that it was Rowe Planning Limited who prepared the report not Rowe Contracting Limited.

Mrs Paraha noted that it had been a journey to reach this point. They had undertaken alternations inside, however were awaiting approval of their application before proceeding with architectural designs. It was intended that the house worked in with the landscaping for the cattery. With it being a luxury cattery, it needed to look attractive. Mr Paraha added that first impressions were the most important. He knew what was involved and it was in their best interest that the landscaping was good.

Mrs Paraha commented that their application was applying for a maximum of 30 cats, however the likelihood they would be at full capacity especially in the first few years was rare. The number of cats averaged out would be 50% to 60%.

Planner – Caitlin Moseley

Mr and Mrs Paraha applied for a resource consent to establish and operate a boutique cattery at 72 Glover Road, Hāwera. Ms Moseley commented that plans were not provided as part of the application on how they would like to see it. However, the conditions left it for the Council to review and approve them at such time when the plans were finalised. There would be 30 cats at maximum at one time on the site but as explained that would fluctuate depending on seasons. The application was specific around the times the cattery would be open to the public which was between 8 am to 10 am and 4 pm to 6 pm and strictly by appointment. The application was being presented to the Committee under Section 28b of the Resource Management Act (RMA) as it was setting a precedent for a commercial activity of this nature in the residential zone with surrounding residential properties, irrespective of there being a commercial large format across the road. There was signage involved which was covered off in the conditions as well as onsite parking to ensure traffic management safety was of the forefront of the business as well.

Councillor Reid asked how it was envisaged the commercial bin would work. Mrs Rowe had not discussed the need for a commercial bin until such time as it was presented in a condition. It was anticipated that a set of residential bins would service the business given it was 30 cats maximum, expected to run at 50% capacity. Mrs Paraha noted that every morning each kitty litter container would be disposed of in a plastic liner and placed into the rubbish bin. The kitty litter and bags were biodegradable. If that went into a commercial bin what was the timeframe for it to be filled whereas if it was in the designated kerbside bins then it would be regularly collected. If the wheelie bins became full, then the transfer station could be used to dispose of any excess.

Ms Moseley noted that a commercial set of bins being obtained for the activity had not been conditioned. It was an advice note to ensure that the applicant was aware that it was their responsibility that the waste was appropriately disposed of. In the Solid Waste Bylaw there were some restrictions for commercial waste which was something to factor in. Mrs Sorensen added that they had conditioned around the effect so that should the effects become present through odour the Council could address it through Condition 9.

Applicants – Right of Reply

Mrs Rowe commented that the nature of a commercial activity of this nature in this environment was unique in comparison to if this was purely residential zone. In this setting there was industrial within 500 metres south of the site and the Brethren School. They would like to enable the Committee's discretion that this might set a precedent of this nature,

however it might be reviewed again by the Committee if it was another cattery in a bigger residential context.

Mr Houston drew on the experience of the applicant who had worked in a cattery. He asked if catteries draw the attention of other cats in close proximity to the site. Mrs Paraha confirmed this but said it was not a strong attractant. The property was the territory of their own cats which meant other cats did not often come into this area.

2. Whakaaetia ngā Menīti / Confirmation of Minutes

2.1 Environment and Hearings Committee on 22 November 2023.

RESOLUTION

(Deputy Mayor Northcott/Cr Reid)

04/24 EH **THAT the Environment and Hearings Committee adopts the minutes from the meeting held on 22 November 2023 as a true and correct record.**

CARRIED

2.2 Extraordinary Environment and Hearings Committee on 17 January 2024.

RESOLUTION

(Deputy Mayor Northcott/Cr Reid)

05/24 EH **THAT the Environment and Hearings Committee adopts the minutes from the extraordinary meeting to prepare a submission on the proposed Ōpunakē Solar Farm project held on 17 January 2024 as a true and correct record.**

CARRIED

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 month of January 2024.

The report presented the January data which showed consent numbers were on a downward trend. Noise complaints were standard for this time of year. This was an opportunity to introduce Cindy Koen the new Environment and Sustainability Manager and Jow Churchman the new Forest Restoration Coordinator who would manage the Natural Environments Fund.

Councillor Reid asked what the timeframe was for the Regional Organics Processing Facility to be operating. Mr Dagg explained that they had moved into the Request for Proposal (RFP) stage. The RFP documentation was being assembled and would be sent to the four shortlisted companies in February/March 2024. There would be a four month negotiation period and given there were three councils plus private sector interest there would be a lot of time in the procurement aspect of it. Towards the end of the year they should be in a

position to make a decision on the preferred provider then they would discuss the design build aspect of it. The construct by date in the RFP was 2027.

In terms of the proposed location Mr Dagg explained that the location formed part of the criteria for the RFP. There was commentary on site selection. Based on the feasibility report we were looking at commercial sized facilities for the North and the South.

RESOLUTION

(Cr Langton/Mr Houston)

06/24 EH THAT the Environment and Hearings Committee receives the Environmental Services Activity Report – January 2024.

CARRIED

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

RESOLUTION

(Cr Reid/Deputy Mayor Northcott)

07/24 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 – Land Use Consent for a Commercial Activity within the Residential Zone	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)

09/24 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 4.48 pm.

Dated this day of 2024.

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CHAIRPERSON



Pūrongo Report

To	Environment and Hearings Committee
From	Kaimahere Whakawhiti Whakaaro / Consultant Planner, Adam Bridgeman
Date	24 April 2024
Subject	Subdivision Application RMS23026

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

Whakarāpopoto Kāhui Kahika / Executive Summary

Application

Consent No.:	RMS23026
Applicant:	John and Enfys Soothill
Location:	408 Ketemarae Road, Normanby
Proposal:	Five lot Subdivision, with undersized balance lot and associated yard setback infringements

Site Details

Legal Description:	LOT 2 DP 313626
Current Use:	Agriculture/ Lifestyle
Previous Consents:	RM020039 – 2 Lot Subdivision
Operative South Taranaki District Plan (2015):	Zone: Rural (Rural Map 10) Roading category: Secondary Collector Road Archaeological Site Tributary to Waihi Stream (Statutory Acknowledgement to Ngā Ruahine)
Surrounding Land Use:	Mix of agricultural and lifestyle/ Residential

1. John and Enfys Soothill (The applicant) seek subdivision and associated land use resource consent to develop the 13.4934 ha rural zoned property at 408 Ketemarae Road, Normanby (LOT 2 DP 313626) into five allotments. The proposal creates four allotments between 4,000m² and 1 hectare, with a balance allotment of 10.322 ha. The proposal fails to meet the minimum balance lot requirement of 20 ha for the rural zone, with an associated infringement of a yard setback on proposed Lots 3 and 4.
2. The application is before the Environment and Hearing Committee as it may have an impact on administration of the District Plan (DP), given the proposal may set a precedent, being 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) as considered under the National Policy Statement (NPS) for Highly Productive Land (HPL).

3. Overall, I consider that the proposal will result in a loss of productive land, would set a precedent in terms of rural/residential development, may result in cumulative effects on rural character along Ketemarae Road, is inconsistent with the District Plan Objectives and Policies for the rural zone, is inconsistent with the NPS HPL and is therefore contrary to promoting sustainable management of natural and physical resources in accordance with sustainable management purpose of the Resource Management Act 1991. It is recommended that the application be declined.

Taunakitanga / Recommendation(s)

THAT the Environment and Hearings Committee declines the resource consent for the five Lot subdivision and associated land use resource consent at 408 Ketemarae Road, Normanby (LOT 2 DP 313626), pursuant to Section 104 and 104B of the Resource Management Act.

Further, if the South Taranaki District Council Environment and Hearings Committee were of a mind that subdivision resource consent RMS23026 could be granted (including associated land use resource consent), then the conditions contained in the alternate recommendation provided at the end of the report should be considered.

Kupu Whakamārama / Background

Description of the Proposal

4. The applicant John and Enfys Soothill, seek resource consent to subdivide the 13.4934 ha rural zoned property at 408 Ketemarae Road, Normanby (LOT 2 DP 313626) into five allotments as below in Table 1.

Table 1: Proposed Lot Sizes

Lot	Lot Size
Lot 1	6,006 m ²
Lot 2	6,104 m ²
Lot 3	1.00 ha
Lot 4	9,600 m ²
Lot 6 (Balance)	10.322ha (Inclusive of ROW)



Figure 1: Proposed Scheme Plan

5. The application proposes to connect to the public water service located along Ketemarae Road, with stormwater and wastewater to be provided for onsite.
6. Traffic access is via a right of way, serving each lot including 406 Ketemarae Road, albeit apart from Lot 1 to be accessed by an independent right of way.
7. The existing dwelling is proposed to be located in Lot 3, with an associated yard setback infringement by an existing shed within this Lot and that on proposed Lot 4.

Site and Surrounds

8. The subject site is located on Ketemarae Road (see Fig. 2), halfway between the intersection of Ketemarae Road and Glover Road, and the Normanby township. The site has one dwelling with ancillary sheds, with a small gully immediately to the rear of the dwelling, where the remainder of the land is relatively flat. The site is currently used for grazing cattle and cutting supplement.
9. The subject site is surrounded by a mix of smaller residential sites, mainly across the road to the North/West of Ketemarae Road, with larger agricultural properties to the North and South of the property. It is noted that these other smaller lots were subject to respective resource consents that were able to achieve the District Plan outcomes at the time and were not subject to the decision framework of the NPS HLP. These consents are detailed further below in the report (refer to section 28). To the rear is the property owned by the Hāwera Aero Club accommodating the Hāwera Aerodrome. The 6,000 m² property to the immediate front of the subject site, 406 Ketemarae Road, was previously subdivided from the property in 2002 and shares the existing right of way with the subject site.



Figure 2: Locality Plan and surrounding neighbours

Documents

10. The application documentation provides an in-depth summation of the proposal, including background. The relevant documents are as follows:
 - a) Resource Consent Assessment of Environmental Effects: John and Enfys Soothill – 6 Lot Subdivision at 408 Ketemarae Road, Normanby.
 - b) Appendix A: Scheme Plan
 - c) Appendix B: Record of Title
 - d) South Taranaki District Council Application Forms

Amended Documents received 10 January 2024:

- a) Advisory Report: Productive Capacity for 408 Ketemarae Road, Greenbridge Regenerative Landscape Consultancy
- b) Scheme Diagram [22034], dated 15/12/23
- c) Scheme Plan [22034], dated 15/12/23
- d) Letter to the South Taranaki District Council re productivity assessment, Renaissance Consulting, dated 10/01/2024

Aromātai / Evaluation

Status of the Application

11. The application determined the following consents are required:
 - a) Rule 9.2.1.1 for subdivision where the minimum balance allotment size of 20 ha cannot be met, which pursuant to Rule 9.1.4 requires resource consent as a discretionary activity; and,
 - b) Rule 3.2.2(a) for an ancillary building within the 10 metre side yard setback, requiring resource consent as a restricted discretionary activity.

All other performance standards can be met.

12. 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

13. 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).
14. 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)

15. The application was notified 11 April 2023 to the owners of 394 Ketemarae Road, Hāwera. No response to the notification was received.

Written Approvals

16. Written approvals were received from the following:

401 Ketemarae Road	Partria Shirtcliffe
405 Ketemarae Road	Rebecca Paul & Joshua Paul
406 Ketemarae Road	Bevan John Soothill and Raewyn Mary Soothill
407 Ketemarae Road	Regan Mark Thomas
411 Ketemarae Road	Chris Baylis
411 Ketemarae Road	John Richard Roberts
433 Ketemarae Road	Clifford John Shearer
490 Ketemarae Road	Kevin John Landers

S104 Assessment

17. 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.

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.
18. 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

19. 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

20. In terms of the lot design and layout, the proposal does not provide indicative building platforms or design. It is noted that the application has been amended from that originally proposed and assessed in the notification assessment, to provide for slightly larger allotments and the reduction of the number of lots to five.
21. In terms of the impact on surrounding properties, directly adjoining and adjacent properties have provided written approval, as shown in section 13, and the effects are to be discounted on these properties as per s104(3)(a)(ii), albeit apart from 394 Ketemarae Road who was
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notified of the previous application and to which no response was received, and to the aerodrome property 343 Waihi Road, who were not considered adversely affected above less than minor. Taking the above into account, particularly those who have provided written approval and for which the effects are discounted, the lot design and layout would have acceptable effects on the Aerodrome and 394 Ketemarae Road, with appropriate setbacks and landscape mitigation through existing hedging and typography to minimise any impacts on these properties. Of note, adverse effects on 394 Ketemarae Road were in respect of reverse sensitivity rather than lot design and layout.

22. The notification report also determines that the smaller allotments are not inconsistent with the prevailing amenity of Ketemarae Road in respect of the wider environment. It is noted that the eastern side of Ketemarae Road between Glover Road and Normanby is less developed than that on the western side, with the infill in residential development possibly increasing the cumulative effects on the rural character of this area of Ketemarae Road. Landscape mitigation would be recommended as a condition of consent to mitigate views from Ketemarae Road into the site.
23. In terms of reverse sensitivity, the notification report identifies 394 Ketemarae Road as being affected, of which limited notification was served. No response was received from the neighbour, however the effects remain to be considered. Overall, the reverse sensitivity effects could be minor on 394 Ketemarae Road who operates a dairy farm, however, the dairy shed of 394 Ketemarae Road is located over the DP 150 metres to a potential building site when considering the required 10 metre yard setback, with a consent notice recommended to maintain this setback.

Infrastructure and services, and transportation effects

24. 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

25. As considered in the notification report, any effects on significant sites, waterbodies, natural hazards and cultural effects are considered acceptable where in particular, the identified watercourses would remain within the balance lot.
26. There is an identified potential archaeological site (see Figure 3 below) on the property, however it is unclear as to the exact location and whether this is within the property, hence no archaeological assessment has been required at this point. If the resource consent was granted, I recommend that an investigation of the archaeological site be required by an appropriate person through a condition of consent, to identify the archaeological site (if located within the land) to ensure the site is preserved.



Figure 3: Arch site on DP Rural Map 10, NZ Arch Site Q21/42

27. The notification report determined the following in respect of iwi engagement:
28. “The site has one open watercourse traversing the rear western boundary and what appears to be two potential drained watercourses through the site... The watercourse culminates in the Waihi Stream... the Waihi Stream and its tributaries have statutory acknowledgement to Ngā Ruahine. The site is also within the Ngāti Ruanui Rohe. Both iwi have been sent the application for review and no response has been received. Notwithstanding this, given the tributaries are unlikely to be affected by the application with the streams to remain in the balance Lot 6, I am of the opinion the adverse effects on the waterbody and the statutory acknowledgement are less than minor.”
29. Following notification, Mr Dion Luke of Ngā Ruahine responded opposing the development in the rural zone in principle, but did not mention the archaeological site. Commentary as follows: “Thanks for sending this through. The area between Waingongoro and Waihi is a shared interest for Ngā Ruahine and Ngāti Ruanui.
30. We are starting to see granted subdivisions in this area without any clear detail on wastewater and stormwater systems. We would oppose this and other consents in this area as they are outside the residential zone in the proposed Hāwera structure plan and lack sufficient detail on how wastewater and stormwater will be managed. No response was received from Ngāti Ruanui.
31. In respect of wastewater and stormwater, the Council Development Engineer has reviewed the application and considers that wastewater and stormwater can be managed onsite to the appropriate level and that impacts on Waihi Stream (and tributaries) can be mitigated by appropriate design.

Loss of Productive Potential

32. The Rural Zone enables the efficient and effective functioning of rural based activities, including (but not limited to) farming. It is also intended that such activities are not inhibited by the adverse effects of incompatible land uses. The rural zone provides a pathway for subdivision, whereby maintaining a 20 ha balance Lot enables up to four 4,000 m² allotments as a controlled activity. Failing to meet the balance Lot size defaults the application to a discretionary activity.
33. The applicant has provided a productivity assessment for each of the allotments, which considers that each proposed lot can be utilised in a productive capacity. The Council peer

review of this report also determines that there are various different ways for the existing property to be utilised, such as ways to support surrounding properties in rural production (i.e. selling to neighbours, leasing, cropping). The property is of a size commonly used as a runoff for dairy farmers.

34. Each small-scale local food producer used as an example in the Greenbridge Report (pages 7 - 8) and those in the market garden examples (page 12) are well in excess of the smaller proposed Lots 1 - 4, with the exception being the Frankley Farm Collective who operate an organic market garden over an area of 2,000 m². There are other examples that are irrelevant such as the Honey businesses that do not use the site for productive purpose and would not be considered a permitted activity in the rural zone (ie. Industrial).
35. The Council peer review has questioned the claims in the Greenbridge Report whereby each of Lot 1 and 2 could achieve gross income of approximately \$240,000, given that the peer review determines that gross margin would be more appropriate in determining productivity and that a vegetable yield of 20 tonne on these sites is unlikely, considering this would represent a 32T yield per hectare. There would also be loss of productive land to a dwelling and curtilage, and that as evidence from the example market gardens suggests, ancillary buildings are also likely.
36. In terms of the truffle farm and mushroom example for proposed Lot 4, the peer review details that this structure of production would take 6 - 11 years to be realised.
37. I am of the opinion that the loss of the productive potential will occur if the application is granted. There are no proposed controls to ensure the proposed Lots will be used in a productive manner as suggested by the Greenbridge Report. As evidence suggests across the district, it is likely that each allotment will be developed into a standalone residential form consistent with those in the immediate vicinity, whereby the productive capacity will be lost to the dwelling and curtilage and may be uneconomical to scale production due to rural fragmentation. The exception to this may be the balance site. The loss/fragmentation of these smaller sections (Lots 1 – 4) may cumulatively reduce the ability for the property to be used in a productive manner in perpetuity. The proposal will result in an actual overall loss of productive land to residential development if the subdivision consent was to be granted.

S104(ab) Positive Effects

38. If the recommendation was overturned and the proposal was granted, 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 adopted 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

39. 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.
40. As determined in the application for the Kāpuni 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 to be considered. It was considered that Council should have regard to s104(1) (ie. 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.
41. The site is a mix of LUC Class 1 and 3 land (see Figure 4) as directed by the TRC GIS Land Use Capability Layer. This assessment of productive capacity has not been rebutted by any of the documents submitted by the agent.
42. The NPS HPL came into effect on 17 October 2022 with the following objectives and policies:
- 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.
43. Given the assessment that the land is Class 1 and 3 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:
- 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.
- 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.
44. 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
45. It is considered in both the applicant's reports and Council peer review of the productive capacity report that the subject site has productive capacity that would support primary production over the long term.
46. Given the proposed allotments will be subject to a dwelling and associated curtilage, albeit apart from proposed Lot 3, 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 four dwellings and anticipated ancillary buildings to built form cannot maintain the *overall productive capacity* and therefore cannot pass this section 'test'.
47. 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 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 needed per proposed site to support the development of each proposed parcel, but cannot be used in this instance to support subdivision.

48. 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.

(1) 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.

(2) 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.
- (3) 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.
- (4) 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.
49. 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.
50. Taking Section 3.10(2) into account, I can surmise from the applicant's productive capacity report that there are various ways for the existing subject site to be viable, if not already so (informing Section 3.10(1)(a)). The applicant's productive capacity assessment (Greenbridge Report) notes this subject site as being suitable for a multiple of developments, including market gardens, truffle and mushroom farming, homesteading (with a variety of uses), to show that with subdivision, the site could retain the productive capacity as present and may even provide a greater productive output. The Council peer review assessment notes that the applicant's assessment does not assess the existing overall productive capacity of the extant subject site (i.e. by different means such as those provided for the proposed allotments), other than an assessment of what exists at present. The report does not consider other methods of retaining productive capacity (without subdivision) by means of boundary adjustments to the neighbouring agricultural units, or leasing to these properties.
51. 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 applicant's productive assessment and therefore cannot pass the section 3.10 exemption.
52. Of note, Section 3.10(4) details that where the landholding size is not of itself a long term constraint (ie. because the existing property is relatively small (13ha) for a productive rural property in the traditional sense, the NPS considers this is not a constraint on production in its own right).
53. 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 and given these sections have not been considered in the productive capacity report or the agents discussion, I have limited information to consider these matters.
54. 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 there is minimal loss of productive land to rural subdivision. 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, I am of the opinion that the report in fact proves that if an alternative form of land based primary production was utilised, the property could be more
-

economically productive than suggested. 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 4: Area context for NPS-HPL classification (dark green - Class 1, light green - Class 3) (Source: TRC GIS)

55. 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.

56. 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.

57. 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.

58. 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.
59. An assessment of the relevant objectives and policies outlined in s6 of the Regional Freshwater Plan has been undertaken.
60. 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

61. It is considered that the following objectives and policies are relevant to the current application:

Rural Zone

- a) Objectives 2.1.3 and 2.1.4
- b) 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.
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(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.

62. 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. Ketemarae Road has a mix of built form and character which has been developed over time, particularly through development that aligns with the rural performance standards, providing for the 4,000m² allotments where the 20ha balance allotment is retained. This is evident to the North of Ketemarae Road, between the subject site and 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 of Ketemarae Road are delineated by the smaller allotments meeting the minimum Lot size 4,000m², with some slightly larger 6,700m² (also discussed in Section 28 below). This character consists of a dwelling on a piece of land to the road frontage, with the larger balance Lot to the rear.
63. The character of the eastern side of Ketemarae Road is defined by the larger rural properties consistent with the subject site as it stands now, with the property nestled between two working dairy farms. The proposal would ultimately change the character of the immediate site to be outside of that which is existing and anticipated in the rural zone (20ha minimum lot size). This proposal may change the character of Ketemarae Road in this location with the cumulation of built form along this eastern area between Glover Road and Normanby. However, 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 and maintaining setbacks.
64. 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 the newly installed pedestrian and bike path linking the two township zones.

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.

65. In terms of the retention of the productive landscape objectives and policies (OPs) direct that the production potential of rural land should be maintained and uninhibited (P2.1.12). As discussed in Sections 19 and 21, I am of the opinion the proposal has the potential to inhibit the efficient use and development of versatile land for farming purposes and is therefore inconsistent with P2.1.12.

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.
66. There are no proposed buildings with the application, however, it is anticipated that the character of the site will change when developed. These could be managed by appropriate mitigation such as landscaping but has not been proposed in the application.
67. The notification assessment identified the southern neighbour (dairy farm) as being adversely affected by reverse sensitivity. The development of the smaller allotments has the potential to impact upon the operation of the dairy farm to a degree, where further sensitive receptors will be developed in proximity to the farm. However, at this stage, the dairy shed of 394 Ketemarae Road is located over the required 150 metres to a potential building site when considering the required 10 metre yard setback.

Objective and Policy 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, while I am of the opinion the development could present a somewhat similar character to that existing along Ketemarae Road, the eastern side of Ketemarae Road is relatively undeveloped and is utilised for rural productivity. There is no clear evidence that the smaller proposed allotments will be used in a productive manner as suggested by the application, and as evidence suggests (as seen across the road from the subject site), these smaller allotments do not ultimately prevail in a productive use as suggested, with an overall loss of productive land to the proposal. I am of the opinion the proposed allotments would inhibit rural productivity in the area, directly removing productive land from the district through the physical loss and fragmentation, serving to change the rural character and use in this immediate location to a more intensive urban form.

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.

I have undertaken a review of the surrounding properties to determine in what context the smaller allotments, similar to those proposed, were consented. The table below shows the neighbouring properties, with associated subdivision resource consent and activity status.

Table 3: Historic subdivision in proximity to the site

Property	Resource Consent	Activity Status
406 Ketemarae (Subdivided off subject site)	RM020039	Controlled
407 Ketemarae (Lot 1 and 2)	RMS16020	Controlled
411 Ketemarae (Lot 1, 2 and 3)	RMS20066	Discretionary – three Lots, two smaller to Ketemarae frontage, balance Lot 16ha after amalgamation of a 5ha and 12ha existing Lot (created under RMS080027 – CA), creating one additional Lot
394, 401 Ketemarae, 8 Whenuku	RMS080111	Controlled
325 - 365 Ketemarae	RMS16042	RDA – Roading access over 5 Lots

71. From Table 3, each allotment in the immediate surrounding, particularly those lots that have similar sizing to those proposed, have been formed over the last 15 years. These have largely been consented through the previous DP which was more permissive in terms of rural development of smaller allotments, of which has subsequently been made more restrictive through the operative DP. All resource consents were prior to the NPS HPL directive. The most similar consent was that of 411 Ketemarae Road which created one additional allotment, but ultimately created two smaller allotments on the road frontage of Ketemarae Road as a discretionary activity. This was decided within the framework of the operative DP. This proposal is somewhat different to this proposal in the fact that there was an amalgamation of smaller lots to create a bigger rural allotment, and that one additional allotment was created.
72. The application is also 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) as considered under the NPS HPL and unable to meet the exemptions within. A previous application before the Committee in Rāhotu, while Rural and discretionary, was able to meet the exemptions where the productive capacity was already restricted by legal boundaries (roading network).
73. I am of the opinion that this resource consent, if granted, may create a precedent effect in the district for allotments that infringe the minimum balance allotment size. This would be particularly problematic in preserving the intent of rural character and productivity of the rural zone, undermining both the NPS HPL and intent of the DP.

Section 106 RMA1991 Matters

74. There are no hazard areas identified in the DP 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

75. In respect of Part 2 of the RMA, a similar case determined by the 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”.
76. 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.
77. 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, and in this case the DP aligns with the intent of the regulations, while also aligning with the objectives and policies of these regulations. 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 provides the *coverage*, or at least the ability to interpret the NPS HPL in a consistent manner with that of the DP which was prepared in respect of Part 2. Therefore, I am of the opinion that as per the assessment under s104 of this proposal, Part 2 has been considered and that consideration of Part 2 is unlikely to assist evaluation of a proposal above that which has been considered through this report.

Whakakapia / Conclusion

78. I have considered all matters placed before me including all application documentation and subsequent information provided by the applicant, the section 95 report, together with the relevant RMA and District Plan provisions.

79. Overall, I consider that the proposal will result in a loss of productive land, would set a precedent in terms of rural residential development, may result in cumulative effects on rural character along Ketemarae Road, is 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), is inconsistent with the NPS HPL and overall is therefore contrary to promoting sustainable management of natural and physical resources in accordance with 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: Notification Report
- Appendix 2: Application form and original AEE
- Appendix 3: Assessment of Environmental Effects- Final
- Appendix 4: Nga Ruahine Response
- Appendix 5: Written Approvals
- Appendix 6: Section 91 Suspension and Correspondence (correspondence 4)
- Appendix 7: Section 92(2) Commissioning of Report and Correspondence (Correspondence plus 37 extension)
- Appendix 8: Supplementary Information 10 January 2024
- Appendix 9: Revised Scheme Plan 10 January 2024
- Appendix 10: Revised Scheme Plan (Diagram) 10 January 2024
- Appendix 11: Greenbridge Report
- Appendix 12: Agfirst Peer Review Report
- Appendix 13: Correspondence on Notification and NPDC Hearing
- Appendix 14: Correspondence Relating to Cost of Consent
- Appendix 15: Supplementary Correspondence relating to HPL Consents
- Appendix 16: Applicants Hearing Evidence A Chesswas
- Appendix 17: Applicants Evidence Productive Capacity Retention & Economic Viability Analysis A Chesswas
- Appendix 18: Applicants Evidence Productive Capacity Retention & Economic Viability Analysis A Chesswas – Part A
- Appendix 19: Applicants Evidence Productive Capacity Retention & Economic Viability Analysis A Chesswas – Part B
- Appendix 20: Applicants Evidence Productive Capacity Retention & Economic Viability Analysis A Chesswas – Part C
- Appendix 21: Correspondence Relating to Section 42A and Evidence

Alternate 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, 2, 3, 4 and 6 shall be provided with a separate connection to the Council's reticulated water supply (kapuni Water Supply), with a water meter and backflow preventer, and there shall be no-cross boundary connections.

Wastewater

6. That Lots 1, 2, 3, 4 and 6 remain self-sufficient regarding wastewater disposal and no cross-boundary effects are generated.

Stormwater

7. That Lots 1, 2, 3, 4 and 6 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, 2, 3, 4 and 6 DP XXXX pursuant to Section 221 of the Resource Management Act 1991:
 - a) "Any building constructed on Lots 1, 2, 3, 4 and 6 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 1 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).

10. The Right of Way over Lot 6 shall be formed to the requirements of the STDC District Plan and the Councils Adopted Land Development and Subdivision Infrastructure standard NZS4404:2010 (Taranaki addendum), with the vehicle crossing consistent with Condition 2 above.

Landscaping

11. That the following shall be registered as an ongoing condition against the Records of Titles for Lots 6 DP XXXX pursuant to Section 221 of the Resource Management Act 1991:
 - a) "That the boundary adjacent to Ketemarae Road shall be screened with landscaping as to mitigate the views from Ketemarae 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 Ketemarae Road."

Archaeological Site

12. That the following shall be registered as an ongoing condition against the Records of Titles for Lots 6 DP XXXX pursuant to Section 221 of the Resource Management Act 1991:
 - a) "That prior to any earthworks (except vehicle crossing construction) occurring on the site an archaeological assessment shall be prepared by suitably qualified person, to identify the location of the archaeological site. Any development onsite shall be undertaken to ensure the archaeological site is preserved and adhere to any recommendations made within the assessment. The archaeological assessment report shall be submitted to South Taranaki District Council's Group Manager of Environmental Services (or delegate) prior to earthworks commencing."

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 may be sent at a later date if the actual cost of processing the application the subject of this decision exceeds the application fees deposit paid on lodgement of the application. 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.

Subdivision Consent Notification Report

REPORT TO: Jessica Sorensen, Planning and Development Manager

FROM: Adam Bridgeman – Consultant Planner

DATE: 11 April 2023



APPLICATION

Consent No.:	RMS23026
Applicant:	John & Enfys Soothill
Location:	408 Ketemarae Road, Normanby
Proposal:	Six lot Subdivision, with undersized balance lot and exceeding maximum number of additional lots

SITE DETAILS

Legal Description:	LOT 2 DP 313626
Current Use:	Agriculture/ Lifestyle
Previous Consents:	RM020039 – 2 Lot Subdivision
Operative South Taranaki District Plan (2015):	Zone: Rural (Rural Map 10) Roading category: Secondary Collector Road Archaeological Site Tributary to Waihi Stream (Statutory Acknowledgement to Nga Ruahine)
Surrounding Land Use:	Mix of agricultural and lifestyle/ Residential

ASSESSMENT

Activity Status:	Discretionary Activity
Notification:	Limited Notification
RMA1991:	S95A & s95B

Description of the Proposal

1. The application seeks resource consent to subdivide the 13.4934ha rural zoned property at 408 Ketemarae Road, Normanby into six allotments as below (see Fig.1):

Table 1: Proposed Lot Sizes

Lot	Lot Size
Lot 1	4,004 m ²
Lot 2	4,001 m ²
Lot 3	4,846 m ²
Lot 4	8,080 m ²
Lot 5	8,045 m ²
Lot 6 (Balance)	10.60ha (Inclusive of ROW)

2. The application proposes to connect to the public water service located along Ketemarae Road, with stormwater and wastewater to be provided for onsite.
3. Traffic access is via a right of way, serving each lot including 406 Ketemarae Road, except Lot 2, where Lot 2 access (and an additional access to Lot 6) is proposed onto Ketemarae Road at the northern boundary extent of the subject site.

Site and Surrounds

4. The subject site is located on Ketemarae Road (see Fig. 2), halfway between the intersection of Ketemarae Road and Glover Road, and the Normanby Township. The site has one dwelling with ancillary sheds, with a gully immediately to the rear of the dwelling, where the remainder of the land is relatively flat. The site is currently used for grazing cattle and cutting supplement.
5. The subject site is surrounded by a mix of smaller residential sites, mainly across the road to the North/ West of Ketemarae Road, with larger agricultural properties to the North and South of the property. To the rear is the property owned by the Hawera Aero Club accommodating the Hawera Aerodrome. The 6000m² property to the immediate front of the subject site, 406 Ketemarae Road, was previously subdivided from the property in 2002 and shares the existing right of way with the subject site.



Figure 1: Application Scheme Plan



Figure 2: Locality Plan and surrounding Nolan Road neighbours

Documents

6. The application documentation provides an in-depth summation of the proposal, including background. The relevant documents are as follows:
 - Resource Consent Assessment of Environmental Effects: John and Enfys Soothill – 6 Lot Subdivision at 408 Ketemarae Road, Normanby
 - APPENDIX A: Scheme Plan
 - APPENDIX B: Record of Title
 - STDC Application Forms

Evaluation

Status of the application

7. The application AEE has assessed the application against the relevant rules and performance standards of the STDC District Plan. The application determined the following consents are required:
- Rule 9.2.1.1 where the minimum balance allotment size of 20ha cannot be met, and the maximum number of additional allotments are exceeded, which pursuant to Rule 9.1.4 requires resource consent as a discretionary activity; and,
 - Rule 3.2.2(a) for an ancillary building within the 10-metre side yard setback, requiring resource consent as a restricted discretionary activity.

All other performance standards can be met.

8. Using the bundling principle, the application is to be assessed as a Discretionary Activity under the South Taranaki District Plan.

Written Approvals

9. Written approvals were received from the following:

401 Ketemarae Road	Partria Shirtcliffe
405 Ketemarae Road	Rebecca Paul & Joshua Paul
406 Ketemarae Road	Bevan John Soothill & Raewyn Mary Soothill
407 Ketemarae Road	Regan Mark Thomas
411 Ketemarae Road	Chris Baylis
411 Ketemarae Road	John Richard Roberts
433 Ketemarae Road	Clifford John Shearer
490 Ketemarae Road	Kevin John Landers

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

10. 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).
11. 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.

Assessment on Requirement for Notification of Application

12. Section 95 of the RMA requires the consent authority to decide whether to give public or limited notification of the application; and then to notify the application if it decides 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 of whether there are any affected persons in relation to the activity's adverse effects (under sections 95E, 95F and 95G).

Sections 95A-95E – Assessment of Adverse Effects

13. The development has been bundled as a Discretionary Activity under Rule 9.1.4(a) of the District Plan.
14. In relation to the subdivision rules of 9.1.2, as well as the minimum balance lot infringement and yard setback infringement, the following matters for assessment are discussed below:
 - Lot design and layout and management of reverse sensitivity,
 - Infrastructure and services, and transportation effects
 - Significant Sites, Waterbodies, Natural Hazards, Archaeological Sites and Cultural Effects
15. All identified parties who have provided written approval are identified in Section 9 of this report and all adverse effects on these persons (and associated properties) are disregarded as per s95D(e) and s95E(3)(a) of the RMA.

Lot design and layout, amenity and management of reverse sensitivity

16. The applicant has proposed five lots of a size not inconsistent with those established along Ketemarae Road being over the minimum 4000m² in the Rural Zone. The maximum additional allotment number is exceeded by one allotment and the balance lot fails to achieve 20ha, being approximately half that at 10.6ha. The number of allotments and balance lot shortfall cumulatively increases the potential adverse effects on amenity on neighbouring properties, however, all directly adjoining neighbours (including diagonally across Ketemarae Road) have provided written approval, albeit apart from the Southern neighbour 394 Ketemarae Road and the rear neighbour (Aerodrome) 343 Waihi Road (the adverse effects on these parties are discussed below).
17. In respect of the wider environment, smaller lots along the road frontage of Ketemarae Road are not inconsistent with the prevailing amenity and any adverse effects would be no more than minor in respect of amenity or reverse sensitivity.
18. In respect of adverse effects on 394 Ketemarae Road, the site is an operating dairy farm, and the applicant was unsuccessful in securing written approval citing the owner of the property is in discussion with TRC over an effluent pond placement in proximity to the subject site. The adjoining dairy shed is within 150 metres of the balance lot (See Fig.3), and close to that for the proposed Lot 5. It is also not improbable that a proposed effluent pond could be potentially closer than the 150 metres required setback from a sensitive activity (dwelling) on the proposed lots, where the dairy operation is constrained by smaller lifestyle blocks on both the North and South. Notwithstanding this, I am of the opinion that reverse sensitivity effects of odour and noise from the existing dairy shed and onsite operation could have minor adverse effects on 394 Ketemarae Road and that this property is limited notified.



Figure 3: Setback of subject site from adjoining dairyshed (TRC GIS Maps)

19. In respect to the rear Aerodrome property, the subject site is within the Aerodrome Approach Control Surface and Horizontal Surface, which limits development heights. The subject site is outside of the Aerodrome Outer Control Boundary which limits development in general. There are no further activities on the neighbouring site that may be impacted upon by the proposed lots, given there are no intensive farm buildings, or dairy sheds on the site, and that the setback from the site to the proposed Lots 1 – 5 is over 450 metres. The balance lot proposed Lot 6 does not have an identified building platform, however, there is anticipated to be a maintenance of a setback from any operations (other than Aerodrome activities) given the existing operation on the Aerodrome site and controls on the Aerodrome site limiting building (i.e. any potential buildings which may be affected by reverse sensitivity). I am of the opinion that new development would be unlikely to impact upon the Aerodrome site, in particular development height controls and that any anticipated development would be consistent with other development in the area, with other existing dwellings closer than that proposed, whereby any impacts, such as on reverse sensitivity on the Aerodrome would be less than minor.
20. In respect of the yard setback infringement, this is related to some ancillary buildings on the subject site and will have not impact on any external properties. The adverse effects are anticipated to be negligible.
21. Overall, the lot design and development of all proposed lots will have acceptable effects on amenity and reverse sensitivity on the wider environment. Disregarding those that have provided written approval, the lot design and development will adversely impact the adjoining neighbour 394 Ketemarae Road to a minor degree, with any adverse effects on the rear property 343 Waihi Road being less than minor.

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 DE has reviewed the consent. The Kapuni Rural Water Scheme is located in proximity to the site with each site proposing connection, of which the Council DE has confirmed acceptable. Each lot is proposed to manage sewer and stormwater independently, with which the DE has confirmed consistent with the surrounding environment and anticipated to be acceptable.
24. In regards to overland/ secondary flows, there is a gentle slope from Lots 1 – 5 towards Ketemarae Road where any overland and secondary flow is anticipated to flow (see Fig. 4). Any excess overland flow is anticipated to enter the adjoining roadside swale drain which is directed North on Ketemarae Road, which would ultimately culminate in the nearby tributary and culvert which crosses Ketemarae Road and culminates in the Waihi Stream. Proposed Lot 6 is likely to be served by the small gully through the middle of the site, discharging to the South. Ultimately, there are negligible adverse effects anticipated on flooding above those existing onsite already.



Figure 4: Anticipated drainage (TRC GIS Maps)

Roading and Access

25. The application proposes an additional vehicle crossing to serve Lots 2 and 6. The Council DE has confirmed that the crossing (existing and proposed) have appropriate sightlines and can be designed to an acceptable standard.

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 if required.

Overall, any adverse effects on infrastructure are anticipated to be less than minor.

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

27. The site has one open watercourse traversing the rear western boundary and what appears to be two potential drained watercourses through the site (see Fig. 5). The watercourse culminates in the Waihi Stream, which the Waihi Stream and its tributaries have statutory acknowledgement to Nga Ruahine. The site is also within the Ngati Ruanui Rohe. Both iwi have been sent the application for review and no response has been received. Notwithstanding this, given the tributaries are unlikely to be affected by the application with the streams to remain in the balance Lot 6, I am of the opinion the adverse effects on the waterbody and the statutory acknowledgement are less than minor.

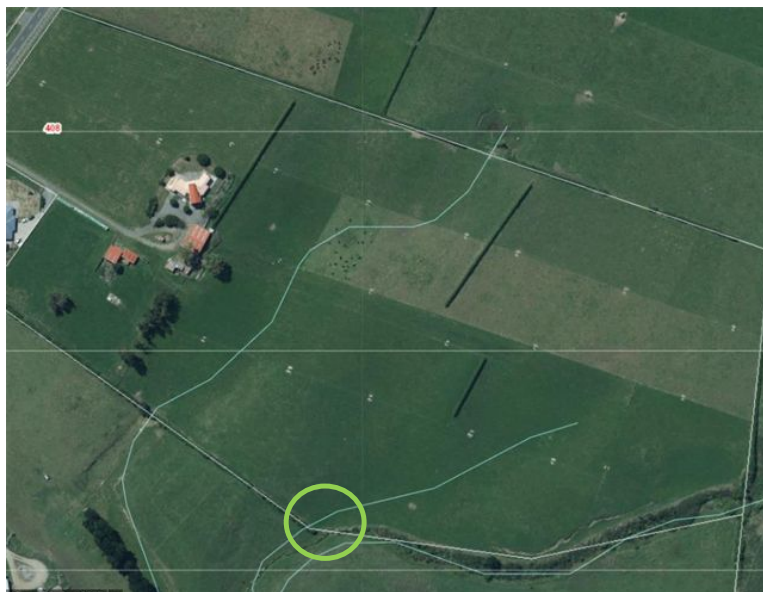


Figure 5: Watercourses and potential area of archaeological site (TRC GIS Maps)

28. There is also an archaeological site understood to be located along the southern boundary, but this is proposed to remain unchanged, being located in the balance Lot 6 (see Fig.5). Any adverse effects on the site are anticipated to be negligible.
29. There are no anticipated natural hazards effects given the setback of the building platforms from any streams/ gullies.
30. 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

31. Overall, the adverse effects of the proposal are considered no more than minor and those affected to a minor nature are considered to be the owners and occupiers (if any) of 394 Ketemarae Road in respect of reverse sensitivity. All other adverse effects are less than minor.



Adam Bridgeman
Consultant Planner



Jessica Sorensen
Planning and Development Manager

Date: 11/04/2023

APPENDIX 1: 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. • Statutory acknowledgement to Nga Ruahine, adverse effects considered to be less than minor.
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 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.

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, Hawera 4640 or email - planning@stdc.govt.nz

PRE-APPLICATION INFORMATION

Have you had a pre-application meeting with the council regarding your proposal?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If Yes:	Date of meeting: 8/12/22	Council reference or council officer: Sophie Canute	

It is important that you answer all questions fully.

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"/>	<i>Note: An electronic address for service must be provided if you are applying for a fast-track resource consent application</i>
Physical site which application relates:	No: 408	Street: Ketemarae Road	Suburb: Normanby, Hawera
Legal Description(s):	Lot 2 DP 313626		
Valuation No:	122 704 7200	Property No:	

CONTACT DETAILS

Applicant	
Full name(s):	John & Entys Soothill
Electronic Address or service:	c/- Bevan Soothill bjsoothill@gmail.com
Postal Address: <i>(or alternative method of service under section 352 of the RMA):</i>	408 Ketemarae Road, Normanby, Hawera 4675
Phone (day): +64 6 278 6997	Phone (mobile): Bevan: 6 278 4775, 21 192 1720

Agent/Consultant (if applicable):	
Name:	Allan Chesswas
Company:	Renaissance Consulting
Electronic address for service:	a.j.chesswas@gmail.com
Postal address: <i>(or alternative method of service under section 352 of the RMA):</i>	214 Mangatuku Road, PO 22, Stratford 4392
Phone (day): 27 362 8375	Phone (mobile): 6 762 7891

Owner of Site to which application relates (if different from above)

Name:	
Electronic address for service:	
Postal address <i>(or alternative method of service under section 352 of the RMA):</i>	
Phone (day):	Phone (mobile):

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

Invoices to be sent to:	Applicant: <input checked="" type="checkbox"/>	Agent: <input type="checkbox"/>	Owner: <input checked="" type="checkbox"/>
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DESCRIPTION OF PROPOSED ACTIVITY

Describe your proposal clearly:

6-lot subdivision - See Sects. 3 of AEE

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 attached AEE Section 2

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).

AEE Section 4

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:

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 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"/>

CONSULTATION	
Have you consulted with iwi?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If yes, who did you consult with?	
Who else have you consulted? <i>Adjacent landowners (Section 5.3 of AEE)</i>	
Did they have any concerns? If yes, please provide details: <i>Proximity of proposed effluent pit</i>	
How have you addressed these concerns? <i>Yes - AEE Section 7.3</i>	
Have you obtained the written approval of any potentially affected persons? <input checked="" type="checkbox"/> Yes (attached) <input type="checkbox"/> No	
If yes, please provide details (names, site address and electronic address for service): <i>- See Section 5.3 of AEE</i>	

SITE VISIT REQUIREMENTS	
<i>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.</i>	
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 checked="" type="checkbox"/> Yes <input 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 checked="" type="checkbox"/> No
If yes, please provide details:	

INFORMATION REQUIREMENTS	
Administrative Requirements:	
<input checked="" type="checkbox"/> 1 copy of application (including plans).	
<input type="checkbox"/> Application fee (refer to the councils fees and charges schedule):	
<input checked="" type="checkbox"/> Certificate of title (less than three months old)	
<i>To satisfy the requirements of section 88(2) and Schedule 4 of the Resource Management Act 1991, please attached the following information to your application:</i>	
<input checked="" type="checkbox"/> Plans (for example site plan, location plan, elevation plans)	
ASSESSMENT OF ENVIRONMENTAL EFFECTS:	
<i>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.</i>	
<input checked="" type="checkbox"/> PART 2 ASSESSMENT	
<i>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:</i>	
<input checked="" type="checkbox"/> SECTION 104(1)(b) ASSESSMENT	
<i>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 of proposed plans:</i>	

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].

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).

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:

John Scothill

Applicants/Agents signature:

John Scothill

Date:

16/12/2022

John and Enfys Soothill

6-LOT SUBDIVISION AT 408 KETEMARAE ROAD, NORMANBY



Assessment of Environmental Effects

(Application to the South Taranaki District
Council for Subdivision Consent)

March 2023

Prepared by



RENAISSANCE CONSULTING LIMITED

Document Control Record

Client John and Enfys Soothill
Project 6-Lot subdivision at 408 Ketemarae Road,
Normanby
Project No. RCA029
Document Assessment of Environmental Effects

ISSUE AND REVISION RECORD

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Originator



Allan Chesswas – Managing Director,
Renaissance Consulting Limited

Date: 10 March 2023

Telephone +64 27 362 8375

Email ajchesswas@gmail.com

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1.0 SUMMARY

1.1 OVERVIEW

This Assessment of Environmental Effects (AEE) addresses actual and potential adverse effects on the environment in relation to a proposal for a 6-lot subdivision at 408 Ketemarae Road, Normanby. The proposal is a Discretionary Activity under the South Taranaki District Plan issued by the South Taranaki District Council. This AEE is prepared in accordance with Section 88 of the Resource Management Act and with the 4th Schedule of the same Act, to support the notice of requirement and necessary consent application to the South Taranaki District Council.

It is considered that adverse effects generated by the proposal will be no more than minor. The proposal is considered to be consistent with the objectives and policies of the South Taranaki District Plan (“the District Plan”), the Regional Policy Statement for Taranaki (“the RPS”), the National Policy Statement for Highly Productive Land 2022 (“the NPSHPL”), the National Policy Statement for Freshwater Management 2020 (the “NPSFM) and the Resource Management Act 1991 (“the Act”).

1.2 BASIC INFORMATION

Applicant (primary contact):	John and Enfys Soothill 408 Ketemarae Road, Normanby, Hawera 4675 +64 6 278 6997
Secondary applicant contact :	Bevan Soothill 406 Ketemarae Road, Normanby, Hawera 4675 +64 6 278 4775 +64 21 192 1720 bjsoothill@gmail.com
Agent:	Allan Chesswas Renaissance Consulting Ltd 214 Mangaotuku Road Stratford 4392 +64 6 762 7841 +64 27 362 8375 ajchesswas@gmail.com
Legal Description & size:	Lot 2 DP 313626 (13.9 ha)
Property Address:	408 Ketemarae Road, Normanby
Landowner:	John Soothill
Rohe:	Ngāti Ruanui
Site visit:	7 October 2021

1.3 PROPOSAL

The applicant proposes to create a 6-lot subdivision at 408 Ketemarae Road, Normanby. The proposal is discussed in more detail in Section 3.

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2.0 ENVIRONMENT OVERVIEW

2.1 LOCATION

The subject site, at 408 Ketemarae Road, Normanby, is located 2km south-west of Normanby, and 3km north-west of Hawera, on the south-eastern side of Ketemarae Road.

The property is adjacent to a sub-tributary of a tributary of the Waihi Stream, and is located in the Rural Zone, in the rohe of Ngāti Ruanui.



Figure 1: Location of subject site (pinned with red) in relation to Hawera & Taranaki

2.2 PARCEL DESCRIPTION

The subject site is a 13.49 Ha property situated on the south-eastern side of Ketemarae Road.

The site is generally rectangular in shape, although the northern and southern side boundaries run on oblique angles. The northern side boundary runs straight to the rear. The southern side boundary runs straight at the front of the site, but at the back of the site turns twice to follow the path of a sub-tributary of a tributary of the Waihi Stream.

The rear boundary runs in a straight line almost due north-south, with a slight NNE-SSE tilt. The front boundary follows Ketemarae Road from the north, and then cuts back around the side and rear of 406 Ketemarae Road at the south-west corner of the subject site.



Figure 2: Satellite view of subject site (bordered blue)

2.3 CONTOUR & LAND USE CAPABILITY

The smaller front portion of the site is flat, Land Use Capability Class 1 land, while the bulk of the site, at the middle and the rear, is less flat, with some gently rolling contour, and is Land Use Capability Class 3 land.

This rolling land at the rear includes two hollows that run north-west to south-east towards the aforementioned Waihi Stream tributary.

The site is in pasture and subject to grazing at a rate of 1 adult beef beast per acre (2.5/ha). This is the equivalent of 6 stock units/acre (15 stock units/ha). The owner has advised that the property may be able to carry up to 50% more animals if supplement were to be cut from the property, but the costs do not justify it.

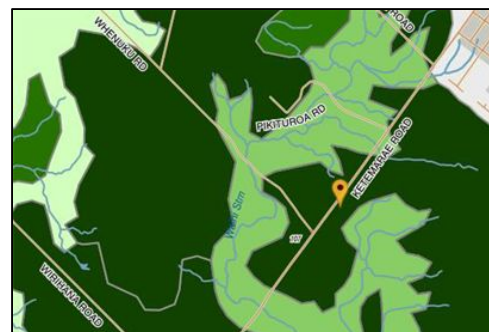


Figure 3: Map showing Land Use Capability classes with subject site pinned orange (dark green = LUC1, light green = LUC3)

2.4 WATERBODIES & WATER SYSTEMS

A sub-tributary of a tributary of the Waihi Stream runs along the southern side boundary at the middle and rear of the site – the only surface water body on the subject site. It is incised into a gully and its margins are well vegetated and fenced off to protect the stream from stock, and stock from the stream. Water for cattle grazed on the property is entirely supplied by troughs, with water piped from a bore located centrally on the site, adjacent to the dwelling at the end of the driveway.

2.5 BUILT ENVIRONMENT



Figure 4: View of the site from Ketemarae Road, looking south-east from the existing access point

A dwelling associated with the farm is located centrally towards the front of the site, set back 140m from Ketemarae Road, along with five farm buildings.

The access point for the dwelling and farm buildings is located centrally at the front of the site, beside the boundary held in common with 406 Ketemarae Road to the south-west.

2.6 ARCHAEOLOGICAL SITE Q21/42

An Archaeological Site (Q21/42) straddles the southern boundary, midway along that boundary where it meets the Waihi Stream tributary and turns slightly to the east, as shown in Figure 3.

It appears that the archaeological site lies at the top of a rise where two parallel sub-tributaries of a tributary of the Waihi Stream diverge in different directions, just upstream of their confluence.

The agent had made enquiries on the New Zealand Archaeological Association website, with South Taranaki District Council, and with the landowner, in relation to the history associated with this site, but understands from these enquiries that its history is not known, and that the site has not been the subject of any enquiries, or the landowner approached by any visitors seeking access to the site.

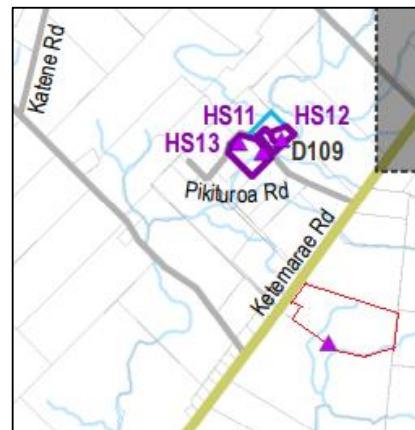


Figure 5: Subject site (red outline) from South Taranaki District Plan Map Rural 10, showing Archaeological Site Q21/42

2.7 SURROUNDING ENVIRONMENT

2.7.1 Adjacent properties

The properties surrounding the subject site are also zoned as Rural General Zone.

There has been a growing trend for properties in this area towards subdivision into smallholding farm properties due to the close proximity to Hawera and the favourable flat contour of the land for such property. Pastoral land use predominates for both large holdings and small holdings, alongside dwellings that have been constructed on these properties.

The properties surrounding the subject site are described below:

- The adjoining property to the **south**, Lot 2 DP 1398 (394 Ketemarae Road), is a 29.27 ha property subject to pastoral use;
- The adjoining property to the **south-west**, Lot 1 DP 313626 (406 Ketemarae Road), is a 0.61 ha property that is predominantly in pasture, along with a dwelling;
- The adjacent property across Ketemarae Road to the **south-west**, Lot 4 DP 415362 (401 Ketemarae Road), is a 0.67 ha property that is predominantly in pasture, along with a dwelling;



Figure 6: View from Ketemarae Road of adjoining properties to south-east (left) (406 Ketemarae Road) & south (right) (394 Ketemarae Road)

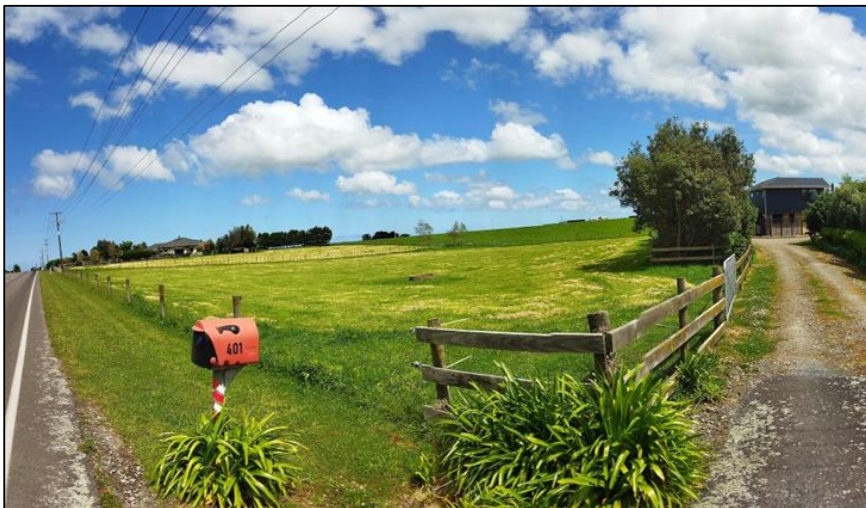


Figure 7: View of property across the road to the south-west (401 Ketemarae Road)

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- The adjacent property across Ketemarae Road to the **west**, Subdivision 11 District Patea, has been subject to subdivision as follows;

- 405 Ketemarae Road (0.34 ha property), containing a dwelling with no apparent pastoral use;
- 405A Ketemarae Road (0.44 ha property) (to the rear of 405 Ketemarae Road with an access strip), containing a dwelling with no apparent pastoral use;
- 403 Ketemarae Road (20.79 ha parent property with no dwelling, subject to pastoral use)



Figure 8: View to south-west from entrance to subject site, with recently subdivided sections of Subdivision 11 District Patea in view

- Adjacent properties across Ketemarae Road to the **north-west** include:
 - Lot 2 DP 558079 (407 Ketemarae Road), a 5.42 ha small farm with no dwelling, subject to pastoral use;
 - Lot 9 DP 533533 (411 Ketemarae Road), a 0.43 ha property with no dwelling, subject to pastoral use.



Figure 9: View to north-west from entrance to subject site, with dwelling at 407 Ketemarae Road in view



Figure 10: View to south-west from northern corner of subject site, with 411 Ketemarae Road in foreground & dwelling at 407 Ketemarae Road in background

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- The adjacent property across Ketemarae Road to the **north**, Subdivision 9 District Patea (433 Ketemarae Road), is a 11.33 ha small farm;
- The adjoining property to the **north-east**, Lots 6 – 10 DP 741 & Lot 1 DP 1398) (490 Ketemarae Road), is a 41.9 ha property subject to pastoral use;
- The adjoining property to the **east**, Lots 4 & 5 DP 741 & Lot 5 DP 3737) (343 Waihi Road), is a 79.38 ha property subject to pastoral use and also for use as an airstrip by the Hawera Aero Club.



Figure 11: View to north-west along Ketemarae Road from north-western corner of subject site

2.7.2 Wider Rural-Residential trend

The descriptions and photographs of these properties illustrate the trend of properties in the surrounding environment transitioning from small farms to rural-residential living. This trend is also evident to the south of the subject site, on the opposite side of the road, where the following properties continue the trend of smallholding farm properties along the road frontage:

Address	Legal description	Size
401 Ketemarae Road	Lot 4 DP 415362	0.67ha
393 Ketemarae Road	Lot 3 DP 415362	0.67ha
8 Whenuku Road	Lot 2 DP 415362	0.67ha



Figure 12: View to south-west of properties at 393 Ketemarae Road & 8 Whenuku Road

There are many more small holdings along Ketemarae Road to the south of this, including seven recently subdivided 4000m² properties at 357 Ketemarae Road, and four recently subdivided 4000m² properties between the properties at 286 and 344 Ketemarae Road.

It is understood that land immediately to the north of the subject site is also subject to an approved subdivision resource consent, which means that the site is almost entirely surrounded by smallholdings. The availability of the Kapuni Water Supply line at the gate, and the presence of the sealed footpath that runs past the gate and connects Hawera to Normanby, are of particular value in the area being established as favourable to rural-residential living.

3.0 DESCRIPTION OF PROPOSED ACTIVITY

3.1 BACKGROUND

The subject site is owned by John and Enfys Soothill, and is run as a small farm, carrying beef cattle.

Because the farm is small, and close to Hawera, and given the demand for smallholding farm properties, and the interest of family members in the property, it is the intention of the owner and the applicant to subdivide the property in order to create more opportunities for rural-residential living at the subject site, for both family and the wider market.

There is an established pattern and trend for property in the surrounding environment to transition in the same way, from small farms to rural-residential living. Following this pattern, the applicant is proposing a 6-lot subdivision with new lots ranging in size from 0.4 ha to 0.8 ha, with a balance lot of 10.6 ha.



Figure 13: Scheme plan of proposed 6-lot subdivision at subject site (see Figure 14 on next page for close-up of new lots)

3.2 PROPOSED LOTS

Four new lots will be created at the front of the northern side of the subject site. Two square-ish 0.4 ha lots (Lot 1 & 2) will front onto Ketemarae Road. A larger 0.48 ha lot, more oblong in shape – Lot 3 – will be located to the rear of both of Lot 1 & 2. A larger still 0.8 ha lot, also oblong in shape – Lot 4 – will be located to the rear of Lot 3, and contain the existing dwelling.

Another 0.8 ha lot – Lot 5 – will be located at the front of the southern side of the subject site, behind 406 Ketemarae Road, reaching back to near the rear boundary of Lot 4. This will leave a balance lot – Lot 6 – of 10.6 ha.

The proposed lots are described in more details in the table below:

Lot	Location	Area	West boundary (front)	North boundary (side)	South boundary (side)	East boundary (rear)
1	Front centre	4004m ²	46m	81m	81m	55m
2	Front north	4001m ²	47m	81m	81m	55m
3	Behind 1 & 2	4846m ²	110m	43m	43m	119m
4	Behind 3	8080m ²	119m	65m	49m	133m
5	Front south (behind 406 Ketemarae Rd)	8045m ²	86m + 8m access	90m	90m	93m
6	Balance (rear)	10.6 ha	246m	524m	491m	185m

Table 1: Details of proposed allotments



Figure 14: Proposed Lots 1 – 5

3.3 ACCESS

The access points for the proposed lots are described in Table 1 below. The proposed subdivision will require the creation of only one new vehicle access point.

Lot	Access details	Minimum Sight distance (District Plan standard = 160m)
1	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
2	Via new access point to be created from Ketemarae Road at northern boundary, and shared as a secondary access to Proposed Lot 6	Complies
3	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
4	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
5	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
6	Via existing driveway servicing dwelling at Proposed Lot 4 with provision for secondary access from Ketemarae Road at northern boundary	Complies

Table 2: Details of access points for proposed lots

These access points comply with District Plan standards for sight distances. In every other regard these access points can comply with requirements for vehicle access, parking, and manoeuvring requirements in the South Taranaki District Plan.

3.4 STORMWATER AND WASTEWATER SERVICES

It is understood that public water services are available within 200m of the proposed lots, and that connections to these services would be created for each lot. The proposed lots have sufficient and appropriate space for the independent servicing of stormwater and wastewater on-site, and can comply with the standards for stormwater and wastewater services in the South Taranaki District Plan.

3.5 STOCK WATERING & FENCING

The proposed lots can be connected to public water services, which allows for secure supply for stock watering and/or irrigation purposes. Being flat sites, they can be easily fenced with permanent or temporary fencing to ensure efficient and productive rotation of stock, and use of pasture.

4.0 ACTIVITY STATUS

4.1 DISCRETIONARY ACTIVITY

The proposal to create a 6-lot subdivision at 408 Ketemarae Road, Normanby, is considered a **Discretionary Activity** in relation to the *South Taranaki District Plan* under Rule 9.1.4 as follows:

- Rule 9.1.4:
DISCRETIONARY ACTIVITIES:
 Subdivision which does not meet one or more of the performance standards in Section 9.2.
The proposed 6-lot subdivision does not comply with Standard 9.2.1.1, which that to be a Controlled Activity, no more than 4 additional lots may be created, and the remaining balance lot must be a minimum of 20 ha.
The proposal, being a 6-lot subdivision, with a balance lot of 10.6 ha, must therefore be considered as a Discretionary activity.

Section 104B of the Act addresses applications for consent for a discretionary activity as follows:

- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*
- (a) *may grant or refuse the application; and*
 - (b) *if it grants the application, may impose conditions under section 108.*

4.2 RESTRICTED DISCRETIONARY ASPECTS

The application would be considered as a Restricted Discretionary Activity if it complied with Standard 9.2.1.1, but in every other respect remained the same, due to the following rules being triggered:

- Rule 3.1.3(a), which makes any application for an activity that does not does not meet one or more of the performance standards in Section 3.2 a Restricted Discretionary Activity – as in places the proposal does not allow for a 10m yard between buildings and side boundaries.
- Rule 9.1.3(d), which makes any application for a subdivision where the land subdivided contains an archaeological site identified on the Planning Maps a Restricted Discretionary Activity.

Section 104C of the Act addresses applications for consent for a restricted discretionary activity as follows:

- 1) *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
 - (a) *discretion is restricted in national environmental standards or other regulations:*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*
- 2) *The consent authority may grant or refuse the application.*
- 3) *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
 - (a) *a discretion is restricted in national environmental standards or other regulations:*
 - (b) *it has restricted the exercise of its discretion in its plan or proposed plan.*

Rules 3.1.3(a) and 9.1.3(d) restrict discretion in relation to particular matters. These matters are specifically considered in the assessment of environmental effects below, along with any other effects that might be identified.

5.0 NOTIFICATION DECISION/CONSULTATION

5.1 NOTIFICATION DECISION

Sections 95 – 95G of the Act sets out the requirements for considering whether to publicly notify or limited notify an application for resource consent. The assessment of the proposal in relation to Sections 95B and 95C is set out below.

Clause	Assessment
Section 95A(2) – (3) Public notification mandatory	No – applicant has not requested it or failed in obligations
Section 95A(4) – (5) Public notification precluded	No – not required by a Rule or NES
Section 95A(7) – (8) Public notification required in certain circumstances	No – not required by a Rule or NES, effects no more than minor
Section 95A(9) Public notification in special circumstances	No – no special circumstances
Section 95B(2) – (4) Certain affected groups and affected persons must be notified	No – adjacent protected customary rights groups not affected
Section 95B(5) – (6) Limited notification precluded in certain circumstances	No – not precluded by rule or NES, not Controlled Activity
Section 95B(7) – (9) certain other affected persons must be notified if not precluded in (5)/(6)	No – no affected persons, effects on adjacent properties less than minor
Section 95B(10) Further notification in special circumstances	No – no special circumstances

Table 3: Documentation of notification decision for proposed 6-lot subdivision at 408 Ketemarae Road – Sections 95A & 95B

5.2 AFFECTED PERSON ASSESSMENT

Section 95E of the Act sets out the requirements for deciding whether a person is an affected person for the purposes of notification. The assessment of the proposal in relation to Section 95E is set out below.

Clause	Assessment
Section 95E(1) Effects on person are minor or more than minor	No – no affected persons, effects on adjacent properties less than minor
Section 95E(2)(a) Effects may be disregarded if Rule or NES permits activity with that effect	NA
Section 95E(2)(b) Effects must be disregarded if not related to matter for which a rule or NES reserves control or restricts discretion	NA
Section 95E(2)(c) Must have regard to every relevant statutory acknowledgement	Statutory acknowledgement in relation to Waihi Stream considered
Section 95E(3)(a) Not an affected person if written approval has been provided	Written approvals obtained for 8 parties obtained
Section 95E(3)(b) Not an affected person if unreasonable for that person’s written approval to be sought	NA

Table 4: Documentation of notification decision for proposed 6-lot subdivision at 408 Ketemarae Road – Section 95E

5.3 CONSULTATION

The applicant has consulted with all owners and occupiers of land adjacent to the proposed subdivision, and obtained written approval and signed copies of the proposed scheme plan from the owners of the following properties:

Property	Name	Owner/Occupier
401 Ketemarae Road	Patria Shirtcliffe	Owner/occupier
405 Ketemarae Road	Rebecca Paul & Joshua Paul	Owner/occupier
406 Ketemarae Road	Bevan John Soothill & Raewyn Mary Soothill	Owner/occupier
407 Ketemarae Road	Regan Mark Thomas	Owner/occupier
411 Ketemarae Road	Chris Baylis	Owner
411 Ketemarae Road	John Richard Roberts	Owner/occupier
433 Ketemarae Road	Clifford John Shearer	Owner/occupier
490 Ketemarae Road	Kevin John Landers	Owner/occupier

Table 5: Written approvals obtained

There is one adjacent property for which written approval has not yet been obtained, that being the adjoining property to the south, 394 Ketemarae Road. The applicant contacted the owner of this property, Stephen King, in July. Mr King indicated that he was interested in establishing the outcome of conversations he is having with Taranaki Regional Council regarding the location of a new effluent pit on his property, and wanted to resolve this matter before committing to giving written approval to the property.

The applicant contacted Mr King again on August 1, and Mr King advised that he was yet to resolve the matter with Taranaki Regional Council. The agent contacted Mr King on August 30 after two earlier unsuccessful attempts, and learned that Mr King was now awaiting on calculations in relation to the design of the proposed pit. Three further attempts to reach Mr King on the part of the agent in September were unsuccessful.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS: OVERVIEW

6.1 LEGISLATIVE CONTEXT

Section 104 of the Act sets out the process that a consent authority must follow when considering an application for a resource consent and any submissions received, and Section 104B specifically addresses applications for consent for a discretionary activity.

Section 104(1) of the Act requires that:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

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

6.2 OVERVIEW

The matters listed above are addressed in the following seven sections of this document, as follows:

- Section 7: Assessment of Actual and Potential Effects
- Section 8: South Taranaki District Plan Objectives and Policies
- Section 9: Regional Policy Statement for Taranaki Objectives and Policies
- Section 10: National Policy Statements and National Environmental Standards
- Section 11: Part II of the Resource Management Act 1991
- Section 12: Conclusion

7.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

7.1 SUMMARY OF POTENTIAL EFFECTS

The following assessment of actual and potential effects is limited to only those matters over which Council reserves its discretion in the Stratford District Plan under Rule B1.2.1.2, and of these, the matters relevant to the proposal are listed below:

- effects in relation to **rural character and amenity values**;
- effects in relation to **reverse sensitivity**;
- effects in relation to the **efficiency, effectiveness and productiveness of farming and rural based activities (including effects on the productive capacity of highly productive land)**;
- effects in relation to **archaeological sites**;
- effects in relation to **waterbodies**;
- effects in relation to the **relationship of iwi with their taonga**;
- effects in relation to **traffic safety**
- effects in relation to the **provision of services**; and
- effects in relation to the **social, economic, and cultural wellbeing** of the community and their health and safety.

Actual and potential adverse effects are discussed below, followed by an assessment against the relevant objectives and policies of the *South Taranaki District Plan* in Section 8, with the Regional Policy Statement for Taranaki considered in Section 9, national policy statements and environmental standards considered in Section 10, and Part II of the Act considered in Section 11.

7.2 RURAL CHARACTER AND AMENITY VALUES

The proposed subdivision will enable the development of five more dwellings as a Permitted Activity, on a site where any new dwellings would require resource consent as a Restricted Discretionary Activity. The development of five new dwellings on this site has the potential to result in effects on amenity, such as effects in relation to noise, privacy, open space, and the safe and pleasant use of rural land in keeping with rural patterns of land use.

There has been a growing trend for properties in this area towards subdivision into smallholding farm properties due to the close proximity to Hawera and the favourable flat contour of the land for such property. This trend is detailed in *Section 2.7 (Surrounding Environment)*.

The entire frontage of the opposite side of Ketemarae Road has been subdivided into similar-sized lots, the details of which are given below:

Address	Legal description	Size
405 Ketemarae Road	Subdivision 11 District Patea	0.34ha
405A Ketemarae Road	Subdivision 11 District Patea	0.44ha
411 Ketemarae Road	Lot 9 DP 533533	0.43ha

Table 6: Smallholding farm properties opposite the subject site

The balance lot, 407 Ketemarae Road (Lot 2 DP 558079), fronts onto Ketemarae Road between 405A and 411 Ketemarae Road, and as such gives the appearance of being of a similar size, though it encompasses 5.42ha to the rear of these properties.

Written approvals have been obtained from eight of the nine adjacent property owners and occupiers, and effects on those parties must be disregarded under Section 95E(3)(a) of the Act. It remains, though, that there is a need to consider whether or not there would be any adverse amenity effects in relation to the owner of 394 Ketemarae Road.

Two of the six lots of the proposed subdivision would be located adjacent to 394 Ketemarae Road. This would mean that the proposal is likely to result in the creation of two new dwellings adjacent to this property. Two new dwellings in this location have the potential to generate some effect on the levels of privacy, noise and open space afforded to the owners and occupants of 394 Ketemarae Road.

However, it is considered that any such effects would be less than minor. This is because this property is already subject to such effects resulting from dwellings associated with rural and rural-residential land use to the north (408 Ketemarae Road, 406 Ketemarae Road and 401 Ketemarae Road) and south (393 Ketemarae Road and 8 Whenuku Road). Any additional amenity effects on the property at 394 Ketemarae Road will be barely discernible over and above those that already exist.

7.3 REVERSE SENSITIVITY

The potential for five additional dwellings to be located at the subject site has some potential to result in reverse sensitivity effects. Reverse sensitivity effects arise when agricultural activities that are allowed for in the Rural Zone are considered intolerable by the occupants of new dwellings adjacent to those activities, due to issues relating to noise or odour for example. The potential for a new effluent pit to be created at the property at 394 Ketemarae Road needs to be particularly considered in this regard.

It is considered, however, that any adverse reverse sensitivity effects that could be associated with the proposal would be less than minor. This is due to the fact that the high level of rural-residential living surrounding the subject site means that the potential for reverse sensitivity effects is already present. The owner of the subject site and applicant is familiar with land use on that site and adjacent properties, and with the compatibility of adjacent rural-residential land use, and no issues are known.

The potential for particular reverse sensitivity effects to result from the installation of any effluent pit is likewise considered to be less than minor. This is due to the fact that the existing dwelling at 406 Ketemarae Road would be located at a similar distance from any proposed effluent pit, and therefore the potential for any adverse reverse sensitivity effects arising from a new effluent pit would be similar to the potential that already exists, in relation to this existing dwelling.

7.4 EFFICIENCY, EFFECTIVENESS & PRODUCTIVENESS OF FARMING & RURAL-BASED ACTIVITIES

7.4.1 Overview – Efficiency, Effectiveness and Productiveness

The subject site is currently in pasture, and used for grazing. A small part of the subject site consists of flat Land Use Capability Class 1 land at the front, while the bulk of the site, at the middle and the rear, is less flat, with some gently rolling contour, being Land Use Capability Class 3 land. Class 1 is the most highly productive land, and Class 3 land is also considered highly productive.

7.4.2 National Policy Statement for Highly Productive Land 2022

The *National Policy Statement for Highly Productive Land 2022* (“the NPSHPL”) has been established with the objective that “*Highly productive land is protected for use in land-based primary production, both now and for future generations*” (Part 2.1). The NPSHPL requires territorial authorities to identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land (Part 3.2(1)). Under Section 55(3) of the Resource Management Act 1991, a local authority must take any action that is directed by a national policy statement.

Under Part 3.8(1), territorial authorities must avoid the subdivision of highly productive land. However, such subdivision is allowed if the applicant demonstrates that the proposed lots will **retain the overall productive capacity of the subject land over the long term** (Part 3.1.8(1)(a)), and **measures** are taken to ensure that the subdivision design avoids or mitigates potential cumulative loss of productive capacity, and avoids or mitigates reverse sensitivity effects (Part 3.8(2)). Part 3.8(4) specifically requires territorial authorities to include objectives, policies, and rules in their district plans to give effect to this clause. There are no other actions identified as necessary to give effect to the NPSHPL 2002.

Part 3.10 of the NPSHPL 2022 provides for exemptions to these restrictions on subdivision, subject to supporting analysis that demonstrates that there is no reasonable or practicable way to address permanent or long-term constraints on economic viability, and to retain the productive capacity of the highly productive land.

Part 3.9 of the NPSHPL 2022 sets out the responsibilities of territorial authorities in relation to protecting highly productive land from inappropriate use and development.

Part 3.10(1) of the NPSHPL 2022 sets out criteria by which a territorial authority must be satisfied that a subdivision of highly productive land is appropriate, where productive capacity is not retained.

Part 3(2) – (4) sets out the necessary components of an evaluation that must be provided by an applicant, to demonstrate that the permanent or long-term constraints on economic viability cannot be practicably addressed in a way that would retain the productive capacity of the highly productive land.

7.4.3 Assessment under Section 3.8 of the NPSHPL 2022

Part 3.8(1) of the NPSHPL directs that territorial authorities **must avoid** the subdivision of highly productive land, **unless** the proposed lots will retain the overall productive capacity of the subject land over the long term. While “must avoid” is a strong directive; the exemptions listed in this clause temper this directive significantly. The exemption for subdivision where the proposed lots retain the overall productive capacity of the subject land over the long term – in particular – demonstrates that the primary goal is to be reduced to the retention of productivity, not merely the restriction of subdivision.

In assessing a proposal in relation to Part 3.8(1), it is prudent to identify kinds of developments that the NPSHPL was created to respond to, and to not be overly zealous in the application of Part 3.8(1) in a way that would be considered to be inconsistent with Part II of the Resource Management Act 1991. The Section 32 analysis for the NPSHPL, and the evidence and documents referred to in that analysis, refer to developments in the Bay of Plenty, and on the fringes of Auckland, particularly in the south of Auckland where there are highly productive soils that are unique and rare in the wider region, and proximate to massive markets and nodes, and subject to pressure from residential development rather than smallholding farm developments. By contrast, highly productive land in Taranaki is common and remote in relation to markets and nodes, and is subject to pressure from smallholding farm developments rather than residential development.

Subdivision and land use patterns, and the supply of highly productive land, must be considered in their local context, in order to assess whether adverse effects on the supply of highly productive land are minor, or more than minor. Such an assessment is critical to the consideration of whether there is sufficient adverse effect to warrant imposing a regulatory burden on peoples' use and enjoyment of their property, and on the provision of property to meet the demand for homes and livelihoods. Such matters are protected and promoted by the stipulated purpose of the Resource Management Act 1991, spelled out in Section 5, and by common law recognition of private property rights. The need to consider actual land use patterns and effects, and interpret the NPSHPL appropriately for a local context, was emphasized in the Taranaki Regional Council Policy and Planning Committee on 22 November 2022.

In considering whether or not a property retains productive capacity, Section 3.10(4) of the NPSHPL makes it clear that it is inappropriate to conclude that a property would be unproductive on the basis of assessing the size of the property alone. Section 3.10(4) of the NPSHPL stipulates that *"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"*. Ultimately, the size of a property is only one of many factors that contribute to the efficient, effective and productive use of land in the Rural Zone. Many large properties are farmed at a similar level of efficiency, effectiveness and productivity, as those that are smaller. Ultimately, management choices and the dynamic role of the profit motive for landowners is of much more significance. Also relevant is the intensity and nature of adjacent land use, and access to markets for more intensively farmed products. This is evident in the literature referred to in the Section 32 analysis for the NPSHPL and supporting documentation (see Watson (2011), Cook & Fairweather (2005) and Paterson (2005)).

With this in mind, it is considered that there is nothing about the proposal that could allow a conclusive judgment that it would reduce the productive capacity of the subject land over the long term. As such, an assessment of the proposal in relation to Part 3.8(1), as required, is given below.

Definition of Productive Capacity under the NPSHPL 2022

Part 3.8 of the NPSHPL 2022 allows for the subdivision of highly productive land where the applicant can demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term.

The NPSHPL 2002 defines productive capacity as:

"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"

In this definition, the word productivity is not defined in such a way that indicates how it ought to be measured – whether in terms of gross or net income, or in terms of quantities of goods produced. All of these measures (gross income, net income, quantity of matter produced) are considered to be relevant to the question of productivity. Gross income is important in macroeconomic terms, net income in microeconomic terms, and quantities of goods produced in real economic terms.

Assessment

The subject site is currently subject to pastoral grazing. This grazing is not directly associated with a dairy platform. With a stocking rate of 15 stock units/Ha, the current land use is not as productive, intensive or efficient, relatively speaking, as what would be expected on a typical dairy operation on larger nearby landholdings. However, the current operation on the subject land is typical of beef farming practice on a small block in South Taranaki. The owner considers that the property may be able to carry up to 50% more animals if supplement were to be produced from the property, but the costs do not justify such intensive land use. It is not apparent that there are other land uses that could be considered as a profitable option for this land. If higher levels of production are cost-prohibitive, then the current levels should be considered as a baseline, when the productive capacity of the proposed new lots is considered.

The productive capacity of the proposed lots is considered below in terms of their ability to produce that same quantities of goods as the existing property. In order to be as productive as the existing property, these properties would need to be able to carry the equivalent of 15 stock units/Ha, or provide equivalent quantities of goods. A 4000m² property would need to be able to winter one beast, or four sheep, while an 8000m² property would need to be able to winter twice that. Alternatively, each property would need to be able to have its pasture harvested for hay or silage so that its produce could be utilized for production.

Adjacent smallholdings that exceed 4000m² appear to be subject to grazing, or cut and carry hay and silage production. The only adjacent properties that do not appear to be utilized in this way are those directly opposite the subject site. One of these is only 3400m². The other is 4400m², but this area includes a 480m² access strip. Thus the only properties that do not appear to be used productively are those sites smaller than 4000m². The proposed lots for the subdivision of the subject site, on the other hand, are all greater than 4000m², and are designed in such a way that access strips on these new small lots are avoided.

It is expected that a new rural-residential property will contain a dwelling and associated paving and lawn, and that the land subject to the footprint of these features will obviously not be able to be farmed or gardened. Part 3.9(2)(a) of the NPSHPL 2022 allows for “supporting activities” on the land, where those activities are reasonably necessary to support land-based primary production on that land. As long as those parts of the land that are not directly growing the commodities are subject to a supporting activity, that aids the productive capacity of the wider property, and the wider property remains relatively productive, then such activity can be considered to be appropriate.

On adjacent 4000m² holdings, dwellings and associated paving and lawn typically take up 1000m², of one-quarter of the property. Such properties typically retain 3000m² in pasture, with part of the remaining property also utilized for production in the form of vegetable gardens and/or fruit trees. It is not unusual for small holdings to run more stock units to the hectare than larger properties. All of these things considered, the reduction in the proportion of a small holding available for direct growth of commodities is not considered significant enough to have a meaningful bearing on the productivity of such a property.

The proposal is assessed in relation to the attributes identified in the definition of productive capacity in the NPSHPL 2002 below:

Attribute	Assessment																								
Physical characteristics	There will be no change to soil type, properties or versatility, apart from where dwellings and impermeable surfaces are established. These spaces would compromise a very small proportion of the total area of the subject land. On the basis of an estimate of 1000m ² per house for five new houses, across a site of 13.9ha, that proportion can be calculated to be 1.8% of the subject land, and includes land that is likely to be used for vegetable gardens and orchards. These dwellings and paved areas can be considered as “supporting activities”, necessary to support land-based primary production on that land.																								
Legal constraints	The ability of the subject land to retain productive capacity will depend to some degree on the extent to which stock are able to be watered on the property. The availability of the Kapuni Water Supply line at the farm gate will ensure that this level of productivity is able to be retained. Notwithstanding this, sheep may be farmed productively on the subject land without any need for water troughs.																								
Size and shape of existing and proposed land parcels	<p>The proposed land parcels range in size, as follows:</p> <table border="0" data-bbox="424 853 1145 1025"> <tr> <td>1</td> <td>Front centre</td> <td>4004m²</td> <td></td> </tr> <tr> <td>2</td> <td>Front north</td> <td>4001m²</td> <td></td> </tr> <tr> <td>3</td> <td>Behind 1 & 2</td> <td>4846m²</td> <td></td> </tr> <tr> <td>4</td> <td>Behind 3</td> <td>8080m²</td> <td></td> </tr> <tr> <td>5</td> <td>Front south (behind 406 Ketemarae Rd)</td> <td></td> <td>8045m²</td> </tr> <tr> <td>6</td> <td>Balance (rear)</td> <td>10.6 ha</td> <td></td> </tr> </table> <p>These parcels comply with the Minimum lot size for Controlled Activity subdivision in the Rural Zone. This minimum lot size ensures there is sufficient space for a lot to be self-sufficient in services. It also means that a small holding retains a better ability to sustain an efficient, manageable and effective head of stock on the property.</p> <p>Temporary one-wire electric fencing may be used for rotational grazing, so a small lot can be as productive as a large lot, in terms of gross output. Cost-efficiencies for maintenance might be reduced, due to costs often being less when goods or services can be purchased in bulk. However, it is not considered that costs associated with rotational grazing, stock watering or pasture management would make productive farming on this land prohibitive.</p>	1	Front centre	4004m ²		2	Front north	4001m ²		3	Behind 1 & 2	4846m ²		4	Behind 3	8080m ²		5	Front south (behind 406 Ketemarae Rd)		8045m ²	6	Balance (rear)	10.6 ha	
1	Front centre	4004m ²																							
2	Front north	4001m ²																							
3	Behind 1 & 2	4846m ²																							
4	Behind 3	8080m ²																							
5	Front south (behind 406 Ketemarae Rd)		8045m ²																						
6	Balance (rear)	10.6 ha																							

7.4.4 Conclusion

The assessment above demonstrates that there ought not to be any change to the productive capacity of the subject land over the long term for the bulk of the subject land, apart from where new dwellings and impermeable surfaces are established, which will be approx. 1.8% of the subject land. The low degree of this proportion is such that it could be compensated for by increased productivity resulting from the increased ownership associated with the proposed subdivision. Furthermore, the dwellings and paved areas can be considered as “supporting activities”, necessary to support land-based primary production on that land. The availability of the Kapuni Water Supply line at the farm gate will ensure that cattle can be watered in a way that can support rotational grazing on smaller farms. Any reduced cost-efficiencies ought not to make productive farming on this land prohibitive.

For these reasons, Council can be satisfied that the proposed lots will retain the overall productive capacity of the subject land over the long term. Given that the proposal can be demonstrated to be consistent with the *National Policy Statement for Highly Productive Land 2022*, it can be concluded that any adverse effects in relation to the efficiency, effectiveness & productiveness of farming & rural-based activities, would be no more than minor, negligible, or nil.

7.4.5 Relevance of Section 3.10 of the NPSHPL 2022

The assessment above has been completed with particular regard to Section 3.10(4) of the NPSHPL, which stipulates that “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,” and to a definition for productive capacity that does not reduce productivity to stand-alone profitability. If stand-alone profitability were to be considered a factor, then Section 10 of the NPSHPL would apply, as the subject site cannot be considered economically viable as a stand-alone economic unit, and any resident would be reliant on off-farm income to sustain a living. This is due to a combination of the relatively small size of the site, and the predominant land use pattern of dairy and red meat farming, due to the climate and distance from markets.

7.5 ARCHAEOLOGICAL SITES

An Archaeological Site (Q21/42) straddles the southern boundary, midway along that boundary where it meets the Waihi Stream tributary and turns to the east, as shown in Figure 14. It appears that the site lies at the top of a rise where two parallel sub-tributaries of a tributary of the Waihi Stream diverge in different directions, just upstream of their confluence.

The agent has made enquiries on the New Zealand Archaeological Association website, with South Taranaki District Council, and with the landowner, in relation to the history associated with this site, but understands from these enquiries that its history is not known, and that the site has not been the subject of any enquiries, or the landowner approached by any visitors seeking access to the site.

The proposed subdivision will result in the creation of one new lot that is noticeable from Archaeological Site Q21/42(see Figure 15). The closest boundary of this new lot will be over 50m from this archaeological site. All other new lots will be more than 150m away.

The distance of most of the proposed new lots from Archaeological Site Q21/42 means that these new lots and any associated dwellings could pose no adverse effects in relation to the archaeological site. The only lot closer than 150m, is still more than 50m away. Because of the distance of these lots from the archaeological site, and because there is no evidence of its history being known, or any enquiries having been made in relation to it, it is considered that there will be no adverse effects on Archaeological Site Q21/42 arising from the proposed subdivision.

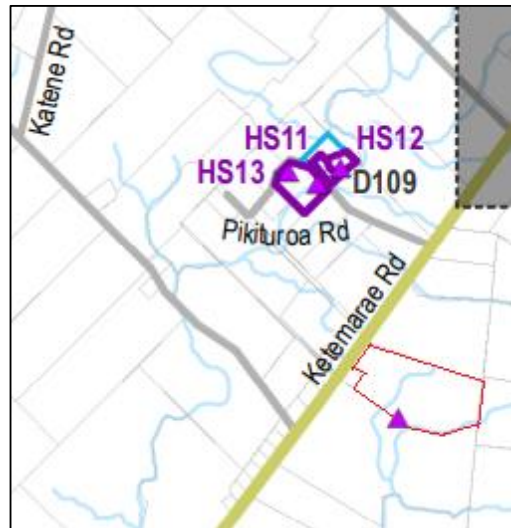


Figure 15: Subject site (red outline) from South Taranaki District Plan Map Rural 10, showing Archaeological Site Q21/42



Figure 16: Scheme plan of proposed 6-lot subdivision at subject site

7.6 WATERBODIES

The southern side boundary of the subject site runs straight at the front of the site, but at the back of the site turns twice to follow the path of a sub-tributary of a tributary of the Waihi Stream. This stream is the only surface water body on the subject site. It is incised into a gully and its margins well vegetated, and is necessarily fenced off to protect the stream from stock, and vice-versa. Cattle grazed on the property are entirely trough-fed. It is considered highly unlikely that this land use pattern in relation to waterways or trough-feeding would ever change. There is certainly no reason to consider that there will be any impact on this policy as the result of the creation of new lots at the front of the site. For these reasons it is considered that there will be no adverse effects on the adjacent sub-tributary of a tributary of the Waihi Stream resulting from the proposed subdivision.

7.7 THE RELATIONSHIP OF IWI WITH THEIR TAONGA

As discussed in Section 7.5, while there is an archaeological site straddling the southern boundary of the subject site, it is not considered that the proposed subdivision will result in any adverse effects on that site. The Waihi Stream is not subject to any Statutory Acknowledgement, nor is it identified as an awa of particular interest in the Ngāti Ruanui Environmental Management Plan. Notwithstanding this, it is acknowledged that resource management is to have regard to kaitiakitangi under Section 7 of the Act, and to take into account the principles of the Treaty of Waitangi under Section 8, and that this is particularly important in relation to the duty to give effect to Te Mana o te Wai under the National Policy Statement for Freshwater Management 2020.

All things considered, the lack of any identifiable adverse effects on waahi tapu, taonga or freshwater as a result of this subdivision means that it is considered that it would be imprudent to require engagement with iwi in relation to the proposal. In correspondence with South Taranaki District Council in April 2021, it was confirmed that a multi-lot subdivision in the Rural Zone won't necessarily require consultation, where an archaeological site is at a distance from the boundaries of the new lots.

7.8 TRAFFIC SAFETY

The access points for the proposed lots are described in Table 1 in Section 3.4. The proposed subdivision will require the creation of only one new vehicle access point, to serve Proposed Lot 2, and serve Proposed Lot 6 as a secondary access. Proposed Lots 1, 3, 4, 5 and 6 will all be served by the existing access point, which also serves 406 Ketemarae Road to the south-west. The access points for the proposed subdivision comply with District Plan standards for sight distances, and in every other regard can comply with requirements for vehicle access, parking, and manoeuvring requirements in the South Taranaki District Plan.

Written approvals have been obtained from eight of the nine adjacent property owners and occupiers, and effects on those parties must be disregarded under Section 95E(3)(a) of the Act. It remains, though, as far as traffic safety is concerned, that there are effects to consider in relation to the owner of 394 Ketemarae Road, as well as in relation to other users of Ketemarae Road.

The small number of access points (2), serving 7 lots (including the adjacent property to the south-west), mean that the proposed 6-lot subdivision will be significantly safer in terms of traffic safety than recent subdivisions on adjacent properties, which have resulted in a proliferation of access points at much more regular intervals. These recent developments mean that, although the surrounding environment is zoned Rural, it has transitioned into a rural-residential character. The more abundant occurrence of dwellings and access points mean that the traffic environment has likely slowed. Whether or not this is the case, it is considered that any effects of the proposed access points on traffic safety will be no more than minor, and will not be discernible over and above the effects of access points on adjacent properties.

7.9 SERVICES

The subject site has sufficient and appropriate space for the independent servicing of stormwater and wastewater on-site, and can comply with the standards, conditions and terms in the South Taranaki District Plan. As such, there will be no adverse effects associated with the provision of stormwater and wastewater services associated with the proposal.

7.10 SOCIAL, ECONOMIC, AND CULTURAL WELLBEING

The proposal enables the enhancement of the social, economic, and cultural wellbeing of the community, through the provision of additional property and housing stock of a quality that is safeguarded by the council consenting process, providing further residential and recreational opportunities for members of the community. The proposal enables a family to continue to reside at and enjoy their home, while adapting to the needs and demands associated with transition and family succession.

8.0 SOUTH TARANAKI DISTRICT PLAN OBJECTIVES AND POLICIES

It is considered that the proposal is consistent with the objectives and policies of the South Taranaki District Plan for the following reasons:

1. The proposal provides for rural subdivision of a nature, scale, intensity and location that is compatible with rural character and amenity values and manages potential reverse sensitivity conflict (Objective 2.1.3; Policy 2.1.5, Policy 2.1.6, Policy 2.1.7, Policy 2.1.9, Policy 2.1.15).
2. The proposal does not inhibit farming and rural based activities (Objective 2.1.4).
3. Apart from some internal boundaries, the proposal complies with all relevant setback requirements, and potential adverse effects on amenity will be less than minor (Policy 2.1.8).
4. There are no matters arising in the application that would typically elicit a concern from iwi, and no need to more explicitly recognise and provide for the relationship of Tangata Whenua with their taonga, or provide for opportunities for participation, in relation to this application (Objective 2.7.6, Objective 2.7.7, Objective 2.7.9, Objective 2.7.10, Policy 2.7.11, Policy 2.7.12, Policy 2.7.13, Policy 2.7.15).
5. The design of vehicle access ensures the the safety of people, pedestrians, cyclists and vehicles and the efficient operation of the adjoining road network (Objective 2.8.6) and is consistent with roading, access and subdivision design standards (Policy 2.8.11, Policy 2.8.12).
6. As a non-notified application concerning a waterbody that is not a lake or river with high natural character, conservation, recreation, amenity, heritage or cultural values, no controls in the form of resource consent conditions are necessary (Objective 2.18.4, Objective 2.18.5; Policy 2.18.9, Policy 2.8.10, Policy 2.18.11, Policy 2.18.12, Policy 2.8.14, Policy 2.18.19).
7. The applicant is entitled to entitled to include an esplanade strip as an instrument as part of the proposed subdivision (Policy 2.18.22).

9.0 REGIONAL POLICY STATEMENT FOR TARANAKI OBJECTIVES AND POLICIES

The objectives and policies of the Regional Policy Statement for Taranaki do not appear to address rural amenity and rural character issues. The RPS appears to anticipate that the appropriate avenue for addressing these issues is the District Plan. The objectives and policies of the Regional Policy Statement for Taranaki do not appear to address the matter of protecting and conserving highly productive soils. The proposal is therefore considered to be consistent with the objective and policies of the Regional Policy Statement for Taranaki.

10.0 NATIONAL POLICY STATEMENTS

10.1 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020

The proposal is considered to be consistent with the relevant objectives and policies of the *National Policy Statement for Freshwater Management 2020* for the following reasons:

1. The proposal does not give rise to any issues that would necessitate input from iwi in relation to freshwater values (Policy 2).
2. The proposed subdivision will not result in changes to land use practices at the margins of waterbodies that would place increased pressure on those waterbodies (Policy 3).
3. The proposed subdivision will not compromise the significant values of outstanding water bodies (Policy 8), or the habitats of indigenous freshwater species (Policy 9), or trout and salmon (Policy 10).
4. The proposed subdivision enables people and communities to provide for their social, economic, and cultural wellbeing (Policy 15).

10.2 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The proposal is assessed against the provisions of the *National Policy Statement for Highly Productive Land 2022* in Section 7.4, and is considered to be consistent with the relevant objectives and policies of that policy statement for the following reasons:

1. The current productive use of the subject site, and the typical land use pattern for small blocks such as those proposed, are similar, and it is therefore considered that the proposed subdivision will not result in any significant loss, either individually or cumulatively, of the productive capacity of highly productive land in the district (Policy 7, Part 3.8(1)(a), Part 3.8(2)(a)).
2. The proposed subdivision avoids potential reverse sensitivity effects on surrounding land-based primary production (Policy 7, Part 3.8(3)).
3. The proposed subdivision will not result in the fragmentation of large and geographically cohesive areas of highly productive land, as the Part site is surrounded by the development of rural land into smallholdings (Policy 7, Part 3.10(1)(b)(ii)).
4. The provision of additional property and housing stock, and the enabling of a family to continue to reside at and enjoy their home, while adapting to the needs and demands associated with transition and family succession, mean that 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 (Policy 7, Part 3.10(1)(c)).

11.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

11.1 CASE LAW

Under Section 104(1) of the Act, all decisions made by a consent authority in relation to an application for a resource consent and any submissions received are to be subject to Part II.

In *North Shore City Council v Auckland Regional Council [1997] NZRMA 59 (EnvC)*, the Environment Court stated that:

“The method of applying Section 5 then involves an overall broad judgment of whether a proposal would promote the sustainable management of natural and physical resources... Such a judgment allows for comparison of conflicting considerations and the scale or degree of them, and their relative significance or proportion in the final outcome.”

This principle of broad judgment, and weighing up of conflicting considerations, does not allow a consent authority to fail to meet environmental bottom lines specified in policy documents, where the Act requires that authority to give effect to the document – this was made clear in *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd ([2014] NZSC 38, [2014] 1 NZLR 593)*. But where the obligation towards provisions in planning documents is merely to “have regard to” those provisions, the same obligation does not stand (see *R J Davidson Family Trust v Marlborough District Council [2016] NZEnvC 81*).

Assessment under Section II is only necessary where there is invalidity, incomplete coverage or uncertainty in the statutory planning documents (*RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316*). As discussed below, the tension between the protection of highly productive land under the NPSHPL, and the supply of land for homes in a way that is responsive to the diverse and changing needs of people and communities and helps to alleviate the pressure on urban housing choice and affordability under the NPSUD, is a tension not adequately addressed by the statutory planning documents, especially with regards to the supply of rural land for homes. The incompleteness an uncertainty that is consequent to this tension means that resource to Part II in a Section 104 assessment is necessary.

11.2 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The *National Policy Statement for Highly Productive Land 2022* provides an environmental bottom line which consent authorities are required to “give effect to” in the objectives and policies of their planning documents, and which they must have regard to in making decisions on consents under Section 104 of the Act. The environmental bottom line identified in this policy statement is that land retains its productive capacity – not that the subdivision of small farm lots is prohibited (See Parts 2.1 & 3.8).

This means that the subdivision of small lots can give effect to the NPSHPL 2022, where granting consent can be shown to be more consistent with Part II of the RMA than declining, ie. where impeding the supply of land for rural homes more adversely affects peoples’ ability to provide for their social, economic and cultural wellbeing, than allowing productive land to be subdivided. Where there is no clear evidence the productive capacity of the land will be reduced, and the proposal benefits the social economic and cultural well-being of the community, and their health and safety, while adverse effects are no more than minor, and the life-supporting capacity of air, water, soil, and ecosystems generally is retained – then granting consent can be shown to be more consistent with Part II of the RMA than declining.

Subdivision and land use patterns, and the supply of highly productive land, must be considered in their local context, in order to assess whether adverse effects on the supply of highly productive land are minor, or more than minor; and in order to assess whether there is sufficient effect to warrant imposing regulatory burdens on peoples' use and enjoyment of their property, and on the provision of property to meet the demand for homes and livelihoods – all of which are protected and promoted by the stipulated purpose of the Resource Management Act 1991 spelled out in Section 5, and by common law recognition of private property rights. The need to consider actual land use patterns and effects, and interpret the NPSHPL appropriately for a local context, was emphasized in the Taranaki Regional Council Policy and Planning Committee on 22 November 2022.

In considering whether or not a property retains productive capacity, the NPSHPL makes it clear that it is inappropriate to conclude that a property would be unproductive on the basis of assessing the size of the property alone. Section 3.10(4) of the NPSHPL stipulates that *“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”*.

Ultimately, the size of a property is only one of many factors that contribute to the efficient, effective and productive use of land in the Rural Zone. Many large properties are farmed at a similar level of efficiency, effectiveness and productivity, as those that are smaller. Ultimately, management choices and the dynamic role of the profit motive for landowners is of much more significance. Also relevant is the intensity and nature of adjacent land use, and access to markets for more intensively farmed products. This is evident in the literature referred to in the Section 32 analysis for the NPSHPL and supporting documentation (see Watson (2011), Cook & Fairweather (2005) and Paterson (2005)). With this in mind, it is considered that there is nothing about the proposal that could allow a conclusive judgment that it would reduce the productive capacity of the subject land in the long term.

11.3 HOUSING SUPPLY & PART II

A person's enjoyment use and enjoyment of their property, and the provision of property to meet the demand for homes and livelihoods, are uses of land that are not only provided for, but are core to the purpose of the Resource Management Act spelled out in Section 5 – *“enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety.”* The wellbeing of people and their communities is contingent on ample land supply for homes and holdings that recognises the diverse and changing needs of people and communities, avoids inflated urban land prices, and promotes housing choice and affordability.

The National Policy Statement on Urban Development 2020, and the Natural and Built Environment Bill (“the NBE Bill) released this year, both emphasise the need to *“provide for...well functioning urban and rural areas that are responsive to the diverse and changing needs of people and communities in a way that promotes...ample supply of land for development, to avoid inflated urban land prices; and housing choice and affordability”* (see Section 5(c) of the NBE Bill).

The National Policy Statement on Urban Development (NPSUD) 2020 addresses urban land with specific provisions, yet Objective 2 – *“Planning decisions improve housing affordability by supporting competitive land and development markets”* – has implications for the treatment of rural land as well. Providing choice for people in rural environments helps to alleviate the pressure on urban housing choice and affordability. The subject site is an appropriate site for the supply of such properties, especially considering the like use of neighbouring properties, the availability of water main connections at the gate, and the sealed footpath that runs past the gate and connects Hawera to Normanby.

11.4 MITIGATING FACTORS

It is understood that where subdivision is a Controlled Activity, the NPSHPL will not preclude the ability of Council to grant consent to that activity. It is also understood that it is common in other District Plans for there to be Rural/Residential zones where small holdings would be consented as a Controlled Activity. The lack of provision for a Rural/Residential zone under the South Taranaki District Plan will mean a disparity with other districts in terms of the impact of the provisions of the NPSHPL on applications for subdivision of rural land, and therefore a disparate impact on the ability of the community to ensure an ample supply of land for its housing market. This, together with an analysis of the supply of highly productive land, and distance from markets, and the ability for the land to continue to be productive, should count in favour of the approval of small holdings such as those proposed in this application.

Another matter that ought to be considered is the investment of the applicant in this proposal over a period of 21 months, involving extensive correspondence and investment in surveying and planning services, and in obtaining written approvals from 8 adjoining property owners, all of which is documented.

Given that there is no conclusive evidence that the proposal would reduce productivity, or that the provisions of the NPSHPL are designed to prevent such a subdivision, and given that the NPSHPL has not been subject to a process that translates it adequately for a South Taranaki context, it would seem appropriate to at least allow for subdivisions that were initiated prior to the advent of the NPSHPL to be given the benefit of the doubt. There would otherwise be a want of justice and fairness, and an undue imposition or burden and injury, where applicants have already borne such expenses, and new provisions have not been subject to a local democratic process.

Approving subdivisions that were initiated prior to the advent of the NPSHPL, especially where there is no evidence of reduction of productivity, would be more consistent with the purpose of the Act, of enabling people and communities to provide for their social, economic, and cultural well-being – and, indeed with common law – than declining consent would be.

12.0 CONCLUSION

In conclusion, it is considered that adverse effects generated by the proposal will be no more than minor. The proposal is considered to be consistent with the objectives and policies of the Stratford District Plan, the Regional Policy Statement for Taranaki, the National Policy Statement for Freshwater Management 2020, the National Policy Statement for Highly Productive Land 2022 and the Resource Management Act 1991, for the following reasons:

1. The proposal enables the applicant and their family to provide for their social, economic, and cultural well-being and for their health and safety, and to contribute to the supply of land for homes in a way that is responsive to the diverse and changing needs of people and communities and helps to alleviate the pressure on urban housing choice and affordability (Section 5 of Part II, RMA).
2. The potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations is sustained under the proposal, including the productive capacity of land (Section 5 of Part II, RMA).
3. The proposal is unlikely to lead to any adverse effects on the life-supporting capacity of air, water, soil, and ecosystems, and any such adverse effects would be no more than minor (Section 5 of Part II, RMA).
4. Any adverse effects in relation to amenity, reverse sensitivity, rural productivity and traffic safety are considered to be less than minor.

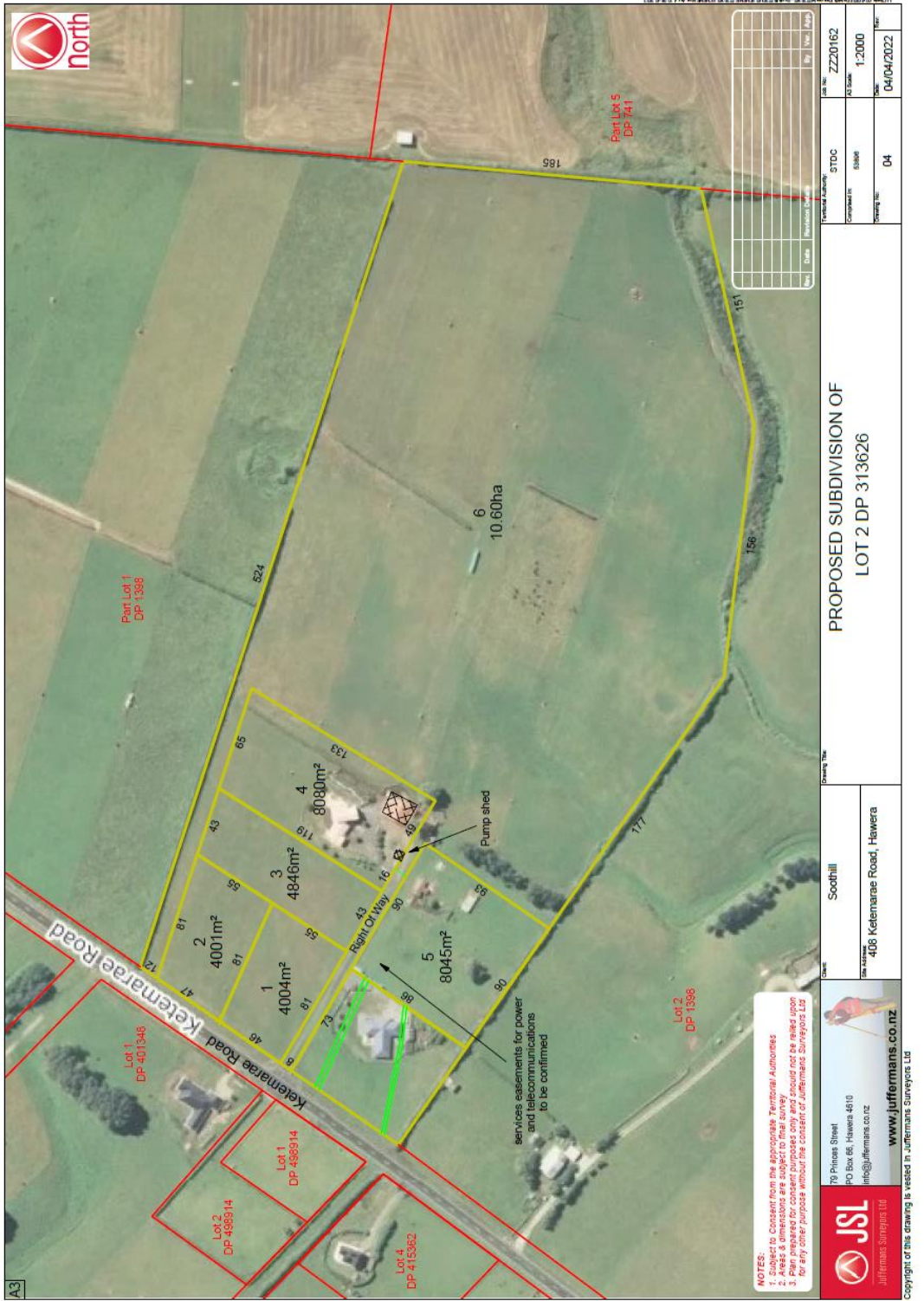
13.0 REFERENCES

Cook A, Fairweather J, 2005. *Characteristics of smallholdings in New Zealand: results from a nationwide survey*. AERU Research Report No. 278, Lincoln University.

Paterson, John, 2005. *What is a 'lifestyle block' and is it a form of rural 'gentrification'?* New Zealand Geographical Society paper.

Watson, Helen Francis, 2011. *What are the drivers of rural land fragmentation in the Tasman District and what have been the planning responses?* Massey University Masters thesis.

APPENDIX I: SCHEME PLAN



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APPENDIX II: CERTIFICATE OF TITLE



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R. W. Muir
Registrar-General
of Land

Identifier **53896**
Land Registration District **Taranaki**
Date Issued 25 February 2003

Prior References
TNA1/571

Estate Fee Simple
Area 13.4934 hectares more or less
Legal Description Lot 2 Deposited Plan 313626
Registered Owners
R & R Soothill Trustee Limited

Interests

John and Enfys Soothill

6-LOT SUBDIVISION AT 408 KETEMARAE ROAD, NORMANBY



Assessment of Environmental Effects

(Application to the South Taranaki District
Council for Subdivision Consent)

March 2023

Prepared by



RENAISSANCE CONSULTING LIMITED

Document Control Record

Client John and Enfys Soothill
Project 6-Lot subdivision at 408 Ketemarae Road,
Normanby
Project No. RCA029
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Allan Chesswas – Managing Director,
Renaissance Consulting Limited

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Telephone +64 27 362 8375

Email ajchesswas@gmail.com

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1.0 SUMMARY

1.1 OVERVIEW

This Assessment of Environmental Effects (AEE) addresses actual and potential adverse effects on the environment in relation to a proposal for a 6-lot subdivision at 408 Ketemarae Road, Normanby. The proposal is a Discretionary Activity under the South Taranaki District Plan issued by the South Taranaki District Council. This AEE is prepared in accordance with Section 88 of the Resource Management Act and with the 4th Schedule of the same Act, to support the notice of requirement and necessary consent application to the South Taranaki District Council.

It is considered that adverse effects generated by the proposal will be no more than minor. The proposal is considered to be consistent with the objectives and policies of the South Taranaki District Plan (“the District Plan”), the Regional Policy Statement for Taranaki (“the RPS”), the National Policy Statement for Highly Productive Land 2022 (“the NPSHPL”), the National Policy Statement for Freshwater Management 2020 (the “NPSFM) and the Resource Management Act 1991 (“the Act”).

1.2 BASIC INFORMATION

Applicant (primary contact):	John and Enfys Soothill 408 Ketemarae Road, Normanby, Hawera 4675 +64 6 278 6997
Secondary applicant contact :	Bevan Soothill 406 Ketemarae Road, Normanby, Hawera 4675 +64 6 278 4775 +64 21 192 1720 bjsoothill@gmail.com
Agent:	Allan Chesswas Renaissance Consulting Ltd 214 Mangaotuku Road Stratford 4392 +64 6 762 7841 +64 27 362 8375 ajchesswas@gmail.com
Legal Description & size:	Lot 2 DP 313626 (13.9 ha)
Property Address:	408 Ketemarae Road, Normanby
Landowner:	John Soothill
Rohe:	Ngāti Ruanui
Site visit:	7 October 2021

1.3 PROPOSAL

The applicant proposes to create a 6-lot subdivision at 408 Ketemarae Road, Normanby. The proposal is discussed in more detail in Section 3.

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2.0 ENVIRONMENT OVERVIEW

2.1 LOCATION

The subject site, at 408 Ketemarae Road, Normanby, is located 2km south-west of Normanby, and 3km north-west of Hawera, on the south-eastern side of Ketemarae Road.

The property is adjacent to a sub-tributary of a tributary of the Waihi Stream, and is located in the Rural Zone, in the rohe of Ngāti Ruanui.



Figure 1: Location of subject site (pinned with red) in relation to Hawera & Taranaki

2.2 PARCEL DESCRIPTION

The subject site is a 13.49 Ha property situated on the south-eastern side of Ketemarae Road.

The site is generally rectangular in shape, although the northern and southern side boundaries run on oblique angles. The northern side boundary runs straight to the rear. The southern side boundary runs straight at the front of the site, but at the back of the site turns twice to follow the path of a sub-tributary of a tributary of the Waihi Stream.

The rear boundary runs in a straight line almost due north-south, with a slight NNE-SSE tilt. The front boundary follows Ketemarae Road from the north, and then cuts back around the side and rear of 406 Ketemarae Road at the south-west corner of the subject site.

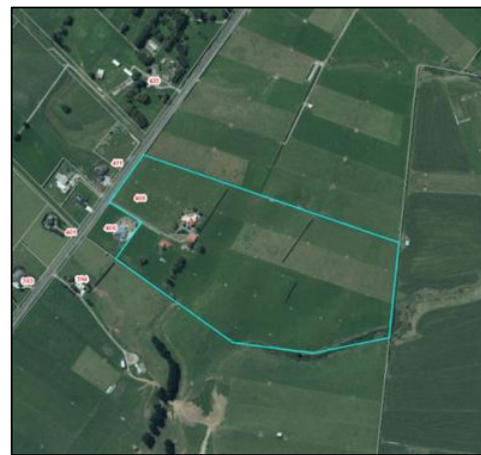


Figure 2: Satellite view of subject site (bordered blue)

2.3 CONTOUR & LAND USE CAPABILITY

The smaller front portion of the site is flat, Land Use Capability Class 1 land, while the bulk of the site, at the middle and the rear, is less flat, with some gently rolling contour, and is Land Use Capability Class 3 land.

This rolling land at the rear includes two hollows that run north-west to south-east towards the aforementioned Waihi Stream tributary.

The site is in pasture and subject to grazing at a rate of 1 adult beef beast per acre (2.5/ha). This is the equivalent of 6 stock units/acre (15 stock units/ha). The owner has advised that the property may be able to carry up to 50% more animals if supplement were to be cut from the property, but the costs do not justify it.

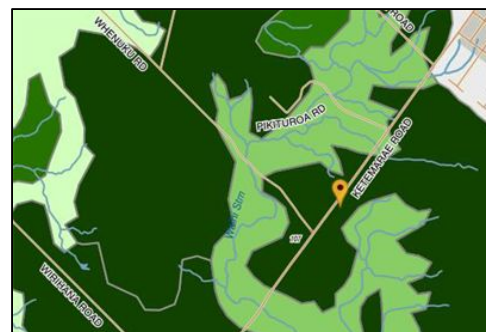


Figure 3: Map showing Land Use Capability classes with subject site pinned orange (dark green = LUC1, light green = LUC3)

2.4 WATERBODIES & WATER SYSTEMS

A sub-tributary of a tributary of the Waihi Stream runs along the southern side boundary at the middle and rear of the site – the only surface water body on the subject site. It is incised into a gully and its margins are well vegetated and fenced off to protect the stream from stock, and stock from the stream. Water for cattle grazed on the property is entirely supplied by troughs, with water piped from a bore located centrally on the site, adjacent to the dwelling at the end of the driveway.

2.5 BUILT ENVIRONMENT



Figure 4: View of the site from Ketemarae Road, looking south-east from the existing access point

A dwelling associated with the farm is located centrally towards the front of the site, set back 140m from Ketemarae Road, along with five farm buildings.

The access point for the dwelling and farm buildings is located centrally at the front of the site, beside the boundary held in common with 406 Ketemarae Road to the south-west.

2.6 ARCHAEOLOGICAL SITE Q21/42

An Archaeological Site (Q21/42) straddles the southern boundary, midway along that boundary where it meets the Waihi Stream tributary and turns slightly to the east, as shown in Figure 3.

It appears that the archaeological site lies at the top of a rise where two parallel sub-tributaries of a tributary of the Waihi Stream diverge in different directions, just upstream of their confluence.

The agent had made enquiries on the New Zealand Archaeological Association website, with South Taranaki District Council, and with the landowner, in relation to the history associated with this site, but understands from these enquiries that its history is not known, and that the site has not been the subject of any enquiries, or the landowner approached by any visitors seeking access to the site.

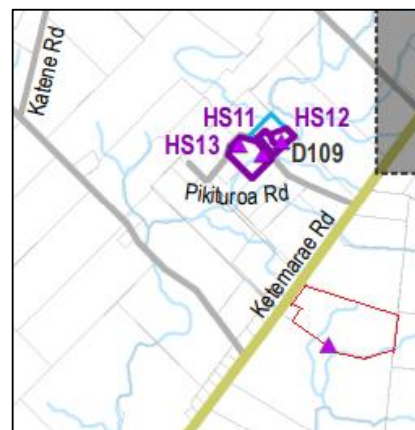


Figure 5: Subject site (red outline) from South Taranaki District Plan Map Rural 10, showing Archaeological Site Q21/42

2.7 SURROUNDING ENVIRONMENT

2.7.1 Adjacent properties

The properties surrounding the subject site are also zoned as Rural General Zone.

There has been a growing trend for properties in this area towards subdivision into smallholding farm properties due to the close proximity to Hawera and the favourable flat contour of the land for such property. Pastoral land use predominates for both large holdings and small holdings, alongside dwellings that have been constructed on these properties.

The properties surrounding the subject site are described below:

- The adjoining property to the **south**, Lot 2 DP 1398 (394 Ketemarae Road), is a 29.27 ha property subject to pastoral use;
- The adjoining property to the **south-west**, Lot 1 DP 313626 (406 Ketemarae Road), is a 0.61 ha property that is predominantly in pasture, along with a dwelling;
- The adjacent property across Ketemarae Road to the **south-west**, Lot 4 DP 415362 (401 Ketemarae Road), is a 0.67 ha property that is predominantly in pasture, along with a dwelling;



Figure 6: View from Ketemarae Road of adjoining properties to south-east (left) (406 Ketemarae Road) & south (right) (394 Ketemarae Road)

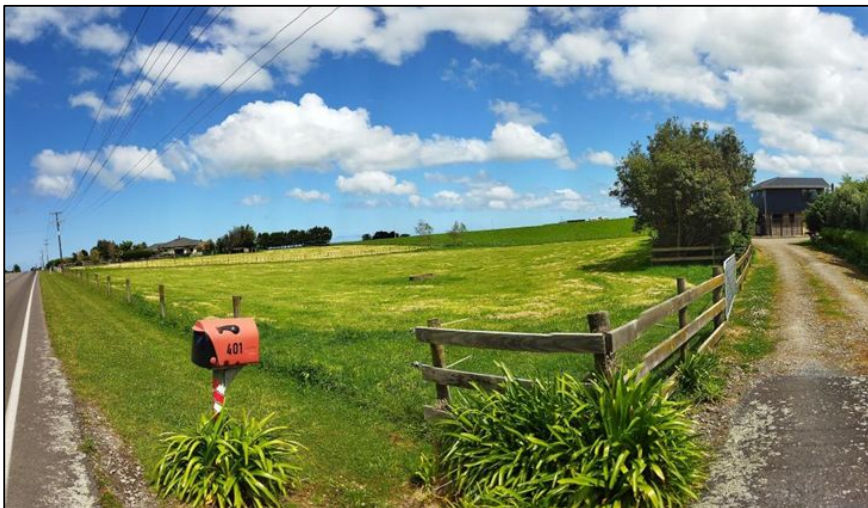


Figure 7: View of property across the road to the south-west (401 Ketemarae Road)

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- The adjacent property across Ketemarae Road to the **west**, Subdivision 11 District Patea, has been subject to subdivision as follows;

- 405 Ketemarae Road (0.34 ha property), containing a dwelling with no apparent pastoral use;
- 405A Ketemarae Road (0.44 ha property) (to the rear of 405 Ketemarae Road with an access strip), containing a dwelling with no apparent pastoral use;
- 403 Ketemarae Road (20.79 ha parent property with no dwelling, subject to pastoral use)



Figure 8: View to south-west from entrance to subject site, with recently subdivided sections of Subdivision 11 District Patea in view

- Adjacent properties across Ketemarae Road to the **north-west** include:
 - Lot 2 DP 558079 (407 Ketemarae Road), a 5.42 ha small farm with no dwelling, subject to pastoral use;
 - Lot 9 DP 533533 (411 Ketemarae Road), a 0.43 ha property with no dwelling, subject to pastoral use.



Figure 9: View to north-west from entrance to subject site, with dwelling at 407 Ketemarae Road in view



Figure 10: View to south-west from northern corner of subject site, with 411 Ketemarae Road in foreground & dwelling at 407 Ketemarae Road in background

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- The adjacent property across Ketemarae Road to the **north**, Subdivision 9 District Patea (433 Ketemarae Road), is a 11.33 ha small farm;
- The adjoining property to the **north-east**, Lots 6 – 10 DP 741 & Lot 1 DP 1398) (490 Ketemarae Road), is a 41.9 ha property subject to pastoral use;
- The adjoining property to the **east**, Lots 4 & 5 DP 741 & Lot 5 DP 3737) (343 Waihi Road), is a 79.38 ha property subject to pastoral use and also for use as an airstrip by the Hawera Aero Club.



Figure 11: View to north-west along Ketemarae Road from north-western corner of subject site

2.7.2 Wider Rural-Residential trend

The descriptions and photographs of these properties illustrate the trend of properties in the surrounding environment transitioning from small farms to rural-residential living. This trend is also evident to the south of the subject site, on the opposite side of the road, where the following properties continue the trend of smallholding farm properties along the road frontage:

Address	Legal description	Size
401 Ketemarae Road	Lot 4 DP 415362	0.67ha
393 Ketemarae Road	Lot 3 DP 415362	0.67ha
8 Whenuku Road	Lot 2 DP 415362	0.67ha



Figure 12: View to south-west of properties at 393 Ketemarae Road & 8 Whenuku Road

There are many more small holdings along Ketemarae Road to the south of this, including seven recently subdivided 4000m² properties at 357 Ketemarae Road, and four recently subdivided 4000m² properties between the properties at 286 and 344 Ketemarae Road.

It is understood that land immediately to the north of the subject site is also subject to an approved subdivision resource consent, which means that the site is almost entirely surrounded by smallholdings. The availability of the Kapuni Water Supply line at the gate, and the presence of the sealed footpath that runs past the gate and connects Hawera to Normanby, are of particular value in the area being established as favourable to rural-residential living.

3.0 DESCRIPTION OF PROPOSED ACTIVITY

3.1 BACKGROUND

The subject site is owned by John and Enfys Soothill, and is run as a small farm, carrying beef cattle.

Because the farm is small, and close to Hawera, and given the demand for smallholding farm properties, and the interest of family members in the property, it is the intention of the owner and the applicant to subdivide the property in order to create more opportunities for rural-residential living at the subject site, for both family and the wider market.

There is an established pattern and trend for property in the surrounding environment to transition in the same way, from small farms to rural-residential living. Following this pattern, the applicant is proposing a 6-lot subdivision with new lots ranging in size from 0.4 ha to 0.8 ha, with a balance lot of 10.6 ha.



Figure 13: Scheme plan of proposed 6-lot subdivision at subject site (see Figure 14 on next page for close-up of new lots)

3.2 PROPOSED LOTS

Four new lots will be created at the front of the northern side of the subject site. Two square-ish 0.4 ha lots (Lot 1 & 2) will front onto Ketemarae Road. A larger 0.48 ha lot, more oblong in shape – Lot 3 – will be located to the rear of both of Lot 1 & 2. A larger still 0.8 ha lot, also oblong in shape – Lot 4 – will be located to the rear of Lot 3, and contain the existing dwelling.

Another 0.8 ha lot – Lot 5 – will be located at the front of the southern side of the subject site, behind 406 Ketemarae Road, reaching back to near the rear boundary of Lot 4. This will leave a balance lot – Lot 6 – of 10.6 ha.

The proposed lots are described in more details in the table below:

Lot	Location	Area	West boundary (front)	North boundary (side)	South boundary (side)	East boundary (rear)
1	Front centre	4004m ²	46m	81m	81m	55m
2	Front north	4001m ²	47m	81m	81m	55m
3	Behind 1 & 2	4846m ²	110m	43m	43m	119m
4	Behind 3	8080m ²	119m	65m	49m	133m
5	Front south (behind 406 Ketemarae Rd)	8045m ²	86m + 8m access	90m	90m	93m
6	Balance (rear)	10.6 ha	246m	524m	491m	185m

Table 1: Details of proposed allotments



Figure 14: Proposed Lots 1 – 5

3.3 ACCESS

The access points for the proposed lots are described in Table 1 below. The proposed subdivision will require the creation of only one new vehicle access point.

Lot	Access details	Minimum Sight distance (District Plan standard = 160m)
1	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
2	Via new access point to be created from Ketemarae Road at northern boundary, and shared as a secondary access to Proposed Lot 6	Complies
3	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
4	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
5	Via existing driveway servicing dwelling at Proposed Lot 4	Complies
6	Via existing driveway servicing dwelling at Proposed Lot 4 with provision for secondary access from Ketemarae Road at northern boundary	Complies

Table 2: Details of access points for proposed lots

These access points comply with District Plan standards for sight distances. In every other regard these access points can comply with requirements for vehicle access, parking, and manoeuvring requirements in the South Taranaki District Plan.

3.4 STORMWATER AND WASTEWATER SERVICES

It is understood that public water services are available within 200m of the proposed lots, and that connections to these services would be created for each lot. The proposed lots have sufficient and appropriate space for the independent servicing of stormwater and wastewater on-site, and can comply with the standards for stormwater and wastewater services in the South Taranaki District Plan.

3.5 STOCK WATERING & FENCING

The proposed lots can be connected to public water services, which allows for secure supply for stock watering and/or irrigation purposes. Being flat sites, they can be easily fenced with permanent or temporary fencing to ensure efficient and productive rotation of stock, and use of pasture.

4.0 ACTIVITY STATUS

4.1 DISCRETIONARY ACTIVITY

The proposal to create a 6-lot subdivision at 408 Ketemarae Road, Normanby, is considered a **Discretionary Activity** in relation to the *South Taranaki District Plan* under Rule 9.1.4 as follows:

- Rule 9.1.4:
DISCRETIONARY ACTIVITIES:
 Subdivision which does not meet one or more of the performance standards in Section 9.2.
The proposed 6-lot subdivision does not comply with Standard 9.2.1.1, which that to be a Controlled Activity, no more than 4 additional lots may be created, and the remaining balance lot must be a minimum of 20 ha.
The proposal, being a 6-lot subdivision, with a balance lot of 10.6 ha, must therefore be considered as a Discretionary activity.

Section 104B of the Act addresses applications for consent for a discretionary activity as follows:

- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*
- (a) may grant or refuse the application; and*
 - (b) if it grants the application, may impose conditions under section 108.*

4.2 RESTRICTED DISCRETIONARY ASPECTS

The application would be considered as a Restricted Discretionary Activity if it complied with Standard 9.2.1.1, but in every other respect remained the same, due to the following rules being triggered:

- Rule 3.1.3(a), which makes any application for an activity that does not does not meet one or more of the performance standards in Section 3.2 a Restricted Discretionary Activity – as in places the proposal does not allow for a 10m yard between buildings and side boundaries.
- Rule 9.1.3(d), which makes any application for a subdivision where the land subdivided contains an archaeological site identified on the Planning Maps a Restricted Discretionary Activity.

Section 104C of the Act addresses applications for consent for a restricted discretionary activity as follows:

- 1) *When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—*
 - (a) discretion is restricted in national environmental standards or other regulations:*
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.*
- 2) *The consent authority may grant or refuse the application.*
- 3) *However, if it grants the application, the consent authority may impose conditions under section 108 only for those matters over which—*
 - (a) a discretion is restricted in national environmental standards or other regulations:*
 - (b) it has restricted the exercise of its discretion in its plan or proposed plan.*

Rules 3.1.3(a) and 9.1.3(d) restrict discretion in relation to particular matters. These matters are specifically considered in the assessment of environmental effects below, along with any other effects that might be identified.

5.0 NOTIFICATION DECISION/CONSULTATION

5.1 NOTIFICATION DECISION

Sections 95 – 95G of the Act sets out the requirements for considering whether to publicly notify or limited notify an application for resource consent. The assessment of the proposal in relation to Sections 95B and 95C is set out below.

Clause	Assessment
Section 95A(2) – (3) Public notification mandatory	No – applicant has not requested it or failed in obligations
Section 95A(4) – (5) Public notification precluded	No – not required by a Rule or NES
Section 95A(7) – (8) Public notification required in certain circumstances	No – not required by a Rule or NES, effects no more than minor
Section 95A(9) Public notification in special circumstances	No – no special circumstances
Section 95B(2) – (4) Certain affected groups and affected persons must be notified	No – adjacent protected customary rights groups not affected
Section 95B(5) – (6) Limited notification precluded in certain circumstances	No – not precluded by rule or NES, not Controlled Activity
Section 95B(7) – (9) certain other affected persons must be notified if not precluded in (5)/(6)	No – no affected persons, effects on adjacent properties less than minor
Section 95B(10) Further notification in special circumstances	No – no special circumstances

Table 3: Documentation of notification decision for proposed 6-lot subdivision at 408 Ketemarae Road – Sections 95A & 95B

5.2 AFFECTED PERSON ASSESSMENT

Section 95E of the Act sets out the requirements for deciding whether a person is an affected person for the purposes of notification. The assessment of the proposal in relation to Section 95E is set out below.

Clause	Assessment
Section 95E(1) Effects on person are minor or more than minor	No – no affected persons, effects on adjacent properties less than minor
Section 95E(2)(a) Effects may be disregarded if Rule or NES permits activity with that effect	NA
Section 95E(2)(b) Effects must be disregarded if not related to matter for which a rule or NES reserves control or restricts discretion	NA
Section 95E(2)(c) Must have regard to every relevant statutory acknowledgement	Statutory acknowledgement in relation to Waihi Stream considered
Section 95E(3)(a) Not an affected person if written approval has been provided	Written approvals obtained for 8 parties obtained
Section 95E(3)(b) Not an affected person if unreasonable for that person’s written approval to be sought	NA

Table 4: Documentation of notification decision for proposed 6-lot subdivision at 408 Ketemarae Road – Section 95E

5.3 CONSULTATION

The applicant has consulted with all owners and occupiers of land adjacent to the proposed subdivision, and obtained written approval and signed copies of the proposed scheme plan from the owners of the following properties:

Property	Name	Owner/Occupier
401 Ketemarae Road	Patria Shirtcliffe	Owner/occupier
405 Ketemarae Road	Rebecca Paul & Joshua Paul	Owner/occupier
406 Ketemarae Road	Bevan John Soothill & Raewyn Mary Soothill	Owner/occupier
407 Ketemarae Road	Regan Mark Thomas	Owner/occupier
411 Ketemarae Road	Chris Baylis	Owner
411 Ketemarae Road	John Richard Roberts	Owner/occupier
433 Ketemarae Road	Clifford John Shearer	Owner/occupier
490 Ketemarae Road	Kevin John Landers	Owner/occupier

Table 5: Written approvals obtained

There is one adjacent property for which written approval has not yet been obtained, that being the adjoining property to the south, 394 Ketemarae Road. The applicant contacted the owner of this property, Stephen King, in July. Mr King indicated that he was interested in establishing the outcome of conversations he is having with Taranaki Regional Council regarding the location of a new effluent pit on his property, and wanted to resolve this matter before committing to giving written approval to the property.

The applicant contacted Mr King again on August 1, and Mr King advised that he was yet to resolve the matter with Taranaki Regional Council. The agent contacted Mr King on August 30 after two earlier unsuccessful attempts, and learned that Mr King was now awaiting on calculations in relation to the design of the proposed pit. Three further attempts to reach Mr King on the part of the agent in September were unsuccessful.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS: OVERVIEW

6.1 LEGISLATIVE CONTEXT

Section 104 of the Act sets out the process that a consent authority must follow when considering an application for a resource consent and any submissions received, and Section 104B specifically addresses applications for consent for a discretionary activity.

Section 104(1) of the Act requires that:

When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

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

6.2 OVERVIEW

The matters listed above are addressed in the following seven sections of this document, as follows:

- Section 7: Assessment of Actual and Potential Effects
- Section 8: South Taranaki District Plan Objectives and Policies
- Section 9: Regional Policy Statement for Taranaki Objectives and Policies
- Section 10: National Policy Statements and National Environmental Standards
- Section 11: Part II of the Resource Management Act 1991
- Section 12: Conclusion

7.0 ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS

7.1 SUMMARY OF POTENTIAL EFFECTS

The following assessment of actual and potential effects is limited to only those matters over which Council reserves its discretion in the Stratford District Plan under Rule B1.2.1.2, and of these, the matters relevant to the proposal are listed below:

- effects in relation to **rural character and amenity values**;
- effects in relation to **reverse sensitivity**;
- effects in relation to the **efficiency, effectiveness and productiveness of farming and rural based activities (including effects on the productive capacity of highly productive land)**;
- effects in relation to **archaeological sites**;
- effects in relation to **waterbodies**;
- effects in relation to the **relationship of iwi with their taonga**;
- effects in relation to **traffic safety**
- effects in relation to the **provision of services**; and
- effects in relation to the **social, economic, and cultural wellbeing** of the community and their health and safety.

Actual and potential adverse effects are discussed below, followed by an assessment against the relevant objectives and policies of the *South Taranaki District Plan* in Section 8, with the Regional Policy Statement for Taranaki considered in Section 9, national policy statements and environmental standards considered in Section 10, and Part II of the Act considered in Section 11.

7.2 RURAL CHARACTER AND AMENITY VALUES

The proposed subdivision will enable the development of five more dwellings as a Permitted Activity, on a site where any new dwellings would require resource consent as a Restricted Discretionary Activity. The development of five new dwellings on this site has the potential to result in effects on amenity, such as effects in relation to noise, privacy, open space, and the safe and pleasant use of rural land in keeping with rural patterns of land use.

There has been a growing trend for properties in this area towards subdivision into smallholding farm properties due to the close proximity to Hawera and the favourable flat contour of the land for such property. This trend is detailed in *Section 2.7 (Surrounding Environment)*.

The entire frontage of the opposite side of Ketemarae Road has been subdivided into similar-sized lots, the details of which are given below:

Address	Legal description	Size
405 Ketemarae Road	Subdivision 11 District Patea	0.34ha
405A Ketemarae Road	Subdivision 11 District Patea	0.44ha
411 Ketemarae Road	Lot 9 DP 533533	0.43ha

Table 6: Smallholding farm properties opposite the subject site

The balance lot, 407 Ketemarae Road (Lot 2 DP 558079), fronts onto Ketemarae Road between 405A and 411 Ketemarae Road, and as such gives the appearance of being of a similar size, though it encompasses 5.42ha to the rear of these properties.

Written approvals have been obtained from eight of the nine adjacent property owners and occupiers, and effects on those parties must be disregarded under Section 95E(3)(a) of the Act. It remains, though, that there is a need to consider whether or not there would be any adverse amenity effects in relation to the owner of 394 Ketemarae Road.

Two of the six lots of the proposed subdivision would be located adjacent to 394 Ketemarae Road. This would mean that the proposal is likely to result in the creation of two new dwellings adjacent to this property. Two new dwellings in this location have the potential to generate some effect on the levels of privacy, noise and open space afforded to the owners and occupants of 394 Ketemarae Road.

However, it is considered that any such effects would be less than minor. This is because this property is already subject to such effects resulting from dwellings associated with rural and rural-residential land use to the north (408 Ketemarae Road, 406 Ketemarae Road and 401 Ketemarae Road) and south (393 Ketemarae Road and 8 Whenuku Road). Any additional amenity effects on the property at 394 Ketemarae Road will be barely discernible over and above those that already exist.

7.3 REVERSE SENSITIVITY

The potential for five additional dwellings to be located at the subject site has some potential to result in reverse sensitivity effects. Reverse sensitivity effects arise when agricultural activities that are allowed for in the Rural Zone are considered intolerable by the occupants of new dwellings adjacent to those activities, due to issues relating to noise or odour for example. The potential for a new effluent pit to be created at the property at 394 Ketemarae Road needs to be particularly considered in this regard.

It is considered, however, that any adverse reverse sensitivity effects that could be associated with the proposal would be less than minor. This is due to the fact that the high level of rural-residential living surrounding the subject site means that the potential for reverse sensitivity effects is already present. The owner of the subject site and applicant is familiar with land use on that site and adjacent properties, and with the compatibility of adjacent rural-residential land use, and no issues are known.

The potential for particular reverse sensitivity effects to result from the installation of any effluent pit is likewise considered to be less than minor. This is due to the fact that the existing dwelling at 406 Ketemarae Road would be located at a similar distance from any proposed effluent pit, and therefore the potential for any adverse reverse sensitivity effects arising from a new effluent pit would be similar to the potential that already exists, in relation to this existing dwelling.

7.4 EFFICIENCY, EFFECTIVENESS & PRODUCTIVENESS OF FARMING & RURAL-BASED ACTIVITIES

7.4.1 Overview – Efficiency, Effectiveness and Productiveness

The subject site is currently in pasture, and used for grazing. A small part of the subject site consists of flat Land Use Capability Class 1 land at the front, while the bulk of the site, at the middle and the rear, is less flat, with some gently rolling contour, being Land Use Capability Class 3 land. Class 1 is the most highly productive land, and Class 3 land is also considered highly productive.

7.4.2 National Policy Statement for Highly Productive Land 2022

The *National Policy Statement for Highly Productive Land 2022* (“the NPSHPL”) has been established with the objective that “*Highly productive land is protected for use in land-based primary production, both now and for future generations*” (Part 2.1). The NPSHPL requires territorial authorities to identify highly productive land, and manage the effects of subdivision, use, and development of highly productive land (Part 3.2(1)). Under Section 55(3) of the Resource Management Act 1991, a local authority must take any action that is directed by a national policy statement.

Under Part 3.8(1), territorial authorities must avoid the subdivision of highly productive land. However, such subdivision is allowed if the applicant demonstrates that the proposed lots will **retain the overall productive capacity of the subject land over the long term** (Part 3.1.8(1)(a)), and **measures** are taken to ensure that the subdivision design avoids or mitigates potential cumulative loss of productive capacity, and avoids or mitigates reverse sensitivity effects (Part 3.8(2)). Part 3.8(4) specifically requires territorial authorities to include objectives, policies, and rules in their district plans to give effect to this clause. There are no other actions identified as necessary to give effect to the NPSHPL 2002.

Part 3.10 of the NPSHPL 2022 provides for exemptions to these restrictions on subdivision, subject to supporting analysis that demonstrates that there is no reasonable or practicable way to address permanent or long-term constraints on economic viability, and to retain the productive capacity of the highly productive land.

Part 3.9 of the NPSHPL 2022 sets out the responsibilities of territorial authorities in relation to protecting highly productive land from inappropriate use and development.

Part 3.10(1) of the NPSHPL 2022 sets out criteria by which a territorial authority must be satisfied that a subdivision of highly productive land is appropriate, where productive capacity is not retained.

Part 3(2) – (4) sets out the necessary components of an evaluation that must be provided by an applicant, to demonstrate that the permanent or long-term constraints on economic viability cannot be practicably addressed in a way that would retain the productive capacity of the highly productive land.

7.4.3 Assessment under Section 3.8 of the NPSHPL 2022

Part 3.8(1) of the NPSHPL directs that territorial authorities **must avoid** the subdivision of highly productive land, **unless** the proposed lots will retain the overall productive capacity of the subject land over the long term. While “must avoid” is a strong directive; the exemptions listed in this clause temper this directive significantly. The exemption for subdivision where the proposed lots retain the overall productive capacity of the subject land over the long term – in particular – demonstrates that the primary goal is to be reduced to the retention of productivity, not merely the restriction of subdivision.

In assessing a proposal in relation to Part 3.8(1), it is prudent to identify kinds of developments that the NPSHPL was created to respond to, and to not be overly zealous in the application of Part 3.8(1) in a way that would be considered to be inconsistent with Part II of the Resource Management Act 1991. The Section 32 analysis for the NPSHPL, and the evidence and documents referred to in that analysis, refer to developments in the Bay of Plenty, and on the fringes of Auckland, particularly in the south of Auckland where there are highly productive soils that are unique and rare in the wider region, and proximate to massive markets and nodes, and subject to pressure from residential development rather than smallholding farm developments. By contrast, highly productive land in Taranaki is common and remote in relation to markets and nodes, and is subject to pressure from smallholding farm developments rather than residential development.

Subdivision and land use patterns, and the supply of highly productive land, must be considered in their local context, in order to assess whether adverse effects on the supply of highly productive land are minor, or more than minor. Such an assessment is critical to the consideration of whether there is sufficient adverse effect to warrant imposing a regulatory burden on peoples' use and enjoyment of their property, and on the provision of property to meet the demand for homes and livelihoods. Such matters are protected and promoted by the stipulated purpose of the Resource Management Act 1991, spelled out in Section 5, and by common law recognition of private property rights. The need to consider actual land use patterns and effects, and interpret the NPSHPL appropriately for a local context, was emphasized in the Taranaki Regional Council Policy and Planning Committee on 22 November 2022.

In considering whether or not a property retains productive capacity, Section 3.10(4) of the NPSHPL makes it clear that it is inappropriate to conclude that a property would be unproductive on the basis of assessing the size of the property alone. Section 3.10(4) of the NPSHPL stipulates that *"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"*. Ultimately, the size of a property is only one of many factors that contribute to the efficient, effective and productive use of land in the Rural Zone. Many large properties are farmed at a similar level of efficiency, effectiveness and productivity, as those that are smaller. Ultimately, management choices and the dynamic role of the profit motive for landowners is of much more significance. Also relevant is the intensity and nature of adjacent land use, and access to markets for more intensively farmed products. This is evident in the literature referred to in the Section 32 analysis for the NPSHPL and supporting documentation (see Watson (2011), Cook & Fairweather (2005) and Paterson (2005)).

With this in mind, it is considered that there is nothing about the proposal that could allow a conclusive judgment that it would reduce the productive capacity of the subject land over the long term. As such, an assessment of the proposal in relation to Part 3.8(1), as required, is given below.

Definition of Productive Capacity under the NPSHPL 2022

Part 3.8 of the NPSHPL 2022 allows for the subdivision of highly productive land where the applicant can demonstrate that the proposed lots will retain the overall productive capacity of the subject land over the long term.

The NPSHPL 2002 defines productive capacity as:

“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”

In this definition, the word productivity is not defined in such a way that indicates how it ought to be measured – whether in terms of gross or net income, or in terms of quantities of goods produced. All of these measures (gross income, net income, quantity of matter produced) are considered to be relevant to the question of productivity. Gross income is important in macroeconomic terms, net income in microeconomic terms, and quantities of goods produced in real economic terms.

Assessment

The subject site is currently subject to pastoral grazing. This grazing is not directly associated with a dairy platform. With a stocking rate of 15 stock units/Ha, the current land use is not as productive, intensive or efficient, relatively speaking, as what would be expected on a typical dairy operation on larger nearby landholdings. However, the current operation on the subject land is typical of beef farming practice on a small block in South Taranaki. The owner considers that the property may be able to carry up to 50% more animals if supplement were to be produced from the property, but the costs do not justify such intensive land use. It is not apparent that there are other land uses that could be considered as a profitable option for this land. If higher levels of production are cost-prohibitive, then the current levels should be considered as a baseline, when the productive capacity of the proposed new lots is considered.

The productive capacity of the proposed lots is considered below in terms of their ability to produce that same quantities of goods as the existing property. In order to be as productive as the existing property, these properties would need to be able to carry the equivalent of 15 stock units/Ha, or provide equivalent quantities of goods. A 4000m² property would need to be able to winter one beast, or four sheep, while an 8000m² property would need to be able to winter twice that. Alternatively, each property would need to be able to have its pasture harvested for hay or silage so that its produce could be utilized for production.

Adjacent smallholdings that exceed 4000m² appear to be subject to grazing, or cut and carry hay and silage production. The only adjacent properties that do not appear to be utilized in this way are those directly opposite the subject site. One of these is only 3400m². The other is 4400m², but this area includes a 480m² access strip. Thus the only properties that do not appear to be used productively are those sites smaller than 4000m². The proposed lots for the subdivision of the subject site, on the other hand, are all greater than 4000m², and are designed in such a way that access strips on these new small lots are avoided.

It is expected that a new rural-residential property will contain a dwelling and associated paving and lawn, and that the land subject to the footprint of these features will obviously not be able to be farmed or gardened. Part 3.9(2)(a) of the NPSHPL 2022 allows for “supporting activities” on the land, where those activities are reasonably necessary to support land-based primary production on that land. As long as those parts of the land that are not directly growing the commodities are subject to a supporting activity, that aids the productive capacity of the wider property, and the wider property remains relatively productive, then such activity can be considered to be appropriate.

On adjacent 4000m² holdings, dwellings and associated paving and lawn typically take up 1000m², of one-quarter of the property. Such properties typically retain 3000m² in pasture, with part of the remaining property also utilized for production in the form of vegetable gardens and/or fruit trees. It is not unusual for small holdings to run more stock units to the hectare than larger properties. All of these things considered, the reduction in the proportion of a small holding available for direct growth of commodities is not considered significant enough to have a meaningful bearing on the productivity of such a property.

The proposal is assessed in relation to the attributes identified in the definition of productive capacity in the NPSHPL 2002 below:

Attribute	Assessment																		
Physical characteristics	There will be no change to soil type, properties or versatility, apart from where dwellings and impermeable surfaces are established. These spaces would compromise a very small proportion of the total area of the subject land. On the basis of an estimate of 1000m ² per house for five new houses, across a site of 13.9ha, that proportion can be calculated to be 1.8% of the subject land, and includes land that is likely to be used for vegetable gardens and orchards. These dwellings and paved areas can be considered as “supporting activities”, necessary to support land-based primary production on that land.																		
Legal constraints	The ability of the subject land to retain productive capacity will depend to some degree on the extent to which stock are able to be watered on the property. The availability of the Kapuni Water Supply line at the farm gate will ensure that this level of productivity is able to be retained. Notwithstanding this, sheep may be farmed productively on the subject land without any need for water troughs.																		
Size and shape of existing and proposed land parcels	<p>The proposed land parcels range in size, as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">1</td> <td style="width: 75%;">Front centre</td> <td style="width: 20%;">4004m²</td> </tr> <tr> <td>2</td> <td>Front north</td> <td>4001m²</td> </tr> <tr> <td>3</td> <td>Behind 1 & 2</td> <td>4846m²</td> </tr> <tr> <td>4</td> <td>Behind 3</td> <td>8080m²</td> </tr> <tr> <td>5</td> <td>Front south (behind 406 Ketemarae Rd)</td> <td style="text-align: right;">8045m²</td> </tr> <tr> <td>6</td> <td>Balance (rear)</td> <td>10.6 ha</td> </tr> </table> <p>These parcels comply with the Minimum lot size for Controlled Activity subdivision in the Rural Zone. This minimum lot size ensures there is sufficient space for a lot to be self-sufficient in services. It also means that a small holding retains a better ability to sustain an efficient, manageable and effective head of stock on the property.</p> <p>Temporary one-wire electric fencing may be used for rotational grazing, so a small lot can be as productive as a large lot, in terms of gross output. Cost-efficiencies for maintenance might be reduced, due to costs often being less when goods or services can be purchased in bulk. However, it is not considered that costs associated with rotational grazing, stock watering or pasture management would make productive farming on this land prohibitive.</p>	1	Front centre	4004m ²	2	Front north	4001m ²	3	Behind 1 & 2	4846m ²	4	Behind 3	8080m ²	5	Front south (behind 406 Ketemarae Rd)	8045m ²	6	Balance (rear)	10.6 ha
1	Front centre	4004m ²																	
2	Front north	4001m ²																	
3	Behind 1 & 2	4846m ²																	
4	Behind 3	8080m ²																	
5	Front south (behind 406 Ketemarae Rd)	8045m ²																	
6	Balance (rear)	10.6 ha																	

7.4.4 Conclusion

The assessment above demonstrates that there ought not to be any change to the productive capacity of the subject land over the long term for the bulk of the subject land, apart from where new dwellings and impermeable surfaces are established, which will be approx. 1.8% of the subject land. The low degree of this proportion is such that it could be compensated for by increased productivity resulting from the increased ownership associated with the proposed subdivision. Furthermore, the dwellings and paved areas can be considered as “supporting activities”, necessary to support land-based primary production on that land. The availability of the Kapuni Water Supply line at the farm gate will ensure that cattle can be watered in a way that can support rotational grazing on smaller farms. Any reduced cost-efficiencies ought not to make productive farming on this land prohibitive.

For these reasons, Council can be satisfied that the proposed lots will retain the overall productive capacity of the subject land over the long term. Given that the proposal can be demonstrated to be consistent with the *National Policy Statement for Highly Productive Land 2022*, it can be concluded that any adverse effects in relation to the efficiency, effectiveness & productiveness of farming & rural-based activities, would be no more than minor, negligible, or nil.

7.4.5 Relevance of Section 3.10 of the NPSHPL 2022

The assessment above has been completed with particular regard to Section 3.10(4) of the NPSHPL, which stipulates that “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,” and to a definition for productive capacity that does not reduce productivity to stand-alone profitability. If stand-alone profitability were to be considered a factor, then Section 10 of the NPSHPL would apply, as the subject site cannot be considered economically viable as a stand-alone economic unit, and any resident would be reliant on off-farm income to sustain a living. This is due to a combination of the relatively small size of the site, and the predominant land use pattern of dairy and red meat farming, due to the climate and distance from markets.

7.5 ARCHAEOLOGICAL SITES

An Archaeological Site (Q21/42) straddles the southern boundary, midway along that boundary where it meets the Waihi Stream tributary and turns to the east, as shown in Figure 14. It appears that the site lies at the top of a rise where two parallel sub-tributaries of a tributary of the Waihi Stream diverge in different directions, just upstream of their confluence.

The agent has made enquiries on the New Zealand Archaeological Association website, with South Taranaki District Council, and with the landowner, in relation to the history associated with this site, but understands from these enquiries that its history is not known, and that the site has not been the subject of any enquiries, or the landowner approached by any visitors seeking access to the site.

The proposed subdivision will result in the creation of one new lot that is noticeable from Archaeological Site Q21/42(see Figure 15). The closest boundary of this new lot will be over 50m from this archaeological site. All other new lots will be more than 150m away.

The distance of most of the proposed new lots from Archaeological Site Q21/42 means that these new lots and any associated dwellings could pose no adverse effects in relation to the archaeological site. The only lot closer than 150m, is still more than 50m away. Because of the distance of these lots from the archaeological site, and because there is no evidence of its history being known, or any enquiries having been made in relation to it, it is considered that there will be no adverse effects on Archaeological Site Q21/42 arising from the proposed subdivision.

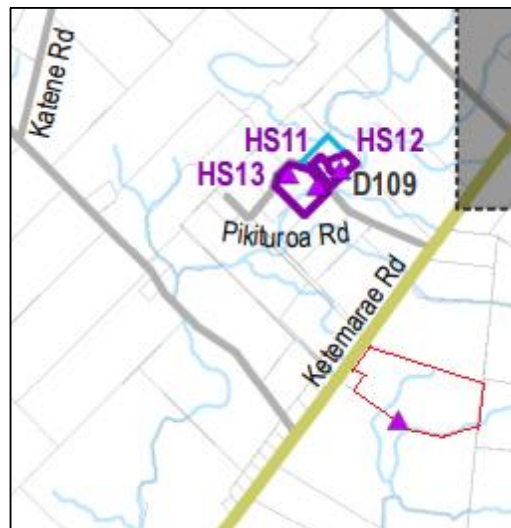


Figure 15: Subject site (red outline) from South Taranaki District Plan Map Rural 10, showing Archaeological Site Q21/42



Figure 16: Scheme plan of proposed 6-lot subdivision at subject site

7.6 WATERBODIES

The southern side boundary of the subject site runs straight at the front of the site, but at the back of the site turns twice to follow the path of a sub-tributary of a tributary of the Waihi Stream. This stream is the only surface water body on the subject site. It is incised into a gully and its margins well vegetated, and is necessarily fenced off to protect the stream from stock, and vice-versa. Cattle grazed on the property are entirely trough-fed. It is considered highly unlikely that this land use pattern in relation to waterways or trough-feeding would ever change. There is certainly no reason to consider that there will be any impact on this policy as the result of the creation of new lots at the front of the site. For these reasons it is considered that there will be no adverse effects on the adjacent sub-tributary of a tributary of the Waihi Stream resulting from the proposed subdivision.

7.7 THE RELATIONSHIP OF IWI WITH THEIR TAONGA

As discussed in Section 7.5, while there is an archaeological site straddling the southern boundary of the subject site, it is not considered that the proposed subdivision will result in any adverse effects on that site. The Waihi Stream is not subject to any Statutory Acknowledgement, nor is it identified as an awa of particular interest in the Ngāti Ruanui Environmental Management Plan. Notwithstanding this, it is acknowledged that resource management is to have regard to kaitiakitangi under Section 7 of the Act, and to take into account the principles of the Treaty of Waitangi under Section 8, and that this is particularly important in relation to the duty to give effect to Te Mana o te Wai under the National Policy Statement for Freshwater Management 2020.

All things considered, the lack of any identifiable adverse effects on waahi tapu, taonga or freshwater as a result of this subdivision means that it is considered that it would be imprudent to require engagement with iwi in relation to the proposal. In correspondence with South Taranaki District Council in April 2021, it was confirmed that a multi-lot subdivision in the Rural Zone won't necessarily require consultation, where an archaeological site is at a distance from the boundaries of the new lots.

7.8 TRAFFIC SAFETY

The access points for the proposed lots are described in Table 1 in Section 3.4. The proposed subdivision will require the creation of only one new vehicle access point, to serve Proposed Lot 2, and serve Proposed Lot 6 as a secondary access. Proposed Lots 1, 3, 4, 5 and 6 will all be served by the existing access point, which also serves 406 Ketemarae Road to the south-west. The access points for the proposed subdivision comply with District Plan standards for sight distances, and in every other regard can comply with requirements for vehicle access, parking, and manoeuvring requirements in the South Taranaki District Plan.

Written approvals have been obtained from eight of the nine adjacent property owners and occupiers, and effects on those parties must be disregarded under Section 95E(3)(a) of the Act. It remains, though, as far as traffic safety is concerned, that there are effects to consider in relation to the owner of 394 Ketemarae Road, as well as in relation to other users of Ketemarae Road.

The small number of access points (2), serving 7 lots (including the adjacent property to the south-west), mean that the proposed 6-lot subdivision will be significantly safer in terms of traffic safety than recent subdivisions on adjacent properties, which have resulted in a proliferation of access points at much more regular intervals. These recent developments mean that, although the surrounding environment is zoned Rural, it has transitioned into a rural-residential character. The more abundant occurrence of dwellings and access points mean that the traffic environment has likely slowed. Whether or not this is the case, it is considered that any effects of the proposed access points on traffic safety will be no more than minor, and will not be discernible over and above the effects of access points on adjacent properties.

7.9 SERVICES

The subject site has sufficient and appropriate space for the independent servicing of stormwater and wastewater on-site, and can comply with the standards, conditions and terms in the South Taranaki District Plan. As such, there will be no adverse effects associated with the provision of stormwater and wastewater services associated with the proposal.

7.10 SOCIAL, ECONOMIC, AND CULTURAL WELLBEING

The proposal enables the enhancement of the social, economic, and cultural wellbeing of the community, through the provision of additional property and housing stock of a quality that is safeguarded by the council consenting process, providing further residential and recreational opportunities for members of the community. The proposal enables a family to continue to reside at and enjoy their home, while adapting to the needs and demands associated with transition and family succession.

8.0 SOUTH TARANAKI DISTRICT PLAN OBJECTIVES AND POLICIES

It is considered that the proposal is consistent with the objectives and policies of the South Taranaki District Plan for the following reasons:

1. The proposal provides for rural subdivision of a nature, scale, intensity and location that is compatible with rural character and amenity values and manages potential reverse sensitivity conflict (Objective 2.1.3; Policy 2.1.5, Policy 2.1.6, Policy 2.1.7, Policy 2.1.9, Policy 2.1.15).
2. The proposal does not inhibit farming and rural based activities (Objective 2.1.4).
3. Apart from some internal boundaries, the proposal complies with all relevant setback requirements, and potential adverse effects on amenity will be less than minor (Policy 2.1.8).
4. There are no matters arising in the application that would typically elicit a concern from iwi, and no need to more explicitly recognise and provide for the relationship of Tangata Whenua with their taonga, or provide for opportunities for participation, in relation to this application (Objective 2.7.6, Objective 2.7.7, Objective 2.7.9, Objective 2.7.10, Policy 2.7.11, Policy 2.7.12, Policy 2.7.13, Policy 2.7.15).
5. The design of vehicle access ensures the the safety of people, pedestrians, cyclists and vehicles and the efficient operation of the adjoining road network (Objective 2.8.6) and is consistent with roading, access and subdivision design standards (Policy 2.8.11, Policy 2.8.12).
6. As a non-notified application concerning a waterbody that is not a lake or river with high natural character, conservation, recreation, amenity, heritage or cultural values, no controls in the form of resource consent conditions are necessary (Objective 2.18.4, Objective 2.18.5; Policy 2.18.9, Policy 2.8.10, Policy 2.18.11, Policy 2.18.12, Policy 2.8.14, Policy 2.18.19).
7. The applicant is entitled to include an esplanade strip as an instrument as part of the proposed subdivision (Policy 2.18.22).

9.0 REGIONAL POLICY STATEMENT FOR TARANAKI OBJECTIVES AND POLICIES

The objectives and policies of the Regional Policy Statement for Taranaki do not appear to address rural amenity and rural character issues. The RPS appears to anticipate that the appropriate avenue for addressing these issues is the District Plan. The objectives and policies of the Regional Policy Statement for Taranaki do not appear to address the matter of protecting and conserving highly productive soils. The proposal is therefore considered to be consistent with the objective and policies of the Regional Policy Statement for Taranaki.

10.0 NATIONAL POLICY STATEMENTS

10.1 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020

The proposal is considered to be consistent with the relevant objectives and policies of the *National Policy Statement for Freshwater Management 2020* for the following reasons:

1. The proposal does not give rise to any issues that would necessitate input from iwi in relation to freshwater values (Policy 2).
2. The proposed subdivision will not result in changes to land use practices at the margins of waterbodies that would place increased pressure on those waterbodies (Policy 3).
3. The proposed subdivision will not compromise the significant values of outstanding water bodies (Policy 8), or the habitats of indigenous freshwater species (Policy 9), or trout and salmon (Policy 10).
4. The proposed subdivision enables people and communities to provide for their social, economic, and cultural wellbeing (Policy 15).

10.2 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The proposal is assessed against the provisions of the *National Policy Statement for Highly Productive Land 2022* in Section 7.4, and is considered to be consistent with the relevant objectives and policies of that policy statement for the following reasons:

1. The current productive use of the subject site, and the typical land use pattern for small blocks such as those proposed, are similar, and it is therefore considered that the proposed subdivision will not result in any significant loss, either individually or cumulatively, of the productive capacity of highly productive land in the district (Policy 7, Part 3.8(1)(a), Part 3.8(2)(a)).
2. The proposed subdivision avoids potential reverse sensitivity effects on surrounding land-based primary production (Policy 7, Part 3.8(3)).
3. The proposed subdivision will not result in the fragmentation of large and geographically cohesive areas of highly productive land, as the Part site is surrounded by the development of rural land into smallholdings (Policy 7, Part 3.10(1)(b)(ii)).
4. The provision of additional property and housing stock, and the enabling of a family to continue to reside at and enjoy their home, while adapting to the needs and demands associated with transition and family succession, mean that 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 (Policy 7, Part 3.10(1)(c)).

11.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

11.1 CASE LAW

Under Section 104(1) of the Act, all decisions made by a consent authority in relation to an application for a resource consent and any submissions received are to be subject to Part II.

In *North Shore City Council v Auckland Regional Council [1997] NZRMA 59 (EnvC)*, the Environment Court stated that:

“The method of applying Section 5 then involves an overall broad judgment of whether a proposal would promote the sustainable management of natural and physical resources... Such a judgment allows for comparison of conflicting considerations and the scale or degree of them, and their relative significance or proportion in the final outcome.”

This principle of broad judgment, and weighing up of conflicting considerations, does not allow a consent authority to fail to meet environmental bottom lines specified in policy documents, where the Act requires that authority to give effect to the document – this was made clear in *Environmental Defence Society Inc v New Zealand King Salmon Co Ltd ([2014] NZSC 38, [2014] 1 NZLR 593)*. But where the obligation towards provisions in planning documents is merely to “have regard to” those provisions, the same obligation does not stand (see *R J Davidson Family Trust v Marlborough District Council [2016] NZEnvC 81*).

Assessment under Section II is only necessary where there is invalidity, incomplete coverage or uncertainty in the statutory planning documents (*RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316*). As discussed below, the tension between the protection of highly productive land under the NPSHPL, and the supply of land for homes in a way that is responsive to the diverse and changing needs of people and communities and helps to alleviate the pressure on urban housing choice and affordability under the NPSUD, is a tension not adequately addressed by the statutory planning documents, especially with regards to the supply of rural land for homes. The incompleteness an uncertainty that is consequent to this tension means that resource to Part II in a Section 104 assessment is necessary.

11.2 NATIONAL POLICY STATEMENT FOR HIGHLY PRODUCTIVE LAND 2022

The *National Policy Statement for Highly Productive Land 2022* provides an environmental bottom line which consent authorities are required to “give effect to” in the objectives and policies of their planning documents, and which they must have regard to in making decisions on consents under Section 104 of the Act. The environmental bottom line identified in this policy statement is that land retains its productive capacity – not that the subdivision of small farm lots is prohibited (See Parts 2.1 & 3.8).

This means that the subdivision of small lots can give effect to the NPSHPL 2022, where granting consent can be shown to be more consistent with Part II of the RMA than declining, ie. where impeding the supply of land for rural homes more adversely affects peoples’ ability to provide for their social, economic and cultural wellbeing, than allowing productive land to be subdivided. Where there is no clear evidence the productive capacity of the land will be reduced, and the proposal benefits the social economic and cultural well-being of the community, and their health and safety, while adverse effects are no more than minor, and the life-supporting capacity of air, water, soil, and ecosystems generally is retained – then granting consent can be shown to be more consistent with Part II of the RMA than declining.

Subdivision and land use patterns, and the supply of highly productive land, must be considered in their local context, in order to assess whether adverse effects on the supply of highly productive land are minor, or more than minor; and in order to assess whether there is sufficient effect to warrant imposing regulatory burdens on peoples' use and enjoyment of their property, and on the provision of property to meet the demand for homes and livelihoods – all of which are protected and promoted by the stipulated purpose of the Resource Management Act 1991 spelled out in Section 5, and by common law recognition of private property rights. The need to consider actual land use patterns and effects, and interpret the NPSHPL appropriately for a local context, was emphasized in the Taranaki Regional Council Policy and Planning Committee on 22 November 2022.

In considering whether or not a property retains productive capacity, the NPSHPL makes it clear that it is inappropriate to conclude that a property would be unproductive on the basis of assessing the size of the property alone. Section 3.10(4) of the NPSHPL stipulates that *“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”*.

Ultimately, the size of a property is only one of many factors that contribute to the efficient, effective and productive use of land in the Rural Zone. Many large properties are farmed at a similar level of efficiency, effectiveness and productivity, as those that are smaller. Ultimately, management choices and the dynamic role of the profit motive for landowners is of much more significance. Also relevant is the intensity and nature of adjacent land use, and access to markets for more intensively farmed products. This is evident in the literature referred to in the Section 32 analysis for the NPSHPL and supporting documentation (see Watson (2011), Cook & Fairweather (2005) and Paterson (2005)). With this in mind, it is considered that there is nothing about the proposal that could allow a conclusive judgment that it would reduce the productive capacity of the subject land in the long term.

11.3 HOUSING SUPPLY & PART II

A person's enjoyment use and enjoyment of their property, and the provision of property to meet the demand for homes and livelihoods, are uses of land that are not only provided for, but are core to the purpose of the Resource Management Act spelled out in Section 5 – *“enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety.”* The wellbeing of people and their communities is contingent on ample land supply for homes and holdings that recognises the diverse and changing needs of people and communities, avoids inflated urban land prices, and promotes housing choice and affordability.

The National Policy Statement on Urban Development 2020, and the Natural and Built Environment Bill (“the NBE Bill) released this year, both emphasise the need to *“provide for...well functioning urban and rural areas that are responsive to the diverse and changing needs of people and communities in a way that promotes...ample supply of land for development, to avoid inflated urban land prices; and housing choice and affordability”* (see Section 5(c) of the NBE Bill).

The National Policy Statement on Urban Development (NPSUD) 2020 addresses urban land with specific provisions, yet Objective 2 – *“Planning decisions improve housing affordability by supporting competitive land and development markets”* – has implications for the treatment of rural land as well. Providing choice for people in rural environments helps to alleviate the pressure on urban housing choice and affordability. The subject site is an appropriate site for the supply of such properties, especially considering the like use of neighbouring properties, the availability of water main connections at the gate, and the sealed footpath that runs past the gate and connects Hawera to Normanby.

11.4 MITIGATING FACTORS

It is understood that where subdivision is a Controlled Activity, the NPSHPL will not preclude the ability of Council to grant consent to that activity. It is also understood that it is common in other District Plans for there to be Rural/Residential zones where small holdings would be consented as a Controlled Activity. The lack of provision for a Rural/Residential zone under the South Taranaki District Plan will mean a disparity with other districts in terms of the impact of the provisions of the NPSHPL on applications for subdivision of rural land, and therefore a disparate impact on the ability of the community to ensure an ample supply of land for its housing market. This, together with an analysis of the supply of highly productive land, and distance from markets, and the ability for the land to continue to be productive, should count in favour of the approval of small holdings such as those proposed in this application.

Another matter that ought to be considered is the investment of the applicant in this proposal over a period of 21 months, involving extensive correspondence and investment in surveying and planning services, and in obtaining written approvals from 8 adjoining property owners, all of which is documented.

Given that there is no conclusive evidence that the proposal would reduce productivity, or that the provisions of the NPSHPL are designed to prevent such a subdivision, and given that the NPSHPL has not been subject to a process that translates it adequately for a South Taranaki context, it would seem appropriate to at least allow for subdivisions that were initiated prior to the advent of the NPSHPL to be given the benefit of the doubt. There would otherwise be a want of justice and fairness, and an undue imposition or burden and injury, where applicants have already borne such expenses, and new provisions have not been subject to a local democratic process.

Approving subdivisions that were initiated prior to the advent of the NPSHPL, especially where there is no evidence of reduction of productivity, would be more consistent with the purpose of the Act, of enabling people and communities to provide for their social, economic, and cultural well-being – and, indeed with common law – than declining consent would be.

12.0 CONCLUSION

In conclusion, it is considered that adverse effects generated by the proposal will be no more than minor. The proposal is considered to be consistent with the objectives and policies of the Stratford District Plan, the Regional Policy Statement for Taranaki, the National Policy Statement for Freshwater Management 2020, the National Policy Statement for Highly Productive Land 2022 and the Resource Management Act 1991, for the following reasons:

1. The proposal enables the applicant and their family to provide for their social, economic, and cultural well-being and for their health and safety, and to contribute to the supply of land for homes in a way that is responsive to the diverse and changing needs of people and communities and helps to alleviate the pressure on urban housing choice and affordability (Section 5 of Part II, RMA).
2. The potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations is sustained under the proposal, including the productive capacity of land (Section 5 of Part II, RMA).
3. The proposal is unlikely to lead to any adverse effects on the life-supporting capacity of air, water, soil, and ecosystems, and any such adverse effects would be no more than minor (Section 5 of Part II, RMA).
4. Any adverse effects in relation to amenity, reverse sensitivity, rural productivity and traffic safety are considered to be less than minor.

13.0 REFERENCES

Cook A, Fairweather J, 2005. *Characteristics of smallholdings in New Zealand: results from a nationwide survey*. AERU Research Report No. 278, Lincoln University.

Paterson, John, 2005. *What is a 'lifestyle block' and is it a form of rural 'gentrification'?* New Zealand Geographical Society paper.

Watson, Helen Francis, 2011. *What are the drivers of rural land fragmentation in the Tasman District and what have been the planning responses?* Massey University Masters thesis.

2023-03-10
6-lot subdivision at 408 Ketemarae Road, Normanby
John and Enfys Soothill Family – RCA029

APPENDIX II: CERTIFICATE OF TITLE



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy



R. W. Muir
Registrar-General
of Land

Identifier **53896**
Land Registration District **Taranaki**
Date Issued 25 February 2003

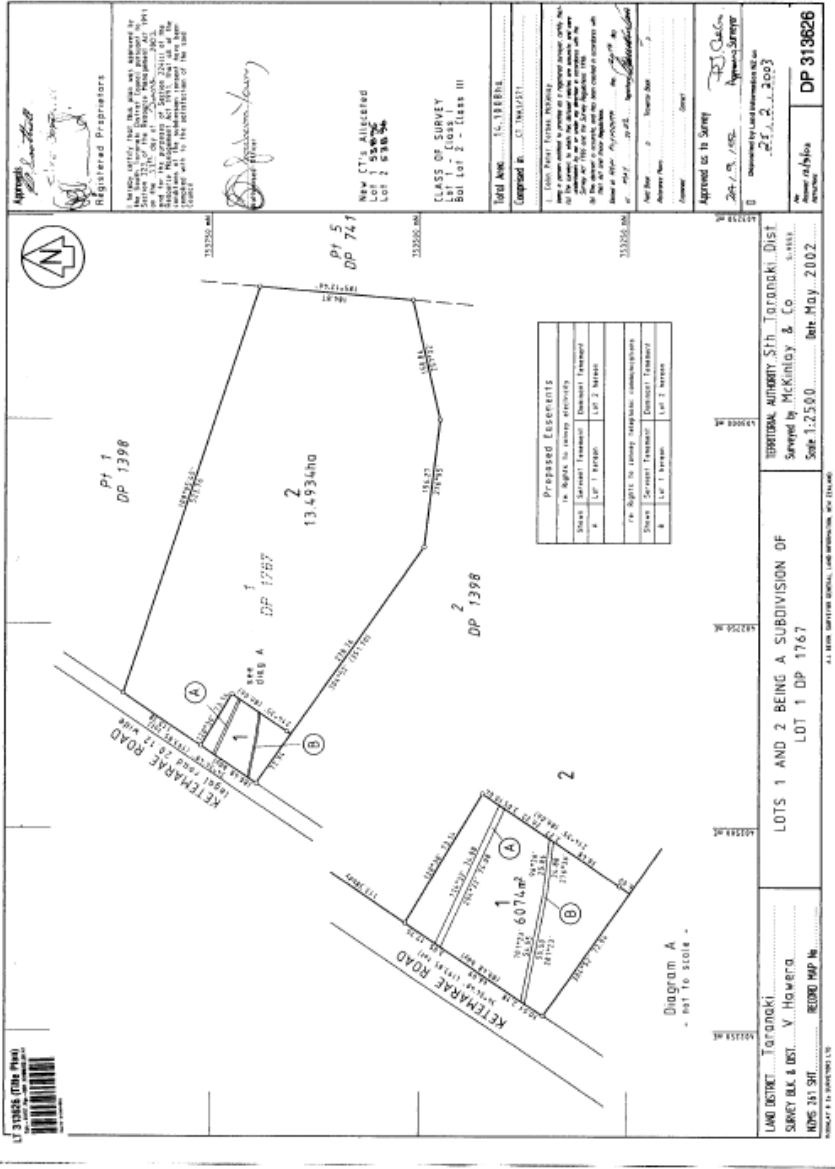
Prior References
TNA1/571

Estate Fee Simple
Area 13.4934 hectares more or less
Legal Description Lot 2 Deposited Plan 313626
Registered Owners
R & R Soothill Trustee Limited

Interests

2023-03-10
 6-lot subdivision at 408 Ketemarae Road, Normanby
 John and Enfy's Soothill Family - RCA029

Identifier 53896



Adam Bridgeman

From: Consents <consents@Ngaruahine.iwi.nz>
Sent: Wednesday, 5 April 2023 10:38 am
To: Adam Bridgeman
Cc: Consents; nicola.coogan@ruanui.co.nz
Subject: RE: RMS23026 408 Ketemarae Road

Kia ora Adam,

Thanks for sending this through. The area between Waingongoro and Waihi is a shared interest for Ngāruahine and Ngāti Ruanui. Our dealings with Mr Chesswas have shown him to be a bit lax in some of his research and he has a tendency to reinterpret National direction.

We are starting to see granted subdivisions in this area without any clear detail on wastewater and stormwater systems. This is because STDC is planning on upgrading the network and are granting these consents willy nilly. We would oppose this and other consents in this area as they are outside the residential zone in the proposed Hāwera structure plan and lack sufficient detail on how wastewater and stormwater will be managed. Without this detail, we are unable to assess the potential impacts on the Waihi Stream.

Ngā manaakitanga o te wā



Dion Luke (MPlan, B Env & Soc, DipNat Res)
Pouuruhi Taiao – Environment Lead
PO Box 474, Te Hāwera, 4640
147 High Street, Te Hāwera, 4610
06 278 7411 027 279 1359
www.ngaruahine.iwi.nz

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From: Adam Bridgeman <Adam@abplanning.co.nz>
Sent: Friday, March 31, 2023 2:11 PM
To: Consents <consents@Ngaruahine.iwi.nz>
Subject: RMS23026 408 Ketemarae Road

Kia Ora,

I am just touching base where we have received a consent to process as attached, which I'm not sure you would have received as its in the Ngati Ruanui Rohe, but has tributaries to the Waihi Stream.

At this stage it is heading towards decline based on the NPS HPL, but I am just working through notification and noticed Nga Ruahine may not have been notified.

The tributaries are to remain within the balance lot 6.

Kind Regards,

Adam

Adam Bridgeman
Senior Planning Consultant | AB Planning
M | 020 4173 8254



This email and any attachments are confidential and intended exclusively for the person to whom the email is addressed. If you are not the intended recipient, do not read, copy, disclose or use the contents in any way. Please notify us immediately by return email and destroy the email and attachments.

Written Approval

Form 8A of the Resource Management Act 1991

South Taranaki District Council
 Private Bag 902, Hawera 4640
 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com



Details

The Council requires approval of all legal owners and all occupiers of the property.

I/We, Kevin John Landers

being the owner(s) and occupiers(s) being the owner(s) being the occupier(s) have authority to sign on behalf of all the other owners/occupiers

of the property at:
490 Ketemarae Road Hawera

Give my approval for the application at
408 Ketemarae Road, Hawera, Taranaki

The proposal is to
6 Lot Subdivision

and does not meet the following District Plan requirements
9.1.3 (a - within setting of heritage object).
9.1.3 (d - subdivision of land with archaeological sites).
9.1.4 (more than 4 new lots, less than 20 hectares).

Additional Information	
The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)	<input checked="" type="checkbox"/>
I have signed a copy of the site plan and any other relevant documents.	<input checked="" type="checkbox"/>
I have signed a copy of the photos (where the application is to relocate a building).	<input checked="" type="checkbox"/>
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.	<input checked="" type="checkbox"/>

<u>KJ Landers</u>	<u>25/5/2022</u>
	/ /
	/ /

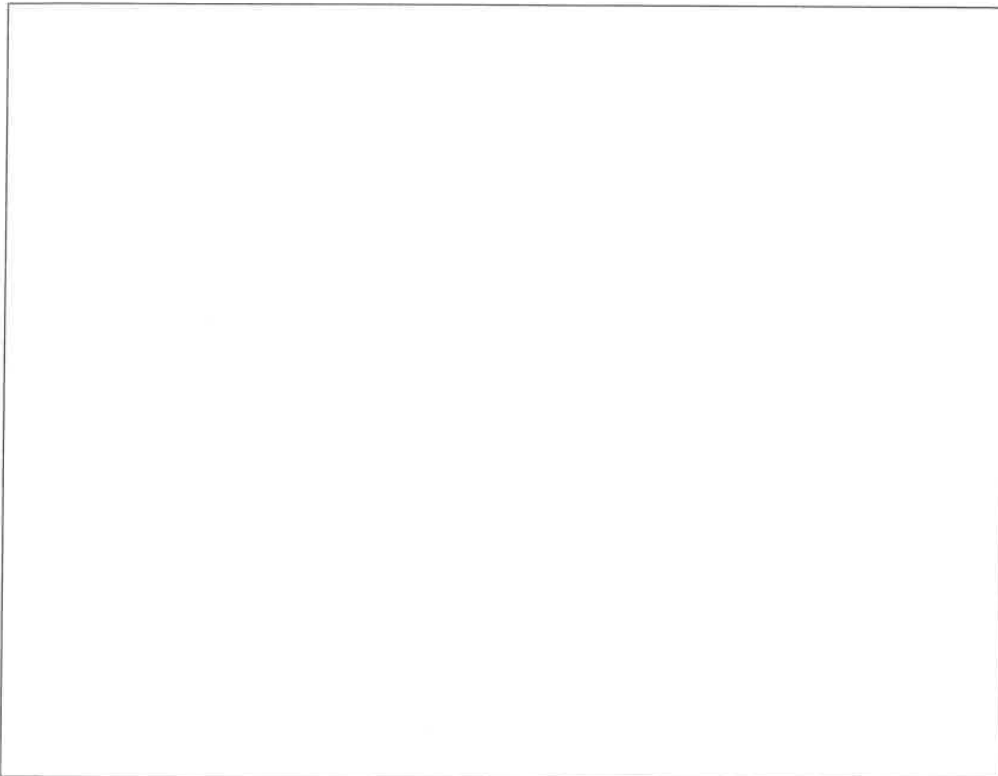
Signature(s) of person giving written approval
 (or person authorised to sign on behalf of person giving written approval)

Date

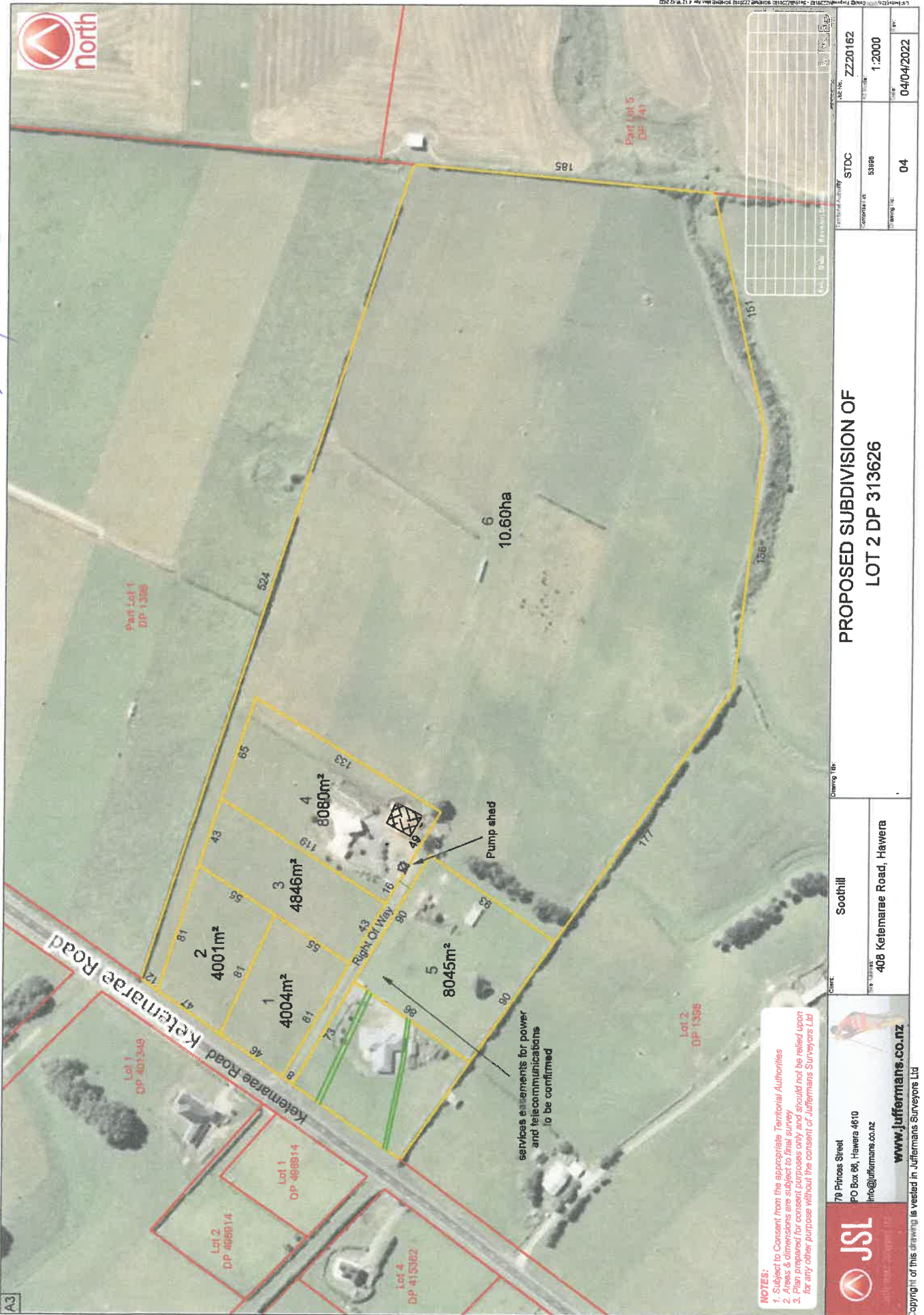
If you do not fully understand the proposal or do not agree with the proposal do not sign this form.
You may withdraw your written approval at any time prior to the Council making a decision on the application.
If you have any questions contact a Planner at the South Taranaki District Council.

The following is a list of effects you may wish to consider when deciding whether or not this application will affect you and the use of your land.

1. *The visual impact of the proposal in terms of its scale, location on the site, distance from the boundary, external design and appearance and relationship to the site boundary.*
2. *The likelihood of the proposal generating effects on your land and the use of that land in terms of the following:*
 - (a) *Traffic Generation*
 - (b) *Noise*
 - (c) *Odour*
 - (d) *Vibration*
 - (e) *Air Pollution*
 - (f) *Shading, loss of daylight and sunlight*
 - (g) *Loss of Privacy*
3. *The impact of the proposal on the neighbourhood in general and the things that contribute to the pleasantness, aesthetics and cultural and recreational attributes of the neighbourhood.*



25-5-2022 K9 cms



**PROPOSED SUBDIVISION OF
LOT 2 DP 313626**

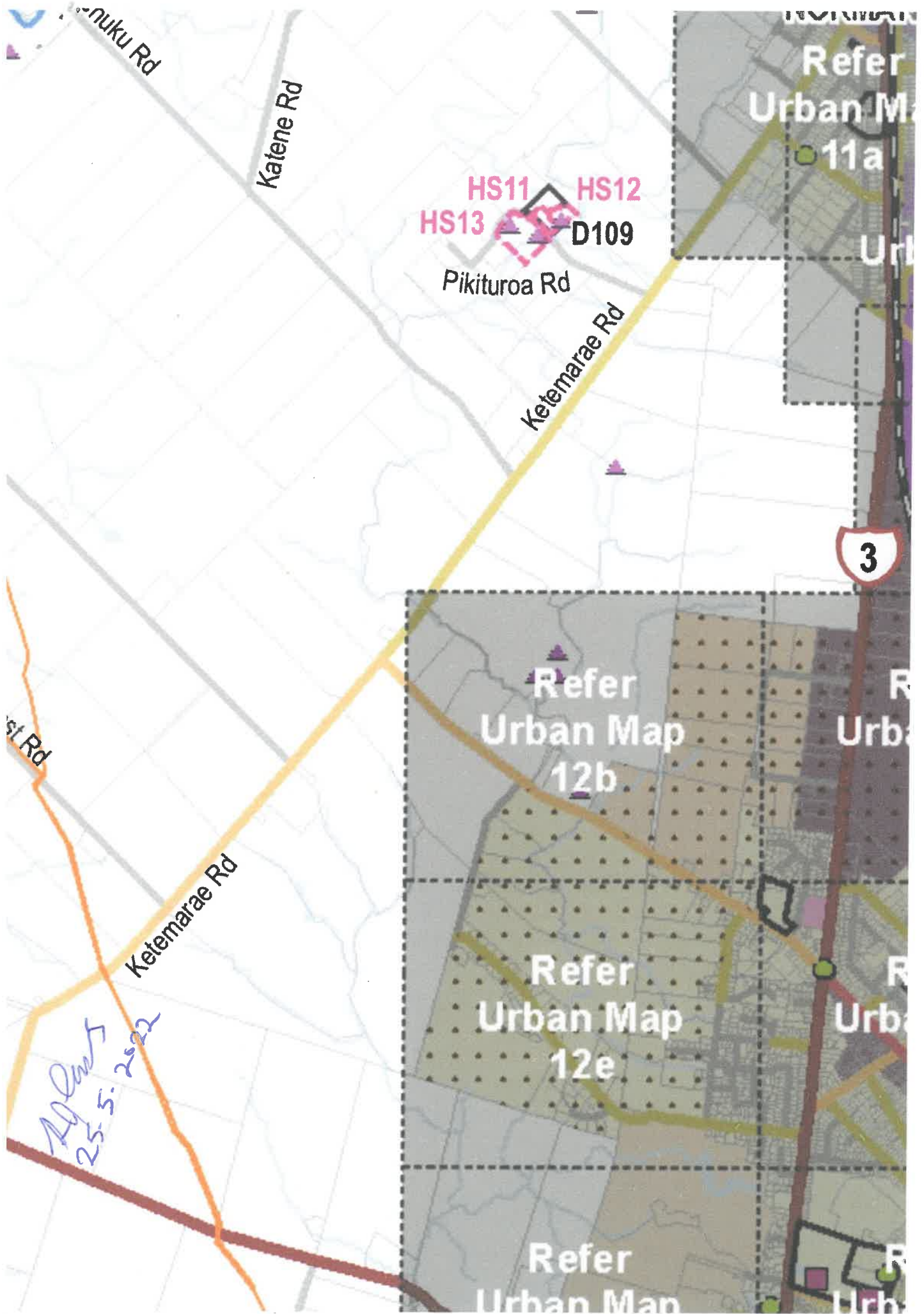
Client: Soothill
79 Princes Street
PO Box 99, Hawera 4810
info@juffermans.co.nz
www.juffermans.co.nz

408 Ketemarae Road, Hawera

JSL
Juffermans Surveyors Ltd

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

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Written Approval

Form 8A of the Resource Management Act 1991

South Taranaki District Council
 Private Bag 902, Hawera 4640
 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com



Details			
<i>The Council requires approval of <u>all</u> legal owners and <u>all</u> occupiers of the property.</i>			
I/We,	CLIFFORD JOHN SHEARER		
being the owner(s) and occupiers(s) <input checked="" type="checkbox"/>	being the owner(s) <input type="checkbox"/>	being the occupier(s) <input type="checkbox"/>	have authority to sign on behalf of all the other owners/occupiers <input type="checkbox"/>
of the property at: 433 Ketemarae Road			
Give my approval for the application at			
408 Ketemarae Road, Hawera, Taranaki			
The proposal is to			
6 Lot Subdivision			
and does not meet the following District Plan requirements			
9.1.3 (a - within setting of heritage object).			
9.1.3 (d - subdivision of land with archaeological site)			
9.1.4 (more than 4 new lots, less than 20 hectares).			
Additional Information			
The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)	<input checked="" type="checkbox"/>		
I have signed a copy of the site plan and any other relevant documents.	<input checked="" type="checkbox"/>		
I have signed a copy of the photos (where the application is to relocate a building).	<input checked="" type="checkbox"/>		
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.	<input checked="" type="checkbox"/>		
CJ Shearer		24 / 5 / 2022	
		/ /	
		/ /	

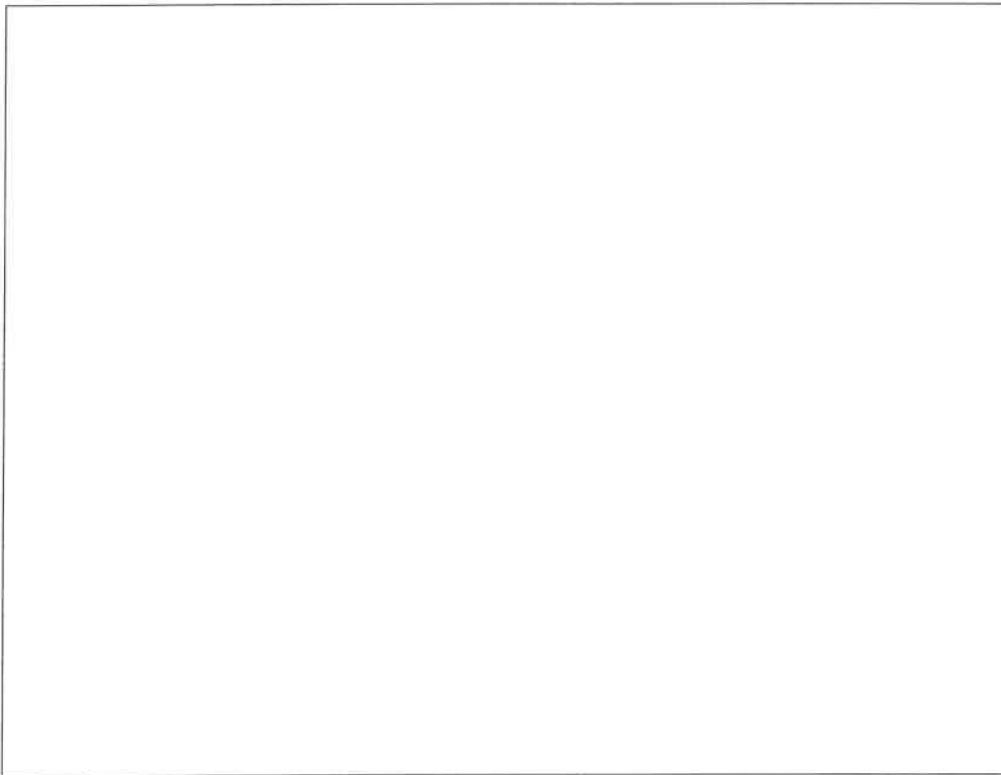
Signature(s) of person giving written approval
 (or person authorised to sign on behalf of person giving written approval)

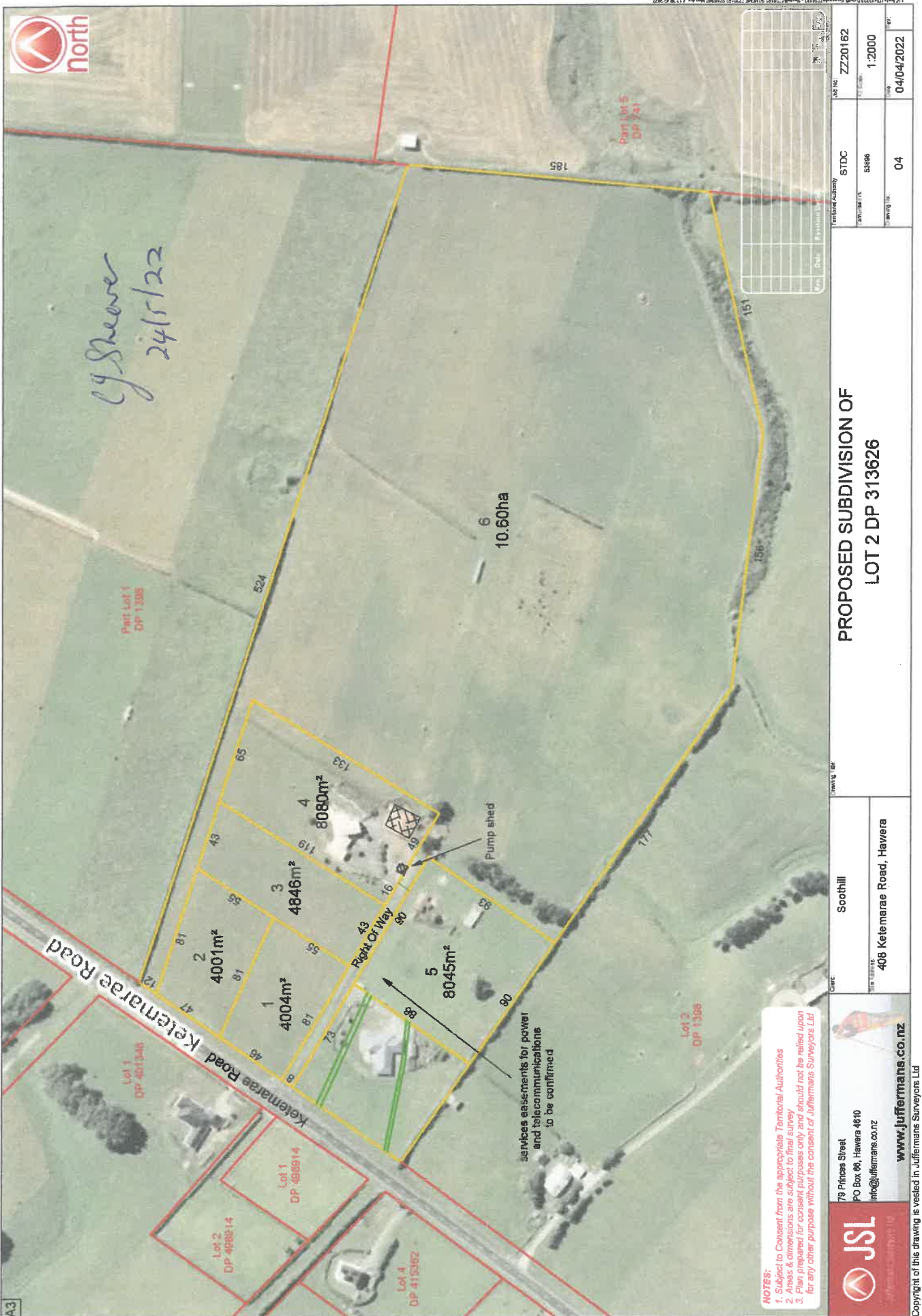
Date

If you do not fully understand the proposal or do not agree with the proposal do not sign this form.
You may withdraw your written approval at any time prior to the Council making a decision on the application.
If you have any questions contact a Planner at the South Taranaki District Council.

The following is a list of effects you may wish to consider when deciding whether or not this application will affect you and the use of your land.

1. *The visual impact of the proposal in terms of its scale, location on the site, distance from the boundary, external design and appearance and relationship to the site boundary.*
2. *The likelihood of the proposal generating effects on your land and the use of that land in terms of the following:*
 - (a) *Traffic Generation*
 - (b) *Noise*
 - (c) *Odour*
 - (d) *Vibration*
 - (e) *Air Pollution*
 - (f) *Shading, loss of daylight and sunlight*
 - (g) *Loss of Privacy*
3. *The impact of the proposal on the neighbourhood in general and the things that contribute to the pleasantness, aesthetics and cultural and recreational attributes of the neighbourhood.*



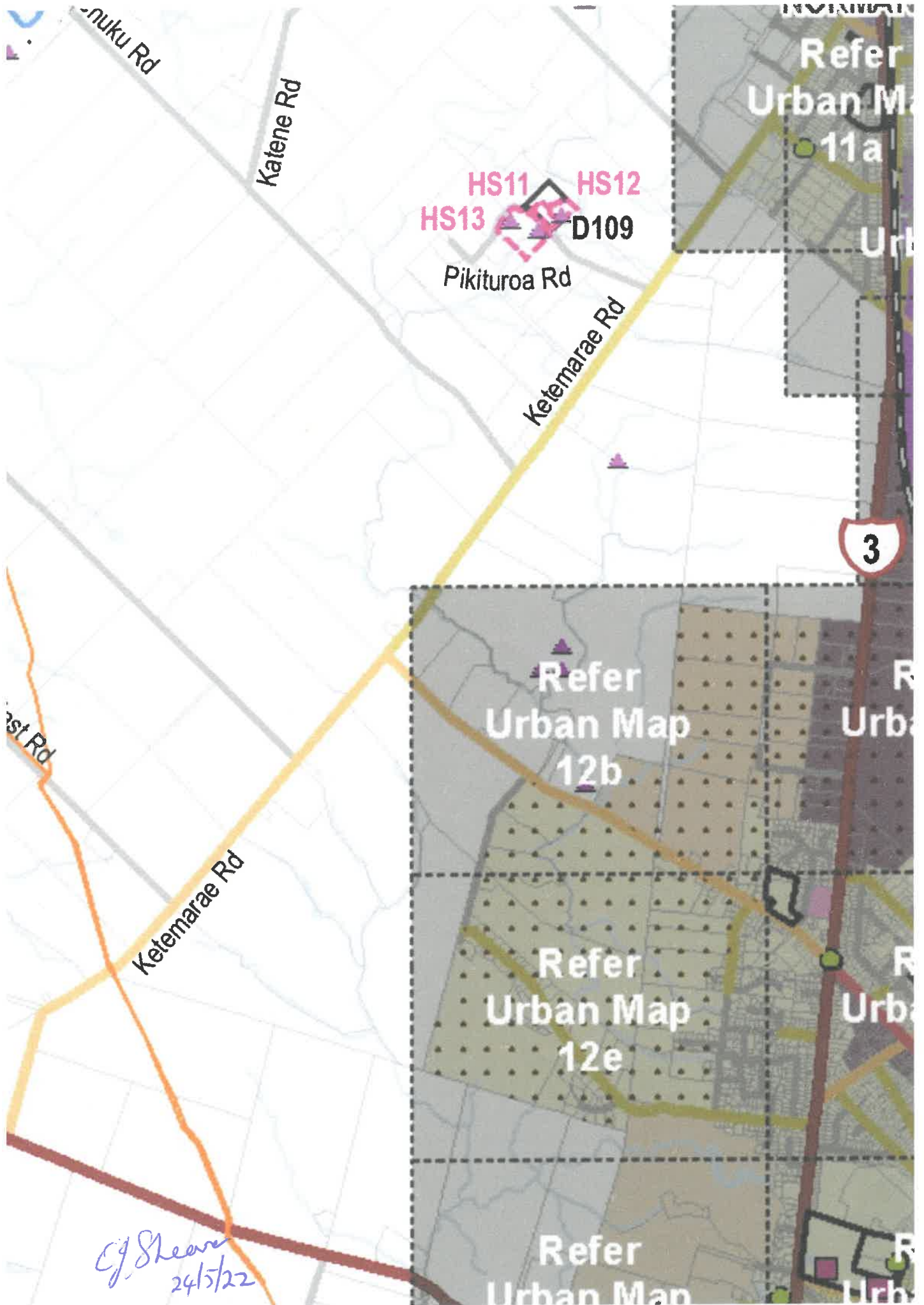


NOTES:
 1. Subject to Consent from the appropriate Territorial Authorities
 2. Areas & dimensions are subject to final survey
 3. Plan prepared for consent purposes only and should not be relied upon for any other purpose without the consent of Juffermans Surveyors Ltd

JSL
 79 Prices Street
 PO Box 80, Hawera 4810
 info@juffermans.co.nz
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Client: Soothill
 408 Ketemarae Road, Hawera



Written Approval

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South Taranaki District Council
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 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com



Details			
<i>The Council requires approval of <u>all</u> legal owners and <u>all</u> occupiers of the property.</i>			
I/We,	<i>Chris Baylo</i>		
being the owner(s) and occupiers(s) <input type="radio"/>	being the owner(s) <input checked="" type="radio"/>	being the occupier(s) <input type="radio"/>	have authority to sign on behalf of all the other owners/occupiers <input type="radio"/>
of the property at: <i>411 Ketemarae Road (Lot 1)</i>			
Give my approval for the application at			
<i>408 Ketemarae Road, Hawera, Taranaki</i>			
The proposal is to			
<i>6 Lot Subdivision</i>			
and does not meet the following District Plan requirements			
<i>9.1.3 (a - within setting of heritage object)</i>			
<i>9.1.3 (d - subdivision of land with archaeological site)</i>			
<i>9.1.4 (more than 4 new lots, less than 20 hectares)</i>			
Additional Information			
The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)			<input checked="" type="checkbox"/>
I have signed a copy of the site plan and any other relevant documents.			<input checked="" type="checkbox"/>
I have signed a copy of the photos (where the application is to relocate a building).			<input checked="" type="checkbox"/>
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.			<input checked="" type="checkbox"/>
<i>[Signature]</i>		<i>27/05/2022</i>	
		/ /	
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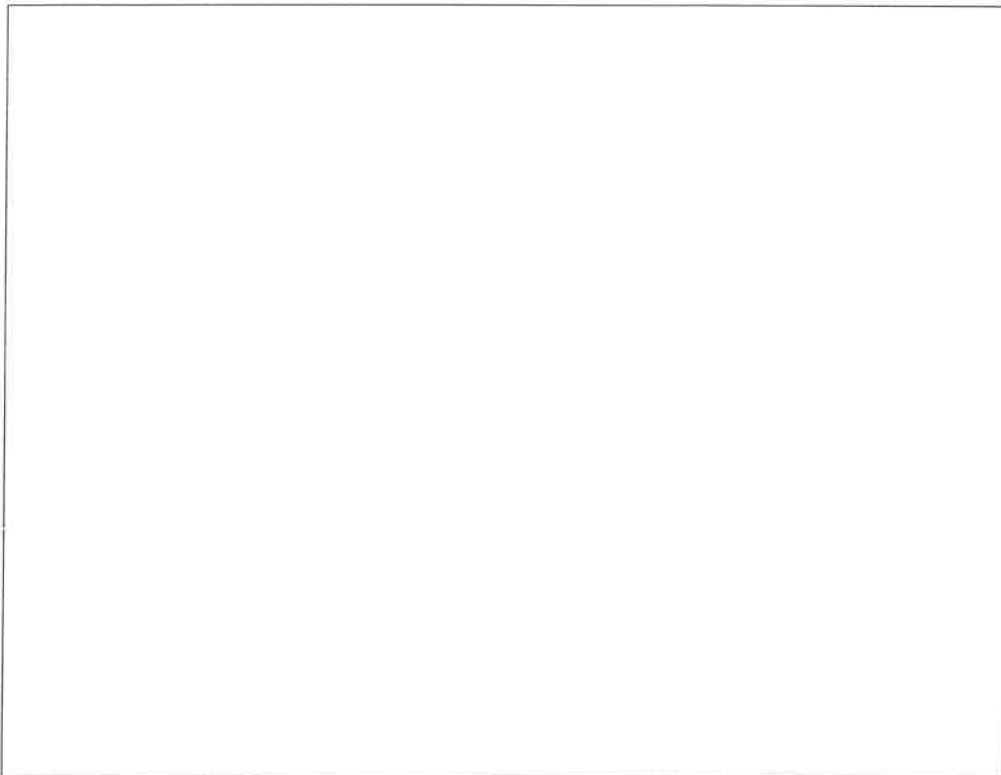
Signature(s) of person giving written approval
 (or person authorised to sign on behalf of person giving written approval)

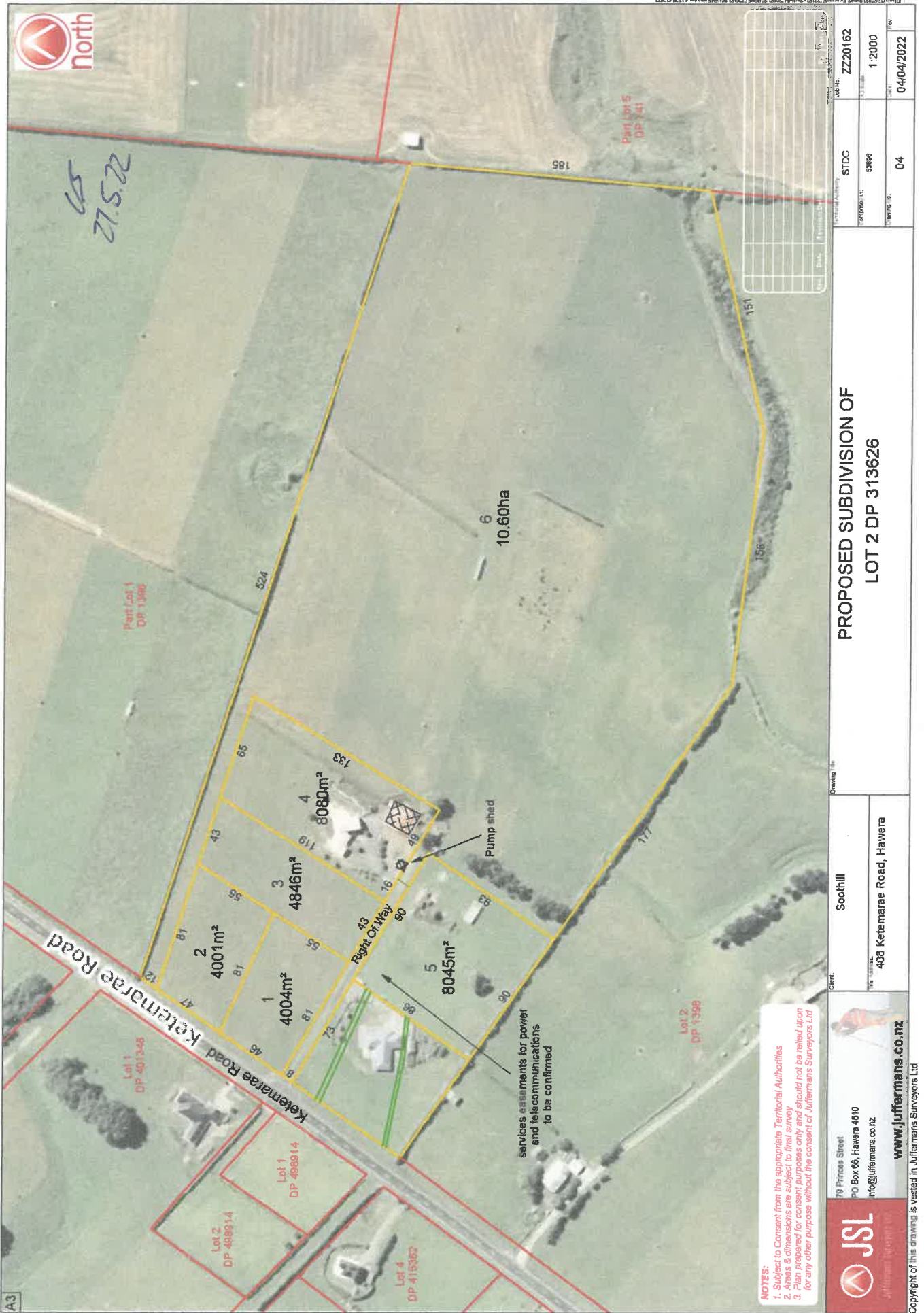
Date

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 - (a) *Traffic Generation*
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 - (c) *Odour*
 - (d) *Vibration*
 - (e) *Air Pollution*
 - (f) *Shading, loss of daylight and sunlight*
 - (g) *Loss of Privacy*
3. *The impact of the proposal on the neighbourhood in general and the things that contribute to the pleasantness, aesthetics and cultural and recreational attributes of the neighbourhood.*





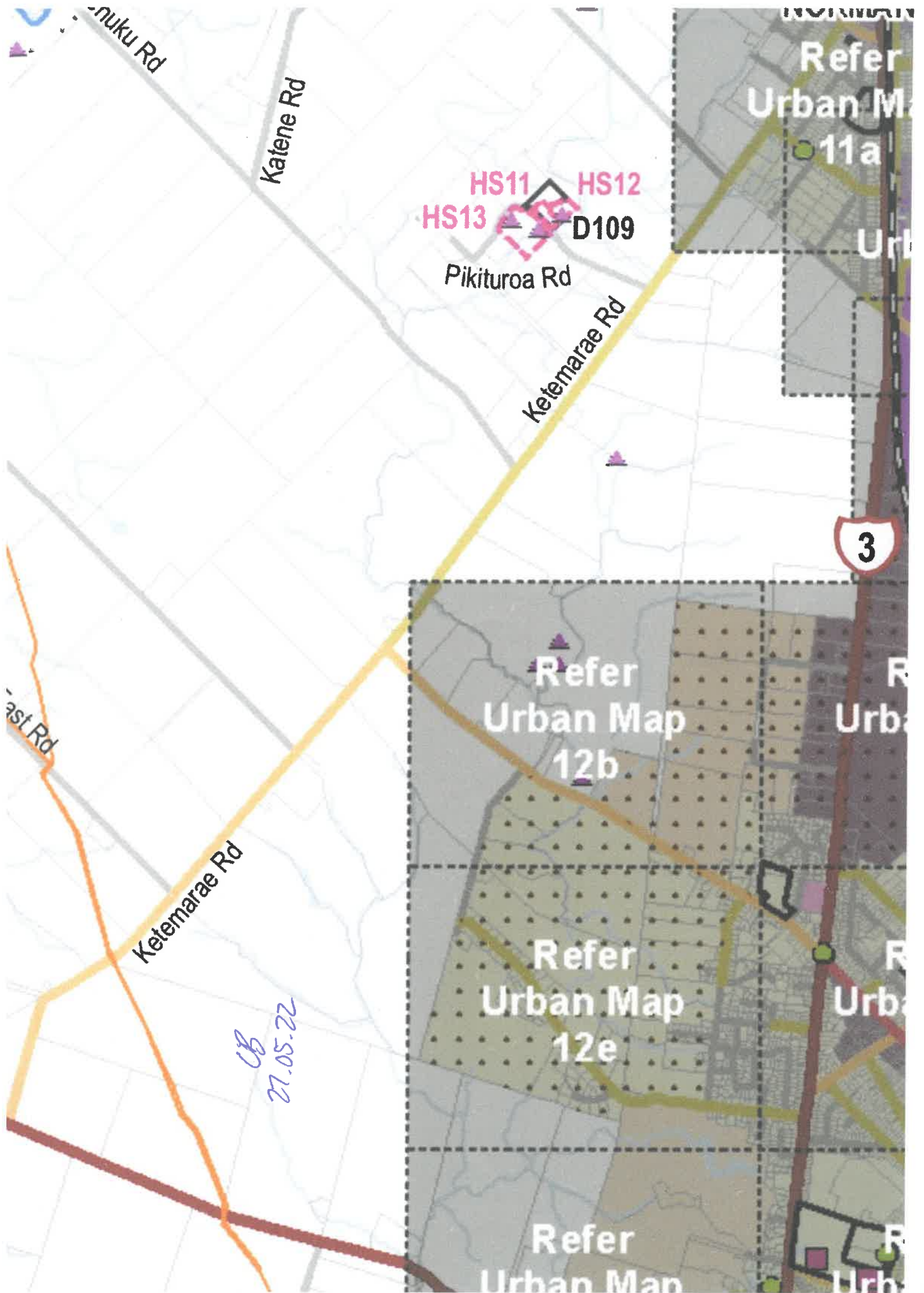
**PROPOSED SUBDIVISION OF
LOT 2 DP 313626**

Soothill
408 Ketemarae Road, Hawera

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

79 Pinrose Street
 PO Box 66, Hawera 4810
 info@juffermans.co.nz
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Written Approval

Form 8A of the Resource Management Act 1991

South Taranaki District Council
 Private Bag 902, Hawera 4640
 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com



Details

The Council requires approval of all legal owners and all occupiers of the property.

I/We, John Richard Roberts

being the owner(s) and occupiers(s) being the owner(s) being the occupier(s) have authority to sign on behalf of all the other owners/occupiers

of the property at:
411 Ketemarae Road, Hawera.

Give my approval for the application at

408 Ketemarae Road, Hawera, Taranaki

The proposal is to

6 Lot Subdivision

and does not meet the following District Plan requirements

9.1.3 (a - within setting of heritage object)
9.1.3 (d - subdivision of land with archaeological sites)
9.1.4 (more than 4 new lots, less than 20 hectares)

Additional Information

The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)	<input checked="" type="checkbox"/>
I have signed a copy of the site plan and any other relevant documents.	<input checked="" type="checkbox"/>
I have signed a copy of the photos (where the application is to relocate a building).	<input checked="" type="checkbox"/>
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.	<input checked="" type="checkbox"/>

J R Roberts 24 / 5 / 22

/ /

/ /

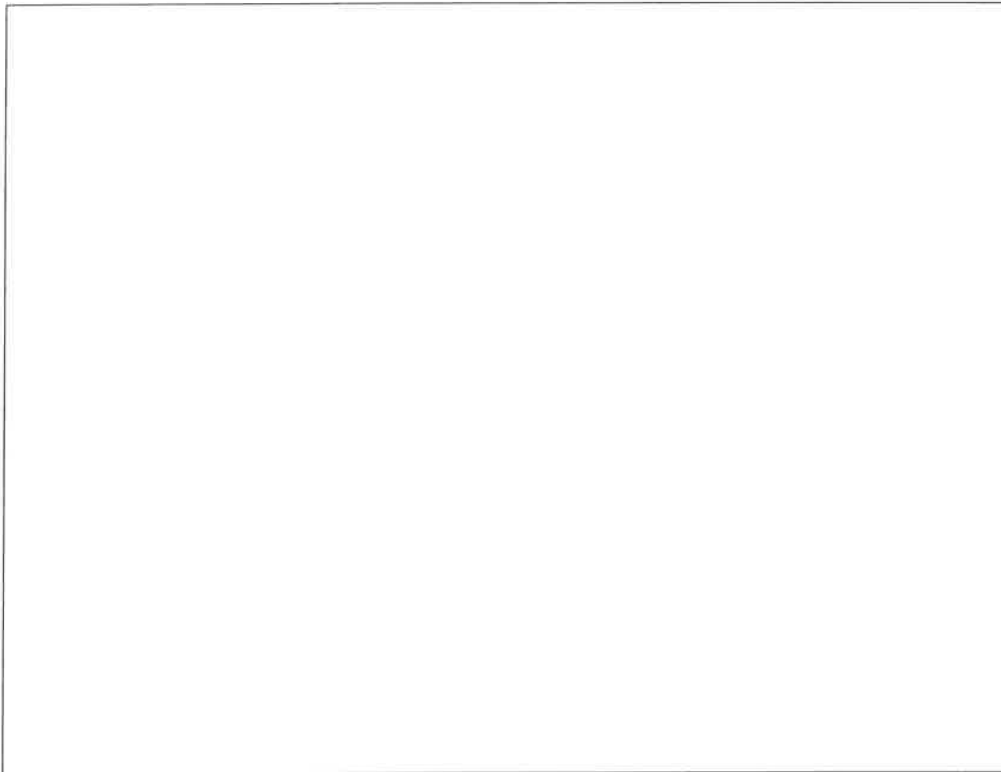
Signature(s) of person giving written approval
 (or person authorised to sign on behalf of person giving written approval)

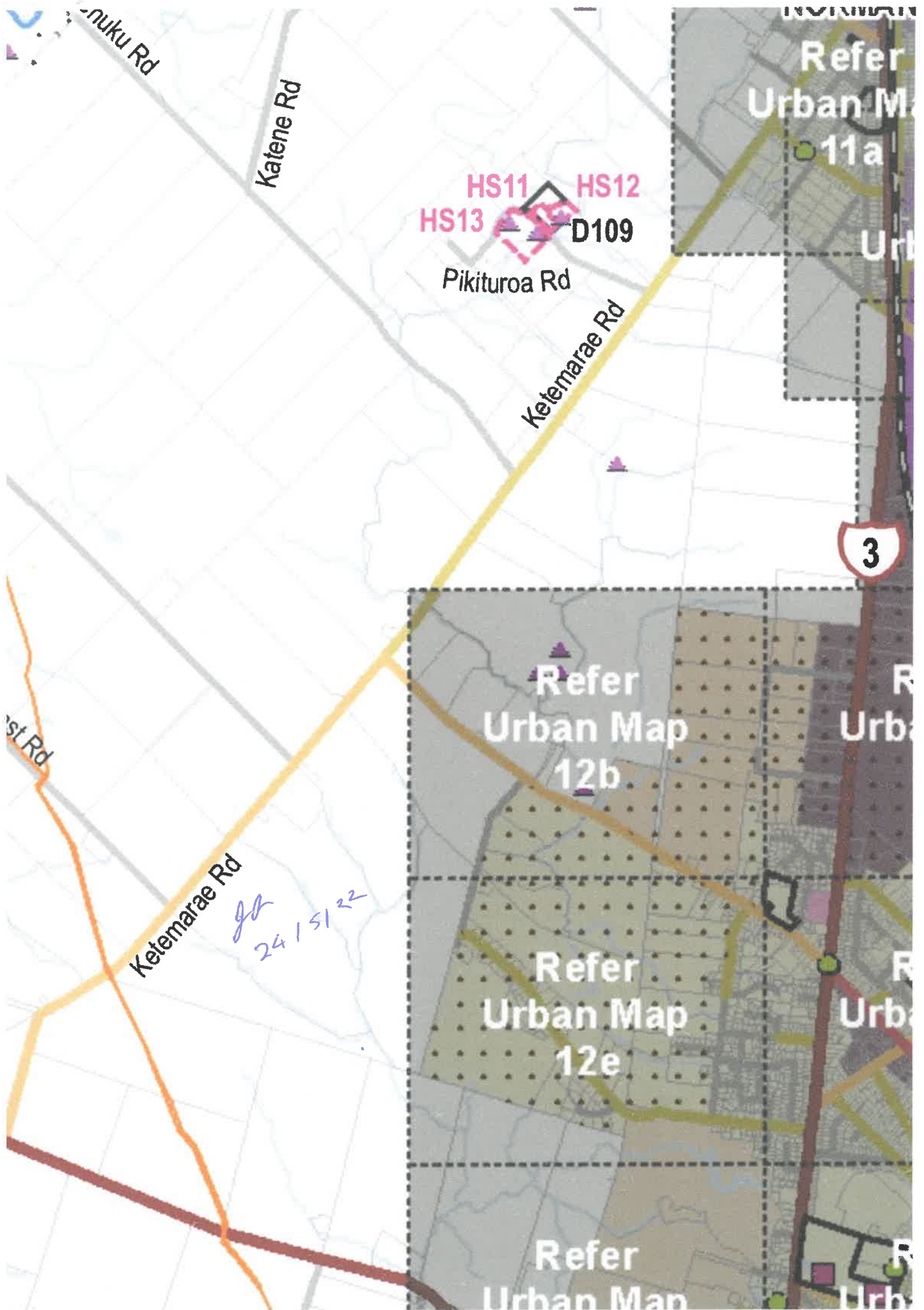
Date

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 - (d) *Vibration*
 - (e) *Air Pollution*
 - (f) *Shading, loss of daylight and sunlight*
 - (g) *Loss of Privacy*
3. *The impact of the proposal on the neighbourhood in general and the things that contribute to the pleasantness, aesthetics and cultural and recreational attributes of the neighbourhood.*





Written Approval

Form 8A of the Resource Management Act 1991

South Taranaki District Council
Private Bag 902, Hawera 4640
Telephone: 06 278 0555 or 0800 111 323
Web: www.southtaranaki.com



Details			
<i>The Council requires approval of <u>all</u> legal owners and <u>all</u> occupiers of the property.</i>			
I/We,	<i>Rebecca Paul</i> <i>Joshua Paul</i>		
being the owner(s) and occupiers(s) <input checked="" type="radio"/>	being the owner(s) <input type="radio"/>	being the occupier(s) <input type="radio"/>	have authority to sign on behalf of all the other owners/occupiers <input type="radio"/>
of the property at: <i>405 Ketemarae Road.</i>			
Give my approval for the application at <i>408 Ketemarae Road, Hawera, Taranaki</i>			
The proposal is to <i>6 Lot Subdivision</i>			
and does not meet the following District Plan requirements <i>9.1.3 (a - within setting of heritage object).</i> <i>9.1.3 (d - subdivision of land with archaeological sites).</i> <i>9.1.4 (more than 4 new lots, less than 20 hectares).</i>			
Additional Information			
The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)			<input checked="" type="checkbox"/>
I have signed a copy of the site plan and any other relevant documents.			<input checked="" type="checkbox"/>
I have signed a copy of the photos (where the application is to relocate a building).			<input checked="" type="checkbox"/>
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.			<input checked="" type="checkbox"/>
<i>Rebecca Paul</i>		<i>28/5/2022</i>	
<i>Joshua Paul</i>		<i>28/5/2022</i>	
		<i>/ /</i>	

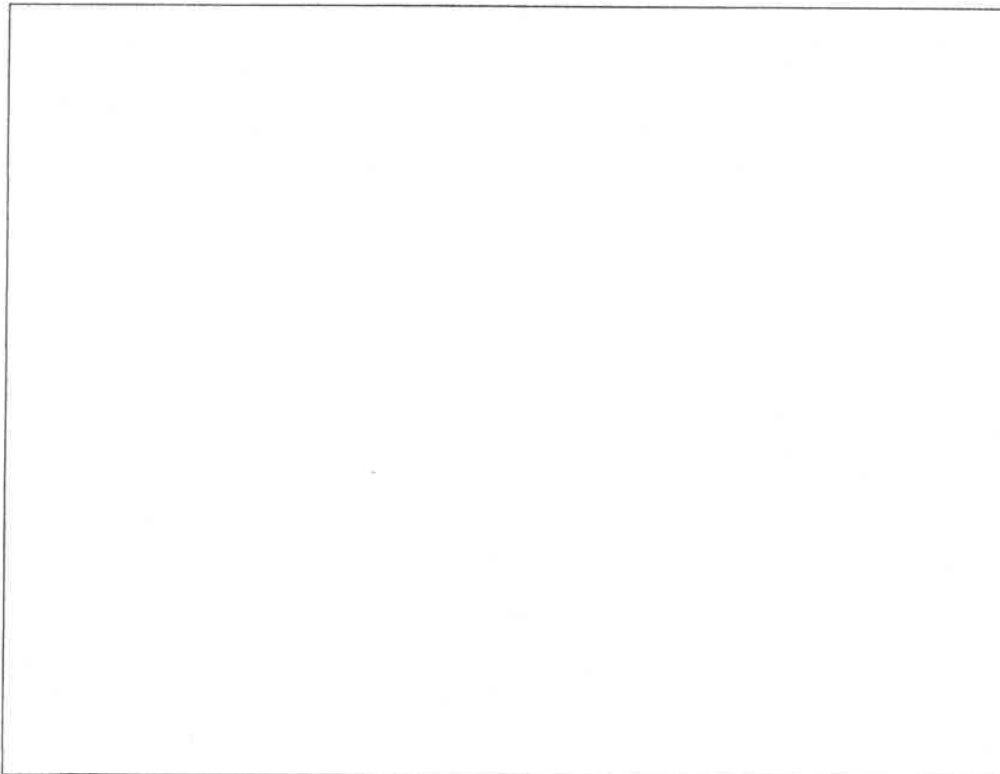
Signature(s) of person giving written approval
(or person authorised to sign on behalf of person giving written approval)

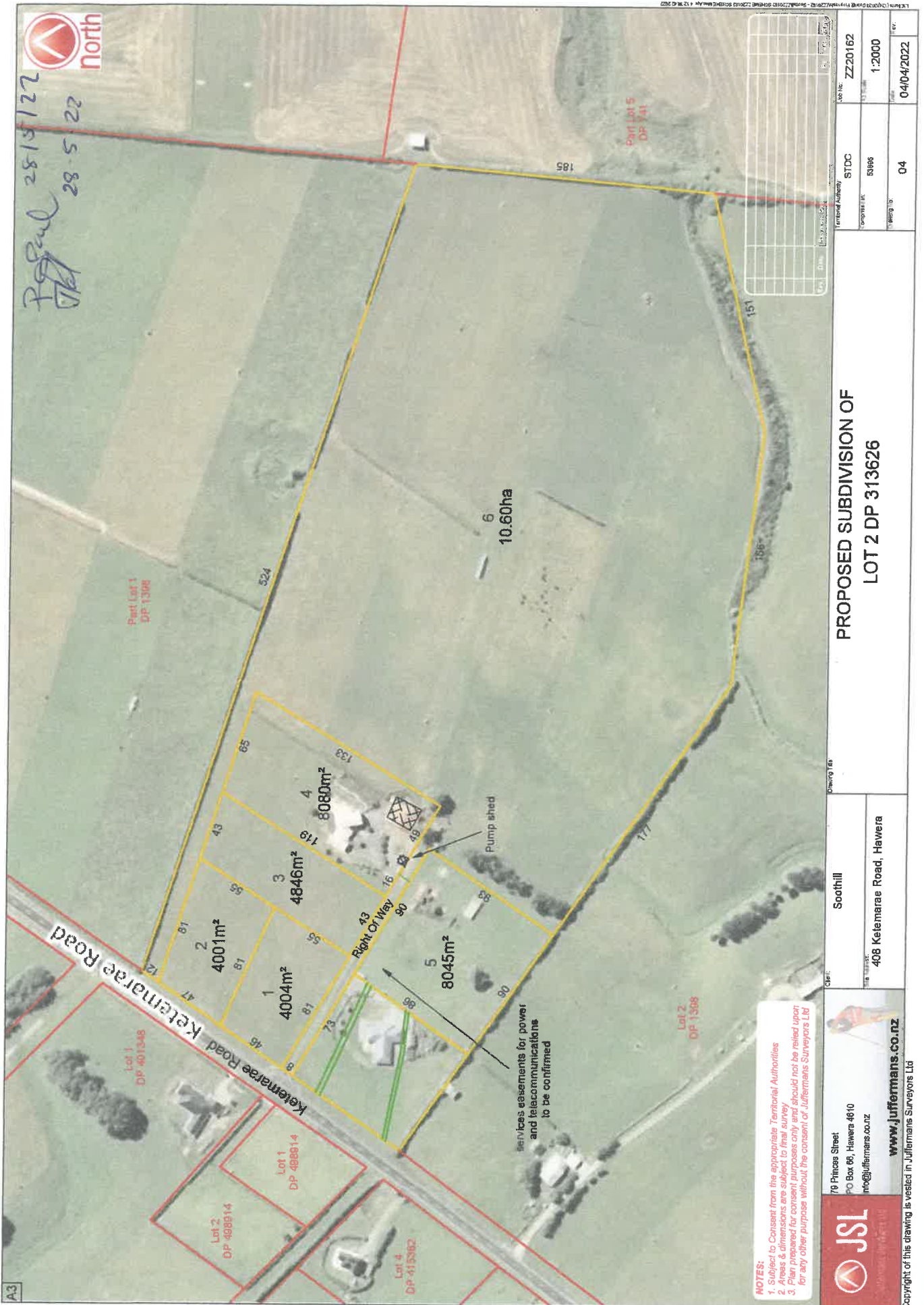
Date

If you do not fully understand the proposal or do not agree with the proposal do not sign this form.
You may withdraw your written approval at any time prior to the Council making a decision on the application.
If you have any questions contact a Planner at the South Taranaki District Council.

The following is a list of effects you may wish to consider when deciding whether or not this application will affect you and the use of your land.

1. *The visual impact of the proposal in terms of its scale, location on the site, distance from the boundary, external design and appearance and relationship to the site boundary.*
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 - (a) *Traffic Generation*
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 - (e) *Air Pollution*
 - (f) *Shading, loss of daylight and sunlight*
 - (g) *Loss of Privacy*
3. *The impact of the proposal on the neighbourhood in general and the things that contribute to the pleasantness, aesthetics and cultural and recreational attributes of the neighbourhood.*





**PROPOSED SUBDIVISION OF
LOT 2 DP 313626**

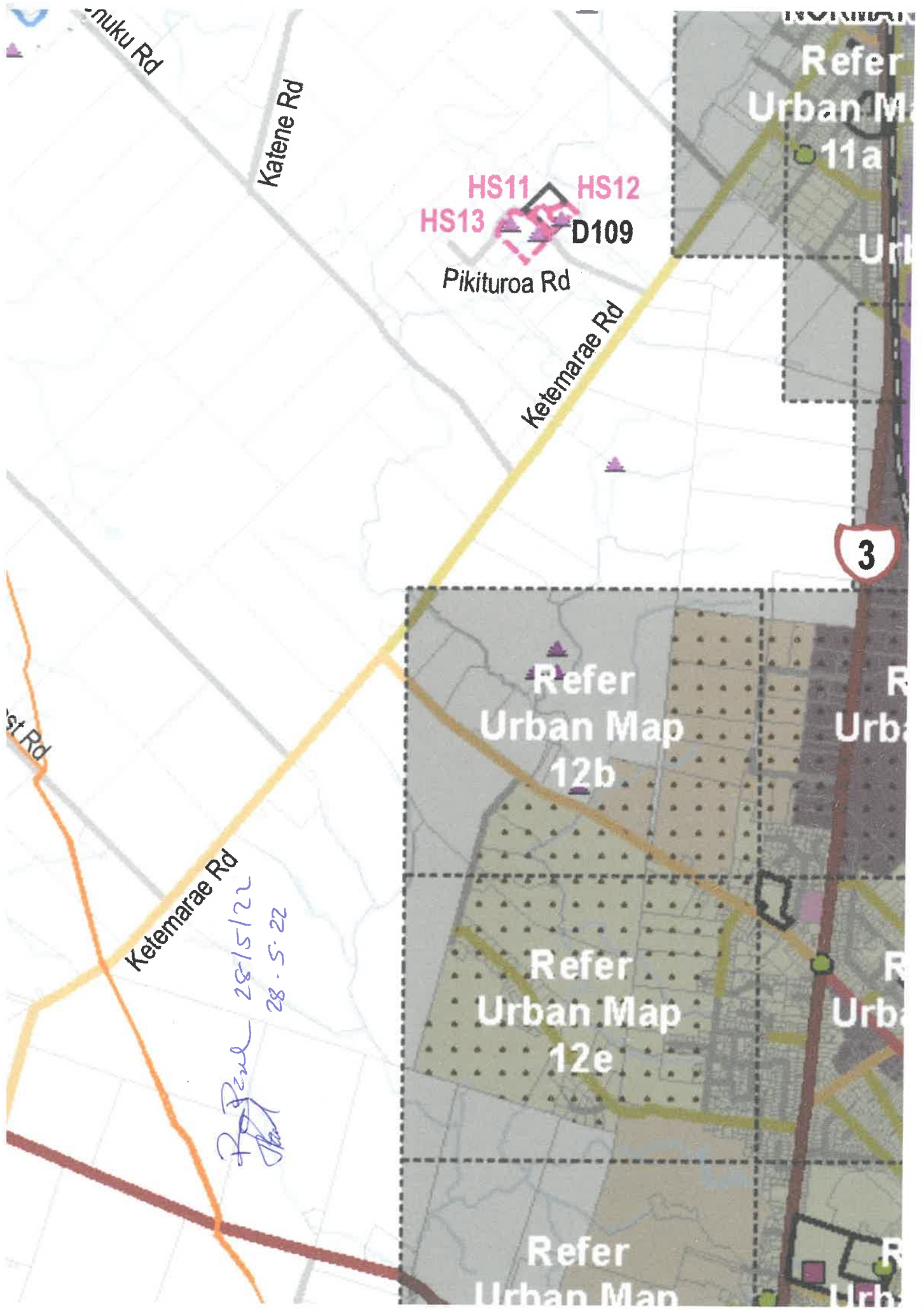
Client: Soothill
408 Ketemarae Road, Hawera

79 Pincaes Street
PO Box 66, Hawera 4810
me@juffermans.co.nz
www.juffermans.co.nz



- 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

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Written Approval

Form 8A of the Resource Management Act 1991

South Taranaki District Council
 Private Bag 902, Hawera 4640
 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com

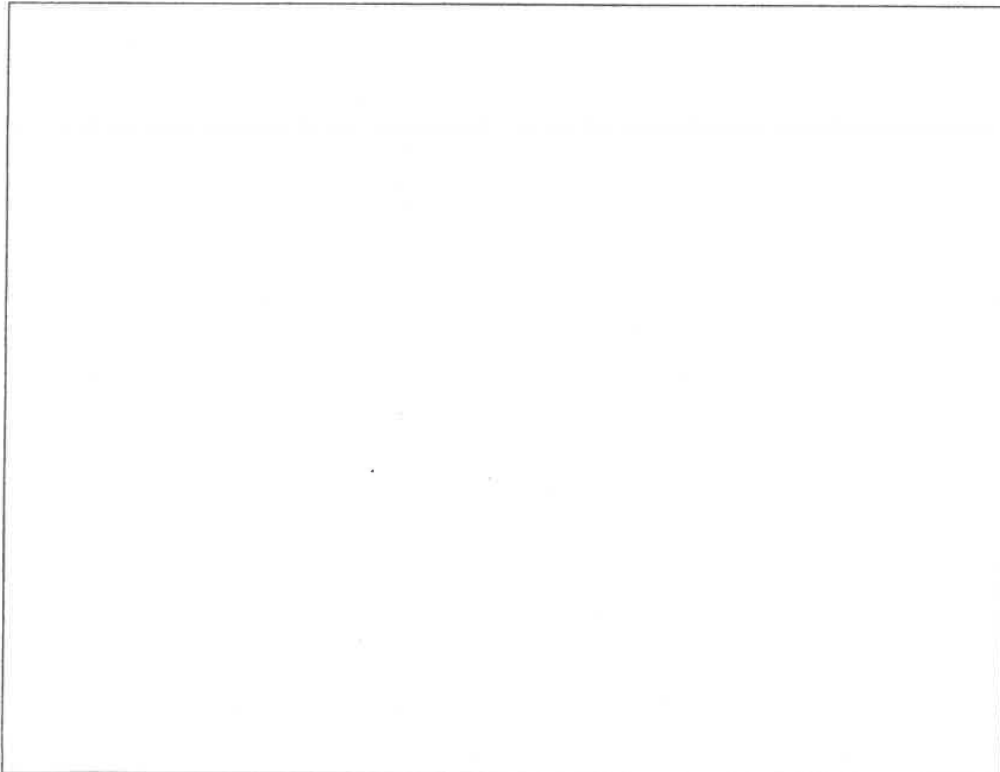


Details	
The Council requires approval of <u>all</u> legal owners and <u>all</u> occupiers of the property.	
I/We,	Reagan Mark Thomas 407 Ketemarae
being the owner(s) and occupiers(s) <input checked="" type="checkbox"/>	being the owner(s) <input type="checkbox"/>
being the occupier(s) <input type="checkbox"/>	have authority to sign on behalf of all the other owners/occupiers <input type="checkbox"/>
of the property at: 407 Ketemarae Rd.	
Give my approval for the application at 408 Ketemarae Road, Hawera, Taranaki	
The proposal is to 6 Lot Subdivision	
and does not meet the following District Plan requirements 9.1.3(a - within setting of heritage object) 9.1.3(d - subdivision of land with archaeological sites) 9.1.4 (more than 4 new lots, less than 20 hectares)	
Additional Information	
The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)	<input checked="" type="checkbox"/>
I have signed a copy of the site plan and any other relevant documents.	<input checked="" type="checkbox"/>
I have signed a copy of the photos (where the application is to relocate a building).	<input checked="" type="checkbox"/>
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.	<input checked="" type="checkbox"/>
- Covenants - New Build - No transportable - Fences in keeping -	
	31/5/22
	/ /
	/ /
Signature(s) of person giving written approval (or person authorised to sign on behalf of person giving written approval)	Date

If you do not fully understand the proposal or do not agree with the proposal do not sign this form.
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 - (g) *Loss of Privacy*
3. *The impact of the proposal on the neighbourhood in general and the things that contribute to the pleasantness, aesthetics and cultural and recreational attributes of the neighbourhood.*





**PROPOSED SUBDIVISION OF
LOT 2 DP 313626**

Soothill
408 Ketemarae Road, Hawera

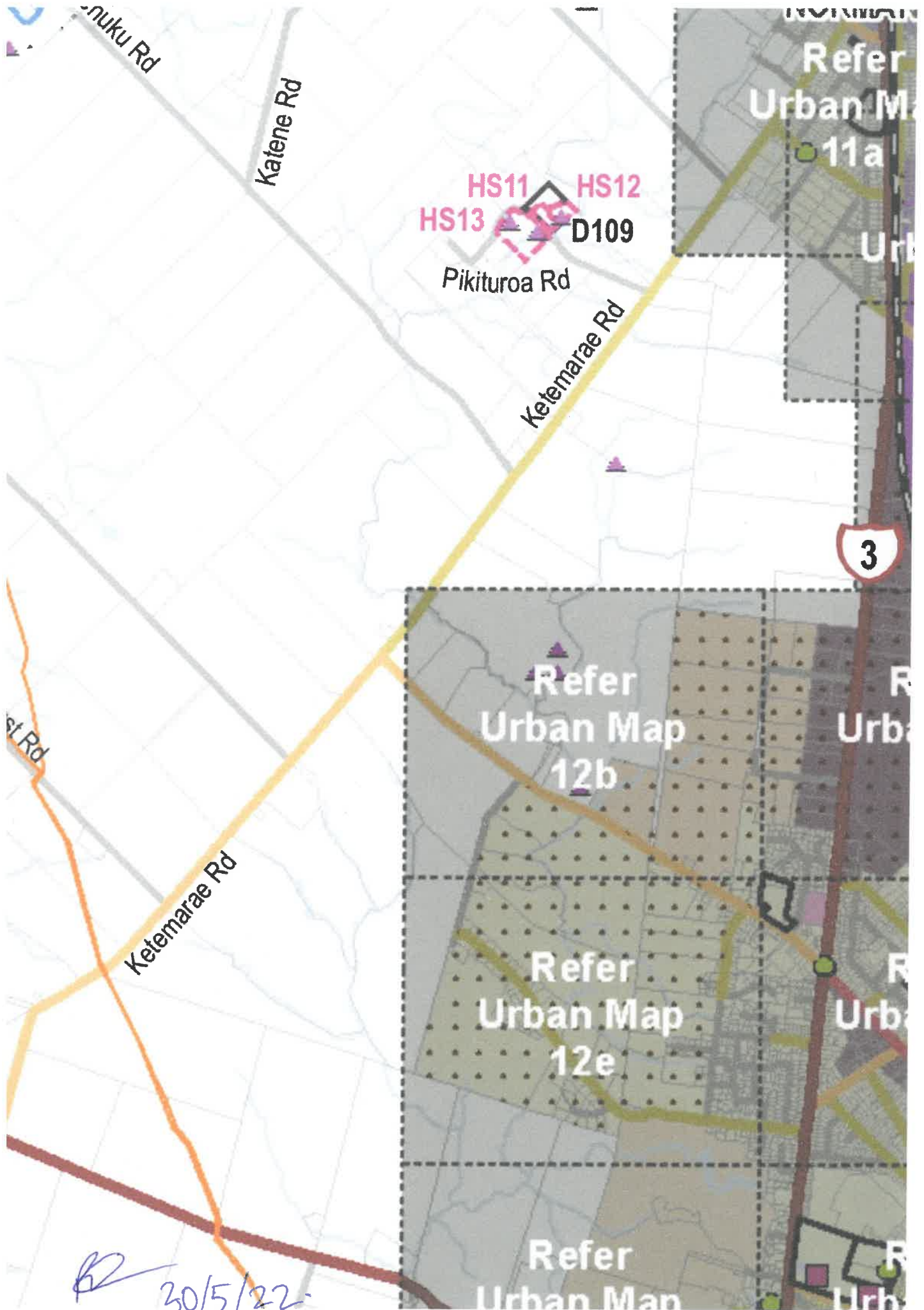
79 Pinna Street
PO Box 66, Hawera 4610
info@juffermans.co.nz



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services assessments for power and telecommunications to be confirmed



Written Approval

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 Private Bag 902, Hawera 4640
 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com



Details

The Council requires approval of all legal owners and all occupiers of the property.

I/We, Patria Shirtcliffe

being the owner(s) and occupiers(s) being the owner(s) being the occupier(s) have authority to sign on behalf of all the other owners/occupiers

of the property at: 401 Ketemarae Rd. Hawera.

Give my approval for the application at

408 Ketemarae Road, Hawera, Taranaki

The proposal is to

6 Lot Subdivision

and does not meet the following District Plan requirements

9.1.3 (a - within setting of heritage object).
9.1.3 (d - subdivision of land with archaeological sites)
9.1.4 (more than 4 new lots, less than 20 hectares).

Additional Information

The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)	<input checked="" type="checkbox"/>
I have signed a copy of the site plan and any other relevant documents.	<input checked="" type="checkbox"/>
I have signed a copy of the photos (where the application is to relocate a building).	<input checked="" type="checkbox"/>
I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.	<input checked="" type="checkbox"/>

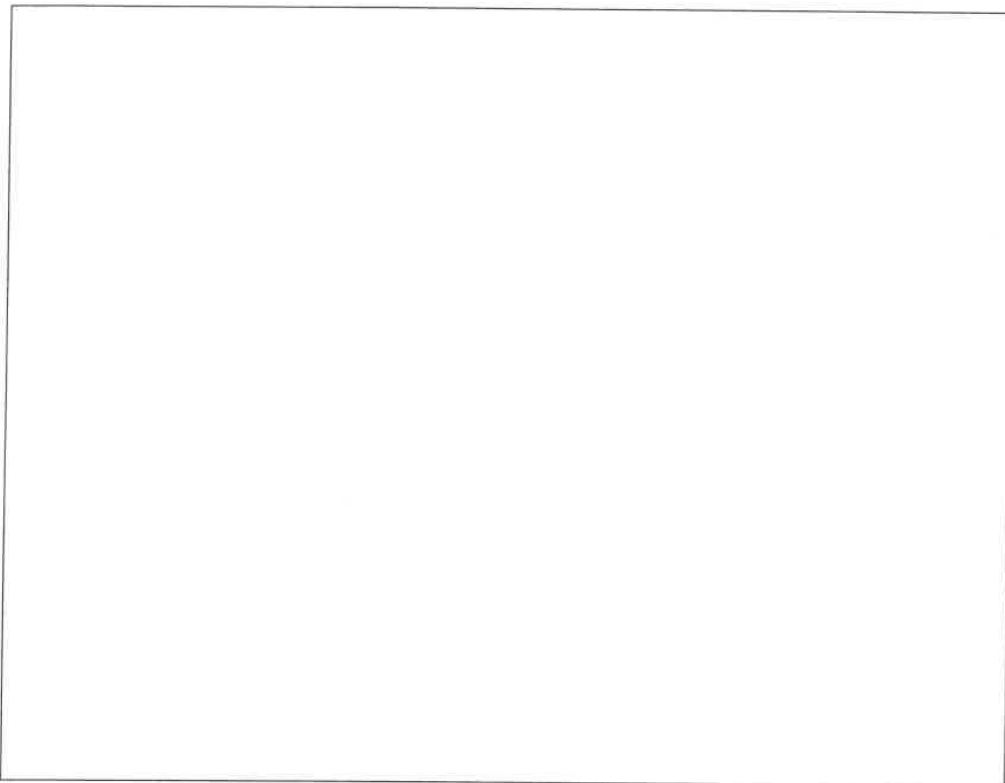
<u>P. Shirtcliffe</u>	<u>29/5/2022</u>
	/ /
	/ /

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

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Handwritten: DMS/wh/10/10/22
29/5/22



Case No:	ZZ20162
STDC:	STDC
Case No:	52896
Scale:	1:2000
Date:	04/04/2022

**PROPOSED SUBDIVISION OF
LOT 2 DP 313626**

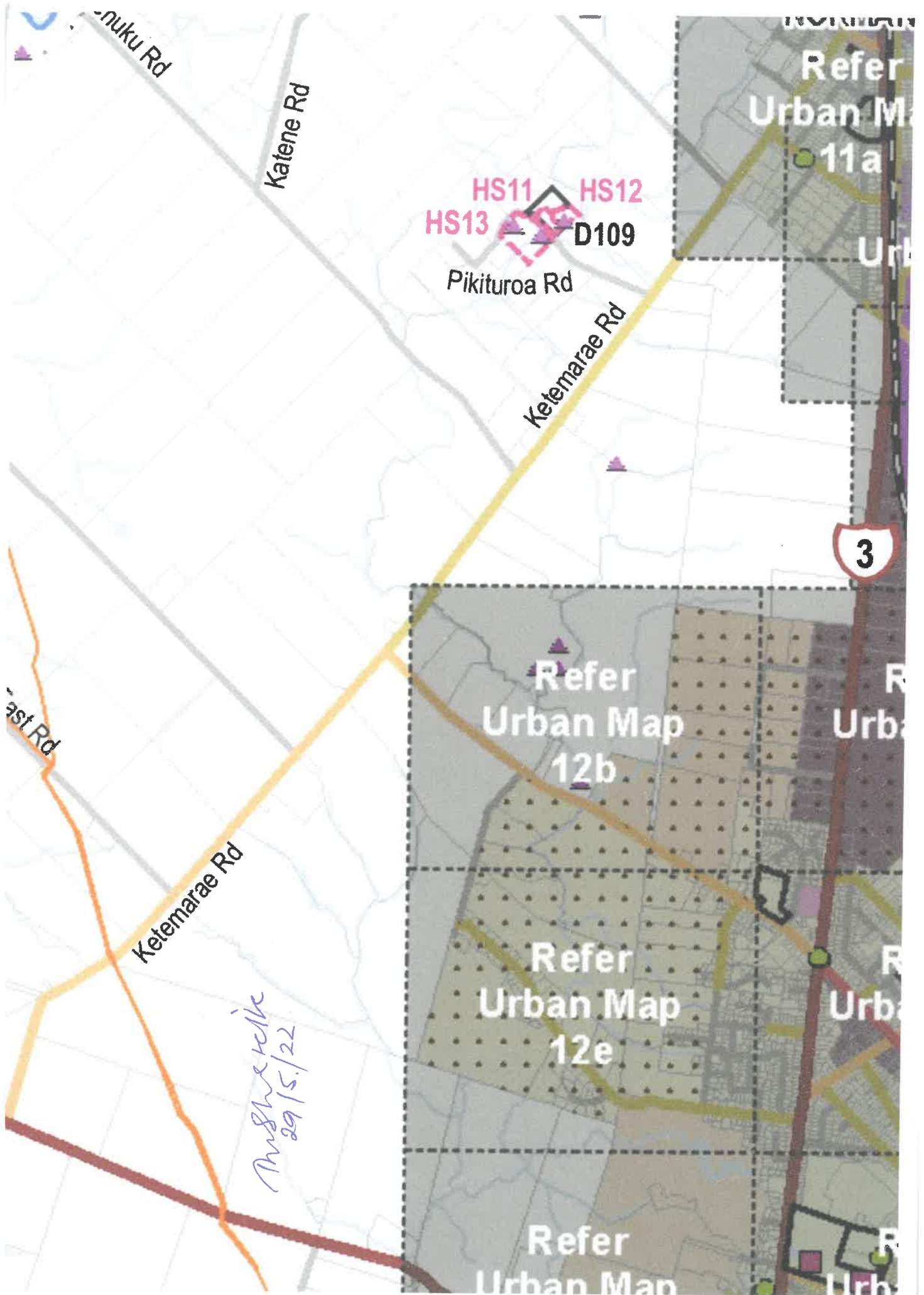
Soothill
408 Ketemarae Road, Hawera

70 Princes Street
PO Box 66, Hawera 4810
info@julferrmans.co.nz
www.julferrmans.co.nz



NOTES:
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3. Plan prepared for consent purposes only and should not be relied upon for any other purpose without the consent of Julferrmans Surveyors Ltd

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Written Approval

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 Private Bag 902, Hawera 4640
 Telephone: 06 278 0555 or 0800 111 323
 Web: www.southtaranaki.com



Details			
<i>The Council requires approval of all legal owners and all occupiers of the property.</i>			
I/We,	<i>Bevern John Soothill</i>		
	<i>Rosemary Mary Soothill</i>		
being the owner(s) and occupiers(s) <input checked="" type="checkbox"/>	being the owner(s) <input type="checkbox"/>	being the occupier(s) <input type="checkbox"/>	have authority to sign on behalf of all the other owners/occupiers <input type="checkbox"/>
of the property at: <i>406 Ketemarae Road, Hawera</i>			
Give my approval for the application at <i>408 Ketemarae Road, Hawera, Taranaki</i>			
The proposal is to <i>6 Lot Subdivision</i>			
and does not meet the following District Plan requirements <i>9.1.3(a - within setting of heritage object)</i> <i>9.1.3(d - subdivision of land with archaeological site)</i> <i>9.1.4 (more than 4 new lots, less than 20 hectares)</i>			
Additional Information			
The proposal has been explained to me and I understand its effect on me. (See reverse of form for a list of some possible effects)	<input checked="" type="checkbox"/>		
I have signed a copy of the site plan and any other relevant documents.	<input checked="" type="checkbox"/>		
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I also understand that if I give my approval, the application may be processed without notification and the Council cannot take into account any effects that the proposal may have on me, when it considers the application.	<input checked="" type="checkbox"/>		
<i>B Soothill</i>	<i>19/09/2022</i>		
<i>EW Soothill</i>	<i>19/9/2022</i>		
	<i>/ /</i>		

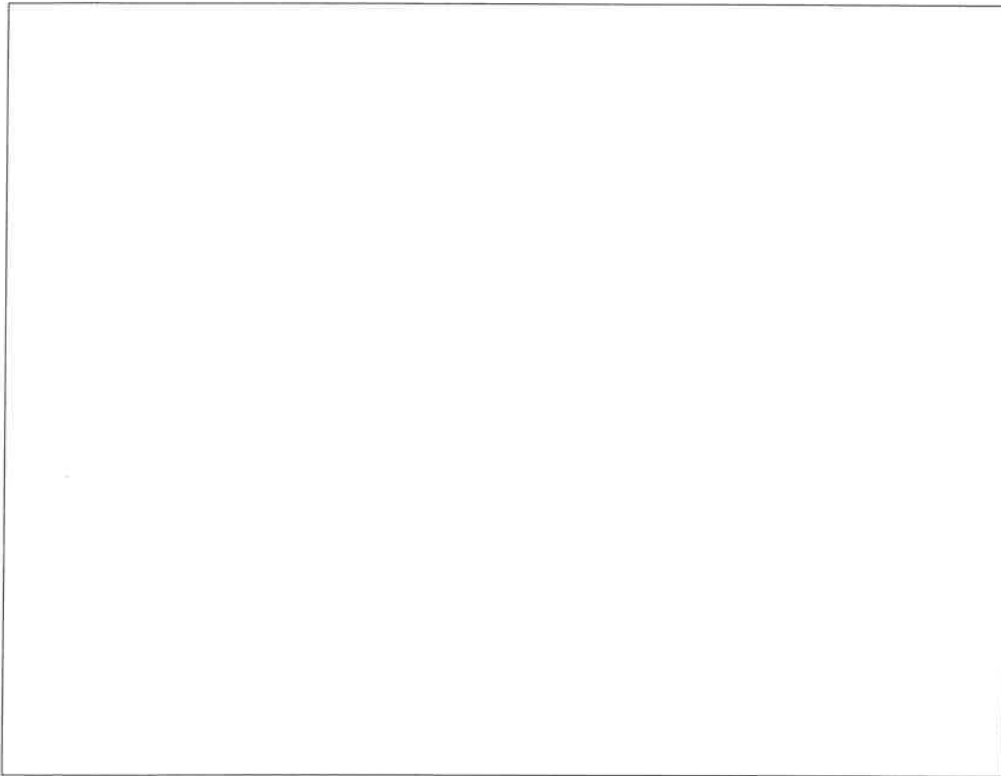
Signature(s) of person giving written approval
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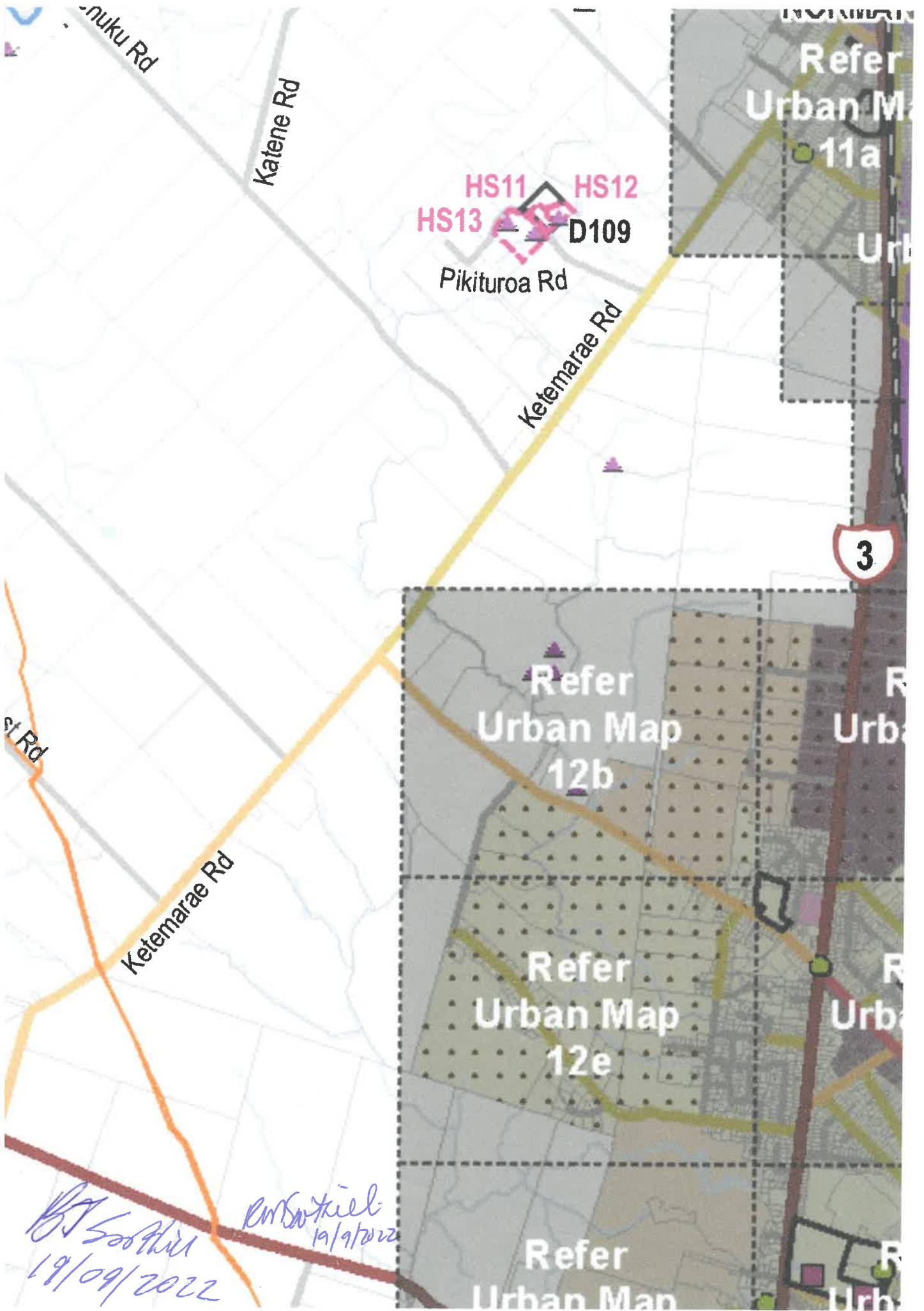
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Adam Bridgeman

From: Adam Bridgeman
Sent: Wednesday, 10 January 2024 8:44 pm
To: Allan Chesswas
Cc: 'Planning'; Liam.Dagg@stdc.govt.nz; Jessica Sorensen; Bevan Soothill; Enfys & John Soothill; bena@greenbridge.co.nz
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Thanks Allan,

This may take a bit to review, so I will aim to review this information next week, with discussion internally as to the next step.

Kind Regards,
Adam



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Sent from [Mail](#) for Windows

From: [Allan Chesswas](#)
Sent: Wednesday, 10 January 2024 7:00 PM
To: [Adam Bridgeman](#)
Cc: 'Planning'; [Liam.Dagg@stdc.govt.nz](#); [Jessica Sorensen](#); [Bevan Soothill](#); [Enfys & John Soothill](#); [bena@greenbridge.co.nz](#)
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Dear Adam

Please find attached further information to support the application of John Soothill and Enfys Soothill for resource consent to subdivide their property at 408 Ketemarae Road.

The proposal has been amended with the number of lots reduced, to be a **5-lot subdivision**, instead of a 6-lot subdivision.

The information attached consists of:

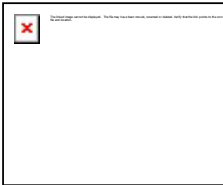
- a) A revised scheme plan (5 lots);
- b) A productive capacity assessment of the revised proposal (5 lots), completed by Bena Denton of Greenbridge, a regenerative landscape consultancy specialising in the design and development of food systems;

- c) A letter summarising the productive capacity assessment, and providing further consideration of the proposal under Section 104 of the Act with reference to principles drawn from relevant council and Environment Court decisions, and reflections on Part II, on the RMA as enabling legislation, decision integrity and evidence, and the limited scope of decision-making powers under the RMA.

The AEE is also attached for your convenience.

With this information provided, the applicant is satisfied that no further time is needed to allow council and the applicant to better gauge the issues at stake, and increase exposure to information that can better allow for better informed decision-making under Part II of the RMA, and thereby prevent any premature recommendations or decision. The applicant therefore now requests under Section 91B of the Act that council cease to suspend the processing of the application.

Yours sincerely,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [mailto:Adam@abplanning.co.nz]
Sent: Monday, 15 May 2023 10:41 am
To: Allan Chesswas
Cc: Planning
Subject: RE: 408 Ketemarae Road (RMS23026) - Sectin 91A suspension of processing

Thanks Allen,

Will do and will touch base in the next week or two.

Kind Regards,
Adam

Adam Bridgeman
Senior Planning Consultant | AB Planning
M | 020 4173 8254



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From: [Allan Chesswas](#)
Sent: Friday, 12 May 2023 12:15 PM
To: [Adam Bridgeman](#); [Planning](#)
Cc: [Bevan Soothill](#); [Jessica Sorensen](#); Liam.Dagg@stdc.govt.nz
Subject: 408 Ketemarae Road (RMS23026) - Sectin 91A suspension of processing

Dear Adam

On behalf of the applicant, I request that the processing of resource consent application RMS23026 for a 6-lot subdivision at 408 Ketemarae Road is suspended, under Section 91A of the RMA 1991.

The intent of this suspension to give both the applicant and council time to better gauge the issues at stake, and increase exposure to information that can better allow for informed decision-making under Part II of the RMA, and thereby prevent any premature recommendations or decision-making.

As discussed in previous correspondence, it is hoped that this will also give council time to go through process of circulating a draft officer's report and recommendation.

Yours sincerely,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [mailto:ajchesswas@gmail.com]

Sent: Tuesday, 9 May 2023 4:22 pm

To: Adam@abplanning.co.nz

Cc: Bevan Soothill (bjsoothill@gmail.com)

Subject: RE: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

Hi Adam

Cheers for the quick chat just now.

As discussed, our preference at this point would be to slow things down under Section 91A or 37, so that you can circulate a draft officer's report that we can engage with, which can potentially lead to a redesign, rather than racing to a decision, and then going through the same process via hearing mediation.

I think Section 37 would be best to use to this end (<https://www.qualityplanning.org.nz/node/869>), rather than Section 91A. Putting a consent on hold and circulating a draft is always best practice where conditions are to be imposed (<https://www.qualityplanning.org.nz/node/914>), let alone if decline was to be recommended. Whether recommending grant, decline or conditions, positive communication ensures that the issues at stake are well enough understood by both parties to enable design and decision-making consistent with Part II, in good faith.

Cheers

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [mailto:ajchesswas@gmail.com]
Sent: Friday, 5 May 2023 2:08 pm
To: Adam@abplanning.co.nz
Subject: FW: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

From: Allan Chesswas [mailto:ajchesswas@gmail.com]
Sent: Friday, 5 May 2023 1:53 pm
To: abridgeman@jenvironmental.co.nz; Jessica Sorensen (Jessica.Sorensen@STDC.govt.nz); Liam.Dagg@stdc.govt.nz
Cc: Bevan Soothill (bjsoothill@gmail.com); Scott Grieve (scottg@connectlegal.co.nz); kathryn@landpro.co.nz
Subject: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

Hi Adam & Jess

As discussed, there is a 6-lot subdivision at Leith Road, Okato, which is subject to a hearing this month, for which Scott Grieve of Connect Legal Taranaki and Kathryn Hooper of Landpro have prepared an assessment against the NPSHPL.

The evidence documentation for the hearing is available at the link below, the J Allen & K Hooper documents being those most relevant:

<https://www.npdc.govt.nz/council/hearings/2022/june/b-m-and-r-sim/>

As with our AEE, they are highlighting what the NPS itself highlights – that **size itself is not the determinant** of whether subdivision is to be avoided, but rather **whether productive capacity is retained**.

As with our AEE, they are using evidence to show lots don't have to be big to be productive – that in fact, **productivity requires that there be small lots available**.

Recognising that the **NPS is more about preventing multi-lot urban natured residential development on HPL**. Not stopping small-lot development, but rather making sure those developments are **designed** in such a way that they retain productive capacity.

This supports the position that an outright decline of a rural small-lot application, without **adequate engagement with an assessment of its impact on productive capacity**, would fly in the face of Part II of the RMA, legal process and common law recognition of private property rights.

A decision needs to be based on evidence that is bespoke and peculiar to the site, there should be no presumption of guilt without trial – evidence assessing productive capacity must be effectively engaged and considered. Declining a small application only on the basis that they are small does not do that. As planners we need to be prioritise being professional over being political, and leave the latter to the politicians!

As discussed, we are happy to consider any views you may have as to how the subdivision design can be improved to further safeguard productive capacity. If you are still inclined to recommend declining the proposal, then do let us know and we could look at a redesign.

It would be best to work constructively and practically on the matter without having to call in legal resource. Understandable if you want to wait and see what happens in New Plymouth before doing so, but at the same time we are more than happy to try to get this sorted in the south first.

Please lets touch base early next week to get some bearing on how we are all tracking in this dynamic environment. We are more than willing to come in for a meeting for a frank and constructive discussion.

Yours sincerely,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

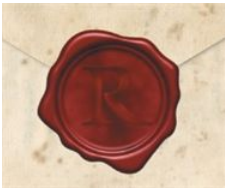
Adam Bridgeman

From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Friday, 9 February 2024 6:06 pm
To: 'Jessica Sorensen'; 'Liam Dagg'
Cc: 'Bevan Soothill'; Adam Bridgeman
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Thanks for this clarification Jessica.

I am mindful that there are timeframes that still need to be complied with, ie a decision 20 WD after submissions close. I've advised the applicant they may get a s37A(2)(b) request if you want to go April.

Cheers,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Jessica Sorensen [mailto:Jessica.Sorensen@STDC.govt.nz]
Sent: Friday, 9 February 2024 4:02 pm
To: Liam Dagg; Allan Chesswas
Cc: Bevan Soothill; Adam Bridgeman
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Just reading your email below again, the hearing is not an RMA hearing, it is a Council Policy setting decision. Any applications setting a precedence or recommending a decline go forward to this setting. We do not hold these in accordance with the RMA timelines.

Ngā mihi,

Jessica Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

Te Kaunihera o Taranaki ki te Tonga | South Taranaki District Council

105-111 Albion St, Hāwera 4610 | Pūrangi Motuhake 902 | Private Bag 902, Hāwera 4640, NZ

Waea Kore Utu/Freephone: 0800 111 323 | Waea/Phone: +64 6 278 0555 | www.southtaranaki.com



From: Jessica Sorensen
Sent: Friday, February 9, 2024 3:59 PM

To: Liam Dagg <Liam.Dagg@STDC.govt.nz>; Allan Chesswas <ajchesswas@gmail.com>
Cc: Bevan Soothill <bjssoothill@gmail.com>; Adam Bridgeman <Adam@abplanning.co.nz>
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

It would be a push to have reports ready to meet agenda deadlines. Adam would need to have the information and a report prepared before the 19th February. The next E & H is on the 24th April it is best to aim for this date.

Ngā mihi,

Jessica Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

Te Kaunihera o Taranaki ki te Tonga | South Taranaki District Council

105-111 Albion St, Hāwera 4610 | Pūrangi Motuhake 902 | Private Bag 902, Hāwera 4640, NZ

Waea Kore Utu/Freephone: 0800 111 323 | Waea/Phone: +64 6 278 0555 | www.southtaranaki.com



From: Liam Dagg <Liam.Dagg@STDC.govt.nz>

Sent: Friday, February 9, 2024 2:44 PM

To: Allan Chesswas <ajchesswas@gmail.com>

Cc: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>; Adam Bridgeman <Adam.Bridgeman@STDC.govt.nz>; Bevan Soothill <bjssoothill@gmail.com>

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Allan

13 March is the next scheduled date for an Ordinary E&H Committee meeting; Jess to confirm whether that's what we're aiming for



cheers

Te Kaunihera o Taranaki ki Te Tonga
South Taranaki
District Council

Liam Dagg

Kaiarataki Taiao | Group Manager - Environmental Services

From: Allan Chesswas <ajchesswas@gmail.com>

Sent: Friday, February 9, 2024 12:24 PM

To: Liam Dagg <Liam.Dagg@STDC.govt.nz>

Cc: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>; Adam Bridgeman <Adam.Bridgeman@STDC.govt.nz>; Bevan Soothill <bjssoothill@gmail.com>

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

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Thanks so much Liam, STDC covering the peer review will be welcome news to the applicant.

Adam, if you need more time to articulate and explain your comment about considering the proposal to be inconsistent with Os & Ps, I'm going to take it as a judgment of probabilities rather than even a cursory assessment, based on the lack of a precedent, not based on the info submitted.

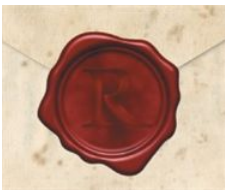
I can't imagine any extra piece of info that could add any major value to help demonstrate productive capacity is retained. And I can't imagine any info that could be produced that could refute that. And so I can't accept a suggestion that the proposal is inconsistent with Os & Ps based on the detail that is on the table.

We do, though, welcome the Agfirst peer review, and look forward to receiving it, and to getting to the hearing.

I understand that the hearing would need to be before March 14, according to s103A timeframes.

With the peer review commissioned, could you please advise when you expect to hold the hearing for this application?

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Liam Dagg [<mailto:Liam.Dagg@STDC.govt.nz>]

Sent: Friday, 9 February 2024 10:48 am

To: Allan Chesswas

Cc: Jessica Sorensen; Adam Bridgeman

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Allan

Just further to this, Council will cover the cost of the peer review, giving it's the first one we've done against HPL in this space



cheers

Liam Dagg

Kaiarataki Taiao | Group Manager - Environmental Services

From: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>

Sent: Friday, February 9, 2024 10:43 AM

To: Liam Dagg <Liam.Dagg@STDC.govt.nz>

Subject: FW: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

From: Adam Bridgeman <Adam@abplanning.co.nz>

Sent: Friday, February 9, 2024 10:04 AM

To: Allan Chesswas <ajchesswas@gmail.com>; Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

CAUTION: This email originated from outside of STDC. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Allan,

Sorry I missed your call yesterday, it must have gone straight to voicemail, odd that it didn't pop up in my call log, but I had a voice message from you.

I think at this point, I need to sit down and spend some time working through DP policy, flesh this out on to paper, where it would then be available for the s104 assessment. This would take some time and given the way it is going I don't want to rush it.

Understandably you wish to keep things moving, and with this, I think we should push ahead with the productive land peer review, rather than wait for the above.

Let me know your thoughts..

Thanks,
Adam

Sent from [Mail](#) for Windows

From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Thursday, February 8, 2024 5:13:44 PM
To: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>
Cc: Adam Bridgeman <Adam@abplanning.co.nz>
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Jess & Adam

Time is ticking away, and I really need to chat to you about this. Could you please give me a call on 06 762 7841, anytime.

Regards,

Allan



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [<mailto:ajchesswas@gmail.com>]
Sent: Friday, 2 February 2024 1:30 pm
To: Jessica Sorensen (Jessica.Sorensen@STDC.govt.nz)
Cc: 'Adam Bridgeman'; Bevan Soothill (bjsoothill@gmail.com); Enfys & John Soothill (2soothill@gmail.com)

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Jess and Adam

I have spoken with Mr Soothill and he is willing in principle not to refuse the commissioning of this report. He is also willing to shoulder the cost. But I remain of the view that some of the burden should fall on Council, because of the public interest in the decision.

I tried contacting Adam, but he messaged to say he is away until Thursday, and suggested getting in touch with you Jess.

Before accepting the commissioning of the report and further costs, it is critical to understand more about how it is you have determined that the proposal as it stands with the tabled assessment might not be consistent with the Os & Ps of the plan, and Sections 3.8, 3.9 and 3.10 of the NPS, as suggested by Adam in his email dated 19/1/24.

Re District Plan

Rural character and amenity values are maintained, even enhanced by enabling new ownership opportunities. Farming and rural based activities are not inhibited, but perhaps even enabled for the same reasons. There is no degradation or compromising of these qualities.

The landscape will retain capacity to be productive.

Vegetative landscapes will predominate over buildings

Population will remain low relative to urban areas

On-site servicing will be provided.

Potential adverse effects are somewhere in the continuum from de minimis to no more than minor.

Reverse sensitivity effects are avoided.

There is no evidence that the proposed subdivision has the potential to inhibit the efficient use and development of versatile land for farming purposes. On the contrary, it has the potential to greatly enhance the productive and efficient use of that land.

Re Sec 8 NPSHPL

Productive capacity of the subject site is retained over the long term, as demonstrated by the Greenbridge assessment.

I am working on a similar job in the Whanganui District, and have had detailed pre-app engagement with them, with this kind of discussion. I think it is critical we go onto this with eyes wide open understanding well any cursory position taken, so the applicant/ratepayer/citizen is well able to assess risks and costs going through this process.

Yours sincerely,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]

Sent: Thursday, 25 January 2024 1:21 pm

To: Allan Chesswas

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Allan,

I've had an estimate of \$1,200 - \$1,500 + GST come back from AgFirst for the peer review

As below, I'll hold fire in commissioning the report before you liaise with the applicant.

Kind Regards,
Adam



From: Allan Chesswas <ajchesswas@gmail.com>

Sent: Monday, January 22, 2024 5:51 PM

To: 'Jessica Sorensen' <Jessica.Sorensen@STDC.govt.nz>; Adam Bridgeman <Adam@abplanning.co.nz>

Cc: 'Reg Korau' <reg.korau@stdc.govt.nz>; 'Planning' <Planning@STDC.govt.nz>

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Jess

I think putting costs onto the applicant might be fair enough for an application that was going beyond what had to that point been considered typical activity. And for an application that involved an activity where there was good reason to suppose the possibility of adverse effects on resources that we have good reason to consider are under pressure or compromised. We have neither evidence nor policy direction that can permit us to take such a view.

The RMA isn't there to control activities that fall outside of these categories, so charging an applicant for work to prove what is already by plainly evident in the copious amount of work already provided is not really on.

I'd happily argue the case further on this. At this stage I haven't discussed the matter with the applicant. Adam told me he was going to get back to me this week after getting an estimate from Agfirst, and suggested I wait for this before talking it over with the applicant.

I do consider it unlikely that Agfirst are in a position to be able to peer review Bena's work, as their expertise appears to me to be weighted more towards large scale agri-business and aggregated business. Their work may be able to complement Bena's, but I think it would be inappropriate to consider they have capacity to adequately undertake a peer review. Happy to be proved wrong on that, but not happy to spend the applicant's money to find out!

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Jessica Sorensen [<mailto:Jessica.Sorensen@STDC.govt.nz>]

Sent: Saturday, 20 January 2024 3:58 pm

To: Allan Chesswas; 'Adam Bridgeman'

Cc: Reg Korau; Planning

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Thanks Alan,

Given this is the first report assessing the NPS that we have received, we will proceed in getting it reviewed. This is no different from any other new variant of report that we receive from engineers, SQEPs and other experts that we have never worked with before. And under these circumstances where the review is used to assist with the assessment of the application the costs are recoverable.

Ngā mihi,

Jessica Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

Te Kaunihera o Taranaki ki te Tonga | South Taranaki District Council

105-111 Albion St, Hāwera 4610 | Pūrangi Motuhake 902 | Private Bag 902, Hāwera 4640, NZ

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From: Allan Chesswas <ajchesswas@gmail.com>

Sent: Friday, January 19, 2024 2:27 PM

To: 'Adam Bridgeman' <Adam@abplanning.co.nz>

Cc: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>; Reg Korau <reg.korau@stdc.govt.nz>; Planning <Planning@STDC.govt.nz>

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

CAUTION: This email originated from outside of STDC. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Adam, Jess, Reg,

Thanks Adam for setting out your initial response to the further information provided.

I understand your reticence, given the unusual nature of the situation, confronted by a new planning framework. However the information supplied more than suffices in terms of the burden the applicant should be expected to bear.

I would balk at any further costs being put onto the applicant. The information supplied should be sufficient for a trained eye to make a decision. The cost of any further information ought to be borne by Council rather than the applicant. It is, after all, not the applicant's burden that you consider that a decision may be precedent setting.

The information you describe as not being included will not add any value to the ability to consider whether productive capacity is retained. The NPSHPL and the District Plan are ambiguous as to the extent to which **comparative** productive capacity is to be considered, and this will ultimately be a matter to consider subject to Part II, to be weighed up in the context of the overall enabling legal framework of the RMA and property and tort law general that I **HAVE** discussed.

I would imagine we would not refuse the commissioning of the report under s92(2)(c). But, if it were to proceed, I imagine that the applicant, as I, would only do so on the terms that the costs would be borne by Council.

I will look forward to hearing back from you.

Yours sincerely,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]

Sent: Friday, 19 January 2024 12:54 pm

To: Allan Chesswas

Cc: Jessica Sorensen; Reg Korau; Planning

Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Hi Allan,

Further to the information provided and amendments proposed, I have had a chance to review this information with the Planning Management Team and work through the implications of this in respect of the information submitted, with particular discussion around the proposal set against the District Plan and the National Policy Statement for Highly Productive Land (NPS).

At this stage, I am still of the opinion the application would be contrary to the District Plan Objectives and policies for the Rural Zone, as well as contrary to the NPS, particularly Sections 3.8, 3.9 and 3.10.

Given the nature of the application and the possibility that this may set a precedent at the District, Regional and National Level, Council has determined that the next step will be to have the Greenbridge Productive Capacity Report peer reviewed. I also note that the report does not determine the overall productive capacity of the subject site as a whole, when referenced against the potential productivity scenarios that each proposed Lot was compared against. This does not give an accurate picture of the property potential as a whole.

I have reached out to AgFirst to undertake this peer review and they have agreed to review/ provide an initial potential cost assessment. I hope to have this to you next week.

I will commission this report under s92(2) and note the applicant may refuse the commissioning of the report under s92(2)(c). I will take this as notification under s92(2).

As always, happy to discuss, but may pay to wait until next week when I have the cost estimate and you can touch base with the applicant.

Kind Regards,
Adam



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From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Wednesday, January 10, 2024 6:58 PM
To: Adam Bridgeman <Adam@abplanning.co.nz>
Cc: 'Planning' <Planning@STDC.govt.nz>; Liam Dagg <Liam.Dagg@stdc.govt.nz>; Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>; Bevan Soothill <bjsoothill@gmail.com>; Enfys & John Soothill <2soothill@gmail.com>; ben@greenbridge.co.nz
Subject: RE: 5-lot subdivision at 408 Ketemarae Road (RMS23026) - Further information & cessation of suspension of processing under Sections 91A&B

Dear Adam

Please find attached further information to support the application of John Soothill and Enfys Soothill for resource consent to subdivide their property at 408 Ketemarae Road.

The proposal has been amended with the number of lots reduced, to be a 5-lot subdivision, instead of a 6-lot subdivision.

The information attached consists of:

- A revised scheme plan (5 lots);
- A productive capacity assessment of the revised proposal (5 lots), completed by Bena Denton of Greenbridge, a regenerative landscape consultancy specialising in the design and development of food systems;
- A letter summarising the productive capacity assessment, and providing further consideration of the proposal under Section 104 of the Act with reference to principles drawn from relevant council and Environment Court decisions, and reflections on Part II, on the RMA as enabling legislation, decision integrity and evidence, and the limited scope of decision-making powers under the RMA.

The AEE is also attached for your convenience.

With this information provided, the applicant is satisfied that no further time is needed to allow council and the applicant to better gauge the issues at stake, and increase exposure to information that can better allow for better informed decision-making under Part II of the RMA, and thereby prevent any premature recommendations or decision. The applicant therefore now requests under Section 91B of the Act that council cease to suspend the processing of the application.

Yours sincerely,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]
Sent: Monday, 15 May 2023 10:41 am
To: Allan Chesswas
Cc: Planning
Subject: RE: 408 Ketemarae Road (RMS23026) - Sectin 91A suspension of processing

Thanks Allen,

Will do and will touch base in the next week or two.

Kind Regards,
Adam



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From: [Allan Chesswas](#)
Sent: Friday, 12 May 2023 12:15 PM
To: [Adam Bridgeman](#); [Planning](#)
Cc: [Bevan Soothill](#); [Jessica Sorensen](#); Liam.Dagg@stdc.govt.nz
Subject: 408 Ketemarae Road (RMS23026) - Sectin 91A suspension of processing

Dear Adam

On behalf of the applicant, I request that the processing of resource consent application RMS23026 for a 6-lot subdivision at 408 Ketemarae Road is suspended, under Section 91A of the RMA 1991.

The intent of this suspension to give both the applicant and council time to better gauge the issues at stake, and increase exposure to information that can better allow for informed decision-making under Part II of the RMA, and thereby prevent any premature recommendations or decision-making.

As discussed in previous correspondence, it is hoped that this will also give council time to go through process of circulating a draft officer's report and recommendation.

Yours sincerely,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [<mailto:ajchesswas@gmail.com>]

Sent: Tuesday, 9 May 2023 4:22 pm

To: Adam@abplanning.co.nz

Cc: Bevan Soothill (bjsoothill@gmail.com)

Subject: RE: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

Hi Adam

Cheers for the quick chat just now.

As discussed, our preference at this point would be to slow things down under Section 91A or 37, so that you can circulate a draft officer's report that we can engage with, which can potentially lead to a redesign, rather than racing to a decision, and then going through the same process via hearing mediation.

I think Section 37 would be best to use to this end (<https://www.qualityplanning.org.nz/node/869>), rather than Section 91A. Putting a consent on hold and circulating a draft is always best practice where conditions are to be imposed (<https://www.qualityplanning.org.nz/node/914>), let alone if decline was to be recommended. Whether recommending grant, decline or conditions, positive communication ensures that the issues at stake are well enough understood by both parties to enable design and decision-making consistent with Part II, in good faith.

Cheers

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [<mailto:ajchesswas@gmail.com>]
Sent: Friday, 5 May 2023 2:08 pm
To: Adam@abplanning.co.nz
Subject: FW: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

From: Allan Chesswas [<mailto:ajchesswas@gmail.com>]
Sent: Friday, 5 May 2023 1:53 pm
To: abridgeman@jcenvironmental.co.nz; Jessica Sorensen (Jessica.Sorensen@STDC.govt.nz); Liam.Dagg@stdc.govt.nz
Cc: Bevan Soothill (bjsoothill@gmail.com); Scott Grieve (scottg@connectlegal.co.nz); kathryn@landpro.co.nz
Subject: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

Hi Adam & Jess

As discussed, there is a 6-lot subdivision at Leith Road, Okato, which is subject to a hearing this month, for which Scott Grieve of Connect Legal Taranaki and Kathryn Hooper of Landpro have prepared an assessment against the NPSHPL.

The evidence documentation for the hearing is available at the link below, the J Allen & K Hooper documents being those most relevant:

<https://www.npdc.govt.nz/council/hearings/2022/june/b-m-and-r-sim/>

As with our AEE, they are highlighting what the NPS itself highlights – that **size itself is not the determinant** of whether subdivision is to be avoided, but rather **whether productive capacity is retained**.

As with our AEE, they are using evidence to show lots don't have to be big to be productive – that in fact, **productivity requires that there be small lots available**.

Recognising that the **NPS is more about preventing multi-lot urban natured residential development on HPL**. Not stopping small-lot development, but rather making sure those developments are **designed** in such a way that they retain productive capacity.

This supports the position that an outright decline of a rural small-lot application, without **adequate engagement with an assessment of its impact on productive capacity**, would fly in the face of Part II of the RMA, legal process and common law recognition of private property rights.

A decision needs to be based on evidence that is bespoke and peculiar to the site, there should be no presumption of guilt without trial – evidence assessing productive capacity must be effectively engaged and considered. Declining a small application only on the basis that they are small does not do that. As planners we need to be prioritise being professional over being political, and leave the latter to the politicians!

As discussed, we are happy to consider any views you may have as to how the subdivision design can be improved to further safeguard productive capacity. If you are still inclined to recommend declining the proposal, then do let us know and we could look at a redesign.

It would be best to work constructively and practically on the matter without having to call in legal resource. Understandable if you want to wait and see what happens in New Plymouth before doing so, but at the same time we are more than happy to try to get this sorted in the south first.

Please let's touch base early next week to get some bearing on how we are all tracking in this dynamic environment. We are more than willing to come in for a meeting for a frank and constructive discussion.

Yours sincerely,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

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10 January 2024

Adam Bridgeman (AB Planning)

Adam@abplanning.co.nz

Carbon copies: Liam Dagg & Jess Sorenson (South Taranaki District Council), Bevan Soothill, John Soothill, Enfys Soothill, Bena Denton (Greenbridge)

Attached: 1) Revised scheme plan; 2) Greenbridge productive capacity assessment

Dear Adam

Proposed 6-lot subdivision at 408 Ketemarae Road (RMS23026) – amendment to 5 lots and productivity assessment

1. In relation to an application for resource consent for a **6-lot subdivision at 408 Ketemarae Road, revised herein to 5 lots**, this letter outlines:
 - i. **Background** regarding suspension of processing (paragraphs 2 & 3;
 - ii. A **summary** of the purpose and ultimate conclusion of the letter (paragraphs 4 – 8;
 - iii. **Relevant decisions** issued by New Plymouth District Council, the Environment Court and South Taranaki District Council over the past year (paragraphs 9 – 12);
 - iv. The engagement of Bena Denton of Greenbridge to undertake a **productive capacity assessment**, and parallel subdivision design alterations including reduction to 5-lots (paragraphs 13 – 16);
 - v. **Revised proposal** taking into account amendments as a result of expert engagement (paragraph 17);
 - vi. The **conclusions reached** in the Greenbridge productive capacity assessment (paragraphs 18 & 19);
 - vii. **Principles and framework for considering** application for resource consent for subdivision on highly productive land under S.104 – drawn from the NPSHPL, the MfE Implementation Guide, relevant decisions, the Greenbridge assessment and the 2020 Taranaki Food & Fibre Transition Pathway Action Plan (paragraph 20);
 - viii. Reflections on the **RMA as enabling legislation, decision integrity and evidence**, the **limited scope** of decision-making powers under the RMA, and implications for **decisions based on insufficient evidence** (paragraphs 21 – 36);

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- ix. **Assessment** of revised proposal under Part II of the RMA (paragraph 37);
- x. Concluding remarks (paragraphs 38 – 41)

Background

2. I write further to an email I sent to you 12 May 2023, and your reply email of 15 May 2023, by which Council approved a request on behalf of the applicant to suspend the processing of resource consent application RMS23026 for a 6-lot subdivision at 408 Ketemarae Road.
3. The applicant noted in its request that the intent of this suspension was to:
 - a) Give both the applicant and council time to better gauge the issues at stake, and increase exposure to information that can better allow for better informed decision-making under Part II of the RMA, and thereby prevent any premature recommendations or decision-making; and
 - b) Give council time to go through process of circulating a draft officer's report and recommendation.

Summary

4. With a Bachelor of Resource and Environmental Planning from Massey University (2003), and nearly 20 years' experience in environmental planning, across both policy and resource consents, with experience with District Plan reviews, NPS application and subdivision resource consents, mostly in Taranaki, was somewhat taken aback by the way Taranaki councils reacted to the introduction of the NPSHPL 2023, and associated guidance. My client and I were advised that our application for a 6-lot subdivision may not be approved, in spite of an assessment that adverse effects would be no more than minor, and the securing of written approvals of 8 neighbours.
5. The RMA and property law in New Zealand is fundamentally liberal, permissive and enabling legislation. The RMA itself sets out a pressure-driven, information-rich, evidence-based and effects-based sustainable management framework for decision-making. A tendency towards a broad-brush rejection of development through a "guilty until proven innocent" application of the NPSHPL is inconsistent with this ethos.
6. I have found it professionally difficult to be working as a planner in the realm of subdivision in this time. Difficult trying to give hope to a customer with plans for a subdivision that, having gone about their application ticking every reasonable box, should be a fundamental birthright as a New Zealand citizen. Difficult to watch an apparent threat to the integrity of a profession, if we as practitioners fail to understand the limited scope of the powers that our legal framework gives decision-makers operating under the RMA.



7. In this letter, I detail a) recent relevant decisions made under the NPSHPL, b) a productive assessment carried out for an amended proposal for a **5-lot subdivision** at 408 Ketemare Road, c) a list of principles that provide a framework for considering applications for subdivision on highly productive land under S.104, d) a discussion about the limited scope of the powers our legal framework ordains for decision-makers operating under the RMA, and e) an assessment of the amended proposal in light of this.
8. I hope that the principles that are outlined, the example of the productive capacity assessment that has been undertaken, and the amendments to the proposal in this light, will give council confidence in making a positive decision on this application, and a decision that is lawful according to the limited scope of their duties and functions under the RMA. I hope that it will also contribute towards councils adopting a more positive and constructive outlook towards those wishing to develop highly productive land in this way.

Relevant decisions

9. In suspending the processing of this resource consent application, the applicant was particularly interested in ensuring Council had the opportunity to consider the *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 six (6) lot subdivision and land use at 6 and 42 Leith Road, Okato, New Plymouth (SUB21/47781 and LUC22/48312)*, which was issued on 22 June 2023.
10. There has since been two particularly relevant court decisions:
 - *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-2022-AKL-000214) (Appellant/Applicant) and Auckland Council (Respondent) (H C Andrews) (D K Hartley, W M C Randal) (14 August 2023)*
 - *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)*
11. Finally, there has also been the recent decision of the South Taranaki District Council Environment and Hearings Committee on the Rānui Solar Farm at 683 Palmer Road, Kaponga.
12. Principles for decision-making drawn from these decisions are outlined in Paragraph 20.



Expert engagement

13. After reviewing the New Plymouth decision, the applicant could see that engaging expert input from a specialist with expertise in small scale primary production would likely help Council to have confidence in the assessment submitted.
14. Having reviewed the assessments offered in some of the decisions cited above, and having made enquiries with local leaders in the small-scale primary production community, I concluded that a specialist with understanding across a variety of productive uses, with standing among the small-scale primary production community, would have the best claim on the expertise that would be necessary and relevant to supply a robust and comprehensive assessment. On this basis, Bena Denton of *Greenbridge* was engaged to produce a productive capacity assessment for the proposed subdivision.
15. Greenbridge were recommended by Dan Thurston-Crow, chairman of Sustainable Taranaki, an organization that has been the major community leader when it comes to sustainable small scale horticultural production in Taranaki. Enquiries were also made with Taranaki Vegetable & Produce Growers spokesperson Maria Lempriere, and with Heidi McLeod of Massey University, who coordinated the *Farming to Flourish Regenerative Food Systems, Sustainable Livelihoods and Thriving Communities in Taranaki: Research Report, 2020 – 2021*; as well as with farm consultants (Agfrifirst,ASURE Quality, AbacusBio Ltd), and valuers and real estate agents (Hutchins & Dick, McDonalds Real Estate, Matthew & Co.), and with Taranaki Regional Council and the Wellington Regional Leadership Committee. As a result of these enquiries I was satisfied that *Greenbridge* possess the appropriate expertise to be considered experienced professionals suitably qualified to give advice.
16. The applicant and the writer met with Ms. Denton on site twice, and explored further the subdivision design. As a consequence of this, the subdivision design was altered to provide a variety of sizes that could all be considered to promote maximal productive capacity. As such, the subdivision can be considered to not only retain productive capacity, but promote greater productivity, by providing for diversity and versatility in the range of sizes of productive lots on offer, and providing for small-scale uses that can be much more productive than medium or large scale uses.

Revised proposal

17. The subdivision design proposal and scheme plan was thus amended as follows (see scheme plan attached):
 - a) 5 lots instead of 6, with a minimum size of 6000m²
 - b) The front lots oriented West-East for greatest solar gain
 - c) The main access widened from 8m to 12m
 - d) The separate northern access eliminated

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Productive capacity assessment

18. On 31 October 2023 a productive capacity assessment for the proposed 5-lot subdivision at 408 Ketemarae Road was issued by Ms. Denton (see attached), with the following components:
 1. Research reviewed
 2. Greenbridge credentials
 3. Executive Summary
 4. Framework for considering productive capacity (Economic/social/ecological)
 5. Diversity of productive small holdings
 6. Local food growers and producers
 7. Local growers support networks
 8. Site profile
 9. Short list of potential land based primary production for 408 Ketemarae Road
 10. Examples Overview
 11. Example 1: Market garden (Lot 1 or 2 6095m²)
 12. Example 2: Mixed Crop: Truffieres & mushroom (Lot 4 – 9790m²)
 13. Example 3: Homesteading +carbon farming + beef & calf rearing + small scale egg production (Lot 5 10.2ha)
 14. Search criteria enabling productivity for small holdings
 15. Recommended subdivision design features
 16. In support of productive small holdings
 17. Conclusion

19. The productive capacity assessment carried out by Greenbridge reached the following conclusions in relation to the proposed 5-lot subdivision as described in paragraph 17:
 - i. The proposed subdivision can be supportive of localized, small scale, high productivity (page 3).
 - ii. There is a wide range of productive activities that may be carried out on 1 – 30 acre holdings (page 6).
 - iii. There is a rapidly increasing, dynamic and successful small scale farming sector in Taranaki that relies on access to small holdings such as those seeking to be offered by the subject subdivision, and range of supporting bodies and businesses (pages 7 & 8).
 - iv. The proposed lots are able to support a number of land based primary production activities in an ongoing and sustainable manner (pages 10 & 11).



- v. The following examples of land-based primary production may be carried out on the proposed lots, and yield a much greater level of product than what is typical on properties of a similar size to the subject site in the surrounding environment, are given:
 - a. Market garden (\$240,000 gross on 6095m²) (pages 12 & 13);
 - b. Truffieres & mushroom (\$83,000 - \$130,000 on 9790m²) (pages 14 & 15);
 - c. Small-scale beef & calf rearing with egg production, carbon farming and homesteading (\$63,530 on 10.2 ha) (pages 16 & 17).
- vi. The attributes of the proposed lots as described in paragraph 17 meet the search criteria enabling productivity for small holdings (pages 18 – 21).
- vii. The following subdivision design features will promote productivity (pages 19 & 20):
 - a. Affordable land.
 - b. Minimum size of 6000m².
 - c. Easement(s) for access to existing well.
 - d. Supply of productivity assessment to purchasers.
 - e. Orientation of Lots 1 and 2 along a W-E access to maximise solar gain.
 - f. No drainage work needed.
 - g. Widen the central vehicle access to 12m wide, with access off the ROW to all proposed lots, and dual access for Lot 2 would from Ketemarae road at northern boundary.
 - h. Suggest structural shelter to be planted by the current owners.
 - i. Supply purchasers with complete soil test and avoid use of sprays & fertilisers, and consider requiring waste water recycling system.
 - j. Careful consideration of siting of physical infrastructure.
- viii. Small holdings such as those proposed have productive capacities that are not just economic in nature, but also social and ecological, and clients seeking small properties are typically interested in all three aspects of productivity, and all of these aspects ought to be considered in decisions under the RMA (pages 4 & 5; 22 – 24).
- ix. The proposed subdivision has the potential to retain, and further increase, productive capacity of the site (page 23).



Principles & framework for consideration of application for subdivision on highly productive land under S.104

20. Having considered the decisions listed in paragraphs 9 – 11, and the NPSHPL and MfE Implementation Guide through the lens of Part II of the RMA, the Greenbridge assessment, and the *2020 Taranaki Food & Fibre Transition Pathway Action Plan*, I have identified the following principles for applying the NPSHPL in a Taranaki context, consistent with the purpose and principles of the RMA, to which the NPSHPL must be subject:
- 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]).
- 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 (NZEnvC-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** (NZEnvC-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** (NZEnvC-2023-045[172]).

RMA as enabling legislation

- 21. In making a decision under Section 104 of the Act, with reference to 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.
- 22. 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*.
- 23. 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.”*



24. 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.
25. 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]).

Integrity and evidence

26. Decisions must be consistent with achieving the integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district or region, as per Sections 30 and 31 of the Act.
27. In order to manage the effects of use and development, regional councils are given power under Section 35 of the Act to monitor the state of the environment, and to, in response to this monitoring, take appropriate action. Clause 35(2) is written in such a way that it is plain that the test of the appropriateness of the employment of a method, for the purpose of managing effects, rests on the relationship of monitoring information (evidence) about the environment to the choice of a particular method as the appropriate course of action.
28. In a similar way, case law requires that *“For conditions attached to the grant of a planning permission to be intra vires and valid the conditions imposed must be for a planning purpose and not for any ulterior one and they must fairly and reasonably relate to the A development permitted. Also they must not be so unreasonable that no reasonable planning authority could have imposed them.”* (Newbury DC v Secretary of State for the Environment [1981] AC 578.)



29. The pivotal role of evidence in justifying decisions is clearly articulated in the *Countdown Properties (Northland) Ltd v Dunedin City Council [1994]* decision, which determined that a decision may be appealed to the New Zealand High Court on questions of law, particularly:
- i. Has the Environment Court applied the wrong legal test?
 - ii. Has the Environment Court come to a conclusion without evidence (or a conclusion which on the evidence could not reasonably have been reached)?
 - iii. Has the Environment Court taken into account matters which should not have been taken into account?
 - iv. Has the Environment Court failed to take into account matters which should have been considered?
30. A decision-maker should have evidence of any adverse effects they are managing, when imposing rules in plans, conditions of consent, or declining consent applications. In the absence of evidence of adverse effects that need to be managed, then – regardless of the potential for such effects to be present in other districts, and regardless of the provisions of national policy statements or guidance documents – if actual or potential effects cannot be unambiguously identified, or can only be considered to be no more than minor, any controls imposed on a property owner must be considered *ultra-vires*. In the absence of any evidence for any such effects, a decision-maker has no basis for imposing rules or conditions of consent, or declining consent applications.

Limited scope of decision-making powers under the RMA

31. The Resource Management Act does not require and authorize comprehensive central planning by central government or territorial authorities, Rather, its intention is **sustainable management** (*not sustainable development*), which means **managing** (*not controlling*) the use, development, and protection of natural and physical resources in a way, or at a rate, which **enables people and communities** (*not councils*) to provide for their social, economic, and cultural well-being and for their health and safety.
32. The Resource Management Act is only one cog among a range of legal mechanisms that govern property law in what remains an ultimately neo-liberal constitutional arrangement clearly recognized in legislation such as the Resource Management Act 1991 and the New Zealand Bill of Rights Act 1990. The RMA in no way assumes control of property, and the Bill of Rights Act secures the protection of the private control of property among other freedoms. Territorial authorities have a warrant to manage effects on an evidential basis – but obviously no warrant to dictate terms of land use on the basis of political fashion or ideology.



Implications of failure to make decisions based on evidence

33. It would be difficult to understand or explain a decision that declined a subdivision resource consent application where a proposal was considered consistent with district, regional and national planning documents, evidence supported that adverse effects were no more than minor, affected parties had given approval, and/or the concerns of those who hadn't were adequately addressed and justified in a planning assessment and/or by particular planning mechanisms or controls.
34. Political fashion, ideology and pressure may be leaned on as an excuse for declining – but this would be an excuse, not a justification. Planning decisions are subject to the courts, and it is courts that have the final say, on the basis of the rule of law, rather than the more brute and dynamic political forces at play, such as the politics of the day, or the latest government implementation guide.
35. Where decision-makers fail to make decisions consistent with the law, and have insufficient evidence for a decision, it is not typically the task of courts to determine an ulterior motive of the decision-maker that has acted ultra-vires. However, it has been not been uncommon for parties involved in Resource Management Act decision-making to determine parties making submissions on resource consent applications to be doing so out of concern about the effects of a proposal on their trade interests as a competitor. This kind of behavior is common enough that Part 11A of the Act was introduced in 2009 to ensure that any such submissions could be thrown out. 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.
36. It is critical for the integrity of the Resource Management Act 1991, and the confidence of the public in our decision-makers, that every decision be made with reference to adequate evidence. To this end, it is critical that an application be granted where a proposal is consistent with district, regional and national planning documents, adverse effects were no more than minor, affected parties had given approval, and/or the concerns of those who hadn't were adequately addressed and justified in a planning assessment and/or by particular planning mechanisms or controls.



Assessment of proposal

37. The proposal is assessed against those principles deduced from the NPSHPL and the MfE Implementation Guide, Part II of the RMA, recent council and Environment Court decisions, the Greenbridge assessment, and the 2020 Taranaki Food & Fibre Transition Pathway Action Plan listed in paragraph 20, below:

<u>PRINCIPLE</u>	<u>COMMENT</u>
i. The <u>environmental bottom line</u> of the NPSHL is best expressed by Policy 4: “ <i>The use of highly productive land for land-based primary production is <u>prioritised</u> and <u>supported</u>” – with some exceptions as stipulated in Clauses 3.8 – 3.10. </i>	Requiring a subdivision application to demonstrate retention of productive capacity ensures that the use of highly productive land for land-based primary production is prioritised and supported, thus the proposed subdivision, achieving this, can be approved without undermining the environmental bottom line of 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 <u>pathway for subdivision</u> under the NPSHPL, where productive capacity is retained (p22 MfE guide).	The proposed subdivision has been subject to the pathway for subdivision that is explicitly provided by Clause 3.8 of the NPSHPL, and satisfies the relevant tests.
iii. <u>Size is not of itself a determinant</u> of a permanent or long-term constraint to productive capacity (p20 MfE guide, NZEnvC-2023-174 [77]).	The proposal cannot be declined on the basis of the lot sizes being too small. The applicant has demonstrated that lot sizes have been chosen to reflect and retain productive capacity in a way bespoke to the subject site, considering the soil, climate and proximity to markets.
iv. <u>Economic viability is not of itself a consideration</u> in an assessment of productive capacity (p23 MfE guide).	The proposal cannot be declined on the basis of whether or not the proposal provides a living, or generates relatively high income per Ha. Productivity can be measured in a range of ways, ie. gross income, net income, quantity of matter produced. Produce and income generated from one property is often used to complement that of another, or alternative forms of income. The Greenbridge assessment shows that the proposed lots retain capacity for productivity that can well 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 <u>primary production is the predominant use</u> (not exclusive use) – not residential activity (p20, 22 MfE guide).</p>	<p>The Greenbridge assessment shows that the proposed lots are of a sufficient size to be able to be used productively, and thus it cannot be presumed that the use of these properties will be ultimately of a nature that could be described as exclusively “rural lifestyle,” or predominantly residential, rather than productive rural use.</p>
<p>vi. <u>Fragmentation may occur</u> where site characteristics or specific land use proposals support more productive use in a smaller area (NZEnvC-2023-174[41]).</p>	<p>The Greenbridge assessment shows that the proposed lots have the potential to create opportunities for much more productive and intensive land uses, which because of their greater intensity are better suited to smaller lots, the size of which is 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 <u>scale and burden of that information requirement should be proportionate</u> 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 Greenbridge assessment and the AEE both provide detailed information regarding the productive capacity of the subject site, and the proposed lots. The AEE itself could be considered sufficient. However, the Greenbridge assessment also provides highly technical information and assessment as supporting evidence that the overall productive capacity of the subject land will be retained over the long term. I am not aware of any evidence that the proposed subdivision will not retain the overall productive capacity of the subject land over the long term.</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 <u>greater burden of proof should lie with those opposing small holdings.</u></p>	<p>I am not aware of any information or evidence that suggests that highly productive soils in Taranaki are under unsustainable pressure, or that the overall productive capacity of the subject land over the long term will be reduced by the proposal. The burden of proof that the proposal would not be consistent with Part II of the Act lies with any party wishing to conclude otherwise.</p>



<p>ix. Section 104(1)(b)(iii) of the RMA requires the decision-maker to <u>have regard to</u> any relevant provisions of the NPSHPL when considering the consent application – the requirement is not to <u>give effect to</u> those provisions. The <u>NPSHPL provisions are among the wide range</u> of identified matters that the consent authority must have regard to under s.104 (STDC Decision RMS22098[30]).</p>	<p>A person’s enjoyment use and enjoyment of their property, and the provision of property to meet the demand for homes and livelihoods, are uses of land that are not only provided for, but are core to the definition of sustainable management spelled out in Section 5 the RMA, which includes enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>The wellbeing of people and their communities is contingent on ample land supply for homes and holdings that recognises the diverse and changing needs of people and communities, avoids inflated urban land prices, and promotes housing choice and affordability.</p> <p>The proposed subdivision is consistent with Part II as it enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety through the provision of land parcels for homes and livelihoods, while protecting the environment, and avoiding, remedying and mitigating adverse effects.</p>
<p>x. Case Law determines that the Environment Court gives <u>no weight to guidance notes</u>, 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 appears to favour retaining highly productive land in very large blocks, as they suggest that the test in Clause 3.8(1)(a) enables, as an example, the separation of a 120-ha farm into two 60-ha farms.</p> <p>While this is given as an example, it appears that many trying to interpret the NPSHPL are confused as to whether it allows subdivision of smaller blocks.</p> <p>As these guidance notes are not given weight by the court, this distraction regarding arbitrary lot sizes is irrelevant. Especially as the Court has found that size is not of itself a determinant of a permanent or long-term constraint to 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 <u>bias in the MfE/MPI guidance</u> 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 discusses a range of productive land uses that do not rely on an aggregated business model. 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. <u>Regional variations</u> 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, <u>may lead to conclusions that differ to the advice and guidance that is typically offered in the implementation guide</u> (p4, 7, 13, 19, 22, 23 Greenbridge).</p>	<p>In this instance, the remoteness of Taranaki, distance to markets, prevalence of highly productive land in the region, and the dominance of aggregated business models and lack of diversity in land use in the region all indicate a high level of regional variation away from the pressures and interests that drive the controls contained in the NPSHPL (ie scarcity of highly productive soils, proximity to markets, scarcity of opportunities for aggregated business, pressure of intensely expanding population (ie. Auckland, Hamilton, Tauranga, Christchurch)). This variation means that restrictions applied to holdings in those places would be inappropriate or <i>ultra vires</i> in relation 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 <u>burdensome regulation that makes subdivision that would aid these goals too risky or cost-prohibitive ought to be avoided</u> 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 is consistent with supplying the market with land parcels that can provide opportunities for improving food security and diversification in the region. As improving food security and diversification has been identified as a priority for the region, it is therefore consistent with Part II to ensure these land parcels get to market, rather than imposing overly burdensome regulation that would pose a risk and impediment to people pursuing these goals.</p>
<p>xiv. Where there is <u>invalidity, incomplete coverage or uncertainty in the statutory planning documents</u>, especially District Plans, then an assessment in relation to Part II of the Act is justified (NZEnvC-2023-045[208]).</p>	<p>There is complexity in the protection of highly productive land under the NPSHPL, in that land needs to be protected for models that rely on smaller blocks as well as aggregated models, and there is a tension here not addressed by the NPSHPL. In addition to this, there is a tension between protecting HPL and the supply of land for homes, in a way that is responsive to the diverse and changing needs of people and communities and helps to alleviate the pressure on urban housing choice. This is a tension not adequately addressed by the statutory planning documents, especially with regards to the supply of rural land for homes. The incompleteness an uncertainty that is consequent to this tension means that resource to Part II in a Section 104 assessment is necessary.</p>



<p>xv. Where the <u>granting of consent would make no difference to the productive capacity of the land, and a proposed reduction in lot size is unnecessary</u> to enable or improve rural production, it is <u>practicable to comply with a direction to avoid fragmentation by subdivision</u> (NZEvc-2023-174[73]).</p>	<p>Whereas the district plans of some councils (such as Auckland City Council in the case referred to) include policies that explicitly articulate the goal of avoiding fragmentation, the NPSHPL only gives such direction in relation to subdivision or land use where productive capacity is not retained (see 3.10(b)(ii)).</p> <p>Where productive capacity is retained, such as in the proposal before us, there is no policy direction to avoid fragmentation. Hence the finding in NZEvc-2023-174[73] that fragmentation may occur where site characteristics or specific land use proposals support more productive use in a smaller area. In this instance, the already relatively small size of the subject site, and its close proximity to Hawera, means that there can be a level of confidence that blocks of the size proposed will be as productive if not more productive than what can be expected if the property retains its existing size.</p>
<p>xvi. Where <u>displacement of land able to be used for production is considered to be minor</u>, then a proposal that is consistent with other matters that need to be weighed up under Part II of the Act may be <u>able to be consistent with Part II of the Act</u> (NZEvc-2023-045[172]).</p>	<p>Part 3 of the RMA allows for adverse effects that are no more than minor, acknowledging the tension between competing aspects that emerge both in the management of natural and physical resources, and in enabling people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>In assessing the proposal, it is important to consider whether adverse effects posed by the risk of productive capacity being reduced might be minor, or more than minor.</p> <p>Where the evidence tabled deems that proposed lots will be as productive, if not more productive, then a conservative view must surely conclude that adverse effects posed by the risk of productive capacity being reduced can be considered to be no more than minor, at most.</p>



Concluding remarks

38. This letter provides:

- a) recent relevant decisions made under the NPSHPL;
- b) a productive assessment carried out for an amended proposal for a 5-lot subdivision at 408 Ketemare Road;
- c) a list of principles that provide a framework for considering applications for subdivision on highly productive land under S.104;
- d) a discussion about the limited scope of the powers our legal framework ordains for decision-makers operating under the RMA;
- e) an assessment of the amended proposal in light of this.

39. I hope that the principles that are outlined, the example of the productive capacity assessment that has been undertaken, and the amendments to the proposal in this light, will give council confidence in making a positive decision on this application, and a decision that is lawful according to the limited scope of their duties and functions under the RMA. I hope that it will also contribute towards councils adopting a more positive and constructive outlook towards those wishing to develop highly productive land in this way.

Cessation of suspension of processing

40. With these matters summarized in this way, the applicant is satisfied that no further time is needed to allow council and the applicant to better gauge the issues at stake, and increase exposure to information that can better allow for better informed decision-making under Part II of the RMA, and thereby prevent any premature recommendations or decision. The applicant therefore now requests under Section 91B of the Act that council cease to suspend the processing of the application.

41. The applicant understands that the application was suspended 2 days after (May 12) the closing date for submissions (May 10), and that under Section 103A(3) of the Act the hearing must be completed no later than 45 working days after the closing date for submissions on the application. The applicant requests the circulation of a draft officer's report and recommendation, well ahead of the final report and recommendation, during this time.



42. The circulation of a draft officer's report and recommendation is always best practice where conditions are to be imposed (<https://www.qualityplanning.org.nz/node/914>), let alone if an application was recommended to be declined. Whether recommending grant, decline or conditions, positive communication ensures that the issues at stake are well enough understood by both parties to enable design and decision-making consistent with Part II, in good faith.

Yours sincerely

A handwritten signature in black ink, appearing to read "Allan Chesswas", written over a light blue horizontal line.

Allan Chesswas
Managing Director
Renaissance Consulting Ltd



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

JSL
 Juffermans Surveyors Ltd

60 Hurlstone Drive, New Plymouth
 56 Miranda Street, Stratford
 32 Ridgway Street, Whanganui
 144 Princes Street, Hawera
 info@juffermans.co.nz
 www.juffermans.co.nz

Rev.	Date	Revision Details	By	Ver.	App.

1:2000 @A3
 22034
 15/12/23

Proposed Subdivision of **406 Ketemarae Road, Hawera 22034**
 Lot 2 DP 313626 | Scheme Plan

Bevan & Raewyn Soothill



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1:1100 @A3
 22034
 15/12/23

Proposed Subdivision of
 Lot 2 DP 313626

Bevan & Raewyn Soothill
 406 Ketemarae Road, Hawera
 Scheme Diagram

22034



Greenbridge
HOMES | LANDSCAPES

Advisory Report: Productive Capacity for 408 Ketemarae Road

Client: John and Enfys Soothill

Project: 5-Lot subdivision at 408 Ketemarae Road, Normanby

Document: Assessment of Productive Capacity

Date of Issue: Tuesday 31st October 2023



enquires@greenbridge.co.nz | 06 751 5556 | www.greenbridge.co.nz

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23. *Conclusion*

Research Reviewed

The research and evidence reviewed to compile this advisory report are:

Niwa / Taihoro Nukurangi 'The Climate and Weather of Taranaki 2nd Edition' P. R Chappell

Taranaki Regional Council (TRC), 'Our Place. State of the Environment 2022'

Grains, Legumes and Vegetables: The opportunity for Taranaki. Venture Taranaki Branching Out Blue Prints

'Characteristics of Small holdings in New Zealand: Results from a Nationwide Survey' Andrew J. Cook and John R. Fairweather

'Farming to Flourish – Regenerative Food Systems, Sustainable Livelihoods and Thriving Communities in Taranaki.' Farm Next Door and Massey University Research Report, 2020-2021

Sustainable Taranaki Website: <https://www.sustainabletaranaki.org.nz/>

'Re-food: Exploring the troubled food system of Aotearoa New Zealand' Emily King

'Counter-season cultivation of truffles in the 1 Southern Hemisphere - an update.' Ian Hall, Noel Fitzpatrick, Paul Miros, Alessandra Zambonelli

'New Zealand Domestic Vegetable Production: The Growing Story.' Horticulture NZ 2017

'The Abundant Garden. A Practical Guide to Growing a Home Garden.' Niva & Yotam Kay

'Assessment of Environmental Effects. 408 Ketemarae Road, Normanby.' Allan Chesswas / Renaissance Consulting

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023



Greenbridge Regenerative Landscape Consultancy

Originator: Bena Denton / Ecological Landscape Designer BDS (Des),
Dip Permaculture. Cert Organic Horticulture

Contact: 027 2311 119
bena@greenbridge.co.nz
<https://www.greenbridge.co.nz/>

Full legal name of Organisation: GreenBridge Limited
NZ Company No#: 1847190
NZ Business No#: 9429033965970
Incorporation Date: 21 Aug 2006
GST No#: 96 654 588

Credentials

Greenbridge is a regenerative landscape consultancy, specialising in the design and development of food systems (from edible gardens for private land owners to land-based primary production), lifestyle block design and farm plans. Auxiliary services include crop reports, waste water design, and eco-home design. Greenbridge has been operating for 12 + years and has over 45 years combined experience in the fields of regenerative & sustainable practice and permaculture design.



We are unique in our service offerings, with a team from varied backgrounds that enable us to think outside the square and address environmental and social problems in creative and unique ways. Greenbridge was the first full time permaculture consultancy in New Zealand. We won the TRC award for ‘Environmental Leadership in Business’ in 2018.



Greenbridge works across the Aotearoa on many diverse projects for individuals, to schools and community projects. Some of our higher profile projects include:

- NPDC Community Reuse and Recycle Centre
- John Manaway Pocket Neighbourhood in partnership with Pepper Construction, Marfell
- Landscaping for Bernoulli Garden Apartments for Ockham Residential, Hobsonville Point, Auckland
- Omata School Orchard, Taranaki & Aurora College Maara Kai and Food Forest, Invercargill

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023

Executive Summary



This report is intended to:

- Offer opinion, and evidence as to the potential productive capacity of the proposed Lot 5 Subdivision at 408 Ketemarae Road, Normanby.

- Respond to the proposed lot sizes and configuration as put forward in 'The Assessment of Environmental Effects' (AEE) undertaken by Allan Chesswas of Renaissance Consulting, to determine whether the proposed subdivision will maintain productive capacity to a similar or greater value as its current use and,

- Suggest design features for the subdivision to enable productivity. That this productivity includes but is not limited to economic yield, as well as environmental and social productivity / benefit.

Note, my advice is independent, however I would not have undertaken the report had I felt the proposed subdivision did not have the potential to retain its productivity and the owners amenable to having the land subdivided for productive purposes, and be willing to put in place infrastructure to enable and encourage purchasers with productivity intent. Indeed, in response to initial conversations had by Greenbridge, the Owners and Renaissance Consulting, the following adjustments have already been actioned to the proposed subdivision:

- Lot numbers have been reduced from 6 to 5, allowing for slightly larger parcels, which enable small scale intensive land based primary production.

- Willingness to create an easement for all Lots to access an onsite well as a shared resource (this is highly attractive to primary producers).

- Widening the main central access from 6m to 12m, to future proof potential increased traffic of service vehicles to the productive lots;

- Re-orientating lots 1 & 2 to a W-E access for greater solar gain to each lot, to better support photosynthesis of crops.

- There are further measures, suggested in this advisory report that could also be undertaken to enable maximum productivity (see recommended subdivision design features).

Renaissance Consulting has ensured compliance of the proposed subdivision with the the objectives and policies of the South Taranaki District Plan ("the District Plan"), the National Policy Statement for Highly Productive Land 2022 ("the NPSHPL"), and other bodies, my objective is to assess productive potential. In my experience, having assisted numerous clients in establishing regenerative and productive landscapes, of a similar size to those proposed in this subdivision, and the land profile itself, it is clear the proposed subdivision can be supportive of localised, small scale, high productivity.

Outlined in the report are a significant number of small-scale growers who are already operating here in Taranaki, producing healthy climate-friendly food. Primarily they are implementing small scale, intensive farming practice (organic / sustainable) and covers multiple productivity facets;

- ecological / regenerative productivity
- wellbeing (hauora wairua) of growers & community / social productivity
- commercial / economic productivity

Additional the owners have demonstrated a willingness to put in place structures to support this diverse productivity.

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023

Productive Capacity: Economic, Social & Ecological



The key issue to address in this report is whether the proposed subdivided land at 408 Ketemarae Road can retain its productivity once subdivided. As Renaissance Consulting states “Under Part 3.8(1), territorial authorities must avoid the subdivision of highly productive land.” However, such subdivision is allowed if the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term (Part 3.1.8(1) (a)), and measures are taken to ensure that the subdivision design avoids or mitigates potential cumulative loss of productive capacity...”. The NPSHPL is therefore not about restricting subdivision but rather ensuring that rural land retain its productivity capacity. Here I would like to expand on the term ‘productivity capacity’.

Productive Capacity: Economic

This report advocates for economic productivity of highly productive land, including the economic productivity of the proposed subdivided land at 408 Ketemarae Road, after all we do need to provide food to our growing population. The information in this document clearly illustrates how this economic yield can be achieved; including a list of existing land based primary producers on small holdings in Taranaki (see page 7) that are already successfully producing healthy nutrition food for their communities and making a livelihood while doing so, as well as three more in-depth potential examples of economic livelihoods for the proposed small holdings Lot 1, Lot 4 and Lot 5 respectively.

What I’d like to address here is that too often economics has been the sole driving determinant to productivity. The MfE Guidance note states ‘note that economic viability is not a consideration in an assessment of productive capacity under clause 3.82’ (pg 23). This recognises not only that long term use of the land may be productive in ways currently unforeseen and an indication that productivity encompasses other measures, such as social and ecological productivity. The recent 2021 research report “Farming to Flourish - Regenerative Food Systems, Sustainable Livelihoods and Thriving Communities in Taranaki.” states: “There is an inclination in the global food system to focus on economic factors ahead of considering the environmental costs and social wellbeing of eaters, some of whom experience food insecurity under the existing framework. Most attention on small localised food production focuses on economic outcomes and market potential, rather than looking at wellbeing, social and environmental outcomes.”* There are a large number of small scale operators here in Taranaki that are both successful at providing full time income for their whanau on ½ acre - 1.5 acres, as well as contributing considerable ecological benefit through chemical free practice and plantings (sometimes extensive). Additionally social productivity and benefit is attained via growers networks and supply to local households of nutritious food.

Productive Capacity: Social

Social productivity encompasses the health and wellbeing of those engaged in the lands management and stewardship (kaitiakitanga), as well as the yields produced benefiting the health and wellbeing of the surrounding community. The Farming to Flourish report shows small-scale growers are seeking physical and spiritual wellbeing or hauora wairua, and individualised prosperity that comes from a life balanced with income earning potential and feelings of wellbeing ie “small-scale growers contribute to... increased local food access and local food security for communities. This has the potential to address issues of equity, particularly for food insecure communities.* Further small-scale growers, such as those that would be attracted to the proposed subdivision lot sizes, contribute significantly to thriving communities; creating

Productive Capacity: Economic, Social & Ecological Cont...

connections and developing relationships and support systems that assist whanau and communities to prosper socially, culturally, economically and physically. This helps them to be resilient to local disasters and challenges as we have seen during the covid pandemic and east coast flooding. Small-scale growers are an effective contributor to the wellbeing of communities. Further there is a growing understanding of Te Taio through Mahinga Kai, as well as small-scale growers including Māori communities which enable the expression of tikanga, Maramataka and mahinga kai. This creates space for Māori practices to flourish and connection to wairua and whenua.

Productive Capacity: Ecological

Nature is often invisible in the economic system by which we live. Much of our landscape is lacking biodiversity and resilience against climate change and extreme weather. Productive land, when approached regeneratively, is more likely to be diverse and provide habitat for flora and fauna. Cook & Fairweather survey of small holdings, noted “Many small holders indicated an increase in birdlife by 50.8%”. Richard St. Barbe-Baker asserted where 22% of the land is planted to productive trees, yields double on the remaining 75% of the land surface* Ecological productivity does not need be at the expense of economic yield, in fact they can work together very well. For too long we have couched productivity in economic terms - more farmers and Im finding in particular small holders are wanting and doing something lasting and significant toward ecological productivity. In particular small-scale growers are important components in ecological systems, they have a predisposition to environmental improvement and zero-waste circular systems to divert waste. Isabella Tree in her recent book ‘Wilding’ states it best “Incentivising farmers and landowners to give land over to nature has to rely on ways that value that transition and acknowledge the public services that dynamic, self-willed natural process provide. This involves changing the way we measure things like productivity, prosperity, sustainability and profit and loss - the business models that evolved at a time when natures bounty seemed limitless.” New terms are arising to encompass this broader perspective of productivity, such as “natural capital accounting”, “eco-systems services” and “biodiversity offsets”. It’s time we explored small holdings and their contribution to ecological productivity as contributing to a thriving triple bottom line.

Summary

The ‘Farming to Flourish’ research, identifies that the above range of productive values are indicative of a regenerative food system that provides food for local communities. Regenerative food systems create nutritionally dense food that prioritises:

1. regeneration of soil and the environment,
2. reduction in inputs and soil disturbance,
3. a livelihood to those that grow produce,
4. wellbeing to growers and eaters of produce,
5. acknowledgment of whakapapa to the land and indigenous Māori gardening principles,
6. local growing and distribution, and
7. diverse opportunities to sell or share produce.

We need to be encouraging and enabling small-scale growers in Taranaki to contribute to regenerative food systems, create sustainable livelihoods, and develop thriving communities.

* Richard St. Barbe-Baker “Man of the Trees”

* Wilding. The return of nature to a British farm. Isabella Tree

* “Farming to Flourish” is a joint research venture between Massey University and The Farm Next Door and A Pivot - Enabling Innovation in Agriculture Premier Research Award 2020, made possible through funding from the Bashford-Nicholls Trust and support from Massey University

Diversity of Productive Small Holdings

1 to 30 acres

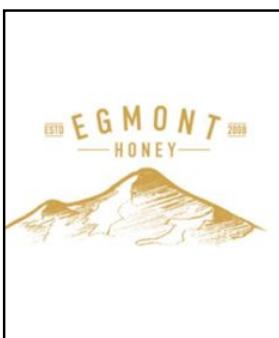


Ways small holdings can be productive (even without income generation):

- Growing of annual vegetables, based on organic crop rotation and growing carbon. Reduces food waste, carbon miles, increases fitness and wellbeing and food produced is more nutrient dense / nutritious.
 - Growing of perennial vegetables. Perennials provide greater flood resilience to changing weather patterns, require less watering and reduce input in both time and resources.
 - Orchards. In Taranaki we can grow a very wide range of fruit, nut and berries from Temperate, through to Mediterranean, Subtropical and Citrus, enabling access to year round fresh fruit.
 - Food forests, are multi-tiered fruit, nut, berry and perennial crops with support species that is self sustaining and allows for low maintenance, input and and low effort food foraging. I am increasingly designing more of these across the motu.
 - Growing of rongoa (Maori herbal medicine and healing) and or other traditional medicinals.
 - Other useful crops; such as basketry materials, harakeke for weaving, dyes, poles, ground durable fence posts, year round bee fodder, Manuka for smoking and more.
 - Integration of small animal systems such as chooks (eggs, compost, meat), ducks (eggs, pest control and meat) and bees (honey, pollination and support of declining bee populations). Goats, sheep and beef can also produce milk, cheeses and yoghurts etc.
 - Integration of regeneratively managed 'stock for the freezer', typically sheep, pigs, poultry, rabbits and depending on land size beef.
 - Making of other household products from the land such as soaps, preserves, bread, wax etc
 - Self sufficiency of power generation, rainwater harvesting and waste water which recycles nutrients on site (to support secondary food production). This reduces the impact both on the environment and municipal systems
 - Shelter for wind protection and shade (now required by Fonterra for all stock to have 24/7 access to shelter and shade)
 - Fodderbelts (vertical vegetation for short controlled grazed periods) and trees over pasture (erosion control, shade, shelter, stock fodder). Both increase stock health due to diversity of feed and stock can self medicate on medicinal plants.
 - Living fences (posts are grown and are 'alive' and can be pollarded to provide feed at times of feed deficit + be stored as 'tree hay)
 - High value forestry and or carbon farming (ETS)
 - Legacy restoration and re-wilding ie wetlands, ngahere (bush) and planting of legacy trees
 - Firewoodlots for household use for warmth, water heating , cooking and power generation.
- Note: All these productive avenues have an added benefit in that they develop and preserve self-sufficiency knowledge. The covid climate and climate change has seen an accelerated interest and establishment of homesteading, which can be a highly productive use of land.

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023

Local Food Growers and Producers



Small Scale Local Food Growers & Producers

There is a rapid increase of dynamic and successful small scale farming sector in Taranaki that relies on access to affordable small holdings, such as those seeking to be offered by the Ketemarae sub-division. These productive land uses include micro business initiatives, environmental enhancement, carbon capture, development of community resilience, lifestyle balance, production of nutrient dense food, alternative economic solutions to feed communities and the appreciation of indigenous values inherent in food production.* Following is a list (not exhaustive) of local food growers and producers that operate from small holdings. For an extensive list: <https://www.sustainabletaranaki.org.nz/local-growers-producers-taranaki>

See also Page 12, which lists a number of successful Market Gardens in Taranaki

- Beach Road Milk - New Plymouth. Supplying local raw/unpasteurized milk direct from the farm.
- Bees R Us - Stephen and Fiona Black run their honey operation from a property just outside Okato, and have happy bees pollinating Taranaki.
- Blueberry Patch - New Plymouth. Grow mostly blueberries, also currants, gooseberries, all sorts of brambles. Some produce is sold fresh, or preserves, They sell at the Sunday Taranaki Farmers Market
- Carpe Diem Farms - North Taranaki. Carpe Diem Farms produce high quality 100% free range eggs. They sell at the Taranaki Farmers Market
- The Creamery – Okato. Organic, Artisan Cheese. Camembert, Tumahu Feta, Stony River Blue and Farmhouse. thecreamerytaranaki@gmail.com
- Dolly's Milk - Stratford and Bell Block. Supplying local raw/unpasteurized milk direct from the farm.
- Egmont Honey - New Plymouth, pack the finest New Zealand honey. Available in supermarkets and their New Plymouth store.
- Eltham Honey - Eltham. Local honey producers since 1965.
- Frankley Farm Collective - Beyond organic farming practices, locally grown, and these boxes help us reduce our carbon footprint as well as eat seasonally.
- Goldbush Micro Farm - 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.
- Ground Breaking Mushrooms - An urban mushroom farm growing edible mushroom varieties on spent organic coffee grounds from local cafes.
- Kahu Glen Feijoas - Certified biogro organic feijoas and juices.
- Loveys Free Range Eggs - New Plymouth. Loveys produce free range eggs, Available at Beach Road Milk.
- Mac Snacks - Waitara. Mac Snacks macadamia products are locally grown and processed, with Bio-Gro certified. Larger sized farm holding
- Nashinui - Urenui, is a organic nashi pear orchard selling produce at the Sunday Taranaki Farmers Market in New Plymouth and from thier property
- Natural Lea - New Plymouth. Natural Lea grows a wide range of seasonal vegetables and fruit. They sell at the Taranaki Farmers Market

*Paraphrase 'Farming to Flourish' Report.

Local Food Growers and Producers Cont...

- Peihana Farm - Urenui, Maria is co-ordinating the Growers & Producers Collective. Collection at gate or by arrangement.
- Roebuck Farm - New Plymouth. Roebuck Farm are producers of organic seasonal vegetables. They also teach self-sufficiency through on-farm workshops and supply produce to a number of restaurants.
- Sid's Sauce - New Plymouth, use locally grown ingredients (where possible) to make a range of all-natural sauces, vinegars and mustards
- Smart Organics - New Plymouth. Smart Organics sell homegrown vegetables and fruit at their gate.
- Tapuae Spring Water - Spring water refills provided through a 24/7 self-service water dispenser, allowing bulk filling (minimum 10 litres).
- 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.

Local Growers Support Networks



Branching Out Taranaki / Venture Taranaki have launched ten new food and fibre value chain opportunities focused on diversifying the region's existing food and fibre offerings, Blueprints here: <https://www.venture.org.nz/projects/branching-out/>

Local Food Consultancy: provides project management, consultancy, coaching and training to businesses in the specialty and niche food sectors, in the field of marketing, organic & food safety compliance, market development and sales. Local Food Consultancy,

Peihana Farm co-ordinates Growers and Producers Collective in the Urenui area and is a small group of farms who together are able to offer a range of spray free / organic seasonal fruit, nuts, eggs, honey, flowers and fresh herbs (medicinal / culinary) along with premium jams, relishes, brakes, cordials, soaps / shampoos bars and balms. Collection is at the gate.



Farming to Flourish – Regenerative Food Systems, Sustainable Livelihoods and Thriving Communities in Taranaki. This research report included 19 small-scale grower operations in Taranaki (most under 1 hectare in size). These small-scale growers earn income or receive other benefits from their land use, and supply produce to themselves, whānau, and the wider community. The organisation was formed to facilitate a support structure for a new urban farming community in Taranaki.

Greenbridge provides edible and ecological Garden, Lifestyle Block and Regenerative Farm Design. Based in Taranaki Greenbridge is an award winning sustainable impact enterprise, that works across the motu / Aotearoa assisting clients with setting up their food systems. <https://www.greenbridge.co.nz/>

Site Profile



Summary of Site Information:

A basic site analysis and research was undertaken at 408 Ketemarae Road to determine the site profile and climate conditions as applicable to productive capacity:

Site: 5-Lot subdivision at 408 Ketemarae Road, Normanby

Legal Description: Lot 2 DP 313626

Rohe: Ngāti Ruanui.

Land Size: 13.9ha

Respective Lot Sizes: See 'Examples Overview'

Area available for productive capacity: 12.9ha approx.

Topography: The smaller front portion of the site is flat (Land Use Capability Class 1). The bulk of the site, at the middle and the rear, is gently undulating (Land Use Capability Class 3). This rear area includes two hollows that run north-west to south-east.

Rainfall: 1170mm/yr

Mean Temperature: 12.5 deg C

Mean maximum daily temperature: 15.5 deg C

Mean minimum daily temperature: 8.6 de C

Median summer average daily maximum temperature: 20-21 deg C

Median winter average daily minimum temperature: 5-6 deg C

Median average sunshine hours: 2000-2025 hours

Frosts: Yes - no further information found.

Mean monthly relative humidity: 80.3% (Nov) to 80% (Jul)

Chilling hours (number of hours between 0 deg C and 7 deg C June -August): Approx. 660 hours

Growing degree days:

Table 21. Average growing degree-day totals above base 5°C and 10°C for selected Taranaki sites.

Location		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Ann
New Plymouth AWS	5°C	388	371	360	288	241	172	150	161	196	237	268	344	3176
	10°C	233	230	205	138	89	42	26	28	55	86	118	189	1439
Normanby EDR	5°C	360	341	325	244	201	136	108	127	163	220	238	320	2782
	10°C	205	200	170	98	60	24	11	13	35	72	91	165	1144
Stratford Dem Farm	5°C	340	318	300	220	166	101	85	98	135	185	224	291	2462
	10°C	185	177	145	75	34	10	5	6	19	46	77	136	914

Ground moisture conditions: Days of moisture deficit per year (shallow-rooted crops, pasture): 40 days.

Soil: Egmont brown loam. Under 100-150mm layer of topsoil, light friable, almost sandy, orange-brown volcanic subsoil. A local bore describes: yellowish ash to 6.1m depth, then papa to 8.8m, then peat and coarse sand to 15.2m, then coarse sand and gravel to 18.9m, then papa and sand to 32m, then layers of papa and sandstone to 193m

Water resources on site: Rainwater is not currently collected and stored. There is a bore located centrally on the site, close to the dwelling at the end of the driveway. There is a sub tributary of a tributary of the Waihi stream along the south boundary - there are no other surface waterbodies on the site.

* Sources: Niwa / Taihoro Nukurangi 'The Climate and Weather of Taranaki 2nd Edition' P. R Chappell & Taranaki Regional Council (TRC), 'Our Place. State of the Environment 2022' & Greenbridge VSA

Short List of Potential Land Based Primary Production for 408 Ketemarae Road



Overview

Based on the site analysis undertaken overleaf and on the physical characteristics of the land and the proposed size and shape of the lots, I can confirm that the lots are able to support a number of land based primary production in an ongoing and sustainable manner. Section 1.3 of the NPS HPL defines of productive capacity as 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);
- (b) legal constraints (such as consent notices, local authority covenants and easements) of which there are currently none;
- (c) the size and shape of existing and proposed land parcels.

Exceptions:

Some crops were discarded at the gate for various reasons: dairy farming is not viable as the lots are too small. Avocados, which has good potential in Taranaki, has too many chilling hours in South Taranaki. Kiwifruit has not enough growing degree days etc. I have also ruled out crops that require significant irrigation in order to do well, but have included crops that would require minimal 'top up' during critical times of the year only. Considerable further research would be required to narrow this list down, including such considerations as;

- The income potential of each crop
- Markets and value adding
- Irrigation requirement
- Netting requirements
- Processing and storage requirements
- Set up costs.

Nevertheless the following short list is a good starting point and there are other crops and farming that may be viable immediately or in the future as paths to markets post harvest capacity grows. The short list includes:

Shortlist:

Peach & nectarines – for local sales & value adding. <http://www.summerfruitnz.co.nz/>

Chestnuts – would need to value-add to achieve \$20k (e.g. gluten free flour and stuffing). <http://www.nzcc.org.nz/factsheet.html> <http://www.treecrops.org.nz/crops/nut/chestnut/>

Apples – for local sales & value adding. Can expect a yield of 50 to 100 tonnes per hectare. Maple Park Apples near Waitara is a good example. <https://www.facebook.com/Maple-Park-Orchard->

Chilean Guavas (also called NZ Cranberries) - An emerging crop. Supplementary irrigation may be required, but I have observed that Chilean guavas do well in drier conditions. http://www.tharfield.co.nz/crop.php?fruitid=64_Chilean%20Guava

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023

Short List of Potential Primary Land Based Production Cont...

Hazelnuts – for value adding. Irrigation may be required. If growing hazelnuts, then truffles may also be viable. <http://www.treecrops.org.nz/crops/nut/hazelnut/>

Figs – There are fantastic figs growing in South Taranaki, but it is possible that soils on this site are too light for commercial fig production. Netting & irrigation will be required for good commercial production. You can order a book “Growing Figs In NZ” here <http://www.treecrops.org.nz/resources/publications/>

Feijoa – for value adding & ingredients (fruit, jule and ice cream). May need irrigation. <http://feijoa.org.nz>
http://www.tharfield.co.nz/crop.php?fruitid=19_Feijoa

Eggs – If the site is utilised to supports treecrops, then in many cases it makes sense to stack productivity and have free-range poultry beneath. Carpe Diem Farms have a small commercial operation selling free range eggs in the New Plymouth area. <http://www.farmersmarkettaranaki.org.nz/stallholders/1/27/>

Note: Greenbridge does not take responsibility or liability for the commercial viability of any crops listed here or in the examples, nor liability for subdivision design recommendations that have been broached but not fully explored.

Examples Overview

Overview

As already noted, there are many successful small-scale growers in Taranaki who are beginning to be noticed for their success in creating livelihoods on small plots, their innovation, ecological sensitivity and diversification of land based primary production models. The combination of Covid19 and subsequent interrupted food chains, as well as climate change drivers, has prompted a significant public response for greater food security, as seen in the trend to buy and support food and products grown locally. In turn this supports our food resilience as a region. On the following pages we will take three potential productive land uses and match them to three of the five proposed lots at 408 Ketemarae Road.

Proposed lot sizes:

Lot	Location	Est. Area	Est. West boundary (front)	Est. North boundary (side)	Est. South boundary (side)	Est. East boundary (rear)
1	Front centre	6095m2	51m	106m	106m	64m
2	Front north	6095m2	51m	106m	106m	64m
3	Behind 1 & 2	10665m2	128m	79m	79m	142m
4	Front south (behind 406 Ketemarae Rd)	9790m2	85m	110m	110m	93m
5	Balance (rear)	10.2 ha	235m + 12m access	335m	464m	185m

**Example 1:
Market Garden
(Lot 1 or 2)
6095m2)**



Overview:

Across Aotearoa and in Taranaki there are existing networks of successful, small-scale, organic market gardens. Discussion with owners and research show that these market gardens gross between \$250,000 to \$350,000 on 1/4 to 1/2 acre. Lots 1 & 2 at 408 Ketemarae Road, in proposed size, land profile and climate are suitable for growing a wide range of vegetables. Indeed the current owners recall that there used to be a market garden onsite during the 1940’s that supplied the local community. Lot 1 is proposed as 6095m2. This is slightly larger than originally planned in order to allow for a horticulture venture such as a market garden. The 1.5 acres approx could be foreseen to be allocated as follows: 2000m2 for house and curtilage, 2000m2 for the market garden proper and a further 2000m2 for crop rotation (inclu. growing carbon onsite for compost making), soil restoration / crop rest areas and or expansion.

The market gardens listed below have established a local and reliable customer base, from restaurants and cafes, supermarkets, CSA (Community Service Agriculture), PYO (Pick Your Own), Veggie Boxes, to gates sales. The 2021 report ‘Farming to Flourish – Regenerative Food Systems, Sustainable Livelihoods and Thriving Communities in Taranaki.’ Is a collaboration between the Farm Next Door and Massey university. This report comprehensively outlines the success and viability of market gardening as economically productive. The Farm next door model advocates 30 families per market garden ie in an urban context ie one per street. The proposed subdivision is an ideal 5 minutes from the Hawera centre and market stream.

Successful Market Gardens in Taranaki:

- Kaitaki Farm**, Kaitaki: <https://kaitakefarm.co.nz/>
- Roebuckfarm**, Omata: <https://www.roebuckfarm.com/>
- Goldbush Micro Farm**, Hawera: <https://www.goldbushmicrofarm.nz/>
- Frankley Farms**, New Plymouth: <https://www.facebook.com/frankleyfarmcollective/>
- Parihaka Maara Kai**: <https://parihaka.maori.nz/maara-kai/>
- Coastal Market Garden**, Oakura: <https://www.coastalmarketgarden.com/>
- Six Acres**, New Plymouth: <https://www.sixacres.co.nz>
- Kaimiro Farm**, Pick Your Own Strawberries, Egmont Village: <https://www.facebook.com/p/Kaimiro-Farm-100066415811293/>

Table 1. Comparison Productivity of Existing Land Use to Potential Market Garden Use:

Lot 1 6095m2	Current productivity: Stock	Potential Productivity: Market Garden
Trading	1 Beef/year	Organic Vegetables
Materials Produced	150kg carcass	20,000kg (20 tone) vegetables
Gross Income	\$825	\$240,000
Productive Yields	* Economic	* Economic: livelihoods provided for 2-4 full time employees (seasonal) * Social: strengthened local food resilience and community connection, skills * Ecological: soil building and diversity

Table 1. Clearly highlights the high yields and economic productivity that can be achieved on a small holding such as Lot 1 or 2, Ketemarae Road, as compared to current productivity. Further this productivity is contributes to

Example 1: Market Garden Cont...

social and environmental productivity to a much higher degree. This is supported by research in the Farming to Flourish^{***} report which identifies small-scale growers as extremely sensitive to their environment, and that work in harmony with nature and their regional community e.g. considering micro-climates in the region, and taking account of what other growers are producing and offering, reducing waste, and maximising the carbon fixing potential of their gardens. Venture Taranaki in their Branching Out Blueprints, has also identified 'there is a growing interest in land uses that could contribute to a more sustainable farming system with greater resilience to climate change.'^{**}

Horticulture NZ, states that our current consumption levels of fresh produce show net production is well below what is required for domestic consumption and that we are still importing huge volumes of vegetables.^{***} This leaves us vulnerable to food shortages when disasters strike, as we have seen during the recent pandemic, and flood in the Hawkesbay.

Support for and success of small-holding market gardens in Taranaki and current reports, highlight the importance of food security, future proofing and making productive land such as the subdivision proposed, available for diversified small scale farming.

* Farming to Flourish – Regenerative Food Systems, Sustainable Livelihoods and Thriving Communities in Taranaki.' Farm Next Door and Massey University Research Report, 2020-2021
 ** Grains, Legumes and Vegetables: The opportunity for Taranaki. Venture Taranaki Branching Out Blueprints. Pg 3
 *** New Zealand Domestic Vegetable Production: The Growing Story. Horticulture NZ 2017

Example 2: Mixed Crop: Truffieres & Mushroom (Lot 4 - 9790m2)



Overview

There are over 300 truffieres in NZ and likely many more smaller ones unregistered. Most small holdings are between 1 - 40 acres in size, producing black truffles (*Tuber melanosporum*), Bianchetto truffles (*Tuber borchii*) and Burgundy Truffles (*Tuber aestivum*), though the latter is much less profitable. There is a nearby truffle farm on Mountain Rd, that Greenbridge helped the owners establish in 2017 (Mountain Road Estate). The owners are meeting with early success and a niche opportunity has arisen for the couple to be mentored by one of the foremost truffle experts in NZ, to then take over the mentorship process in NZ and in turn offer both support and inoculated trees to other would-be-truffieres, such as the potential Lot 4 at 408 Ketemarae Road. While speculative, there is huge potential for this crop, which is highly lucrative, especially when mixed with other mycorrhizal mushrooms such as the compatible Saffron milk cap (*Lactarius deliciosus*), with climate and soil also indicating that hazel nuts may also do well as the host tree. Small-holding business like Mountain Road Estate are keen to support other growers, as together co-operatives can be formed for economies of scale, to meet the export market especially outside the European truffle season.

Because of the relatively small size of the existing truffieres it is difficult to extrapolate precise production data but yields equivalent to over 100kg/ha have already been achieved (NZ). NZ produces some of the highest yields in the world.* European producers are also very secretive about methodologies and systems and the consequent returns. Production can be projected from an initial 2 to 4kg/ha at year 6, up to a potential of 40kg/ha over a subsequent 5-year period. After 11 years, on-going production is estimated at 20 to 40kg/ha/yea:

Table 2. Comparison Productivity of Existing Land Use to Potential Truffles / Mixed Crop:

Lot 4 9790m2	Current productivity: Stock	Potential Productivity: Market Garden
Trading	2 Beef/year	Truffles primary crop + Mushrooms secondary crop Hazelnuts speculative crop
Materials Produced	300kg carcass	80kg Truffles 1500kg Saffron milk cap 1500 – 3000kg Hazel nuts
Gross Income	\$1,650	\$32,000 – \$64,000 Truffles \$45,000 Saffron milk cap \$6,000 – \$21,000 Hazel nuts
Productive Yields	* Economic	* Economic: livelihoods provide for 1-2 full time employees (seasonal) * Social: strengthened local food resilience, export crop (truffles) and community connection, skills * Ecological: soil building and diversity and carbon sequestration

At 9790m2 the proposed Lot 4, would be a small truffle orchard, with around 4-500 trees, on 8790m2 (retaining 1000 or ¼ acres for house and curtilage). Each of these trees can produce a secondary crop of mushrooms. New Zealand's first commercial saffron milk cap plantation produced their first mushrooms 18 months after planting in 2001. In 2013 production was 3kg per tree, with the mushrooms selling for NZ\$30/kg. Mushroom yields per tree tend to be higher than truffles but truffles receive a much higher returns per kg. There is also the possibility, if the host tree is hazel, for edible nut crops. Economic numbers: mature hazelnut orchards should yield 1.5-3

Example 2: Truffieres Cont...

tonnes/hectare, or around \$4000-\$7000 per tonne.**. If we consider the areas of New Zealand with suitable soils and climate for hazel production, then hazelnuts could develop in to one of this country's major horticultural crops.

* Southernwoods Tree Nursery: <https://www.southernwoods.co.nz/advice/truffles/>

** The NZ Life: <https://thisnzlife.co.nz/guide-growing-hazelnuts-new-zealand/>

**Example 3:
Homesteading
+ Carbon
farming
+ Beef & calf
rearing
+ Small scale
egg production
(Lot 5. 10.2ha)**



Overview

Greenbridge has assisted many clients across Aotearoa establish regenerative and productive lifestyle blocks. This type of self sufficiency is often referred to as 'homesteading' and is becoming increasingly popular, for good reason - in much the same context as market gardens, as a response to food insecurity, the desire to retain skills and mitigate climate change in a tangible way. Typically a young family or those planning their retirement, are seeking the design of efficient and low maintenance food growing systems. This often includes; annual and perennial vegetable areas, orchards and food forests, as well as the integration of small animals such as chooks, ducks and bees, and regenerative management of stock 'for the freezer', ie sheep, pigs, poultry and depending on land size, beef.

Aiming for as much self-sufficiency as possible, means designing systems such as fodderbelts, trees over pasture, control graze areas, firewood lots and medicinal plants or rongoa (for human and animal consumption). Without exception, clients seek to heal the land, plant shelter, specimen and or legacy trees, including endemic species were possible that nurture bird life. Strategies often include the restoration of wetlands, placing ngahere (native forest) into QE11, planting wildlife corridors and re-wilding. They ask questions early on about environmentally friendly methods of pest control for rabbits, rats and possums. Typically, though not always, people wish to generate a small supplementary income from their homestead.

Of the proposed subdivision, the largest parcel of 26 acres / 10.2ha, a stacked function approach is explored with three main complimentary economic yields: trees over pasture (high value forestry + carbon credits), with under grazing stock (beef + calf rearing), followed by chook tractors housing chickens for free range eggs sold to the local community. I have multiple clients doing well five plus years down the track with this or similar scenarios. Additionally there is almost always a desire to grow surplus to needs for friends, family or a roadside stall. Sourcing figures against the economic returns of this productivity is challenging, but as a homesteader myself I will do my best to quantify yields and cost benefits where possible:

Table 2. Comparison Productivity of Existing Land Use to Diversified Homesteading:

Lot 5 10.2 ha	Current productivity: Stock	Potential Productivity: Homestead +
Trading	26 Beef/year	22 Beef /year (2 for personal eating & family) 28 Calf raising/year Red Alder / Carbon credits & High Value Forestry Eggs
Materials Produced	3,900kg carcass	3,300kg beef carcass 28 Calves 9/ha Red alder /Carbon Credits (+ future building timber HVF) 540 Eggs /pw 240kg fruit and berries p/y (family 4) 480kg vegetables p/y (family 4) 5-7 cube Firewood p/y 11 kg Honey p/y Dog food (pest control + animal waste) Medicinal / Rongoa / Teas / Herbs Supplementary stock feed at times of feed deficit (tree hay and control graze areas) Mushrooms Duck/ Chook boilers / Pork (1 p/y)/ Lamb (3 p/y)
Gross Income	\$21,840	\$16,800 beef (+ \$6,600 saved at the supermarket & gifted to friends) \$14,000 calves sold \$5,130 Red Alder / Carbon credits p/y (9 ha x \$570/ha/yr over 30 years) \$23,400 Eggs \$59,330 TTL \$1,680 fruit p/y (saved p/y, @ \$7kg) \$1,920 vegetables (saved p/y @ \$4kg) \$600 Firewood (saved p/y @ \$120cube)
Productive Yields	* Economic	* Economic: livelihoods provide for ½-1 full time employee (seasonal) * Social: strengthened local food resilience, community connection via roadside stall, sharing of surplus to needs and egg sales, homesteading skills * Ecological: soil building, diversity of flora and fauna and carbon sequestration

Example 3: Homesteading Cont...

Geoff Lawton -

***“All the World’s
Problems can be
Solved in a Garden”***

Essentially homesteads are highly productive and retain self-sufficiency skills that are being lost and are ecologically diverse. A homestead example was chosen, not because it necessarily produces the highest economic yield (though the table above illustrates productivity is surprisingly high), but rather because it has a high likelihood of probable land use, should the subdivision proceed. A Lincoln University report that surveyed characteristics of small holdings, found the ‘67% of small block owners were productive with their small holdings’*. This was in 2005 and I propose that based on my ever increasing client base, post covid 19, and increasing climate change disruptions, that this productivity could be considerably higher in 2023 and beyond. Additionally for these small holdings ‘The unweighted average gross income was \$136,130 (2005). Gross income levels were higher for these plant based land uses than for animal land uses, and this reflects that this group would include commercial horticulturalists. This illustrates that small holdings can be just as productive, if not more so than the existing pastoral farming of the site. Further, almost 60% of small holders encouraged the growth of native bush and intended to plant trees.*

We have explored the stacking of three functions / yields (beef/calves, carbon credits / HFV, eggs). Alternative & or further stacking could include;

Other income generating enterprises for this size lot are:

- Small herd of dairy cows or dairy sheep for farm gate organic milk. We already have in Taranaki 5 similar operations: ‘Dollys Milk Stratford, Dolly’s Milk Bell Block, Beach Road Milk, Omata and Kaitaki Creamery which operate at a similar scale. Some specialise in raw milk, organic milk or A2 milk. Herds as small as 15 cows and upto 70 cows are usually form viable village milk scale production. The smaller herds are often milked for value added production ie specialist cheese making.**

- Miscanthus for bio-fuel and or to suck up excess nitrogen before it enters the nearby waterway. See Venture Taranaki Blueprints for miscanthus as a crop identified as one of the viable diversified Taranaki crops.

- PYO (Pick Your Own) Food Forest (fruit, berries & perennial veggies), with a CSA model (Community Supported Agriculture)

- Eco-tourism

- Manuka plantation and hives for honey.

- Coppiced timber products ie chestnut (furniture making), Eucalyptus (ground durable posts), oak and mushroom (fresh logs are required for speciality mushroom growing), bamboo for export etc

Of all the land parcels Greenbridge designs for, homesteading is the most ecologically diverse. Increasingly I am working with clients who wish to re-wild much larger portions of their small holdings ie 80% or more. This re-wilding can be with endemic species or establish wild foodscapes (predominately with future food security and resilience in relation to climate change). By stacking functions, productivity on a small holding such as Lot 5 proposed at 408 Ketemarae road, is maximised, and diversity creates resilience both economically and ecologically as well as increasing health and wellbeing of the whanau and community (social productivity).

*See Cook A, Fairweather J, 2005. Characteristics of smallholdings in New Zealand: results from a nationwide survey. AERU Research Report No. 278, Lincoln University) (also attached).

** Supportive Articles: <https://www.villagemilk.co.nz/news>

Search Criteria Enabling Productivity for Small-holdings



From my experience, those searching for small holdings, on which to establish small-scale land based primary production, share common search criteria. The search criteria characteristics are likewise often factors that enable productivity. Note the order of priority of these search criteria varies with each purchaser and their anticipated land use.

1. Affordable land. Small-scale growers may struggle with economic viability of their business as they transition into a new sector and cost of land access is the number one barrier. While the purchase price of the proposed subdivided lots are outside the scope of this report, it would be remiss not mention this as a key consideration.

2. Size of land. Smaller block sizes generally reduce the total capital investment required for new owners looking to establish small-scale intensive and diversified production. The 'sweet spot' size I have found most clients seek is 1-10 acres.

3. Water source. Access to water is important for irrigation of crops, preferably untreated water, as chemicals can affect crop performance and those seeking to establish organic creditation. Multiple water sources support greater resilience ie clients often seek two of the following: river, bore, rainwater collection, municipal supply.

4. Site profile. For those seeking land with a specific crop in mind, it is sensible (and a permaculture approach) to match the site profile to the crop requirements, to most likely ensure crop success. Alternatively the site profile (outlined on page 9) should determine the crop(s) selected. Flat land to a slight 2degree slope north is ideal in a small-scale venture.

5. Solar access. Land parcel size should allow for 6hrs sun to the bulk of the landform, during the winter months. Ideally the longest length should face north.

6. Good drainage. This is subjective depending on the crop ie some crops thrive in wet soil. Crops and productive land uses are ideally matched to the habitat, rather than manipulating the habitat to suit needs. Nevertheless good drainage is desirable for most crops.

7. Good access. Access for vehicles going on and off site, parking and turn around for service vehicles and onsite ease of navigating light machinery (if any) are all important considerations.

8. Path to market. The land should be close to potential market streams ie farmers market, restaurants, households (CSA or Box memberships) etc. Alternatively if an internet or courier based business, ease of access for service vehicles is important.

9. Support networks. This is invisible infrastructure criteria and affects well being and burnout, which many small-scale operators report. Networks are ideally local, maybe official organisations, friends, family or likeminded ventures and may or may not be a determinant of purchase.

10. Shelter. Effective shelter is essential for virtually all successful primary industry crops. Taranaki is windy and shelter must be established prior to planting crops, unless expensive wind cloth structures or cages are invested in. Established shelter is not a deal breaker, as it can be planted, but the downtime (5-8years), makes established shelter attractive.

11. Soil profile. Healthy, biologically active soil is the aim for any serious small scale, land based primary production venture. In Taranaki we are fortunate to have volcanic loam, nevertheless less if ex-farmland, ex-nursery or ex-bowling green land, that has seen the use of toxic sprays or artificial fertilisers, there can be some downtime (often 3 years) to achieve organic status and or healthy soil.

Recommend Subdivision Design Features



Productivity, even high productivity, of small holdings is a given - there are numerous models worldwide and as already outlined, across the motu / Aotearoa and in Taranaki, where there are burgeoning commercial and semi-commercial productive small holdings. A possible question we need to be asking moving forward with the NPSHPL, is how do we enable and support the productivity of small-holdings? As productive land is under pressure to be subdivided, albeit not greatly in Taranaki as yet, which land do we reserve from subdivision? For land that is subdivided how do we intensify and cluster small holdings to create 'farming hubs'? And how do we do this in a way that regenerates the land, provides yield and livelihood and strikes a sustainable work-life balance for those undertaking those livelihoods?

The 'danger' of course is that we prove smaller units of land can be productive (which they can), the subdivision is approved and purchasers immediate and in the future fail to realise or utilise the productive capacity of the land. There is also a danger however in sticking with mono-culture cash crops, dairy and dry stock that are not ecologically diverse (and therefore not as resilient to climate change) nor sustainable in their current operation. Therefore the best measure is to put in place features of small-holdings that attract, encourage and enable productivity, in hopes that this will be realised.

1. Affordable land. While outside of the scope of this report, I will again flag that is a growing sector of purchasers seeking affordable small holdings, for whom farm scale size land is out of their financial reach, wanting to create either a cottage industry income that supplements the household income, or full income generation from smaller parcels of land.

2. Size of land. Ensure lot sizes no smaller than 6000m². Once a dwelling, curtilage and support infrastructure are in place this will likely leave approx. 4000m² for productive land use. This is the minimum I have found most clients are searching for - it allows an operator to start small and expand somewhat. As Horticulture NZ has pointed out "while we have plenty of land available for fruit and vegetable growth, there is no strategy in place to protect this valuable land as a way to future-proof our food supply. One way to protect this land is to ensure suitable sizes are made available for small scale, diversified, organic primary land based production."* This further highlights the importance of food security, land production and future-proofing the availability of resources to supply our growing population. The current owners have taken this on board and adjusted the proposed lot sizes to reflect this.

3. Water source. Put an easement put in place, or similar legal structure to enable shared access to the existing well site. After affordable land, access to a reliable and secure water supply is paramount. There is municipal water within 200m of the front lots. This is helpful, but this supply is saturated with chlorine and chemicals that are not desirable for the irrigation of crops (especially organic crops which is largely the demographic seeking small holdings to grow food). The well water will be unaffected by chemicals and is therefore a good asset to be shared. Consider requiring the purchasers to put in 2 x 25,000ltr tanks (one for household use and one for crop irrigation). This is not unusual in many regions, albeit those that experience drier seasons, but it does enhance water resilience in the face of changing weather patterns.

4. Site profile. Supply the purchaser with this report or similar, so that they are aware of the support networks available to assist with their venture.

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023

Recommend Subdivision Design Features Cont...

5. Solar access. Orientation of Lots 1 and 2 along an W-E access to maximise solar gain (most crops require a minimum of six hours winter sun to photosynthesise and producers know this and look for it)

6. Good drainage. Match the right crop to the right spot. Nothing needs to be done.

7. Good access. Increase the central vehicle access to 12m wide, with access off the ROW to all proposed lots. Lot 2 would also have dual access from Ketemarae road at northern boundary. This layout is now proposed in the sub-division application. This allows for a single point of entry for increased traffic flow for service vehicles, turnaround areas and visitor parking (potentially applicable for various semi-commercial ventures). This wide central access may also include access to stock yards and cattle ramps.

8. Path to market. Potential purchasers need to do their home work. Supply the purchaser with this report or similar, to bring awareness to the support networks available to assist with their venture. Create a role in local councils to support diversification of land use and small-holding ventures?

9. Support networks. There is a need for support networks to assist with information, energy management or labour intensity, setup costs, establishing paths to market etc. Supply the purchaser with this report or similar, to make aware of the support networks available.

10. Shelter. Suggest structural shelter to be planted by the current owners. Effective shelter is crucial to enable the land to be productive. Virtually any crop will require effective shelter to thrive and to have this underway will be appealing to a purchaser seeking to establish an economic crop. Shelter has the additional bonus of creating habitat for birds and wildlife and as such adds significantly to the landscapes ecological enhancement. Shelter should be appropriately and properly designed.

11. Soil profile. A VSA (Visual Soil Assessment) showed existing soil is in good condition. The vendor could supply the purchasers with a complete soil test. Avoid the use off all sprays and fertilisers, to aid with the transition to organic status (highly desirable by most small holding ventures). Consider requiring the purchaser to install a waste water system where 'waste' is treated and recycled onsite as a nutrient source for secondary crops (tree crops), relieve municipal systems and aim for zero waste properties.

12. Siting of dwellings and support infrastructure. There are significant efficiencies and benefits to be gained from living on the land that is being worked, especially in land based primary industry that is often dictated by the weather and therefore careful siting of dwellings and infrastructure aids productive capacity. Ideally dwellings are clustered together. In this advisory report it would be remiss to jump in and dictate where these dwellings should be located without careful thought to the best position to maximise access to sun, maximise the lands productivity, access for service vehicles likely required if crops or yields are to be grown. The siting of physical infrastructure such as dwellings, sheds, auxiliary buildings and access also need to be considered carefully to support invisible structures such as 'bump' spaces, line of site from a dwelling to shared infrastructure such as a shared well or the main access rout (comings and goings). These features enable resources to be 'cross pollinated' across properties ie veggie waste from a market garden becoming a resource of food for

Recommend Subdivision Design Features Cont...

chook / egg production. It is critical we think outside the box in response to establishing sustainable food systems in response to climate change. The Massey University Research 'Farming to Flourish' report highlighted burnout for small scale producers and the need for support at key times - if we are to subdivide productive rural land, and not just be a nod to the potential of its productivity but genuinely enable productivity, we need to also be looking at the 'human' constructs that create sustainable livelihoods. Siting of dwellings and support infrastructure is simply being flagged at this point.

Section Summary

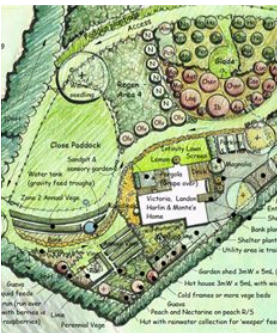
Ensuring land retains its productivity is not merely about the size of the land but is as much about how that land is configured, the layout of infrastructure for efficient productivity AND health and wellbeing of those working the land AS WELL AS how the land is marketed during the sales process to attract the those buyers who see the value of the features stipulated, as supporting their potential productive venture. Effectively if we want to support all the lots that are being proposed, to be productive, this effectively establishes a 'farming hub' and as such the wider needs of this hub and future subdivision of rural productive land in general needs to be established and catered for (if they are to be successful) ie access to a nearby markets, schools, walkways, shelter, water supply, safe vehicles entry, support of increased likely vehicle movements. We can't dictate how people use their land once purchased but we can certainly incentivise productive use via carefully considered supportive features.

These features both attract would be purchasers that seek these features and deter would be purchasers that may find these restrictions onerous. Ideally the site would have a broadscale site design undertaken by the owners to ensure these design features are executed correctly and or as a marketing tool to attract purchasers seeking to engage the land productively. Greenbridge can provide this service if required.

* New Zealand Domestic Vegetable Production: The Growing Story. Horticulture NZ 2017

Note: Greenbridge does not take responsibility or liability for the commercial viability of any crops listed here or in the examples, nor liability for subdivision design recommendations that have been broached but not fully explored.

In Support of Productive Small Holdings



In my experience, working with clients who are seeking small holdings of 1-30 acres, for productive development (in its broader sense of economic, social and ecological productivity), invariably these clients have three main foci in their intended use and development of the small holding:

1. To regenerate and heal the land ie to restore the intrinsic ecological value to a site. This takes many formats including extensive plantings, structural shelter, wildlife corridors, wetland restoration, QE11 establishment, trees over pasture (erosion control, fodder and shade), endemic plant selection, wild areas and re-wilding and more. Whether 1 acre or 30 acres in size, this regeneration typically consists of a minimum of 30% land coverage (minimum percentage required to regenerate bare pasture say) and increasingly larger portions of the land use of up to 90%. This is driven by environmental redress with landowners 'doing what they can with what they have control over'.

2. To grow food. This ranges from the idyllic and sustainable set up of 'living the good-life' with sizeable food gardens (veggies, fruit trees, nutrient cycling systems, small animal systems, regeneratively grazed stock for the freezer and the like) to serious market gardening or horticultural venture, where produce is grown for livelihood. Income generation most often is at a cottage industry scale ie typical this would be one partner with 20-30hrs seeking to generate \$40-60K to supplement the household income. Increasingly however more clients locally and nationally are looking to create whanau wide / multi-income from their small holding. Some of these small holdings are in a papakianga / multi-generational format, where stacking incomes and livelihoods is important to a Te ao Māori world view.

3. Create a beautiful outdoor environment in which to live, connect with nature, provide an outdoor lifestyle for their children and whanau.

Section Summary

Covid food shortages and interrupted supply chains have increased the desire for small holdings and for them to be productive. Likewise climate change drivers. Around 10-20% of my clients seeking small holdings, are searching for land that can support economic productivity. 100% of my clients are motivated to improve the ecological productivity of the landscape while meeting their individual needs and desires, as well as seeking better social health and wellbeing through work-life balance. My clients often comment that that is why they have sought out Greenbridge and it is acknowledged that the demographic we attract may not be representative of the wider intent of those seeking to develop small holdings. Never-the-less small holdings offer a highly accessible land unit for land based primary production. This reduces pressure on large scale industrialised food production, which is often destructive and unsustainable. Small scale intensive growers such as those proposed to be made available at 408 Ketemarae Road, would supply a local market that alleviates this stress, as well as providing healthy kai, job opportunities and strengths local food resilience - a must as part of climate change response.

Conclusion



It is from the premise of support for diverse productivity of small holdings that I put forward this advisory report. It is not my agenda to agree or disagree with the proposed subdivision at 408 Ketemarae Road, Normnaby, but rather to reflect on whether it has potential to retain productivity and further for my own ethics to suggest ways and stipulations on how this productivity can be enabled, what this could look like and how would-be purchasers with small scale intensive farming practices in mind, can be encouraged and supported via suggested subdivision design features.

This report demonstrates:

- That the proposed subdivision has the potential to retain, and further increase, its productivity with the proposed lots sizes and layout indicated in the Assessment of Environmental Effects' (AEE) undertaken by Renaissance Consulting.
- Examples of existing, successful, local small holdings, that intensively manage crops and horticultural ventures, that demonstrate greater productive capacity that the same land being used for diary or dry stock.
- That productive capacity includes but is not limited to economic productivity. That productivity of small holdings can be realised across economic, environmental and social yield and benefit.
- Subdivision features have been identified that encourage, enable and support productivity of small holdings.
- That the current owners have mitigated their proposed subdivision layout to include these features in a genuine effort to attract purchasers that desire to establish land based primary production.
- Further design features have been recommended to greater enable productivity, of particular importance the planting of shelter and further careful consideration of dwelling and infrastructure clustering.

While the National Policy Statement for Highly Productive Land 2022 (NPSHPL), steers councils away from zoning HPL as rural lifestyle, it is able to allow small lot subdivision if productive capacity can be retained. The MfE guidance explicitly says lot size is not a determinant of productivity. As we transition to the NPSHPL and councils have discretion as to how to interpret the policy in light of their local context, and especially when faced with proposed subdivision of HPL important questions to ask are:

- How do we ensure there is an uptake of sub-divided small holdings to diverse farming and productive practices?
- How do we attract, enable and support small-holders to buy, establish and sustain productive capacity?
- Consider and enable small holders ability to contribute to regenerative food systems, create sustainable livelihoods, and develop thriving communities.

The framework or foundations of these industries starts with careful thought to the subdivision process / features. There needs to be a shift from the paradigm that farming refers to cash crops, conventional dairy and dry stock. This is a narrow paradigm that is keeping us stuck and not making best use of prime land in Taranaki, where great soil and diverse climate allows for a

Conclusion Cont...

wide variety of land based primary industries. To do this we must acknowledge and value the social and ecological, as well as the economic productive potential of these small holdings - we can produce so much more, and while still caring for our hau ora (physical and spiritual wellbeing) and whenua (land).

Why now? The NPSHPL and Resource Management system reforms are indicating key pathways to better protect and manage the environment and its resources. In Taranaki the Farming to Flourish report and the Venture Taranaki Branching out Blueprints confirm there is growing interest in land uses that could contribute to more sustainable farming systems with greater resilience to climate change. Taranaki has a unique opportunity to position itself as a region that is creating food resilience and security through the encouragement of food production at all scales; including small holdings. There are also cultural opportunities to relearn skills like maramataka and hua parakore, whereby produce and skills are shared. Small-scale growers, and the ethos of a regenerative food system community, contribute to increased local food access and local food security for communities. This has the potential to address issues of equity, particularly for food insecure communities.

Renaissance Consulting has ensured compliance of the proposed subdivision with the the objectives and policies of the South Taranaki District Plan ("the District Plan"), the National Policy Statement for Highly Productive Land 2022 ("the NPSHPL"), and other bodies. It is my experience and opinion that the proposed subdivision at 408 Ketemarae Road and the land profile itself, has every potential to reach high productive capacity.

Further more most small holders from my experience are value led and are very active in supporting good environmental outcomes. The focus is often on improving practices to include organic, permaculture or regenerative principles based around low/no inputs, and avoidance of tillage to protect soil structures and improve below the ground biodiversity, water and air flow - multiple productive yields and benefits. In this way the overall productive capacity of the subject land is retained over the long term, consistent with the NPSHPL.

It is my opinion that small holdings, such as those proposed at 408 Ketemarae Road, offer a tripple-win in that it is possible to provide for the needs of our expanding community, regenerate the life supporting capacity of the soil and surrounding ecology, while diversifying and increasing economic productivity.

To the best of Grennbridge's knowledge facts and figures in this advisory report are accurate. I have drawn on existing small holding examples and spoken to the owners where possible. I have referenced the most up to date research possible. Greenbridge takes no liability or responsibility for the success or otherwise of crops or business ventures, or suggested lot design characteristics. While Greenbridge is in support of small holdings as productive land based primary industry, we cannot control the use to which a potential new land owner puts the property.

408 Ketemarae Road, Normanby. John & Enfys Soothill Whanau. 22nd Sept 2023



AgFirst Taranaki Ltd
275 Broadway, Stratford 4332
New Zealand
+64 27 250 7129
taranaki@agfirst.co.nz | www.agfirst.co.nz

Independent
Agriculture
& Horticulture
Consultant
Network

Peer review of application information for proposed subdivision of 408 Ketemarae Road, Normanby

Prepared for

South Taranaki District Council

Lauren McEldowney
February 2024

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Disclaimer:

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1.0 INTRODUCTION

AgFirst Taranaki Ltd have been engaged by South Taranaki District Council to peer review information to support a resource consent application to subdivide a 13.9 hectare property into five lots at 408 Ketemarae Road, Normanby. Of relevance is the:

- Advisory Report: Productive Capacity for 408 Ketemarae Road, October 2023, prepared by Bena Denton of Greenbridge.

This review firstly outlines the experience and qualifications of the peer reviewer. The review then looks at the qualifications of the report writer, the method used to prepare the reports, the extent to which it satisfies the information required to assess against the National Policy Statement for High Productive Land (NPS-HPL) and other general points regarding the report.

This peer review was conducted via desktop assessment. No site visit was undertaken.

2.0 AGFIRST TARANAKI LTD

AgFirst (www.agfirst.co.nz), formed in 1995, is New Zealand's largest primary sector consultancy firm with over 50 consultants in 13 offices around NZ, providing advice across pastoral agriculture, horticulture, agricultural engineering, environmental issues, and economic analysis.

Lauren McEldowney has been working for AgFirst Taranaki Ltd for 4.5 years with previous experience working in the rural sector for DairyNZ. Ms McEldowney has extensive experience working across multiple land uses and assessing current and future rural productivity through policy and environmental work. Ms McEldowney has attained Advanced Sustainable Nutrient Management, Massey University and holds a Bachelor of Agricultural Science majoring in Agriculture, Massey University. Further information regarding Ms McEldowney can be found via the following link: <https://www.agfirst.co.nz/consultants/lauren-mceldowney>.

3.0 QUALIFICATIONS OF MS DENTON

A curriculum vitae has not been provided with the report; however, it is noted in the report that Ms Denton has a B.Des, Dip Permaculture and a Cert Organic Horticulture.

4.0 METHOD

It is considered that the approach taken is unstructured with no clear methodology to the assessment. Furthermore, there has been no direct assessment against the NPS-HPL. A suggested methodology for this case is below:

- Introduction, including discussion of subject site and current use.
- Evaluation of land use in the surrounding area and wider Taranaki area.
- Soil types, which can be backed up by an on-site assessment of the proposed area including discussion of those soil types.
- Land Use Capability assessment of the subject site with context of the relevant LUC.
- Discussion of potential land use based on soils and LUC.
- Discussion of other strengths or limitations of potential land use of proposed area.

- Economic analysis of other potential land uses.
- Discuss barriers to land use change.
- Assess subject site against relevant policies in the NPS-HPL, in particular 3.8 and 3.10.
 - See section 6 for discussion of the information needed to make these assessments, which draws information from the bullet points above.

Ms Denton's report focuses on the subdivision pathway under clause 3.8, that it is considered that it is unlikely that subdivision of highly productive land (HPL) will meet clause 3.8 unless it can be proved that¹:

- The proposed lots will retain the overall productive capacity of the subject land over the long-term; and
- The subdivision avoids or mitigate any potential cumulative loss of the availability of HPL in the district; and
- Avoids or mitigates actual or potential reverse sensitivity effects on the surround land-based primary production activities.

Ms Denton's report does not mention or include an assessment for the subdivision pathway under clause 3.10.

5.0 ADVISORY REPORT

5.1 Site Profile

A physical summary of the subject site including its location and legal description has been provided along with detailed climatic information. An aerial photograph of the subject site would have been useful to include as this shows the lay-out of the subject site and the location of dwellings, curtilage, and any features such as waterways or native bush.

The current land use of the subject site has not been discussed, although potential productive capacity does not depend on current or past land uses² (whether for land-based primary production or not).

Information on the soil type (Egmont brown loam) of the subject site was discussed, however no map showing the soil type was included. Land and soil cover maps are available online from Taranaki Regional Council (TRC)³. One of the assessment criteria for determining potential productive capacity to support land-based primary production is soil type, properties, and versatility⁴, this discussion was not included. Soil fertility of the subject site was not discussed. A soil test of the subject site would have been useful to look at the current fertility to indicate whether soils are in the optimum range for plant growth.

There is some discussion throughout the report of different land use in the wider Taranaki area, there is no discussion of more specific land use, both in the surrounding area and wider Taranaki such as dairy/dairy support, sheep and beef, arable, horticulture which would be expected.

¹ National Policy Statement for Highly Productive Land, September 2022.

² National Policy Statement for Highly Productive Land: Guide to Implementation (Part 1), Ministry for Environment, December 2022.

³ <https://maps.trc.govt.nz/LocalMapsViewer/?map=0824911d3f58406dbab44cfb8dde6ae6>

⁴ National Policy Statement for Highly Productive Land, September 2022.

TRC maps⁵ suggest that the properties to the north-east and south of the subject site are operational dairy farms/dairy support and the property to the east of the subject site is used for cropping (maize/lucerne/pasture silage/other).

The LUC classes on the subject site are listed. However, Ms Denton has not included a regional or site specific scale LUC map or a breakdown of how much area of each LUC class the subject site contains. This is readily available online from Manaaki Whenua Landcare Research⁶. Whether or not the LUC classes are considered HPL is not mentioned. LUC maps from Manaaki Whenua Landcare Research show the subject site is a mix of LUC 1 and LUC 3, both of which are considered HPL. Further analysis shows that the subject site contains two dwellings, various shedding, and curtilage, which are considered Anthropogenic Soils (modified soil areas)⁷ and not HPL. These maps also show that the surrounding area is a mixture of HPL, LUC 1 and LUC 3.

There is no assessment of the potential productive capacity of the existing site, which is required to assess whether or not overall productive capacity will be retained by subdivision⁹.

It is not clear from the site profile information and discussion provided how Ms Denton arrived at the approx. 12.9 ha of potential productive capacity for land-based primary production that is stated.

5.2 Short List of Potential Land Based Primary Production

Ms Denton has short listed and disregarded potential land-based primary production options but has not provided detail, economic analysis, referenced industry data and information of why these options are suitable/not suitable in the context of the subject sites climate, LUC, and soils which would be expected.

Of the eight options shortlisted, only two (hazelnuts and eggs) were discussed further in Ms Denton's report. I disagree with eggs being short listed as a suitable option as egg production does not fit the definition of land-based primary production¹⁰ in NPS-HPL.

I agree with Ms Denton that establishing a standalone dairy farming unit is not viable on the subject site (existing and proposed). However, further analysis showed that the land surrounding the subject site to the north-east and south appear to be an operational dairy farms¹¹. Therefore, dairy farming could be a viable potential productive use for the subject site if it were to be leased to the neighbours for them to incorporate into their existing dairy platform, provided it met local council and NPS-FW requirements.

⁵ <https://maps.trc.govt.nz/LocalMapsViewer/?map=2a9b37137d15426e946eebd64acad4b1>

⁶ https://ourenvironment.scinfo.org.nz/maps-and-tools/app/Land%20Capability/Iri_luc_main

⁷ Land management practices (e.g., the placement of tracks, excavation for and placement of buildings, excavation of drains, soil remediation for soil contamination, and general earthworks) can create irreversible changes to the soil (i.e., changes other than those that can be remediated by management practices and return the soil to its intrinsic state). These areas are referred to as modified soil areas.

⁸ Hewitt AE (2010) New Zealand Soil Classification. 3rd ed. Landcare Research Science Series No. 1. Lincoln, Manaaki Whenua Press

⁹ National Policy Statement for Highly Productive Land: Guide to Implementation (Part 1), Ministry for Environment, December 2022.

¹⁰ **land-based primary production** means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

¹¹ <https://maps.trc.govt.nz/LocalMapsViewer/?map=2a9b37137d15426e946eebd64acad4b1>

Ms Denton has also not included other land-based primary production options such as young stock/winter cow grazing, growing, and selling supplementary feed (pasture, maize, lucerne, silage etc) or leasing out for the same purpose. In my opinion and experience, a site of this size would likely be of interest to local dairy farmers to lease for young stock grazing, winter cow grazing, and/or to grow supplementary feed to support the dairy farm (pasture silage, maize silage, hay). The current site would also likely interest local contractors to lease to grow maize and pasture silage. There was no discussion or analysis to show why these options were not included.

5.3 Examples

Ms Denton provides three examples of how the proposed subdivision can retain its overall productive capacity.

In all three examples, Ms Denton compares the current productivity of rearing beef to different types of market gardening, mixed cropping, and homesteading. However, there was no mention or analysis of beef rearing as the current land use or the potential land use of the subject site elsewhere in her report.

The potential land-based primary production options Ms Denton has used in the examples have no provided detail, proper economic analysis, referenced industry data and information of why these options are suitable in the context of the subject sites climate, LUC, and soils.

Ms Denton has not assessed the potential productive capacity of the existing site or the proposed subject land, therefore a fair comparison cannot be made. The examples focus on the productive capacity of each lot and the balance lot and not the overall productive capacity and how that will be retained by subdividing.

Ms Denton has not referenced the source of the yields and financial returns in each example. There are no costs (fixed, variable) included in the economic analysis, this is misleading and is not the correct method to undertake economic analysis.

5.3.1 Example 1 – Market Garden (Lot 1 or 2 – 6,095 m²)

Ms Denton compares beef rearing to organic vegetables on proposed lot 1 or 2 (6,095 m²). It would be expected that a crop rotation/specific types of veges that were analysed was included.

The economic analysis has not been compared via gross margin which is the most appropriate tool to use when comparing the relative profitability of different crops/enterprises.

20 t yield of veges from 0.6 ha is a yield of 33 t/ha. Ms Denton has not provided referenced industry data or a reference source to support the yield estimate. In my opinion, I don't believe there is a crop rotation that could yield that high in 12 months and that is also suitable to grow in Taranaki. In my experience, organic crops can be at higher risk of crop failure and/or lower yields due to the limitations on the type and use of fertilisers for growth and nutrient deficiencies and chemicals for weed, pest, and disease control.

5.3.2 *Example 2 – Mixed Cropped: Trufferies & Mushroom (Lot 4 – 9,790 m²)*

Ms Denton compares beef rearing to trufferies with mushrooms on proposed lot 4 (9,790 m²). It is acknowledged that there is limited information available due to the small size of the truffere industry, which is often the case with small, local, specialised industries. However, the data that Ms Denton provides in regard to yields per hectare and the proposed orchard size, does not align with the data provided in the table. The proposed truffle orchard size is 8,790 m² and a potential peak yield of 20 – 40 kg truffles/ha is a potential yield of 17 – 35 kg of truffles per year. The table states 80 kg truffles, this a large discrepancy.

It is difficult to economically compare rearing beef to trufferies, mushrooms and hazelnuts as the timeframe to status quo and cashflows are quite different. Rearing beef will see financial returns within 1 – 2 years depending on the system whereas Ms Denton states initial truffle yield at year 6 and status quo from year 11. Although income from beef rearing will vary each year due to market conditions, the costs associated will be relatively similar (in line with inflation). Orchards often have high costs related to establishment in the early years which reduce over time and income is minimal in the establishment years of an orchard resulting in negative cashflows.

A fair economic analysis in this case would have been to cashflow out the net return (income less costs) each year for both enterprises up to status quo (year 11). The sum of the returns of the 11 year cashflow for both enterprises would have shown the relative profitability of each enterprise, therefore, a fairer and comparable economic analysis.

5.3.3 *Example 3 – Homesteading + Carbon Farming + Beef & Calf Rearing + Small Scale Egg Production (Lot 5 – 10.2 ha)*

Ms Denton compares beef rearing to homesteading with carbon farming, beef and calf rearing and small-scale egg production on proposed lot 5 (10.2 ha). As discussed in 5.2, I disagree with egg production as it does not fit the definition of land-based primary production¹² in NPS-HPL. Ms Denton has acknowledged her experience in homesteading but provides no discussion about how the yields and cost benefits were attained.

As with example 2, it is difficult to compare aspects of the homesteading example to the beef rearing economically due to time to status quo and quite different cashflows over time.

¹² **land-based primary production** means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

6.0 ASSESSMENT OF THE PROPOSAL AGAINST NPS-HPL

The section below discussed what would be expected for an analysis where the council have to give full regard to the NPS-HPL, i.e. discretionary or non-complying activity.

As this particular subdivision is a non-complying activity, the assessment below has been prepared on the basis that the consent authority must have regard to the relevant provisions of the NPS-HPL when determining the application and has not considered other relevant provisions under the Resource Management Act 1991 or the South Taranaki District Plan.

The NPS-HPL came into effect 17 October 2022 and the overarching objective is that:

“Highly productive land is protected for use in land-based primary production, both now and for future generations”¹³.

In relation to subdivision of particular relevance is Policy 7 which states:

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

6.1 Clause 3.8

When looking at subdivisions, the first clause to look at is, Clause 3.8, which states¹⁴:

(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.

(3) In subclause (1), subdivision includes partitioning orders made under Te Ture Whenua Māori Act 1993.12 National Policy Statement for Highly Productive Land 2022

(4) Territorial authorities must include objectives, policies, and rules in their district plans to give effect to this clause.

¹³ Objective, Nation Policy Statement for Highly Productive Land, September 2022.

¹⁴ National Policy Statement for Highly Productive Land, September 2022.

Productive capacity is defined as in relation to land, means the ability of the land to support land-based primary production¹⁵ 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 parcels¹⁶

For a subdivision such as 408 Ketemarae Road, the applicant would need to demonstrate that there is no loss in the potential of the subject land being used for land-based primary production, when viewed over a 30-year timeframe based on reasonably foreseeable conditions. Although it is considered that “it is unlikely that subdivision into rural lifestyle lots would meet the productive capacity test in this clause”¹⁷.

A lot of the information needed to assess the productive capacity of the site could be ascertained from the information required in the suggested methodology in section 4, including a full range of alternative land uses to the current one. As potential land uses need to be looked at with a long-term lens, considerations such as boundary adjustments, or leases as part of a wider agri-business operation should be considered that could allow the land to remain productive. Note that economic viability is not a consideration in an assessment of productive capacity under Clause 3.8¹⁸.

Furthermore, as with Clause 3.8 (1) the first intention is to avoid the loss of highly productive land, under Clause 3.8 (2) it allows territorial authorities to consider the cumulative loss of HPL, because all the minor losses across a district /region collectively result in a more significant loss. It is considered that this assessment would need to be completed by the applicant (as suggested in the methodology), but ultimately, council’s may look at their overall stance on HPL loss and the impact this has on their district. Reverse sensitivity effects of the subdivision (and its uses) and its effect on existing land based primary production activities will also need to be assessed and council will need to ensure that these effects are avoided or mitigated both in a current and future sense.

6.2 Clause 3.10

The second pathway available is under Clause 3.10 of the NPS-HPL. However, Ms Denton’s report does not discuss or investigate this pathway.

¹⁵ **land-based primary production** means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.

¹⁶ National Policy Statement for Highly Productive Land, September 2022.

¹⁷ National Policy Statement for Highly Productive Land: Guide to Implementation (Part 1), Ministry for Environment, December 2022.

¹⁸ National Policy Statement for Highly Productive Land: Guide to Implementation (Part 1), Ministry for Environment, December 2022

7.0 CONCLUSIONS

Based on this review, I conclude that Ms Denton's productivity report lacks the appropriate information to support the recommendation to subdivide. Whilst it is understood that the NPS-HPL is relatively new, the report provided was not structured and there was no clear assessment against NPS-HPL. Ms Denton's assessment did not demonstrate that overall productive capacity will be retained by subdivision or that the predominant use of the proposed lots is for land-based primary production, not rural lifestyle.

Lauren McEldowney
Agribusiness Consultant
027 250 7129

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Adam Bridgeman

From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Friday, 26 May 2023 2:45 pm
To: Adam Bridgeman
Cc: 'Bevan Soothill'
Subject: RE: 408 Ketemarae Road (RMS23026) - Submissions, Sec 37 vs 91A

Follow Up Flag: Flag for follow up
Flag Status: Completed

Great, thanks for that Adam.

We're keeping an eye in what is happening with the NPDC Leith Road hearing. I understand that at the hearing last Friday the commissioner asked for some revised consent conditions in case he grants consent, and for a right of reply by 2/6/23, with a decision expected within 15 working days of that (24/6/23).

I don't think STDC's approach should be contingent on what happens in this case, because I think the applicant, and their lawyer (Scott) and planner (Kathryn) and expert (James) are being more conservative than the law actually provides for, in terms of having dropped the 5500m2 lots.

In saying that, it will be good to know what the outcome is, and I think it ought to be considered as part of the conversation on this one.

Cheers,

Allan

From: Adam Bridgeman [mailto:Adam@abplanning.co.nz]
Sent: Thursday, 25 May 2023 4:38 pm
To: Allan Chesswas
Cc: Bevan Soothill
Subject: RE: 408 Ketemarae Road (RMS23026) - Submissions, Sec 37 vs 91A

Hi Allan,

Just touched base with the team and no submissions have come through.

Cheers,
Adam



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From: [Allan Chesswas](#)
Sent: Thursday, 25 May 2023 2:32 PM
To: [Adam Bridgeman](#)
Cc: [Bevan Soothill](#)
Subject: RE: 408 Ketemarae Road (RMS23026) - Submissions, Sec 37 vs 91A

Hi Adam

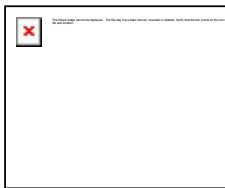
Hey just a question as per the email below.

When I spoke to you on the phone there was no indication you had received a submission from the notification of RMS23026.

Can you please confirm that, in fact, no submission was received?

Obviously this is an important factor for consideration in how we proceed, and we have received no written notice about this.

Cheers,



Allan Chesswas
Managing Director | Kaiwhakahaere
Renaissance Consulting | Arangatanga Tohutuhu
Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao
214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392
+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [mailto:ajchesswas@gmail.com]
Sent: Thursday, 11 May 2023 3:45 pm
To: Adam@abplanning.co.nz
Cc: [Bevan Soothill \(bjsoothill@gmail.com\)](mailto:Bevan.Soothill@gmail.com)
Subject: RE: 408 Ketemarae Road (RMS23026) - Submissions, Sec 37 vs 91A

Hi Adam

I had yesterday as 20 days for submissions. Did you receive anything?

Are you going to extend the time under Section 37, or do we need to do a Section 91A hold? We would probably do so by tomorrow if you haven't made the call on Section 37 yet.

Cheers,

Allan

From: Allan Chesswas [mailto:ajchesswas@gmail.com]
Sent: Tuesday, 9 May 2023 4:22 pm
To: Adam@abplanning.co.nz
Cc: [Bevan Soothill \(bjsoothill@gmail.com\)](mailto:Bevan.Soothill@gmail.com)
Subject: RE: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

Hi Adam

Cheers for the quick chat just now.

As discussed, our preference at this point would be to slow things down under Section 91A or 37, so that you can circulate a draft officer's report that we can engage with, which can potentially lead to a redesign, rather than racing to a decision, and then going through the same process via hearing mediation.

I think Section 37 would be best to use to this end (<https://www.qualityplanning.org.nz/node/869>), rather than Section 91A. Putting a consent on hold and circulating a draft is always best practice where conditions are to be imposed (<https://www.qualityplanning.org.nz/node/914>), let alone if decline was to be recommended. Whether recommending grant, decline or conditions, positive communication ensures that the issues at stake are well enough understood by both parties to enable design and decision-making consistent with Part II, in good faith.

Cheers



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Allan Chesswas [mailto:ajchesswas@gmail.com]

Sent: Friday, 5 May 2023 2:08 pm

To: Adam@abplanning.co.nz

Subject: FW: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

From: Allan Chesswas [mailto:ajchesswas@gmail.com]

Sent: Friday, 5 May 2023 1:53 pm

To: abridgeman@jcenvironmental.co.nz; Jessica Sorensen (Jessica.Sorensen@STDC.govt.nz);

Liam.Dagg@stdc.govt.nz

Cc: Bevan Soothill (bjsoothill@gmail.com); Scott Grieve (scottg@connectlegal.co.nz); kathryn@landpro.co.nz

Subject: 408 Ketemarae Road (RMS23026) - HPL assessment - Leith Road subdivision NPDC

Hi Adam & Jess

As discussed, there is a 6-lot subdivision at Leith Road, Okato, which is subject to a hearing this month, for which Scott Grieve of Connect Legal Taranaki and Kathryn Hooper of Landpro have prepared an assessment against the NPSHPL.

The evidence documentation for the hearing is available at the link below, the J Allen & K Hooper documents being those most relevant:

<https://www.npdc.govt.nz/council/hearings/2022/june/b-m-and-r-sim/>

As with our AEE, they are highlighting what the NPS itself highlights – that **size itself is not the determinant** of whether subdivision is to be avoided, but rather **whether productive capacity is retained**.

As with our AEE, they are using evidence to show lots don't have to be big to be productive – that in fact, **productivity requires that there be small lots available**.

Recognising that the **NPS is more about preventing multi-lot urban natured residential development on HPL**. Not stopping small-lot development, but rather making sure those developments are **designed** in such a way that they retain productive capacity.

This supports the position that an outright decline of a rural small-lot application, without **adequate engagement with an assessment of its impact on productive capacity**, would fly in the face of Part II of the RMA, legal process and common law recognition of private property rights.

A decision needs to be based on evidence that is bespoke and peculiar to the site, there should be no presumption of guilt without trial – evidence assessing productive capacity must be effectively engaged and considered. Declining a small application only on the basis that they are small does not do that. As planners we need to be prioritise being professional over being political, and leave the latter to the politicians!

As discussed, we are happy to consider any views you may have as to how the subdivision design can be improved to further safeguard productive capacity. If you are still inclined to recommend declining the proposal, then do let us know and we could look at a redesign.

It would be best to work constructively and practically on the matter without having to call in legal resource. Understandable if you want to wait and see what happens in New Plymouth before doing so, but at the same time we are more than happy to try to get this sorted in the south first.

Please lets touch base early next week to get some bearing on how we are all tracking in this dynamic environment. We are more than willing to come in for a meeting for a frank and constructive discussion.

Yours sincerely,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

Adam Bridgeman

From: Adam Bridgeman
Sent: Tuesday, 4 April 2023 6:56 am
To: Allan Chesswas
Subject: RE: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

Morning Allan,

Can you send through those written approval docs when you get a chance.

Thanks,
Adam



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From: [Allan Chesswas](#)
Sent: Thursday, 30 March 2023 1:29 PM
To: '[Jessica Sorensen](#)'; [Adam Bridgeman](#)
Cc: '[Planning](#)'
Subject: RE: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

Hi Jessica

The information and assessment provided with the application demonstrates that the proposal is consistent with Part II of the RMA, and able to be granted.

Obtaining these reports is not a matter of due diligence if this judgment is reasonably presumed to be shared, especially considering that applications and decisions are dynamic by nature.

I look forward to receiving Adam's report, and the relevant officer's reports.

Yours sincerely,



Allan Chesswas
Managing Director | Kaiwhakahaere
Renaissance Consulting | Arangatanga Tohutuhu
Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao
214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392
+64 27 362 8375 | ajchesswas@gmail.com

From: Jessica Sorensen [mailto:Jessica.Sorensen@STDC.govt.nz]
Sent: Thursday, 30 March 2023 12:37 pm
To: Allan Chesswas; 'Adam Bridgeman'
Cc: Planning
Subject: RE: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

Allan, you are requesting information that is outside of the scope of this application. This is due diligence on your side and should have been undertaken prior to lodging an application along with your pre-app work. Advice was provided to you regarding the navigation around the NPS-HPL during pre-app in addition Adam has also provided an initial assessment.

Adam is contracted to process the consent and will continue to do so with the information that has formed part of the application. Your LGOIMA request sits outside of the subdivision correspondence and the Privacy Officer will be in touch regarding this.

Ngā mihi,

Jessica Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

Te Kaunihera o Taranaki ki te Tonga | South Taranaki District Council
105-111 Albion St, Hāwera 4610 | Pūrangi Motuhake 902 | Private Bag 902, Hāwera 4640, NZ
Waea Kore Utu/Freephone: 0800 111 323 | Waea/Phone: +64 6 278 0555 | www.southtaranaki.com



From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Thursday, 30 March 2023 9:39 am
To: 'Adam Bridgeman' <Adam@abplanning.co.nz>
Cc: Planning <Planning@STDC.govt.nz>; Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>
Subject: RE: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

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Hi Adam

I don't see any need for that at this stage.

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]
Sent: Wednesday, 29 March 2023 6:04 pm
To: Allan Chesswas
Cc: 'Planning'; Jessica Sorensen
Subject: RE: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

Hi Allan,

Should we suspend the application under s91D at this stage?

Thanks,
Adam



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From: [Allan Chesswas](#)
Sent: Wednesday, 29 March 2023 5:52 PM
To: [Adam Bridgeman](#)
Cc: 'Planning'; [Jessica Sorensen](#)
Subject: RE: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

Thanks for that Adam, Jess,

In order to gauge the best course of action, we will need to see copies of decisions and officers reports for resource consents granted for subdivision since the NPSHPL came into effect where relevant.

This means especially in relation to subdivision consents granted for properties in the vicinity of the subject site on Ketemarae Road – particularly at 490 Ketemarae Road, and at 406 Glover Road (which has a frontage to Ketemarae Road – and any others you know of that could be considered relevant.

Please treat this request for any such officers reports as a request under the Official Information Act 1982.

Kind regards,

Allan Chesswas
Managing Director | Kaiwhakahaere
Renaissance Consulting | Arangatanga Tohutuhu
Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao
214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392
+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]
Sent: Wednesday, 29 March 2023 2:34 pm
To: ajchesswas@gmail.com
Cc: Planning
Subject: RMS23026 Application for 6-lot subdivision at 408 Ketemarae Road

Hi Allan,

I've just broken each scenario in to notified and non notified

1. Application processed **notified** *where further information is requested*.
2. Application processed **notified** *where further information is not requested*.

Approx:
\$3,000.00
\$510.00 Internal Review
\$310.00 Admin fees
\$500 Hearing charge (\$100 per member)

=\$4,320.00

3. Application processed **non-notified** *where further information is not requested*.
4. Application processed **non-notified** *where further information is requested*.

Approx:
\$2,600.00
\$510.00 Internal Review
\$310.00 Admin fees
\$500 Hearing charge (\$100 per member)

=\$3,920.00

5. Could you please also advise if there would be any charges incurred, and what those charges would be, if the applicant decided to withdraw the application.

Costs so far from me:
\$495.00 (gst Inc) + \$150.00 Fees .

Fees and charges can be found [here](#).

In respect of a redesign, any further Lot with the under sized balance would need to go to hearing.

Kind Regards,
Adam

Adam Bridgeman
Senior Planning Consultant | AB Planning
M | 020 4173 8254



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From: [Allan Chesswas](#)
Sent: Tuesday, 28 March 2023 6:47 PM
To: [Adam Bridgeman](#)
Subject: FW: Application for 6-lot subdivision at 408 Ketemarae Road

From: Allan Chesswas [<mailto:ajchesswas@gmail.com>]
Sent: Tuesday, 28 March 2023 5:46 pm
To: Jessica Sorensen (Jessica.Sorensen@STDC.govt.nz)
Cc: 'abridgeman@jcenvironmental.co.nz'
Subject: Application for 6-lot subdivision at 408 Ketemarae Road

Hi Jess & Adam

Late this afternoon I had a telephone conversation with Adam in relation to the application by John & Enfy's Soothill & for a 6-lot subdivision at 408 Ketemarae Road.

I have a professional obligation to the applicant to keep them adequately informed about the process. With this in mind, and in lieu of there being any fixed charges for consent processing, could you please provide an estimate of the **total charges** for the completion of processing this resource consent application, for which the applicant would be liable – including both costs that have already been incurred and costs that are yet to be incurred.

Please provide an estimate of what you consider the **total cost** of the completion of processing this resource consent application would be – including both costs that have already been incurred and costs that are yet to be incurred – under the following scenarios:

6. Application processed **non-notified** *where further information is requested.*
7. Application processed **notified** *where further information is requested.*
8. Application processed **non-notified** *where further information is not requested.*
9. Application processed **notified** *where further information is not requested.*
10. Could you please also advise if there would be any charges incurred, and what those charges would be, if the applicant decided to withdraw the application.

I understand that the application may be taken to a **hearing**, so could you please ensure that the estimate includes costs associated with that. I understand that this would be due to the potential for any decision to be precedent-setting.

I have asked for an estimate that includes what costs would be if the application was notified. However, as I discuss in my AEE, I cannot see any grounds for notifying the application, so in my judgment wouldn't anticipate that being necessary.

Could you also please advise if there is a way in which the subdivision design or number of allotments could be amended so that it was considered unnecessary for the application to go to a hearing – so the applicant can make a genuine cost-benefit analysis of the path forward.

Mindful that I have spoken with Adam today, and have a professional obligation to get back to the client, could you please get back to me with this estimate and response ASAP.

Kind regards,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

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Adam Bridgeman

From: Adam Bridgeman
Sent: Monday, 20 November 2023 9:46 am
To: Sara Dymond
Subject: FW: 408 Ketemarae Road (RMS23026) - Expert Input

Hi Sara,

Are there any minutes I can circulate externally for the Ranui hearings?

19th July and the recent 8th November?

Cheers,
Adam

From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Thursday, November 16, 2023 4:52 PM
To: Adam Bridgeman <Adam@abplanning.co.nz>
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Thanks for that Alan.

Is there a copy of minutes of the meeting available yet? I take it the decision was actually made at the committee.

You mentioned minor amendments to the conditions, but does the decision still word for word look like the following:

Decision A – Land Use (Solar Farm)

THAT the Environment and Hearings Committee grant consent to Rânui Generation United for land use consent to develop 4856 hectares (ha) of rural zoned had at 683 Palmner Road, Kâpuni into a solar farm, pursuant to Sections 105,104B and 108 of the Resource Management Act 1991.

For the following reasons:

- a. The activity is consistent with the relevant objectives and policies of the operative South Taranaki District Plan for the Rural zone and in accordance with the purpose and principles of the Resource Management Act 1991.*
- b. Conditions are recommended that ensure development of the site would be in keeping with the context, character and amenity of the area, and would not adversely impact surrounding properties.*
- c. Effects from the activity onsite can be appropriately mitigated through controls.*
- d. Construction effects of the activity will be temporary in nature.*
- e. The reversion of the land to productive use (or intended use) is carried out in an appropriate manner.*
- f. The activity (for its lifetime) is provided a pathway under the National Policy statement for Highly Productive Land. In addition, a secondary productive land use is proposed to be undertaken on the site.*
- g. The activity supports the intent of the National Policy Statement for Renewable Electricity Generation 2011.*

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]
Sent: Wednesday, 15 November 2023 7:46 pm
To: Allan Chesswas
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Hi Allen,

Yeah ill refer you to this doc:

<https://www.southtaranaki.com/repository/libraries/id:27mlbegko1cxbyf94es5/hierarchy/Documents/Agendas%20and%20minutes/Environment%20and%20Hearings%20Committee/Extraordinary%20Environment%20and%20Hearings%20Committee%20Full%20Agenda%202023-11-08.pdf>

I know a few conditions were to have minor amendments so I don't want to send out my copy.

Cheers,
Adam

Adam Bridgeman
Senior Planning Consultant | AB Planning
M | 020 4173 8254



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From: [Allan Chesswas](#)
Sent: Wednesday, 15 November 2023 4:17 PM
To: [Adam Bridgeman](#)
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Hi Adam

I'm writing up a cover letter/supplementary AEE re our productive capacity report, and referring to relevant decisions from NPDC and case law. Can you please send through the officer's report for any recent STDC decisions concerning activities on highly productive land, such as the Ranui one, so that I can refer to these as well?

Cheers,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]
Sent: Tuesday, 12 September 2023 5:31 pm
To: Allan Chesswas
Cc: Planning; Jessica Sorensen
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Hi Allan,

As per the phone conversation this afternoon, you've indicated you have engaged an expert in small scale production to demonstrate that the proposed Lots can retain the overall productive capacity.

I note that one Lot has been removed and the remainder Lots have been amended slightly larger than that originally proposed.

At this stage we have agreed to wait until this information becomes available before deciding the next steps.

Kind Regards,
Adam



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From: [Jessica Sorensen](#)
Sent: Wednesday, 6 September 2023 11:17 AM
To: [Allan Chesswas](#); [Adam Bridgeman](#)
Cc: [Planning](#); [Sophie Canute](#)
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Morning Allan,

Sophie has kindly provided the below table with the relevant decisions.

Cases discussed:

Reason	Name of case	Activity	Link
NPS-HPL	Gray v Dunedin City Council [2023]	Residential Activity on 2.8 ha of rural land.	LINK

NPS-HPL	Balmoral v Dunedin City Council [2023]	Plan Change before commencement date of NPS-HPL.	Link
NPS-HPL	Barbican Securities Limited v Auckland Council [2023]	3-Lot Rural Subdivision.	Link
NPS-HPL	Drinnan v Selwyn District Council [2023]	Other zoning in the district may meet the requirements of Rural Lifestyle.	Link

Ngā mihi,

Jessica Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

Te Kaunihera o Taranaki ki te Tonga | South Taranaki District Council

105-111 Albion St, Hāwera 4610 | Pūrangi Motuhake 902 | Private Bag 902, Hāwera 4640, NZ

Waea Kore Utu/Freephone: 0800 111 323 | Waea/Phone: +64 6 278 0555 | www.southtaranaki.com



From: Allan Chesswas <ajchesswas@gmail.com>

Sent: Wednesday, September 6, 2023 11:08 AM

To: 'Adam Bridgeman' <Adam@abplanning.co.nz>; Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>

Cc: Planning <Planning@STDC.govt.nz>; Sophie Canute <Sophie.Canute@STDC.govt.nz>

Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

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Thanks Jessica, sounds good Adam.

I've attached a decline decision I recently read – perhaps it is the one Jessica mentions. Would appreciate it if you could pass on any other relevant decisions you have come across.

Kind regards,

Allan

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]

Sent: Wednesday, 6 September 2023 9:55 am

To: Jessica Sorensen; Allan Chesswas
Cc: Planning
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Hi Allan,

I'll try catch up with Sophie (currently away) in the next few days over those Environment Court Decision outcomes then I'll be in touch about a possible discussion?

Thanks,
Adam



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From: [Jessica Sorensen](#)
Sent: Tuesday, 5 September 2023 8:03 PM
To: [Allan Chesswas](#); [Liam Dagg](#)
Cc: [Planning](#); [Adam Bridgeman](#)
Subject: RE: 408 Ketemarae Road (RMS23026) - Expert Input

Hi Allan,

I understand that Adam has previously provided this advice to you. I will leave this with him to communicate further. There is some recent case studies that have come out of the environment court, both with grant and decline results. This might be a good resource to help out in this space as well.

Ngā mihi,

Jessica Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

Te Kaunihera o Taranaki ki te Tonga | South Taranaki District Council

105-111 Albion St, Hāwera 4610 | Pūrangi Motuhake 902 | Private Bag 902, Hāwera 4640, NZ

Waea Kore Utu/Freephone: 0800 111 323 | Waea/Phone: +64 6 278 0555 | www.southtaranaki.com



From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Tuesday, September 5, 2023 12:37 PM
To: Liam Dagg <Liam.Dagg@STDC.govt.nz>; Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>
Cc: Planning <Planning@STDC.govt.nz>; Adam@abplanning.co.nz
Subject: 408 Ketemarae Road (RMS23026) - Expert Input

CAUTION: This email originated from outside of STDC. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Liam, Jess & Adam

I have been working with the applicants for the proposed 6-lot subdivision at 408 Ketemarae Road on providing further information to support our assessment that productive capacity will be retained. I am confident that we will be able to obtain expert advice to support the assessment that productive capacity will be retained, demonstrating consistency with the NPSHPL and proving consistency with the enabling nature of Part II, especially given that potential adverse amenity effects are adequately addressed. We are engaging an expert in small-scale production, who is gathering information on the scope for production associated with the proposed lots.

I have tried calling, and sent some text messages to you, Liam and Jess, to enquire about any criteria or parameters you might have in mind as you formulate your own approach to making these kinds of assessments. I know Jess was away sick, but hopefully now I can get a response from someone with some constructive engagement on the matter as we try to bring this process to a close.

Yours sincerely,

Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

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**BEFORE THE SOUTH TARANAKI DISTRICT COUNCIL
ENVIRONMENT AND HEARING COMMITTEE AT HAWERA**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application under s88 of the Act by John Soothill & Enfys Soothill to the South Taranaki District Council for a 5-lot subdivision at 408 Ketemarae Road (RMS23026)

**STATEMENT OF EVIDENCE OF
ALLAN JOHN CHESSWAS - PLANNER**

10 April 2024

INTRODUCTION

1. My name is Allan John Chesswas.
2. In this brief of evidence, I outline:
 - a. Planning qualifications and experience
 - b. Planning philosophy
 - c. Primary production experience
 - d. Preparation of evidence
 - e. Assessment of environmental effects
 - f. Evidential burden
 - g. Further evidence: Productive Capacity Retention and Economic Viability Analysis
 - h. Further evidence: Aspirations of the applicant reflected in subdivision design
 - i. Further evidence: Site suitability and matters of precedent
 - j. Disputed matters: Market gardening production values: Further evidence
 - k. Disputed matters: The loss of productive land to residential development
 - l. Disputed matters: Incomplete and uncertain district plan coverage
 - m. Relevance Of Clause 3.10(1)(A)
 - n. Summary

PLANNING QUALIFICATIONS AND EXPERIENCE

3. I have a Bachelor of Resource and Environmental Planning from Massey University (2004), in which I was trained in understanding and applying The Resource Management Act 1991 (the Act), and plan provisions under the Act, in local and central authority planning contexts. This training included a second specialisation in Sociology. I also have a Diploma of Biblical Studies from Laidlaw College (2010), and have completed a range of philosophy papers at Massey University, Victoria University and Auckland University towards a yet to be completed Arts qualification. All of this humanities-based education has contributed to understanding my role and duties as a planner.
4. I have been self-employed as Principal Planner and Managing Director at Renaissance Consulting Limited, based in Stratford, since 2010. Prior to this I worked for Harrison Grierson Limited in Wellington, and also New Plymouth District Council and Stratford District Council.

5. My experience includes assessing and consenting subdivision and land use activities under the South Taranaki District Council (STDC) plans and other District Plans and Regional Plans in New Zealand; and also work on preparing and drafting second-generation plans, including overseeing the review of the Stratford District Plan (including Rural Zone policy and subdivision rules), and drafting new plan provisions to give effect to the National Policy Statement for Renewable Electricity Generation for New Plymouth and South Taranaki District plan reviews. I have a range of experience considering national policy statements in relation to resource consent applications and rural resource issues, and quantifying and modelling relevant effects, mainly in relation to the NPS for Freshwater Management.

PLANNING PHILOSOPHY

6. My planning practice, Renaissance Consulting, is grounded in an ethos that takes from traditions classical and modern, and includes:
 - a. A confident commitment to sustainable management, to the public good and equity, and to classical liberal and democratic processes and arrangements, accepting the healthy tension between those goals and the processes and arrangements through which they are sought.
 - b. A commitment to supporting proposals and making recommendations that result in rational outcomes, in terms of pursuing coherent and optimum land use function – socially, economically and environmentally.
 - c. An assumption that we should be able to understand words and evidence in a common way, and that we can accurately use language judge outcomes as consistent or inconsistent with sustainable management, the public good and equity.
7. My philosophy is also in line with the predominant streams of postmodern planning theory (ie participatory, communicative , advocacy, and radical planning theories), in that I accept:
 - a. A planner in their practice ought not to be assumed to be neutral, but ought to advocate for recommendations that are consistent with the goals of sustainable management, the public good and equity.
 - b. A planner must nonetheless be impartial, and not act as an advocate for a particular party at the expense of sustainable management, the public good or equitable outcomes.
8. The values I articulate above, and adhere to in my practice, have all played a role in shaping the planning system in which we operate under the Act, to which my training was oriented. Because of this, I have a high level of confidence in my ability to draw conclusions and make recommendations that are consistent with the Act, due to this training, and the consistency between my professional values and those that shape the decision-making framework outlined in the Act.

9. I will only take on a job if, as a professional, I consider that the proposal can be assessed to be consistent with the outcomes intended by purpose and provisions of the Act, and with the objectives and policies of plans prepared under the Act, on the basis of a consideration of actual and potential effects. It is notable that, in 20 years of practicing as a planner under the Act with this ethos, I have never provided an assessment of environmental effects that concludes that a proposal is inconsistent with the Act or the relevant planning instruments, and I have never been subject to a decision to decline a resource consent application that I have prepared. The officer's report for the subject application is the only report to have ever recommended that an application that I support as a professional be declined.
10. I am concerned that this clash might indicate a shift in council planning practice away from a classical liberal philosophy that is effects-based, evidence-based, and conservative in relation to the regulatory function of councils. It may indicate shift towards a philosophy that is less effects-based, less evidence-based, and more inclined to follow political trends, and impose the regulatory power of local government, regardless of the actual effects, or evidence of those effects. Such a shift ought to be avoided, if professional and judicial integrity under the Act is to be retained. Any such shift would appear to prioritise the adoption of politically expedient programmes that extinguish liberties and impose burdens on citizens, without any unambiguous gain or advantage to the public good, with consequences that have an inequitable effect.

PRIMARY PRODUCTION EXPERIENCE

11. I also have a broad range of direct experience in primary production and rural communities, being a part-time drystock farmer with an 86 ha hill country lease, with a homestead with supporting primary production, on 1 ha east of Stratford. I am familiar with a range of small block holdings and uses, both locally in the eastern Stratford district, and across the Taranaki region, especially also the South Taranaki District.

PREPARATION OF EVIDENCE

12. In preparing this evidence I have reviewed:
 - a) All original application details, including:
 - i. The land use consent application lodged 10 March 2023 (assumed to be tabled);
 - ii. The Assessment of Environmental Effects (AEE) dated 10 March 2023 (assumed to be tabled);
 - b) Correspondence with STDC planning team regarding the application;
 - c) The Greenbridge "Advisory Report: Productive Capacity for 408 Ketemarae Road", dated 31 October 2023 (assumed to be tabled)

- d) My letter to Adam Bridgeman of AB Planning, consultant planner to STDC, dated 10 January 2024 (assumed to be tabled);
 - e) The “Peer review of application information for proposed subdivision of 408 Ketemarae Road, Normanby” carried out by Agfirst, dated February 2024 (assumed to be tabled);
 - f) Productive Capacity Retention & Economic Viability Analysis dated April 2024 (Appendix I);
 - g) Tenure statement given by John Soothill (Appendix IV);
 - h) Further correspondence with experts, including
 - i. Bena Denton, Ecological Landscape Designer, Greenbridge
 - ii. Michelle Bauer, Branching Out Project Lead, Venture Taranaki
 - iii. Matthew McDonald, Principal, Matthew & Co Real Estate Ltd (Appendix V)
13. While this is a Council hearing, I have been advised that it is not an RMA hearing. Nonetheless, I confirm that I have read the Code of Conduct for Expert Witnesses as contained in the Environment Court Practice Note 2023, and I agree to comply with it in giving this evidence. I confirm that the issues addressed in this brief of evidence are within my area of expertise.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

14. I stand by the assessment and conclusions provided in the AEE: That adverse effects generated by the proposal will be no more than minor; And that the proposal is consistent with the objectives and policies of the South Taranaki District Plan (“the District Plan”), the Regional Policy Statement for Taranaki (“the RPS”), the National Policy Statement for Highly Productive Land 2022 (“the NPSHPL”), the National Policy Statement for Freshwater Management 2020 (the “NPSFM”) and the Resource Management Act 1991 (“the Act”).
15. Evidence supporting these conclusions has been provided by the applicant, and engaged with by council officers, with input via an expert peer review. Further evidence is circulated herein ahead of the hearing. Taken together, all of this evidence demonstrates both that the proposed subdivision retains productive capacity, and that the subject land cannot be considered as likely to be used in a manner that demonstrates viability as part of an economic going concern – satisfying the two pathways provided for subdivision of highly productive land in Clause 3.8(1)(a) and Clause 3.10(1)(a) of the NPSHPL.
16. Some conclusions drawn in the evidence have been disputed by the officer and expert engaged by council, namely the values used in considering the productivity of market gardening, an argument that the proposal will result in an actual overall loss of productive land to residential development, and whether or not the district plan

coverage if relevant issues is uncertain or complete. As well as this, concern has been raised about the level of detail provided in the application and further information lodged by the applicant. These matters are discussed below (paragraphs 23 & 24, 37 – 40, 45 – 48, and 46 – 49), and in considering them further I conclude that these disputes have no bearing on my overall judgment concerning the retention of productive capacity and lack of economic viability.

17. Neither the criticism of the evidence supplied by the applicant, nor any other evidence that has been tabled, constitute persuasive proof that any adverse effects will arise from the proposal, or that any such effects would be more than minor. On this point alone, supporting that the proposal is not contrary to the objectives and policies of the Plan, the application ought to be approved. Notwithstanding this, none of the evidence tabled constitute persuasive proof that the proposal will result in an actual overall loss of productive land to residential development.
18. This considered – If adverse effects are more likely to be minor, than more than minor (and in fact effects are more likely to be negligible, or rather positive) – then the application ought to be approved to enable the community to provide for their social, economic, and cultural well-being as they see fit.
19. Furthermore, notwithstanding this, *RJ Davidson Family Trust v Marlborough District Council (ENV -20 14-CHC-34[60])* found that assessment under Part II of the Act is only necessary where there is invalidity, incomplete coverage or uncertainty in the statutory planning documents. The tension between the protection of highly productive land under the NPSHPL, and the supply of land for homes in a way that is responsive to the diverse and changing needs of people and communities and helps to alleviate the pressure on urban housing choice and affordability, is a tension not adequately addressed by the statutory planning documents, especially with regards to the supply of rural land for homes. The incompleteness and uncertainty that is consequent to this tension means that if it were found that the proposal didn't satisfy the pathways for subdivision under Clause 3.8(1)(a) and Clause 3.10(1)(a) of the NPSHPL, then recourse to Part II in a Section 104 assessment would be appropriate, and such an assessment would support the conclusion that the adverse effects of the proposal are no more than minor, and that the proposal is not contrary to the objectives and policies of the Plan.

EVIDENTIAL BURDEN

20. Furthermore, in considering the purpose of the Act, the matter of whether or not decisions and decision-making processes deliver outcomes that are fair and equitable is a necessary consideration, in relation to whether a decision is consistent with the purpose of the Act. Where the outcomes of an adopted method are clearly inequitable, planning methods ought to be reviewed, to ensure regulations and controls are only adopted if they are effective at delivering outcomes that are equitable – that is, able to be accessed with relative equality, in such a way that resource and budget do not have a significant effect on outcomes.

21. With regards to controls on subdivision, if an activity is understood to be a Discretionary Activity, and there is no clear evidence supporting an argument that a proposal has adverse effects, and an applicant supplies evidence that indicates any such effects are no more than minor, negligible, or even, as in this case, likely positive – and therefore there is no evidence of a proposal being contrary to the objectives and policies of a relevant plan – then an application ought to be approved. Furthermore, if there is no clear evidence supporting an argument that a proposal has adverse effects to begin with, then the burden and extent of information expected from the applicant should not be unreasonable in such a way that it would be a cost that might be easily be borne by some, in relative and proportional terms, but too burdensome for others. Such a situation would mean that only those with greater financial resource could obtain resource consent, while others with less means to afford to produce the information couldn't, and this would be an inequitable outcome.
22. If these decision-making processes put an undue burden for excessive information on the applicant, it will be increasingly likely that planning decisions would result in perverse outcomes that favoured wealthy applicants prepared to meet the cost of the process, while land remained underdeveloped and underutilised because regulation was a disincentive to the development or utilisation to most people.
23. It is due to this consideration of equity, to which I consider myself professionally obliged, that the AEE and expert advice supplied was not as detailed as it might have been – a matter raised by the Agfirst peer review. Taken together, the AEE and the Greenbridge advisory report provided assessment of productive capacity retention to a scale I considered appropriate, bearing in mind principles of equity, reflected in the requirement under Section 31(1)(c) of the Act that an evaluation report prepared under the Act “contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.”
24. Further information and evidence is provided in this brief, and the cost of providing that information has rightfully been borne not only by the applicant, but also by the professional and political parties involved, to some extent. The discussion and analysis entailed includes information that will be in the public interest and of value to the wider profession. Good planning practice that upholds the principles discussed above would ensure that such analysis be completed broadly at a district-wide level before policy and associated methods and rules are imposed on the community. As such, the question of who bears the burden of these costs ought to be asked closely, and considered concurrently with deciding on the subject application. Furthermore, where good process has not been followed in the development of an NPS, it ought also to be considered with whom the burden will lie, if it is found that the NPS is applied unlawfully, due either to misapplication, or the illegitimacy of a NPS resulting from reliance on a legally deficient drafting process.

FURTHER EVIDENCE: PRODUCTIVE CAPACITY RETENTION AND ECONOMIC VIABILITY ANALYSIS

25. In order to understand the potential impact of the proposed subdivision on the productive capacity of highly productive land, I have generated a “Productive Capacity Retention and Economic Viability Analysis”, to model the impact of the proposal, attached as Appendix I, which yields the following conclusions:
- i. The proposed subdivision does not extinguish productive capacity, and enables the creation of a diverse range of title sizes that can be held for productive use, satisfying Clause 3.8(1)(a) of the NPSHPL.
 - ii. In considering the proposed subdivision, if proposed lots were used for homestead purposes, and stocking rate was assumed to be constant, the total value (\$25,910) of produce grown directly from the land when subdivided & built on could be estimated to be \$4,037 (13%) less than produce produced on the land currently (\$29,947), due to the footprint of dwellings and curtilage. However, any such modelled reduction in directly grown produce can be considered insignificant/minor, being equivalent with the value of outputs that may result from more intensive uses such as gardening, orchards or increased stocking rates, typical where small blocks support homestead use.
 - iii. Maize or dairy production could result in higher gross revenue yields. However, while the subject land is theoretically suitable for these uses, it may be unattractive and unprofitable when operating and capital costs are considered, due to being too fragmented already. Surrounding land use patterns on similarly small and fragmented land suggest that drystock grazing is more likely. The proposal is compatible with the latter, without extinguishing productive capacity, thus satisfying Clause 3.8(1)(a).
 - iv. The size of the subject land in its context (when surrounding uses are considered) is such that it is likely currently not viable, neither as a stand-alone economic unit, or for incorporation into another economic unit, and thus Clause 3.10(1)(a) is satisfied. But, by creating small blocks that can be used for homesteads and supporting production, the proposed subdivision makes the land viable in relation to these uses.
 - v. It can therefore be considered that adverse effects on the retention of productive capacity resulting from the proposal will at worst be no more than minor, and will likely be only or largely positive, resulting in not only increased productivity but also increased economic viability, satisfying both Clause 3.8(1)(a) & Clause 3.10(1)(a) of the NPSHPL.

FURTHER EVIDENCE: ASPIRATIONS OF THE APPLICANT REFLECTED IN SUBDIVISION DESIGN

26. In *Barbican Securities Limited vs Auckland Council (ENV-2022-AKL-000214)*, the interest and long-term goals of the applicant were considered relevant to their decision to decline an application to subdivide a 63 Ha block on the outskirts of Auckland into three approx. 20 Ha blocks. In this example, it was found that the blocks could still be used productively, even though there was debate over the cost of establishing productive uses, and the proposal was considered consistent with the NPSHPL. However, the Auckland Unitary Plan was already highly directive with its provision under Objective E39.2(10)(b) that “Fragmentation of rural production land by subdivision of land containing prime soil is avoided where practicable” (see extract, Appendix II).
27. In the above case, the critical evidence that the land would not be used productively was the aspirations of the developer themselves, which were taken from the prospectus of one of their companies, of which the purpose was “pursuing a defined planning strategy to rezone the property for urban development,” and “does not include land development activity or capital intensive improvements to the land, rather the objective is to prepare the property for future urbanisation.”
28. By contrast, in the subject application, the Soothill family’s aspirations have been consistently heard and understood to be simply the creation of new titles that can be sold and used for small block rural living. Furthermore, the family have taken deliberate steps to design the subdivision in such a way that the productive capacity of such titles is not only retained, but optimised. That small block homesteading is often as productive as larger holdings is understood in the only major study on the topic, Cook A, Fairweather J, 2005. *Characteristics of smallholdings in New Zealand: results from a nationwide survey*. AERU Research Report No. 278, Lincoln University (see extract, Appendix III). It is also well understood by local market players, as has been indicated to me by Matthew McDonald of Matthew and Co repeatedly in private correspondence (See Appendix V).
29. With this in mind, that the aspirations of the applicant are considered relevant evidence, I have attached as Appendix IV a Tenure Statement outlining the history of the Soothill family with the subject land, and their aspirations concerning its future and the intent of the proposed subdivision.

FURTHER EVIDENCE: SITE SUITABILITY AND MATTERS OF PRECEDENT

30. I have been working with Jennifer Carew of Clarita Solutions Pty Ltd, a GIS systems specialist with 13 years’ experience working with local government GIS systems, to try to create simple modelling tools to enable effective decision making in relation to highly productive land, to enable people and communities to subdivide to provide for their social, economic, and cultural well-being, while at the same time ensuring that the use of highly productive land for land-based primary production is prioritised and supported.

31. The goal of this work is to identify and map land that possesses attributes that make it ideal or suitable for subdivision for small holdings, while protecting land that is held in larger titles from being subdivided for small block use. Small block holdings, used for small-scale horticulture or homesteading, are typically desired to be closer to urban centres, and are better utilised when they are. Being more utilised for residential living a well, it is also amenable that land used for this purposes possesses amenities that afford themselves to residential living – such as formed footpaths, water supply, lower speed limits, proximity to roads and consistency with surrounding land use.
32. We have been working on populating the table below, and to complete the task, the only outstanding information can be gained from STDC:

SOUTH TARANAKI DISTRICT	
CRITERIA	VALUE
1. Distance from perimeter of major centre by road *	5km
2. Distance from perimeter of smaller centre by road *	2km
3. Formed footpath	On road adjacent to property
4. Low speed limit	80km/hr or lower
5. Adjacent land use	More than 1 adjacent property <20 Ha
6. Water connection	At boundary
7. Furthest distance from road (without access strip)	200m

*Major centres in South Taranaki District: Hawera, Eltham, Opunake, Patea, Waverley

*Smaller centres in South Taranaki District: Okato, Normanby, Manaia, Kaponga, Waitotara

33. This work is incomplete, as the scale of the work, and the fact it is being carried out on a pro bono basis mean that there has been insufficient time to see it completed.
34. I understand that, if the total area of land possessing these attributes can be calculated, and compared with the total land area of highly productive land in the district and region, it will be seen that any risk that subdivision might pose to reducing productive capacity will be found to be able to be considered no more than minor, especially if the precedent can be understood to have been determined by identifying that land as part of a subset of HPL land that is suitable for small block subdivision according to the above criteria, and to only apply to such land.
35. It may be seen on a map that only considers distances from roads, and distances from centres, that the amount of land identifiable by these attributes is proportionally small compared to the overall amount of highly productive land. The amount that then has additional attributes – such as formed footpaths, water supply, lower speed limits – would be a proportionality that would be significantly reduced again.

36. Small block subdivision of HPL land without these attributes may also be acceptable – I need to make it clear that it is not that I think land needs these attributes to be considered candidate for small block subdivision. I am only saying that a decision made today need not set a precedent for such land, but only for land characterised by the attributes identified in the table above.
37. It is worth noting that the officer’s report acknowledges that the subject land “benefits” from newly installed pedestrian and bike path linking the two township zones of Hawera and Normanby. This fact alone should warrant supporting the site has having unique characteristics that make it especially suitable to what is proposed, and thus the concern about precedent setting being only relevant to any other properties along this link between Hawera and Normanby – most of which have already been subject to greater fragmentation.

DISPUTED MATTERS: MARKET GARDENING PRODUCTION VALUES: FURTHER EVIDENCE

38. In an email to me dated 5 April 2024, Ben Denton of Greenbridge has offered further explanation regarding her advice that a yield of 20 t vegetables can be expected from 0.6 ha (equating to 33 t/ha), which was challenged by the Agfirst peer review:

“The reference for the 20 tone of vegetables, assigned to market garden space in the Lot 1 / 2 example, is from the Ted Talk given by Nina and Yotam Kay (founders and owners of Pakaraka Farm/ Market Garden in Thames). Niva and Yotham are permaculture colleagues and well renowned for their successful market garden, have published a number of books and run regenerative workshops. Here is their website, where you can also see their Ted Talk that explores their approach and yields I referenced:
<https://www.pakarakafarm.co.nz/>

I also corroborated these yields with anecdotal conversations with Carl Freeman (formally of Freeman Farms and now tutor of horticulture at Whitt Te Pūkegna), who let me know he achieved similar success and yield at his market garden, likewise Kaitaki Farms and Goldfish Micro Fram (all based here in Taranaki).

As it is not Agfirst’s area of expertise they may not be aware that diversified, intensive smaller farms have higher yields and boost greater crop and non-crop biodiversity than larger farms (which is their area of expertise). I completely disagree that organic crops are more likely to fail and have lower yields (unless you are talking about industrialised mono-organic crops, of which I am not) this is clearly not the case in the market gardens I researched.”

39. This explanation can be supported by the result of an enquiry I made with Michelle Bauer of the Venture Taranaki Branching Out Project, advising me in an email dated 8 April 2024:

“There are a number of highly specialised market garden operations in Taranaki (Roebuck Farms being a prominent example) who state their returns on a small scale are significant (<https://www.quorumsense.org.nz/content/16-jodi-roebuck-on-maximising-impact-per-hectare>). However I am not certain if this has been replicated by any of the other market gardens.”

40. In the link provided by Ms Bauman, Mr Roebuck advises in an interview that he generates a \$250k turnover on one tenth of a hectare.
41. This further evidence gives me further confidence that the advice of Ms Benton is to be trusted, and means that those bearings have no bearing on my overall judgment concerning the retention of productive capacity provided for in the proposal.

DISPUTED MATTERS: THE LOSS OF PRODUCTIVE LAND TO RESIDENTIAL DEVELOPMENT

42. In the council officer's report, Mr Bridgeman's primary reasons reason for recommending the application be declined appear to rest on:
 - a. A consideration, based on observing adjacent land use, that each allotment will be developed into a standalone residential form consistent with those in the immediate vicinity, whereby the productive capacity will be lost to the dwelling and curtilage and may be uneconomical to scale production due to rural fragmentation [and therefore result in] an actual overall loss of productive land to residential development if the subdivision consent was to be granted."
 - b. A consideration that, because the proposed allotments will be subject to a dwelling and associated curtilage, the proposal would not retain overall productive capacity and thus satisfy Clause 3.8(1)(a) of the NPSHPL.
 - c. A consideration that the subject land does not have long term constraints, given the many options outlines for production highlighted in the Greenbridge report.
 - d. A consideration, resting on these conclusion, that the proposal would not be consistent with the objective and policies of the South Taranaki District Plan, "removing productive land from the district through the physical loss and fragmentation, serving to change the rural character and use in this immediate location to a more intensive urban form."
43. In my AEE, I argued that adjacent properties were a helpful point of reference to demonstrate that lots smaller than 4000m² are likely not to retain productive use, while lots greater than 4000m² are likely to. Two adjacent properties directly across the road from the subject site are smaller than 4000m², and largely in lawn (though possibly productive via vegetable gardens or fruit trees), while other properties nearby that are over 4000m² are typically subject to grazing and/or cut and carry operations.
44. This evidence, together with evidence provided in advice from Ms Benton, gives me the confidence that 4000m² can be considered a good baseline to ensure productive capacity is retained, while 6000m² is a baseline that can optimise the retention of productive capacity.

45. Thus I stand by my assessment, contrary to the opinion of Mr Bridgeman, that a consideration of adjacent property would result in a conclusion that the proposal retains productive capacity.

DISPUTED MATTERS: INCOMPLETE AND UNCERTAIN DISTRICT PLAN COVERAGE

46. In the council officer's report, Mr Bridgeman remarks that he considers that it is the intention of the District Plan objectives and policies to maintain minimum balance lot sizes, and that because of this it can be considered that the District Plan aligns with the intent of the NPSHPL.
47. Mr Bridgeman appears to view the minimum balance lot rule as the primary evidence that the creation of lots discussed is to be considered contrary to the goals articulated in Policy 2.1.6.
48. Such a view could well be considered appropriate if the failure to achieve a balance lot of 20 ha resulted in a subdivision being classified as a Non-Complying Activity, or Prohibited Activity. However, even a Non-Complying Activity need only meet the same tests as a Discretionary Activity to be approved – namely, that adverse effects are no more than minor, and that the proposal will not be contrary to the objectives and policies of the relevant plan (Section 104D of the Act).
49. Furthermore, the subject site we are concerned with is already well short of the requirement for a balance lot of 20 ha.

RELEVANCE OF CLAUSE 3.10(1)(A)

50. In the AEE, I drew the conclusion that an assessment in relation to Clause 3.10(1)(a) was irrelevant, due to the fact that the assessment of the proposal satisfied the tests for the pathway to subdivision under Clause 3.8(1)(a). For this reason, a detailed assessment in relation to this clause has not been provided as part of this application.
51. However, in the "Productive Capacity Retention an Economic Viability Analysis" tabled as Appendix I, it may be seen that, while productive capacity can be shown to be retained, the viability of the subject site is questionable, due to the cost of capital required to use the land for its typical purpose. As such, the subject site cannot be considered viable as a going concern that could provide FTE equivalent income. It can only be considered viable if the production is considered as supplementary to the use of the property for domestic purposes. Thus it can be straightforwardly shown that the proposal could be considered to satisfy Clause 3.10(1)(a) of the NPSHPL.
52. It is also evident that the proposal satisfies Clause 3.10(1)(b), Clause 3.10(1)(c) and Clause 3.10(2), in that:


- a. The proposal avoids any significant loss (either individually or cumulatively) of productive capacity of highly productive land in the district, as the lots will still be of a size that can be typically expected to be used for productive purposes;
- b. The proposal avoids the fragmentation of large and geographically cohesive areas of highly productive land, in that the subject site is already well below the 20 ha minimum balance lot size, and possess attributes that make it suitable for small block subdivision (such as proximity to Hawera, and to infrastructure (Footpath and water mains)), without compromising large and geographically cohesive areas of highly productive land;
- c. The proposal avoids potential reverse sensitivity effects on surrounding land-based primary production (see Section 7.3 of the AEE);
- d. 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 (see Section 7.10 of the AEE, and overall conclusions of AEE and supporting evidence);
- e. An assessment of the proposal that evaluates the matters outlined in Clause 3.10(2) can be expected to lead to the conclusion that, while measures such as amalgamation with neighbouring sites might improve viability, it would not make the land viable, due to the cost of capital associated with purchasing the land, as the value of the land reflects an expectation that it will be used for residential living as well as rural production, and is rated accordingly. This is demonstrated in the "Productive Capacity Retention an Economic Viability Analysis".

SUMMARY

53. The discussion above further demonstrates, together with the AEE, that the proposed 5-lot subdivision at 408 Ketemarae Road is not only consistent with the Resource Management Act 1991, but also consistent with the South Taranaki District Plan, the Regional Policy Statement for Taranaki, the National Policy Statement for Highly Productive Land 2022 and the National Policy Statement for Freshwater Management 2020 (the "NPSFM").

APPENDIX I

PRODUCTIVE CAPACITY RETENTION AN ECONOMIC VIABILITY ANALYSIS

PRODUCTIVE CAPACITY RETENTION & ECONOMIC VIABILITY ANALYSIS									
 Allan Chesswas Managing Director/ Principal Planner Renaissance Consulting 027 362 8375 ajchesswas@gmail.com 10/04/2024	CAPACITY		Sheep	Beef	Dairy	Maize	Mka. honey	Veg. garden	
	LUC Class I Land (15 SU/Ha) 3.5 Ha - 0.48 Ha	Produce per unit/yr (kg)	25	150	351		20		
		Unit produce per Ha/yr	15	3	3.62393		2		
		KG/Ha	375	450	1272	14,000	40	50000	
		Revenue/kg (\$) / Gross revenue/Ha	6 / 2250	5.5 / 2475	8.36 / 10633.9	0.375 / 5250	40 / 1600	12 / 600000	
	LUC Class 3 Land (8 SU/Ha) 10.4 Ha	Produce per unit/yr (kg)	20	120	351		20		
		Unit produce per Ha/yr	8	1.6	3.62393		2		
		KG/Ha	160	192	1272	10,000	40		
		Revenue/kg (\$) / Gross revenue/Ha	6 / 960	5.5 / 1056	8.36 / 10633.9	0.375 / 3750	40 / 1600		
	Table 1 (above): Index for expected gross revenue from production per annum according to LUC Class		Effective area LUC 1	Effective area LUC 3	Sheep (Units)	Beef (Units)	Dairy (Ha)	Maize + silage (Ha)	Manuka honey
PARENT TITLE	Existing	3.02	10.4		40.26				
	Alt.: (Beef + maize)	3.02	10.4		16.64		3.02		
	Alt.: Sheep & beef	3.02	10.4	64.25	12.85				
	Alt.: all maize	3.02	10.4				13.42		
	Alt.: all dairy	3.02	10.4			13.42			
	Alt. veg + honey	3.02	10.4					20.8	1812000
	Alt.: maize + honey	3.02	10.4				3.02	20.8	
PROPOSED SUBDIVISION (vegetable gardening + beef on 10 ha)	Lot 1 (0.6006 Ha)	0.4006							
	Lot 2 (0.6104 Ha)	0.4104							
	Lot 3 (1 Ha)	0.8							
	Lot 4 (0.96 Ha)	0.76							
	Lot 5 (10.322 Ha)		10.122		30.366				
	TOTAL PROPOSED SUBDIVISION	2.371	10.122	0	30.366		0	0	0
PROPOSED SUBDIVISION (homestead meat + beef on 10 ha)	Lot 1 (0.6006 Ha)	0.4006			1.2018				
	Lot 2 (0.6104 Ha)	0.4104			1.2312				
	Lot 3 (1 Ha)	0.8			2.4				
	Lot 4 (0.96 Ha)	0.76			2.28				
	Lot 5 (10.322 Ha)		10.122		30.366				
	TOTAL PROPOSED SUBDIVISION	2.371	10.122	0	37.479		0	0	0
Table 2 (above) shows produce for various scenarios Table 3 (above right) shows total gross revenue Table 4 (below) shows productive capacity/viability		TOTAL PRODUCE (gross revenue)	GROSS MARGIN	PRODUCTIVE CAPACITY VALUE	PRODUCTIVE CAPACITY STATUS (Clause 3.8)				
PARENT TITLE	Existing	\$ 29,946.73	\$ 12,202.54	\$ 26,952.06	RETAINED				
	Alt.: (Beef + maize)	\$ 28,243.28	\$ 12,687.91	\$ 8,472.98	RETAINED				
	Alt.: Sheep & beef	\$ 18,305.40		\$ 5,491.62	RETAINED				
	Alt.: all maize	\$ 146,280.00	\$ 93,304.40	\$ 29,256.00	RETAINED				
	Alt.: all dairy	\$ 142,707.21	\$ 65,549.72	\$ 28,541.44	RETAINED				
	Alt. veg + honey	\$ 1,828,640.00		\$ 182,864.00	RETAINED				
	Alt.: maize + honey	\$ 32,495.00		\$ 3,249.50	RETAINED				
PROPOSED SUBDIVISION	Vegetable gardening	\$ 1,202,281.56		\$ 160,297.40	RETAINED				
	Homestead meat	\$ 25,909.79		\$ 22,145.16	RETAINED				

JOHN & ENFYNS SOOTHILL: Proposed 5-Lot Subdivision at 408 Ketemarae Road

SOURCES:	
Carrying capacity:	Beef + Lamb NZ: https://beefiambnz.com/industry-data/farm-data-and-industry-production/farm-classes BakerAg: https://www.bakerag.co.nz/sites/default/files/2018%20Rem%20Survey%20Stock%20Units%20%26%20Ratio.xlsx
Stock units:	Beef + Lamb NZ: https://beefiambnz.com/knowledge-hub/PDF/growing-great-lambs.pdf
Growth rates:	Beef + Lamb NZ: https://beefiambnz.com/sites/default/files/factsheets/pdfs/fact-sheet-119-growing-cattle-fast-on-pasture.pdf PGG Wrightson: https://www.agonline.co.nz/sites/default/files/2022-03/Agonline%20Dressing%20Out%20Lambs.pdf
Yields:	Pioneer: https://www.pioneer.co.nz/product-range/maize-for-grain/maize-grain-calculator Tupu.nz ¹ : https://www.tupu.nz/en/fact-sheets/maize-grain#:~:text=Grower%20income&text=At%20an%20estimated%20%24375%20per,just%20under%20%24800%20per%20hectare. Dairy NZ: https://www.dairynz.co.nz/media/a0klq34e/bop-system-2-2023-24-budget-actuals-mid-season-update.pdf

¹Tupu.nz page includes disclaimer that areas less than 5 hectares may be unprofitable for maize production

Sheep	Beef	TOTAL MEAT	Dairy	Maize + silage	Manuka honey	Vegetable gardening	TOTAL PRODUCE (gross revenue) ³	LIKELIHOOD MULTIPLIER	PRODUCTIVE CAPACITY
\$ -	\$ 29,893.05	\$ 29,946.73					\$ 29,946.73	0.9	\$ 26,952.06
\$ -	\$ 12,355.20	\$ 12,388.28		\$ 15,855.00			\$ 28,243.28	0.3	\$ 8,472.98
\$ 8,673.75	\$ 9,541.13	\$ 18,305.40					\$ 18,305.40	0.3	\$ 5,491.62
NA	NA	NA		\$ 146,280.00			\$ 146,280.00	0.2	\$ 29,256.00
			\$ 142,707.21				\$ 142,707.21	0.2	\$ 28,541.44
					\$ 16,640.00	\$ 1,812,000.00	\$ 1,828,640.00	0.1	\$ 182,864.00
NA	NA	NA		\$ 15,855.00	\$ 16,640.00		\$ 32,495.00	0.1	\$ 3,249.50
				NA		\$ 240,360.00	\$ 240,360.00	0.1	\$ 24,036.00
				NA		\$ 246,240.00	\$ 246,240.00	0.1	\$ 24,624.00
						\$ 480,000.00	\$ 480,000.00	0.1	\$ 48,000.00
						\$ 456,000.00	\$ 456,000.00	0.1	\$ 45,600.00
	\$ 20,041.56	\$ 20,041.56		NA	NA		\$ 20,041.56	0.9	\$ 18,037.40
\$ -	\$ 20,041.56	\$ 20,084.42		\$ -	\$ -		\$ 1,202,281.56		\$ 160,297.40
\$ -	\$ 991.49	\$ 991.49		NA		\$ -	\$ 991.49	0.7	\$ 694.04
\$ -	\$ 1,015.74	\$ 1,015.74		NA		\$ -	\$ 1,015.74	0.7	\$ 711.02
\$ -	\$ 1,980.00	\$ 1,980.00				\$ -	\$ 1,980.00	0.7	\$ 1,386.00
\$ -	\$ 1,881.00	\$ 1,881.00				\$ -	\$ 1,881.00	0.7	\$ 1,316.70
	\$ 20,041.56	\$ 20,041.56		NA	NA		\$ 20,041.56	0.9	\$ 18,037.40
\$ -	\$ 25,909.79	\$ 25,909.79		\$ -	\$ -		\$ 25,909.79		\$ 22,145.16

Cost of capital/annum (6.95%)	RATE 7%	VIABILITY STATUS (Going concern) (Clause 3.10)	VIABILITY STATUS (Incorporation)	VIABILITY STATUS (Homestead)
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	141,400.00	NON-VIABLE	NON-VIABLE	NON-VIABLE
\$	141,400.00	VIABLE	VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	306,017.88	VIABLE	NON-VIABLE	VIABLE
\$	236,017.88	NON-VIABLE	NON-VIABLE	VIABLE

PRODUCTIVE CAPACITY RETENTION & ECONOMIC VIABILITY ANALYSIS: CONCLUSIONS (408 KETEMARAE RD)	
<p>NB.: <u>Gross revenue</u> is considered as indicative of productive capacity in relation to <u>Clause 3.8(1)(a)</u>, rather than gross margin/EBIT, as the small size of both existing and proposed properties makes them unviable for the common land uses for small blocks in the vicinity. Gross revenue, and integration of small scale farming operations with domestic economics, is likely to be considered of most importance for land owners, users and the wider economy. Gross revenue acknowledges true productivity of the land use and benefits to the wider economy resulting from typical small block farming patterns, while profitability is more pertinent for larger blocks treated as a going concern.</p> <p><u>Stand-alone profitability</u> as a going concern that can support the equivalent of 1 FTE, or <u>suitability for profitable incorporation</u> into another concern, or as a site for building and supporting a home, are considered as indicators of viability in relation to <u>Clause 3.10(1)(a)</u>.</p>	
CONCLUSION: PRODUCTIVE CAPACITY RETAINED, FROM NON-VIABLE FOR AGRI-BUSINESS TO VIABLE HOMESTEADS	NPS HIGHLY PRODUCTIVE LAND SUBDIVISION PATHWAYS (S = Satisfied)
<p>The proposed subdivision <u>does not extinguish productive capacity</u>, and enables the creation of a diverse range of title sizes that can be held for productive use, satisfying <u>Clause 3.8(1)(a) of the NPSHPL</u>.</p> <p>In considering the proposed subdivision, if proposed lots were used for homestead purposes, and stocking rate was assumed to be constant, the total value (\$25,910) of produce grown directly from the land when subdivided & built on could be estimated to be \$4,037 (13%) less than produce produced on the land currently (\$29,947), due to the footprint of dwellings and curtilage. However, <u>any such modelled reduction in directly grown produce can be considered insignificant/minor</u>, being equivalent with the value of outputs that may result from more intensive uses such as gardening, orchards or increased stocking rates, typical where small blocks support homestead use.</p> <p>Maize or dairy production could result in higher gross revenue yields. However, while the subject land is theoretically suitable for these uses, <u>it may be unattractive and unprofitable when operating and capital costs are considered, due to being too fragmented already</u>. Surrounding land use patterns on similarly small and fragmented land suggest that drystock grazing is more likely. The proposal is compatible with the latter, without extinguishing productive capacity, thus satisfying <u>Clause 3.8(1)(a)</u>.</p> <p>The size of the subject land in its context (when surrounding uses are considered) is such that it is likely <u>currently not viable</u>, neither as a stand-alone economic unit, or for incorporation into another economic unit, and thus <u>Clause 3.10(1)(a)</u> is satisfied. But, by creating small blocks that can be used for homesteads and supporting production, <u>the proposed subdivision makes the land viable</u> in relation to these uses.</p> <p>It can therefore be considered that adverse effects on the retention of productive capacity resulting from the proposal will at worst be no more than minor, and will likely be only or largely positive, resulting in not only increased productivity but also increased economic viability, satisfying both <u>Clause 3.8(1)(a) & Clause 3.10(1)(a) of the NPSHPL</u>.</p>	<p>S NPS OBJECTIVE: Highly productive land is <u>protected for use in land-based primary production</u>, both now and for future generations.</p> <p>S NPS POLICY 4: The use of highly productive land for land-based primary production is <u>prioritised and supported</u>.</p> <p>S NPS CLAUSE 3.8(1)(a): Territorial authorities must <u>avoid the subdivision of highly productive land unless</u> the applicant demonstrates that the proposed lots will <u>retain the overall productive capacity</u> of the subject land over the long term</p> <p>S NPS CLAUSE 3.9(2)(a): A use or development of highly productive land is inappropriate except where it provides for <u>supporting activities</u> on the land</p> <p>S NPS CLAUSE 3.10(1)(a): 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 there are permanent or long-term <u>constraints</u> on the land that mean the use of the highly productive land for land-based primary production is not able to be <u>economically viable</u> for at least 30 years.</p> <p>NPS DEFINITIONS (CLAUSE 1.3) "land-based primary production means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land" "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)"</p>

APPENDIX II

**EXTRACT FROM BARBICAN SECURITIES LIMITED VS AUCKLAND COUNCIL
(ENV-2022-AKL-000214) (PARAGRAPHS 45 – 49, 65 – 71)**

[44] On the basis of Ms Underwood’s evidence, the Court finds it likely that any change to horticultural use would take approximately three years of planning and development before any planting was undertaken.

[45] Mr Thompson’s evidence then assisted us in understanding the likely capital investment involved in such an enterprise, indicating that the investment cost for horticulture can vary significantly with some crops such as kiwifruit attracting costs of up to \$500,000 per hectare “so when you’re dealing with 20 hectares, its – you run into some quite large numbers quite quickly”.²⁶

[46] This brings the Court to the evidence of Mr Moinfar regarding his company’s aspirations for the site. Mr Moinfar was candid with the Court around the possible future urbanisation of the land given its location and proximity to the existing rural urban boundary. He was also unequivocal in stating in answer to questions in cross examination that Barbican’s strategy was “long term ownership of [the] land”.²⁷ This contrasted with Mr Thompson’s analysis and to some extent, Mr Moinfar’s own evidence that the subdivision would enable the sale of the land to horticultural or specialist farm operators who otherwise could not afford the market value of the larger block (recognising that Mr Moinfar qualified his evidence in this regard with “if sold”).

[47] Alongside that, Mr Moinfar agreed in answer to questions in cross examination that a related company of which he was one of two directors (Fortland Capital) was currently in the market actively seeking investment capital in relation to the site under the name of the Kāmahi Land Fund Limited Partnership and that “Kāmahi intends to, after acquisition of the property, add value through actively pursuing a defined planning strategy to rezone the property for urban

²⁶ Transcript at 59, line 12.

²⁷ Transcript at 8, line 32.

development”.²⁸ Mr Moinfar also accepted that the same investment website refers to the main objective of the fund which “does not include land development activity or capital intensive improvements to the land, rather the objective is to prepare the property for future urbanisation”²⁹ and that “the projected investment term is five to seven years”.³⁰

[48] Given the evidence regarding the likely market value of the land, the additional investigations, planning and capital investment required to change the use to horticultural purposes, the timeframe within which such investigations and development would need to occur, and the investment proposition and timeframe for potential urbanisation being advanced by Barbican’s related company, Fortland and its Kāmahi Land Fund, the Court finds it very unlikely that the land, if subdivided, would be sold for horticultural or other specialist farming purposes in the short to medium term.

[49] Rather the Court finds, as Dr Fairgray did in answer to the Court’s questions, that the most likely use in the short term is a continuation of the current use, namely dairy grazing. Put another way, the Court finds that the status quo will prevail irrespective of the change in land tenure as a result of subdivision.

case, this is expressed, *inter alia*, as “managing subdivision to prevent undue fragmentation of large sites in ways that restrict rural production activities”.

[65] A series of objectives and policies are then provided which seek to ensure “rural areas ... are protected from inappropriate subdivision, urban use and development” and “rural production and other activities that support rural communities are enabled”. More specific objectives are provided for highly productive land with land containing prime soils (as is the case here) “managed to enable its capability, flexibility and accessibility for primary production”. With specific reference to rural subdivision, Policy B9.4.2(2) sets out specific circumstances in which subdivision is to be enabled. This includes the creation of parks and reserves, establishing infrastructure and relevantly for the purposes of this case, rural production purposes.

[66] Chapter E39 then particularises these matters further by setting out how such subdivision is to be undertaken within the rural zones, for example, by managing adverse effects on historic heritage or Māori cultural heritage. Importantly for the purposes of this matter, Objective E39.2(10)(b) provides that “Fragmentation of rural production land by subdivision of land containing prime soil is avoided where practicable”. The resultant policies reinforce this dual approach of providing for subdivision which supports the policies of the zones (Policy E39.3(1)) and avoiding (where practicable) the fragmentation by subdivision of land containing prime soil (Policy E39.3(8)).

[67] In this way, the AUP establishes a planning framework which provides for subdivision in those circumstances where it is appropriate to enable the positive outcomes sought for the zone (and in those circumstances sets out how such subdivision should be undertaken) but otherwise directs that it is to be avoided.

[68] In addressing the Court on these respective “enable” and “avoid” directions, Counsel for the Appellant reminded us that both terms have been found to be

strongly directive³² and the negative “avoid” direction should not, by default, be afforded greater weight than the positive “enable” direction. We accept that.

[69] As the High Court outlined in *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Inc*, “many of the policies in the Regional Policy Statement are concerned with achieving positive outcomes rather than with controlling or restricting negative outcomes. Given that most positive outcomes will be achieved by private actors, rather than by the Council, it is only natural that these policies use verbs such as “enable”, “encourage” or “promote” rather than a verb such as “require”.³³ As such, Councils will, in some instances, need to enable subdivision to occur to achieve the positive outcomes sought for the zone. Such circumstances include where rural production is enabled by subdivision.

[70] We caution, however, as the High Court did in *Eden Epsom* that context is important. The enable and avoid directions in the relevant chapters of the AUP are not, in our view, in competition with each other such that the Court is required to balance them. Rather, they form a comprehensive package that, on our reading, provides that subdivision in the rural zones is generally to be avoided unless it meets certain parameters that are considered to promote or support the policies of the zone.

[71] In this instance, rural subdivision to minimum lot sizes of 40ha and average site sizes of 50ha is enabled (on the basis that lots of this size support the policies of the zone). Where subdivision is sought below those minima, the onus is on the applicant to demonstrate that subdivision to a smaller lot size is needed to meet the policies of the zone. In this case, that means demonstrating that rural productivity is enabled or better enabled by subdivision below that lot size.

³² *Environmental Defence Society Inc v New Zealand King Salmon Company* [2014] NZSC 38, *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948.

³³ *Southern Cross Healthcare Ltd v Eden Epsom Residential Protection Society Inc* [2023] NZHC 948 at [119].

APPENDIX III

**EXTRACT FROM COOK & FAIRWEATHER (2005), CHARACTERISTICS OF
SMALL HOLDINGS IN NEW ZEALAND (PAGES 18 & 19)**

provided the area of their crops which ranged from 0.01 hectares to 16 hectares with an average of 2.02 hectares.

Table 11. Exotic tree varieties for forestry or firewood

Exotic species	Frequency	Exotic species	Frequency
Radiata pine	77	Sycamore	2
Eucalypt	36	Western red cedar	1
Macrocarpa	12	Sempervirens	1
Blackwood	9	Cyprus	1
Lucitania	9	Douglas fir	1
Acacia	8	Elm	1
Eucalypt nitens	6	Saligna gum	1
Blue gum	5	Poplar	1
Oak	5	Redwood	1
Cedar	2		
		Total	179

For other land uses there were a few smallholders with native scrub or bush (Table 12), although only 12 of the 947 smallholders indicated their land was used for this purpose. Only three reported being engaged in tourism although four had reported tourism activities in an earlier question (see Table 3) and only one was engaged in another form of business. There were few 'other' land use activities. The number of smallholders engaged in other land uses was 29.

Table 12. Land Use and Value of Production – Other lands uses

Activity	Land area in hectares		Gross income		Organic
	n	Avg.	n	Avg.	n
Tourism	3	5.33	1	60,000	0
Mature native bush	5	4.20	0		3
Native scrub and regenerating native bush	12	4.08	0		0
Business activity, not farming, horticulture or tourism	1	5.00	1	20,000	0
All other land (houses, gardens, buildings, shelter)	8	3.25	3	5,900	0

Overall the average on-farm gross income for all of the smallholders was \$18,919 per annum for those who reported gross income. However, the number of smallholdings who reported their production exceeded the number reporting the value of production. It is possible that this under-reporting may mean that the data provides an inaccurate indication of the actual average value of production.

An alternative representation of productive land use activity is the total number of smallholders who reported productive land use. There were 611 land users and 12 engaged in other business activities, which made a total of 622 smallholders. This means that 65.7 per cent of

smallholders were engaged in productive land use activities. On the other hand 34.3 per cent did not report any land use activity and appear not to be using the land productively. It is possible that some may not have answered the question because it appeared to be asking only about production even though the section on other land uses included other activities such as gardens. Perhaps those not in production did not notice the other land use categories presented and may have chosen not to respond.

Of further interest in terms of smallholder type, the lifestyle, hobby/smallfarmer and farmer/horticulturalist all had similar proportions engaged in productive output. In addition, the three different types of smallholders were similarly engaged in livestock and plant production. The final aspect of production is its distributional characteristics. Table 13 shows the numbers, proportions and means for four income ranges. Over one half (57 per cent) reported no income and a further 12 per cent reported income of only up to \$1,000. Nearly one quarter (23 per cent) reported income between \$1,001 and \$20,000, and there were eight per cent with high incomes of over \$20,000. We will return to these data in the conclusion when we estimate the value of smallholding production for the nation.

Table 13. Income range

Income Range	No.	%	Mean
0	538	57	0
0 to 1,000	116	12	440
1,001 to 20,000	214	23	6,372
Over 20,000	79	8	208,886
Total	947	100	18,919

3.4 Production-related issues

A number of questions related to production issues and these include: production comparisons, capital investment, environmental practices, consumption of meat products, encouraging native bush and planting intentions. Each topic is considered in turn.

3.4.1 Production compared to two years ago

As shown in Table 14, overall 238 (31.7 per cent) of the 744 smallholders who responded to this question indicated that their production was higher than two years ago. Fifty-nine (7.9 per cent) indicated their production was about the same and 453 (60.4 per cent) indicated it was lower than two years ago. Low numbers meant that comparison between types was made using 'lower' and 'same' combined which showed that more farmer/horticulturalists had reported higher production than hobby/smallfarmers.

APPENDIX IV

TENURE STATEMENT FROM JOHN & ENFYS SOOTHILL

Tenure Statement in relation to land held at 408 Ketemaraea Road (Lot 2 DP 313626) by John Soothill & Enfys Soothill

John & Enfys Soothill purchased a 14.5 ha property at 408 Ketemarae Road in 2000, and have been farming cattle on the property for 24 years.

The property was subdivided in 2002, with a 6074m² title (Lot 1 DP 313626) being created, and sold to their son Bevan Soothill and daughter-in-law Raewyn Soothill, while they retained the balance lot of 13.9 ha (Lot 2 DP 313626).

In 2003 John and Enfys moved into a 325m² house they built on the property. They have since also established and grown productive vegetable gardens and orchards, and are well familiar with the soil and the climate of the property and the wider area.

They have lived in South Taranaki all of their lives, John firstly living in Kapuni, then moving to Normanby, where he worked at the Normanby General Store for 12 years, and owning it for 5 years. Enfys was raised in Hawera before living at Normanby.

Their son Bevan and daughter-in-law Raewyn also built on their property in 2003, and have lived there with their family for 21 years, raising 6 children there, and leasing the pasture on their property to John for his cattle operation.

John has invested significantly in his property, subdividing and creating many new paddocks, establishing a central race, rewatering the property with 16 new troughs, fencing off waterways, building new cattleyards, and removing old compromised and deteriorated trees along the boundary fence.

John and Enfys are planning to downscale in their retirement to a smaller section and smaller house, but enjoy the location and community, hence their plans to subdivide. To this end they plan to create one smaller block for themselves.

John and Enfys also recognise that there is a demand for 1 Ha properties with high value homes, and wish to create a title to this effect, to sell with their family home. They also recognise that there is prudence in, at the same time, considering the creation several more small blocks to meet the very real demand for rural homes and associated livings. At the same time, they recognise that the land has high value soils. John and Enfys have taken measures to design the subdivision in a way that recognises and provides for all of this.

To this end the proposed 5-lotsubdivision has been designed, to maximise opportunities for small block rural living and production, as follows:

- One smaller (6000m²) lot for John & Enfys
- Another 6000m² lot at the front
- 1 Ha lot with established home
- 1 new 9600m² lot on southern boundary
- Balance lot of 10.3 ha

APPENDIX IV

CORRESPONDENCE WITH MATTHEW MCDONALD, REAL ESTATE AGENT

Allan Chesswas

From: Matthew McDonald <matthew@matthewandco.nz>
Sent: Wednesday, 10 April 2024 4:11 pm
To: Allan Chesswas
Subject: Re: Small block holdings & productivity

Good afternoon Alan

As discussed the issue with lifestyle properties is they are generally have a higher stocking rate as the owners will purchase supplementary feeds ie hay, silage, and grain. In recent times most of the land around the above mentioned land has changed from dairying to drystock, the Meir and Landers properties and I understand the one that the owner passed away is going into drystock. The land through was selling for between \$65-70,000 a hectare but more recently that land is making \$55,000-\$60,000 per hectare.

If you would like to discuss further please call anytime.

Matthew McDonald

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From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Wednesday, April 10, 2024 3:33:50 PM
To: Matthew McDonald <matthew@matthewandco.nz>
Subject: Small block holdings & productivity

Hi Matt

You mentioned to me in telephone correspondence recently that in your view you often find that small block holders are more productive with their land, due to their likelihood of using supplementary feed to carry higher stocking rates through the winter.


You also mentioned that the going per ha rate for dairy land is \$55,000 – 60,000 ha, and that land use in the area around 408 Ketemarae Road is predominantly drystock.

Could you please confirm this in writing, in reply to this email, today?

Kind regards,



Allan Chesswas
Managing Director | Kaiwhakahaere
Renaissance Consulting | Arangatanga Tohutu
Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao
214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392
+64 27 362 8375 | ajchesswas@gmail.com

PRODUCTIVE CAPACITY RETENTION & ECONOMIC VIABILITY ANALYSIS										
 Allan Chesswas Managing Director/ Principal Planner Renaissance Consulting 027 362 8375 ajchesswas@gmail.com 10/04/2024	CAPACITY		Sheep	Beef	Dairy	Maize	Mka. honey	Veg. garden		
	LUC Class I Land (15 SU/Ha) 3.5 Ha - 0.48 Ha	Produce per unit/yr (kg)		25	150	351		20		
		Unit produce per Ha/yr		15	3	3.62393		2		
		KG/Ha		375	450	1272	14,000	40	50000	
		Revenue/kg (\$)		6	5.5	8.36	0.375	40	12	
		Gross revenue/Ha		2250	2475	10633.9	5250	1600	600000	
	LUC Class 3 Land (8 SU/Ha) 10.4 Ha	Produce per unit/yr (kg)		20	120	351		20		
		Unit produce per Ha/yr		8	1.6	3.62393		2		
		KG/Ha		160	192	1272	10,000	40		
		Revenue/kg (\$)		6	5.5	8.36	0.375	40		
	Gross revenue/Ha		960	1056	10633.9	3750	1600			
Table 1 (above): Index for expected gross revenue from production per annum according to LUC Class			Effective area LUC 1	Effective area LUC 3	Sheep (Units)	Beef (Units)	Dairy (Ha)	Maize + silage (Ha)	Manuka honey	Market gardening
PARENT TITLE	Existing	3.02	10.4		40.26					
	Alt.: (Beef + maize)	3.02	10.4		16.64		3.02			
	Alt.: Sheep & beef	3.02	10.4	64.25	12.85					
	Alt.: all maize	3.02	10.4				13.42			
	Alt.: all dairy	3.02	10.4			13.42				
	Alt. veg + honey	3.02	10.4						20.8	1812000
	Alt.: maize + honey	3.02	10.4					3.02	20.8	
PROPOSED SUBDIVISION (vegetable gardening + beef on 10 ha)	Lot 1 (0.6006 Ha)	0.4006								
	Lot 2 (0.6104 Ha)	0.4104								
	Lot 3 (1 Ha)	0.8								
	Lot 4 (0.96 Ha)	0.76								
	Lot 5 (10.322 Ha)		10.122		30.366					
	TOTAL PROPOSED SUBDIVISION	2.371	10.122	0	30.366		0	0	0	0
PROPOSED SUBDIVISION (homestead meat + beef on 10 ha)	Lot 1 (0.6006 Ha)	0.4006			1.2018					
	Lot 2 (0.6104 Ha)	0.4104			1.2312					
	Lot 3 (1 Ha)	0.8			2.4					
	Lot 4 (0.96 Ha)	0.76			2.28					
	Lot 5 (10.322 Ha)		10.122		30.366					
	TOTAL PROPOSED SUBDIVISION	2.371	10.122	0	37.479		0	0	0	0
Table 2 (above) shows produce for various scenarios Table 3 (above right) shows total gross revenue Table 4 (below) shows productive capacity/viability			TOTAL PRODUCE (gross revenue)	GROSS MARGIN	PRODUCTIVE CAPACITY VALUE	PRODUCTIVE CAPACITY STATUS (Clause 3.8)				
PARENT TITLE	Exsting	\$	29,946.73	\$	12,202.54	\$	26,952.06	RETAINED		
	Alt.: (Beef + maize)	\$	28,243.28	\$	12,687.91	\$	8,472.98	RETAINED		
	Alt.: Sheep & beef	\$	18,305.40			\$	5,491.62	RETAINED		
	Alt.: all maize	\$	146,280.00	\$	93,304.40	\$	29,256.00	RETAINED		
	Alt.: all dairy	\$	142,707.21	\$	65,549.72	\$	28,541.44	RETAINED		
	Alt. veg + honey	\$	1,828,640.00			\$	182,864.00	RETAINED		
	Alt.: maize + honey	\$	32,495.00			\$	3,249.50	RETAINED		
PROPOSED SUBDIVISION	Vegetable gardening	\$	1,202,281.56			\$	160,297.40	RETAINED		
	Homestead meat	\$	25,909.79			\$	22,145.16	RETAINED		

JOHN & ENFYs SOOTHILL: Proposed 5-Lot Subdivision at 408 Ketemarae Road

SOURCES:	
Carrying capacity:	Beef + Lamb NZ: https://beeflambnz.com/industry-data/farm-data-and-industry-production/farm-classes BakerAg: https://www.bakerag.co.nz/sites/default/files/2018%20Rem%20Survey%20Stock%20Units%20%26%20Ratio.xlsx
Stock units:	Beef + Lamb NZ: https://beeflambnz.com/knowledge-hub/PDF/growing-great-lambs.pdf
Growth rates:	Beef + Lamb NZ: https://beeflambnz.com/sites/default/files/factsheets/pdfs/fact-sheet-119-growing-cattle-fast-on-pasture.pdf PGG Wrightson: https://www.agonline.co.nz/sites/default/files/2022-03/Agonline%20Dressing%20Out%20Lambs.pdf
Yields:	Pioneer: https://www.pioneer.co.nz/product-range/maize-for-grain/maize-grain-calculator Tupu.nz ¹ : https://www.tupu.nz/en/fact-sheets/maize-grain#:~:text=Grower%20income&text=At%20an%20estimated%20%24375%20per,just%20under%20%24800%20per%20hectare. Dairy NZ: https://www.dairynz.co.nz/media/a0klq34e/bop-system-2-2023-24-budget-actuals-mid-season-update.pdf

¹Tupu.nz page includes disclaimer that areas less than 5 hectares may be unprofitable for maize production

Sheep	Beef	TOTAL MEAT	Dairy	Maize + silage	Manuka honey	Vegetable gardening	TOTAL PRODUCE (gross revenue) ³	LIKELIHOOD MULTIPLIER	PRODUCTIVE CAPACITY
\$ -	\$ 29,893.05	\$ 29,946.73					\$ 29,946.73	0.9	\$ 26,952.06
\$ -	\$ 12,355.20	\$ 12,388.28		\$ 15,855.00			\$ 28,243.28	0.3	\$ 8,472.98
\$ 8,673.75	\$ 9,541.13	\$ 18,305.40					\$ 18,305.40	0.3	\$ 5,491.62
NA	NA	NA		\$ 146,280.00			\$ 146,280.00	0.2	\$ 29,256.00
			\$ 142,707.21				\$ 142,707.21	0.2	\$ 28,541.44
					\$ 16,640.00	\$ 1,812,000.00	\$ 1,828,640.00	0.1	\$ 182,864.00
NA	NA	NA		\$ 15,855.00	\$ 16,640.00		\$ 32,495.00	0.1	\$ 3,249.50
				NA		\$ 240,360.00	\$ 240,360.00	0.1	\$ 24,036.00
				NA		\$ 246,240.00	\$ 246,240.00	0.1	\$ 24,624.00
						\$ 480,000.00	\$ 480,000.00	0.1	\$ 48,000.00
						\$ 456,000.00	\$ 456,000.00	0.1	\$ 45,600.00
	\$ 20,041.56	\$ 20,041.56		NA	NA		\$ 20,041.56	0.9	\$ 18,037.40
\$ -	\$ 20,041.56	\$ 20,084.42		\$ -	\$ -		\$ 1,202,281.56		\$ 160,297.40
\$ -	\$ 991.49	\$ 991.49		NA		\$ -	\$ 991.49	0.7	\$ 694.04
\$ -	\$ 1,015.74	\$ 1,015.74		NA		\$ -	\$ 1,015.74	0.7	\$ 711.02
\$ -	\$ 1,980.00	\$ 1,980.00				\$ -	\$ 1,980.00	0.7	\$ 1,386.00
\$ -	\$ 1,881.00	\$ 1,881.00				\$ -	\$ 1,881.00	0.7	\$ 1,316.70
	\$ 20,041.56	\$ 20,041.56		NA	NA		\$ 20,041.56	0.9	\$ 18,037.40
\$ -	\$ 25,909.79	\$ 25,909.79		\$ -	\$ -		\$ 25,909.79		\$ 22,145.16

Cost of capital/annum (6.95%)	RATE 7%	VIABILITY STATUS (Going concern) (Clause 3.10)	VIABILITY STATUS (Incorporation)	VIABILITY STATUS (Homestead)
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	141,400.00	NON-VIABLE	NON-VIABLE	NON-VIABLE
\$	141,400.00	VIABLE	VIABLE	VIABLE
\$	123,900.00	NON-VIABLE	NON-VIABLE	VIABLE
\$	306,017.88	VIABLE	NON-VIABLE	VIABLE
\$	236,017.88	NON-VIABLE	NON-VIABLE	VIABLE

PRODUCTIVE CAPACITY RETENTION & ECONOMIC VIABILITY ANALYSIS: CONCLUSIONS (408 KETEMARAE RD)

NB.: Gross revenue is considered as indicative of productive capacity in relation to Clause 3.8(1)(a), rather than gross margin/EBIT, as the small size of both existing and proposed properties makes them unviable for the common land uses for small blocks in the vicinity. Gross revenue, and integration of small scale farming operations with domestic economics, is likely to be considered of most importance for land owners, users and the wider economy. Gross revenue acknowledges true productivity of the land use and benefits to the wider economy resulting from typical small block farming patterns, while profitability is more pertinent for larger blocks treated as a going concern.

Stand-alone profitability as a going concern that can support the equivalent of 1 FTE, or suitability for profitable incorporation into another concern, or as a site for building and supporting a home, are considered as indicators of viability in relation to Clause 3.10(1)(a).

CONCLUSION: PRODUCTIVE CAPACITY RETAINED, FROM NON-VIABLE FOR AGRI-BUSINESS TO VIABLE HOMESTEADS

The proposed subdivision does not extinguish productive capacity, and enables the creation of a diverse range of title sizes that can be held for productive use, satisfying Clause 3.8(1)(a) of the NPSHPL.

In considering the proposed subdivision, if proposed lots were used for homestead purposes, and stocking rate was assumed to be constant, the total value (\$25,910) of produce grown directly from the land when subdivided & built on could be estimated to be \$4,037 (13%) less than produce produced on the land currently (\$29,947), due to the footprint of dwellings and curtilage.

However, any such modelled reduction in directly grown produce can be considered insignificant/minor, being equivalent with the value of outputs that may result from more intensive uses such as gardening, orchards or increased stocking rates, typical where small blocks support homestead use.

Maize or dairy production could result in higher gross revenue yields. However, while the subject land is theoretically suitable for these uses, it may be unattractive and unprofitable when operating and capital costs are considered, due to being too fragmented already. Surrounding land use patterns on similarly small and fragmented land suggest that drystock grazing is more likely. The proposal is compatible with the latter, without extinguishing productive capacity, thus satisfying Clause 3.8(1)(a).

The size of the subject land in its context (when surrounding uses are considered) is such that it is likely currently not viable, neither as a stand-alone economic unit, or for incorporation into another economic unit, and thus Clause 3.10(1)(a) is satisfied. But, by creating small blocks that can be used for homesteads and supporting production, the proposed subdivision makes the land viable in relation to these uses.

It can therefore be considered that adverse effects on the retention of productive capacity resulting from the proposal will at worst be no more than minor, and will likely be only or largely positive, resulting in not only increased productivity but also increased economic viability, satisfying both Clause 3.8(1)(a) & Clause 3.10(1)(a) of the NPSHPL.

NPS HIGHLY PRODUCTIVE LAND SUBDIVISION PATHWAYS (S = Satisfied)

S NPS OBJECTIVE:
Highly productive land is protected for use in land-based primary production, both now and for future generations.

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

S NPS CLAUSE 3.8(1)(a):
Territorial authorities must avoid the subdivision of highly productive land unless the applicant demonstrates that the proposed lots will retain the overall productive capacity of the subject land over the long term

S NPS CLAUSE 3.9(2)(a):
A use or development of highly productive land is inappropriate except where it provides for supporting activities on the land

S NPS CLAUSE 3.10(1)(a):
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 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.

NPS DEFINITIONS (CLAUSE 1.3)

"**land-based primary production** means production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land"

"**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)"

Jessica Sorensen

From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Wednesday, 10 April 2024 4:28 pm
To: Jessica Sorensen; 'Adam Bridgeman'; Planning
Cc: 'Bevan Soothill'; Reg Korau
Subject: RMS23026 408 Ketemarae Road Hearing - A CHESWAS EVIDENCE (UPDATED)
Attachments: 2024-04-10 - 408 Ketemarae Road - Soothill - A Chesswas Hearing evidence.pdf; 408 Ketemarae Road - Productive Capacity Retention & Economic Viability Analysis.xlsx; 408 Ketemarae Road - Productive Capacity Retention & Economic Viability Analysis - Part B.PDF; 408 Ketemarae Road - Productive Capacity Retention & Economic Viability Analysis - Part A.PDF; 408 Ketemarae Road - Productive Capacity Retention & Economic Viability Analysis - Part C.PDF

Categories: Planning Related

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Hi Jessica

I just received some further evidence, and am mindful you said I had until 4:30pm, so I have updated accordingly, and also tidied a few things up – updated file attached.

Sorry for the trouble, but can you and the team please delete the last email and files, and keep this email and files as the evidence to be circulated.

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Jessica Sorensen [<mailto:Jessica.Sorensen@STDC.govt.nz>]
Sent: Wednesday, 10 April 2024 4:07 pm
To: Allan Chesswas; 'Adam Bridgeman'; Planning
Cc: 'Bevan Soothill'; Reg Korau
Subject: RE: RMS23026 408 Ketemarae Road Hearing

Thank you Allan, received.

From: Allan Chesswas <ajchesswas@gmail.com>
Sent: Wednesday, April 10, 2024 3:59 PM
To: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>; 'Adam Bridgeman' <Adam@abplanning.co.nz>; Planning <Planning@STDC.govt.nz>
Cc: 'Bevan Soothill' <bjsoothill@gmail.com>; Reg Korau <reg.korau@stdc.govt.nz>
Subject: RE: RMS23026 408 Ketemarae Road Hearing

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Hi Adam & Jessica

Please find attached my planning evidence to be circulated 10 WD ahead of the hearing, this afternoon.

Yours sincerely,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Jessica Sorensen [<mailto:Jessica.Sorensen@STDC.govt.nz>]
Sent: Friday, 5 April 2024 12:08 pm
To: Allan Chesswas; 'Adam Bridgeman'; Planning
Cc: Bevan Soothill; Reg Korau
Subject: RE: RMS23026 408 Ketemarae Road Hearing

Ki ora Allan,

Happy with your approach and understand that you need time to prepare. This isn't an RMA hearing as such as it is a policy setting decision, under Section 100 the "consent authority considers that a hearing is necessary" and then our Council Standing Orders step in for precedence setting. We do like to stick to the RMA timeframes for consistency, however our governance timeframes do not allow for the RMA timeframes to be met most of the time.

Close of business (4.30pm) by Wednesday is fine and if you could send through to Adam and I and I will make sure that it reaches the agenda team for distribution.

Ngā mihi,

Jess Sorensen

Kaihautū Whakamahere Taiao | Planning and Development Manager

From: Allan Chesswas <ajchesswas@gmail.com>

Sent: Friday, April 5, 2024 11:54 AM

To: 'Adam Bridgeman' <Adam@abplanning.co.nz>; Planning <Planning@STDC.govt.nz>

Cc: Jessica Sorensen <Jessica.Sorensen@STDC.govt.nz>; Bevan Soothill <bjsoothill@gmail.com>

Subject: RE: RMS23026 408 Ketemarae Road Hearing

CAUTION: This email originated from outside of STDC. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Adam & Jess

I am reminded that for an RMA hearing the applicant has until 10 working days out to circulate evidence, and I am keen to leave it until Wednesday next week as we are still working on evidence.

I just thought I better check that Council considers that this applies to this hearing too, as Jess described it as not an RMA hearing, but a Council Policy setting decision hearing.

And to check what time Wednesday you would want it by, and who to email to.

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [<mailto:Adam@abplanning.co.nz>]

Sent: Thursday, 4 April 2024 6:32 am

To: Allan Chesswas; Planning

Subject: RE: RMS23026 408 Ketemarae Road Hearing

Hi Allan,

No problem.

Cheers,

Adam

Sent from [Mail](#) for Windows

From: Allan Chesswas <ajchesswas@gmail.com>

Sent: Wednesday, April 3, 2024 5:53:59 PM

To: Adam Bridgeman <Adam@abplanning.co.nz>; Planning <Planning@stdc.govt.nz>

Subject: Re: RMS23026 408 Ketemarae Road Hearing

Hi Adam

I am still waiting on some evidence, as I relayed that there was an extension as per your email dated March 28 and correspondence below.

Thanks for sending through your report.

I'll try to get my evidence to you as soon as possible.

Kind regards,

Allan

On Wed, 3 Apr 2024, 10:46 Allan Chesswas, <ajchesswas@gmail.com> wrote:

Hi Adam

I just followed up Bevan and confirmed that the applicant accepts this extension.

I may still try and circulate what I have by close of play today, depending on where I am at in gathering & summing up evidence.

Kind regards,



Allan Chesswas

Managing Director | Kaiwhakahaere

Renaissance Consulting | Arangatanga Tohutuhu

Policy, Planning, Resource Consents | Kaupapa, Kaitiakitanga, Whakaaetanga Rawa Taiao

214 Mangaotuku Road, Stratford 4392 | 214 Mangaotuku Road, Whakaahurangi 4392

+64 27 362 8375 | ajchesswas@gmail.com

From: Adam Bridgeman [mailto:Adam@abplanning.co.nz]
Sent: Thursday, 28 March 2024 12:09 pm
To: Allan Chesswas; Planning
Subject: RMS23026 408 Ketemarae Road Hearing

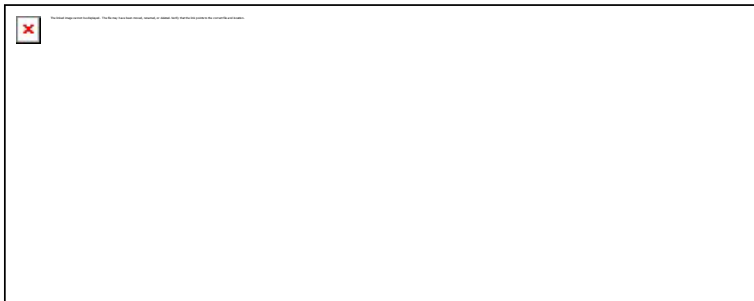
Hi Allan,

As discussed, Council has requested the 15 working days for report circulation (s115 RMA) be waived by two days so that we can circulate the decision on Friday 5th April. If you could confirm with the applicant that would be appreciated.

The STDC Environment and Hearing Committee will hear and make decision on the application, with the hearing scheduled for Wednesday 24 April 4.00pm at the Council Chambers Room at the Albion Street, Hawera office.

Kind Regards,

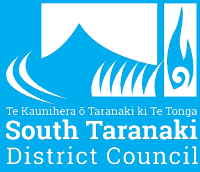
Adam



Sent from [Mail](#) for Windows

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Pūrongo-Whakamārama Information Report

To	Environment and Hearings Committee
From	Tuarua Kaiarataki Taiao / Group Manager Environmental Services, Liam Dagg
Date	24 April 2024
Subject	Environmental Services Activity Report

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

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 February 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 February:
 - a) There is some increase in consenting activity for both building and resource consents.
 - b) There was a decrease in noise complaints which represents a return to 'normal' statistics from peaks seen in December and January.

Taunakitanga / Recommendation

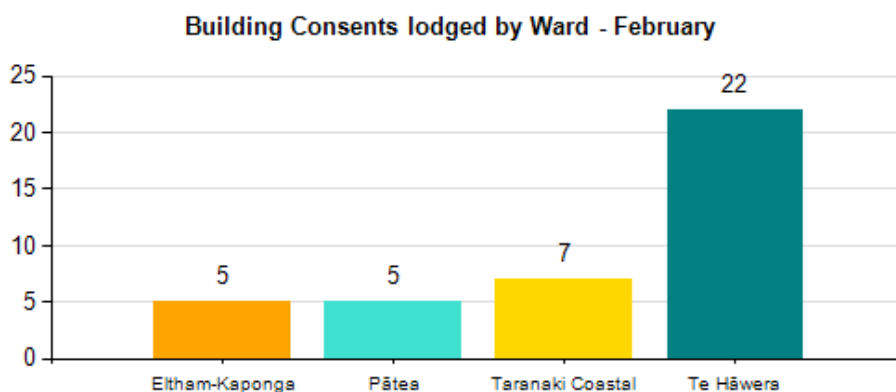
THAT the Environment and Hearings Committee receives the Environmental Services Activity Report.

Ratonga Hanga Whare / Building Control Services

5. Below are the statistics for Building Consents.

Application Activity	February 2024	January 2024	February 2023	YTD From 1 July 2023
Building Consents				
Lodged	39	30	43	305
Issued	47	24	39	299
Issued within statutory timeframe	68.1%	62.5%	84.6%	71.6%
Inspections	209	184	190	1704
Value	\$6,417,925.00	\$5,292,400.00	\$9,168,500.00	\$30,842,760.00

6. There has been a slight increase in consents lodged and a significant increase in consents issued compared to January. Compliance with statutory timeframes is slowly improving. The value of building works has increased by almost 20% since January.



7. Te Hāwera Ward saw the most building activity across the four wards. New dwelling lodgements are picking up again, with activity across all four wards.

Building Consents lodged by Type – February

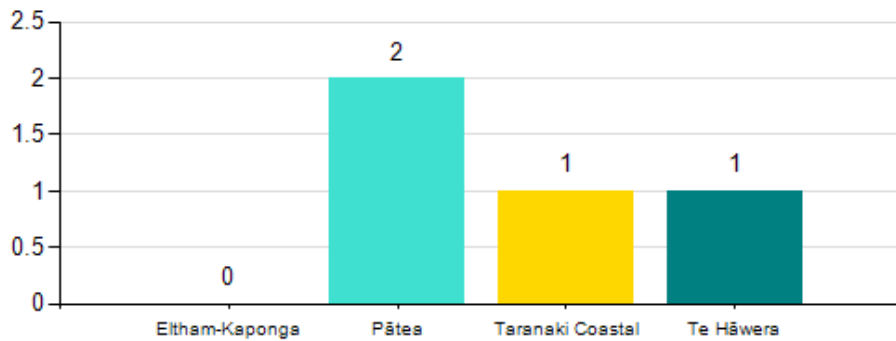
Category	Activity	Eltham-Kaponga	Pātea	Taranaki Coastal	Te Hāwera	Total
Commercial	Additions/Alterations				1	1
	Amendment	1		1	1	3
	New Construction				1	1
	Sub Total	1		1	3	5
Residential	Additions/Alterations			1	3	4
	Amendment		2		4	6
	Fire	2	2	1	4	9
	New Construction	1		1	2	4
	New Dwelling	1	1	2	5	9
	Relocation			1	1	2
	Sub Total	4	5	6	19	34
Total		5	5	7	22	39

Ratonga Whakamahere Taiao / Planning Services

8. Below are the statistics for Resource Consents.
9. Similar to building consents, resource consent lodgements are showing an increase in January, in particular subdivisions. Subdivision produced across three of the four wards.

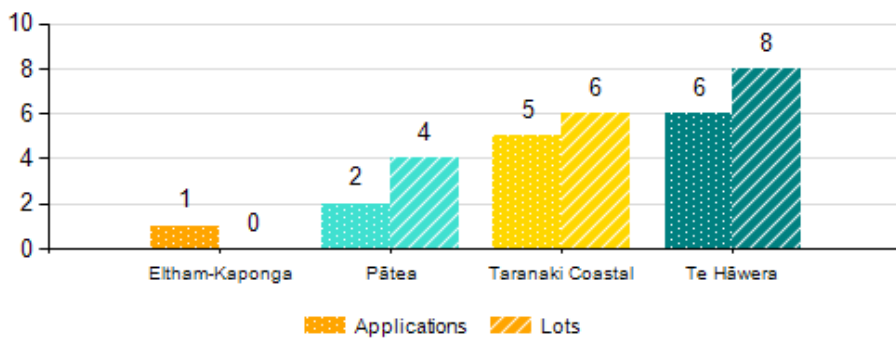
Application Activity	February 2024	January 2024	February 2023	YTD From 1 July 2023
Lodged	18	7	21	100
Granted	19	6	14	87
Issued within statutory timeframe	78.9%	100.0%	92.9%	89.7%

Land Use Resource Consents lodged - February



Category	February 2024	January 2024	February 2023	YTD From 1 July 2023
Land Use Change of Condition	1			5
Land Use General	3	3	8	35
Subdivision	12	4	13	56
Subdivision Change of Condition	2			4

Lot Yield from Subdivision - February

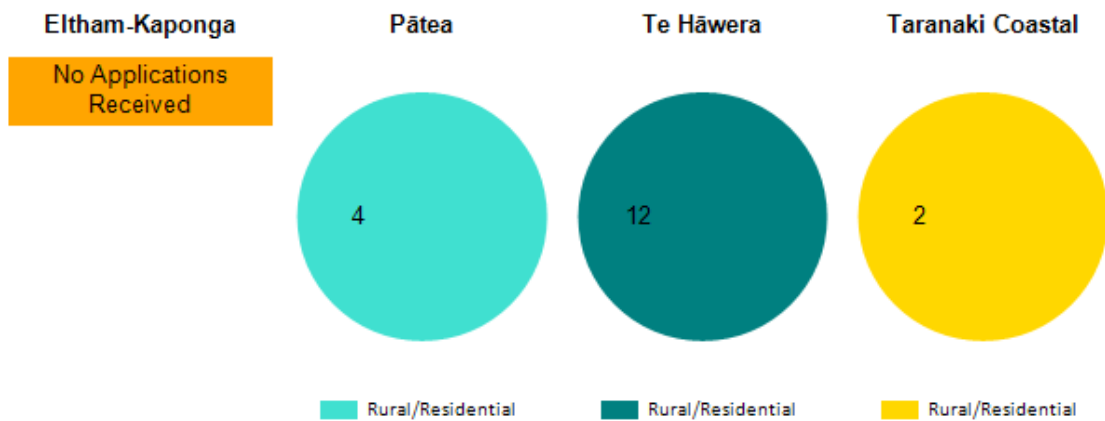


10. Below are the statistics for Land Information Memorandum (LIMs) applications received in February 2024.

LIM Applications	February 2024	January 2024	February 2023	YTD From 1 July 2023
Lodged	18	14	14	115

11. LIMs for residential and rural properties have been the most frequently applied for type, with no commercial/industrial applications in February. Te Hāwera Ward has seen the most activity compared to other wards.

LIM Applications by Ward – February



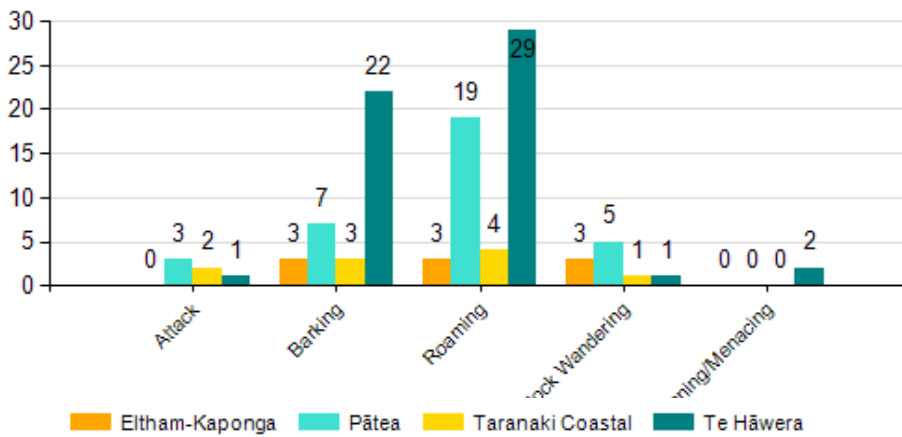
Ratonga Waeture / Regulatory Services

12. Below are the statistics for Customer Service Requests relating to animals.

Service Animals	Requests	February 2024	January 2024	February 2023	YTD From 1 July 2023
Attack		6	3	3	35
Barking		35	37	17	234
Roaming		55	44	58	394
Stock Wandering		10	10	5	77
Threatening/Menacing		2	3	4	24

13. The team is responding to and trying to address the re-emergence of the “two town trend”, which is seeing a high number of animal callouts in both Hāwera and Pātea.

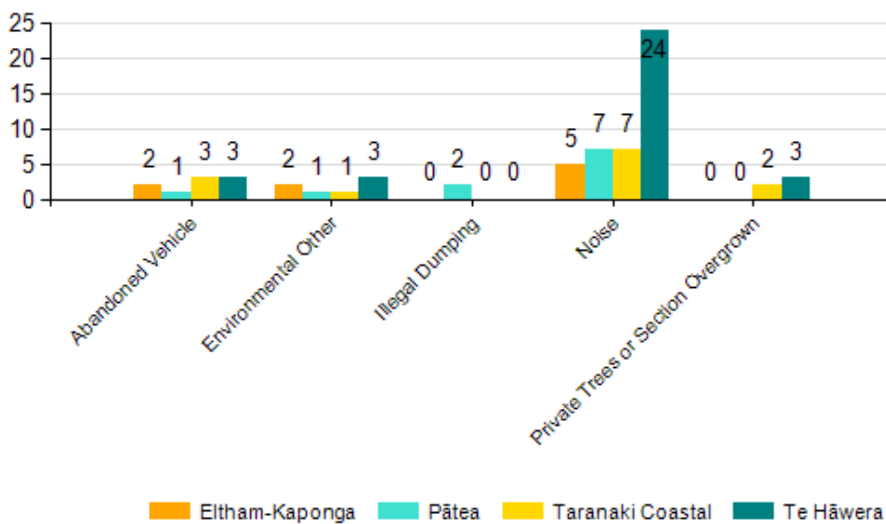
Animal Statistics per Ward - February



14. Below are the statistics for Customer Requests relating to other regulatory compliance matters. Of note is the decrease in noise complaints signalling the end of the festive season. There was a low level of compliance activity across all four wards with the one exception being Te Hāwera when it comes to noise callouts.

Service Compliance	Requests	February 2024	January 2024	February 2023	YTD From 1 July 2023
Abandoned Vehicle		9	13	10	70
Environmental Other		7	3	15	46
Illegal Dumping		2	3	5	26
Noise		43	80	48	451
Private Trees or Section Overgrown		5	6	3	36

Compliance Statistics per Ward - February



15. Below are the details of current prosecutions:

Prosecution Type	Ward	Outcome
Dog Attack on Human	Taranaki Coastal	Ongoing – First appearance on 19 January 2024. The next appearance to be confirmed.

Rautaki Kaupapa me ngā Hōtaka / Strategic Projects and Programmes

Regional Organics Processing Facility

16. The request for proposal documentation is in the final stages of being signed off and will be sent out to the four short-listed companies soon. It is expected that the request for proposal stage will be completed by July/August 2024.

Reforestation Project

17. The Reforestation Coordinator has assessed most of the Council’s land for its suitability for the project and has identified a shortfall. Whether council looks at additional land purchasing, or partners with other stakeholders to make up the shortfall is the next stage of enquiry.

Waste Minimisation

18. A communication plan is being prepared before we start engaging with the priority business waste sectors. The Resource Wise Business Programme developed by the Tauranga City Council (TCC), which was developed to assist businesses in improving their resources and reducing waste to landfill. The programme can be tailored to suit the local community and branded under South Taranaki District Council for a very small fee.
19. A successful ‘Wasted with Kate’ public workshop was held on 6 March at TSB Hub with 40 members of the public attending, very positive feedback was received. The team is looking to bring Kate back in September for more sessions including tips and tricks for the new food scraps bin which South Taranaki District Council are using from October.

District Plan Changes

20. A pre-hearing meeting has been held with Todd Energy and the Submitter (Taranaki Energy Watch) to discuss points of difference. While there were 28 points within the submission, this has been narrowed to less than 5 technical points. These are what were discussed last week with our risk experts. The second pre-hearing is scheduled for April.
21. The decision to recommend notifying this plan change went to the Council on 13 March. The notification date will align with Council's rates notice/newsletter distributions, so that this mail out can be used as a communication tool.



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 – Environment and Hearings Committee held on 13 March 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>