

Response ID ANON-URZ4-5FA3-4

Submitted to Fast-track approval applications
Submitted on 2024-05-02 19:39:24

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Hareb Investments Limited

2 Contact person

Contact person name:
Matthew Hareb

3 What is your job title

Job title:
Director & Owner

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:

28 Ainsley St
NEW PLYMOUTH 4312

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

2 Johnston Street
Waitara
Taranaki (New Plymouth District)

Lot 3 DP446773

Record of Title: 563208

File upload:

Location Plan 2 Johnston St.pdf was uploaded

Upload file here:

No file uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

CT 563208_Title_Search_Copy.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Hareb Investments Limited

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Hareb Investments Limited, is the sole owner of the land.

The applicant, Matthew Hareb is the sole director and owner of Hareb Investments Limited.

Section 2: Project details

What is the project name?

Please write your answer here:

Johnston Street Development Area - Waitara

What is the project summary?

Please write your answer here:

To develop the 11.3 ha site at 2 Johnston Street into approximately 121 residential allotments, in accordance with the approved structure plan.

What are the project details?

Please write your answer here:

The purpose of the project is to provide allotments for housing in Waitara, in accordance with the approved structure plan and planning provisions, with a mix of allotments sizes to allow for varying housing typologies. 5 stages are anticipated.

The development involves obtaining New Plymouth District Council consents for subdivision and associated land use activities (e.g. earthworks), including Regional Council Consents for the culvert crossings to form the proposed roading network across the Mangaiti Stream and to establish stormwater structures in or in the vicinity of the Mangaiti Stream.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

5 stages are proposed, as per the plans attached.

Stage 1 will involve the main connections to power, sewer and water, installation of the section of roadway shown in stage 1, and at this time the installation of the walkway, stormwater detention and the landscape planting of the open space area adjacent to the waterway on the site will be completed.

Stages 2-5 will gradually build on the base established in stage 1, with the roadways and services extended as stages progress

Works on stage 1 will begin as soon as practical after consent is obtained. It is anticipated that the further staging will roll out over 3-5 years, depending on demand (which is anticipated to be very high based on the level of inquiry from the Waitara Community).

What are the details of the regime under which approval is being sought?

Please write your answer here:

Resource Management Act 1991

- Resource consent for staged subdivision and development. (Regional and District)

May involve

Wildlife Act 1953

Freshwater Fisheries Regulations 1983

Heritage New Zealand Pouhere Taonga Act 2014

Conservation Act 1987

Reserves Act 1977

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

New Plymouth District Council

Taranaki Regional Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Application was made to rezone the land, and granted on 23 February 2021.

Consent application was commenced in September 2021, but in September 2022 was ceased, due to inefficiencies with the local council and mounting costs and difficulties.

There are no active applications for the subject site.

Is approval required for the project by someone other than the applicant?

No

Please explain your answer here:

No. Owner is decision maker.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

Detailed design is well commenced, funding is in place (self funded by the applicant), and it is expected that site works, in particular enabling works, would commence immediately after consent was granted. 223/224 certificates for stage 1 would be expected within 12 months of commencement.

Works on stage 1 would begin as soon as practical after consent is obtained. It is anticipated that the further staging will roll out over 3-5 years, depending on demand.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

New Plymouth District Council

Waka Kotahi

Te Atiawa Hapu

Otaraua, Pukerangiora and Manukorihi Hapu.

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Tangata Whenua

Consultation with Tangata Whenua was extensive during the private plan change that saw this land rezoned, and now included in the Proposed New Plymouth District Plan an the Johnston Street Development Area.

The engagement with Tangata Whenua saw detailed provisions and acknowledgements inserted into the planning provisions as policies and objectives. The planning provisions as they currently stand are attached. The need for low impact stormwater design was identified and allowed for.

The Waitara River and its tributaries are recognised in the Operative NPDC Plan as statutory acknowledgement areas. This is reflected in the open space area provided in the Structure Plan associated with this development.

Consultation with Tangata Whenua commenced a the time the applicant was considering lodging a consent for subdividing the land. As a result of a site

walk over, a number of suggestions were made. Those that were within the scope of the structure plan, and which would inform any future consent application included;

Consider combining vehicle crossing of the lots with frontage along Raleigh Street to tie it with the planting along Raleigh Street.
Consider use of native plants and develop a detailed landscape plan for the streetscape.
Check the historical photos to see the original location of stream/s on site and if there is any wetland.[It was confirmed that any wetland areas would be adjacent to the stream, and within the reserve area, this would need to be reassessed under current regulations, and conditions].
There is a suggestion to maximise riparian planting by not providing footpaths in areas where reserve area has road frontage.
Any old culverts should be removed and stream daylighting (restoring the stream) should occur on these locations.
Check recommendations in the ecological report and ensure that these are incorporated in the development.
There was also a suggestion to install a memorial for the boy who died on site in the reserve area which the applicant is open to.

Waka Kotahi and NPDC Roding Team (Transport)

Waka Kotahi had a strong interest in the Private Plan Change given at that time, their plans to upgrade the SH3 roading network were still not finalised and here were valid concerns about impacts on the Raleigh St/SH3 intersection. Over the course of the hearing, and intervening years, this has been finalised and works have commenced. It is understood that the necessary upgrades of the Ranfurly/Tate Road & SH3 intersection are scheduled in the next 12 months. They are not yet completed.

NPDC roading team were widely consulted both during the plan change process and subsequent proposed consenting. In 2021/22 at the time consent was being considered, it was the intention to reduce the speed on Raleigh St to 50kmph. All parties were in agreement. This unfortunately was not progressed due to changes in legislation in early 2024.

The engagement with Waka Kotahi and NPDC Roding saw the provision for Discretionary Status until the state highway roading upgrade were completed, and the speed zone on Raleigh Street reduced to 50kmph. This remains in the provisions transferred to the Proposed NPDC plan.

Engagement with neighbouring parties saw the design of the structure plan with 'larger lots' on the areas the interface with the rural environment and some adjustments in the roading layout to avoid intersections being directly opposite dwellings.

Upload file here:

DEV4-Johnston Structure Plan DevelopmentArea_231_14-Sep-2023.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

No public works processes have occurred and none are required.

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

The Te Atiawa treaty settlement applies to the geographical location of the project and the Te Atiawa Claims Settlement Act (2016) records the acknowledgements and apology given by the crown in the deed of settlement, and gives effect to certain provisions of the deed of settlement.

The principles and provisions in this settlement that are relevant to the proposal relate to the cultural redress. Key principles are reflected largely in the statutory acknowledgements provided for in the settlement, and those relevant to the application site are detailed below.

Of note is that the subject site is located within the Pekapeka Block.

The statutory acknowledgements in the settlement recognise the association between Te Atiawa and particular sites in their rohe. Statutory acknowledgements are recognised under the Resource Management Act 1991 and the Heritage New Zealand Pouhere Taonga Act 2014. They require consent authorities to provide Te Atiawa with summaries of all resource consent applications that may affect the areas which have Statutory Acknowledgement.

The Waitara River and its tributaries are recognised in the Operative NPDC Plan as statutory acknowledgement areas. This is reflected in the open space area provided in the Structure Plan associated with this development.

A draft Cultural Impact Assessment was prepared by Te Atiawa to inform the hearing for the private plan change. A copy of this is attached. This CIA confirms the significance of the Pekapeka block, and the wider cultural landscape. It confirms the importance of protection of the Mangaiti Stream, which is provided for in the Structure Plan.

The Cultural Impact Assessment informed the private plan change, the provisions and subsequent structure plan.

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

CIA PPC18-00049 Cultural Impact Assessment v1 FINAL DRAFT.pdf was uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The effects are known and understood. The effects were detailed and assessed in the application for the Private Plan Change, a summary of which is provided below and a full copy is attached. More importantly however, the information has been converted into a set of district plan provisions, a copy of which has been attached under previous questions.

Landscape effects and effects on character, privacy and spaciousness - have been addressed via the effects standards in the PNPD (not under appeal so are operative) which relate to maximum building heights, maximum numbers of dwellings per lot, finishing of dwellings, fencing and setbacks. hey ae also addressed in the structure plan, which provides for different sized allotments.

Traffic effects are similarly addressed via the provisions - with any development prior to SH3 upgrades and Raleigh St speed limit reductions falling to fully discretionary.

Reverse sensitivity is provided for.

Detailed assessments of capacity confirmed that there is capacity within the existing sewer and water networks to accommodate the development.

A copy of the original plan change application is provided. This does not contain the appendices relied on in the assessment, which can be provided if they are of benefit.

Upload file:

20190313 Application for Private Plan Change at 2 Johnston Street FINAL [No Appendices].pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

National Policy Statement for Highly Productive Land (NPS-HPL) - this does not apply (residential zoning).

National Policy Statement for Urban Development (NPS-UD) - The land has been included as 'plan enabled and infrastructure ready' in the NPDC's Housing and Business Capacity Assessment (latest dated March 2024, https://www.npdc.govt.nz/media/qxqhzowu/ecm_9171969_v4_nps-ud-housing-and-business-capacity-assessment-2024.pdf).

National Policy Statement for Freshwater Management (NPS-FM) - the waterway (Mangaiti Stream) will be protected and enhanced.

National Environmental Standard for Freshwater (NES-F)

- Culverts required for road crossings will require consent under the NES-F
- Subject to wetland delineation and assessment, consents may also be required under Section 45C for the discharge of stormwater within 100m of an identified wetland and potentially earthworks.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES CS) - a PSI was developed to support the plan change application. Upon commencement of the subdivision application, the NPDC was consulted and a small number of recommendations made. It was agreed with the NPDC's independent expert that a DSI was not likely to be useful at the consent application stage, and the NPDC should instead provide for some further investigation as a condition of the subdivision/land use consents that were to be sought. A copy of the feedback in this regard, with recommendations on consent conditions and consenting strategy is attached.

National Environmental Standards for Air Quality - it is expected that the development will be consistent with this NPS.

File upload:

NPSCS FW Landpro18062 Proposed sampling plan for 2 Johnston St.pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

An attempt was made to obtain consent from the NPDC and abandoned due to unacceptable delay and costs. Hareb Investments withdrew from this process, it was unacceptable and financially untenable.

The land is important for the New Plymouth District, and Waitara in particular, as this site is out of the food plain and not subject to flooding and natural hazard risks in other parts of the town.

To develop the land and for it to be economically viable it needs to be done efficiently and effectively, and I have no confidence that this can be achieved through the usual council process. Waitara does not have the luxury of being able to constantly increase section prices to cover the costs of a lengthy, costly consenting process. Rezoning the land was a significant investment, and it was anticipated in 2021 that consents should be relatively straight forward to obtain given the extensive process the was undertaken. After a year of no progress with council, it was evident that this would not be possible. The fast track process will be significantly faster and more cost effective, and will provide the confidence required to progress the development. This development will not occur without the fast-track process.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

Referring this project will ensure the efficient operation of the Fast-Track Process because it is entirely consistent with the purpose of the fast track approvals bill and eligibility is confirmed.

The purpose of this Act is to provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits.

The project will achieve the purpose of the bill because;

- It is a development project with significant regional benefits
- The fast track process will facilitate the necessary consents that will enable the development of approximately 121 houses in New Plymouth (a Tier 2 City under the NPS-UD)
- The project will increase the supply of housing, address housing needs, and contribute to a well-functioning urban environment, and it will deliver significant economic benefits to New Plymouth District.
- Given the private plan change process and the process initiated to obtain consent under the new provisions made to date, there is sufficient information available upon which to base any referral decision.
- The land is identified as contributing to housing capacity in New Plymouth, as 'undeveloped residential land' available to meet housing needs.

During the private plan change hearing, it was identified also that Waitara needs a greenfields subdivision to create some movement in the market, so that the larger (1/4 acre) sites in the town can be freed up for infill.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

Identified as a Development Area in the new PNPDP, with a Structure plan in place.

Identified as providing housing capacity in the NPDC HCBA (March 2024).

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

121 (approx) Lots in Waitara is significant and critical for the district meeting housing needs.

The economic benefits are summarised in the application which is attached in previous sections.

The development will provide sewer, water, and roading infrastructure, and most importantly, stormwater infrastructure to Waitara (with the offer of detention on site being made to the NPDC), which will provide utility links and capacity.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

The supply of housing will be increased by at least 121 sections, in a part of New Plymouth District that is more affordable, and is now easily accessible due to Waka Kotahi Investment.

This will address housing needs.

The ability for this site to contribute to a well functioning urban environment has been tested and confirmed via the Private Plan Change Process.

Of note is that the structure plan provides for a wide variety of lot sizes, that will deliver a range of housing typologies. It provides for public access and open space along the waterway, and in 'kick-a-ball' space set aside within the development.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

An economic report was prepared as part of the Private Plan Change Application.

In summary, bearing in mind that at the time the NPDC was stating that it did not need this area for urban growth, this found that;

New Plymouth District, and the urban fringe around New Plymouth, is experiencing relatively strong growth in household numbers, with consequent pressure on land and house prices. There are few large residential developments in the District underway to accommodate this growth, with the largest being those around Whaler's Gate and elsewhere on the southern periphery of New Plymouth and in Bell Block.

The proposal would provide a range of lots sizes and be intended to accommodate a range of dwelling types. The additional supply would likely be the only greenfields residential development in Waitara if it comes to the market within the next two years, given the absence of any other developments at present. That is perhaps surprising, given the popularity of the recent subdivision at Armstrong Ave in eastern Waitara where most of the development, nearly 50 lots, was sold in the first 18 months.

Waitara offers a point of differentiation to other locations within the District, with lower land prices enabling purchasers to afford more home for the same money, and allowing entry to the new property market at lower price points than is possible in urban New Plymouth.

Waitara is easily commutable to New Plymouth, and has the capacity to accommodate a proportion of the District's future growth similar to, or larger than has been the case historically. Even if Waitara takes a higher share of future growth, there will still be a need for many large residential developments elsewhere in the New Plymouth housing catchment to be created over the next two decades, and ongoing infill housing.

The PPC would create growth within that catchment that is consistent with historic patterns of growth, and assist Council being able to meet its NPS-UDC requirements to provide sufficient opportunities for the development of housing to meet demand, and provide a range of dwelling types and locations. The PPC would have predominantly positive economic and urban form effects for both Waitara and New Plymouth, and therefore represent a positive change to the operative Plan. Notwithstanding that the current FUD status of the Site is proposed to be removed, the PPC would also be consistent with Council's recent vision for residential development.

A full copy of the economic report is available on request.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

Support for primary industries will be indirect only, simply because the housing will be provided in a part of Taranaki that supports primary production (Dairy, Dry-stock, ANZCO foods, nurseries and market gardens). Providing housing for people who work in these sectors will be beneficial.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The project will support the minerals and petroleum sector an indirect manner, by providing housing for persons employed in this sector. The Turangi, McKee and Mangahewa oil and gas fields are near the Waitara Township, as are the two Methanex plants.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The development provides an area of housing that is clear of the Waitara River Flood plain, upon which most of Waitara is built upon. It is far more resilient than infill on the flood plain. Low impact stormwater design is written into provisions.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

See above.

Engineering has been designed with climate change contingency in mind.

Low impact and hydraulically neutral stormwater systems will be implemented and this is locked into provisions in the district plan.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

Housing affordability and accessibility.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The development is entirely supported in the district planning documents. The land is zoned for this purpose, and is identified in the PNPDP as a development area.

It is already structure planned as a result of the private plan change process.

Anything else?

Please write your answer here:

121 lots in New Plymouth may not seem significant on a national scale. In other parts of NZ, you will be seeing applications for 500+ sections. There is nothing of the scale in New Plymouth, and the zoning does not allow for anything of this scale.

This application must be considered in the context that it is occurring, and it is therefore highlighted that 100+ lots in New Plymouth District is very significant to the district and Taranaki Region. The NP subdivision and survey market is characterised by a large number of very small subdivision developments 2-20 lots). The district sees very few large greenfields subdivisions (100 lots being considered very large here), and has seen a negligible number of subdivisions of any reasonable size since the NPDC commenced its district plan review in 2019. The district is starved of developable sections, and this is affecting the construction sector significantly.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

The list of ineligible projects at Section 18 of the Bill has been reviewed in relation to the proposal, and it is confirmed that none of the matters identified in section 18 apply in this case.

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

The project is located outside of the known Waitara River Flood plain. It will not be affected in any greater way by natural hazards than any other development in Taranaki, but it would be incorrect to say that any part of NZ would not be affected by natural hazards.

The land is flat, there is no significant retaining required at all, it is not near the coast, nor in an area of liquefaction risk. It is not on a known fault line or in a lahar path/volcanic hazard area off Mt Taranaki. Engineering has determined the ground is 'good' for residential construction.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

The applicant received an abatement notice from the TRC for the irrigation of dairy shed effluent to land in April/May 2023. The discharge within 150m of a dwelling was ceased immediately and the issue was resolved.

Load your file here:

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Matthew Hareb

Important notes