

Response ID ANON-URZ4-5FMS-G

Submitted to Fast-track approval applications  
Submitted on 2024-05-03 10:50:49

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:  
Maia Properties Limited

2 Contact person

Contact person name:  
Brian Marsden

3 What is your job title

Job title:  
Director

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:  
  
577 Mangorei Road  
RD 1  
New Plymouth 4371  
New Zealand

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:

Approximately #448 Mangorei Road, between Mangorei Road and Ainslee Street, Merrilands, New Plymouth.

Lot 4 DP 475469

Record of Title: 656092

File upload:

ATT 1 Location Plan.pdf was uploaded

Upload file here:

SUB\_47083 & Approved Plans (Scheme and Engineering).pdf was uploaded

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

Yes

upload file:

CT 656092\_Title\_Search\_Copy.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Maia Properties 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:

Applicant is owner and sole decision maker in relating to undertaking the work.

## Section 2: Project details

What is the project name?

Please write your answer here:

Maia Properties - Mangorei Road Development

What is the project summary?

Please write your answer here:

Maia Properties proposes to develop 119 allotments for residential housing on Mangorei Road, New Plymouth. While district council subdivision consent is in place, the project is stalled however requiring Regional Council Consents for the essential stormwater infrastructure.

What are the project details?

Please write your answer here:

The purpose of the project is to develop Residential zoned land for housing.

The applicant has obtained Subdivision and Land Use Consent from New Plymouth District Council (NPDC) for this residential development.

A copy of the subdivision consent, approved scheme plan and staging plan, and approved engineering plans are attached.

The final consented subdivision scheme plan requires the replacement of a stream/wetland gully system (part of the Te Henui Stream catchment) with piped stormwater infrastructure. Under the NES-FM, this infrastructure and its installation requires a suite of consents from the Taranaki Regional Council for works and diversion and drainage relating to induced wetlands and waterways.

A suite of resource consents are identified as being required from the Taranaki Regional Council (TRC) under the Regional Freshwater Plan for Taranaki (RFP) and potentially the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-FM), relating to piping the waterways onsite. These will include;

- A Section 13 RMA Land Use Consent for the reclamation of the bed of the unnamed tributary of Te Henui Stream under Rule 76 of the TRFP and Regulation 57 of the NES-F;
- A Section 13 RMA Land Use Consent for the removal of structures from the bed of unnamed tributary of Te Henui Stream under Rule 56 of the TRFP;
- A Section 13 RMA Land Use Consent for the construction, placement and use of structures within the bed of the unnamed tributary of Te Henui Stream under Rule 64 of the TRFP;
- A Section 14 RMA Water Permit for the diversion of water for the purpose of land drainage under Rule 79 of the TRFP;
- A Section 14 RMA Water Permit for the diversion of water from natural wetlands under Regulation 45 (4) of the NES-F; and
- A Section 15 RMA Discharge Permit for the discharge of stormwater and sediment to land and surface water under Rule 27 of the TRFP.

And may include consents under the NES-FM (yet to be confirmed).

This proposal is for activities associated with piping the mid and upper extents of the gully system within the subject site to enable the already consented land development activity.

Further to this, the activities associated with piping the lower extent of the gully system have already been undertaken (Stage 1 of the subdivision development) as a permitted activity under the RFWP and pre-dated the gazette of the NES-FM regulations. In essence, the works to install this infrastructure have commenced. They were halted when the NES-FM came into effect in September 2020. Now, to obtain 223/224 for stage 1, the open water up-gradient of this stage needs to be controlled and directed into the designed infrastructure which is the primary flow path. This in turn will enable roading to be installed to access further stages, and these further stages, some of which will also rely on the piped network, to be completed.

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

Please write your answer here:

The approved staging plan is attached (it is part of the approved subdivision consent attached in the previous question).

The applicant proposes a 119 lot subdivision as follows;

Stage One; 12 residential allotments (Lots 1-12), and roads 201 and 202, extension to Ainslee Street;

Stage Two; 14 residential allotments (Lots 13-27) and road 220, to the west of Stage One;

Stage Three; 7 residential allotments (Lots 36-42), and road 205, to the south of Stage One/west of Stage Two;

Stage Four; 16 residential allotments (Lots 43-57, 59), and road 206, to the southeast of Stage Three, road connection to Mangorei Road;

Stage Five; 8 residential allotments (Lots 58, 60-66), and road 207, to the southwest of Stage 4;

Stage Six; 15 residential allotments (Lots 67-81), and roads 208 and 209, west of Stage 5;

Stage Seven; 13 residential allotments (Lots 82-94), and road 210; to the west of Stage 6;

Stage Eight; 10 residential allotments (Lots 95-97, 99-105) and road 211 and 212, to the north of Stage 7;

Stage Nine; 9 residential allotments (Lots 106-114) and road 215, to the east of Stage 8;

Stage 10; 10 residential allotments (Lots 25, 28-35, 98), and road 204, to the north of Stage 8; and

Stage 11; 7 residential allotments (Lots 115-121), and road 218, to the west of Stage 7, extension to Heta Road.

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

Please write your answer here:

Will Involve

Resource Management Act 1991

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:

Taranaki Regional Council (TRC)

New Plymouth District Council (NPDC)

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

Please write your answer here:

Subdivision consent has been obtained from the NPDC (attached).

There are no active applications with either TRC or NPDC.

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

No

Please explain your answer here:

The applicant is the sole land owner and sole decision maker.

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

Please write your answer here:

Design is complete, and construction has started. This has been on hold since the NES-FM can into effect in September 2020 due to uncertainty with the requirements of this legislation and its interpretation.

It is anticipated that on granting consent, the work to install the stormwater infrastructure would progress as soon as weather allowed.

### Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Te Atiawa Iwi  
Ngati Te Whiti Hapu  
New Plymouth District Council  
Taranaki Regional Council

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:

A site visit was held in 2021 with Te Atiawa Iwi, who were to report back to Ngati Te Whiti Hapu. Iwi and Hapu have been invited to make comment on the activities, however no input has been received.

New Plymouth District Council has been extensively consulted with regard to the complexities involved in relation to achieving 223/224 for stage 1, and approved the original subdivision design, and the engineering plans.

Taranaki Regional Council has been consulted with regard to confirming the permitted status of activities to date, mitigating dust and sediment discharges from the areas of the site that are sitting open, consent requirements and information requirements for any application. Their ecologist has been onsite to assist wetland identification.

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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.  
Te Atiawa and the Crown signed the deed of settlement on 9 August 2014.  
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.

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 site is within the rohe of Te Runanga o Te Atiawa, and Ngati Te Whiti Hapu.

The Ngahere Scenic Reserve, located 50m to the south (upslope) of the site, is a Statutory Acknowledgement Area. The Operative New Plymouth District Plan provides a detailed description of this reserve. The value of Te Ngahere is its ancestral connection and historical association with the great Tupare papakāinga.

The Te Henui Stream and its tributaries are also acknowledged. This statutory acknowledgement area is also described in detail in the Operative NPDC plan, with the waterway on the site confirmed as a tributary of the Te Henui.

The Te Hēnui is noted as being very important because of the abundant resources that sustained the physical and metaphysical needs of the papakāinga

and communities along its banks, such as Purakau, Autere and Kerau, and further up river, the papakāinga of Pukewarangi, Puketarata and Parihamore.

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:

No file uploaded

## Section 5: Adverse effects

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

Please describe:

### 1. Effects of reclamation & diversion on surface water quality and aquatic systems

The effects of this will need to be managed through the effects management hierarchy, which will respond to the ecological value of the waterways involved. Ecological values are generally noted as low given the highly modified, urban nature of the waterway, and will be assessed in detail to support any application.

There is ongoing uncertainty and disagreement about whether the wetland regulations apply.

### 2. Effects of discharges on surface water quality and aquatic systems

Physical works associated with developing the site have the potential to result in fine sediment mobilisation and runoff into downstream streams and wetlands. The addition of fine sediment to stream environments has the potential to affect waterways.

To minimise on-site erosion, and the generation and discharge of sediment to the downstream Council stormwater reserve and neighbouring properties, a detailed Erosion and Sediment Control Plan would be provided to Council prior to the commencement of works.

All the residential properties in and around the site are supplied from NPDC's drinking water supply (source: NPDC GIS database). There are no downgradient water permits to take groundwater or surface water for human or stock drinking water purposes. Therefore, no effect on the human and animal drinking water sources is expected.

Provided that appropriate erosion and sediment control measures are in place, it is considered that the potential effects on surface water quality and aquatic ecosystems in the downstream environment (being the Council stormwater reserve) will be temporary, and less than minor.

### 3. Effects on surface water quantity and flooding

The management of the developed stage stormwater has been assessed in the NPDC Subdivision Consent. Therefore, any effects on surface water quantity and flood carrying capacity of the waterway is limited to construction stage discharges.

The construction stage discharges will be temporary in nature and be in accordance with erosion and sediment control measures which will manage run-off volumes and peak flows so that they do not cause or exacerbate the risk of inundation, erosion or damage to property or infrastructure downstream or risks to human safety.

Given the above, the effects of the discharge on surface water quantity and flooding will be less than minor, and in fact given the state of activities, will be positive because at present the stormwater upgrade of Stage 1 is uncontrolled.

#### 4. Effects on people and communities

The proposal will result in net positive benefits to the neighbourhood as there will be capacity to provide for the social and economic benefits with the employment of contractors and consultants. Once developed, the residential subdivision will be serviced by local schools and many businesses that would not benefit if the activities were unable to occur.

The construction works will be carried out in accordance with a Construction Management Plan which will include measures to reduce adverse effects on adjoining properties, including dust, noise and access to properties. This requirement is a condition of the applicant's Subdivision and Land Use Consent. The construction effects will be temporary in nature.

Therefore, the effects on people and communities are considered to be less than minor and likely positive.

#### 5. Effects on visual amenity, historical and recreational values

In terms of landscape and visual effects, the proposed earthworks associated with residential development is expected as the site is within an area zoned as residential in the New Plymouth District Plan. It is not considered that the activities will have any effect on visual amenity and recreational values, as the subdivision development is in keeping with the general residential nature of the area.

There are no historical values associated with the natural and physical resources within the site.

The gully system within the site is non-navigable and public access would be by permission of the applicant only.

Given the above, the effects on visual amenity, historical and recreational values are likely to be acceptable, and less than minor.

#### 6. Effects on Tangata Whenua sites and values

The site is within the rohe of Te Runanga o Te Atiawa and Ngati Te Whiti Hapu. A site walk over was held with Te Atiawa in September 2021. There are no known wāhi tapu/wāhi taonga, urupā and sites of significance to Māori within the site. The Ngahere Scenic Reserve is located 50m south (upslope) of the site and is a Statutory Acknowledgement Area, as is the Te Henui and its tributaries.

The key sections of the Te Atiawa Iwi Environmental Management Plan are:

- Chapter 6.2 Te Tai Awhi-Nuku - Inland and Coastal Whenua
- Chapter 6.3 Te Tai o Maru - Freshwater
- Chapter 6.6 Te Tai o Tāne Tokorangi – Flora and Fauna

There is potential for the excavation works to intercept some archaeological material left behind from the people who used the area for travel and as an abundant food source and therefore an accidental discovery protocol for archaeological discovery would be appropriate to address this matter.

The application will implement erosion and sediment control methods, and spill minimisation methods to minimise the actual and potential effects of the construction stage discharges on the quality of surface water in the unnamed tributary of the Te Henui Stream, and aquatic ecosystems and cultural values downstream of the site.

The effects management hierarchy will be implemented to address these matters.

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## 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:

The New Zealand Coastal Policy Statement (NCPS) does not apply to the proposal.

The National Policy Statement for Highly Productive Land (NPS-HPL) does not apply to the proposal, as the land is zoned for residential use and has been for many years.

The 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/qxqhzwou/ecm\\_9171969\\_v4\\_nps-ud-housing-and-business-capacity-assessment-2024.pdf](https://www.npdc.govt.nz/media/qxqhzwou/ecm_9171969_v4_nps-ud-housing-and-business-capacity-assessment-2024.pdf)).

National Policy Statement for Freshwater Management (NPS-FM) - The NPS-FM applies to the project. Part 3 of the NPS-FM sets out various aspects associated with the implementation of the NPS-FM. There remains uncertainty about whether the wetland provisions apply and this will be ascertained via ecological assessment if necessary.

In relation to this NPS, the activity is necessary for the construction of specified infrastructure as the infrastructure (roads and services) will be vested with NPDC as per the Subdivision Consent and so will deliver a service operated by a lifeline utility. The residential development of the site will provide regional benefits in terms of the provision of residential lots for the community and compliance with the NPS-UD.

There is a functional need for the specified infrastructure in that location, as determined through the NPDC Subdivision and Land Use Consent process.

The NPS-FM defines 'effects management hierarchy' which will be applied.

It is considered that there is nothing that would prevent consents being granted under NES-FM if any are required.

#### NPS-FM Section 3.24: Rivers

Subsection 3.24 of the NPS-FM is relevant to the proposed reclamation of the unnamed tributary of the Te Henui Stream within the site. The policy in subsection 3.24 (inserted as Policy 5A.4.1 of the TRFWP) states that the loss of river extent and values is avoided, unless the council is satisfied of certain conditions.

As previously discussed, there is a functional need for the activity (the reclamation of the gully system) in that location as the Subdivision and Land Use Consent granted included a fully reticulated stormwater network rather than preservation of the existing wetlands and streams within the gully system.

The adverse effects of the reclamation are managed by applying the effects management hierarchy.

Therefore, it is considered that this proposal would be able to give effect to the NPS-FM hierarchy of obligations.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health – the NPDC land use consent has already established the change in use, and this NES is therefore not applicable.

National Policy Statement for Indigenous Biodiversity – it is expected that in applying the effects management hierarchy, no loss of indigenous biodiversity is anticipated.

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

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## 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:

The activity has been on hold since the NPS-FM & NES-FM came into effect in 2020. Fast-tracking the regional council application would bring the development online far more quickly and cheaply than what will inevitably be a notified, lengthy and costly hearing process for all parties.

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 an integral development project with significant regional benefits
- The fast track process will facilitate the necessary consents that will enable the development of up to 119 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.
- 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 short term housing needs.

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

Local government plan or strategy

Please explain your answer here:

The land has been zoned residential for many years.

The land is identified as contributing to housing capacity in New Plymouth, as 'undeveloped residential land' available to meet housing needs.

The land has been included as 'plan enabled and infrastructure ready' in the NPDC's Housing and Business Capacity Assessment (HBCA)

(latest dated March 2024, [https://www.npdc.govt.nz/media/qxqhzwou/ecm\\_9171969\\_v4\\_nps-ud-housing-and-business-capacity-assessment-2024.pdf](https://www.npdc.govt.nz/media/qxqhzwou/ecm_9171969_v4_nps-ud-housing-and-business-capacity-assessment-2024.pdf)).

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

119 buildable allotments is significant in the New Plymouth District.

The development will provide sewer, water, and roading infrastructure to the Merrilands area of New Plymouth, which will provide utility links and capacity. This infrastructure will support the provision of housing, detailed above.

Will the project:

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

Please explain your answer here:

The development will increase housing capacity in New Plymouth (tier 2 City under the NPS-UD), assisting NPDC meet its obligations under the NPS-UD.

The subdivision is large by New Plymouth Standards, and is identified in the HBCA for New Plymouth as land that will ensure the district meets its requirements to provide for housing capacity under the NPS-UD.

The contribution to a well functioning urban environment has been considered in granting the Subdivision Consent.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The economic benefits will be associated with construction and housing, and community growth.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

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

No

Please explain your answer here:

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

Yes

Please explain your answer here:

It will provide housing near to NP City, connected via the city pedestrian and cycling networks, reducing commute times & reliance on vehicles.

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 built in.

Fit for purpose stormwater systems need to be installed urgently, and have been delayed by current regulations.

Will the project address significant environmental issues?



Yes

Please explain your answer here:

The project will help New Plymouth District Council address housing issues within the district.

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

Yes

Please explain your answer here:

The activity is for residential development within a residential zone and is therefore entirely consistent with local planning documents.

Anything else?

Please write your answer here:

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

No

If yes, please explain:

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:

Everything will be affected by climate change and natural hazards in coming years to various degrees.

The site is not in an area subject to inundation, or exposed to slips or erosion effects. The proposed activity is required to address stormwater engineering and infrastructure necessary to manage the existing water that flows through the residential land.

## 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:

Two abatement notices relating to earthworks were issued on 2 November 2020, and subsequently complied with to the satisfaction of TRC.

The notices are attached.

NPDC enforcement action regarding a retaining wall was withdrawn.

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:

Brian Marsden

Important notes