



## Notice of Requirement – Huatoki Plaza Weir and Fish Pass (NPDC-108)

New Plymouth District Council gives notice of its requirement for the following designations for a public work (or in respect of any land, water, subsoil, or airspace where a restriction is necessary for the safe or efficient functioning or operation of a public work) under **Sections 168A, 181(4)** and **Form 20** of the Resource Management Act 1991.

New designations	Yes
Lapsed designations requiring a new designation	N/A

### 1. Introduction

The New Plymouth District Council (as Requiring Authority) is seeking to designate existing flood protection infrastructure on Council owned land in order to increase public awareness of the asset, streamline any future work in accordance with the designated purpose, being 'Weir and fish pass' and effectively provide for the long term protection of the asset.

### 2. The site to which the requirement applies is as follows:

Reference	Designated purpose	Description	Location	Legal Description
NPDC-108	Weir and Fish Pass	Huatoki Plaza Weir and Fish Pass	Huatoki Lane	Lot 1 DP 9589, Lot 3 DP 9589, PT Lot 1 DP 5542, PT Huatoki STBE

### 3. The nature of the proposed work is:

The New Plymouth District Council seeks to designate land which contains existing flood protection infrastructure. The designation of the site is to provide for the long term protection of this existing infrastructure for the purpose of 'Weir and fish pass'. The site has already been developed for this purpose. The designation of the site will not alter the existing use of the site.

### 4. The nature of the proposed conditions that would apply is:

No conditions are deemed necessary given the nature of the designations as the infrastructure has already been established on the site.



5. The effects that the public work will have on the environment, and the ways in which any adverse effects will be mitigated, are:



Figure 1: Huatoki Plaza Weir and Fish Pass designation boundaries



Figure 2: Huatoki Weir and Fish Pass as viewed from Huatoki Plaza



The site to which the proposed designation relates is located within the Business A Environment Area in the Operative District Plan. Surrounding land uses include retail, hospitality and public facilities. The site contains an existing weir and fish pass within the Huatoki Stream which was established in 2010.

### ***Visual Effects***

As the infrastructure already exists, the designation of the site will not give rise to any adverse effects on character and amenity.

### ***Noise***

The infrastructure is located within a commercial environment adjoining public space. The activity does not generate unreasonable noise effects beyond the boundary of the site. As the infrastructure already exists the designation of the site will not result in an increase in noise from the site or a change to the nature of the site.

### ***Traffic and Parking***

Pedestrian access to the site is gained via Huatoki Lane. Vehicle movements include maintenance vehicles which visit the site on a monthly basis.

The designation of the site will not generate additional vehicle movements to the site, adversely impact parking or result in a change to the existing access arrangement.

### **District Plan Objectives and Policies**

The proposed designation will not be inconsistent with the National, NZ Coastal or Regional Policy Statements, Proposed Regional Policy Statements, District Plan or Proposed District Plan.

The following objectives and policies of the Operative District Plan are considered of relevance in regard to the proposed designations:

### ***Character and Amenity***

- *Objective 1: To ensure activities do not adversely affect the environmental and amenity values of areas within the district or adversely affect existing activities.*
- *Policy 1.1: Activities should be located in areas where their effects are compatible with the character of the area.*
- *Policy 1.2: Activities within an area should not have adverse effects that diminish the amenity of neighbouring areas, having regard to the character of the receiving environment and cumulative effects.*

### ***Network Utilities***

- *Objective 3: To ensure public works and network utilities do not adversely affect the health and safety of the community.*



- *Policy 3.1: The establishment, operation, maintenance and upgrading of public works and network utilities should not compromise public health or safety.*

The proposed designation relates to a site within which infrastructure has already been established. As the infrastructure has already been established the designation of the site will not result in adverse effects on the character or amenity of the surrounding area. Given this, compliance with objective 1 and policies 1.1 and 1.2 will be achieved.

The proposed designation falls within the definition of a network utility under the Operative District Plan. Designation of the site will provide for the protection of the existing asset and will not result in adverse effects on the health and safety of the community in line with objective 3 and policy 3.1 of the District Plan.

The protection of the weir and fish pass via designation will ensure that the assets can continue to provide positive health and safety benefits for the community.

**6. Alternative sites, routes, and methods have been considered to the following extent:**

No alternative sites, routes or methods have been considered as the proposed designation relates to a site containing existing infrastructure.

**7. The public work and designation (or alteration) are reasonably necessary for achieving the objectives of the territorial authority because:**

Consideration must be given as to whether the work and designations are reasonably necessary for achieving the objectives of the requiring authority.

The proposed designation is for the purpose of protecting existing flood protection infrastructure (Huatoki Weir and Fish Pass). The weir and fish pass are necessary to be able to provide sufficient flood protection measures to protect the local community in accordance with the Local Government Act 2002. This Act identifies one of the core services of local authorities as being the avoidance or mitigation of natural hazards (Part 2, Section 11A(d)). The long-term protection of this existing flood protection infrastructure will be in accordance with the Local Government Act.

The 2018-2028 Long Term Plan for the New Plymouth District highlights the role of flood protection and control works in protecting urban areas when the stormwater system becomes overloaded with rain. Increased and more intense rainfall over time is likely to increase the frequency of stormwater system overloads. The Long Term Plan identifies a need to build resilience to address this issue. Figure 12 within the Long Term Plan shows the location of existing flood protection infrastructure (see Figure 3 below).

For the following reasons it was considered appropriate to pursue a designation:

- The designation will enable flexibility to modify infrastructure at later stages as may be required due to changing requirements or new technology;





- The designation will allow land required for the works to be identified in the District Plan, clearly indicating the intended use of the land and;
- The designation will prevent land uses and/or development that may hinder or prevent the works.



Figure 3: NPDC flood protection infrastructure

The designation will provide for the long-term protection of the existing weir and fish pass in accordance with the Long Term Plan for New Plymouth District Council.

**8. The following resource consents are needed for the proposed activity and have (or have not) been applied for:**

The New Plymouth District Council holds a consent to install, use and maintain a weir and fish pass in the Huatoki Stream (R2/7365-1).

**9. The following consultation (or No consultation) has been undertaken with parties that are likely to be affected:**

The site is owned by the New Plymouth District Council with the weir and fish pass already existing. Given this, no parties are deemed to be directly affected by the inclusion of this designation within the District Plan. The proposed designation will be consulted on during public notification of the Proposed District Plan.



10. The New Plymouth District Council attaches the following information required to be included in this notice by the district plan, regional plan, or any regulations made under the [Resource Management Act 1991](#).

N/A

Authorised by

David Langford (Infrastructure Manager)  
on behalf of New Plymouth District Council

Date

02/08/19.