



# FURTHER SUBMISSION IN SUPPORT OF, OR IN OPPOSITION TO, A SUBMISSION ON NPDC'S NOTIFIED PROPOSED DISTRICT PLAN

Clause 8 of Schedule 1 Resource Management Act 1991

**To:** New Plymouth District Council  
**Address:** Private Bag 2025, New Plymouth 4342  
**Email:** districtplan@npdc.govt.nz

### **Further Submitter Details**

Name of further submitter: Bridget Fraser and Mia Carroll .....  
Contact person (if different from above) Care of: Hamish Walker (BTW Company) .....  
Postal address: PO Box 551, New Plymouth 4340 .....  
Email address for service: hamish.walker@btw.nz .....  
Phone number: 06 759 5040, 0272270482 .....

*The Council will serve all formal documents by email. Where there is no email address provided, the documents will be posted to the postal address stated above.*

### **I am:** (please tick relevant box)

- a) A person representing a relevant aspect of the public interest.   
(In this case, also specify the grounds for saying that you come within this category); or
- b) A person who has an interest in the proposal that is greater than the interest of the general public.   
(In this case, also explain the grounds for saying that you come within this category); or
- c) The local authority for the relevant area.

Please state the grounds as to why you come within the category selected above:

The submitters property at 84 Brougham Street has been included in the Heritage Taranaki Incorporated submission (submitter number 297). Heritage Taranaki are proposing to schedule the submitters dwelling in both schedule 1 (Schedule of Heritage Buildings and Items) and schedule 3 (Schedule of Archaeological Sites or Sites and Areas of Significance to Māori) of the Proposed District Plan (PDP). As the property was not listed in Schedule 1 or Schedule 3 in the Proposed District Plan this is the first opportunity the submitter has had to consider the matter and make a submission. The submitter also owns 86 Brougham Street and is concerned about the implications including 84 Brougham Street in schedule 1 and schedule 3 will have on 86 Brougham Street in respect of the historic heritage provisions relating to archaeological sites e.g. 50m buffer rules. The submitter also as a separate matter (but still relating to schedule 3) is concerned that the location of the Archaeological site/ Site of Significance to Maori 2556 has been inaccurately located in proximity to both properties. The potential misplacement of the overlay is considered to generate an interest on the submitter that is greater than the public interest, due to the potential impacts the overlay will have on private property use rights.

The submitter opposes in its entirety the submission by Heritage Taranaki due to a lack of consultation on the matter which would have implications on the submitter's private property rights. The submitter is concerned that the listings will inhibit future plans for use and enjoyment of their properties.

### **Council Hearing** (please tick relevant box)

Do you wish to be heard in support of your further submission? Yes  No

If others make a similar submission would you consider presenting a joint case with them at a hearing?  
Yes  No

**Submission**

The submission points, support or opposition, reasons and decisions sought are set out in the attached document.

**Note:** Any attachments to your submission should only be supporting information, not the submission.



24/08/2020

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Signature of the person making further submission  
or the person authorised to sign on behalf of the  
person making further submission

Date

**Name of Further Submitter - Bridget Fraser and Mia Carroll**

My specific further submission(s) are as follows:

*(Please only insert one further submission point per line. Add further sheets as required)*

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
Submitter 297 - Heritage Taranaki Inc	Sub No. / Point No.  Entire submission Particularly: 297.81	Support / Oppose  Oppose	Provision  All Historic Heritage Provisions and listing of properties within schedule 1 and schedule 3.	<p>The submitter opposes the inclusion of the Kerr residence (former) at 84 Brougham Street, New Plymouth in Schedule 1 and schedule 3 of the Proposed District plan (PDP).</p> <p>The submitter opposes all relevant historic heritage provisions included in the submission for the following reasons:</p> <p>Schedule 1:</p> <p>The site (84 Brougham Street) documented to be a pre-1900 building, is inherently protected under The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) as an archaeological site. It is unclear what listing the site as a heritage building under schedule 1 of the PDP would achieve, given it is already protected under the (HNZPT Act)</p> <p>The submitter has not been consulted by Heritage Taranaki about the significant changes proposed to their properties. This has not enabled a reasonable time period to consider all of the Historic Heritage provisions in the Proposed Plan and the implications for the submitter’s future plans for use and enjoyment of their property.</p>	Whole submission is disallowed.

<b>I support/oppose the submission of:</b> <i>(State the submission no., name and address of the person making the original submission)</i>	<b>The particular part of the submission I support/oppose are:</b> <i>(State the Submission No./Point no. of the original submission you support or oppose, together with any relevant provisions of the proposal)</i>			<b>The reasons for my support / opposition are:</b> <i>(State the nature of your further submission, giving reasons)</i>	<b>I seek that the whole (or part) of the submission be allowed / disallowed:</b> <i>(Give precise details of the decision you want the Council to make)</i>
				<p>The submitter refutes the heritage report submitted in support of the original submission which attributes heritage value of the Kerr residence (former) to an unaltered state. The submitter confirms that the building has undergone significant alterations and modification so questions the accuracy of the assessment.</p> <p>The submitter is concerned with the restrictive nature of rules associated with sites containing a scheduled heritage building particularly the discretionary activity status for alterations and additions to the exterior of buildings.</p> <p>Schedule 3:</p> <p>The submitter opposes the listing of the building at 84 Brougham Street in Schedule 3 of the PDP.</p> <p>The submitter is concerned that the rules relating to archaeological sites are too restrictive and have not considered the implications for a built archaeological site.</p> <p>The submitter is also concerned about the implications on the property at 86 Brougham Street and other neighbour property rights given there are rules in the Proposed Plan which relate to works within 50m of archaeological sites. The submitter</p>	

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				<p>questions whether their neighbours have been consulted on the proposed changes and have been provided a chance to make a submission?</p> <p>In urban areas, rules such as the current earthworks rule in proximity to an archaeological site (HH-R17) would require resource consent to undertake earthworks within 50m of the archaeological site. This seems unreasonable given the archaeological site is the building itself rather than the surrounding land.</p> <p>The submitter again questions the need to protect built archaeological sites through the District Plan when they already receive protection under the Heritage New Zealand Pouhere Taonga Act. The submitter questions what Heritage Taranaki are trying to achieve by including built archaeological sites in the Proposed Plan.</p> <p>The submitter considers a better way to manage the building would be in accordance with HH-P18 through supporting landowners to manage, maintain and preserve archaeological sites via the non-regulatory methods outlined in the policy.</p> <p>As a separate matter but still relating to schedule 3 requirements, the submitter is also concerned about the validity of the</p>	

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				archaeological site/site of significance to Maori that has been included in the PDP referenced as 2556. The submitter shares the same concern detailed in submission number 202.1 (Urban Aspect Limited) which states the location of the entrenchments need to be verified through further assessment and peer review.	

**Note to Further Submitter**

This further submission on the Proposed District Plan must be received by the New Plymouth District Council by **5pm on Tuesday 25 August 2020**.

To get your further submission to us, either:

Post to: New Plymouth District Council, Reply Paid DX, DX Box NX10026, New Plymouth.

Attention: District Planning Team

Deliver to: Civic Centre, Liardet Street, New Plymouth

or to library and service centres at Bell Block, Inglewood or Waitara

Email to: [districtplan@npdc.govt.nz](mailto:districtplan@npdc.govt.nz)

Visit our website: [newplymouthnz.com/eplan](http://newplymouthnz.com/eplan)

A copy of your further submission MUST be served on the original submitter within 5 working days after it is served on the local authority. Contact details for all submitters can be found on our Proposed Plan page at [newplymouthnz.com/eplan](http://newplymouthnz.com/eplan).

Please note all information provided in your submission, including your personal information, will be made publicly available.

Your submission (or part of it) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of it):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:

- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.