

NEW PLYMOUTH DISTRICT COUNCIL

**MATTERS RELATED TO SEEKING FURTHER INFORMATION (LANDSCAPING) AND THE RIGHT OF REPLY-
RESOURCE CONSENT APPLICATION HEARING-
FONTERRA FARM SOURCE-RETAIL STORE AND SUBDIVISION-
DIRECTION OF HEARING COMMISSIONER: No.2**

On the 28 March 2019 I conducted a hearing in respect of the abovementioned application. This included hearing from the applicant and witnesses; several submitters and lay witnesses; and the Council's reporting officer and witnesses. The hearing was completed up to the provision of the right of reply which I have requested to be in writing.

I have adjourned the hearing before the written right of reply is submitted, to allow time for me to consider matters that were raised at the hearing in respect of traffic safety particularly in respect of the Kaihihi Road/ SH 45 intersection; and the design of the left turn only lane into the subject site when travelling from Okato township toward the site; and whether there is an opportunity for further on- site landscaping in the area of the site between the proposed building and Kaihihi Road. I then also need to consider whether the hearing is then reconvened to receive the additional evidence sought.

I note that NZTA have given approval to the proposal.

I further note that the section 42A reporting officer on page 24 of her report, given that NZTA has given written approval to the proposal, considered that it is appropriate to disregard any effects on the state highway network.

I have given this matter further consideration including relevant RMA provisions and case law and have concluded that I am unable to seek further input from NZTA. It has provided approval to the proposal and while I may have wished to seek further information from NZTA, I am not able to do so as they have given written approval and I am required to disregard any effects therefore on the state highway network. I am required to accept the NZTA approval on face value.

In respect of landscaping matters the original advice provided to the reporting officer was from Ms Dravitzki who supported the landscaping proposed by the applicant. At the hearing, I was advised that Ms Dravitzki was on maternity leave and Ms Griffiths appeared for the Council. Her view was that after considering the proposal , hearing from the applicant's landscape adviser Mr Bain, and submitters that there was potential to provide for further landscaping between the proposed building and Kaihihi Road without impacting on the views from the Stony River Hotel who had agreed to the proposal subject to maintaining views from the hotel toward Mt Taranaki.

It would seem appropriate for both Mr Bain and Ms Griffiths to consider this matter and provide further evidence on it.

I have determined that the following process and timetable will apply to finalise this matter:

- That both Mr Bain and Ms Griffiths consider the opportunities for on-site landscaping between the proposed building and Kaihihi Road to mitigate any visual and character effects of the proposal in respect of surrounding properties and road users, while maintaining views from the Stony River hotel that the applicant has agreed to and which are set out in the applicants landscaping proposal.

The above-mentioned evidence (noting matters agreed and any matters not agreed) and to include any appropriate draft conditions, is required to be submitted to the Council by 12 noon Thursday 9 May 2019. The Council is to provide the evidence to all parties by 12 noon Friday 10 May to all parties. If I have questions, these will be provided in writing by 5pm Tuesday 14 May, for any responses to be provided by the applicant and Council landscape witnesses, by 12 noon Friday 17 May.

The Council reporting officer is to provide any comment on the additional evidence by 5pm Thursday 23 May 2019, submitters to provide any comment by 5pm 30 May 2019 and the right of reply to be provided to the Council by 5pm Friday 7 June 2019.

All evidence and responses are to be provided to the Council by email by the abovementioned times and dates and the Council will circulate to all parties. Please note that any evidence and subsequent comments are confined to the landscaping matter except for the right of reply which can cover any appropriate matters.

Bill Wasley

A handwritten signature in black ink, appearing to read 'Bill Wasley', with a stylized flourish at the end.

Hearing Commissioner

23 April 2019