

Decision following the hearing of an application for resource consents under the Resource Management Act 1991

Proposal

Subdivision consent for subdivision of the site to 21 land parcels including two common lots to be held as open space as Stage 1 followed by a further Stage 2 subdivision to create some 91 unit titles, all to be used for residential purposes, hotel units, commercial purposes and open space, and

Land use consent for Noise Sensitive Activities within the Port Inner Noise Control Boundary; activity in and adjacent to Sites of Significance to Maori & Archaeological Sites; reduced building setbacks; reduced provision of on site car parking; and, to disturb contaminated soil

at 20 Hakirau Street, New Plymouth.

These resource consents are **REFUSED**. The reasons are set out below:

Application numbers:	SUB18/47061 and LUC18/47283
Site address:	20 Hakirau Street, New Plymouth
Applicant:	Seaport Land Company Ltd
Hearing commenced:	Wednesday 6 July 2020
Hearing panel:	Alan Watson Sheena Tepania
Appearances:	<p><u>For the Applicant:</u> Seaport Land Company Ltd: Andrew Beatson, Legal counsel Brad Kisby, Engagement Erin Griffith, Urban design Mark Georgeson, Transport Jon Styles, Noise Teresa Nicholson, Hazardous substances risk Brett Rogers, Oil and gas risk Kathryn Hooper, Planning Tim Muller, Contamination* Ivan Bruce, Archaeology* Mike Matangi, Stormwater and wastewater* *On call, but not required</p> <p><u>Submitters:</u> Te Kotahitanga o Te Atiawa Trust: Sera Gibson speaking on behalf of Sarah Mako</p>

	<p>Ngāti Te Whiti Hapū Society: Hone Tipene</p> <p>Taranaki Energy Watch: Ruby Haazen, Legal counsel Jenny Polich, Risk assessment, by video link Sarah Roberts</p> <p>Port Taranaki Ltd & Taranaki Regional Council: Kitt Littlejohn, Legal counsel Guy Roper, Chief Executive Officer, Port Taranaki Ltd Fred McLay, Director, Resource Management, Taranaki Regional Council Damian Ellerton, Noise Janice Carter, Planning</p> <p><u>For Council (Council or NPDC):</u> Philip McKay, Planning Sarah Shepherd (nee Knowles), Hazardous facilities David Lockley, Hazardous facilities, by video link Nevil Hegley, Noise Richard Bain, Landscape* Andy Skerrett, Transport and traffic* Debbie Taplin, Development engineer, NPDC* John Eagles, Network Management Lead - Transportation, NPDC* *In attendance but not required to speak</p>
Hearing adjourned:	Tuesday 7 July 2020. Adjourned to receive applicant's counsel's closing submissions in writing, to be received by 27 July 2020
Commissioners' site visit:	Tuesday 7 July 2020
Hearing closed:	3 August 2020

INTRODUCTION

1. This decision is made on behalf of the New Plymouth District Council (**the Council**) by Independent Hearing Commissioners Alan Watson and Sheena Tepania appointed and acting under delegated authority in accordance with sections 34 and 34A of the Resource Management Act 1991 (**the RMA**).
2. This decision contains the findings from our deliberations on the application for resource consents and has been prepared in accordance with section 113 of the RMA.
3. The application was publicly notified on 21 November 2019 with submissions closing on 19 December 2019. One hundred and five submissions were received. Six were in opposition, three neutral or support in part and seeking specific conditions if consents granted, and 96 submissions were in full support. Meco

Engineering Co Ltd later changed their submission from being in limited support to being in full support.

SUMMARY OF PROPOSAL AND ACTIVITY STATUS

4. Seaport Land Company Ltd (**the applicant**) proposes subdivision of the site to 19 lots and two common lots as Stage 1 followed by the development of some 91 unit titles as Stage 2, all to be used for a multi-use residential and commercial development. The applicant also seeks land use consent for Noise Sensitive Activities within the Port Inner Noise Control Boundary; activity in and adjacent to Sites of Significance to Māori & Archaeological Sites; reduced building setbacks; reduced provision of on site car parking; and, to disturb contaminated soil.
5. The site is zoned Industrial D in the Operative New Plymouth District Plan 2005 (**District Plan**). It is also affected by overlays that relate to Waahi Taonga/Sites of Significance to Māori and Archaeological Sites – 716, Notable Tree 133 and the Port Taranaki Inner Noise Control Boundary.
6. The proposal requires resource consents for the following reasons:¹

Proposed Subdivision

Rule Ind70 states that there is no minimum allotment size, but that subdivision is a Controlled Activity. **Controlled** – It is noted that the proposed Stage 1 allotments range in size from 95m² – 4500m².

Rule Ind71 requires practicable vehicle access to allotments from a road meeting the requirements specified in Appendix 22.2A as a **Controlled** Activity.

Discretionary – The maximum number of allotments with legal vehicular access by a Right of Way is six and a total of 19 allotments are proposed. It is noted that the application was lodged proposing that Lot 100 be vested as road, but on the advice that the Council does not wish to have it vested this lot is now proposed to be a Right of Way. We note Council's transportation advice is now for a small portion of Lot 100 to be vested as legal road at the entrance to the site.

Rule Ind73 involves the requirement for services – stormwater disposal, water supply and sewage disposal. **Controlled** – connection to services is proposed in accordance with the requirements of Appendix 22.2.

Rule Ind74 refers to the requirement for a building platform which is required by Appendix 22.1 to be stable and flood free. **Controlled** – Building platforms are stable and flood free.

Rule Ind75 requires existing buildings to meet standards in relation to the new boundaries. **Controlled** – Provided Lot 100 is not vested as road, there will be no existing buildings within 3m of a new road boundary. No building setback is required from boundaries within the Industrial D Environment Area under rule Ind 16.

Rule Ind76 involves the requirement for financial contributions. **Controlled**.

¹ Section 4.2A report, section 4.2

Rule OL87 subdivision of an allotment which contains a wāhi taonga / site of significance to Māori or archaeological site listed in Appendix 26.

Discretionary – proposed subdivision contains a wāhi taonga site (site 716 Te Poki Te Rangī Pā) and immediately adjoins the spot references of sites 10 'Ngāmotu / Ōtaka Pā'; and 662 'Urupā of Poharama Te Whiti'.

Regulation 11 NESCS subdivision of a site subject to HAIL activities with no DSI provided at the time of the application. **Discretionary.**

Proposed Land Use

Rule Ind85 requires the provision for on site car parking to meet the permitted activity conditions in Part B in Appendix 23. **Restricted Discretionary** – The proposed activities will not comply with the parking standards of the Industrial D Environment Area.

Rule OL53 refers to the erection (which includes reconstruction) or use of buildings seaward of the Port Noise Inner Control Boundary. **Restricted Discretionary** – the entire site lies seaward of this boundary.

Rules OL81 & OL82 refers to the erection (which includes reconstruction) of structures within 50m (OL81); or 100m (OL82) on any Wāhi Taonga. **Restricted Discretionary** – Structures will be erected or reconstructed on or within 50m of sites 10, 662 and 716.

Rule OL85 refers to excavation and filling on or within 50m of a Wāhi Taonga site. **Restricted Discretionary** - site development will necessitate earthworks involving excavation on or within 50m of sites 10, 662 and 716.

Regulation 11 NESCS land use change within a site subject to HAIL activities with no DSI provided at the time of the application. **Discretionary.**

Overall, the proposal has been considered as a **discretionary activity**.

7. There is also a Proposed District Plan (**PDP**) which was notified on 23 September 2019. As reported by Mr Philip McKay for the Council, the application had been lodged at that point and therefore the status of the application remains to be determined under the Operative District Plan. The only rules in the PDP relating to this application that have effect from notification are the rules protecting historic heritage, which includes archaeology and sites of significance to Māori.
8. The site is within the Special Purpose Port Zone of the PDP and in terms of rules that apply to this application, the site is within the Archaeological Extent of Sites 716 (Pā), 662 (Urupā) and 10 (Pā); within Site of Significance to Māori Extent of Sites 716 (Pā), 662 (Urupā) and 10 (Pā); and, contains a Site of Significance to Māori Site 716 (Pā).

PROCEDURAL MATTERS

9. There were no procedural matters highlighted as requiring our attention.

RELEVANT STATUTORY PROVISIONS CONSIDERED

10. In accordance with section 104 of the RMA, we have had regard to the relevant statutory provisions including the relevant sections of Part 2 and sections 104 and 104B.

RELEVANT STANDARDS, POLICY STATEMENTS AND PLAN PROVISIONS CONSIDERED

11. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statements and plan provisions of the following documents:
 - New Plymouth Operative District Plan 2005
 - Proposed New Plymouth District Plan 2019
 - Regional Policy Statement for Taranaki 2010
 - National Policy on Urban Development Capacity 2016
 - New Zealand Coastal Policy Statement 2010
 - National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012.
12. There were no other matters brought to our attention or that we considered to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.

SUMMARY OF EVIDENCE HEARD

13. The Council's consultant planner's recommendation report (**section 42A report**) from Mr McKay was circulated prior to the hearing and taken as read. We note he had recommended that consents not be granted for the reasons explained in his report.
14. The evidence presented at the hearing responded to the issues and concerns identified in the section 42A report, in the application and in the submissions.
15. Details of the evidence presented by the applicant and the submitters at the hearing is covered below as part of the discussion on the principal issues in contention with the application. That is, those parts of the evidence that have been important as part of the presentations received, and the decision made. We confirm that all the information received at the hearing has been taken account of in our decision-making.
16. The applicant's right of reply was presented orally by Mr Andrew Beatson and followed up, after an adjournment of the hearing for that purpose, by a written right of reply that addressed matters raised during the hearing.
17. After analysis of the application and evidence (including proposed mitigation measures), a visit to the site and neighbourhood, reviewing the Council's section

42A report, reviewing the submissions and concluding the hearing process, the proposed activity raises a number of issues for consideration. The principal issues in contention are the effects associated with:

- Proximity to hazardous facilities
- Reverse sensitivity
- Noise
- Cultural
- Archaeological
- Removal of built heritage
- Traffic and car parking
- Social and economic
- Positive impacts
- The District Plan.

PRINCIPAL ISSUES IN CONTENTION

Proximity to hazardous facilities

18. One of the principal issues in the consideration of the proposed development is its proximity to an operating port and to significant hazardous facilities including cold storage, LPG storage and bulk fuel storage and the specific hazards on site, being the storage of ammonia and the Taranaki Petroleum Co No.5 oil well (**TPC-5**).
19. Taranaki Energy Watch's (**TEW**) submission was primarily concerned with the proximity of the proposed development and its residential activities, to significant hazardous facilities, due to the risk of fire and explosion resulting in potential fatalities beyond the boundary of those sites and impacting on the sensitive activities within the proposed development.
20. On behalf of the applicant, we heard from Mr Brett Rogers, an expert in the field of oil and gas asset management, who noted that hazardous effects from uncontrolled wells include flammability, explosion and compounds hazardous to human health. He confirmed that the development site has six abandoned oil and gas wells on or within 250m. In addition to this, the TPC-5 well is situated on site and produces water, oil and gas to production facilities. Another well, RNP-4 sits 73m to the north of the site and also produces water, oil and gas.
21. Mr Rogers concluded in his reply statement that no further mitigation of the six abandoned wellbores within 250m of the site is required. Those wells are currently in an abandoned state and remain the responsibility of the relevant landowner.

The subject site itself is a hazardous facility due to the storage of ammonia however, the proposed development would remove that hazard from the environment.

22. Accordingly, the specific issues raised in relation to risk and effect are:

- What are the risks associated with this development given its proximity to significant hazardous facilities, i.e. –
 - its location over the top of (or beside) an oil and gas well - TPC-5?
 - its location in the vicinity of another operating well site - RNP-4?
 - its location in the vicinity of the Liquigas and Methanex storage facilities?
- Do we have sufficient information to ascertain the level of risk and potential effects particularly given the preferred option of abandonment?
- Are those risks acceptable?

What are the risks associated with this development – given its location over the top of (or beside) an oil and gas well, TPC-5?

23. The assessment of effects on the environment (**AEE**) report with the application identified TPC-5 as being an historic oil well drilled in 1910, then plugged and abandoned in 1914. The proposed Stage 1 subdivision plan identifies this oil well location is within Lot 1 and under the Scott Gibson store building which is to be converted to a residential apartment building under the proposal. A Taranaki Regional Council (**TRC**) Report commissioned in 2003 on the Moturoa Oil Field, identifies the TPC-5 well as being a moderate hazard risk with potential for contamination of groundwater above 50m subsurface. The applicant had engaged local well engineering experts to advise on options for the management of TPC-5.

24. In his section 42A report Mr McKay explained:

“The TPC-5 Management Plan report sets out the risks of continuing with the management options of capturing the leaking gas and oil from the well which include, fire, explosion and gas toxicity. The report states that there is potential for adverse effects but the likelihood is very low and can be further reduced with controls. It also sets out the logistical constraints of abandoning the well to modern standards but describes options to achieve this. The report does not make any firm recommendations as to the approach that should be followed and this will be a matter that would need to be resolved through the hearing process to ensure that with a change of land use to residential, the TPC No.5 well does not place residents at undue risk from fire, explosion or gas toxicity hazards.”

25. In its submission, TEW raised concern at the limited information in the application on the risks associated with the hazardous facilities on the site, namely TPC-5 and the lack of information on wells in the nearby area.
26. We heard from TEW's safety and risk management expert, Ms Jennifer Polich, who raised concerns regarding the potential health and safety risks of the hazardous facilities, both on site and in the area, to the residential development. Ms Polich noted a lack of assessment of the most relevant scenario with potential health and safety effects on the proposal, i.e. the scenario of potential flammable gas accumulation and subsequent explosion in the subfloor due to a leak from the TPC-5 well. Ms Polich identified TPC-5 as leaking and on that basis had undertaken a consequence assessment, identifying the following issues:
- It is clear from the Elemental Seaport Well TPC-5 Management Plan report (**TPC-5 Report**) that this well cannot be considered 'abandoned' in accordance with current standards that require multiple validated barriers.
 - Even very small leaks could accumulate and be a hazard.
 - Consequence modelling may cover the collection equipment, but it is not appropriate for confined explosion due to gas leak in the subfloor area.
 - The modelling also does not consider the likelihood of abnormal events such as loss of well control / well blow out / failure of pressure containing equipment.
 - The modelling covers low pressure leaks from the outdoor processing equipment in an unconfined environment.
 - The Elemental report suggests that there are formations present capable of sustaining 'strong gas' flows but that the pressure containing equipment is in poor condition and may not contain the pressure.
27. Mr Rogers advised us that TPC-5 is producing (water, oil and gas) via production equipment and that the hazardous effects are controlled at TPC-5 (and at RNP-4) by using pressure equipment to separate the fluids and then treat them separately. He noted that two options were available to manage the risk from TPC-5. One option was to upgrade the production system and the second was to abandon the well to modern well standards. He stated in his reply statement that the process for assessing which option will be adopted is set out in proposed condition 21 which states:²

"The TPC-5 well shall be managed in accordance with the Seaport Well TPC-5 Well Management Plan", which shall be reviewed and finalised prior to construction works commencing on proposed Lot 1 (Scott Gibson Building). Prior to commencement of works, the consent holder shall

² Reply Evidence of Brett Rogers, para 18

provide written confirmation of the option they will exercise for management of TPC-5 to the New Plymouth District Council Planning Lead or nominee.”

28. Ms Nicholson, hazardous substance and risk expert for the applicant, confirmed that a detailed evaluation would be conducted for TPC-5 to determine the best option (operation or abandonment) for the future of the well. Mr Rogers similarly stated that further work is required to determine the optimal method to access the well for abandonment.
29. Ms Polich noted that the scenario of potential flammable gas accumulation and subsequent explosion in the subfloor due to a leak from the TPC-5 well was identified qualitatively by Mr Rogers³ however it was not assessed in any way except to state the risk must be reduced so far as is reasonably practicable (**SFARP**)^{4 5}.
30. Ms Polich was particularly concerned that the ALOHA modelling described for TPC-5 by Ms Nicholson in her Attachment 4, was not applicable to this scenario. She considered it covers low pressure leaks from outdoor processing equipment in an unconfined environment and cannot be used for accumulation scenarios in a confined environment (inside a building) such as the TPC-5 well. In her opinion, it also does not cover any abnormal scenarios such as loss of well control / blowout. ALOHA is primarily used for emergency planning, i.e. for far field effects and the ALOHA documentation provides warnings about low accuracy / lack of applicability within 50m of the source in some circumstances.
31. Mr Rogers in response to Ms Polich, confirmed that the TPC-5 well is a very low pressure production system and sits under a large floor space with good ventilation. He considered the ALOHA modelling provided a useful indication as to the most common failure mode namely, a leak from the production, containment system.
32. Council's chemical engineering expert, Mr David Lockley, concurred with Ms Nicholson's comments regarding ALOHA being a conservative modelling tool. However, he also concurred with Ms Polich's assertion that a gas leak into and amongst the future redeveloped or added structures, which form part of the proposed development, was not considered. He stated:

“Gas leaked into these spaces can be trapped and accumulate to dangerous levels.”⁶
33. Mr Lockley also noted his concern as to who would be responsible for the well if a decision to manage rather than properly abandon it is made. He raised the questions of would the person responsible have the competence to know how to maintain the integrity of the equipment and piping and how to detect leakage at its

³ Evidence of Brett Rogers, para 21

⁴ Ibid, para 10(e)

⁵ Evidence of Teresa Nicholson, para 114(a)

⁶ Memorandum David Lockley to Sarah Shepherd, dated 2 July 2020, p. 1

inception, noting also that as natural gas is odourless, a leak into occupied spaces will not be recognised without gas detectors. He was concerned that the owners of the proposed development would not have the necessary technical competency and it is not practical to expect the future occupants to be able to understand the hazard and know how to respond to it. He concluded that he would not have confidence that this flowing asset will be managed properly in perpetuity.⁷

34. We accept Mr Lockley's opinion and are particularly persuaded by his conclusion that:

*"Consequence Modelling is not an appropriate basis to inform a decision on whether to properly plug and abandon TPC-5 or manage the well as an ongoing flowing well in the midst of the redeveloped site (for residential and commercial use)."*⁸

35. We then accept Ms Polich's evidence and Mr Lockley's opinion in concurrence, that a gas leak into and amongst the future redeveloped or added structures, which form part of the proposed development, with potential flammable gas accumulation and subsequent explosion, has not been sufficiently considered.
36. From the information presented, we find we cannot have the confidence that we need to be able to grant consent.

Abandonment

37. In her reply statement, Ms Nicholson stated:

"Whether TPC-5 should be abandoned or not is beyond my area of expertise. However, I do understand that the building constructed over the well is a heritage building. Therefore, abandonment could be difficult with the building still in place."

38. In her evidence, Ms Polich recognised that the TPC-5 Report expressed a very clear preference for abandonment⁹ however, the report also identified significant difficulties with access for abandonment to current standards, and also the possibility of failure to achieve abandonment due to the current poor condition of the well equipment. Ms Polich did observe that it was relevant to also consider that the access would only get worse if any future works were required with a residential apartment building on top of the well. Ms Polich noted that in some jurisdictions, structures are prohibited over abandoned wells and setbacks are specified. She also stated that there was no consideration as part of the proposed development, of 'separation' as an option. i.e. not building the apartments over the well and leaving a separation distance to avoid any accumulation scenarios if

⁷ Ibid, p. 2

⁸ Ibid, p. 2

⁹ Evidence of Jennifer Polich, Executive Summary, para 5

leakage occurs – which is a ‘known’ minimisation method. We provide comments on the separation option in the following section of this decision report.

39. In his section 42A report Mr McKay also considered significant, Ms Shepherd’s advice that the separation distances would not be appropriate in a residential scenario. He stated that:

“The proposed development involves permanent residential occupation in the Scott Gibson store building above the TPC-No5 well, which presents a very different risk profile to an industrial work site.”¹⁰

40. In that respect, he concluded:

“There is also a risk to future residents from the uncertainty regarding the ongoing management of the TPC-No.5 well under the Scott Gibson store and the inherent risks of fire and explosion and to air quality from the leaking gas.”¹¹

41. Mr Rogers referred to this in his evidence¹² in which he had noted that removal of the western part of the Scott Gibson coolstore is a means of achieving separation. In his reply statement, he concluded:

“the effects of TPC-5 are able to be adequately mitigated, with abandonment and a monitoring and mitigation proposal in place.”

42. We do not consider that the TPC-5 Report provides sufficient detail to satisfy us that abandonment is a viable option to address potential risks. While abandonment is identified as an option, a significant level of uncertainty remains as to how this is to occur. What an abandonment programme might involve is generally outlined but as is acknowledged, detailed work is required to assess the structural and logistical feasibility of accessing the well. Depending on the final techniques used, consents may be required for the generation of noise, use and storage of hazardous substances, and/or the rig structure. Stormwater and air discharge consents are also likely to be required.¹³

43. The report states that abandonment with modern methods would ensure a high integrity shut-off of the wellbore with successful abandonment meaning that all well effluent would be stopped, removing the potential hazards of fire, explosion and human health hazards. However, according to the report, there is a very low risk that due to unknown well conditions, the well is unable to be fully abandoned. As has already been noted, the risk of performing the operation is higher than the background risk of the production system. Importantly, it is acknowledged that in the event of partial failure of the abandonment operation, a production

¹⁰ Section 42A report, para 145

¹¹ Ibid, para 147

¹² Evidence of Brett Rogers, para 10(d)

¹³ Seaport TPC-5 Well Management Plan Report, Elemental

management system would still be required to manage the discharge from the well. For that reason, it is stated in the report that:

“It is considered prudent that consents are issued for both activities to be carried out as:

- 1. The abandonment will not occur immediately, and the production management system will remain in place until then;*
- 2. The abandonment may be found to be less attractive than currently understood;*
- 3. Well conditions may not be as expected resulting in the abandonment not being as successful as planned;*
- 4. The enhanced production management system may be the only way to safely manage the well effluent system.”*

44. How any partial failure of the abandonment would be handled would need to be ascertained as part of any detailed site investigation and it seems, based on the evidence overall, that there would remain residual risks of fire, explosion and human health hazards.
45. Having reviewing the evidence we find that we are particularly persuaded by Ms Polich’s evidence and acknowledge her concern as to whether abandonment to current standards can be achieved, the possibility of failure to achieve abandonment due to the current poor condition of the well equipment and the fact that in some jurisdictions structures are prohibited over abandoned wells.
46. We also accept her evidence as to the necessity for appropriate setbacks to be specified with a detailed assessment as to what that setback and separation distance might be to eliminate, avoid or minimise risk. Ms Polich clearly identifies not building the residential apartments over the well and leaving a separation distance to avoid any accumulation scenarios if leakage occurs, to be a ‘known’ minimisation method. Whether ‘minimisation’ is the appropriate test and indeed whether the residual risk is acceptable, was not traversed in any detail by the applicant.
47. It is important to note that in his section 42A report, Mr McKay stated that TPC-5 would not meet the definition of “Significant Hazardous Facility” as it is not a current petroleum production activity. However, Mr Rogers confirmed in his evidence that the well was in fact “producing”. Accordingly, TPC-5 would meet the definition of Significant Hazardous Facilities and therefore Policy 10.2 of the District Plan and potentially Rule HAZS-R12 of the PDP would apply to the subject site.
48. Building an apartment over the top of or even beside a productive well is inherently fraught with risk. We are firmly of the view that the concerns outlined above are all matters that were not sufficiently covered by the applicant to the extent that we are provided with sufficient certainty to determine that abandonment and a monitoring

and mitigation proposal will be adequate to address the potential adverse effects of the proposed development.

Well Management Plan (WMP) and proposed conditions

49. In closing submissions for Seaport, Mr Beatson confirmed that having considered the concerns expressed at the hearing by TEW in relation to the potential effects arising from flammable gas accumulation at TPC-5 and subsequent explosion in the subfloor due to a leak from the TPC-5 well, the building under which TPC-5 is located will be pulled back to create separation and ensure that it does not cover the wellhead. This would in his submission, also address TEW's concern that the development should not impinge future access to the wellhead.

50. In that respect, the applicant provided a set of proposed conditions to reflect this move, including an obligation to complete an additional risk assessment and specific requirements for proper well management. Mr Beatson submitted that:

“this would resolve all concerns in relation to TPC-5, as the risk presented by TPC-5 can and will be effectively eliminated.”

51. We acknowledge the applicant has sought to address matters raised by TEW and the Council throughout the process of this application. However, the matters that are now to be included in the WMP are all matters that should properly have formed part of this application. For example, we have some difficulty with proposed condition 20.1 which requires TPC-5 to be *“plugged and abandoned”* prior to works commencing *“in accordance with well abandonment best practice”*. What exactly *“well abandonment best practice”* is, was not a matter explained in the evidence before us.

52. To the extent the WMP essentially defers and delegates decision-making as to how and what residual risks (if any) need to be addressed such that risk can be managed to an acceptable level is neither appropriate nor credible. These are not matters we consider should be left to some future yet-to-be-determined proposal as to how to monitor and mitigate. They are matters that need to be the subject of comprehensive and rigorous assessment.

What are the risks associated with this development given its location in the vicinity of another operating well site - Republic New Plymouth 4 (Greymouth) ('RNP-4')?

53. Mr Rogers noted in his evidence that RNP-4 oil well sits 73m to the north of the site, also produces water, oil and gas and is the responsibility of Greymouth Petroleum.

54. Ms Polich confirmed the potential for fire/explosion and commented on the need to carry out a specific consequence assessment for well blowout based on well characteristics, observing that such consequence assessment had not been provided as part of the application. She noted that if RNP-4 is a low flowrate well with minimal gas, it may have sufficient separation from the proposal.

55. Mr Rogers advised, and we accept, that RNP-4 is not a blow-out risk because the well pumps at very low rates and on that basis the potential effects at the development are considered to be nil, posing a less than minor risk to the proposed development. That concurs with the view of Ms Shepherd, for the Council, who confirmed that RNP-4 is unlikely to present an unacceptable risk of fire and explosion impacting the proposed development, and is not opposed to the view of Ms Polich, who provided a qualified view on the matter.

What are the risks associated with this development given its location in the vicinity of the Liquigas Limited (Liquigas) storage facility & the Methanex facility?

56. Liquigas and Methanex are 'Major Hazardous Facilities' in the vicinity of the application site. TEW raised the issue of potential individual and cumulative risks associated with these Major Hazardous Facilities on the proposed development and submitted that in that respect, no information had been provided by the applicant or the Council and that consideration should be given to 'levels of acceptable risk'.
57. Ms Shepherd confirmed that being located approximately 750m from the site, the Methanex facility is considered unlikely to present an unacceptable risk of fire and explosion impacting the proposed development. However, on the basis that she had no information about risk assessment for the facility, she was unable to comment on that matter. However, Ms Nicholson stated that based on modelling conducted using ALOHA software, there is not likely to be a cumulative effect wherein the Methanex facility impacts the Liquigas facility, and the Liquigas risk assessment does not predict adverse effects on the Methanex facility.
58. Liquigas submitted that the PDP risk management contour for its site extends to within 40m of the subject site and that with the introduction of residential and commercial activities it may affect the potential expansion of LPG facilities at the Port. The proposed sensitive activities will impact on the ability of Liquigas to adapt and modernise their facilities in the future which may result in a larger risk contour buffer extending over the application site. Such adverse effects cannot be avoided or mitigated and will be more than minor on the Liquigas operation and Port Taranaki operation generally.
59. Ms Nicholson again however, presented a contrary view, stating that based on the Woolston example¹⁴, it is reasonable to assume that increasing the size of the Liquigas facility will not significantly increase risk contour distances and it is unlikely that the proposed development will be adversely impacted by a Liquigas facility expansion.
60. Ms Polich stated that Liquigas Quantitative Risk Assessment (**QRA**) consequence modelling shows potential fire/explosion effect distances extending to the proposed development. She noted that the full recent Liquigas site QRA did not include

¹⁴ Nicholson, Statement of Evidence, 5 June 2020, Attachment 2.

societal risk and that any future expansion of the Liquigas facility would need to specifically assess the resultant change in risk contours. In her view any risk assessment needed to be specific to the site. Ms Polich agreed with Mr Rogers that there was certainly potential to model the worst case consequence or a risk profile (i.e. accounting for likelihood) for specific wells and scale this back however, she considered this had not been done. In addition, given the increase in population under the proposal, from a day shift low density industrial population in an industrial zone to a 24 hour medium density residential population, societal risk should therefore be assessed.

61. Mr McKay concluded that based on Ms Shepherd's advice, the proposed development would not place future residents at undue risk from any adverse effects of proximity to the existing Liquigas and Methanex hazardous facilities due to the separation available to the subject site, but the proposed development would result in a reverse sensitivity effect that would likely prevent the expansion of the Liquigas facility.
62. Mr Lockley also provided comment on the matter of "reverse sensitivity" in relation to neighbouring industrial operations and the metric of Location-Specific Individual Risk, which is the risk from a facility to a fictitious person at a point, who remains at that point continuously i.e. 24 hours/day, 365 days/year. He stated that, *"...changing the occupancy either onsite or offsite has no effect on the calculation of this metric"* but continued to add that where there is a significant off site population it is common for Societal Risk to be calculated, which takes into account the population density and time at risk. He concluded: *"The proposed development has the potential to negatively alter this risk calculation for adjacent industries, especially Major Hazard facilities"* and referred to Ms Polich's aspects of concern in her evidence.
63. It would appear, *prima facie*, that location of the proposal within the vicinity of the Liquigas and Methanex facilities may not create undue risk for future residents, the separation distances appearing to be sufficient to support that view and to not affect potential increases in the size of each of the facilities. However, it is the case that the expert evidence we received in this, and other related matters, was that there had not been sufficient site-specific assessment of the risks for us to have confidence that a safe situation would result and that the potential adverse effects could be suitably avoided. Indeed, as discussed below, although the likelihood is low, there are potential injury / fatality effects at the proposed location of the development. As discussed below too, apart from the individual risks associated with these facilities, there is the need to assess the cumulative risk.

Are those risks acceptable in the context of the District Plan?

64. From the preceding section, we find the risks are not acceptable but give some further consideration to the expert evidence we received as below.
65. The TEW submission noted that consideration should be given to 'levels of acceptable risk'. Ms Haazen submitted that the application failed to adequately

address risk and that the incompatibility and reverse sensitivity conflict between existing hazardous facilities and the encroaching residential development results, is foreseen by the District Plan but not addressed by the applicant. She further submitted the applicant had not designed the proposed urban development so as to avoid Unacceptable Risk and had proposed an inadequate well management plan for TPC-5 (the TPC-5 Report) to address ongoing exposure to risk from residents and users of the development.

66. As we have earlier noted above, TPC-5 would meet the definition of Significant Hazardous Facilities and therefore Rule HAZS-R12 of the PDP and Policy 10.2 of the District Plan would apply to the subject site.
67. Ms Haazen submitted, that the applicant had not assessed risk effects against the relevant policies and objectives of the District Plan nor the PDP. TEW submitted that the Council does not include in the section 42A report the objectives and policies from the PDP that relate to Rule HAZS-R12 or that unacceptable risk refers to fatality risk. Ms Haazen noted that objective 10 and policy 10.2 are relevant to the assessment of the adequacy of the TPC-5 Report, particularly in the context of the presence of risk from fire and explosion or toxicity, but that it had not been identified by the applicant or in the section 42A report as a relevant policy.
68. We note that Policy 10.2 states:
- “Hazardous Facilities should be designed, constructed and managed to prevent or mitigate adverse effects and unacceptable risks to the environment, including people.”*
69. Ms Haazen subsequently added that this policy had been found to be inadequate for avoiding Unacceptable Risk exposure to sensitive activities from petroleum exploration and production activities by the South Taranaki District Plan Interim Decisions and thus represented a gap in the regulatory framework for managing risk. She quoted the Court:
- “(5) For reasons that we will give, where there is a risk of individual fatality arising from fire or explosion at a petroleum exploration and production facility (topic (a)) it is appropriate this risk be avoided. It is not appropriate for the District Plan to address this risk in terms of it being mitigated.” ([2018] NZEnvC 277.)*
70. We were told there are no land use safety planning risk criteria specific to NZ. Previous planning decisions (Auckland Unitary Plan; Christchurch City District Plan; and the interim findings of the TEW v STDC Environment Court appeal for the proposed South Taranaki District Plan) have considered the guidance in Australian guidelines i.e. Hazardous Industry Planning Advisory Paper No 4 *Risk Criteria for Land Use Safety Planning* known as HIPAP 4.
71. Ms Polich stated that Australian criteria in HIPAP 4 have been adopted to inform land use safety planning in various district plans in NZ. These state *“where a development proposal involves a significant intensification of population in the*

vicinity of such a facility, the change in societal risk needs to be taken into account, even if individual risk criteria are met". According to Ms Polich, it is clear from the existing Liquigas QRA consequence modelling that there are potential injury / fatality effects at the proposed location of the development. It is also clear, even in the absence of any specific assessment or modelling, that there are potential injury / fatality effects from the TPC-5 well.

72. We agree there are clearly potential individual and cumulative risks associated with the Major Hazardous Facilities of Liquigas, and TPC-5 for the proposed development. In Ms Polich's opinion, an opinion with which we find agreement, these examples demonstrate the proposed development site is exposed to risk from multiple sources and therefore cumulative risk should be assessed.

73. Ms Nicholson in her reply statement for the applicant stated that:

"Given the low risk presented by well RNP-4, planned risk mitigation or elimination for TPC-5, and very low risk presented by the Liquigas facility, it is unlikely that cumulative risk will be higher than that presented by the Liquigas facility alone."

74. However, we are unable to draw that conclusion in light of our previous findings in relation to the risk posed by TPC-5 and Liquigas. We are persuaded by the evidence that the proposed development is for a significant intensification of population in the vicinity of existing hazardous facilities and that population would then be potentially exposed to risk from more than one source. We agree particularly given our findings above regarding the lack of assessment and certainty in relation to the appropriate management, level of risk and potential effects around TPC-5, that a cumulative individual fatality risk assessment accounting for all sources of risk to the development, and also societal risk assessment to account for population intensification, is necessary.

Overall findings regarding risk

75. We note the specific issue raised by TEW as to the Environment Court findings, that the proximity of sensitive activities to hazardous facilities should be addressed in land use planning. While the Court's findings regarding the proximity of sensitive activities to hazardous facilities might be broadly relevant to this case, whether or not those matters should be addressed in land use planning, is a much broader issue, one more appropriately raised in the District Plan change process and certainly one that is outside the scope of the hearing and a decision for this resource consent application.

76. We do not consider we have had sufficient information to determine with any level of comfort that the proposed development will be managed in accordance with best practice risk mitigation, and the necessary commitment to ongoing maintenance and monitoring. Given the degree of uncertainty and the inability to rule out potential adverse effects including unacceptable risk, which may be of low

probability but high potential impact, and given the need for a precautionary approach, we concur with Mr McKay's recommendation that consent be refused.

77. We do not consider the TPC-5 Report and the evidence we have received on behalf of the applicant provides the necessary certainty that even with a more detailed site investigation and comprehensive risk assessment, including the WMP, and additional mitigation measures even if available and appropriate, will enable the risk to be managed to an acceptable level and in particular, to protect people, property and the environment from unacceptable risks. Such risk is significant because it relates to fatality. A condition requiring such detail to be provided at a later date, with certification by a Council officer, does not provide us with any greater level of certainty. Indeed, we would question the appropriateness of delegating such a matter which is more appropriately dealt with as part of the consideration of an application.
78. Accordingly, we do not find the specialist reports and evidence on risk that we have received, adequately assess the actual and potential effects of the proposal with due regard to the scale and significance of effects. We are not satisfied that the method of risk assessment does not underestimate potential risk. We conclude that on the basis of the evidence provided to us, the risk to future residents, visitors, workers, customers and members of the public traversing and in proximity to the site, from the proposed development, is unlikely to be avoided. We further conclude that the risks associated with the proposed development are inconsistent with the associated provisions in the District Plan. We therefore form the view that given the level of risk associated with the proposed development, that consent be refused.

Reverse sensitivity

79. Reverse sensitivity was raised as a principal concern in relation to the proposal by submitters, particularly Port Taranaki Limited (**PTL**) and Taranaki Regional Council (**TRC**), Taranaki Energy Watch (**TEW**), all that were represented at the hearing.
80. Potential reverse sensitivity effects arise from noise at the Port and from activities associated with the rail and road and other activities in the neighbouring area. Also, in relation to light emission from the Port and odour and dust emissions from the Port and other neighbouring activities. There are also existing and potentially hazardous facilities in the locality, including the TPC-5 oil well on the application site.
81. Mr Kitt Littlejohn for PTL and TRC submitted that the concept of reverse sensitivity has been recognised as a legitimate planning concern under the RMA. He referred to reverse sensitivity effects arising when the introduction of sensitive activity into an area leads to restraints on the carrying out of existing established activities in that area. In this case, the established activities potentially affected by reverse sensitivity are those associated with the Port of Taranaki.

82. Evidence was presented by Mr Guy Roper from PTL and Mr Fred McLay from TRC, the latter pointing out that TRC's primary issue with the proposal is the impact the reverse sensitivity arising from the sensitive land use proposed could have on the Port and associated industrial uses of the port land. Mr Roper stated that reverse sensitivity is the key issue for the Port stating the concern of PTL was that the activities of the Port, current and projected, would be unduly constrained and restricted by the presence of the proposed development.
83. The evidence of Messrs Roper and McLay leaves us in no doubt that the Port is a strategically important asset playing a vital role in the region. It is the fourth largest port in New Zealand. We accept the evidence demonstrating the importance of the Port and it follows, as also pointed out in evidence, that any effects upon the operation of the Port are in our view, best avoided. We acknowledge the informed evidence of these witnesses demonstrating the significance and the operation of the Port.
84. Mr McLay detailed TRC's responses to complaints about activities at the Port, noting that public complaints impact beyond the port area. Complaints have related to vessels being unloaded in high wind conditions resulting in dispersal of dust and also to offensive/objectionable odour. The complaints are continually addressed by TRC and as stated by Mr McLay, the no complaints covenant offered by the applicant cannot in itself restrict complaints about non-compliance with the planning rules or resource consents. We note, from the evidence, that the Port operates 24 hours a day, virtually every day of the year.
85. Mr Roper provided evidence on the changing nature of trade for Port Taranaki. That includes bulk liquid trade associated with the region's oil and gas resource, log exports and associated processing at the Port and, potentially the reintroduction of container trade. He also described future expansion and potential demand highlighting the prospect of increased vehicle movements from the east and the need to limit residential activity on the application site given the impacts such activities would be expected to have on residents.
86. From the application and evidence, the applicant is relying on building design to achieve an appropriate internal noise level along with adequate ventilation and the use of a no complaints covenant to manage the issue of reverse sensitivity. We accept that building design can assist in mitigating a range of effects but that is of course subject to residents being inside the building. Outside the building, a no complaints covenant would need to be relied upon. We do not find that to be a satisfactory means of mitigation and further, it does not address other areas beyond the site where complaints can arise, as evidenced by Mr McLay.
87. Mr Beatson, however submitted that no complaints covenants provide an effective mechanism to protect the Port from potential complaints. He saw the primary purpose of the no complaints covenant being to act as an effective flag to prospective purchasers and occupants of the development that there will be noise, dust, odour and lighting impacts from living in close proximity to an operational port. That view was supported in evidence from Mr Jon Styles.

88. From the evidence on this matter, we find that such complaints can be expected, the complaints will need to be dealt with and that will become an issue and potential deterrent to port operations both current and what can reasonably be expected in the future.
89. We find it is not sound planning to proceed on the basis of expecting to receive complaints as opposed to following a planning regime that logically seeks to separate incompatible activities from the outset.
90. We find agreement with the evidence for PTL and TRC in relation to reverse sensitivity. We agree with Mr Roper who stated he had no doubt that conflict between port and port users, and future residents of the proposal will arise. Those effects were identified as noise, light spill, traffic, dust, odour, visual amenity and risk from hazardous substances. It is not only the inability to effectively deal with those effects being a nuisance to residents of the proposal but also the presence of residents in the locality leading to certain activities not establishing, or proceeding, at the Port, in the manner provided for by the District Plan due to the likelihood of concerns by residential occupants.
91. Aside from the evidence of the planners for the applicant and for the submitters, the matter of reverse sensitivity was addressed in the section 42A report by Mr McKay. He stated that given the reverse sensitivity concerns that arise in locating residential activities in an industrial environment containing the nationally and regionally significant infrastructure of Port Taranaki, it is essential that reverse sensitivity effects are mitigated. He concluded his section 42A report with the opinion that the reverse sensitivity effects of the proposal are likely to be more than minor.
92. We agree with the concerns raised by submitters and in the section 42A report and find that the reverse sensitivity effects are not capable of being satisfactorily resolved through conditions on a resource consent. The potential for future activity at the Port would be adversely affected by a residential and associated development being established on the application site. Mr McKay states in concluding the section 42A report, the residential component of the proposal is incompatible with the surrounding industrial environment. That is consistent too with the planning evidence of Ms Janice Carter, for Port Taranaki that the adverse effects on the Port are not able to be appropriately mitigated.
93. We agree with that evidence and find that reverse sensitivity cannot be satisfactorily managed in the context of the proposal in this location.

Noise

94. Noise was raised as a concern by submitters who saw it as a consideration in relation to reverse sensitivity.
95. The applicant's view was that as the proposal does include the establishment of noise sensitive activities in a potentially noisy environment, the success of the

proposal will rely on ensuring the occupants of the noise sensitive activities are adequately insulated from the outdoor noises and that expectations of residents or occupants are properly set prior to their occupation.

96. Mr Styles had been advising the applicant on noise matters and had assessed the level of noise that will be experienced on the site. He stated the worst case scenario would be noise not exceeding 65dBA but, given the distance between the site and the significant noise generating activities at the port area, the noise would be much lower. Mr Beatson submitted that as a result of the inherently noisy environment, any noise sensitive activity on the site will need to be acoustically insulated with Mr Styles recommending that habitable rooms be designed to achieve a limit of 35dBA Leq at all times of the day.
97. A no complaints covenant is also proposed by the applicant which is intended to ensure that owners and occupiers are unable to complain about noise, and also dust and vibration from lawful activities on the site and some other activities about it.
98. We note that the proposal is to be located within the Inner Noise Control Boundary (**INCB**) of the District Plan and that the components of the proposal of particular concern, are the proposed residential and hotel activities.
99. Mr Damian Ellerton provided evidence on behalf of PTL which presented a different view to that of the applicant regarding noise. He referred to the “balance” the District Plan is seeking to achieve by creating noise boundaries that allow the Port to operate and develop over time. The noise boundaries had regard to residents who it is stated in the District Plan, could place unreasonable constraints on port operations. He noted further that both the District Plan and the PDP include the same noise control contours. The noise limit between Industrial D sites under the District Plan is 65dBA LA10 with no limit on the Lmax or impact noise emission.
100. Mr Ellerton expressed concern for achieving a reasonable level of outdoor amenity for residents stating a noise level of 55dBA LAeq was the upper limit and that outdoor areas for residents where noise levels from legitimate activities are above this are not reasonable or appropriate. He provided reasons why a no complaints covenant would not mitigate the potential noise effect but rather, merely prevent steps being taken to try to limit port operations by legal means. These reasons were listed in the planning evidence we received from Ms Carter.
101. In the section 42A report for the application, Mr McKay relied on the technical advice of Mr Nevil Hegley and included it as an attachment. Mr Hegley made a number of points which included reference to the INCB being in place to ensure Port Taranaki is able to carry out operations with a degree of protection from reverse sensitivity effects; there being a number of outdoor recreation areas on the northern side of the proposed development, that side being adjacent to Port operations; the Environment Court having addressed a similar situation at Auckland International Airport and refusing consent to a proposed apartment block

with the 65dBA Ldn noise contour passing through the site; and, concluding consent should be declined to this proposal with respect to noise.

102. We had the opportunity to hear from the three noise experts at the hearing and to address questions to them. We find the reference to the noise contours being dated and in need of review to be of limited assistance in our considerations of noise. The same standards are included in the PDP as are in the District Plan. Submissions to the PDP have been made by both the applicant and by the Port Co. The submissions have not yet been scheduled to be heard by the Council given the time for making further submissions only recently closed.
103. We are of the view that these submissions and future decisions relating to these submissions, are not sufficient grounds to advance the view that the current standards in the District Plan may be incorrect. The submissions present different points of view and what may eventuate from the Council's consideration of the submissions is simply not known.
104. We find further that insufficient regard has been given to the needs of residents to utilise the outdoor areas of the application site. We do not agree that any lesser standard for these areas should be accepted on the basis of the location of the site by the Port and where noise generating activities are provided for by the District Plan.
105. As also pointed out by Mr Hegley, the site is elevated above the Port and the topography and any structures on the beach (north) side of the site will offer little benefit in mitigating noise from the Port area affecting the outdoor areas.
106. Indeed, and as expressed as part of our above commentary on reverse sensitivity, residential activities in the location where noise levels are set to provide for industrial-type activities, is not appropriate and could lead to limitations on the Port related uses. We acknowledge the endeavours to see the Port area effectively split between a working area and an area of lesser activity, but there was insufficient evidence to accept that being a practicable approach. We note the extent of the industrial zoned area also extends to the Eastern Reclamation.
107. We find the proposal to be inappropriate on this site and in this location given the adverse effects of noise from activities in the Port area that are appropriately located. The noise effects are not we consider, capable of being satisfactorily avoided or mitigated to allow for residential-type activities on the site.

Cultural

108. The application includes a comprehensive cultural impact assessment (**CIA**) which confirms the application site contains sites of significance to Ngāti Te Whiti. These are the Ōtaka Pā, the grave of Poharama Te Whiti and, Te Poki Te Rangi – Moturoa Reserve. While surface features are no longer present in relation to the first and third named sites, their spatial extent is known and it is stated in the CIA that the proposal will have a physical effect on the sub-surface remains of the

Ōtaka Pā within the site. Given that the proposed development will affect the archaeological and cultural values of the land, Ngāti Te Whiti have been involved with the project since its feasibility stage. The applicant has entered into a Memorandum of Understanding (**MoU**) with them which would see appropriate protocols and procedures being followed in relation to the development of the site. Ngāti Te Whiti had submitted in support of the application.

109. The submission of Te Kotahitanga o Te Atiawa Trust (**Te Kotahitanga**) opposes the application, expressing concerns that resource management issues identified through the CIA had not been brought into the applicant's development proposal; that in some instances the AEE lacks an actual assessment of the effects of the proposal on the relationship of Ngāti Te Whiti or Te Ati Awa with the application site; and, expressing concern that the use of consent conditions is a more appropriate mechanism to avoid remedy or mitigate potential adverse cultural effects as opposed to an MoU which sits outside of the resource consent process.
110. The relationship of the respective Māori groups was detailed in the evidence of Ms Sarah Mako on behalf of Te Kotahitanga. In that evidence, Ms Mako stated that Te Ati Awa Iwi are tangata whenua for the area of the application sites and Ngāti Te Whiti is the Te Ati Awa hapū who are mana whenua over the area. Te Kotahitanga is the mandated voice and representative entity for the collective interests of the Te Ati Awa Iwi and has a responsibility to ensure the interests of Te Ati Awa are safeguarded.
111. Hone Tipene appeared at the hearing for Ngāti Te Whiti Hapū Society pointing out that the proposal had huge significance culturally and that they wanted to be part of the process of the consideration of proposal. He supported the proposed conditions of consent proffered by the applicant, noting those conditions reflected their interests, particularly the creation of a kaitiaki forum.
112. Ms Sera Gibson presented the evidence that had been prepared by Ms Mako. In that evidence, Ms Mako described the concerns of Te Kotahitanga pointing out the lack of engagement with Te Kotahitanga; the CIA not being having been utilised to inform the proposed development; the AEE being deficient; and, consent conditions being an appropriate mechanism to avoid, remedy or mitigate adverse cultural effects, as opposed to a MoU. Ms Mako described the actual and potential cultural effects of the proposal and how they impinged on the relationship of Ngāti Te Whiti with their whenua, their ancestral lands, as well as the areas of historic heritage. She did however point out that through specific conditions of consent, these effects may be avoided, remedied, mitigated or offset to a degree, and that when taking an overall broad view of the proposed development, a net positive effect on the relationship with Ngāti Te Whiti may be achieved and on-going engagement can occur.
113. Ms Mako acknowledged the section 42A report and the conclusion in it that the effects of the proposal on mana whenua are positive, pointing out it was important to note that conclusion has relied upon the specific management of some aspects of the development, as well as a productive and on-going relationship between

Ngāti Te Whiti and the applicant. She helpfully provided conditions that could be included as part of a consent. Te Kotahitanga were providing support in part for the proposal, subject to those conditions being included as part of a consent.

114. Mr McKay had helpfully set out the relevant details relating to tangata whenua / mana whenua considerations in the section 42A report. He stated that conditions on a consent will be required to address the concerns that had been raised by Te Kotahitanga. Such conditions would particularly require a kaitiaki forum to implement the cultural mitigation measures that had been sought by them.
115. We find the continued involvement of Ngāti Te Whiti and Te Kotahitanga in the development of the site is critical given the status of the site as described by those submitters and as explained to us through their respective submissions, and from their evidence at the hearing. In that respect, we find the effects on the cultural values associated with the site are acceptable, that being entirely contingent on the inclusion as part of a consent, of the conditions as sought by Te Kotahitanga. That will ensure appropriate regard to the cultural history and significance of the site and regard to the cultural features of it in the development of the site and on-going matters. Such regard being necessary to recognise and provide for the continued relationship of Ngāti Te Whiti and Te Ati Awa Iwi with the site.
116. We record that it was pleasing to see there had been early engagement with Ngāti Te Whiti and the manner too, in which concerns raised by Te Kotahitanga had been addressed by the applicant.

Archaeology

117. The matter of effects on the archaeology associated with the site are largely taken account of as part of the consideration of the cultural effects. Those effects in this case, are in respect of subsurface items and potential disturbance. These were addressed in the evidence of Mr Ivan Bruce for the applicant and we have no issues with that evidence.
118. The archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPT**) places a statutory obligation on the applicant to undertake a full archaeological assessment, regardless of any resource consent conditions should consents be granted. We are reasonably content with that process but find that additional conditions can be imposed on any granting of resource consents to assist in ensuring that due regard is given to archaeological effects. Such conditions should also reflect those requested by Te Kotahitanga particularly as regards previously unrecorded sites. This will also provide support to the interests of Ngāti Te Whiti and Te Kotahitanga in the application. Mr Bruce agreed with the conditions that were recommended by Mr McKay to be part of any consents.
119. We find the effects on archaeology to be acceptable. These effects are suitably avoided or mitigated by conditions of consents.

Removal of built heritage

120. The application is largely for the re-use of the existing buildings on the site but also for the removal of the Nixon store building. The application includes an assessment of the structural condition of the Nixon store building which refers to the poor condition of the building and recommends consideration be given to demolishing it.
121. The submission from Heritage Taranaki Incorporated is concerned with building heritage and they oppose the demolition of the Nixon store building and the proposed alterations of the other buildings, including the proposed removal of the southern canopy from those buildings.
122. We note that none of the buildings derive any protection from the District Plan and neither are they identified for protection in the PDP. Heritage Taranaki has lodged a submission to the PDP seeking protection of these buildings as heritage items, but we were informed that a hearing for that submission has not yet been scheduled, and therefore no decision as yet has been made regarding it. The buildings could then be demolished in full or in part as a permitted activity, these details being confirmed in the section 42A report by Mr McKay.
123. We acknowledge the comprehensive submission from Heritage Taranaki but do not find grounds sufficient to require retention of any of the buildings, nor retention of the southern canopy to these buildings. We form that view, in part, from the peer review report¹⁵ provided on behalf of the Council and from our visit to the site. The proposal is for tree planting and landscape treatment on the southern frontage of the site and this, as pointed out by Mr McKay would be of greater overall amenity benefit than retaining the canopy as a heritage feature.
124. We agree with the reuse of the buildings on the site, including demolition as proposed and that retention of any of the buildings in their current form is not supported. Rather, we see the proposal to make practical further use of the resource the buildings represent.

Traffic and car parking

125. The application site lies between the Port of Taranaki and Breakwater Road, or State Highway 44 (**SH 44**), which runs parallel in this location to the Marton - New Plymouth Railway on its southern side. The site is accessed from Hakirau Street, a short access road which leads off SH 44 and across a level crossing of the railway. That level crossing is uncontrolled, that is, there are no bells or barrier arms. On a wider basis, SH 44 connects the Port with the New Plymouth city centre and State Highways 45 and 3 to the east.
126. The details of the roading situation relative to the site and the proposed development were described in the application, and in evidence by Mr Mark Georgeson. He referred, in his evidence, to Ms Kathryn Hooper's planning

¹⁵ Peer Review report by Richard Bain of Blue Marble

evidence in which she identified that a fully complying development of the site could generate between 923 and 1268 vehicle equivalent movements per day, without triggering a need for changing the site access arrangements. He provided that information as a basis of comparison for the proposal which he stated, achieves access and safety improvements for users of both the site and surrounds, not otherwise realized by a complying development of the site.

127. Mr Georgeson referred to the significant changes and improvements to the current intersection and rail crossing arrangements that were proposed, as part of the application. These he stated, had been agreed by interested parties to deliver convenience, safety and efficiency benefits to the combined intersection and the level crossing operation that is currently in place.
128. Otherwise, the proposal provides for 189 on-site car parks with space to accommodate additional car parks should that prove necessary, with all access to the site being achieved via Hakirau Street.
129. Mr Georgeson had reviewed the matters raised in submissions and noted the key transport concerns raised stem from matters of access and safety at the SH 44 intersection. As a result, and through consultation with the key stakeholders, it had been agreed in principle that improvement works to signalise the staggered intersections of Hakirau Street and Pioneer Road at Breakwater Road, including integrated signalisation with the rail crossing, would address these key concerns. He had then developed a concept design for signalising the intersection and analysed the performance of the proposed layout, with traffic added that was at the level to be expected from the full development of the site, as proposed.
130. The key concerns raised by submitters in regard to the safety of the existing SH 44 intersection and the rail line had been the subject of earlier meetings involving the Council, Waka Kotahi NZTA and KiwiRail, and the Port during which it was identified that signalisation of the Hakirau Street/Pioneer Road intersection would address the concerns around site access and road safety.
131. The concept scheme designed by Mr Georgeson for the signalised intersection was presented in evidence. The design provides for full signalisation of the staggered T-intersections and for pedestrians to be able to safely cross SH 44 and Pioneer Road under signalised control. The design also provides for active signal and barrier control of the rail level crossing, in co-ordination with the road signals, narrowing of Hakirau Street, and widening of the pedestrian path on the west side of Hakirau Street.
132. Mr Georgeson pointed out he had tested the operation of the proposed new signalised arrangement using industry recognised traffic modelling software for the critical weekday morning and afternoon peaks when existing and future traffic flows would be at their busiest, and with full development traffic added. That resulted in a satisfactory level of service and demonstrated that the upgrading and signalisation of the intersection has ample capacity and capability to accommodate the added traffic demands from the site whilst at the same time achieving added

benefits to pedestrian connectivity to Hakirau Street. He stated that at a subsequent meeting with the parties to review and discuss those arrangements, the overall consensus of the parties was that the concept and performance demonstrate that the intersection can be upgraded to respond to the activity changes and additional traffic movements with a number of details to be addressed during the design phase, close to consent. He stated further that it had been agreed a condition of resource consent could capture these post-consent requirements.

133. The submissions that express concerns relating to traffic and transport issues were the combined submission from Waka Kotahi NZTA and KiwiRail, and those from International Nutritionals Ltd and Port Taranaki Ltd. As stated above, these submissions raised a number of points including the application lacking sufficient information to ascertain the full scale and nature of the potential effects to SH 44 and the Marton - New Plymouth Rail Line; concerns relating to the safe operation of the SH 44/Hakirau Street intersection and the level railway crossing; the increase in traffic volumes; and, with the current road layout, rail crossing and pedestrian facilities at the intersection of SH 44 and Hakirau Street not being sufficient to ensure the safety of all road users.
134. It is perhaps of relevance that the submitters raising traffic and transportation concerns did not appear at the hearing and where they did, in the case of Port Taranaki Ltd, they did not continue to raise the concerns as earlier expressed in their submissions to the application. This would indicate that their concerns had been met in the manner described in the evidence of Mr Georgeson and carried through into the proposed conditions of consent. We note in this respect too, Mr McKay in the section 42A report, details the history of the traffic arrangements for the proposal and concludes that the potential traffic safety and efficiency effects of the application could be mitigated to the extent that they are no more than minor.
135. It was apparent at the hearing that with the proposed conditions, the Council's advisors in respect of traffic were satisfied that the matters of concern could be managed by way of conditions on the grant of resource consents.
136. We find no reason to disagree with the position reached by the parties in relation to traffic matters, noting that there had been considerable movement in those matters in reaching agreement. The current arrangements sufficiently address the potential for any adverse effects associated with traffic relating to the proposal. The proposed mitigation works to signalise the Hakirau Street/Pioneer Road/Breakwater Road intersection, including signal co-ordination with the rail level crossing, address the traffic and safety concerns in relation to the proposal. In particular, an improved situation to that existing or that which otherwise might occur, would result.
137. In relation to car parking, Mr Georgeson was of the view that the applicant's assessment, in the section 92 RMA response to the request by Council for further information, of the level and daily profile of car parking demands generated by the individual activities proposed, served to illustrate that the peak demands for the

site's activities will not all coincide. That meant that the level of car parking provided, and its ability to be shared between the non-residential activities, is expected to adequately accommodate day to day demands. Mr McKay pointed out the AEE with the application identified 381 car parking spaces being required by the District Plan but the applicant having concluded that 189 spaces would meet the peak demand, based on the parking assessment it had made.

138. Submissions that included concerns relating to car parking were received from Waka Kotahi NZTA and Kiwi Rail, International Nutritionals Ltd, Port Taranaki Ltd and Liquigas Ltd. The concerns of the submitters included details regarding overspill car parking onto SH 44 potentially resulting in safety effects; there being a shortfall of car parks from the District Plan requirements which will result in associated adverse effects; and, the impacts of any overflow to on-street car parking creating potential safety issues for adjacent land uses including the Port and Liquigas.
139. For the Council, Mr Andy Skerrett had reviewed the application and concluded that a slightly higher number of car parks would be required, and he saw the proposed section 128 RMA review condition as being appropriate. That was agreed by Mr McKay. He stated, in the section 42A report, that in the event that car parking demand exceeded expectations, and led to complaints and safety and efficiency issues, then such a condition was fine but in order to be viable, there would need to be space available on site that could be converted to car parking. He stated that the applicant should verify that such space is available at the hearing.
140. That was shown in plan form at the hearing by Ms Erin Griffith. Areas at the eastern end of the site were highlighted as being where additional and/or reconfigured parking bays could be added which are able to be retrofitted with stackers. That then provided for the proposed section 128 RMA review condition to be practical and capable of being implemented if needed. Again, the submitters appearing at the hearing did not take issue with those arrangements.
141. We see an approach to assessing the required car parking being based on projected demand to be appropriate and to be an approach that does not lead to significant areas of land or development being committed unnecessarily to car parking. It is an approach that is, in our experience, commonly taken in relation to development proposals, depending of course on the survey work undertaken to support it. In this case, we find from the range of evidence and information before us, that it is appropriate particularly given it is supported by a review condition which could result in the provision of additional on site car parking if found to be necessary at a future time.
142. We find further, that the proposal would result in a different range of vehicles and traffic being attracted to and from the site than would be expected from the application of activities more akin to the Industrial zoning of the site, those being industrial, storage, and warehousing type activities. Indeed, the earlier use of the site for a Fonterra coolstore associated with port activities would too have seen different traffic patterns and activities. The traffic and car parking analysis does not

show any reasons to be concerned in relation to potential adverse effects and we find a satisfactory traffic and car parking situation will result from the proposal, that being reliant on the implementation of the specific conditions of consent.

Social and economic

143. The submissions that identified positive social and economic effects were from Ngāti Te Whiti Hapū Society and from individuals. They saw positive effects including the introduction of vibrancy and a range of uses into the area; improved site access, connectivity and amenity; further development; and, addressing the housing crisis. The submissions in opposition were from Waka Kotahi NZTA and KiwiRail, International Nutritional Ltd, Port Taranaki Ltd and Liquigas Ltd. Their concerns were directed towards reverse sensitivity effects and related concerns for their current operations. Those submitters pointed to the strategic importance of the Port and they did not wish to see resultant reverse sensitivity effects and the Port activities compromised by the proximity of residential dwellings, as proposed in the application.
144. We accept from the submissions and the presentations at the hearing, that there would be positive social effects from the introduction of residential population into the area. However, we formed the view, as above, that there would be reverse sensitivity effects resulting from the proposal and in that respect we find there would be adverse economic effects from the potential limitations that would arise from a resident population on the site.
145. So whilst we accept the potential for positive social effects, our concern is that there will be adverse effects resulting from the limitation on economic activity that can arise from the introduction of the residential component of the proposal into this area.

Positive impacts

146. We acknowledge the positive impacts, or effects, that would arise from the proposal, with these being highlighted by the applicant's witnesses, principally Ms Hooper.
147. Mr Brad Kisby described the proposal as providing an exciting mixed use development for an existing run-down brownfields site. He said the intention was to create a vibrant new precinct at Moturoa, which re-purposes existing structures, retains key elements and implements positive design.
148. Ngāti Te Whiti pointed out in their submission, the cultural benefits, those including access to a previously secured site but a site that is culturally significant to tangata whenua and to the public, along with the ability to share the history of the land in the site. Other benefits from a cultural perspective include an improvement to the amenities of the area with improved access to and treatment of Ōtaka Park and the graveside of Poharama Te Whiti with the removal of security fencing and potentially improved connectivity to Ngāmotu Beach and associated public space.

149. In addition to the cultural benefits, positive impacts were also identified as being the improvements to the road intersection, the efficient reuse of building resources with heritage values, additional housing and, improvements to the amenity of the site and the locality.
150. We agree with the applicant, and with Ngāti Te Whiti, in these respects that there are positive impacts from the proposal. We note too, the MoU that has been entered into by the applicant with Ngāti Te Whiti which confirms some of these details and particularly, the ongoing contact between both parties.

The District Plan

151. The provisions of the District Plan that are relevant to the consideration of the proposal were addressed at the hearing in the evidence of Ms Hooper for the applicant, Ms Carter for PTL and Mr McKay in the section 42A report. We do not detail these District Plan provisions, that having already been done in the planning evidence, but rather highlight what is sought by the respective objectives and policies and how we see the proposal being consistent or otherwise with those provisions.
152. The provisions can be summarised as seeking:
- That activities do not adversely affect existing activities.
 - That activities have effects that are compatible with the area.
 - That new activities should be designed and/or located to avoid conflict.
 - To avoid, remedy or mitigate adverse effects of overspill and glare and noise.
 - To locate hazardous facilities to minimise risks to people.
 - To ensure the road transportation network can operate safely and efficiently.
153. In this case, the Port is an established activity, with land appropriately zoned for a continuation of that activity, which is largely of an industrial nature. As pointed out in evidence by Ms Carter for the Port, port areas are characterised by significantly lower levels of amenity than the levels of amenity experienced in residential areas. She referred in this respect to significant noise, truck movements, hazardous substances storage and transfer, lighting, odour, vibration, dust and other nuisance effects.
154. We note the endeavours the applicant would make to mitigate such effects upon residents, being the design of the buildings and the no complaints covenants. In these respects, and given the conflicts that would arise, as referred to by submitters, we form the view that the applicant proposes to do as much as is practicable. However, we conclude the adverse effects of the proposal cannot be

satisfactorily mitigated and need to be avoided. The proposal would result in residential development activity, including visitor accommodation, which is sensitive to the reduced levels of amenity associated with the operation of the Port. Noise is a particular effect, but there would also be effects from lighting and activity associated with truck movements and other nuisance elements.

155. In relation to hazardous substances, the relevant objective seeks to protect the health and safety of people from the adverse effects of the storage, use and transportation of such substances. We have noted earlier that the neighbouring environment includes LPG (Liquigas) and oil storage facilities (Methanex) and oil wells, both producing (RNP-4 and TPC-5).
156. We find from the evidence, and we refer particularly to that of Ms Polich and Ms Shepherd, that there is insufficient evidence for us to determine that the proposal does not place future residents at unacceptable risk from these existing facilities given the level of uncertainty about the risk from the proposed management of the TPC-5 well, that being sufficient for us to conclude the objective is not met. We refer in this respect too, to our commentary above regarding risk.
157. Given our above findings, we find the objectives and policies as summarised above, are not able to be met by the proposal.
158. We have noted in all our considerations, and particularly in relation to reverse sensitivity, the view that the Port land holdings could be identified as being in two parts, one being an operational area removed from the application site and the other being essentially non-operational and closer to the application site. The latter area includes the open areas to the north and west of the application site, closer to Ngāmotu Beach and including areas where there is the need to take account of the cultural and historic associations of parts of the Port land which are closer to the application site.
159. This consideration is important in determining how readily the District Plan provides for the expansion of the Port and for general industrial activities on Port land close to the application site. The sites of significance to Ngāti Te Whiti and Te Ati Awa Iwi and archaeological sites on and close to the application site are the features that mean the considerations regarding future uses and/or expansion can be in two parts. We note the District Plan and the PDP deal with this issue in a similar manner, protecting the same three sites. As Mr McKay reported, the provisions in the PDP relating to these matters have immediate legal effect and so would apply to any new development on the Port land.
160. These provisions would work to limit new activity within 50m of the respective identified sites. This would mean a proposal in the Port zone of the PDP having to be considered as a restricted discretionary activity or as a discretionary activity, effectively dividing the Port land in two for the purposes of the zone provisions.
161. However, the land is all zoned for Port activities, irrespective of whether resource consents may be required for some activities. What the zone provisions do is

potentially locate new activities further removed from the application site in order to have due regard to the sites of significance. That is to say, port activities are still likely to occur but potentially, be further removed from the application site than might otherwise be expected.

162. We form the view, from the evidence, that new activities will be able to proceed, but the area available for them may be reduced. The land is after all, zoned for the purposes of the Port and it can be expected to be developed accordingly.
163. For completeness, we have considered the objectives and policies in the PDP, noting these will be the subject of future decisions on submissions to it. Without detailing the specific objectives and policies, which were provided in evidence by Ms Carter, the PDP outlines the Port is regionally and nationally significant and requires that it not be constrained or compromised by other activities. The PDP confirms that sensitive activities, which include living activities and visitor accommodation, are incompatible with the role, function and character of the Port zone.
164. We find that our considerations of the evidence put before us that the proposal is not in accordance with relevant objectives and policies of the District Plan, nor of the PDP.

OTHER MATTERS/FINDINGS

165. Having addressed the principal issues in contention we now address the other matters that require our consideration in deciding the application.

Landscape and urban design

166. We received comprehensive evidence from Ms Griffith in these respects and have no issues with it. Ms Griffith has arrived at a vision for the site, maximising its potential and taking account of a range of issues and variables. These include the location of the site, its character, the retention of building structures and its strategic connections, along with the interests of local iwi and hapū.
167. Ms Griffiths' input to the application was reviewed for the Council by Mr Richard Bain, Landscape Architect as part of the section 42A report. He concluded that the landscape and visual impacts of the proposal are potentially positive.
168. We highlight that our acceptance of the landscape and urban design evidence for the applicant, subject to the conditions proposed by Te Kotahitanga particularly regarding the Landscape Master Plan, does not in any manner, detract from our views on risk, reverse sensitivity and noise, as described above.

The proposed subdivision

169. The proposed subdivision is to initially achieve 21 land parcels including two common lots to be held as open space as Stage 1 followed by a further Stage 2

subdivision to create some 91 unit titles as Stage 2, all to be used for residential purposes, hotel units, commercial purposes and open space.

170. The subdivision consent sought is discretionary due to the land containing a Wāhi Tapu site, there being an access/private road/right of way serving more than 6 allotments and there being no Detailed Site Investigation, that relating to potential site contamination, provided with the application. As also described by Ms Hooper, the allotment sizes, services, building platforms, access points and financial, contributions all meet the standards for a controlled activity in the District Plan.
171. The details were covered in the evidence of Mr Mike Matangi, civil engineer for the applicant. The range of utility services required can be provided along with a safe and well-functioning roading system within the site.
172. We find the proposed subdivision to be acceptable as it stands, but not some of the activities it is intended to provide for, those being part of the concurrent land use consent application now being considered. In that circumstance, we do not grant consent to it.

The permitted baseline

173. The application of a permitted baseline is discretionary when considering any actual or potential adverse effects of a proposal in terms of the RMA. We have considered the points made by the applicant in support of adopting such an approach. We agree it has some application in relation to assessing traffic generation and traffic effects, less in relation to the alterations and removal of heritage buildings and none in relation to construction effects. We acknowledge the points raised by the applicant's witnesses in these respects, but we do not use that approach in our assessment of adverse effects. We appreciate why such an approach may be advanced by applicants for resource consent but find it does not, in our view, add significant support to the application for the consents that are sought, nor to the key matters that will determine the land use consent.
174. The points raised do however, add support to the consideration of the effects of the proposal in the application which, in the whole is considered as a discretionary activity.

Regional Policy Statement for Taranaki 2010 (RPS), and

National Policy Statement for Urban Development Capacity 2016 (NPS UDC), and

New Zealand Coastal Policy Statement 2010 (NZCPS)

175. The Built Environment section of the RPS includes a section titled "Providing for Regionally Significant Infrastructure" which identifies the Port as infrastructure of regional significance. The associated objective and policy seek to provide for its continued safe and efficient operation and ensuring that any adverse effects that would affect it are avoided or mitigated with particular reference to the reverse sensitivity effects.

176. The NPS UDC is concerned with there being a sufficient supply of residential and business land to provide for urban growth.
177. The NZCPS is concerned with activities in the coastal environment and includes policies that specifically address ports. These include seeking to see that development does not adversely affect the efficient and safe operation of the ports.
178. Given our earlier commentary regarding the reverse sensitivity, noise and hazardous facilities, we find the proposal is not consistent with these provisions in the RPS and the NZCPS. We acknowledge that the proposal does not run contrary to all the provisions in these documents but in not being consistent with the policies and provisions referred to above, our conclusion is that the proposal is not consistent. We note our agreement in this respect with the evidence of Ms Carter and Mr McKay.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health, 2012

179. The relevant details were covered in the evidence of Mr Tim Muller, environmental scientist. He concluded, on behalf of the applicant, that it is highly unlikely there will be a risk to human health due to contaminants in soil or groundwater from development of the site, taking into account the range of options available to manage any contamination identified and effective implementation.
180. As stated in the evidence of Ms Hooper, a Detailed Site Investigation is realistically unable to be undertaken given both the buildings on the site and the cost implications of doing so, along with the uncertainty until resource consent has been considered.
181. We agree that should consent be granted then the potential effects associated with contamination of the site from earlier activities can be avoided, remedied or mitigated through conditions of consent which require any contamination found, to be addressed appropriately, with advice from a qualified expert.

Part 2 RMA

182. We find the proposal is not consistent with the concept of sustainable management given our above conclusions on hazardous facilities, reverse sensitivity and noise. In that respect we do not find the proposal would enable the sustainable management of the industrially zoned area associated with the Port and the facilities provided for by the zoning of it. We find that the proposal would affect the efficient operation of the regionally and nationally significant physical resource of the Port of Taranaki and of associated activities in the Port area.
183. Our concerns are that reverse sensitivity effects, along with other nuisance effects associated with industrial activity, can work to limit activity associated with the Port with there being insufficient noise mitigation and the proposal being located within an area of risk of a hazardous facilities. In short, we find that the residential component of the proposal is incompatible with the industrial environment.

184. In considering Part 2 matters we acknowledge the proposal would appropriately recognise and provide for the relationship of Ngāti Te Whiti hapū and Te Ati Awa Iwi with land and taonga of significance to them, particularly given conditions agreed upon in the case of the grant of resource consents.

Submissions

185. For completeness, we confirm we have had regard to all the submissions made in relation to the application. These are often detailed, but all the points raised, either in support or opposition, have been considered as part of our decision making.

DECISION

186. Pursuant to sections 104 and 104B and Part 2 of the Resource Management Act 1991, we determine that the application for the following resource consents:

- Subdivision consent for 21 lots Stage 1 followed by a further subdivision to create some 91 unit titles as Stage 2, all to be used for residential purposes, hotel units, commercial purposes and open space, and
- Land use consent for noise sensitive activities within the Port Inner Noise Control Boundary; activity in and adjacent to Sites of Significance to Maori and Archaeological Sites; reduced building setbacks; reduced provision of car parking; and to disturb contaminated soil

at 20 Hakirau Street, New Plymouth, considered overall as a discretionary activity, is **refused** for the reasons below.

Reasons for the decision

The reasons for this decision are as included in the above commentary and are, in short:

1. In accordance with s104(1)(a) of the RMA, the actual and potential effects from the proposal are found to be unacceptable in terms of the effects, actual and potential, from proximity to hazardous facilities and associated risk, reverse sensitivity and noise.
2. In accordance with s104(1)(b) of the RMA, the proposal is inconsistent with relevant statutory documents, including the Operative New Plymouth District Plan 2005 and the Regional Policy Statement for Taranaki 2010.
3. In accordance with s104(1)(c) of the RMA, other matters have been considered including particularly the submissions to the application.
4. The proposal is not consistent with Part 2 of the RMA and particularly its purpose of sustainable management and avoiding or mitigating adverse effects of the proposed activity on the environment. It is also not consistent with the principles including the efficient use and development of physical resources and the

maintenance and enhancement of amenity values and of the quality of the environment.

A handwritten signature in black ink, appearing to read 'A R Watson', with a stylized, cursive script.

A R Watson

for Commissioners Tepania and Watson

2 September 2020