

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL
INDEPENDENT HEARING COMMISSIONERS**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a request for Private Plan Change NPDC PLC18/00048
by Oakura Farm Park Limited to rezone land at Oakura
within the New Plymouth District

**SUPPLEMENTARY STATEMENT OF FURTHER EVIDENCE OF COLIN MICHAEL
COMBER ON BEHALF OF OAKURA FARM PARK LIMITED**

Dated 2 December 2019

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INTRODUCTION

1. This supplementary statement of further evidence responds to matters in the s42A Response Report dated 22 November and to particular matters of named Submitters in their respective statements of further evidence received by the Commission on or about 15 November 2019.
2. The order of presentation follows that of the 'Principal Matters in Contention' in Section 3.0 of the s42A Response Report.

APPROPRIATENESS OF REZONING INCLUDING SCALE, NATURE AND EXTENT OF ZONING

3. S42A Report

Para. 3.8 - Concedes, the reduced scheme better responds to the nature and characteristics of the site and surrounding area and 'may be' appropriate re ODP Policy 23.1 a), i.e. '...the type, location and density of development is suitable for the site.'

Assessment – A weighing of all the applicant's relevant evidence would lead one to conclude that the reduced scheme, having regard to '...type, location and density...' is suitable for the site.

Para. 3.9 – Considers the potential reverse sensitivity effects have significantly reduced.

Assessment: The separation distance of 150m sought by the submitter Greensill has been met – situation will essentially remain status quo.

Para. 3.9 – 'It is unclear how the remainder of the currently farmer area will be used in future.'

Assessment: The applicant's land not within Structure Plan area will be remain zoned Rural Environment Area/Rural Production Zone. It is intended the present use of this land as an organic dairy farm being managed by the applicant's daughter who lives onsite with her own family, will be continued.

Para. 3.10 - Questions whether the future road linkages undermine the effectiveness of the open space area in forming an interface between the proposed residential and rural land.

Assessment – Having regard to the potential needs of future generations it would be remiss of the Council not to provide such future proofing. Providing potential future access in this manner is a conventional planning mechanism and there are any number of examples through the District. These road stubs will vest as road reserve. The Council has the option of conditioning a subdivision consent by specifying the extent to which a road reserve is to be formed and/or could retain narrow 'control' strips in freehold in its ownership across the road reserve parallel with the eastern edge of the open space to control future access. The situation is further controlled by the Council through the ODP/PDP provisions applying to Rural Environment Area/Rural Production Zone.

Para. 3.11 Considerations re supply and demand for residential land and '...the land that is currently available in the Oakura area could meet the short and medium needs for residential land identified under the NPS-UDC.'

Assessment: I would respectfully suggest this matter requires a more robust analysis. As traversed in my original evidence and Mr Doy's, the NPDC-HBA,

drawing on the NPS-UDC, defines future development land in three categories as set out in the following extract from the NPD-HBC 2019 – pg. 9.

The NPS-UDC requires councils to provide sufficient development capacity to meet demand over 30-year period. Policy PA1 requirements are as follows:

Short Term	Development capacity must be feasible, zoned in the District Plan and serviced with development infrastructure.
Medium Term	Development capacity must be feasible, zoned and either: <ul style="list-style-type: none"> • Serviced with development infrastructure, or • The funding for the development infrastructure required to service that development capacity must be identified in a LTP required under the Local Government Act 2002.
Long Term	Development capacity must be feasible, identified in relevant plans and strategies, and the development infrastructure required to service it must be identified in the relevant IS required under the Local Government Act 2002.

Apart from limited infill development opportunity, the reality is that currently there is no short-term development capacity at Oakura, i.e. land readily available where feasibility proven, zoned and serviced. The NPDC-HBC considers infill development to be a 'poor bet' with only 20% development uptake likely. I would be confident an examination of historic infill development at Oakura will confirm limited yield of this order.

A critical factor on the supply side is that the two FUD areas are each in a single ownership. Of the two, the applicant is the only owner who has demonstrated a commitment, evidence through this Private Plan Change request, to making short-term land available.

More recently, the Greenschool in nearby Koru Rd has been enrolling pupils for a school start in early 2020. Based on my personal communications there is now anecdotal evidence emerging from the local real estate industry of enquiry from NZ, Australian and other countries of families looking to buy or rent dwellings in Oakura or buy sections to build on. Given the publicly reported rate of enrolment, the schooling of up to 200 pupils at Koru over the next few years is a distinct possibility. This translates directly into a demand for say 160-190 families wanting to locate in the District so that the 1 or more children per family can

attend the Greenschool. Again, the anecdotal evidence is, for reasons of proximity to the school, a preference from these families to locate at Oakura or environs.

*The information/evidence in **Attachment A** from Ms. Rachel Hooper, sales agent, McDonald Real Estate, Oakura further illustrates the excess of demand over supply for real estate at Oakura and environs. This information is consistent with the evidence from Telfer Young Taranaki, registered valuers, presented to the commission in July.¹*

Through my enquires of persons in the industry there is also an emerging trend of enquiry Greenschool families seeking to rent what is traditional holiday accommodation at Oakura for the long-term. This trend is attributable to the undersupply of permanent (long-term) rental housing in and nearby the township. If owners opt to change tenure to long-term renting the knock-on effect could be a reduction in the availability of short-term holiday accommodation during the summer season.

I, along with Mr McKie, attended an open day at the Greenschool site in Koru Rd this Saturday past. We along with 60-70 other persons, many being family groups spent two hours touring the site and buildings under construction and learnt of the progress being made toward opening in 2020, with speeches by the founders and the teaching staff already employed. Judging from the enrolments to date and the visible significant public interest served to reconfirm that the advent of the Greenschool is a 'real thing', appears to be well resourced and will undoubtedly impact on the demand for land supply at Oakura not only now but on an ongoing basis well into the future as the roll ramps up to an initial 200

¹ Evidence of C Comber.

*students with the founders' long-term aspirational goal being 400-500. Refer images - **Attachment E**.*

In summary, there is negligible supply of serviced sections available at Oakura, there is historic longstanding undersupply, and there is increasing demand.

The s42A Response has failed to adequately weigh all the available evidence regarding land supply and demand nor acknowledge the immediacy of the requirement for serviced sections at Oakura.

TRAFFIC PARKING AND ACCESS

4. S42 A Report

Para. 3.20 – Concludes there is still inadequate information on the adverse effects of traffic parking and access, but that the insufficiency and uncertainty ‘...may be able to be addressed through District Plan provisions and other methods outside the District Plan.’

Assessment: It is noted that the S42A response has considered the further evidence of Mr Skerrett and the technical report of Mr Dougherty but is silent on the further evidence of NZTA.

Taking all the available traffic evidence together, I would venture that there is sufficient and certain information available for informed decision-making. The key elements for this include the following:

- *The design of indicative local roading network within Wairau Estate is not in contention;*

- *The single access point onto Wairau Rd is not in contention.*
- *The predicted traffic generation from Wairau Estate has been modelled.¹*
- *The predicted traffic movements attributable to Wairau Estate that will pass through the SH45/Wairau Road intersection have been modelled.²*
- *The resulting level of service and performance of the SH45/Wairau Road intersection with Wairau Estate fully developed is acceptable by all three traffic experts.^{3,4}*
- *All three experts agree that some form of speed calming on SH45 is desirable to improve the safety of the intersection for all user modes.*
- *NZTA preference is for the detailed design of the improvements be carried out as a condition of the subdivision of Stage 1.⁵ This suggested approach is acceptable to the applicant.*
- *In his supplementary evidence Mr Skerrett considers any traffic effects beyond the SH45/Wairau Road intersection that might be attributable to traffic generation from Wairau Estate are unlikely to have more than minor effect.*
- *NZTA has limited its requirements to the SH45/Wairau Road intersection. This suggests NZTA have no concerns for their network beyond the Wairau Rd intersection.*

² Further Evidence – A Skerrett – 11 October 2019

³ NZTA – K Standish – para. 3 & 4 – 15 November 2019

⁴ NPDC – G Doherty – pg. 1 – 22 November 2019

⁵ NZTA – K Standish – para. 15 - 15 November 2019

NPDC (Mr Doherty) is of the view that the traffic effects need to be considered in a wider context and include consideration of the future potential effects in respect of FUD West. He is also of the opinion that a roundabout is the preferred long-term design solution for the SH45/Wairau Road intersection.

Mr Skerrit undertook the wider context assessment in his evidence presented to the Commission in July and proposed a roundabout for the intersection. In concert with this I proposed a policy that would have enabled the road controlling authorities and the applicant (together with the owner of FUD West) to craft and agree a contributions formula that would have provided a funding regime for the construction of a roundabout (and pedestrian underpass) at a predetermined point in the future as development of the original Wairau Estate progressed.

However, based on the further evidence of the three traffic experts in relation to the reduced scheme, a roundabout can no longer be justified as component of this Request. Further, I am of the view the applicant no longer has an obligation (if indeed it had an obligation previously) to consider the wider context of the future traffic environment related to the 144 lot reduce scheme, can either be mitigated or will likely be no more than minor. This view is supported by the opinion of Mr Doherty, who considers that an appropriate trigger point for a reconfigured intersection could occur when there are 150 additional occupied dwellings having access onto Upper Wairau Rd.⁶

The way is of course open for the road controlling authorities to address, through forward planning, the future requirements of the local network that

⁶ NPDC – G Doherty – pg. 2 – 22 November 2019

takes into account the potential future growth of the Oakura township as provided for in the Council's and the community planning documents.

In conclusion, for the reasons discussed above, I consider that Policy 23.1 b), d) and g) can be satisfied. In summary, traffic that will be generated from Wairau Estate will have effects beyond the site that will be limited in scope and extent to be no more than minor and that the recommended mitigations can be addressed through plan change provisions and condition on Stage 1 of subdivision consent.

LANDSCAPE AND VISUAL IMPACT

5. S42A Report

3.21 – 3.40 Landscape and visual impact

Assessment – Nowhere in the discussion is a mitigation measure integral to the reduced scheme acknowledged. This feature is the open space corridor along the western flank of the Estate, which runs south at approx. 45° to SH 45. The vegetation to be planted within this corridor will over time screen the built development within Wairau Estate from the view of persons travelling by on SH45. This omission is significant as this landscape mitigation is key to visually merging the near and mid-ground along the edge of the future urban with the vegetation within the National Park boundary on the upper slopes of the Kaitake Range.

3.29 – Discusses the concerns of Mr Evans and Mr Kensington about a perceived lack of a first principles approach to the review of the original scheme.

Assessment: The perceived lack of a first principles approach is predicated on the notion that the revised scheme appears to be a scaled back version of the original.

Is this perception arrived at because it was assumed a review would result in a completely different proposal of urban and rural form?

The original scheme acknowledged and retained the natural topographical features of the site with one exception. The southern cadastral boundary of the site was adopted to ensure efficient use of the land resource consistent with the residential/equestrian lifestyle/rural sequencing from north to south across the site.

The new scheme is sensitive to and retains those same natural features but goes further by adopting the suggestion of the submitter landscape experts, that is, a natural feature as a defensible (in landscape terms) southern urban edge. It is noted Mr Kensington suggested the Wairau Stream as the defensible southern boundary; Mr Bain adopted the principle of the natural defensible boundary but preferred the unnamed tributary further to the north. This results in a smaller urban form out of consideration for balancing off the preservation of the vista up to the Kaitake Range over the rural land, retained for pastoral use. Further, with the dropping of the equestrian lifestyle component, the need for built form on that aspect of the site is dispensed with out of consideration for preserving the pastoral status quo and the vista toward the Kaitakes.

From an environmental planning first principles perspective, that the revised scheme appears to be scaled down version of the original would suggest that both schemes worked to the natural topographical constraints of the site and we need not be surprised that the resulting urban form might appear similar but smaller.

The mitigations proposed, through retaining a greater proportion of the site in its present pastoral use, together with a more extensive use of vegetation to screen the urban form are matters very relevant to considerations of landscape and visual effects that will deliver outcomes, that in my opinion, warrant greater

attention being accorded than the scaling consideration that appears to be causing so much consternation.

3.38 References a 'sensitive' interface between the plan change area and the lower slopes of the Kaitake Range and that '...it appears that development remains in this sensitive area.'

Assessment: The discussion in the s42A Response report suggests to me the extent of the Applicants site is not well understood and I suspect this could be the case with a number of submitters.

Analysis shows the applicant's site does not extend to the National Park boundary, defined visually by the fenced bush line. The adjoining pastured slopes below the bush line are on the neighbouring Greensill property.

What the S42A report refers to as 'sensitive' is described as 'Inland Area' in the Oakura Structure Plan 2006 (OSP). Further, the OSP did not contemplate a prohibition on development on these upper slopes. It proposed development controls directed at 'building height, scale and form' of residential development.'

Following are relevant extracts from Oakura Structure Plan 2006:

Summary (part) – pg.3

- Residential development will be directed to the south of existing residential area. There is an opportunity to develop a new "Coastal Community" Environment Area in the District Plan that reflects the unique values of Oakura. The future residential areas are indicated on the map.
- The views and character of the areas between the Kaitake Ranges and sea will be retained. The coastal area overlay and the inland area overlay, as indicated on the map, will place controls on the height, scale and form of developments in these areas to ensure they fit into the landscape character.

Consultation Outcomes – pg.11

- **Sense of place** - considers how the community values the coastal environment, the natural character of the area, and the special features that make Oakura a unique place. The key issues from consultation include:
 - Enhance the 'village appeal' of Oakura by promoting entrepreneurship, culture and the arts.
 - Recognise the key landscape features that give Oakura its unique quality and special sense of place as a coastal community.

Action Plan – pg.15

5.2 Sense of Place

Implementation (part)

Develop overlay areas in the rural areas to protect the views of the mountain and the sea and protect special values. These overlay areas are indicated on the Oakura Structure Plan map and include the Coastal Area and Inland Overlay Area. These areas propose to place controls on the height, scale and form of residential development, recognising the character of the rural area and its visibility from Oakura and the coast. A plan change will be undertaken to

It can be concluded from the OSP that c2006 the community did place a special value on sense of space and the natural values of the locality and that currently continues to be the case. However, that does not translate to a prohibition of development in the defined 'sensitive' Inland Area.

I have undertaken an analysis of the topography along a view line from SH45, across the Applicants site, the neighbouring Greensill Property to the National Park and Kaitake Range.

The data used is derived from the New Plymouth District Council's mapping website (public domain) which utilises aerial photography as its base layer. Contour information has been interrogated in combination with the available measuring tools. The analysis is not survey accurate but is an accurate approximation to gain a reliable understanding of the spatial characteristics of the site and environs.

*I now refer the Commission to the 2-sheet **attachment** titled 'Long Section & Location Map' dated November 2019 – File 2943. The horizontal and vertical axis are drawn to the same scale (1:5,000@ A3). The sheets can also be viewed on the screen.*

The view-line starts at RL45 at SH45 passes to the south of the proposed structure plan area, through/over the hayshed on the applicant's land, across the Greensill property and up to a Kaitake Range high point (RL240).

The hayshed approximates to the most south-eastern extent of the structure plan area as shown to the east of the view-line

The slope from SH45 to the Hayshed approximates 3.5%. To the naked eye, land at such a shallow grade appears virtually flat (e.g. typical cross-wall of a foot path). From the hayshed to the Greensill property the slope is marginally steeper at 4.3%.

The change in direction of the OFPL/Greensill boundary occurs at about RL70, some 900m from SH 45. Without detailed knowledge of the subject properties the

casual observer, understandably, is not able to determine where the common boundary occurs. Both properties are in pasture with the common boundary defined by a fence line. The landscape reads as a continuous pastoral scene and the assumption is made (incorrectly) that the OFPL land extends to the bush-line. This same difficulty occurs when endeavouring to visualise the location of future development. Even with the hayshed as a reference point across the flat landscape, which is nearly 600m along the view-line from the point of origin, a casual observer will have difficulty visualising exactly where in the landscape future development (e.g. built form and vegetative plantings for screening) is to occur.

The slope analysis shows that from RL70 to RL120 (National Park boundary) the grade steepens to 20% over a relatively short distance (245m). It is this rising ground on the Greensill property and the bush within the National Park combined with the more steeply sloping pastureland contrasted against the bush vegetation to which the eye is drawn.

Sheet 2 in plan view shows the location and extent of the reduced structure plan area in relation to the 'Inland Area' as depicted on the OSP 2006 map. Note that the structure plan area does not intrude into the Inland Area.

That portion of the 'Inland Area' that is within the OFPL site (note irregular boundaries) will continue to be within the Rural Environment Area/Rural Production Zone and subject to the development controls of the respective plans.

Finally, to note that the 'Inland Area' is not within the 'Outstanding Landscape' as defined in both the ODP nor within 'Natural Features and Landscapes' definition of the PDP. In both documents the extent of the OS/NFS is limited to the National Park boundary.

In conclusion, the slope analysis removes the uncertainty expressed in the S42A Report about development occurring within the 'sensitive' Inland Area as none is proposed and, by contrast to the s42A report, I am of the view there is adequate information to assess the appropriateness of the form, nature and scale of the reduced proposal.

OPEN SPACE AND RESERVES

S42A Report

Para 3.44 – Comments on the indicative stub roads traversing through open space.

Assessment: The clarification sought has been given above.

SERVICE INFRASTRUCTURE AND STORMWATER

S42A Report

Paras 3.45 - 3.58 Water Supply, Wastewater and Stormwater

Assessment – The Council's requirements have or will be able to be satisfied; there is sufficiency and certainty of information for decision-making

COMMUNITY INFRASTRUCTURE

S42A Report

Paras 3.59 - 3.60 Concern remains about the provision of additional community infrastructure.

Assessment: The reduced scheme significantly diminishes potential future demand for additional infrastructure at Oakura.

In my view such the consideration is now limited to the school and local services.

The evidence is that the Ministry of Education considers the school has sufficient potential capacity on the existing site to be able to expand to meet foreseeable student growth.

As a former board of trustee member at a New Plymouth secondary school I have some understanding of the challenges (e.g. developing the business case, persistence and time etc) that school boards and their managements face in securing commitments for resources from the MoE to meet expanding local needs. I understand the concerns of the Oakura School Principal and BOT but those concerns cannot reasonably be expected to be met through a 'no growth' and 'preserve the status quo at all costs' approach in a locality that has been identified at a district level, both in strategic and land-use planning context, as an area for urban expansion.

With regard to local services, Oakura like most towns and cities in New Zealand has grown 'organically' in response to demand. During my time as a planner in the district, dating back to c1987, I have seen the services in the commercial centre of Oakura expand to accommodate a growing population and in response to change societal trends.

During my time the local dairy/shop has expanded its floor area to become a food market, Butlers Tavern has expanded and is now

destination entertainment venue (live bands etc) with a district wide catchment.

A building built for the manufacture of surfboards (now ceased) adapted for use as hairdressing salon (now 2x in the commercial centre), the establishment of the tourist-oriented gift shop operated from the former Warea Church relocated on to the site for the purpose, followed by the establishment of the Carriage Restaurant alongside in a rail carriage bought onto the site. The closure of the Post Office was followed by the establishment of a medical practice/centre in the same building. A former butcher shop has been repurposed as a café. The Cunningham development currently under construction will see the addition of three retail spaces presenting a modern retail frontage to SH45 at the southern end of the commercial area.

A former shop/house on the corner of Dixon St/SH45 has been redeveloped into a modern premise and now used as a real estate office. And not forgetting the long-established service station, pharmacy and fish and chip shop in the commercial heart.

A panel beater established in Victoria Rd (north side of township), pizzeria/bistro/café has established on beachfront at Tasman Parade and a catering business has established at the Kaitake Golf Club.

The township has adequate land zoned for business and has the capacity and potential to expand as demand occurs. Existing buildings can be expanded and adapted/repurposed just as they have done in past years. The entrepreneurial and visionary types from within the community and beyond will continue to identify community needs, risk their capital, and

'set up shop' to provide the services the community needs. Demand will continue to influence supply and will do so on a continuing basis.

While the s42A Report suggests uncertainty and insufficient information in respect of provision of community infrastructure, I would suggest the opposite to be true.

Central Government has well-established provisioning and implementation policies for publicly funded education and these apply to Oakura as they do throughout New Zealand.

With regard to the provision of other relevant community infrastructure, the conventional economic rationality of the behaviour communities will ensure that any increase in demand for services that might arise with the advent of Wairau Estate will occur in the same organic way that the service needs of the township have been met in up to the present.

ENVIRONMENTAL IMPACTS

S42 Report

Para 3.62 – Suggestion that the two remaining matters can be assessed at the time of subdivision with specific provision for assessment to be included in subdivision rule.

Assessment: Agreed and accepted.

HISTORIC HERITAGE

S42A Report

Para 3.64 – District plan provisions and archaeological authority process sufficient to address this matter.

Assessment: Agreed and accepted.

SOCIAL IMPACTS

S42A Report

3.64 – 3.69 Assessment re various matters noted

Assessment:

Need for Social Impact Assessment – I hold to assessment set out in my earlier Further Evidence and confirm my view, that in the circumstances under consideration a Social Impact Assessment cannot reasonably be justified.

Community Development Liaison Group

I hold to the assessment set out in my earlier Further Evidence and confirm my view that, in the circumstances, a Community Development Liaison Group as described is an appropriate planning mechanism to monitor for potential social impacts. A provision could be written into the Plan Change or alternatively could sit outside District Plan provisions, with the Group being facilitated within the Council's community development role.

Risks for Decision Making

Undertaking urban expansion is a well understood activity in the RMA planning discipline. While we will never have complete information, even with hindsight, I am of the view that, taking into account the significantly

reduced scale of development now proposed, the mechanisms suggested for managing the staging of subdivision and the rate of release of sections, the community based monitoring regime proposed, and having an understanding of how the township has responded to growth over a long period of time, I am of the view that there is sufficient information and sufficient certainty for decision-making. Risks may remain but I would suggest in the context of social impacts, they are of low probability and at a minor level of significance such that the community will be able to absorb and adjust overtime. The positive social and economic benefits of a gradual increase in population at a rate similar to past growth phases will be of greater consequence over the longer term and need to also be taken into consideration.

Kaitake Community Board – Supplementary Evidence

Para 24. Community Development Liaison Group

Assessment: It is unfortunate that the suggestion for the Group appears to have been misunderstood. There is, of course, no intention of usurping the role of the Community Board. That is not possible as it is entity created under the Local Government Act with a defined role.

I acknowledge the KCB, all things being equal, would ordinarily be the most appropriate entity to facilitate the suggested monitoring on behalf of the stakeholders. However, all things are not equal, and the KCB does not have a position a neutrality in this matter.

By any sense of fair play and natural justice it would seem inappropriate to appoint in any circumstance any party to a position of

chairperson/facilitator if that party had been in public opposition to the matter that had given rise to the need for, in this case, the Liaison Group.

Submitter Twigley

para's 6-9

Assessment - I would venture that citing of the status of consents and that the immediate neighbours have given written is not a reliable indicator for assessing social impact.

In the case of the Greenschool, establishing a school without onsite accommodation in any location whose purpose to provide education five days per week for children aged 5 -18 yrs. requires that the students are housed away from the site with their families or guardians. The Greenschool is novel and it is privately funded. However, it seems its purpose and vision are sufficiently compelling to be attracting enrolments from well beyond the District. Oakura is the closest urban settlement and the available evidence points to increasing demand from Greenschool families having a preference to locate at Oakura.

The Greenschool consent application briefly mentions likely economic benefits including increased demand for services during construction and beyond. The consent decision does not mention economic benefits nor consider potential social impacts. The matter of where the students and their families will reside does not appear to have been considered.

TANGATA WHENUA MATTERS/CULTURAL IMPACT ASSESSMENT

The Applicant received a copy of the Cultural Impact Assessment (CIA) prepared by Ngati Tairi on 29 November. I understand the Commission received a copy the same day.

The CIA was commissioned by the applicant. I now formerly present the document as evidence to the Commission.

Assessment:

The Applicant acknowledges that the area subject to Plan Change PLC 048 is within the rohe of Ngati Tairi and that it is Ngati Tairi that has the mandate to assess cultural impacts within its rohe.

Attention is drawn to the evidence presented by me to the Commission in July about the applicant's established relationship with Ngati Tairi dating back to c2010, and that it had been consulting with the hapu about the Wairau Estate project since 6 May 2016.

*Ngati Tairi undertook to carry out a Cultural Impact Assessment on 17 June 2018 and which the applicant agreed to fund. These undertakings are recorded in the consultation record and the Memorandum of Understanding between the parties dated 19 October 2019. For ease of reference please refer **Attachment D** – para 7.*

In addition to the Record of Consultation, a copy of the Memorandum of Understanding between the Hapu and the Applicant was tendered as evidence by me at the July hearing.

The CIA has been reviewed. The relationship of Ngati Tairi with the site, its environs and Kaitake as ancestral lands, water and waahi taonga is now better understood and appreciated.

Given the limited time available since receipt of the CIA, it has not been possible to comprehensively respond to the detail of the matters raised. However, following are some mostly general comments and suggestions about matters of process to ensure that the matters identified for further action by the hapu are attended too.

Section 5 – Planning Framework

The Applicant acknowledges the planning framework within which the CIA is set, the primary documents of which are Te Tiriti o Waitangi, RMA, NPS Freshwater Management, Regional Freshwater Plan, and the Operative and Proposed District Plans.

para 7.6 – Cultural landscape

That the cultural landscape is of significance to Ngati Tairi comprises a range of components including the physical, tangible and intangible is acknowledged.

para 7.7 – Key areas of concern

The applicant notes the key areas of concern for Ngati Tairi and will use its best endeavours, working with the hapu and Council, to address those concerns. The applicant values its relationship with Ngati Tairi and will continue working in a spirit of collaboration, in good faith and with goodwill to address those concerns.

Para 7.8 - Impact on Kaitake

The applicant will work with Ngati Tairi and the Council to develop provisions for inclusion in the Plan Change that recognise and provide for the relationship of Ngati Tairi and Taranaki Iwi with Kaitake.

Para 7.9 - Biodiversity corridors

The applicant will work with Ngati Tairi and the Council to develop Plan Change provisions for the Open Space biodiversity corridors that feature in the design of the Structure Plan to help to ensure certainty of achieving the desired environmental outcomes.

Pahakahaka Pa

7.12 – The CIA is incorrect to assert the Pa is within the Plan Change site. While the Pa site may be within Lot 29, the QEII Covenant Area that the Pa is located within is not included in the Plan Change site area. Further, the Pa rediscovery during archaeological assessment and the QEII Covenant Area were matters that featured in The Paddocks land use consent c2010.

7.12 – The Applicant is aware of the presence and location of Pahakahaka and there was an awareness of the Pa by both applicant and hapu during consultation. There are two primary reasons why it doesn't show on the proposed Structure Plan: 1) It is not located within the Plan Change site; 2) It is not Scheduled or mapped within the Operative Plan.

It is only with the recent notification (22 Sept 2019) of the Proposed District Plan that it's scheduling, and mapping has brought it fully into the statutory framework. The mapping of the extent and the 50m rule carried from the ODP to the PDP has meant that the associated statutory provisions now come into effect.

With the advent of the PDP and the now readily known proximity of the Pahakahaka to the Plan Change boundary it will of course be appropriate and of assistance to resource users to map on the Structure Plan the extent of Pahakahaka on the adjoining land. The recognition and protection of Pahakahaka are matters specifically provided for in the MOU – refer para. 6. d.

7.16 - The applicant will work with Ngati Tairi and the Council to develop Plan Change provisions that address the matters identified for action in 7.16.

*The applicant has already considered the last bullet point and prepared a preliminary concept for an open space adjoining the Pa. This drawing has been prepared to assist initial discussions with the hapu. Refer **Attachment C**. In addition, advice from archaeologist Ivan Bruce has also be sought.*

Earthworks

7.17 - Ngati Tairi acknowledgment of and support for the applicant's minimal disturbance approach to earthworks and retention of existing landform where practical is noted and appreciated.

7.22 – The applicant will work with Ngati Tairi in good faith and with goodwill to achieve the desired outcomes for the matters identified by the methods suggested. Earthworks and the need for Ngati Tairi to exercise kaitiakitanga during such activity are matters specifically provided for in the MOU – refer para. 5.

Te Mana o te Wai and Stormwater Management

7.23 – 7.31 The various matters raised are noted along with Ngati Tairi concerns and desired outcomes. A process by which the applicant and its technical advisers working with Ngati Tairi along with NPDC and TRC will be required to address these matters. Provisions will need to be included in the Structure Plan which will provide the operational framework for the setting of parameters and conditions of consent in the subsequent subdivision and development implementation phase. The process will need to be comprehensive and detailed. The applicant will work with Ngati Tairi in good faith and with goodwill along with the respective councils to achieve the desired outcomes.

Stormwater management is a matter specifically provided for in the MOU – refer para. 6. a.

Wastewater Management

7.32 – The infrastructure required within the site is limited to underground reticulation. The Applicant will consult with Ngati Tairi at the detailed design phase to ensure concerns and desired outcomes are addressed.

7.33 - The applicant will work with Ngati Tairi in good faith and with goodwill to achieve the desired outcomes for the matters identified by the methods suggested.

Wastewater management is a matter specifically provided for in the MOU – refer para. 6. a.

Amendments to Structure Plan

7.33 - 7.44 - The applicant will work with Ngati Tairi in good faith and with goodwill, along with the NPDC to address the issues identified, noting that

involvement by Ngati Tairi in roading naming has been provided for in the MOU dated 19 October 2018.

The detail within the CIA will greatly assist the applicant, working alongside Ngati Tairi, to achieve their respective but complimentary cultural and environmental outcomes. In addition, tangible recognition of Ngati Tairi as Mana Whenua of the locality (through symbolism including interpretative signage for Pahakahaka, road naming and sculpture) will enhance the mana of Ngati Tairi for the present generation of the Oakura community and that will be ongoing and endure into future generations.

Incorporating the matters identified by Ngati Tairi in the CIA into the Operative District Plan (in the first instance) within an appropriate and relevant framework of objectives, policies methods and rules and the Wairau Estate Structure Plan will ensure the matters required to be recognised and provided for as matters of national importance under s6 (e) will be appropriately managed.

POLICY AND RULE FRAMEWORK

S42A Report

Section 5

Paras 5.1 – 5.3

Assessment – The Report notes that at the time of writing (22 November 2019) there were still some unresolved matters and that information was lacking in respect of cultural impact assessment, traffic and landscape and visual effects. Further information on those three matters has been provided to the Commission today.

Having regard to s32 (2) (c) I am of the view that an evaluation of all of the evidence now before the Commission will show that there is sufficient, certain

information at a level of detail that corresponds to the scale and significance of the environmental economic, social and cultural effects that are anticipated from the implementation of the proposed plan change. Given the information available, the risks and benefits of acting outweigh the risks and disbenefits of not acting, having particular regard to the historic and current undersupply of readily available serviced land at Oakura and the immediacy of known demand.

Para 5.5 States that further information is required to demonstrate how rural character would be maintained when viewed from 'The Paddocks' area.

Assessment – A re-reading of the decision of Commissioner Tobin in respect of The Paddocks consent decision (Ref: NPDC RC45196 8 March 2011) suggests the Commissioner was concerned with preserving views of the foreground and setting of Kaitake, particularly when viewed from SH45. Mr Bain has given evidence on these matters and I will not repeat.

It is my opinion the 2011 decision does not call for an assessment of 'maintaining rural character...' to be applied against application to vary the Consent Notice. It should be sufficient for the purposes of decision-making to know that all of the area included in the Plan Change site that lies outside of the Structure Plan Area (now significantly reduced from the original proposal) will continue to be zoned Rural Environment Area/Rural Production Zone. Rural Character is well-described and controlled in the ODP/PDP and it is within those parameters that the balance area can continue to be used.

5.8 - Revised Plan Provisions

Assessment: A full set Plan Provisions including maps, formed part of the plan change application – these were set out in Appendix 11. These were included in

an amended form in the Plan Change when publicly notified. These were recommended for further amendment in the first s42A reporting. July (2019). Subsequently, I have proposed amendments to manage the staging of development and NZTA are requesting policy adjustment in respect of recommended safety treatments at SH45/Wairau to accommodate the change from roundabout/underpass to an intersection upgrade.

A review of the CIA suggests a detailed assessment will be required to formulate provisions for inclusion in the Plan Change linked to the Structure Plan provisions. There has been insufficient time to address this aspect in detail. However, the format of the CIA will mean that it will be possible to develop a framework of objectives, policies, methods, rules and assessment criteria to address the resource management issues identified within the CIA. This would ideally be undertaken in conjunction with a Council Planner (with reference back to the CIA authors for any clarifications as necessary) to ensure a best fit with the Operative District Plan and so as to reduce the requirement for rework.

Overall I am of the view there is sufficient information with the available iterations of the proposed plan provisions and other recommended changes together with the detailed issue identification and the outcomes sought in the CIA, for a comprehensive set of plan provisions to be drafted, with direction provided by the Commission as considered necessary. I am available to commence this work and I would work toward having a draft available for the Commission no later than 20 December.

Colin Comber

2 December 2019.

ATTACHMENT A – REAL ESTATE DEMAND, OAKURA

ATTACHMENT A**Colin Comber**

From: Rachel Hooper <Rachel.Hooper@eieio.co.nz>
Sent: Thursday, 28 November 2019 5:31 pm
To: Colin Comber
Subject: RE: Oakura Rezoning - Plan Change 048 - Understanding the demand for housing ownership at Oakura
Attachments: Residential Marketing Statistics For Oakura - 2019.pdf

Hi Colin,
 Lovely to chat earlier this week.
 Hope the info below and attached stats will give you a little insight into the market and help with information.
 Please let me know if I can assist further.

Kind Regards,
 Rachel



Rachel Hooper
 Residential and Lifestyle Sales | McDonald Real Estate Ltd

O 06 752 1340
 M 0272355284
 E rachel.hooper@eieio.co.nz

1128 South Road | Oakura 4314
www.eieio.co.nz



From: Colin Comber [mailto:colin@comberconsultancy.co.nz]
Sent: Monday, 25 November 2019 8:11 PM
To: Rachel Hooper <Rachel.Hooper@eieio.co.nz>
Subject: Oakura Rezoning - Plan Change 048 - Understanding the demand for housing ownership at Oakura

Good evening Rachel

Further to our discussions today, I am interested to learn of your experience with the demand for residential real estate in the Oakura Township.

From our previous discussions I understand that you are based at the McDonald Real Estate office in Oakura and that you have had 7 yrs. experience in the Oakura and environs market.

Some questions:

1. Can you confirm your experience in the Oakura and environs market as a real estate sales person as described above?
Yes I have actively been working in the Oakura market as a residential/lifestyle agent for the past 7 years.
2. How would you describe the demand (historically and currently) for dwelling ownership in the township?
We have had consistent demand for property in the Oakura village for a number of years with demand in most cases exceeding supply.
3. Is there any statistical or other evidence available that would indicate current strength of demand. (e.g. dwellings for sale, average days to sell by comparison to New Plymouth urban, level of enquiry etc).
Please see attached document. This will give you a seasonal intent from purchasers as some are looking to purchase property for both investment and to live in.
4. Are there any factors to be aware of that may influence future demand?
Important to be mindful of the desire by many to purchase property in coastal New Zealand and this being less available in prime locations. This desire and the reputation of our stunning coastal community continues to bring people here.
5. Is there any evidence (inquires, sales etc) to indicate demand attributable to families who want to be living in the Oakura area while their children are being schooled at the nearby Greenschool in Koru Rd?
We have started to receive enquiry from families looking to move here for the Green School. They appear to be more interested in property closer to the school (either Oakura or surrounding lifestyle properties) than being based in New Plymouth. To date these buyers have had limited effect on the market. We expect that the enquiry/interest will grow considerably in the coming weeks/months.
6. How would you describe the demand (historically and currently) for serviced sections on which to build new dwellings in the township?
There is high demand for serviced sections in the village. Recently we had 2 sections available on South Road for sale. We had significant interest in the first few days with both sections selling in multi offer situations and achieving fabulous outcomes.
7. What is the current availability of serviced sections at Oakura?
Currently there is very limited supply in the Oakura village.
8. How would you rate the current demand for serviced sections at Oakura?
See question 6.
9. Are you aware of any landowners proposing to bring serviced sections, either green field or infill, to the market in the next year or two?
We are always on the look-out for property to suit the requirements of the market. As you will appreciate we are unable to share information of property yet to be listed however we don't believe there will be an abundance available.
10. Any other comments?

For ease of answering, you may wish to include your answers below each of the above questions.

As advised, I am the planning consultant for the applicant for Plan Change 48 and involved in the upcoming hearing to be reconvened for the day on next Monday, 2 December.

I would be grateful for your response by close of business Thursday 28th.

With your permission, I may table your email response before the Hearing Commission.

Many thanks for your assistance.

Kind Regards

Colin Comber MNZPI

COMBER CONSULTANCY

RMA & Environmental Planning

Mobile: 027 249 2864

PO Box 517
Taranaki Mail Centre
New Plymouth 4340

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eieio.co.nz

Residential Marketing Statistics For Oakura & New Plymouth

Source: Real Estate Institute Of New Zealand

Period: October 2018 to October 2019

Oakura	New Plymouth
Number of Sales: 25	Number of Sales: 500
Median Price \$880,000	Median Price \$455,000
Average Price \$735,433	Average Price \$500,309
Average days to sell 42	Average days to sell 45

Source: McDonald Real Estate In-House Statistics

What was the location of the purchaser prior to this purchase

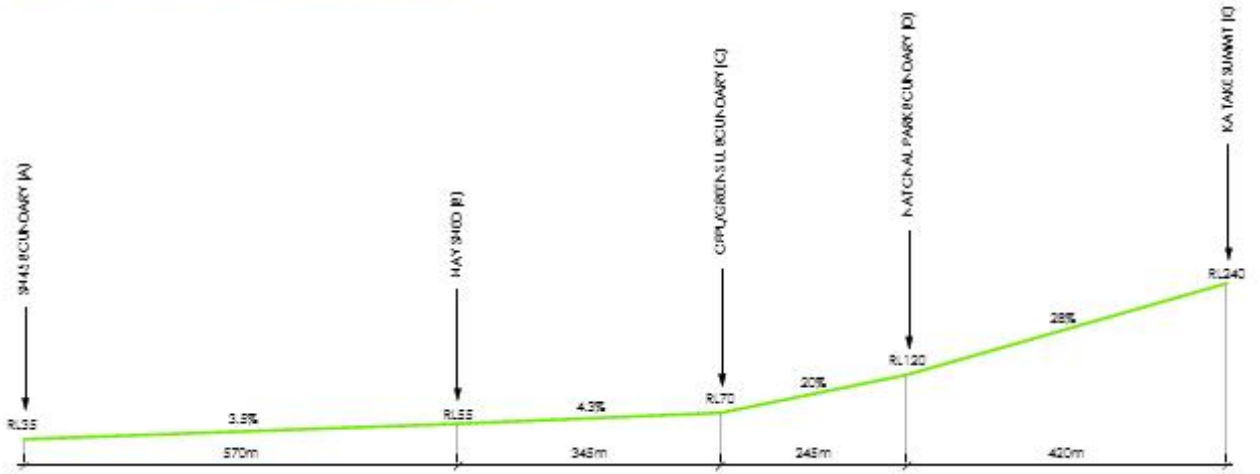
Oakura		New Plymouth	
Taranaki	100%	Taranaki	85%
Outside	0%	Outside	15%

What was your main reason for purchase

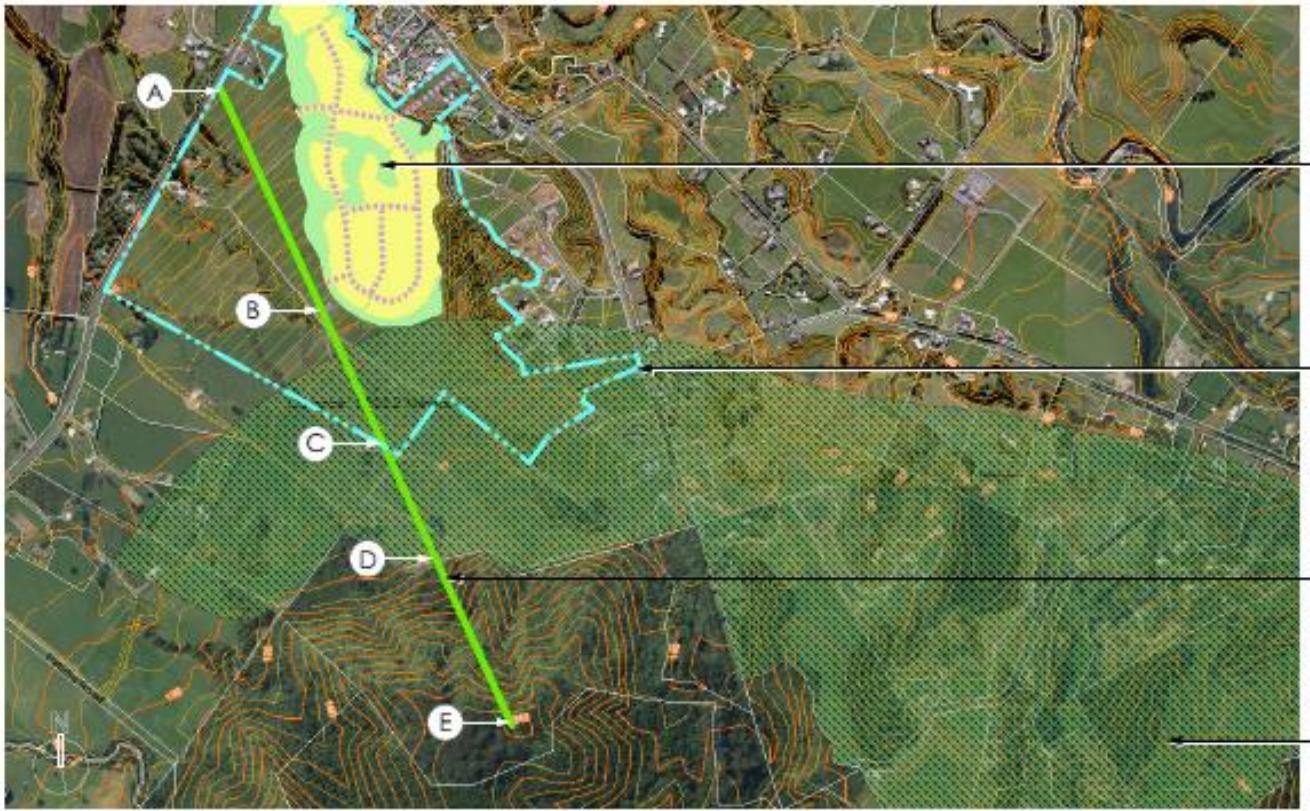
Oakura		New Plymouth	
Live In	78%	Live In	87%
Investment Property	22%	Investment Property	13%



ATTACHMENT B – SLOPE ANALYSIS (SHEETS S1.0 & S1.1)



<p>PROJECT</p> <p>WAIRAU ESTATE - Oakura</p>	<p>DRAWING TITLE</p> <p>Long Section & Location Map</p>	<p>DRAWING NO:</p> <p>S1.0</p> <p>REVISION: 01</p>	<p>SCALE: 1:5000 (3/3)</p> <p>DATE: NOV 2019</p> <p>FILE NO.: 2943</p>	<p>NOTES:</p>
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e.
(Oak

PROJECT

WAIRAU ESTATE - Oakura

DRAWING TITLE
Long Section
Location Map

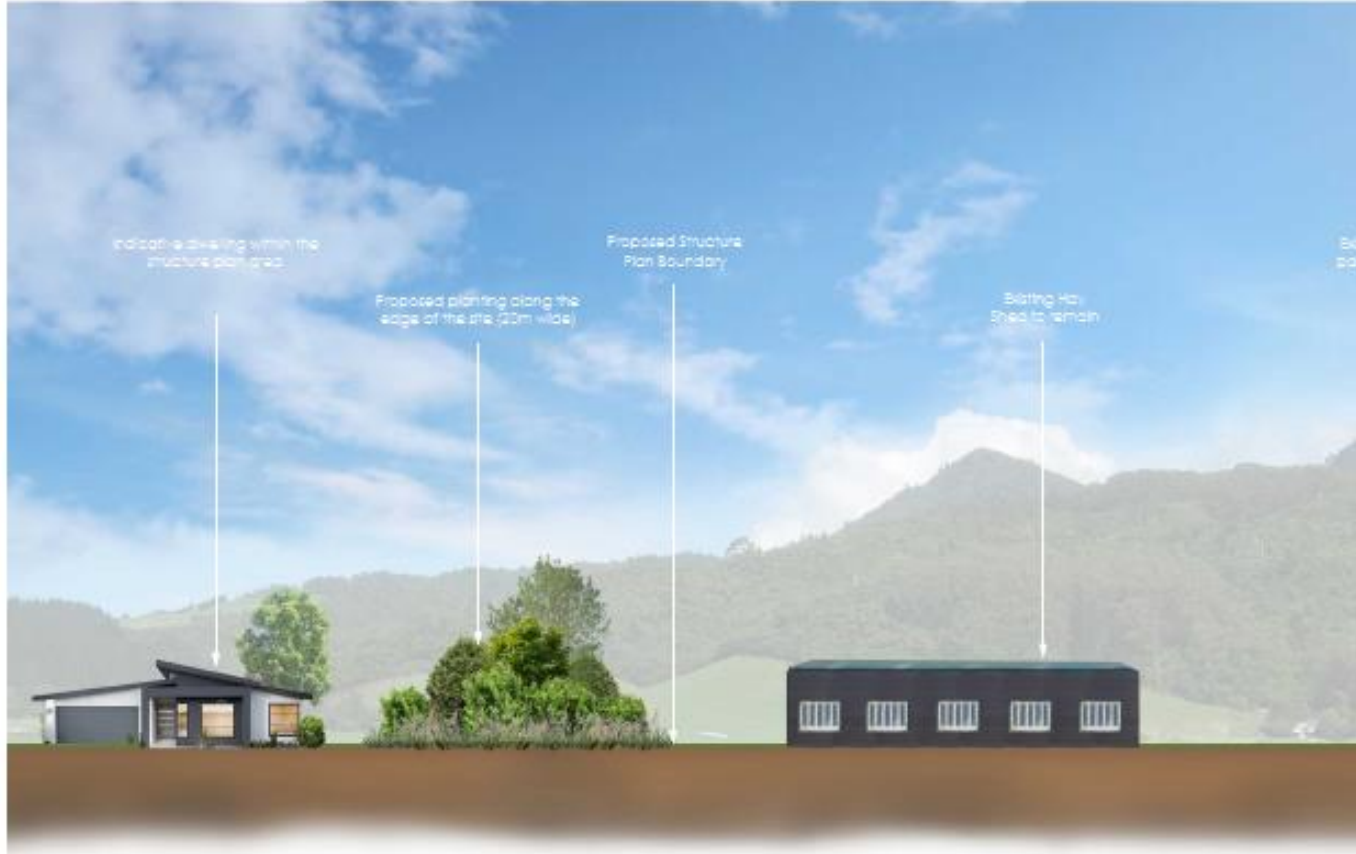
DRAWING NO: S1.1
REVISION 00

SCALE: 1:1000 @A3
DATE: NOV 2019
FILE NO.: 2943

NOTES:

WAIRAU ESTATE OAKURA

INDICATIVE CROSS SECTION

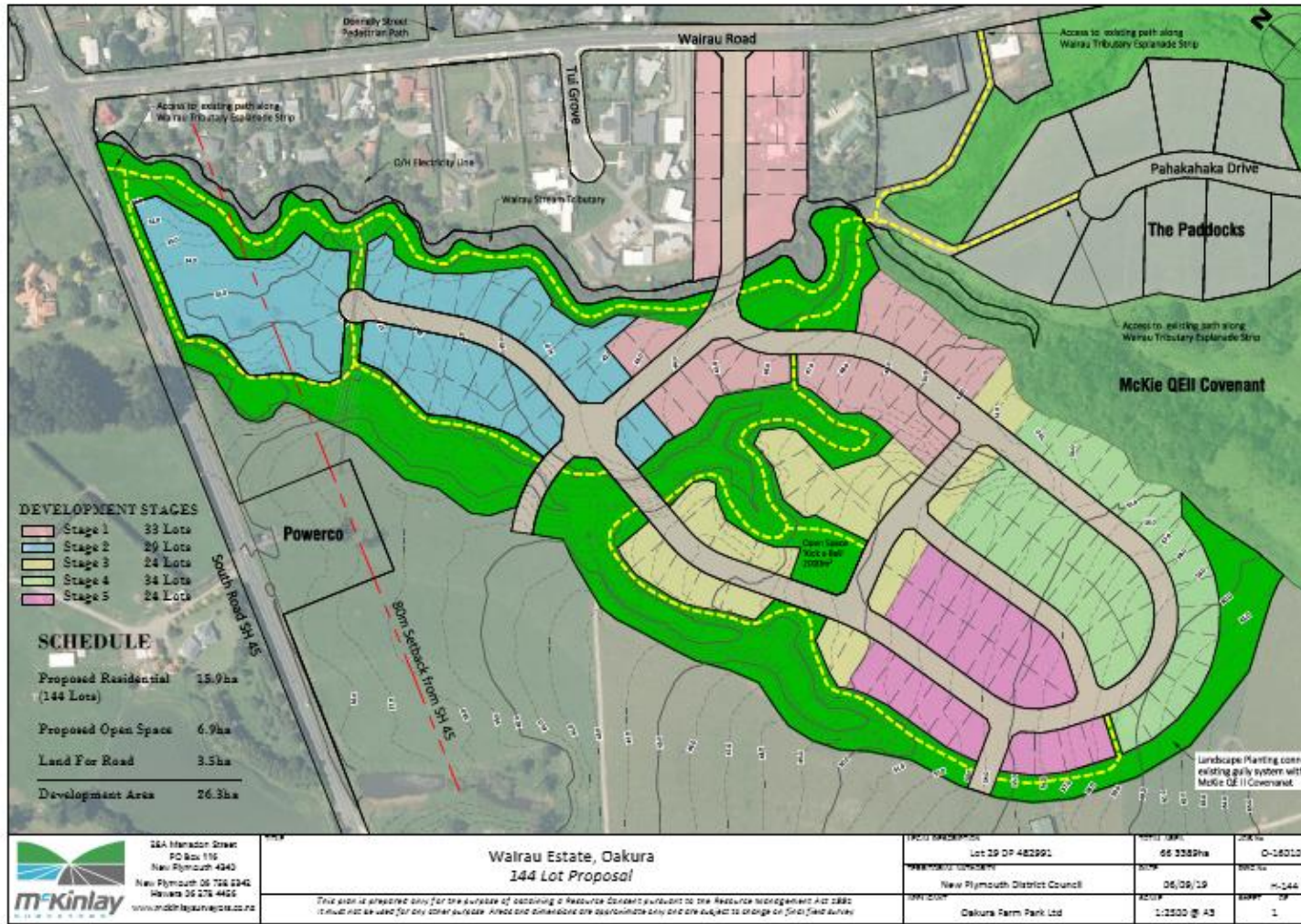


WAIRAU ESTATE OAKURA

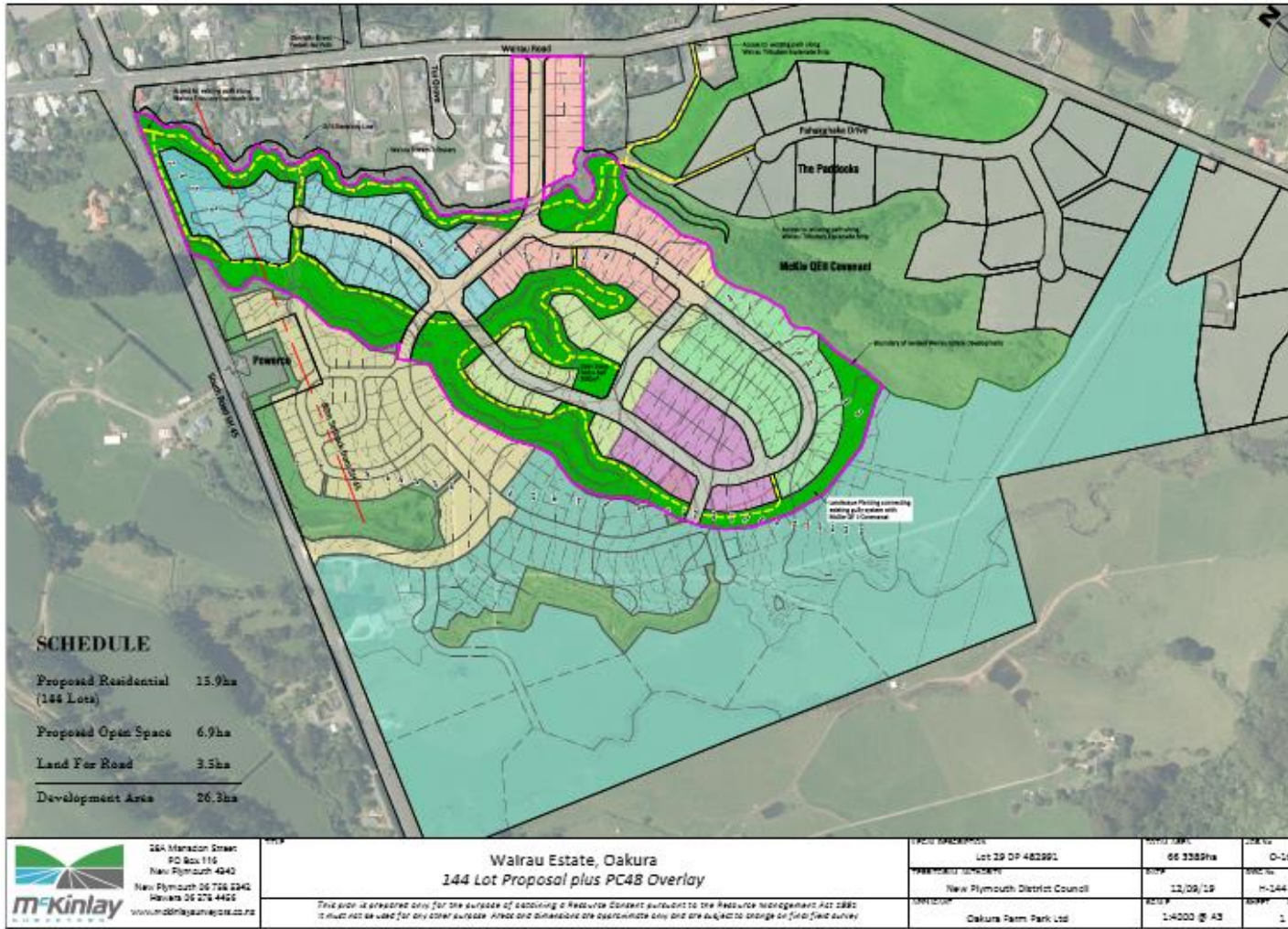
KAITAKE VISTA (MONTAGE)



APPENDIX B.1 – REDUCED SCHEME - INDICATIVE ROADING, OPEN SPACE AND DEVELOPMENT STAGES ETC.



APPENDIX B.2 – ORIGINAL SCHEME WITH REDUCED SCHEME OVERLAID

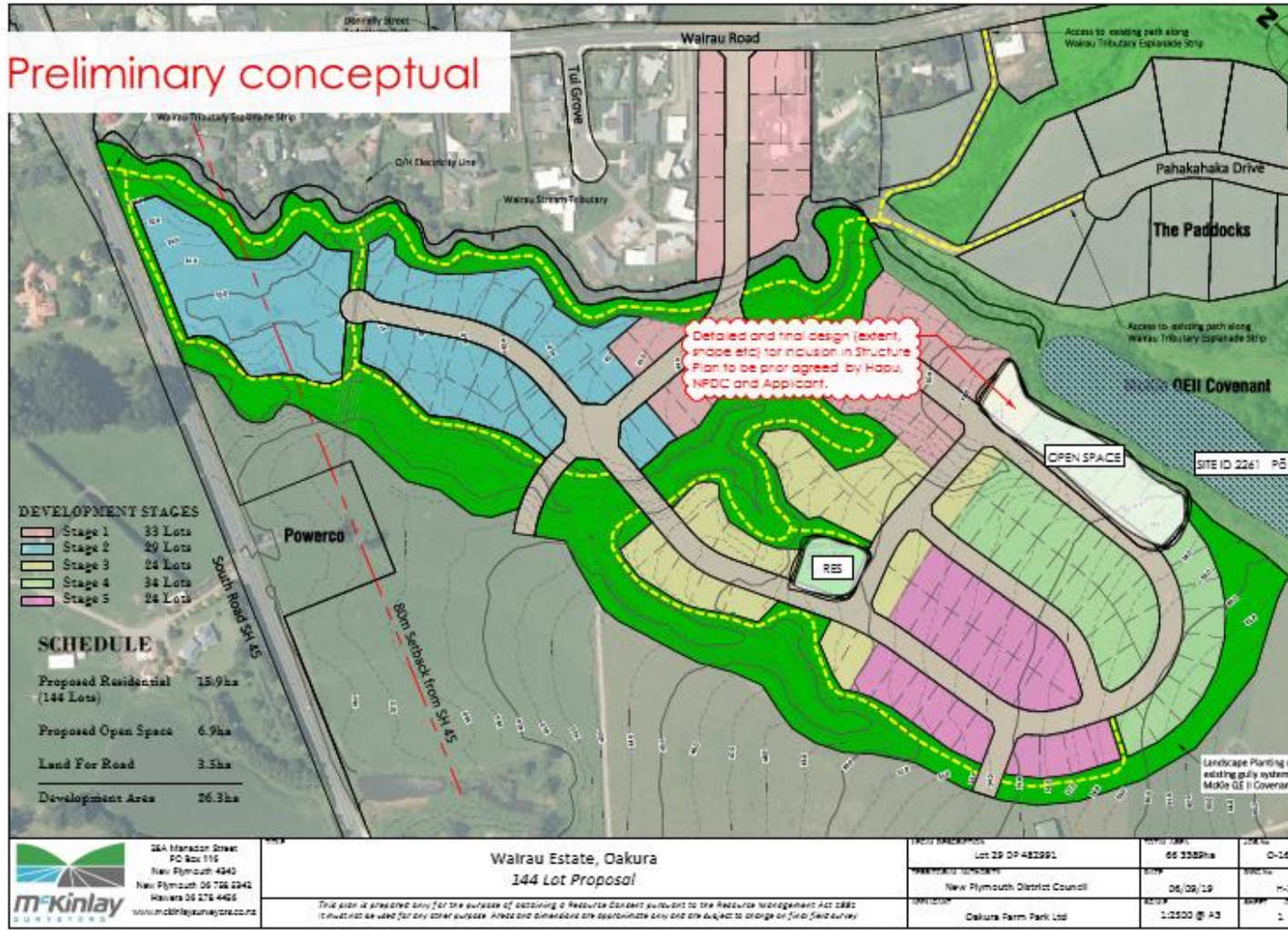



 25A Marazion Street
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 New Plymouth 06 756 2342
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Wairau Estate, Oakura
144 Lot Proposal plus PC4B Overlay
This plan is created only for the purpose of obtaining a Resource Consent pursuant to the Resource Management Act 1986. It must not be used for any other purpose. Areas and dimensions are approximate only and are subject to change on final title survey.

PROJECT DESCRIPTION	APPLICANT	DATE	STATUS
Lot 29 DP 482992	66 3359ha		C-14
PROPOSED DEVELOPER	DATE	REF NO	
New Plymouth District Council	12/09/19	N-244	
OWNER	SCALE	DATE	
Oakura Farm Park Ltd	1:4000 @ A3		1

ATTACHMENT C - Preliminary concept – Open Space adjoining Pahakahaka Pa



ATTACHMENT D – MOU 19 October 2018

MOU Final – 2018 10 15

Memorandum of Understanding

Between

Oakura Farm Park Limited, as landowner and developer

And

Ngati Tairi Hapu, as Mana Whenua

The parties to this Memorandum wish to record, in acknowledgement of matters of cultural importance to Ngati Tairi Hapu, the following:

1. The relationship between Ngati Tairi Hapu and Oakura Farm Park Ltd (OFPL) extends back prior 2010 when OFPL commenced consultation with Ngati Tairi Hapu in respect of the then proposed rural-residential development of part of OKPL land now known as 'The Paddocks'.
2. Oakura Farm Park Limited (OFPL) is now seeking the approval of the New Plymouth District Council by way of a Private Plan Change Request to rezone its land at Oakura from Rural to Residential and Rural Lifestyle. The development will be known as 'Wairau Estate'. The extent of the OFPL land subject to the Plan Change Request is shown on the attached plan titled 'Wairau Estate Oakura Structure Plan'.
3. Oakura Farm Park Ltd informed Ngati Tairi Hapu of its Wairau Estate development proposals commencing in May 2016 and provided a copy of the preliminary Vision Statement and Structure Plan at that time. The parties have had several meetings over the intervening period whereby OFPL has kept Ngati Tairi Hapu informed of progress in developing up the Wairau Estate proposal.
4. In 2017 Archaeologist Ivan Bruce of Archaeological Resource Management undertook an archaeological assessment of the Wairau Estate land. A copy of his March 2017 report has been provided to Ngati Tairi Hapu. Mr Bruce's reported concluded as follows:

15.1 Archaeological Resource Management was commissioned by Oakura Farm Park Ltd to undertake an assessment of the proposed Wairau Estate, at Oakura, New Plymouth. No archaeological sites have previously been recorded within the proposed development and no archaeological evidence was noted during the pedestrian survey. However, as it is reasonable to expect unrecorded archaeological evidence may exist subsurface within the proposed estate, this report recommends that all earthworks are undertaken under a general authority granted by the HNZPT. It is my considered opinion that if the HNZPT archaeological authority process is followed, Oakura Farm Park Ltd will have recognised and provided for the protection of historic heritage from inappropriate use and development as outlined in section 6f of the RMA.

5. OFPL now records that it will obtain a General Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 prior to the commencement of any earthworks that may be undertaken, in due course, as part of the Wairau Estate development and will look to Ngati Tairi Hapu to participate in the supervision and monitoring of such earthworks so enabling the exercise of its kaitiakitanga over the area.

6. Ngati Tairi Hapu have identified a number of matters that they request be addressed as part of Wairau Estate development. These are:

- a. That the disposal of storm water within the proposed development area during the development phase and subsequently upon completion of the development will not adversely impact instream values of the streams and water bodies within the development area.

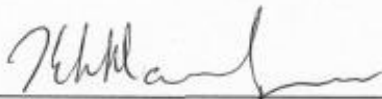
In response, OFPL places on record that it will use its best endeavours to ensure that OKPL and its contractors and other agents take due care to preserve and where practical enhance the instream values of the streams and water bodies within the development area. In support of this undertaking, OFPL undertakes to obtain all necessary consents from the New Plymouth District Council and Taranaki Regional Council in respect of the discharge of stormwater to water and land and in the control of sediment. For the avoidance of doubt, it is also recorded here that Wairau Estate will be reticulated for the disposal of sewage to the Council's public reticulation network.

- b. OFPL offers to Ngati Tairi Hapu the opportunity to recommend to the New Plymouth District Council the name to be given the Wairau Estate primary loop road on the understanding such naming will be reflective of the early (mana whenua) history of the locality.
- c. So as to provide a tangible sign of its mana whenua over the general locality that includes but is not limited to The Paddocks and Wairau Estate, the Hapu wishes for a stone sculpture to be placed on land set aside for open space reserve from The Paddocks development in Upper Wairau Road. The parties now agree the following matters:

- i. OKPL will make suitable land available on which to locate a stone sculpture;
- ii. The sculpture will be located to the mutual satisfaction of both parties;

-
- iii. The sculpture will be designed and carved by Ngati Tairi Hapu or by such persons as it engages to undertake such work;
 - iv. OFPL and Ngati Tairi, working together, will source suitable rock/stone for the sculpture;
 - v. OFPL will fund either wholly, or partly in conjunction with funding from the New Plymouth District Council Heritage Fund, the supply of the required rock/stone, and the transport and the design and carving of the stone sculpture. OFPL will assist Nga Tairi Hapu to prepare a joint funding application to the Council.
 - vi. All costs to be identified and agreed by the parties before the commencement of the stone sculpture project.
- d. Out of concern for discouraging persons from entering onto the Pahakahaka Pa site (HPT Ref: P19/340) and QEII covenanted area located between The Paddocks and Wairau Estate, OFPL agrees to, in conjunction with Ngati Tairi Hapu (and the New Plymouth District Council and Taranaki Regional Council as appropriate), design and have installed suitable signage identifying the cultural significance of the Pa site and environs.
7. Ngati Tairi Hapu will prepare a Cultural Impact Assessment in relation to the OFPL land that will be subject to the Wairau Estate Private Plan Change Request. The Assessment will address the historical relationship of the Hapu within the Wairau Estate Structure Plan Area, identify any water, sites, waahi tapu and other taonga within the Area and provide advice/recommendations/guidance to OFPL to enable OFPL to avoid or mitigate matters that may be of concern to the Hapu. OFPL will meet the reasonable costs of the Hapu in the preparation of the Cultural Impact Assessment.
 8. In conclusion the parties agree that this Memorandum of Understanding be tended as evidence before the New Plymouth District Council appointed Commission in the forthcoming hearing of the Private Plan Change Request.

Signed this 19 day of October 2018.

 chairman Oakura
On behalf of Ngati Tairi Hapu


Mike McKie, Director on behalf of Oakura Farm Park Limited


Witnessed by Colin M. Gember, Planning Consultant, New Plymouth

Appendix E – Green School Site, Koru Rd - 30 November 2019

