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| Event: | New Plymouth District CouncilOākura Rezoning Plan Change |
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| Date: | 24 July 2019 |
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| Before: | New Plymouth District Council independent hearing commissioners:Bill WasleyAntoine Coffin |
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**THE COMMISSIONER:**  Good morning and welcome back. Just two or three matters first. I'll just ask Mr Coffin, who has now joined me on my right, to briefly introduce himself just for those who may not have been here at the commencement of the hearing on Monday. So Mr Coffin will not be part of the final decision making, that will be mine alone but he will be participating in the hearing; asking questions, making comments and assisting me in terms of the preparation of the report and recommendations to the Council. But at the end of the day the final decisions will be mine as the sole Commissioner. Mr Coffin.

**ASSISTANT COMMISSIONER:**  Kia ora mai tātou. Good morning everybody, my name is Antoine Coffin and I thank you very much for everyone's understanding. Earlier this week I buried my grandmother and I've been privileged to have a wonderful relationship with my grandmother. She brought me up as a child and it was wonderful to spend eight weeks with her looking after her before her passing. Thank you for everyone's messages of condolences. We gave my grandmother a wonderful farewell earlier this week.

 So I am here with you today and I am happy to assist Bill in making the decision for the plan change. In terms of some of my background I have professionally been working for about 24 years in the area of resource management specialising in Māori resource management, large infrastructure and a number of projects around the country. I worked previously at the Auckland Regional Council back in the old days, Heritage New Zealand both as a staff member and as a board member. I worked for Te Papa Tongarewa, the Museum of New Zealand, Tauranga City Council and as a consultant for many agencies, local government, and government agencies around the country.

 I am currently working on the Marsden Point Oil Refinery, the Waikeria Prison mental health unit, the Rotorua wastewater treatment plant, not a very sexy project but necessary. And probably the biggest project I am working on at the moment is the Tutumu(?) plan change which will involve a new community of about 15,000 people over the next 30 years. I am also a hearing commissioner around the country. So that is just a very short background.

 It's good to be here in New Plymouth, it's always good to be here in New Plymouth and looking forward to the rest of the hearing this week. Kia ora.

**THE COMMISSIONER:** Thanks, Antoine. Just to let all parties know, we went for a site visit this morning and that essentially was to provide Antoine with some context in terms of where the subject site was located; its proximity to the township, state highway, Wairau Road, et cetera, and obviously in terms of the Kaitake Ranges. So, that was a brief visit to assist him this morning and, as I outlined yesterday, we will be doing a more in depth comprehensive site visit, all going well, on Friday morning.

 Now, we are about to hear from you, Mr Grieve. So, welcome.

**MR GRIEVE:** Thank you, sir.

**THE COMMISSIONER:** I think I noted that, late yesterday before we adjourned, there are now two submitters, Maria Townsend and Jennifer Blyde who cannot come or attend the hearing beyond this morning. So I am proposing to hear from them later on this morning. I have been advised that, in total, they are probably looking at about 15 - 20 minutes. So, depending on where we are at, but I am keen to accommodate them late morning. Otherwise over to you, Mr Grieve.

**MR GRIEVE:** Thank you, sir. I have some submissions here. Is it Jane? These are -- so I was told to bring four copies. That's two copies with all the cases I've referred to and then just two copies without all the cases.

**THE COMMISSIONER:** Thank you.

**MR GRIEVE:** Thank you, sir. May it please the Commissioners, residential housing along the main highway into Oākura, which will spread roughly to the lake, will destroy the character of the village. Ribbon development along the main highway is considered undesirable for safety and aesthetic reasons. If the identified structure plan triangle is developed, views up to the Kaitake Ranges will be obstructed by buildings. Ironically, protection of views up to the Kaitake Ranges outstanding landscape is a key aim of the structure plan. The location chosen for the Paddocks subdivision will maintain uniqueness and protect the views of the Kaitake Ranges especially from State Highway 45. The location chosen will protect the open landscape giving rural appearances that will be preserved and maintained forever.

 Significant adverse effects that will flow from the proposal are numerous while positive effects will be at the expense of the character and amenity of Oākura village, its people and community, and their surrounding rural environment; which are not beneficial effects at all given that the consent notice registered against the title of the subject land in 2014 requires the protection of those things which were clearly of concern to Mr McKie in December 2010 as recorded in his Paddocks subdivision evidence quoted in paragraph 1 above.

 The critical issues requiring determination in this case are whether or not granting the consent notice condition variation or cancellation application, being a discretionary activity, will promote the sustainable management of natural and physical resources, the purposes of the Act and whether or not it will be consistent with the relevant provisions under the relevant statutory instruments. Whether or not approving proposed private plan change 48 to the District Plan would assist the Council to carry out its functions under section 31 so as to achieve the purpose of the Act; and would give effect and not be inconsistent with relevant provisions of the higher order national policy statements and planning instruments in this case, such as the regional policy statement; and would be the most appropriate way to achieve the relevant objectives of the proposal and District Plan having regard to other reasonably practicable options for achieving the objectives, the efficiency and effectiveness of the proposal in that regard and the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementation of the provisions of the proposal.

 My clients are of the view that the proposal, which includes the negation of the existing consent notice, will have significant adverse effects on the environment, including the quality of the environment. Including, but not necessarily limited to significant adverse environmental, social and cultural effects; amenity, landscape and rural character; lighting and light overspill, noise, vibration and privacy. Traffic and transport including compromising the effective, efficient and safe land transport system in the public interest and effects on the surrounding roading network in terms of functioning, integrity, capacity and safety. Infrastructure, services and community infrastructure effects; stormwater, sewage, water supply and wastewater; agricultural land in terms of loss of and fragmentation of agricultural land and soil conservation effects. Reverse sensitivity; earthworks; construction and cumulative effects, which will not be, or are not capable of being adequately or appropriately avoided, remedied or mitigated in the circumstances of this case.

 It is respectfully submitted the result of this case should be one that the Commissioners believe best achieves the purpose of the Act: the sustainable management of natural and physical resources as defined in section 5(2).

 My clients have called expert evidence from the following witnesses: Nicolas Gladstone, road safety engineer. Mr Gladstone's evidence raises multiple concerns regarding the applicant's proposals and evidence in this context. If granted/approved, the application and request, or "the proposal", will have significant adverse traffic effects on the Oākura village and surrounding environment in his considered opinion.

 Adverse effects on the free flow and safe movement of traffic, including vulnerable users such as children and mothers, the visually and mobility impaired, pedestrian and cycle traffic, not only at the proposed roundabout junction but throughout the Oākura village generally are inevitable in Mr Gladstone's opinion. Those adverse effects and others are not addressed in the proposal or applicant's evidence. Mr Gladstone is highly concerned about the applicant's silence on those topics and others in respect of which little detail is provided.

 In my submission, the traffic expert witness joint conferencing statement reinforces his concerns. Moreover the proposed 12 per cent uphill approach to the roundabout from the east along State Highway 45 is well beyond what is safely acceptable, not to mention the significant earthworks, altering levels, et cetera, that will be required to build the proposed roundabout. It seems there is some uncertainty, sir, as to whether or not that can even be completed without impacting on other properties not owned by the applicant.

 In his view, the roundabout is not a viable option at all, with reference to relevant current design guidance, and the asserted benefits claimed by the applicant in respect of same are a fiction. Like all of the other expert witnesses called for my clients in this case, he is also highly concerned about the lack of information and detail in the applicant's evidence, in the context of his expertise, to enable an informed judgement to be made about these issues in order to be able to fully understand the scale and degree of the adverse effects of the proposal on the environment.

 He foresees significant adverse traffic effects being widely spread throughout the village including at other junctions down by the beach, at the school, play centre, central business district, including adverse car parking effects. Traffic delays, frustrations and accidents are waiting to happen if the proposal is granted and appropriate consideration of pedestrians, cyclists, equestrians and other vulnerable road users in the applicant's evidence in this context is grossly inadequate, in Mr Gladstone's view, particularly in light of the strategic priorities in the New Zealand Government Policy Statement on Land Transport, 25 June 2018.

 Neither are the main desire lines identified or satisfactorily addressed for those travel modes from the applicant's proposed site towards the school, CBD and beach. Further concerns are raised about the applicant's proposed alternative route to school by footpath connecting up Wairau Road with Donnelly Street, the underpass subway and roundabout safety including footpaths in the vicinity, and the further issues he foresees in respect of cyclists, equestrians and other vulnerable road users and people generally in respect of same.

 One important maxim which Mr Gladstone always applied to any road engineering scheme, and which should be applied, is facilitating the free flow and movement of one class of road user should never be achieved at the expense of increased risk to some other class of road user. In his view the proposal will be at the expense and increased risk to vulnerable road users and the maxim has not been applied by the applicant. Mr Gladstone is also dubious about the relevant safety guides and standards, such as Austroad, and whether they can in fact be met by the applicant in the circumstances of this case, and due to the lack of robust evidence filed by the applicant to date he cannot come to a judgment on the feasibility of same one way or the other. Noting that the proposed roundabout will potentially be the only vehicular access to approximately 570 properties, with only one way in or out, he has concerns about that also and about the termination of such trips.

 Of significant concern is the fact that the appropriately designed roundabout is expected to have a crash rate almost four times worse than that currently existing. There is no justification for any cost saving deviation or cost sharing from full compliance with Austroad design standards as the proposal shows no discernible benefits to any category of road user, in Mr Gladstone's view. I note that the NZTA also has queries and concerns regarding funding, design and construction of appropriate traffic solutions and opposes the inclusion of a new access from State Highway 45.

 Richard Rollins is an experienced consultant environmental engineer who provided evidence about his concerns about the urbanisation of a large tract of the Wairau Stream and catchment, which stream and catchment may be unique in Taranaki, because such a large fraction of it lies within the boundaries of the neighbouring national park. He is highly concerned about adverse effects on people, particularly children, from pesticides in the water, particularly at the Wairau Lagoon on Oākura Beach being a popular swimming spot for people in the community for many, many years, as you heard from Mr Hislop yesterday.

 In his view, the proposal will result in an urbanisation of the catchment which is likely to raise concentrations of pesticides in the stream and in the lagoon. The lagoon is much used by children and their families; and children are known to be more susceptible to toxic effects of pesticides than adults. Mr Rollins notes that there are no baseline studies currently available to properly assess these risks and whether or not exposure levels will be safe. Noting that the Wairau Stream and lagoon water quality is generally good, if not pristine, he concludes there is significant risk that the Wairau Stream's capability to meet the needs of future generations for safe, clean water for swimming and wading will be irreparably harmed by the proposal and will not achieve the purpose of the Act in that context. It should be noted, sir, that this evidence is uncontested.

 Matthew Peacock is a civil and structural engineer whose evidence highlights several areas where, again, the applicant's evidence is lacking, meaning that actual and potential adverse effects of the proposal on the environment cannot be properly understood and assessed, let alone a robust decision made about them. The applicant's evidence in that context is, in his view, typical for small-scale residential land development proposals where potential adverse effects on the surrounding environment are relatively minor. The level of information provided in the applicant's evidence is woefully inadequate for a proposal which, if granted, would increase the number of residential lots in Oākura by about 60 per cent.

 Mr Peacock further notes his concerns about the existing stormwater network in Oākura, the downstream issues in respect of the flood zone surrounding Shearer Reserve and the Council's pump station, and issues in respect of the current water supply servicing the Oākura village. The applicant's proposed crossings by road of the Wairau Stream tributary will be a significant undertaking in his view. The extent of those crossings is telling when seen in photos 4 and 5 on pages 25 and 26 of Appendix 2 of his evidence, in my submission.

 The evidence of Messrs Kensington and Twigley also note their concerns about the significant adverse effects that will flow from those crossings and other modifications required to enable urban development including the severing of key native ecosystems and the esplanade strip.

 Peter Kensington is a landscape architect and a qualified RMA planner. He is of the view that condition 4 of the consent notice should not be varied or cancelled as it is part of the existing environment and is successfully protecting the rural character and amenities of the Paddocks subdivision and its surrounds. If you were of a mind to cancel or vary condition 4 of the consent notice or effectively negate it by granting the plan change request, and I strongly submit that you should not be, then the anticipated layout of urban development contemplated by the plan change will result in significant adverse landscape and visual effects, in Mr Kensington's view, for all the salient reasons set out in his evidence.

 The proposal will not successfully integrate seamlessly with the existing landscape. It severs important landscape features including an esplanade strip and KNE and will lead to significant adverse effects. Neither will achieve the purpose of the Act nor give effect to the relevant statutory provisions under the District Plan and the RPS in the context of his evidence. Mr Kensington agrees with Mr Bain that the consent notice assists in preserving the views of the foreground and setting of Kaitake Ranges' outstanding landscape and maintains rural spaciousness and character. Variation, cancellation or negation of the consent notice, either in whole or part, will result in significant adverse effects in his view.

 He disagrees with Mr Bain that the landscape and visual effects of the proposal will be contextually appropriate, nor does he share Mr Bain's optimism that the proposed mitigation measures will adequately and appropriately avoid, remedy or mitigate such adverse effects. He does however agree with Mr Bain that significant visual adverse effects are likely to be experienced by people viewing the landscape change from approximate private properties such as those living at the Paddocks. He agrees with Ms McRae that Mr Bain's evidence does not adequately address the key landscape issues arising in the circumstances of this case.

 Sixty-eight water tanks which, in themselves, may create adverse landscape and visual effects as additional structures in the landscape, for example, have not been addressed in Mr Bain's evidence. Neither does Mr Kensington agree with Mr Bain's reliance on the future urban development overlay as some form of development baseline for all the reasons he sets out. Mr Comber's assertion that the site's landscape character, being a rural environment on elevated land at the edge of an outstanding landscape with a predominance of open space, and little evidence of built development unrelated to rural activities is unremarkable, is not accepted by Mr Kensington. The irreversible adverse effects the proposal will have on the defining landscape elements of Oākura, its sense of place and people's views and amenity values associated with the Kaitake Ranges and national park are also of concern to Mr Kensington.

 The proposal will also lead to adverse cumulative effects and a cumulative loss of rural character, and adverse effects on the rural/urban boundary demarcation of Oākura, in his view. Major earthworks will be required for a number of various construction related activities including residential and business development, roading, bridge or culvert crossings, noise bund, underpass subway, stormwater management; all of which are examples of poor design thinking likely to lead to significant adverse effects on the environment generally, in his view. Overall, Mr Kensington concludes that the proposal must be declined to ensure the protection of the landscape and the avoidance of adverse landscape including amenity and visual effects for the all the compelling reasons set out in his evidence.

 Cameron Twigley is an independent RMA planning consultant. Mr Twigley is also concerned about the lack of appropriate detail regarding stormwater management, water modelling, traffic effects, reverse sensitivity effects, landscape effects and ecological effects corresponding to the scale and significance of the environmental, economic, social and cultural effects of the proposal.

 I would just like to say there, sir, that the scale and significance in this context is massive for Taranaki. This proposal in other parts of the country might not be such a big deal but in the environment that this proposal is contended it is a huge deal, as you will have picked up from all of the evidence to date and to follow.

 The variation or cancellation or negation of the consent notice condition would severely undermine the integrity of the Paddocks subdivision and in turn result in significant adverse effects on landscape, rural character and amenity values including cumulative effects; also being contrary to the objectives and policies of the District Plan and regional policy statement and the purpose of the Act. Approving the plan change would result in significant adverse effects in his view, and would not give effect to the National Policy Statement on Urban Development Capacity and the regional policy statement, and would be inconsistent with Taiao Taiora, Oākura - A Growing Community, and the Kaitake Community Plan: A Thirty Year Vision. Obviously Mr Hislop's evidence yesterday covered those in detail.

 His conclusion, following a section 32 evaluation, is that the purpose of the Act is best met by declining the proposal and retaining the status quo. In my submission, Mr Twigley's analysis is correct, particularly in light of the background and planning context evidence he has provided and taking into account the community vision for Oākura and the relevant statutory considerations in this case. Having been the expert planning witness for the applicant at the Paddocks subdivision hearing in 2010, he is well aware of the purpose of the consent notice imposed under Commissioner Tobin's decision, particularly in light of his review of the evidence from that case and the decision itself. In my submission he is clearly correct, particularly so in the context of Mr McKie and Mr Bain's evidence in that case.

 In my submission there is a clear theme of permanent protection of the open landscape and rural character and amenities and productive values of the land in that evidence in order to avoid adverse effects thereon. No change of circumstances warrants the subsequent cancellation or negation of that protection which will clearly lead to those adverse effects that were to be avoided. In Mr McKie's evidence, for example, he stated at paragraph 22:

 "We can and will permanently protect and safeguard these areas by way of a consent condition/covenant."

At paragraph 31 he went on:

 "The location chosen will maintain uniqueness and protect the views of Kaitake Ranges especially from State Highway 45. I note that protection of those views will not be achievable if we have to exercise the 4 hectare subdivision [and there was a consent granted for that]. The location chosen will protect the open landscape giving rural appearances that will be preserved and maintained forever."

At paragraph 32:

 "The farm will sustain our family and future generations of farming families with a livelihood and career opportunities now and in the future."

Mr Bain's evidence also contained similar statements and themes. For example, paragraph 5:

 "We proposed to the applicant a subdivision scheme protecting three-quarters of the McKie farm from development. This approach safeguards rural character as well as the rural approach to, and identity of, Oākura."

As already noted by Mr Twigley, at paragraph 49 Mr Bain specifically provided:

 "This lot is not a balance lot. It is not left over land from subdivision. This allotment has been specifically created as part of a comprehensive development to maintain both productive uses of land as well as maintaining rural character. Furthermore, this approach maintains extensive views from State Highway 45 up to the outstanding natural landscape. This lot will be protected from further subdivision thereby ensuring rural character and values are maintained."

At paragraph 50 Mr Bain went on:

 "In my opinion the clustering of the lifestyle allotments into the eastern portion of the site, and the creation of a 66.5 hectare farm allotment which bounds rural character to the west, is consistent with the character of this area. This scheme efficiently utilises the land and enables a productive dairy farm to operate. Therefore, in my view, the proposal is appropriate to the site and wider landscape context."

Paragraph 107:

 "The proposed development will lie between areas of existing development and if the 66.5 hectares of farm are protected, will avoid sporadic and sprawling subdivision."

Further, at 109, Mr Bain provided:

 "With regard to rural amenity, the proposal represents an holistic comprehensive design approach with an emphasis on sound environmental outcomes. Furthermore, this proposal will ensure that Oākura's identity, although growing, is retained by the preservation of views across the farm's 1 kilometre of road frontage towards the amalgamated 66.5 hectares of productive land. Also, views towards the Kaitake Ranges and the outstanding natural landscape are preserved as the dominant feature within the landscape."

In conclusion, at paragraph 117, he, **inter alia**, found:

 "If those carefully considered design controls and covenants are adopted then, in my opinion, the adverse effects of the proposed activity on the environment will be no more than minor."

In my submission paragraphs 13, 15, 17, 24, 27, 28, 32 and 35 of Mr Bain's evidence, for example, also reinforce my submissions as to the purpose of the consent notice condition which aligned with the relevant policies and objectives of the District Plan:

 "That spaciousness and pleasantness are key descriptors of rural character and that this is primarily achieved through large allotments and their legacy of facilitating the dominance of space over built form."

The approved scheme plan dated 2 December 2010, included in Mr Twigley's evidence prepared by Mr Bain, also recorded:

 "Lot 29 66.5 hectare protected farm inclusive of QEII bush covenant, key native ecosystem and 20 metre esplanade strip."

Legal submissions presented by myself for the applicant at the Paddocks subdivision consent hearing in December 2010 also offered and reinforced the permanent protection of lot 29 from future subdivision, recorded as follows:

 "Eighty per cent of the site is proposed to be permanently protected from further subdivision. That 80 per cent of the site was purposely targeted to be protected so that the Kaitake Ranges would be kept safe from injury or harm in this context. It should be noted that 80 per cent of the site proposed to be permanently protected includes significant archaeological and ecological components which fall within the criteria for assessing a landscape. Importantly, the proposal will protect vast areas of the site and, even more importantly, those sensitive parts of the site containing nationally significant and important features and values. Not only will the proposal protect those areas in perpetuity for future generations but will significantly restore them and/or sustainably manage them into the future. Thus the proposal will allow appropriate development in this environment while protecting, maintaining and enhancing the values enshrined in the Act and relevant planning documents. The permanent protection and restoration of the western remnant, eastern gully, esplanade strip, riparian margins and nationally significant and important wetlands and habitat; the permanent protection of future management of the nationally significant and important pā site and the permanent protection of 80 per cent of the site and restoration of other riparian margins within that area from further subdivision. Respecting the Kaitake Ranges ONL, in this way fulfils sections 6(a), (b), (c), (d), (d) and (f) and 7(a), (aa), (b), (c), (d), (f), (g) and (i) in section 8 and is consequently consistent with the Oākura structure plan, the regional policy statement and the relevant objectives and policies of the Plan. In my submission that result heavily informs the overall judgment that consent must be granted in the circumstances of this case. Further, it is respectfully submitted that the proposal recognises the importance and retention of the open character of the site. The development is focused towards a relatively small and discrete area towards the eastern end while avoiding any development over the less populated western end of the site by protecting 80 per cent of the site from further subdivision, in perpetuity, which is specifically aimed to respect the views to, and backdrop of, the Kaitake Ranges. In that way it also ultimately respects the backdrop to, and containment of, Oākura provided by the Kaitake Ranges, and important entranceways, in the sense of arrival or departure, provided by State Highway 45 approaching the Oākura village. Overall the proposal does meet the purpose of the Act of sustainable management by enabling the community and the applicant to make provision for development of the site in a way which is sensitive to the natural environment in which it is situated."

Commissioner Tobin's Paddocks decision also emphasised the theme of protection of lot 29 as follows:

 "The condition with regard to future subdivision of the lot 29 will ensure that open space is retained over the balance allotment. It is also noted that the applicant expressed the intention during the hearing of retaining this lot with a protected farm status in the longer term regardless of the zoning. These conditions will ensure development of that site in a way so as to remedy and mitigate potential adverse effects and achieve positive beneficial outcomes."

Mr Comber's speculative assertions at paragraph 176 of his evidence are not accepted in this context. It is respectfully submitted that to now cancel or negate that protection of the 66.5 hectare farm contained in lot 29 must only logically lead to all of the adverse effects that Messrs McKie and Bain's above mentioned evidence contended would be avoided, remedied or mitigated by its creation and which Commissioner Tobin accepted. Even more so when the paint is still drying on the Paddocks subdivision with six lots still undeveloped and newly built houses that people have barely moved into.

 In my submission only one conclusion can be reached: if the consent authority grants the application to vary or cancel or negate the consent notice condition in the circumstances of this case or approves the plan change, effectively achieving the same result, then the integrity of the Paddocks subdivision and the Council's Paddocks subdivision consent decision and the District Plan itself, would be severely undermined resulting in significant adverse effects on the environment being contrary to the objectives highlighted in Mr Twigley's evidence and the developer would get to have their cake and eat it too.

 Mr Twigley's evidence that there has been no change in circumstances warranting the cancellation of that consent notice as being of no further value must be accepted, and to come to a different conclusion would, in my respectful submission, be entirely inappropriate in the circumstances of this case. As Mr Twigley notes, Ms McRae also considers there has been no adequate explanation as to the justification for cancellation of the consent notice condition. It is submitted that Mr Twigley's evidence must be given significant weight and be preferred in the circumstances of this case as he is the only expert witness in this case, in my submission, apart from perhaps Mr Kensington who has appropriately and adequately analysed this issue in accordance with the relevant law and with regard to the full relevant facts.

 Mr Twigley's evidence goes on to consider the relative statutory framework for the proposal and provides a robust evaluation in respect of same. For all the reasons provided, the application and the officer's section 42(a) report have not adequately assessed the proposal to vary or cancel the consent notice and he concurs with the significant concerns raised in the section 42(a) report about traffic, landscape and visual amenity issues among other things. Mr Twigley is also of the view that there is insufficient information to make an informed judgment on the request. Like Mr Kensington, he clearly concludes that in order to achieve the purpose of the Act the proposal must be refused.

 Over the next two to three days you will hear from numerous submitters who will be providing their own evidence submissions in opposition in their own right, and who will expand on their original submissions in further detail. All those people have opposed the proposal outright and for very good reason. They are the Oākura community who are highly concerned about the proposal and its impacts on their lives and community. You have now heard from Messrs Hislop and Pillette of the Kaitake Community Board. Their evidence submissions raises a number of compelling significant concerns for various reasons that I will not repeat.

 Notably the KCB was also opposed to the Paddocks subdivision, which is still being completed by the applicant. While the KCB was disappointed with Commissioner Tobin's relatively recent decision to grant the Paddocks subdivision consent, it was some consolation that the consent notice under consideration in this case was imposed as offered by the applicant. That provided the KCB at least with some certainty moving forward that, at the very least, lot 29 of the Paddocks subdivision would be protected for future generations in terms of its rural character, productive values and amenity values.

 Sir, you have heard from Mr Hislop in the terms of how they have then worked with that Paddocks subdivision consent decision in terms of their consultation with the public and developing community plans and so forth, that they have put a lot of work into. You will also hear from some residents in the Paddocks subdivision over the next couple of days about their reliance placed on their consent notice when they bought properties at that subdivision.

 It needs to be kept in mind in this case that the consent authority is examining not only the application for the plan change but also the elephant in the room, the application for variation or cancellation or negation of condition 4 of the consent notice under section 221 of the Act contained within the plan change application as noted in Mr Comber's evidence. In order to be able to approve the plan change request the consent authority will also need to vary, cancel or effectively negate condition 4 of the section 221 consent notice against the property. That will, **inter alia**, entail the consent authority coming to a view that the adverse effects that will flow from the proposal, which the consent notice conditions sought to avoid in the first place, are acceptable in the circumstances of this case in the context of achieving the purpose of the Act.

 Applications for variation of consent notices under section 221(3) clearly, as specified in 221(3)(a), trigger a section 104 consideration. That is a discretionary exercise. I agree with Mr Twigley's evidence in this context and consider that Mr Comber's analysis as a non-complying activity is incorrect; albeit it would be beneficial for my clients if Mr Comber was correct and it was a non-complying activity assessment. Mr Comber's evidence cannot be relied on and Mr Twigley's must be preferred. I also agree with Mr Twigley's view that the consent notice variation or cancellation or negation is not a consequential amendment in this context. The consent notice was, from 9 June 2014, registered against the title of the applicant's land and is deemed to be an interest in the land. It was notice to the world at large, particularly to, for example, people buying lots from the applicant's Paddocks subdivision. Its status should not be diluted.

 Mr Comber's evidence is superficial and cannot be relied on in this regard as it does not contain a full assessment under section 104 of the Act as required, rather it conflates the applications and endeavours to put the cart before the horse and, in my submission, endeavours to side-step the adverse effects of the consent notice condition variation or cancellation or negation on the applicant's land and surrounding environment. Mr Twigley's evidence accordingly must be preferred as he has properly assessed these matters. As a matter of common sense an application for variation or cancellation necessarily entails an examination of the condition which is to be varied. Good planning practice should require an examination of the purpose of the consent notice and an inquiry as to whether some change of circumstances has rendered the consent notice of no further value, as observed by the High Court in Green v Auckland Council.

 The Environment Court took a similar approach in Foster v Rodney District Council when it concluded that the following criteria may still have some relevance under a discretionary consent procedure in considering whether to vary or cancel a condition of consent notice, (a) the circumstances in which the condition was imposed, (b) the environmental values it sought to protect, or (c) pertinent general purposes under the Act as set out in sections 5 - 8. Section 104(a) identifies the matters to which the consent authority must have regard, subject to part 2. I will take that as read, sir, if that is all right.

**THE COMMISSIONER:** Just a moment, Mr Grieve.

**ASSISTANT COMMISSIONER:** Just in regards to Green v Auckland Council, you have provided us, is there any particular part of that judgment that you want to turn our attention to, just while we have got you here?

**MR GRIEVE:** That was a judicial review case about a building platform that was secured under a consent notice. The analysis of the law is from paragraph 74 onwards and particularly paragraph 76 through to 77. Further, to note I thought were paragraphs 103, 113 through to 117, 123, 128 through to 131. Section 5 of the Act is paramount. I have set that out there, sir, I will not read that. The method of applying section 5 still involves the well known overall broad judgment set out in North Shore City Council v Auckland Regional Council, as noted more recently, for example, KPF Investments v Marlborough District Council.

 Application of that method in this case requires an overall broad judgment of whether the cancellation or negation of condition 4 of the consent notice, the purpose of which was to protect the site's rural character, productivity values and amenity values to ultimately enable the intensive urbanisation of the site at the foothills of the outstanding Kaitake Ranges/national park landscape will promote the sustainable management of natural and physical resources recognising that the RMA has a single purpose. Such a judgment allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome, provided it is recognised that the weight to be given to the relevant considerations must be carefully allocated by reference to the strong directions in sections 6 - 8 and to any particularisation of those in the statutory instruments from national policy statements down to district plans.

 The relevant sections 5 - 8 considerations in this case, in my submission, are sections 6(a), (b) and (e) and section 7(a), (aa), (b), (c), (d), (f) and (g). Amenity values can be assessed by the consent authority in terms of assessing effects on the environment, which must apply the law objectively in performing these functions, as was held by the High Court in Gisborne District Council v Eldamos Investments Ltd. The evidence for my clients, and the submitters in opposition generally, is that, viewed objectively, adverse amenity effects on the environment will be significant in this case. Expert evidence called for my clients reinforces those views objectively in a number of different ways.

 Section 104(1)(a) requires the consideration of any actual and potential effects on the environment of the variation or cancellation or negation of condition 4 of the consent notice to enable the land to be intensively subdivided, urbanised, developed and used by its rezoning from rural to residential/commercial. Actual and potential beneficial positive effects must be considered as well as actual and potential adverse effects. In terms of adverse effects, the emphasis of the applicant's property, if changed to residential/commercial zoning and ultimately subdivided will inevitably change to urban rather than rural and productive uses.

 There is no doubt that the existing consent notice was put in place in order to protect the rural character and amenity values of the environment and the productive uses of that land. Any variation or cancellation which provides for a reduction in those values and the amount of land required to be utilised would be a derogation of that provision. Accordingly, the adverse effects of the proposed variation or cancellation and plan change are more than minor. It is submitted that such adverse effects would be significant and represent an unwinding of one of the fundamental key mitigation measures which was critical in Commissioner Tobin's determination to grant non-complying Paddocks subdivision consent on 8 March 2011.

 Visual and amenity rural character adverse effects will be more than minimal as will, for example, cumulative effects, traffic, stormwater and social and cultural effects. It is submitted that rural character and amenity, however, is more than just visual effects but is influenced by the use people make of the land and surrounding environment, structures, formed accesses, traffic and noise, et cetera. The significant extra dwellings and commercial buildings and intensification of use contemplated by the proposal, combined with the already subdivided Paddocks land, will lead to significant adverse effects on that rural character and amenity. There will also be adverse servicing effects in roading, water supply and the like.

 It is submitted that you must particularly have regard to the fact that condition 4 of the consent notice was put in place to protect the rural character and amenity values of the environment and the ongoing productivity of the rural land and to limit the area utilised for subdivision use and residential/commercial development. To permit the application for variation or cancellation or negation of the consent notice condition, where there is no clear exception, would, it is submitted, be to undermine the effectiveness of such consent notices. The consent notice itself was put in place for the purposes of retaining the rural character and amenity values and productive use of the land now under consideration. It is submitted that the purpose for which it was imposed remains as pertinent today as it did on 8 March 2011 when Commissioner Tobin determined that the non-complying Paddocks subdivision consent should be granted.

 It is further submitted that the purpose of the existing consent notice is also to provide a high level of certainty to the public and owners as to the obligations contained within that notice as was the approach taken by the Environment Court in Foster. You have already heard from Mr Hislop, the certainty that he has placed on that, and you will hear from some other people in due course. It was intended to protect the environmental values of the rural character and amenity values and the soil reserve and the RMA's purpose including sections 5(2)(a) and (b), section 6(a), (b) and (e), 7(a), (aa), (b), (c), (d), (f) and (g). In Foster the Environment Court considered that consent notices should not be subject to the same possibilities for variation and change as, for example, consent conditions. In that case the court found that nothing had changed which justified changing the original consent notice and that there was no proper basis for a variation of it.

 In my submission you must clearly come to the same conclusions in the facts and circumstances of this case, based on the totality of the evidence for the submitters in opposition, including all of the evidence submissions to be provided by individual submitters over the next couple of days. Accordingly, it is respectfully submitted that you must refuse the variation or cancellation or negation of condition 4 of the consent notice and plan change request to convert the land to residential/commercial and provide for the ultimate subdivision of it, given the adverse environmental effects that the consent notice sought and seeks to avoid, which would become apparent should the land be subdivided, developed and used for residential purposes.

 The cumulative effects and the sensitivity of the subject land to further subdivision is such that the effects would, in their context, be significantly adverse. One of the most significant adverse effects, which are numerous, of the proposal is its cumulative effect on rural character and amenities of the locality which will arise as a result of the proposal in combination with other existing effects from the Paddocks subdivision. The long-term cumulative effects of land fragmentation are a significant concern in this case. Those land fragmentation effects will be irreversible. Ultimately, the residential/commercial urbanisation of the land will adversely affect rural character, amenity and productivity values of the locality that the consent notice and the District Plan seeks to protect, including cumulative effects that arise in combination with other effects regardless of scale and intensity.

 The legal test for cumulative effects was detailed in the Court of Appeal's decision in Dye v Auckland Regional Council:

 "The present issue is in the way the word 'effects' should be construed in sections 104 and 105 of the Act. [Section 105 is now 104(d)] Each section is concerned, in its relevant part, with effects on the environment. In section 104(1)(a) the focus is on, 'any actual and potential effects on the environment of allowing the activity'. The definition of 'effect' includes, 'any cumulative effect which arises over time or in combination with other effects'. The first thing which should be noted is that a cumulative effect is not the same as a potential effect. A cumulative effect is concerned with things that will occur rather than with something which may occur, that being the connotation of a potential effect. This meaning is reinforced by the use of the following words, 'which arises over time or in combination with other effects'. The concept of cumulative effect arising over time is one of a gradual build-up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration. The same connotation derives from the words, 'regardless of the scale, intensity, duration or frequency of the effect'."

Land fragmentation and rural character amenity value effects of the variation or cancellation of condition 4 of the consent notice and the plan change and ultimate subdivision, will, in combination with similar effects of other rural residential development in the Paddocks subdivision locality, have a significant cumulative effect on the rural character and amenities of the locality; another step towards becoming urban character. The nature of rural character is vulnerable to being lost by incremental changes but this proposal is not relatively small in scale; quite the opposite. It might be developed at a far faster pace than the applicant contends, as noted by the officer. And, even if staged, the nature of rural character is vulnerable to significant loss in this case.

 The significant extra dwellings, and other buildings, ultimately contemplated by the proposal add to the adverse effect of the adjacent Paddocks residential rural dwellings, and other buildings and activities, to give a cumulative effect which is significantly more than minor and which will be significant in the long term and irreversible. It is submitted they add up to a major and significant erosion of the potentially productive land resource and of the character and amenity values of the rural area abutting outstanding landscape in Oākura village. In forming a judgment about those adverse effects, it is submitted that you should be informed by the cumulative effects and by the importance given by the consent notice condition 4 and the District Plan to avoidance of fragmentation of rural land and to protecting rural character and amenity values.

 By its fragmentation effect and adverse effect on rural character and amenity values, the consent notice variation or cancellation, and ultimate residential/commercial subdivision use and development, would be contrary to the relevant objectives and policies of the District Plan and regional policy statement. Taking those elements into account, it is submitted that the adverse effects on the environment of the consent notice and variation or cancellation, and subsequent plan change and subdivision, use and development, do not qualify as lesser or comparatively small in importance, and that they are significantly more than minor. The development that the proposal is intended to enable would, in terms of the significant number of extra urban dwellings and other buildings including commercial, in combination with adverse effects of the other residential/rural development and use in the area, such as at the Paddocks, clearly have an adverse effect giving a cumulative effect on the fragmentation of rural land and degradation of rural character and amenities which is significant.

 This is a certain effect because it is dependent upon existing residential/rural development and the proposed future subdivision, residential/commercial use and development. These issues were also canvassed at the Paddocks hearing in 2010. In the context of fragmentation, Mr Bain helpfully provided in his evidence:

 "The test is when do these elements become sufficiently widespread that visual clutter occurs which eventually fragments the scale of rural landscape and changes its character. The proposal will change the character of a relatively small area of the applicant's site where lifestyle lots are located. However, 80 per cent of the site will remain as a dairy farm and covenanted bush/wetland. This is equivalent in size to the entire Oākura township east of Wairau Road. In addition, within the area between Oākura River and Timaru Stream, there are only two other pieces of land comparable in size. On balance, the proposal limits the effect on rural character to a specific location adjacent to a semi-urban area."

Conversely, in my submission, if lot 29 is developed as proposed it must follow that the proposal will lead to widespread adverse fragmentation effects which will change the rural landscape character and the effects of the Paddocks subdivision will no longer be minor, as Mr Bain contended they would be.

 In terms of precedent and cumulative effects in the context of the Paddocks subdivision, Mr Bain, **inter alia**, stated:

 "With regard to cumulative effect, this development does not represent a point in the local landscape where the balance is tipped and rural character is subsumed, in my view. The subdivision proposal will not result in cumulative effects that incrementally erode natural and rural character for the reasons above. The development avoids cumulative effects by being located in areas of existing development, rather than extending the zone of development over the farmland to be protected, as the 4 hectare subdivision would if implemented. And also by occupying a relatively small area in relation to the extent of rural land that will be protected and consequently will remain part of the surrounding environment context, which will not occur if the 4 hectare consent is implemented ."

In my submission, Mr Bain was clearly of the view that the 4 hectare subdivision consent, which the applicant had obtained prior to the Paddocks subdivision hearing and utilised to assist to justify the Paddocks subdivision consent being granted, would result in cumulative effects that incrementally eroded natural rural character by extending the zone of development over the farmland, which was subsequently protected by the consent notice condition.

 Logically, it must, therefore, follow that if the 4 hectare subdivision would have resulted in such adverse effects, in Mr Bain's view, then the applicant's proposal to urbanise that same farmland to yield some 330 to 400 subdivided lots, can only result in significant adverse effects in this context and must surely be the point in the local landscape where the balance is tipped and rural character is subsumed.

 It is submitted that Mr Bain essentially concurs with my view for the reasons noted above and for all the further reasons he provided in paragraph 79 of his 2010 Paddocks subdivision evidence and, at paragraphs 100, 104 and 105, where he respectively stated:

 "Mrs Buckland contends that the landscape will become almost urban as a result of the subdivision when viewed from this point and rural character is significantly diminished. In my view, this would not be the case due to the retention of the farmland that provides the rural foreground of this view and the mitigating effect of the existing vegetation and the proposed planting. Mrs Buckland agrees with our assessment that the most significant effect on rural character would be the entire dismemberment and division of an 84 hectare productive landscape, as per the consented 4 hectare scheme. It is this fragmentation of the entire site that prompted our cluster design solution, as currently proposed. Mrs Buckland and I seem to be in agreement that a completely fragmented site would have a significant adverse effect on rural character. In her opinion, there will be a loss of greenbelt around the ONL. In my view, the cluster subdivision protects a significant amount of that greenbelt pasture."

The proposal now before you will result in the abovementioned entire dismemberment and division of an 84 hectare productive landscape, because, let us not forget the applicant has already developed the Paddocks subdivision from that 84 hectares and now effectively seeks to subdivide and develop the remaining 66.5 hectare Lot 29 protected by the consent notice. As Mr Bain noted above, a completely fragmented site would have a significant adverse effect on rural character.

 In terms of positive effects, any beneficial effects the applicant asserts in respect of the future use and development of the Lot 29 property, such as providing equestrian areas, in my submission, should be discarded, given that consent notice registered against the title requires the land not to be subdivided while it is in the rural environment, thus keeping it rural and for rural use, in any event.

 Mr Bain's contention that the construction of a bund along State Highway 45 creates a potential loss of character by reducing the views of the OL, but provides a landscape benefit by reducing views of the urban development, must be treated with similar caution in the context of beneficial effects, in my submission. Particularly in light of Mr Comber's evidence that the ODP recognises that views from public places are a valuable community asset, in the context of State Highway 45.

 Section 104(1)(b). All the relevant provisions applicable have been canvassed by Mr Twigley. Given the clear direction of the District Plan and Regional Policy Statement and Part 2 of the Act and the various provisions relating to subdivision of the rural environment, and the maintenance and enhancement of amenity values, and preservation of the natural character of rivers and their margins and protection of them from inappropriate subdivision use and development, and the protection of outstanding natural features and landscapes from inappropriate subdivision use and development, it must also be concluded that endorsing the consent notice condition variation/cancellation would be contrary to the objectives and policies of the District Plan and Regional Policy Statement, and would undermine the Paddocks subdivision consent decision and the District Plan.

 Section 104(c). The effect of the negation of the consent notice condition in whole or part on the environment is an issue that is both relevant and reasonably necessary to determine the application, in my submission, for reasons previously canvassed. And that was an approach also taken, sir, in that High Court decision in Green.

 Sir, I would like to make some brief comments on counsel for the applicant's submissions, in this context. I would just like to briefly say that I agree with my learned friend's proposition in paragraph 145 of his submissions, that it was an appropriate consent condition to impose in order to preserve both rural character of the land and to protect the land resource from further fragmentation. Paragraph 142, however, it is contended that there is an important qualification on the consent notice. Well, that might be true, but the explanation for that is thoroughly canvassed in Mr Twigley's evidence at paragraph 53. Paragraph 142, still of those submissions, where it is stated:

 "Its existence cannot and should not usurp the primacy of section 32 in the evaluation of this plan change."

My submission, neither should the plan change request usurp the discretionary activity consent process to either vary or cancel the section 221 notice, if the consent authority is of a mind to grant the planned change request. Any such consideration is subject to the criteria under section 104(1) of the Act and part 2 of the Act is a full discretionary activity.

 In my submission, sir, this approach is reinforced in the Environment Court's decision of Foster, particularly at paragraph 130, for example, where His Honour, Judge Smith, found that:

 "Accordingly, we would, in any event, refuse the variation or cancellation of the consent notice, which would make the grant of any consent to a subdivision of limited usefulness to the applicant, given that it would not enable the construction of a further dwelling."

**COMMISSIONER:** Mr Grieve, what was the reference in that Foster decision that you just quoted from?

**MR GRIEVE:** Paragraph 130, sir, I was quoting from there.

**COMMISSIONER:** Thank you.

**MR GRIEVE:** I disagree with the contention in paragraph 143 of counsel's submissions, that the existence of the consent notice is not a relevant factor in the evaluation of the plan change. At the very least, sir, it is still an adverse effect if it is removed and, clearly, that comes under the section 32 evaluation, and goes to part 2 of the Act.

 In terms of the section 32 evaluation, in my submission, Mr Twigley's evidence properly accounts for such impacts under both section 104 and in his section 32 evaluation, as required.

 I agree with my learned friend's analysis in paragraph 148 of his submissions, with his reference there to the High Court decision in Green that I have discussed. However, I disagree with paragraph 149, that there will be a highly relevant change of circumstances, which is explicitly referenced in the consent notice if the plan change is granted. My submission, that is a manufactured change of circumstances, convenient for the applicant's arguments. It makes a mockery of the consent notice, which is registered and has been relied on in terms of its original purpose, being to avoid adverse effects of the Paddocks subdivision long term, not for five years. And I will note that obviously the applicant has been planning this plan change since at least 2016, as per Mr Hislop's evidence yesterday. The consent condition was only registered in 2014; the Paddocks subdivision has not even been completed.

 In terms of the plan change, I am in general agreement, in paragraph 74 of my legal submissions with the officer's analysis of the relevant matters to be considered by the consent authority, including the case law and statutory tests. I am also in general agreement with the officer's outline of the request and summary of its rationale, as follows:

 "The primary reason the requestor seeks the rezoning of the site is to deliver a continual supply of serviced residential lots long term."

Approving the plan change request for that reason would result in significant adverse environmental effects, in Mr Twigley's view, including in the context of the consent notice condition variation, cancellations, negation. It would not give effect to the National Policy Statement on Urban Development Capacity and the Regional Policy Statement, and would be inconsistent with Taiao Taiora Oakura - a Growing Community and the Kaitake Community Plan: a Thirty Year Vision, and you have heard from Mr Hislop, the blood, sweat and tears that went into developing that plan.

 Mr Kensington shares Mr Twigley's view. Mr Twigley's conclusion following a section 32 evaluation is that the purpose of the Act is best met by declining the proposal and retaining the status quo. The proposed policy and zoning changes are not the most appropriate method for achieving the objectives of the District Plan, in terms of efficiency and effectiveness.

 Mr Comber's assertion that the land is suitable and the urban expansion is logical is not accepted by my clients or the expert witnesses called for them, nor are the conclusions in his evidence accepted, or substantiated by the evidence in this case, in my submission. Based on all of that evidence, in my submission, the Council should not approve the requested change or any part of it, because it would not assist the Council to carry out its functions under section 31, to achieve the purpose of the Act. It would not give effect to and be consistent with the relevant provisions of the Higher Order National Policy Statements and Planning Instruments, and would not be the most appropriate way to achieve the relevant objectives of the proposal and District Plan, having regard to other reasonably practicable options for achieving the objectives, the efficiency and effectiveness of the proposal in that regard, and the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementation of the provisions of the proposal.

 In conclusion, each case must be considered and determined on its merits, in light of the particular facts and circumstances. The people and community of Oakura Village and its surrounds do not share the applicant's vision for cancelling, negating condition 4 of the consent notice and changing the land from rural to residential commercial zoning, to pave the way for massive urbanisation of that land, at the entire expense of the people and community of Oakura Village and its surrounding environment, which will clearly result in significant adverse impacts on the people and community of Oakura Village and its surrounding environment.

 That is Mr McKie's, no doubt, lucrative vision, but certainly does not reflect the vision of the people and community of Oakura Village and its surrounds, as provided in their evidence and submissions. That vision is also contrary to the integrity of Commissioner Tobin's Paddock subdivision decision, the Paddocks subdivision itself, the applicant's self-offered consent notice, the relevant statutory instruments in this case and part 2 of the Act.

 The content of the District Plan should be guided by the purpose, principles and requirements of the Act, not the applicant's vision of what he thinks is an optimal use of the site. The proposal does not respect and enhance the surrounding environment, in my submission, quite the contrary, quoting from Mr Bain's evidence on 17 June this year:

 "The landscape and visual effects of the proposal is self-evidently significant, as rural changes to urban."

Amenity values is a central issue, which overlaps with the quality of the environment. It is submitted that the applicant has not sufficiently addressed the possible adverse effects and ways to avoid, remedy or mitigate them to the point where those effects are not an impediment to the granting of the proposal. The proposal will adversely affect cultural, social values, rural character, landscape values and amenities and will result in significant adverse change to the character, appearance and amenity of the relevant environment. Neither will the proposal achieve integrated management of the resources of Oakura.

 The adverse effects the proposal will bring far outweigh the positive effects in the circumstances of this case, and cannot be adequately and appropriately mitigated, remedied or avoided, thereby not fulfilling section 5(2)(c) of the Act.

 On the basis of the errors and information gaps noted in the applicant's evidence, the conclusions reached in that evidence including expert evidence regarding the scale and significance of effects, simply cannot be relied on.

 Based on the whole of the evidence in this case, the proposal is clearly contrary to, and is inconsistent with and will not give effect to the provisions of the relevant statutory instruments to be considered. Accordingly, the plan change does not comply with section 75(3) of the Act.

 It is respectfully submitted the purpose of the Act and policy statements and superior documents are best met by declining the proposal.

**COMMISSIONER:** Thank you, Mr Grieve. There are some questions. Mr Coffin?

**ASSISTANT COMMISSIONER:** Good morning, Mr Grieve. I have just got a few clarifications, some questions for you.

**MR GRIEVE:** Sir.

**ASSISTANT COMMISSIONER:** Can you hear me fine?

**MR GRIEVE:** Yes, sir.

**ASSISTANT COMMISSIONER:** The first one is just a matter of clarification from the original decision for the consent for the Paddocks, and some of the evidence which you have quoted. I was under the understanding that it was 89 per cent of the remaining land, not 80 per cent, but are you able to provide me any clarification on the difference?

**MR GRIEVE:** I am not, sorry, sir. It might be a question Mr Twigley might be able to deal with.

**ASSISTANT COMMISSIONER:** Okay, yes.

**MR GRIEVE:** Sorry, sir.

**ASSISTANT COMMISSIONER:** The other one is - and it is a similar matter - and I suppose it goes to the heart of what you have provided.

**MR GRIEVE:** Yes, sir.

**ASSISTANT COMMISSIONER:** The protected farmland status, and obviously you may be able to shed some light from a legal point of view. What is your understanding of what "protected farmland status" is or is not?

**MR GRIEVE:** Well, I mean it is -- it comes down to the conditions in the consent notice, I think. It is protected while it is in the rural environment, however it was always the intention that that be permanent protection. I guess the door was left slightly ajar, as noted in counsel's submissions, that it is while it is in the rural environment, so theoretically if the environment was to change from rural, that protection would be lost. However, it was quite clear at the time during that hearing that it was permanent protection that was envisaged. I think that qualifier has been quite well discussed in Mr Twigley's evidence in paragraph 53 and, of course, he was the planning witness for the applicant in that case. I mean, at that stage, of course, there was the triangular FUD, I think we referred to it as the Southern FUD, which I guess was relevant in that context at that time.

**ASSISTANT COMMISSIONER:** Do you have any examples of other instances you might be aware of, where a similar protected farmland area or other status, the mechanism that might be used for that? Obviously there is the registration on the title is one possible mechanism, the FUD, the rural environment zone, but are there any others that you are aware of?

**MR GRIEVE:** There is obviously you get some land like that is protected by covenants, that sort of thing. I guess in this instance it was a consent notice imposed by way of a consent condition. Because it was such a critical part of that decision at the time, I guess the Council wanted to retain an element of control over that in the future, whereas private land covenants, you know, can be negated between owners, if they agree. They are not always subject to oversight by the Council.

**ASSISTANT COMMISSIONER:** Okay.

**MR GRIEVE:** I think it is important, sir, that -- and I think Mr Kensington's evidence goes to the heart of this matter, that even though, you know, the door was potentially left ajar because of the Southern FUD, in his view, the horse has clearly bolted now, and that was a point also made yesterday by Mr Hislop, I think. And it is a point to be made also in a brief of evidence you are going to hear later today from a guy called Sam Dixon.

**ASSISTANT COMMISSIONER:** Maybe we will just carry on, in regards to the future urban development overlay. You have not mentioned much of a view in regards to the urban development overlay in the District Plan, and potentially the District Plan's anticipation of the effects of urban development. Is there any particular reason? You have very much focussed on the consent notice and that particular provision for the protected farmland.

**MR GRIEVE:** Yes, I was conscious of avoiding repetition, sir. I think Mr Twigley and Mr Kensington covered that quite adequately in their evidence, so I have relied on that.

**ASSISTANT COMMISSIONER:** Okay.

**MR GRIEVE:** And I was conscious of timeframes and not getting in trouble with you, sir.

**ASSISTANT COMMISSIONER:** Okay. Just on that FUD South, so part of the subject site is covered by the FUD.

**MR GRIEVE:** Yes.

**ASSISTANT COMMISSIONER:** And then that occurred through a process after Commissioner Tobin's decision.

**COMMISSIONER:** No, it was during.

**MR GRIEVE:** During, I think, sir.

**ASSISTANT COMMISSIONER:** So the plan change ...

**MR GRIEVE:** I think it was operative before the end of the decision, was it not? No?

**COMMISSIONER:** No, it was notified between lodging the application and the decision.

**ASSISTANT COMMISSIONER:** Okay. And you have advocated quite strongly, Mr Grieve, in terms of the significance of the consent notice. Given that part of the site is covered by the FUD, do you have a view then of the relevance or the applicability then of the consent notice in respect of the FUD South?

**MR GRIEVE:** Well, it still applies. This is the thing. This consent notice condition variation, cancellation process, it is a separate process, there are two things going on in this case.

**ASSISTANT COMMISSIONER:** Yes.

**MR GRIEVE:** And, again, I fall back on the evidence of Mr Kensington in that, you know, he is of the view that the Paddocks subdivision now having been developed, the horse has bolted really on the Southern FUD.

**ASSISTANT COMMISSIONER:** Okay.

**COMMISSIONER:** Thank you, Mr Coffin.

**ASSISTANT COMMISSIONER:** Yes, I just had one more. Just on page 4, this is paragraph 5, you have given us a comprehensive list of your client's views perhaps of the potential effects. And then during your legal submissions, you have highlighted particular ones. Do we read this as a -- this is a list of all of those which are the views of your clients, or is this in any particular order of significance?

**MR GRIEVE:** No, not really, sir. That is largely from the original submissions filed by my clients. There was no real particular order of priority.

**ASSISTANT COMMISSIONER:** Okay.

**MR GRIEVE:** It was just the way it was written at the time.

**ASSISTANT COMMISSIONER:** Thank you.

**COMMISSIONER:** Okay, Mr Grieve, you have outlined and quoted significantly in terms of the evidence given at the hearing, in respect of the Paddocks proposal, and Commissioner Tobin's decision. What weighting or consideration, if any, are you suggesting we need to give to those previous matters?

**MR GRIEVE:** Well, I think it has to be taken into account. I mean the adverse effects that were avoided by that decision, and the imposition of those conditions, are all going to become apparent. So I think I struggle to see how the applicant can say in 2010, "We will put this consent condition on, we will do all these things to avoid these adverse effects", and now turn around the other way. So it really goes to the heart of the adverse effects in this case, I think, and those are squarely matters that have to be considered under the plan change request and the consent notice variation, cancellation condition. It all comes back, in my view, to part 2 of the Act.

**COMMISSIONER:** Given your comment just now, in terms of the consideration of the adverse effects, in terms of the proposal and the consent notice, do you believe consideration of the plan change and the consent notice can be appropriately undertaken, having regard to those adverse effects, without going back in time to Commissioner Tobin's consideration of the Paddocks proposal? Are they sufficiently discrete without the current proposition going back and relying on the previous evidence and decisions?

**MR GRIEVE:** Well, I think there has certainly been evidence that has been produced by Mr Kensington, for example, which, yes, does deal with that issue now.

**COMMISSIONER:** So coming back to the FUD itself, it is still proposed in the Council planning documents. What, in your view then, and appreciating we will hear from Mr Twigley and others about the FUD South, what consideration, from a legal perspective, should we be giving or I should be giving to that, in terms of the decision on this proposition. Notwithstanding your comments earlier, the horse has bolted, but it is still a proposition that is on the planning documents.

**MR GRIEVE:** Sir. Well, I suppose you have got to go back and review plan change 15, I think it was, as to the reasons for that FUD in the first place. I think one of the important points made by Mr Twigley is that because there is a FUD overlay, it is still not a done deal that, you know, this plan change must therefore go ahead. The matter still has to be assessed on its merits and, sure, that area, yes, it is within the plan change and it is certainly still in the District Plan as future use development, but it is not a fait accompli that that necessarily means it is going to be converted to residential land. It still has to be tested and put through the proper process, which is exactly what we are doing now. I think there is a good discussion on that in Mr Twigley's evidence.

**COMMISSIONER:** Okay, thank you. Just turning to your page 15 of your submissions, and you are discussing the evidence of Mr Twigley. In your paragraph 2, you then reference the NPS and then go on to reference two other documents there, which are not RMA documents. I would just be interested in your comment of the weighting or the consideration that you are suggesting that should be given to those two documents.

**MR GRIEVE:** There is a lot of work that has gone into them, as you heard from Mr Hislop. Yes, I mean, they are not statutory considerations perhaps, but I still think they need to be taken into account. Clearly, they have gone through a lot of community consultation. Again, I think there is a good discussion on all that in Mr Twigley's evidence, and he sets out some good reasons as to why he considers they should be considered, which I have relied on.

**COMMISSIONER:** Do you believe there is any connection, in terms of consideration of those documents, back to any wider consideration in terms of part 2 matters?

**MR GRIEVE:** I think, yes, certainly, you know, squarely they are section 5 matters, in my view. I also think that they would fall for consideration under section 104(1)(c) in terms of the consent notice condition cancellation and variation application.

**COMMISSIONER:** Thank you. Just coming back to the consent notice consideration and consideration of the plan change, is there any particular order, in your view, that I should undertake that consideration of those matters?

**MR GRIEVE:** Yes. Well, from the case law I read, particularly that Foster decision, and I admit that was not a plan change decision, it was a decision about a non-complying activity, there did not really seem to be any order of consideration. But it was clear that they were two separate matters going on within that case, and I think that paragraph 130 I quoted highlights that, you know, the Judge found that it was open to him to decline the thing regardless of whether or not he considered that the section 104(d) consent should have been granted. I would add to that, in the Green High Court decision too, sir, I think it is apparent in that case that there were certainly two processes going on. The Judge was not concerned that the applications had been conflated or merged together because, you know, that avoided a lot of repetition, but there were certainly still two processes that had to be dealt with. I can give you the paragraph number, if that would help, paragraph 131, there is some discussion.

**COMMISSIONER:** Sorry, 130?

**MR GRIEVE:** Paragraph 131 in the Green decision.

**COMMISSIONER:** Thank you. I have got nothing further at this stage, Mr Grieve.

**MR GRIEVE:** Thank you, sir.

**COMMISSIONER:** What I propose to do is to -- we will adjourn for morning tea now, and then we will hear from Maria Townsend, and then Jennifer Blyde, and then we will come back to your witnesses, Mr Grieve.

**MR GRIEVE:** Thank you, sir.

**COMMISSIONER:** We will adjourn to 11.00 am and then we will hear from those two submitters, and then come back to Mr Grieve's witnesses. Thank you.

**MR GRIEVE:** Sir.

(Adjourned until 11.00 am)

**COMMISSIONER:** Okay, we will reconvene, so we will hear now from Maria Townsend and welcome.

**MS TOWNSEND:** Thank you.

**COMMISSIONER:** I understand you are also speaking on behalf of Ingrid Wahlen, Kerry Peacock and Anita Luxton?

**MS TOWNSEND:** Yes, that's right.

**COMMISSIONER:** Okay, so over to you, to take us through your statement, please.

**MS TOWNSEND:** Great, thank you. I will start with my statement and then I'll move onto the others.

**COMMISSIONER:** Thank you.

**MS TOWNSEND:** I was lucky enough to move to New Zealand ten years ago, after meeting my husband overseas, and we decided to move back to his homeland, as he wanted to raise our children Kiwi style, and I can understand why. New Zealanders are very privileged to have many options on how to create the lifestyle they desire, move to a city or town to be close to amenities, jobs and enjoy the hustle bustle, or move to the middle of nowhere to enjoy the tranquillity of isolation. What I think is really special about this country is what lies in between these options, which is the small, rural villages. They may be small with maybe only a school, pub and a shop, but the heart of them is the strong community that binds the residents together. This is what I love about Oakura, a village where every teacher at the school knows the name of every pupil, where you can't pop into the Four Square without bumping into someone you know, and where every trip to the beach turns into an impromptu playdate for the children.

 Living in the community, it is necessary to grapple with change. When change is considered, it is important to understand what is driving the change and look at what is gained versus what is lost. Small changes are usually made for the benefit of the community. Recent examples that come to mind are more trapping in the Kaitake ranges, to make it predator free by 2050; a restaurant which provides financial support to the New Plymouth Old Boys Surf Lifesaving Club; and a skate park for the local children. All of these changes were driven by very proactive community members, who have a vision for improving the character of Oakura.

 However, it is the largescale changes, where what is lost over what is gained can become skewed. This private plan change is a good example of that. The development will provide a lot of money for one person, the developer. However, on the flipside, the benefit to the local community is hard to find. There will be pressure on the local environment, on roading and the local school. In addition, as the population increases the sense of community and the character and uniqueness of the village will be lost.

 The Kaitake ranges is such an important test piece for making the mountain predator free. In the summer I head up the ranges on at least a weekly basis. Since the trapping has increased, there have been a noticeable increase in birdlife. I feel that the huge effort that has gone into the trapping of this area will be negatively impacted by having a high density housing development in close proximity, where rodents will be able to thrive.

 The view from Goat Rock won't be quite the same, looking down at a huge building site for the next 30 years. I am also concerned about the stormwater runoff increasing the risk of flooding to houses at lower levels in the village, and the impact to water quality of the Wairau Stream.

 Oakura Primary is a true gem of the village. The majority of kids walk or bike to school. They have big playing fields on which to burn off energy and it extends to year 8, with the older years developing their leadership skills through organising events for the younger years. I cannot see how the school can manage the needed expansion from the increased amount caused by this development. The school already states that they are at capacity. Further classrooms would take away areas for outside play and traffic safety around the vicinity of the school would be comprised.

 I disagree with the applicant's traffic advisor, who suggests that the paper road to Butler's Lane could be used as a further exit, if congestion becomes an issue. The crossing between State Highway 45, Butler's Lane and Dixon Street is already considered dangerous, with a number of people already within the community trying to address this with NZTA. This, in my mind, is an example where the applicant has suggested an alternative to address a concern, but has given the alternative little consideration.

 I feel very fortunate that our kids are being raised as true Kiwi kids. They go for weeks at a time without putting a pair of shoes on; they are free to roam the village and spend a lot of time outdoors. And the reason they can do that is that the village is small and safe and because everyone knows each other. We look out for one another's kids. It is hard to imagine that will continue if the development goes ahead and the population nearly doubles.

 I am a firm believer in honesty and integrity and unfortunately I feel let down. The Paddocks was granted a subdivision consent on condition to limit further subdivision of Lot 29, with the applicant expressing the intention to retain this lot with a protected farm status. Time has moved on since that consent condition was put in place, but my feelings have not. I feel betrayed.

 I also feel personally aggrieved when I read in the developer's submission that the McKie family recognises the importance of good relationships, and that they have listened to and have a very good understanding of the Oakura community's concerns. I think community engagement has been poor, at best. In addition, there looks to be a lack of ownership by the developer to support the needed change to infrastructure in the future. An example of this is the lack of detail from the applicant on impact to wastewater, water reticulation and stormwater capacity. I feel like that is being left to others to sort out in the future.

 Currently, there are 549 houses within the Oakura area. In the next 30 years it is expected that a growth of an additional 210 to 250 households will occur. Infill is expected to provide 127 sections, which covers growth for the next 20 years. Between infill and undeveloped residential land, there is sufficient capacity to meet projected demand for housing for decades to come. It is clearly stated that the rezoning for this development is not required to meet the NPS-UDC requirements.

 I oppose the proposal in its entirety. Reducing the number of lots for sale by way of a compromise should also be declined, because of all the reasons I have stated above. We all need to be proud of the decisions we make and what changes we back. It is so important when considering change, to consider all the facts in the here and now, but also to think about the future and how a change like this links to our legacy.

**COMMISSIONER:** Okay, do you want to go through the other statements and then we may have some questions?

**MS TOWNSEND:** Yes, sure. Okay, so the next one is from Ingrid Wahlen, who is another resident of the Oakura Village:

 "The following points concern me and are speaking against the planned development. The nearby National Park, Kaitake Ranges, will suffer from the increased population of predators like rats attracted by household rubbish, dogs and cats who are disturbing the native animals. Furthermore, I am worried about the capability of the current infrastructure. I think it couldn't handle the increase of cars and therefore dangerous traffic jams will occur, for example, intersection at Wairau Road and South Road.

 Also, there will be an increased risk of accidents, especially during Oakura School drop-off and pickup times. We don't have safe cycle ways, so people are forced to use their cars to get to school, kindergarten and preschool."

Okay, the next one, again, from local resident, Anita Luxton:

 "My concern relates to the impact on the community from a significant increase of residential houses to the population. My primary concern relates to the impact on Oakura School. Oakura School is a country school with kids benefitting from the green space and able to be active and involved in a wide range of sports and activities. I am aware that the Ministry of Education state that the maximum density guidelines suggest that there is sufficient space to handle the extra students within the current school boundary. However, the only way that this can be achieved is by placing classrooms on the existing green space. This would be a huge loss to the students, the school and the community as a whole. In addition, it is very highly populated in one area and will mean that there is significant increase in traffic and will create congestion and safety issues at the Wairau Road intersection."

And, finally, I will speak on behalf of Kerry Peacock, who is also a resident of Oakura:

 "Four years ago when my husband and I started talking about maybe moving back to New Zealand from Perth, it wasn't a hard decision to make. We both wanted to give our two daughters the same Kiwi upbringing that we both had. In deciding where in New Zealand to do that was also easy. Where else but a small beachside village called Oakura, with the added bonus of a grandparent and two sets of aunties, uncles and cousins, who had also decided to call Oakura home?

 We are now looking at having the dream of a small village upbringing for our daughters shattered with the impending possibility of Wairau Estate being built. This is not what we had in mind for a quiet place to live, when moving to Oakura. What concerns me is the increased traffic that will travel through the village. There are already far too many cars that speed through, ignoring the 5 kilometre speed limit, and neglecting to take notice of people waiting at the zebra crossing, especially children. And to say that our school can handle 1,000 students, where are they meant to go? Presumably more buildings will have to be built, this taking away outside play areas. One of the things we love most about Oakura School is the big outside areas for the students to play and explore. And how is the local Four Square going to handle the surge of those extra children that flow through the doors for Ice Cream Friday?

 It will be very sad if our little village becomes so overrun with people, that when strolling along the beach or sitting having a coffee, that the faces that walk past are strangers to you."

**COMMISSIONER:** Thank you. Mr Coffin?

**ASSISTANT COMMISSIONER:** Good morning, Ms Townsend.

**MS TOWNSEND:** Good morning.

**ASSISTANT COMMISSIONER:** I just have a couple of questions for you. Just in terms of where you reside, how close to the area that we are talking about, do you live?

**MS TOWNSEND:** So I live in McFarlane Street, so that's on the side of Oakura, closer to the beach.

**ASSISTANT COMMISSIONER:** And you have described - this is at paragraph 4 - you just talk about describing some of the sense of community and character and uniqueness of the village will be lost. And I just wanted to clarify what you think the character and uniqueness of the village is, because you have mentioned a few things. Were there other things that you thought describe the unique character and uniqueness of the village?

**MS TOWNSEND:** What I see in a community of our size is that people are very proactive in stepping forward to support the community, be that through children's sport or through supporting the school and the kindergarten, through June planting or trapping. I also have seen from other places I've lived in, as population grows, that community can become less proactive. So to me, that's the essence of that character, is that people are proud of where they live and they want to make it -- or for it to remain a place to be proud of.

**ASSISTANT COMMISSIONER:** So, in your view, do you believe that the residents that would potentially take up residence in the new zoned area, if it was to go ahead, they would not share that proactiveness?

**MS TOWNSEND:** I don't think it's as black and white as that. I am just talking about general population growth.

**ASSISTANT COMMISSIONER:** You talked about the State Highway before Butler's Lane and Dixon Street is already considered dangerous. Did you have any personal observations of that, how you have seen it as being quite dangerous?

**MS TOWNSEND:** The main example that comes to mind - I mean, we have had a number of near misses over the years - but a schoolgirl got hit by a car earlier this year. It's something that Sarah Ashwood and Esther Can(?) have been lobbying NZTA about, that stretch of road, and the road leading in and out on both sides of Oakura, for quite a while. It's particularly dangerous in the morning as well, because it's an area that is prone to light -- what do they call it, light strike, as well, so it's quite dangerous if you're turning on; you know, a lot of people will be turning to go presumably work New Plymouth way, and you can get hit by the sun at that intersection.

**ASSISTANT COMMISSIONER:** And you mentioned also that you thought the community engagement had been poor, at best. What's your expectation of what the community engagement ought to look like?

**MS TOWNSEND:** I just thought that we would get to hear more throughout, from the initial time that we heard that this was going ahead, so it has seemed quite sporadic. I have also heard of sessions where they've -- that have taken place, but it was only by invitation by certain people. I asked the school how many sessions or engagements had been held at the school, because that's a prime concern of the community, and there has only been one, so I was disappointed to hear that.

**ASSISTANT COMMISSIONER:** Thank you.

**COMMISSIONER:** Just one question, and this is your last paragraph on page 2 of your statement, where you indicate there that you oppose the proposal in its entirety. Is that concern or opposition in respect of the proposed location of the proposal, given that there are other areas in Oakura where potential residential development could occur?

**MS TOWNSEND:** So I'm aware through reading the documentation through this process of, you know, what is available through infill or through future use for development on the other side of the State Highway.

**COMMISSIONER:** On the seaward side, yes.

**MS TOWNSEND:** Yes, and that's where I feel that the development should focus in the shorter timeframe. It makes more sense to stay away from the Kaitake Ranges, in addition to what Scott was talking about, with regards to fragmentation as well. So when I read the statistics that were in the report that was prepared for NPTC, I could see from the data that was provided there, that there is a lot of potential for growth in the village from existing infill in itself.

**COMMISSIONER:** Thank you, no further questions.

**MS TOWNSEND:** Cheers.

**COMMISSIONER:** Now, is Jennifer Blyde present? I have just got a message that people cannot hear me, so I am going to move the microphone a bit closer. Welcome, Mrs Blyde.

**MRS BLYDE:** Morning.

**COMMISSIONER:** Do you have anything in addition to table, or are you just going to ...

**MRS BLYDE:** I have four copies of those submissions.

**COMMISSIONER:** Okay, Jane will come and circulate those.

**MRS BLYDE:** Okay. I will begin with --

**COMMISSIONER:** If you can just wait for a moment, please, until we ...

**MRS BLYDE:** Sorry.

**COMMISSIONER:** We have also been given this statement from Tanya Rae Hansen. Can you just help me?

**MRS BLYDE:** Yes, Julie Stracker(?) said I could speak. She was to give birth on 1 August, but baby decided to come on 15 July.

**COMMISSIONER:** Okay, that is fine. Now, you were here when Ms Townsend was presenting?

**MRS BLYDE:** Yes.

**COMMISSIONER:** When you are taking us through your statement, if matters have already been covered or presented on, if you can then just move onto the next one. I am just aware there is potential repetition, if you can then take that as read, and then we can just move on to other parts of your statement. That is all.

**MRS BLYDE:** Okay. Well, firstly, thank you for fitting me in, because I am leaving, and I will begin with Tanya Hansen's report.

**COMMISSIONER:** Okay, yes.

**MRS BLYDE:** And I will read it verbatim, so when it's "my" and "I", it's obviously not me, it's Tanya.

**COMMISSIONER:** Yes, and perhaps if I can assist. Where the quotes, there are some quotes in her statement from other evidence - I am looking at page 4, where she is quoting from Mr Bain's documentation.

**MRS BLYDE:** Yes.

**COMMISSIONER:** I am more than happy to take those quotes as read.

**MRS BLYDE:** Just take that out?

**COMMISSIONER:** No, not take it out, it stays in there, but there is not a need to read it.

**MRS BLYDE:** It stays in there, but it's -- okay.

**COMMISSIONER:** Because we have all the application documentation and we have also heard evidence in the last day and a half.

**MRS BLYDE:** Okay.

**COMMISSIONER:** Okay, thank you.

**MRS BLYDE:** Right:

 "My name is Tanya Rae Hansen. I hold a Bachelor of Science in Environmental Science and Project Management from the University of Canterbury. I have been a practising environmental planner for the past ten years. I have undertaken planning work for a wide range of local authority private sector clients throughout New Zealand, across a wide variety of sectors. During my career I have been involved in a number of subdivision consents and private plan processes.

 I grew up in Oakura, attended Oakura Primary School, and after completing university, travelling and working outside of the region, moved back to Oakura in 2015 to settle down, as it is where I want to raise my family. This is the place I connect with and consider home, and I am an active walker, horse rider and enjoy the surf.

 Considerations. In preparing this submission I have considered the Regional Policy Statement for Taranaki, the Operative New Plymouth District Plan, the Oakura Structure Plan and Request for Private Plan Change and Application to Vary Consent Number 9696907.4, Council's Section 42(a) Report on the Application Request.

 The site and environment. The site and immediate environment are generally well described in section 42(a) report, including the planning history. I would add that Oakura is a coastal community, uniquely positioned at the closest point between the Egmont National Park and the Tasman Sea. The connection between the sea and National Park is, in my opinion, the main contributing factor to Oakura's sense of place. The village attracts people to move here because of the rural, residential lifestyle it offers. Bikers, walkers, beachgoers, horse riders and recreational enthusiasts. The recreational areas, all closely connected and accessible, are highly enjoyed by the village and visitors, along with the sense of space around the village.

 I supported the Paddocks subdivision, as it was consistent with the village feel and provided for beautiful properties amongst a rural landscape, the use of existing services and connectivity through offering new walkways.

 I feel the proposed Oakura farm plan change does not align with the Oakura village character. Furthermore, the application does not provide sufficient information on how the developer will address stormwater quality, education, water modelling, traffic effects, reverse sensitivity effects, landscape effects or ecological effects.

 Subdivision. Subdivisions such as the existing Paddocks development is in fitting with the Oakura landscape and community. The protection of the open landscape and the preservation of rural appearances was secured by a consent notice over Lot 29. I have a number of friends who have purchased land within this development due to the certainty of view shafts, and the rural open landscape being protected.

Lot 29 remains a dairy farm which thereby maintains rural character and spaciousness of the area. It was specifically created as part of a comprehensive development to maintain both productive land use as well as rural character consistent with the Oakura village feel.

 The Paddocks was a contentious subdivision application at the time and this Consent Notice provided the many submitters and wider community with a high level of certainty as to the future of Lot 29 and Mr McKie's obligation with respect to the land.

 I note that Mr Bain's argument in this application documentation reads, "Bla-de-bla". I do not accept Mr Bain's argument. The physical development of The Paddocks subdivision cannot be considered as a change in circumstances to justify the variation of the Consent Notice. The Paddocks subdivision, including the requirement for the Consent Notice and subdivision's effect on the environment all became part of the existing environment in 2010 and nothing has changed from this.

 I have been involved in consenting subdivisions all around New Zealand and a no further subdivision Consent Notice has been standard practice as a mitigation measure to protect the rural landscape whilst promoting lifestyle subdivision.

 I do recognise that times change and as Taranaki grows more land will need to become available for development. I therefore support subdividing the subject land into rural-residential scale lots with the no further subdivision Consent Notice going on to each of the new rural-residential type lots. This would allow some development but also will protect the view shafts for those that purchased in The Paddocks subdivision and will not put unnecessary pressure on the school and existing services and roading networks.

 There was a farm park development up Surrey Hill Road that was undertaken approximately 10 years ago. All of these lots are subdivided down to 4 ha lots with no further subdivision covenant registered on each title. This successfully worked in allowing lifestyle-type development in Oakura whilst being consistent with the village feel, providing shared walkways allowing open space to be maintained.

 Is more land needed for subdivision in Oakura? The 2019 Draft New Plymouth District Council Housing and Business Development Capacity Assessment assesses the anticipated demand for new housing in Oakura for the next 30 years to be 210 dwellings. In my opinion, this development would be more suitably located on the seaward side of the main road within the existing Holdem and Cunningham approved subdivision development.

 If you look at the subdivision of land in other areas such as Mount Manganui, Papamora, Raglan and coastal communities, development typically occurs on the seaward side of the main road. People want to live close to the coast and this is what the Oakura village offers.

 Looking at the land currently considered and available for subdivision within the Holdem and Cunningham development, on the seaward side of the main road it is clear that the proposed plan change is not needed. Further to this, this land on the seaward side of the State Highway is a more appropriate location for residential-type development.

 I do support 58 has subject to this proposed Plan Change be subdivided into 15 x 3 to 4 ha lots for rural-residential type development. There is a requirement for additional rural residential lots in Oakura, and the land on the mountain side of South Highway 45 is suitably located for this. The rural-residential type development would also protect the rural landscape visual and amenity effects and be in fitting with the current Oakura village feel.

 Oakura community. I have been involved in many District Council hearings and plan change processes in my career and I thought it was worth noting that 396 submissions in opposition of this request represents what I believe to be an unprecedented response to a resource management matter in Taranaki.

As a general comparison, in 2015 the South Taranaki District Council received 101 submissions to their entire plan review. In 2016, the Taranaki Regional Council received 61 submissions on their proposed Regional Coastal Plan.

 The community response to the application and request demonstrates that the community strongly believe the proposal does not align with the community vision for Oakura which, I hope, Mr Commissioner, you take into consideration.

 Growing up in Oakura I appreciate the village is growing and times are changing. I can see there is need for further residential development in the village over the next 30 years but see this as best located on the seaward side of the main road.

 I request the Oakura Farm Park request to rezone land at Wairau Road be declined or, as outlined above, approved for rural-residential development of the 58 has that forms part of this planned change into 15 x 3 to 4 ha allotments with a mixed use trail for horse riders, bikers and dog walkers that leads down to the Oakura Beach area. This will be fitting with the current village feel and will promote connectivity between rural residential and residential areas in Oakura.

**THE COMMISSIONER:** Thank you. Okay, if you can take us through your statement, please?

**MRS BLYDE**: If I can just have a drink. My name is Jennifer Elaine Blyde and I have resided in Oakura for approximately 39 years. Our two children attended Oakura Primary School and we resided in Donnelly Street for 28 years. We now reside on Arden Place near the ocean.

Oakura Growth. I want to make it very clear that I am not against the village of Oakura growing. Oakura residents have been involved in many New Plymouth District Council community studies and reports which have all reached the conclusion that the village should grow on the seaward side of the main road towards the west.

It should be noted that there is plenty of land available for future urban development in this area. This would achieve a walking and cycling community who can access the beach without having to drive their cars.

The intersection of Wairau Road and South Highway 45 is already very dangerous with the current traffic load which will increase with the proposed cycle trail from Surrey Hill Road to Pukeiti.

As a long-term Donnelly Street resident I know how dangerous the traffic is at Oakura school with the current roll, particularly on wet days between 8.45 am and 9.15, and 2.45 pm and 3.15 or when there is school sport.

It should also be noted that parking at Oakura Beach is limited and is already under pressure through summertime with the current population/users of the beach.

The Paddocks Subdivision: I wrote in support of this subdivision and will read you what I wrote on 5 May 2010. For your information, I declared a conflict of interest, or perceived conflict of interest at the time, and this is attached to my typed submission.

"The Council are appointed to steer our community in the right direction. They are impartial and are appointed to see the big picture. I believe this is an opportunity to do something very special in Oakura which future generations will look at and say how well planned this subdivision is.

I am aware that the McKie's can subdivide all of the land into 4 ha lots without consultation and with no provision for community use or reserve land. What is proposed gives the community of Oakura new walking, biking access tracks, new roads, reserved land for the community while still ensuring that the rural land is productive.

This subdivision has been extremely well planned and I cannot see any rationale for not supporting it.

I have been a resident of Oakura for the past thirty years and I am concerned that an element of the community have stifled growth in our village, particularly those that have small holdings but do not wish others to have the same. It seems that anything proposed in Oakura is met with opposition.

For me, this subdivision ticks all the boxes. The land will still be beautiful, the properties can use town water and hook into the new sewerage scheme. The rural land can still be farmed and the community can access new walking roads with pedestrian accesses. Children are close enough they can walk to school. In my view this subdivision is a win-win.

I support the McKie subdivision as it is a well-thought out plan and makes better use of the land resource compared with the option of 4 ha lots. The cluster of subdivision bounded by the green reserves aligns with the aesthetics of the village tucked in under the beautiful Kaitake ranges."

Commissioners, after supporting The Paddocks subdivision nine years ago, I feel my integrity has been breached. I feel I naively supported this on the understanding that The Paddocks cluster subdivision would protect the rural land and the vista to the beautiful Kaitake Ranges.

I feel aggrieved that nine years later the developer and his agents have conveniently forgotten their pledge that the land in Lot 29 would remain rural land as documented in the Resource Consent Application at the community consultation information prepared for them for The Paddocks subdivision.

If this developer is permitted by you to subdivide any part of Lot 29, he will be back to subdivide the remainder at a later date. That has already been proven with us here today.

I strongly oppose the Plan Change rezoning this rural land when there is plenty of land available in Oakura on the sea side of the main road that is available for subdivision.

The scale of opposition by Oakura residents and others who have previously lived or have knowledge of the Oakura area to this development is unprecedented. Commissioners, you have the power to get this right.

**THE COMMISSIONER:** Okay, thank you, Mrs Blyde. Questions, Mr Coffin?

**THE ASSISTANT COMMISSIONER:** Just in regard to Ms Hanson's evidence, I have just noticed it did not have an address on her original submission. Do you know where she lives?

**MRS BLYDE:** 43 Donnelly Street.

**THE ASSISTANT COMMISSIONER:** 43 Donnelly Street. I see.

**MRS BLYDE:** So she is right in the hub.

**THE ASSISTANT COMMISSIONER:** Quite close to you. Okay. Thank you.

**MRS BLYDE:** Thank you.

**THE COMMISSIONER:** In terms of the -- if you have lived there 28 years, how would you summarise the character of the Oakura village or settlement?

**MRS BLYDE:** Well, in 28 years I think the character of Oakura has changed greatly because there has been quite a lot of subdivision. I think when you have children at the school you are a lot more involved with the community. I now go to walk past the school and I don't know so many people, or very few people there.

It is very much a village. I feel it takes a -- they say it takes a village to raise a child, and I would say that the Oakura village is exactly that. The children are safe and people work together.

**THE COMMISSIONER:** That is all I have. So thank you.

**MRS BLYDE:** Thank you.

**THE COMMISSIONER:** Mr Grieve? Thank you, and thanks for allowing those submitters to submit.

**MR GRIEVE:** Thank you, sir. If it is all right, sir, I would like to call Mr Rollins.

**THE COMMISSIONER:** Thank you. Welcome, Mr Rollins.

**MR ROLLINS:** Thank you.

**THE COMMISSIONER:** We have your obviously pre-circulated statement --

**MR ROLLINS:** Yes.

**THE COMMISSIONER:** -- which we have read. We now have in front of us your tabled statement and obviously you are going to take us through a PowerPoint presentation as part of the --

**MR ROLLINS:** Yes, there are some photos that would be good for you to see. They do not really fit within a lot of space on there.

**THE COMMISSIONER:** In terms of your slide 2, we can take that as read in terms of your qualifications et cetera, because you have also outlined those in your pre-circulated statement?

**MR ROLLINS:** Correct. Is this close enough? Yes? Right, so good morning, good afternoon, whatever it is. I am not sure what the time is.

The Commission is considering an interesting environmental question of whether it had knowingly subject children to increased risk of pesticide exposure. That may seem like a far-fetched assertion but I think you may agree that by the end of the presentation it will be true.

 Once I have outlined a few facts, it will bring the pesticide picture into clearer focus. With reference to the purpose of the Resource Management Act, we can consider whether the zoning should be changed and houses built.

 So I will skip over slide 2. We have already done that. So you can see in the photo there, let me see if I can -- yes. This is the outline of the Wairau Lagoon into the Tasman Sea.

So my applicable experience. I currently work at WSP Opus here in New Plymouth. I work on water quality projects ranging from sampling storm run off at illegal dump sites and submitting evidence to the Environment Court to consulting with in secondment to councils as a Trade Waste Officer.

 Before that I worked for Worley Parsons and there I designed stormwater treatment devices to minimise water and ground contamination while meeting the TRC consent conditions and the maintenance requirements of hydrocarbon production well sites.

 When we first moved to New Zealand I worked at Watercare Services in Auckland and there I provided amongst other things guidance for the compliance advisers on enforcement issues such as setting discharge limits for the toxic pollutants for wastewater consents for industrial discharge including pesticide manufactures there in Auckland.

 In the United States, I was an environmental engineer with companies in the semiconductor and pharmaceutical industries including working with the environmental health and safety group responsible for cleaning up dioxin contamination problem in Missouri and defending that same company against lawsuits around docks.

 So just to get a couple of definitions out of the way. "Pesticides" is a wide term. It covers a lot of different chemicals. They include herbicides, insecticides, rodenticides, fungicides and molluscicide which is snail bait and possibly other things. All these classes of chemicals have different properties but many have toxic effects for humans as will be noted in a table in a few slides.

 The next definition is about the Wairau catchment. Much of the Wairau catchment from about there on is in the National Park so water coming out of it is relatively pristine and then the rest of the catchment is in partially developed agricultural land.

So the Wairau catchment is the area of land that drains towards the Wairau Stream. It is about 558 has. The source of this stream is in the Kaitake Range approximately 3.5 km inside the boundary. The distance along the main stream from the source to the Tasman Sea is roughly 6.9 km.

The Wairau Stream and the catchment may be unique in Taranaki because such a large fraction of it lies within the boundaries of the National Park which gives very high quality water. Well, let us say that there are no sources of contamination there.

The next slide is just the definition of the Wairau Lagoon. As time passes the outlet to the Wairau Stream assumes several different forms as it crosses the beach on the way to the Tasman Sea. It can be a pond, a lagoon or a meandering channel. New Plymouth DC channelises the stream across the beach from time to time to minimise the potential undercutting of roads or property near the beach.

 So in order to avoid confusion, this evidence will use the term "Wairau Lagoon" to refer to the outlet of the Wairau Stream across the beach. So you can see here that this right here is in the middle of the lagoon as it meanders across the beach and that same property is just off the screen on that one. These are Google map images that I took within a month of each other. So basically as it is updated, the lagoon changes shape.

So children and Wairau Lagoon. Children and their parents have been using the lagoon formed by the Wairau Stream on Oakura Beach for decades. Rather than being evenly distributed along the entire length of Oakura Beach, I have noticed that families often congregate in the area near the swim zone, so between the flags, which is usually in front of the local surf lifesaving club.

The Wairau Stream channel is less than 50 m away from the surf lifesaving club when it goes under the bridge and the children often swim in the Wairau Stream or the Wairau Lagoon because, for example, the waves at the shore are too turbulent for little children, or because the sea is too cold.

So the ability of children to enjoy the beach, enjoy the water at the beach while being sheltered from the surf would be one of the many reasons that Oakura is a tourist destination.

I just want to say thanks to all the parents who have submitted photos of their children to be used in this evidence.

So this is a table which is unfortunately difficult to read. I have to put on my glasses to even be able to read it but you get the general sense that it does not really matter whether we are talking about herbicides, insecticides, fungicides or fumigants because they all have their effects, especially on children. So this is reproduction and developmental harms, this is birth defects, this is childhood cancers, this is brain and nervous system impacts.

So the table above illustrates some of the established associations between different health harms and exposure to pesticides in children. Specific conditions associated with low-level chronic pesticide exposure in children are leukaemia, brain tumours, attention deficit hyperactivity disorders, endocrine disruption and increased respiratory health issues such as asthma. So that list is from a paediatric journal 2010 article.

Children are known to be much more susceptible to the toxic effects of pesticides than adults are and most water quality limits are based on exposure calculations for 60 or 70 kg adults rather than children.

So this graph shows as urbanisation increases from very sparse housing and roads up to a reasonably but not completely urbanised environment, the amount of pesticide toxicity expected to be found in a stream goes up quite rapidly and then it sort of levels out once you get to a certain level of urbanisation. So I think that is important to know.

Currently, Wairau Stream starts well within the park boundary and then it flows through relatively undeveloped grazing land. The proposed rezoning will allow urbanisation of the catchment which is likely to raise the concentration of pesticides, as shown in this figure.

This graph is from the United States Geological Survey study of the Willamette Valley in Oregon which is not unlike Taranaki. It is got a reasonably large amount of rain, it has mountains, it has a central valley that has a lot of streams going into it. There are no comparable studies from Taranaki streams because the Taranaki Regional Council does little or no pesticide monitoring in surface waters. Many of the pesticides sold in hardware stores in New Zealand would be the same as they are in the United States.

So while the USGS authors did not discuss the sources of pesticides in their urban surface waters, one can surmise that the high application rates to roadsides and home gardens would contribute to the high concentrations in more urbanised surface waters compared to the more rural areas.

So one thing to notice on this table is that this is a logarithmic scale. So number 6 up here is 100,000 times higher concentration of pesticide toxicity index than a one. Not just six times. So if you will pardon the term, it is massively more toxic.

I just went into a local hardware store and pulled a bunch of pesticides off the shelf and the reason they are so -- that I did not take the whole package is because I was just trying to get a close up of what the active ingredients were. So I took that information and built this table which again is too small to read, unfortunately, but we will go into more and more detail.

But you can get the general sense of how things are. All these pesticides, even though they are offered for retail sale by house owners all have a number of toxicity. This is an acute toxicity, this is carcinogens, this is endocrine disrupters and reproductive toxins and it is just because I was interested in bees as to whether they are toxic to bees.

So the table is hard to read but the active ingredients are from the previous products shown in the previous slide, listed here. The pesticides in the table represent a number of toxic risks to susceptible people as indicated in this table. The one with the highest acute toxicity is brodifacoum. If somebody knows how to pronounce that better, I am happy to hear it. Similar to coumarin or warfarin which are drugs that people use, and they are blood thinners. So the target animal dies from internal bleeding. That is one of the rat poisons. Other risks include carcinogens, endocrine disrupters and reproductive toxins.

So New Zealand only has water quality limits for three of these 12 active ingredients. Those three are MCPA, this is the one I am going to do a little close-up on, Permethrin and Bifenthrin.

The simplest example to explore is MCPA, which is an herbicide which inhibits the growth of broadleaf weeds while not affecting grains. So while the Canadian guideline for MCPA in irrigation water, not drinking water, irrigation water is 0.025 micrograms per litre which is about 25 parts per trillion, the New Zealand limit for drinking water is 2 micrograms which is 2 parts per billion. So it is about 80 times higher than the irrigation water limit in Canada.

In 1988 the World Health Organisation proposed a guideline value for drinking water of .5 micrograms which is about .5 parts per billion or 500 parts per trillion for MCPA. So those are all from -- so you can see that. I am not sure you can read it. It is too dinky. I apologise for the sizing.

So just to put that in perspective a little bit, for the 15 grams of MCPA that is in one litre of this product, to meet the drinking water limit in New Zealand you would have to dilute that 15 grams or one litre by 7.5 million litres of clean water or approximately the volume of three Olympic swimming pools. To meet the World Health Guidelines value you would need 12 swimming pools worth of water to dilute it down to the World Health Organisation value. And then to meet the Canadian irrigation limit, you need 240 swimming pools to meet that limit.

So this is something that someone can go and put on their yard at any time, or if they spill it, it goes into the nearest drain. So when determining the acceptable pesticide concentrations for the stream, what level is appropriately protective of children? We have three different levels here; they all have a huge amount of dilution required. So what is safe for children?

So determining the relevant limits for these toxic pollutants in the absence of clear guidance from TRC or from other governmental authorities will be a substantial challenge. So until these risks are evaluated and safe exposure levels can be determined, unleashing the largely uncontrolled application of pesticides in the catchment makes no sense.

So the following is summarising the points that I just made before. The Wairau Stream has its source well within the National Park boundary. It flows through relatively undeveloped grazing land. It makes a short run past suburban residences and forms a lagoon on the Oakura Beach before flowing into the Tasman Sea. So based on casual observation, and you can see from all the photos, the water quality is generally good if not pristine.

Oakura Beach is one of the most popular beaches in Taranaki. Recreational users, including children and their parents, currently enjoy swimming and wading in the lagoon, and have for decades. The applicant proposes to rezone and develop the Wairau catchment with hundreds of newly built houses. \

Taranaki residents have a large selection of pesticides with toxic properties available to them from local retail outlets to use in their gardens and based on studies from USGS have shown that pesticide toxicity in this stream will likely increase substantially as a result of urbanisation of the catchment.

So this evidence suggests there is significant likelihood of children being exposed to increasing levels of pesticide should the proposed development to proceed upstream in the catchment. Children are much more susceptible to pesticide toxicity than adults and the consequence of pesticide exposure can be quite harmful, including death.

If the construction of hundreds of houses in the proposed development area is allowed by the consent authority, children, their parents and others may be exposed to potentially much higher risk of harm without their knowledge or consent. There is much too much uncertainty about the likely effects of pesticides in the Wairau Lagoon for approval of this development. Future harm would be directly attributable to such a decision.

Section 5 of the Resource Management Act states, among other things, that the purpose of the Act is to manage resources to meet foreseeable needs of future generations. If the rezoning and development proceeds now, there is a significant risk that the Wairau Stream's capability to meet the needs of the future generations for safe, clean water for swimming and wading will be irreparably harmed.

It should be clearly understood that the absence of valid scientific data does not mean that there is no risk. Modern civil society discourages the use of children as guinea pigs in an experimental release of toxic chemicals to the environment.

To manage a resource there has to be statistically valid information on the condition of the resource to begin with. In this case, the management would be based on a water quality sample data base for pesticides including the maximum acceptable limit of those pesticides to not pose a risk to susceptible people such as infants and children who are using this stream for swimming and wading.

Neither the sampling data nor the maximum acceptable limits exist for the pesticides that may be present in the stream due to this development.

With the health of children at risk the prudent course is to not introduce new sources of toxic pesticide exposure into Wairau Stream. Approval of the zoning and development of the Wairau catchment would be an unnecessary endangerment of the health and wellbeing of the children swimming and playing in the lagoon and would be contrary to the purpose of the Resource Management Act.

So these children, their children and their grandchildren thank you for your consideration in protecting their health and safety and I thank you for your time and attention.

**THE COMMISSIONER:** Okay, thank you, Mr Rollins.

**MR ROLLINS:** You are welcome.

**THE COMMISSIONER:** Mr Coffin?

**THE ASSISTANT COMMISSIONER:** Thank you, Mr Rollins. This is not my area of expertise so I would like you to describe to me the link between the Plan Change and the rezoning of the land for urban purposes and the release of pesticide and other contaminants which you have described into the Wairau Stream, if you could, please?

**MR ROLLINS:** Yes, so basically the USGS study that I showed, they do not actually talk that much about the actual sources of the pesticides but what happens, if you think about it, farmers generally keep fairly close tabs on how much pesticide they are using and because it is expensive, they try to minimize the use.

 The way pesticides are sold in the hardware store, you can buy litre or buy kilo, people just go and use them sort of willy-nilly and that appears to be the primary source of the pesticides in the stream once the development occurs.

 If the development does not occur, you would not have that additional load of pesticide. There is no database now on pesticides. It probably would be a good idea to have one because there is some use and there are some --

**THE ASSISTANT COMMISSIONER:** Sorry, Mr Rollins. I just want to be really clear. So you are saying that pesticides are used as --

**MR ROLLINS:** By the home owners.

**THE ASSISTANT COMMISSIONER:** My assumption is that pesticides are being applied to the land in its agricultural use.

**MR ROLLINS:** Well, there is -- that is correct. There is some pesticide being used. I think this farm hazard exists but Mr McKie's is being run as an "organic" pasture.

**THE ASSISTANT COMMISSIONER:** Yes, that is right.

**MR ROLLINS:** So there would be minimal pesticides there. There may be historic concentrations on the land that may run into the stream over time. So it would be a good idea to do monitoring now so we can develop a database and actually have an idea of what pesticides are in the stream. But once you add several hundred houses to that then you lose control, essentially, of whatever.

**THE ASSISTANT COMMISSIONER:** So you are suggesting that when people -- following the subdivision and there is extra dwellings being built and people occupy those homes, they will be using pesticides as part of the residential purposes of the property?

**MR ROLLINS:** Yes, exactly. I am sorry I did not make that clear.

**THE ASSISTANT COMMISSIONER:** So that application, then there will be I assume storm water runoff taking those --

**MR ROLLINS:** Absolutely.

**THE ASSISTANT COMMISSIONER:** -- taking those pesticides and potentially --

**MR ROLLINS:** And other contaminants such as hydrocarbons, heavy metals from cars and that sort of thing will also end up in the stream. But the particular thing that I am concerned about is the effect on children because they are so sensitive to pesticides.

**THE ASSISTANT COMMISSIONER:** Okay, thank you. My next question is about the study that you have quoted from I think Oregon.

**MR ROLLINS:** Sorry?

**THE ASSISTANT COMMISSIONER:** The study that you have quoted and you have the table there showing the I suppose the residual time of the pesticides in those soils and you said it is comparable to the agricultural uses but I am particularly interested in was that study --

**MR ROLLINS:** Is it this one?

**THE ASSISTANT COMMISSIONER:** Yes, this one. The soil types there, are they comparable to this example of what we are looking at?

**MR ROLLINS:** Well, as I said, it is in the Willamette Valley and the Willamette Valley is on the western side of Oregon and it is quite wet, similar to Taranaki, and the Cascade Range is volcanic nature. So, I am not a geological expert but I lived in Oregon for a couple of years and they look quite similar. So I was happy to see this study was available.

But I think to be honest, they go from one end of Willamette Valley to the other and there is going to be a lot of different soil types there. The USGS is very specific about just looking at the water quality in the stream, in the Willamette River and the streams that are tributary to it.

**THE ASSISTANT COMMISSIONER:** I suppose from us looking at that particular table, it is suggesting that there is going to be a consistent and long-term release of pesticides --

**MR ROLLINS:** From continuing use.

**THE ASSISTANT COMMISSIONER:** -- from the stormwater into the Wairau Stream, and just my non-professional look at it, it seems surprising that you would -- I would have thought you would see perhaps a less level of pesticides entering the Wairau Stream than that that has been applied over the relevant time --

**MR ROLLINS:** Well, see this is -- the bottom scale there is not a time scale. That is how much urbanisation there is.

**THE ASSISTANT COMMISSIONER:** Oh, okay.

**MR ROLLINS:** And this is how toxic the water -- the pesticide load is in the stream. So the more urbanised the catchment that they are testing, the higher the sample concentrations come out.

**THE ASSISTANT COMMISSIONER:** Okay, at one particular point in time?

**MR ROLLINS:** Well, I think the study -- all the samples were taken over a period of a couple of years but I can go back and check that if you are interested in the details. So it is kind of a snapshot is probably the right way to characterise it. But you would expect this to continue into the future as the residents, as the new residents continue to use pesticides in their gardens.

**THE ASSISTANT COMMISSIONER:** Are there other examples in New Zealand where you have seen greenfield development change from, in this case, rural uses to residential purposes and you have seen a significant increase in pesticides in the catchments?

**MR ROLLINS:** I have asked people in (inaudible) and at the Regional Council and New Zealand does some testing of groundwater from bores for pesticides and they occasionally find them but they generally do not do surface water testing. So unfortunately, I have not been able to find any comparable studies in New Zealand.

**THE ASSISTANT COMMISSIONER:** And NERF(?), for instance, a hypothetical question. You have a residential subdivision and the land was previously agricultural. The residents are living there, like many of the residents are living in Oakura, you would see pesticides entering into those water catchments like, for instance, from the Oakura residential areas at the present time.

**MR ROLLINS:** Yes, that would be what I would expect from this graph. I mean, the more urbanised an area up to a point, the more pesticide I would expect to see in the stream or in the drainage catchment.

**THE ASSISTANT COMMISSIONER:** That is all my questions for now. I might have a couple more. I am just going to double check.

**THE COMMISSIONER:** Mr Rollins, in terms of what you have outlined and your concerns in terms of pesticide use on residential lots, do those concerns from your perspective equally apply in respect of the existing urban settlement of Oakura?

**MR ROLLINS:** They do in the sense that pesticide use -- children have always been susceptible to pesticide use. I think that an example, a favourable example, would be the Marakai(?) drainage which actually goes into the Wairau Stream, where there is quite a substantial buffer between the residences and the stream at the bottom. It has been allowed to stay relatively native bush, or just bush I guess is probably a better way to say it.

 So the more buffer you have that never sees pesticide the more opportunity there would be for it to be removed. But in terms of people applying pesticides in their yards, yes there are potential issues and I think we have seen in my personal experience I have known at least three children who have had childhood cancers and there is, you know, you can never really point to all that child got cancer from using this pesticide, but I think it is a fairly high occurrence and I have concerns.

**THE COMMISSIONER:** Are you aware of any research then in terms of the effectiveness or otherwise of the buffers that you have just commented on? And presumably does that relate to surface run off or surface run off and/or pesticides seeping into the ground water?

**MR ROLLINS:** Okay, I think you have got a couple of questions there. So is the first question, are there studies showing buffers being effective at removing pesticides?

**THE COMMISSIONER:** Yes.

**MR ROLLINS:** I do not have that information. If you are interested I can do some research on it. Buffers are common mechanism to remove pollutants but they are usually more focused on pollutants such as sediment, suspended sediment, and particles that have heavy metals in them like zinc or nickel that are attached from vehicles. So that was not part of what I was trying to show here but we could pursue that if that was of interest.

**THE COMMISSIONER:** So taking matters a wee bit further, under your slide 11 on your tabled statement you discussed the water quality in terms of the lagoon on the beach as generally good, if not pristine. So in terms of the casual observation, is that just in terms of looking at it?

**MR ROLLINS:** Yes.

**THE COMMISSIONER:** As opposed to any particular research in terms of water quality within it?

**MR ROLLINS:** I have researched the TRC website, done a search for any sampling in the Wairau Stream and there does not appear to have been any. I am not in a position to be taking samples at the moment in Wairau Stream and having them evaluated for all these different pollutants so I cannot provide direct information to you but my casual observation is that the water looks pretty clean and I see all these pictures with children playing in them and stuff, it looks quite clear. Yes.

**THE COMMISSIONER:** But that observation would not pick up if the water was --

**MR ROLLINS:** Absolutely not. That is why I am saying it would make a lot of sense to have a sampling programme that showed what the levels are.

**THE COMMISSIONER:** Do you have anything further? Okay. We do not have any further questions. Thank you, Mr Rollins.

**MR ROLLINS:** Okay, thank you very much.

**THE COMMISSIONER:** Before you depart, a clarification. So there is pre-circulated expert evidence?

**MR ROLLINS:** Yes.

**THE COMMISSIONER:** We have had your tabled statement that you have taken us through.

**MR ROLLINS:** Yes.

**THE COMMISSIONER:** Now, I note on my schedule that you are due to appear again.

**MR ROLLINS:** Yes.

**THE COMMISSIONER:** So I am just checking does what you have presented deal in terms of your own submission given you are presenting expert evidence on behalf of a number of submitters? Is that --

**MR ROLLINS:** What I am going to talk about will include water quality but it will not be specifically pesticides. There is only one mention of pesticides in there.

**THE COMMISSIONER:** Okay, that is fine. Given what you have presented, I am just checking that there was not going to be repetition of what you have already presented as expert evidence.

**MR ROLLINS:** Yes, I have tried to avoid that.

**THE COMMISSIONER:** Okay, thank you. That is fine. Thank you.

**MR ROLLINS:** Thank you very much.

**MR MOLDANI:** Commissioner, could I just address you on that point, please?

**THE COMMISSIONER:** Yes, you may.

**MR MOLDANI**: I would like to do it now because you have a couple of other witnesses that you are about to hear that I think will have similar characteristics to this witness in terms of this expertise position.

 So Mr Rollins clearly has expertise in the area that he has just addressed you on but he has provided a submission in opposition to the Plan Change where he has sought as the outcome that the Plan Change be declined in its entirety. He has pre-circulated expert evidence where he has identified the Environment Court practice note Code of Conduct for experts which, as you know, at 7.1 of the Code requires that the witness give evidence impartially.

 As a submitter in opposition seeking the rejection of the Plan Change in its entirety there is, of course, a real tension that exists between his position as a submitter and his purported evidence as an independent expert abiding by the Code.

My position is that his evidence that he has just given should not be accepted by you as independent expert evidence for the reasons I have just explained, and I say the same thing of Mr Gladstone who you are about to hear from. He is also a submitter in opposition seeking the rejection of the Plan Change in its entirety and also Mr Peacock on land development who is seeking rejection of the Plan Change.

 Each of them have pre-circulated purported expert evidence and again professed adherence to the Code of Conduct but will suffer from the same inherent tension. So those three statements of evidence, in my submission, cannot be accepted by you as independent expert evidence in the strict sense of the word that you would ordinarily accept.

 All of them undoubtedly have genuine expertise in the areas that they profess and I certainly do not mean any offence. There is no question that they are experts but they do have a problem with the Code.

**THE COMMISSIONER:** All right. Thank you, Mr Moldani. Yes, and I do appreciate and understand the matters you outlined. My response at this point is that we have heard from Mr Rollins. We will hear from others that you have outlined. It will be then a matter for me to consider because I think the option at this stage is to hear from them and then as part of my deliberations and considerations in terms of what consideration I give to that.

**MR MOLDANI:** Yes, to be clear, I am not suggesting that you do not hear from them. They have important evidence to give. It is just the basis upon which it is received.

**THE COMMISSIONER:** No, thank you.

**MR GRIEVE:** Am I entitled to respond to that?

**THE COMMISSIONER:** You will, yes, and you can do that right now, Mr Grieve.

**MR GRIEVE:** Sir, we were very conscious of that very issue when I was briefing the expert witnesses. We had meetings about that and discussed at length the absolute fundamental impartiality that they must deliver as experts and their credibility is at stake in that regard if they did not.

 We were very clear. They have all clearly read the Code, and, in my submissions, their expert evidence is just that. It is expert evidence. It has been properly prepared with the Code. I do not see any conflict in terms of what my learned friend has outlined. They are wearing two different hats.

**THE COMMISSIONER:** Okay. So we will proceed hearing in terms of the evidence. Certainly, I will consider those matters as part of the deliberations because I will have the opportunity to give some further thinking and consideration to that. But thank you, Mr Grieve. So we will move to your next witness.

**MR GRIEVE:** Thank you, sir. Mr Gladstone.

**THE COMMISSIONER:** Actually, just before we move to Mr Gladstone and this is a question both to you, Mr Grieve, and to you Mr Moldani. Are there any authorities dealing with this particular matter in terms of the situation, expert evidence submitting?

**MR GRIEVE:** I am not certain, sir. I can look into that.

**MR MOLDANI:** Well, there are. Probably the decision that really stress tested the behaviour of independent experts is the Tram Lease decision of Judge Newhook. Tram Lease v Auckland Council from a couple of years ago. You will be probably familiar with that and that was in relation to a certain planning witness.

**THE COMMISSIONER:** It was, yes.

**MR MOLDANI:** So the Code got a good examination in that decision. The issues were slightly different in the sense that it was more about -- well, it was about the conduct of the witness but it was less about any -- it wasn't on all fours in the sense that that witness was not a submitter but the impartiality was certainly, I think, one of the questions that was addressed in that case.

 So I will drag that one for you and I will have a wider look to see if there are any others that have dealt with a situation on all fours with this.

**THE COMMISSIONER:** Okay, yes. And certainly, Mr Grieve, if you come across any other authorities. Okay, thank you. Mr Gladstone.

**MR GLADSTONE:** Thank you. My name is Nicolas Gladstone. I have the experience and before my retirement held the qualifications described in the Statement of Evidence of 25 June 2019. I have continued to comply with the Environment Court's Code of Conduct for expert witnesses in preparing this highlights document.

 As directed by the Commissioners, I attended an expert conferencing meeting on 16 July 2019 with Andrew Skerrett, Graeme Doherty and Caron Greenhough respectively representing Oakura Farm Park Ltd, New Plymouth District Council, and NZTA and facilitated by Dr Louise Tester. I am signatory to the Joint Witness Statement arising from that meeting. The expert conference process addressed issues relating to traffic prediction, highway design, possible mitigation of adverse effects of the development and related matters.

 My overall opinion, however, is that the application should be refused in its entirety for the following reasons.

 Firstly, the proposal as submitted does not provide adequately and equitably for the free flow and safe movement of all modes of traffic. In particular, vulnerable road users such as cyclists and pedestrians are to a large extent ignored and disadvantaged by the applicant's need to accommodate increased vehicular traffic flows.

 Secondly, the proposal is not resilient serving up to 570 dwellings via a single vehicular access point which, if blocked or disrupted for any reason, could create a hazardous situation in terms of access by emergency services to those dwellings.

 Thirdly, the proposal is not environmentally sustainable seeking to provide almost 40 new dwellings at least 15 km from the nearest substantial sources of employment and a similar distance from major retail outlets and mainstream secondary schooling leading to increased greenhouse gas emissions and adverse effects on the village environment. It is also poorly located in relation to Oakura itself, being over 1 km from all local facilities and services.

 As such, the proposal is at odds to a greater or lesser extent with at least three of the four main strategic priorities of the New Zealand government Policy Statement on Land Transport adopted on 25 June 2018 which are:

Safety. A safe system free of death and serious injury. Access, a system that provides increased access to economic and social opportunities enables transport choice and is resilient. Environment, a system that reduced greenhouse gas emissions as well as adverse effects on the local environment and public health. Value for money, a system that delivers the right infrastructure and services at the right level and at the best cost.

 In my opinion, the Traffic Impact Assessment prepared in support of this application has a number of deficiencies. These are of two main types.

 Firstly, there were some failure to collect, analyse or predict data and, secondly, there were some failures to propose appropriate solutions to identified problems.

 There were no details of pedestrian movements and insufficient assessment of cycling movements, especially away from the Wairau Road State Highway 45 intersection.

 There was no assessment of likely future vehicular, pedestrian and cycle movements at the State Highway - Donnelly Street - The Outlook junction leading to the school or at the State Highway - 45 Dixon Street - Butlers Lane junction.

 There is inadequate information about the likely effects of the Pukeiti Pathway proposal. The following solutions proposed in the application are in my opinion inadequate to resolve the problems that they seek to address. The relocation of speed limit signs is not sufficient to reduce speeds to the desired level. The roundabout itself is not a "speed-reducing feature". Additional speed reduction measures would be necessary on the approaches. The roundabout design is too small - by which I mean the diameter is too small - given the current approach speed on State Highway 45 from the west. The roundabout design cannot comply with relevant design guidance regarding gradients - and possibly also sightlines because of its location on a crest - without major alteration of carriageway levels, to the point where a final design that would be acceptable in traffic engineering terms could well differ radically from the current sketch proposals and become a landscape issue in itself, probably involving land acquisition.

 The position and access arrangements for the subway do not appear to comply with design guidance relating to shared-use pedestrian cycle-paths and are not likely to result in a high level of use of the subway owing to the extra travel distances needed to access it. Again, an acceptable design may reveal the need for land acquisition.

 Lastly, this rezoning proposal and associated traffic infrastructure could have provided an opportunity to look to the future and promote safe, sustainable and equitable modes of transport, at least for the shorter utility trips that make up a large proportion of journeys in the village. The encouragement of active modes of transport, the independence of youth and a related reduction in the number of car journeys per dwelling could have been promoted by good quality cycle and pedestrian routes to key destinations. Instead, what we have seen is very much a grudging "do minimum" approach to addressing the very significant traffic growth which would accompany the development. In my opinion, the proposal as it stands should be rejected in its entirety. Thank you.

**THE COMMISSIONER:** Okay, thank you, Mr Gladstone. Mr Coffin.

**ASSISTANT COMMISSIONER:** Just clarifying just on those matters which are at 14, 15, 16 and 17, and you have just said above 13 there is some formatting. I am just trying to clear out: these are your opinions? Those matters, 14, 15, 16 and 17, is that correct?

**MR GLADSTONE:** Yes. In the case of 16 and 17, for example, design guidance, if applied to the drawings that we have seen so far, which I accept are sketch proposals, would appear to be sufficiently at odds with those sketches to suggest that -- you could be talking about almost a step-change in the actual appearance of an acceptable design. For both roundabout and a subway there are acceptable designs, there is no doubt about it, but I think they differ from what we have seen so far that I would feel that from a traffic engineering point of view it would be necessary to refer to other experts as to the possible consequences of, for example, suggesting that the traffic island should be larger. It becomes a matter of the amenity effects of the changes that ought to be applied to resolve the traffic issues. Does that make sense?

**ASSISTANT COMMISSIONER:** Yes, it does make sense. You have raised it here and also in your evidence-in-chief around the possibility of land acquisition. In your experience, is it normal practice to have land acquisition as part of the process of developing roundabouts and other types of road infrastructure?

**MR GLADSTONE:** It depends on the situation.

**ASSISTANT COMMISSIONER:** But would you accept that that would be a normal consequence of properly designed roundabouts, and measures for traffic movements would potentially involve some land acquisition?

**MR GLADSTONE:** Yes. The potential is there. It depends on the context of the size. The footprint of the roundabout is going to be influenced by the volumes of traffic and the speed environment in which it is being implemented. Yes. It is unlikely that you could replace a simple crossroads with a roundabout without some form of land take in most urban and suburban situations, in my experience.

**ASSISTANT COMMISSIONER:** My last question is: if you were to recommend what might be an appropriate trigger for the stage requirements, if the plan change was staged in terms of bringing to market the subdivisions, would you be aware of or could you advise on what might be an appropriate trigger and then the trigger levels that might be appropriate?

**MR GLADSTONE:** A trigger for?

**ASSISTANT COMMISSIONER:** For the --

**MR GLADSTONE:** Construction of the roundabout, for example?

**ASSISTANT COMMISSIONER:** Yes, and other types of measures, yes.

**MR GLADSTONE:** I cannot answer that question here and now. Maybe it would be something that I would have to investigate in some detail. But my experience is not in the computer-generated traffic flow prediction systems that are used generally to do that. I have taken most of the traffic predictions, flow predictions, volume predictions that were in the traffic assessment as read, as provided by the applicant. I think the point there was reached that the roundabout would be necessary if both the western FUD and the PPC 48 development were to go ahead. Then the roundabout would be necessary. But at quite what point that necessity kicks in I would not be able to answer.

**ASSISTANT COMMISSIONER:** Okay.

**THE COMMISSIONER:** Thank you. Mr Gladstone, in terms of the proposal, in terms of a plan change and then if that was approved there would be subsequent subdivision processes, in your view, in terms of the mitigation of any adverse traffic effects and considering the matters that you have raised in your statements, what would be appropriately considered as part of the plan change, and then what matters and detail regarding mitigation would be appropriate at the subdivision consent time?

**MR GLADSTONE:** That is an interesting question. I would say that based largely on my UK experience, it would relate to what the applicant has the ability to control in terms of the land. So, to give a couple of examples, at a later stage of this process a proposal was introduced for a second access onto Stage Highway 45, and there would be design requirements for that access. From my perspective, if the applicant controls the entire road frontage on the appropriate side of the road to install access in accordance with those guidelines, the design requirements, that would be something that could be resolved at the second stage.

 Similarly, the layout of the roads within the site, being entirely under the control of the applicant, I would say would be something that I have not concerned myself with at this stage, perhaps incorrectly. I have just been concerning myself with the effects outwith the development side itself.

**THE COMMISSIONER:** How far do you believe, in terms of your expert advice, that we should burrow down in terms of the design, for example, of a roundabout as mitigation at this point in the process in terms of the plan change, or whether there are matters that are more appropriately left to a subdivision consent stage? I am just trying to get a sense. There was some of this discussion in earlier evidence, and certainly in terms of what Mr Muldowney had responded to in some questions from me.

**MR GLADSTONE:** Again, my concern and my perception from the original traffic impact assessment is that I do not believe there is sufficient land currently within highway limits to install an acceptable roundabout design, and I particularly raised issues about the approach from the village direction where you are coming up a hill and the gradient is steeper than the Austroads design guide, part 4(b), roundabouts, would consider acceptable. That can be put right at vast expense and possibly only if land acquisition was made, and a detailed, accurate and acceptable design could be prepared. I am not expert on whether that should be at this stage a matter that you would want to see resolved or at a later stage.

**THE COMMISSIONER:** We are down to hear the New Zealand Transport Agency later on today.

**MR GLADSTONE:** Yes. I imagine that they are capable of looking after their own interests.

**THE COMMISSIONER:** If there was - hypothetical question, Mr Gladstone - sufficient land and appropriate design for the roundabout, Wairau Road and State Highway 45, how would that address the concerns that you have raised and then what would be outstanding, in your view?

**MR GLADSTONE:** I am concerned about vulnerable road users and I am concerned about the subway not providing for a number of movements by vulnerable road users which this development would bring. For example, between the development site and the school, if you are cycling, do you cycle through the subway and then re-join State Highway 45 to the west of the roundabout and then cycle around the roundabout? We know that cyclists are not well served by roundabouts. If I may give a hypothetical answer, every point that I have made is capable of being resolved. I do not have any opposition in principle if all the appropriate design guides were applied to the correctly or best-guess estimates of the likely volumes of future traffic of all classes of road user. Then, yes, all my concerns are capable of being designed and built away. But I just have experience from many years ago where traffic engineering recommendations then fall foul of landscaping recommendations, so I just feel I have to flag up where I think that traffic engineering recommendations might do that in this case.

**THE COMMISSIONER:** Okay. No, that is fine. Going backwards now, I am on your first page of your tabled statement and paragraph 6. You note in your view that the proposal is not environmentally sustainable, and it is 15 km from the nearest substantial source of employment, retail outlets, etc, and a mainstream secondary school. Can you just tease out for me the justification for that statement in respect of your area of expertise?

**MR GLADSTONE:** Well, just that it is --

**THE COMMISSIONER:** I suppose what do you mean by "environmentally sustainable"?

**MR GLADSTONE:** I mean that it is environmentally sustainable in that it could go ahead, but at what cost? That is the point I am trying to make I think. From a more environmentally sustainable location for 400 new dwellings, it would be closer to New Plymouth.

**THE COMMISSIONER:** Do I take it from that that also raises concerns from your perspective about ongoing growth at Oakura, given that there are opportunities in other locations?

**MR GLADSTONE:** I accept that there is a process whereby ongoing growth has been allowed for. I have not been involved or gone into any detail and the consequences of what has already been zoned for future residential development. But, no, it is just in connection --

(transcription ends)

(transcription begins)

-- the Government policy statement on land transport applying those main strategic priorities. As I say, the development of this, if there's a demand for it, would be better situated nearer to employment, retail outlets, mainstream schooling, in order to reduce the amount of vehicular traffic movement between home and work.

**COMMISSIONER:** So, would --

**MR GLADSTONE:** And just if I may say, also a development which we've been told is going to extend over decades far into the future, it is likely that constraints and restraints on the use of motor vehicles, internal combustion engine vehicles, will become greater rather than less and for the shorter journeys that may take place in and around the village in particular but also longer distances, the use of walking and cycling may become more significant. It's not likely to become less significant.

**COMMISSIONER:** So, just in what you have outlined, this is my last question, would those comments equally apply to the future development area west between the Highway and the coast?

**MR GLADSTONE:** Yes, they would but that has already been decided. That delivers some benefits that this proposal doesn't, in terms of the journeys to and from some of the facilities in the village would be shorter and also that development might ultimately reduce one of the existing cul-de-sacs, which is an issue that I had with this development, by linking up from -- what's the name of the road at the end of Jans Terrace? Russell Drive, yes, Russell Drive to Cunningham Place.

**COMMISSIONER:** Yes, which we heard about earlier ...

**MR GLADSTONE:** So, the area from the campground onwards would cease to be a cul-de-sac.

**COMMISSIONER:** Okay. I do not have anything further, Mr Gladstone, so, thank you.

**MR GLADSTONE:** Thank you.

**COMMISSIONER:** So, you have three more witnesses, Mr Grieve. I think it is probably timely to adjourn for lunch. It is now 12.50 pm, we will reconvene at 1.50 pm and who are you going to call then, Mr Grieve?

**MR GRIEVE:** Mr Peacock, followed by Mr Kensington and finally, sir, Mr Twigley.

**COMMISSIONER:** Okay, thank you. We will reconvene at 1.50 pm.

(Adjourned until 1.50 pm)

**COMMISSIONER:** Okay, thank you, Mr Peacock.

**MR PEACOCK:** My name is Matt Peacock. I'm a consultant civil and structural engineer and have been involved with this project since early 2018. I've been involved with land development and infrastructure engineering for the past 15 years in the Taranaki region. I consider I have a good understanding of Oākura, as I live in the area and experience the environmental effects, ranging between peak and off-peak times, not just that of a couple of side visits, typically involved in preliminary assessments of projects.

 My statement of evidence addresses the engineering matters which relate to the land development and infrastructure engineering of PPC48 application. Specifically I've assessed the stormwater, potable water and firefighting water supply and Oākura land development feasibility.

 I've undertaken a review of the Oākura Farm Park PPC48 application, specifically the Red Jacket Feasibility Report and Andy Frazer's statement of evidence. I have also undertaken a review of the Oākura West FUD area land development potential to assess the general level of feasibility between the south and west FUD areas. In summary, based on my engineering experience with other land development and infrastructure projects, my assessment of the proposed subdivision associated with PPC48 is as follows.

 PPC48 has the potential to increase the number of residential lots in Oākura by 60 per cent. This is a significant change within a relatively small community and, when compared with other residential developments in the New Plymouth region, it dwarfs them with respect to population percentage increase.

 PPC Application Review: proposed PPC48 application contains a report by Red Jacket Engineers titled Feasibility Report on the proposed subdivision of lot 29 DP 497629 Wairau Road Oākura. The report covers assessments of geotechnical, building platforms, water supply, stormwater, wastewater and roading, all of which have been assessed only for feasibility purposes. The Red Jacket PPC48 report clearly states:

"It should be noted that this is a preliminary feasibility assessment and further assessment of engineering design will be required, as is usual practice in land development, throughout the development process."

In my experience disclaimers like this are typical for small-scale residential land development proposals where the impact on the surrounding landscape and population are relatively minor and the preliminary investigations that are carried out are suitable for a resource consent application.

 Stormwater Review: the existing stormwater network in areas through Oākura is not suitable to carry the current rainwater flow down to the sea during high intensity storm events and ponding occurs in various locations in Oākura. NZS4404 standard for land development and subdivision infrastructure states that for larger catchments or where ponds are incorporated in a development surface water run-off should be determined using a computer analysis hydraulic model.

 The council-owned wastewater pump station located in Shearer Reserve is within a flood zone. Stormwater has the potential to inundate the pump station and storm events of shorter return periods than originally considered and the flood return period for the pump station could be as low as 1 in 20 years.

 Potable Water and Firefighting water supply: the current water supply from the Wairau bore has no redundancy due to only one bore servicing the Oākura village. The second bore is currently not being used because the casing has leaking welds, the screen is deformed and biological growth has been detected. At present the water supply is unreliable and should problems arise with the single remaining bore, Oākura would only have water supply for between 1.7 to 3.4 days.

 NPDC three waters report indicates that aquifer capacity is currently not certain but work is planned for the next two to three years to determine the sustainable yield from the aquifer. Increasing water supply demand on the Oākura bore, which has questionable supply reliability, is likely to increase the risk of further bore failures and its adequacy to supply water to Oākura. The Oākura water supply has areas of low pressure, which currently do not provide the required firefighting supply for Council's FW 3 requirements.

 Oākura land development potential: in my opinion, land development in Oākura, which is required to cross the Wairau Stream Tributary, control stormwater runoff and provide the necessary infrastructure, will be a significant and costly undertaking. A significant amount of money will be invested in getting from Wairau Road across the stream to the development area.

 The land topography to the west of the Wairau Stream Tributary and to the north and south of State Highway 45 is all relatively similar grass covered farm grazing land which is sloping and contains gullies and ridges. Soil conditions are also relatively similar to the west areas of the Wairau Stream Tributary, to the north and south of State Highway 45.

 The west FUD area currently has an 80 m length of road formed as Cunningham Lane which stops before the Wairua Stream Tributary. Accessing the west FUD area would involve extending Cunningham Lane over the stream and installing culverts to take the water flow.

 Should PPC48 application be approved in full, it appears that there would be required a number of existing road upgrades to meet the increased traffic flow created by the development. These works are likely to involve the widening of Upper Wairau Road for approximately 470 m, a roundabout within a State Highway, if one fits, and possibly a State Highway access west of Oākura, which would require modification to the State Highway road. The access road from Upper Wairau Road through the Thurman land over Wairau Stream Tributary into the PPC48 development area would be approximately 200 m long. All of this development works will come at a financial cost, as will those of accessing the west FUD area.

 Recommendations for PPC48 land development engineering: due to the large scale residential land development proposed of PPC48, potentially increasing number of lots in Oākura by 60 per cent, I consider a more rigorous detailed design based assessment for engineering aspects of the project is required to adequately understand the potential adverse effects on the environment before any decision can be made on the PPC48 application.

 Taking into account the size of the proposed development and the New Zealand standards NZS4404 and SNZ4509 requirements, I would expect detailed computer modelling combined with robust site testing and analysis to be completed for the current Oākura village area linked with the proposed PPC48 development for stormwater flows combined with ocean tidal effects and potable water and firefighting water supply. Thank you for your time, Commissioners.

**COMMISSIONER:** Okay, thank you, Mr Peacock. Mr Coffin.

**ASSISTANT COMMISSIONER:** I have just got a few questions and these are mostly related to rainwater and triple feed and the firefighting requirements, have you had an opportunity to meet Mr Andrew Lovett's evidence?

**MR PEACOCK:** Andrew ...

**ASSISTANT COMMISSIONER:** Lovett, I think that was the one with the stormwater, is that right?

**MR PEACOCK:** Andy Frazer.

**ASSISTANT COMMISSIONER:** Andrew Frazer, sorry, Andy Frazer.

**MR PEACOCK:** Yes.

**ASSISTANT COMMISSIONER:** And suggest that harvesting water tanks and triple feed for council mains would sufficiently manage aquifer supply, I just wanted to get your comments on whether you are familiar with this method if it has been used elsewhere in New Plymouth or in New Zealand. Yes.

**MR PEACOCK:** Yes. So, all rural properties that don't have a water main supply collects rainwater from the roof and stores it into tanks. Typically a couple of 25,000 litre tanks are required on a property and then that water is pumped from the tanks into the property. In conjunction with that, most of those properties have an on-site wastewater disposal system, so they'll have tanks in an effluent bed.

 In NZS1547, which is the on-site wastewater disposal manual, there's different flow rates that they use for water supply from a residential property, which is supplied by town water, so piper or if it's supplied by tank water. They say that if you're supplied by water from a mains supply you'll use more water than if you're supplied by tanks. So, yes, I'm familiar with using rainwater catchment systems.

**ASSISTANT COMMISSIONER:** Would you say they are an effective method of catching water? I am just thinking particularly in the summer periods or the dry periods.

**MR PEACOCK:** It rains a lot in Taranki, so I would say generally they're okay. But there probably are times when people have to buy in water and need to fill their tanks. But, yes, it rains and hence the green grass and the farming, so, yes.

**ASSISTANT COMMISSIONER:** Mr Frazer's view was that both of those methods together would be sufficient, would you agree that both of those methods would be necessary, it could be either/either?

**MR PEACOCK:** Could be either/either. Yes, if there was a reliable supply of water from the bore and that was a guaranteed supply, then you could utilise that.

**ASSISTANT COMMISSIONER:** At paragraph 64 of his evidence and you probably do not need to necessarily refer to that though, it says:

"Firefighting requirements may be enhanced by installation of booster pumps and additional storage."

What is your understanding of the mechanism that require that?

**MR PEACOCK:** So I think he is saying that if the pressure is low, then they could introduce pumps to boost the pressure, to help with firefighting requirements.

**ASSISTANT COMMISSIONER:** That would be a normal practice, would it be?

**MR PEACOCK:** It might be but I've never used it before, so ...

**ASSISTANT COMMISSIONER:** Okay, and I am making an assumption, that would be a cost borne by the landowners or those who have purchased those properties and that is what they would install.

**MR PEACOCK:** Yes, that would be done at development stage. That would have to be done when reticulation was put in; they'd put pumps in at that stage.

**ASSISTANT COMMISSIONER:** What typically be some of the constraints of implementing that type of effort?

**MR PEACOCK:** So the water would need to come from a supply, so it would come from the tanks currently in Oākura. So, if there was enough supply there to meet the pump capacity; that could work.

**ASSISTANT COMMISSIONER:** Okay. Thank you; that was all my questions.

**COMMISSIONER:** Mr Peacock, in paragraph 13 of your summary statement, you observe that the flood return period for the pump station could be as low as 1 in 20 years and stormwater has the potential to inundate the pump station. What do you want us to take from that statement?

**MR PEACOCK:** So, council-owned infrastructure are generally designed for a 1 in 100 year storm, so that's a more intensive storm, something that most of us wouldn't see in our lifetimes. From the analysis that I've read, back in 2007 when the pump station was being constructed or had been constructed, it was designed for a 1 in 100 year storm, based on the New Plymouth District Council rainfall data. So since then we now use the NIWA rainfall data and the NIWA data is more intensive than the old Council rainfall data.

 The NIWA data is based on monitoring stations around the Taranaki region. So just working backwards from that, the intensity used in 2007 is more like a 1 in 20 year storm, rather than a 1 in 100 year storm. My takeaway on that is that there just probably again needs to be some more analysis on it. I mean that's a Council-owned piece of infrastructure and if it was my pump station I'd be wanting to make sure that it's okay and there aren't any issues with potential flooding.

**COMMISSIONER:** Turning to your paragraph 22 and where you believe there is a need for a more rigorous detailed design assessment, based assessment on the engineering aspects, what would you consider then are those key matters for more rigorous design?

**MR PEACOCK:** Again, due to the size of it, it's potentially going to increase Oākura by 60 per cent and I would say that's a significant increase; it's not a 20-lot subdivision. You can run computer models on water supply florets, you can run various computer models. You can give different scenarios, you could run 100 different computer models and give some real certainty in the network before actually constructing it. Then by doing that you can see what booster pumps would do to the system, you can see how the water tanks cope with the demand.

 If it was me who was going to make the engineering decision I'd be wanting to make sure before the event, rather than after the event. Again, it's something that's relatively easy to do; there's lots of computer models that will do that. The same would be for stormwater flow, find out the areas where you've got problems with ponding and constraints and then solve those problems now. As an engineer, there's generally an engineering solution for the problem and it's trying to identify those before there's a problem and if there is a solution for it.

**COMMISSIONER:** Thank you, Mr Peacock. Mr Grieve.

**MR GRIEVE:** Yes, Mr Kensington, sir.

**COMMISSIONER:** Okay, Mr Kensington.

**MR KENSINGTON:** Good afternoon, Commissioners. Firstly, I'd just like to make a couple of corrections to my evidence-in-chief, if I may, if you've got that in front of you.

**COMMISSIONER:** Yes.

**MR KENSINGTON:** They're all the same sort of change; there's three of them. The first one is on page 6 at paragraph 5.3, so that 5.3 starts on page 5 and over the page about five lines down I refer to the Kaitake Ranges, it's the Kaitake Range, so delete the letter S. Then the same goes on page 10, paragraph 7.4, fourth line down there, exactly the same correction. Then on page 19 at paragraph 9.14 the same thing. Mr Hislop informed me of that correction, so thanks to him.

**COMMISSIONER:** Okay, thank you.

**MR KENSINGTON:** Then I've handed up a summary statement of my evidence and the highlights and that's dated 23 July, which was yesterday, so we can date that 24 July; that would be correct. So starting at paragraph 1 of my highlights evidence, my name is Peter Kensington. I hold the qualifications and have the experience described in my primary statement of evidence dated 25 June 2019. I have continued to comply with the Environment Court's code of conduct for expert witnesses in preparing these highlights.

 As directed by the Commissioners, I attended expert conferencing with landscape architects Emma McRae and Richard Bain and I am a signatory to the joint witness statement dated 10 July 2019. While there are some areas of agreement, it is clear to me that my expert opinions and those of Ms McRae differ from Mr Bain's in relation to fundamental matters which relate to an assessment of the landscape and visual effects of the proposals to, firstly, vary or cancel the consent notice and, secondly, to rezone the land from rural to urban.

 In my opinion, the consent notice plays a critical role in offsetting the adverse landscape and visual effects of The Paddocks development, which has eroded rural character in the landscape in the upper Wairau Road. I'd just like to pause there, in addition to the highlights package I've handed up today there's some A3 figures and the first lot of figures are exactly as per my evidence-in-chief, so there's no changes in those, the stapled A3 figures. They're just a good quality version of the ones that accompanied my evidence.

 But there's a second standalone A3 sheet, which contains a photograph and that's a photograph that Mr Hislop himself took before The Paddocks was underway and constructed and that's a photo from Wairau Road looking over The Paddocks subdivision site. I wanted to table that today because that clearly makes that point that I'm making there that already through The Paddocks development rural character has been eroded in this part of Oākura.

 Turning back to my paragraph 4, it is my understanding that both Ms McRae and Mr Bain agree that the consent notice assists with the maintenance of rural spaciousness and character and in preserving the views of the foreground and setting of the Kaitake Range outstanding landscape, particularly when viewed from South Road, State Highway 45.

 I do not agree that it is appropriate to vary or cancel the consent notice. However, if that outcome was determined, it is my opinion that the extent of the land proposed to be rezoned from rural to urban and the proposed design, layout and District Plan provisions being promoted, will not mitigate the significant adverse landscape and visual effects that will arise. As such, in my opinion, the subdivision and development enabled by the proposed rezoning would be inappropriate and not achieve the purpose of the RMA nor give effect to the relevant landscape protection RPS or District Plan provisions.

 Key concerns that I have with the proposed rezoning include lack of integration with the existing Oākura landscape and with anticipated potential future development. No analysis of the site's opportunities and constraints has been undertaken in order to inform the proposal and to ensure that adverse effects can be avoided or remedied by design and/or through proposed planning provisions.

 Severance of important landscape features, being the gully tributaries of the Wairau Stream, including the public access esplanade reserve strip and a key native ecosystem area that also relates to the contiguous McKie QEII Covenant. The adverse landscape and visual effects which will arise from large scale civil earthworks and streamworks, the acoustic bund, the State Highway 45 underpass and the proposed roundabout.

 Lack of a clearly defensible rural-urban interface, using a natural landform constraint, for example, at the south-western boundary and the proposed provision of lot sizes that will be too small to maintain any legible rural character or spaciousness. The considerable community opposition to the proposed rezoning and the adverse visual and association effects on people's clear appreciation of the site's relationship with the Kaitake Range outstanding landscape, typifying the essence of the Oākura and Taranaki rural landscape and which contribute to the localised sense of place.

 I'd just like to pause there and refer you to the other attachment that I've handed up today, the A4 document. This is the NZILA, New Zealand Institute of Landscape Architects best practice note for how landscape assessment must be undertaken. I've just highlighted an area that I'd like to bring to your attention on page 3:

"When we, as landscape architects, assess a landscape we're not just looking at the biophysical elements, patterns and processes that makes it up, we're also looking at the sensory qualities and the spiritual, cultural and social associations of that landscape."

Much has been said about, well this site is not within the outstanding landscape, it's adjacent to it. But clearly people's appreciation of that landscape include the visual and sensory and associative qualities of that landscape. So then just looking at page 6 of that document, there's further detail there about the things that we go and look at as a landscape architect. Just that second one there:

"Sensory qualities our landscape phenomena, as directly perceived and experienced by humans, such as the view of a scenic landscape or the distinctive smell and sound of the foreshore."

So I'd just like to leave that with you. As landscape architects, we're not just looking at the land and the land form and the vegetative cover of a particular site, it's the appreciation of that from external viewpoints. Turning back to (g) in my summary, the clear adverse visual effects that will be experienced by people viewing the landscape change from proximate private properties, including those people viewing the outlook from with The Paddocks properties.

 Our 10 July 2019 joint witness statement reiterates the above and I confirm the conclusions of my primary statement of evidence. Now, just before taking questions, I would like to take the opportunity to respond to some of the questions that were asked of Mr Bain yesterday, perhaps anticipating some of the questions that you might ask. The first is a question that you asked Mr Bain about whether any landscape assessments had been undertaken specific to this part of the world to help inform statutory provisions. I would just like to, firstly, reference the RPS, so I've made a list of those documents that I've referred to in my evidence-in-chief at 6.2 and the first one being the RPS.

 Clearly, in the RPS there's a discussion about the importance of the volcanic ring plain to Taranaki and map figure 3 in the RPS and the discussion that follows at paragraph 2.3.1 clearly indicates the importance of that ring plain and the unique location of Oākura in that context with the Kaitake Ranges being in close proximity to the coast, which is quite different to any other part of that ring plain.

 Secondly, I refer to the New Plymouth District Council rural review and their landscape assessment, an assessment of coastal strategy actions that was undertaken in June 2010; that's at 6.26 of my evidence-in-chief. Section 9 of that assessment reviewed the Oākura structure plan and made recommendations on what that structure plan should contain. In particular, at section 12 there's a recommendation number 10 that views up to the Kaitake Range and views down to the sea from the slopes of the Range should be protected.

 Then, thirdly, I'd just like to draw the Commissioners' attention to the New Plymouth District Council's Rural Subdivision and Development Design Guidelines, which I also refer to at paragraph 6.27 and within that document there's clearly discussion on the sensitive landscape that we have, an elevated land that's in close proximity to the outstanding landscape. I would urge the Commissioners to have a read of those documents.

 You also asked yesterday, Commissioner, Mr Comber about the statutory provisions and whether they related just to outstanding landscapes or all landscapes. I'd just like to take you to my appendix in my evidence-in-chief; appendix 2 where I set out my understanding of the relevant statutory provisions as they relate to landscape. Firstly, there I've got the regional policy statement for Taranaki and the NFL objective number 1 clearly, in my mind, states, firstly:

"Too protect the outstanding natural features and landscapes, so if we leave it there."

Then further on in that objective, secondly:

"To appropriately manage other natural features and landscapes of value to the region."

So it's clearly signalling not just the outstanding landscapes. Then NFL policy number 2 further down the page there talks about other natural features or landscapes of value. Then, thirdly, over the page NFL policy number 3, appropriate subdivision use and development at F talks about:

"The sensitivity or vulnerability of a natural feature or landscape to change in its capacity to accommodate change without compromising the values of that feature or landscape."

Another question that you asked of Mr Bain yesterday was around the permitted activities that could occur on the site in terms of tree planting along State Highway 45 and the fact that they would potentially block views over the site towards the Kaitake Ranges from State Highway 45.

 My response to that is, well, if that is a permitted activity that potentially could occur but we're only looking at one particular viewpoint there for people in vehicles. There are other viewpoints where views towards the Kaitake Ranges across the subject site are still available, for example, from the esplanade strip, as you're walking as a member of the public through there. Then, secondly, that might be a visual effect that's being null and voided but at the end of the day the landscape still will be rural; the property in question still has a rural character.

 Then the other question that was asked of Mr Bain was around the landscape framework that is being recommended in the supplementary section 42(a) addendum report and that was discussed in the joint witness statement (inaudible). In my mind that is an important consideration, however, we're too late now. In order to get benefit from a strong landscape framework for the site, that should have been established right at the outset when we were looking at the site's opportunities and constraints.

 That framework should have informed the layout of the proposed plan change provisions. I do not see that having occurred in this case. What I see is that it's been a survey-led outcome and the landscape factors have come in later on and I think it will be too hard to retrofit the current provisions, proposed provisions, with a landscape framework now; too little too late I think.

 Then there's the final point that I'd like to make to wrap this up is, in my mind there are too many loose ends and unresolved issues from a landscape point of view. In order for you to confidently approve this proposed plan change or grant the amendment to the consent notice and I recommend refusal and decline. Thank you.

**COMMISSIONER:** Thank you, Mr Kensington. Mr Coffin.

**ASSISTANT COMMISSIONER:** Thank you for that. Your evidence-in-chief was quite clear to me, so I did not have any particular questions, other than I did have one about these proposed water tanks.

**MR KENSINGTON:** Yes.

**ASSISTANT COMMISSIONER:** I was just interested in your opinion about, where do you hide -- I think from memory it was the sum of 38 or 60, yes, it was a large number of water tanks. Obviously recognising there is a lot of bulk involved with residential dwellings but I was particularly interested in your view in terms of the water tanks. Where do you hide such things, if at all?

**MR KENSINGTON:** Yes. No, it's a good question and we talked about it at our expert conferencing in the joint witness statement on page 11. We said all experts agree that if water tanks are needed they should be hidden from view.

**ASSISTANT COMMISSIONER:** Yes, that is right.

**MR KENSINGTON:** Yes, how do you do that is the question? You could put them underground, you could bury them and you can hide them under decks, which happens. But, generally, I would anticipate they'd be above-ground structures. As Mr Peacock has just mentioned, they're relatively large capacity and there might be two of them and you could put them round the back. But, yes, I do hold concerns about how that is going to be actioned and how you would control that through the District Plan provisions that you would want to ...

**ASSISTANT COMMISSIONER:** That was going to be my next question to you shortly. What sort of mechanism do you normally have to ensure that occurs here?

**MR KENSINGTON:** Well, you'd have to be pretty prescriptive, I would have thought, in your mechanism. Nothing has been proposed by the applicant in that regard to give me any confidence that it could be, effectively, mitigated.

**COMMISIONER:** Mr Kensington, you referenced the original policy statement, in particular figure 3 and then 2.3.1 where you outlined that:

"The RPS clearly noted the importance of the ring plain, including Oākura."

Can you tease that out a bit more for me because whilst the RPS may note the significance or the importance of the ring plain, what does that then mean in considering matters such as the private plain change and the consent notice?

**MR KENSINGTON:** Sure. I've got the figure in front of me, I don't know if you guys would like to take the time to find that.

**COMMISSIONER:** I do not have the RPS. Thank you. So this is on page 6 of the regional policy statement for Taranaki, so if you want to --

**MR KENSINGTON:** Correct, yes. That is a starting point for me and it shows the extent of the ring plain. From a landscape point of view it's not just the area between -- at the very edge of the bush and vegetation of the outstanding landscape. It is actually quite an extensive landscape unit. The reason that that is a good starting point for me is because it shows the Kaitake Ranges as being quite different to the rest of that ring plain landscape because they are closer to the coast in that particular area, which brings a uniqueness to it. I'd like to then springboard to the Rural Subdivision and Development Guidelines and I don't know if you've got a copy of that in front of you or if you can get one.

**COMMISSIONER:** I don’t have it in front of us, though if you can give us the relevant references and we can ...

**MR KENSINGTON:** Yes.

**COMMISSIONER:** Are you going to then come back to RPS?

**MR KENSINGTON:** The RPS is a starting point for me in terms of -- a question for Mr Bain yesterday was around how the landscape assessment provisions have informed statutory provisions. In my mind the RPS is a starting point that explains the issues at a region-wide scale. Then looking at the design guidelines, that's coming at it from a more site specific, the other end of the spectrum, the detailbut they're all consistent when it comes to this particular landscape in Oākura and dealing with rural character.

 Page 10 of the Rural Subdivision Guidelines talks about sensitive landscapes and I'll quote:

"Sensitive landscapes include the grazed slopes below Mount Taranaki and Egmont National Park. These are open and exposed with a distinct change in vegetation. These slopes form a rural buffer to the bush-covered slopes of the national park and are more sensitive to development, as they can be seen from afar due to their elevation. Views of the mountain from the district are highly valued by all."

It's a theme that's coming through from the high-level RPS through to the District Plan review work and the structure planning work, the Mary Buckland work and then through to the guidelines where this sensitivity of the landscape in the ring plain and, in particular, in my mind, in Oākura, it's coming through loud and clear to me from a landscape point of view.

**COMMISSIONER:** Okay, I suppose what I am struggling with at the moment is the translation, there are some statements in 2.3.1 in terms of the RPS and pretty much the physical description. You talked about issues but I am sure whether it actually raises those and then --

**MR KENSINGTON:** Sorry, we haven't been to those ones yet. We started with the map --

**COMMISSIONER:** Okay.

**MR KENSINGTON:** I'm sorry, if I may interrupt, we can go to the issues. Actually now that I read those again, you're right, so there's no real connection there to assist; apologies there.

**COMMISSIONER:** No, thank you. So the guidelines are just stats, presumably what I would take from that, they do not have any statutory status as such.

**MR KENSINGTON:** I'll let Mr Twigley respond in that regard and ...

**COMMISSIONER:** I am happy to leave that until you present shortly, Mr Twigley. So, Mr Kensington, given what is in the RPS, you have outlined the guidelines, it is about then the translation of those statements and what is in the guidelines in terms of how, as a decision maker, that those things are given consideration and evaluated. So, I suppose that is why I am just pursuing this theme at the moment.

**MR KENSINGTON:** Understood.

**COMMISSIONER:** Given the RPS in terms of consideration has significance and we are required to consider any of the relevant provisions.

**MR KENSINGTON:** Yes. Not forgetting the structure plan as well, which is in the mix and it's not just the drawing of the structure plan, there are associated words that describe the outcomes anticipated. Yes, there's a February 2008 implementation plan, which forms part of that structure plan.

**COMMISSIONER:** That structure plan and we have had some earlier discussion, when was that again given life to through the District Plan? Was that the change around the time of The Paddocks or was that the subsequent change about 2015 and probably looking at you, Mr Twigley?

**MR TWIGLEY:** Do you want me to answer that now?

**COMMISSIONER:** Yes, please, yes.

**MR TWIGLEY:** Yes, so the Oākura structure plan came into the District Plan through the Plan Change 50 --

**COMMISSIONER:** Which was the 2015, was it not?

**MR TWIGLEY:** 2013, I think it was when that was adopted.

**COMMISSIONER:** 2013, okay, okay.

**MR TWIGLEY:** That was the FUD plan change, yes.

**COMMISSIONER:** Okay. Just a final question, Mr Kensington, you talked about, in your view, there were too many, your term, loose ends from a landscape perspective, just so we are clear on that, can you just summarise in your view, just in a tabular type form bullet points, what those loose ends are?

**MR KENSINGTON:** Basically they are headings of my evidence-in-chief, sir.

**COMMISSIONER:** In terms of those subheadings after your section 9, is that correct?

**MR KENSINGTON:** Correct.

**COMMISSIONER:** Okay.

**MR KENSINGTON:** If I may I'll start with the landscape analysis lacking in terms of informing the provisions, rather than being after the fact. The buffer area is a concern to me that still remains unresolved in terms of the sizes of those lots that are being proposed in that area. They're not, in my mind, going to retain rural character: the stormwater management bunds, which are within the stream environments, the underpass beneath South Road, the acoustic to South Road, the roundabout, the proposed road crossing of the Wairau Stream Tributary off Wairau Road, the water tanks. We haven't really talked about the bund but if it's going to be 2 m high with a slope to establish planting on, if it's at least 45 degrees or a 1 in 3 would be a preferable slope --

**COMMISSIONER:** Sorry, what slope was preferable?

**MR KENSINGTON:** 1 in 3 would probably be a preferable slope and if that was the case it's got to come out 4 m to get up to 2 and on both sides, so that's quite a wide land form feature in itself for the extent that is proposed. Typically, in my mind, they are very engineered-looking outcomes that don't enhance the landscape. Yes, we don't have any detail about how that planting is going to be established or work.

**COMMISSIONER:** Would you say some of these matters -- do you have a sense of what should be dealt with through a plain change aspects, vis a vis any subdivision extent if the plain change was approved?

**MR KENSINGTON:** Yes, I think there's some that you could include as later on aspects that would be design details through any application for subdivision resource consent. But I think for now, in order to get the plan change extent sorted out, you'd want to get the fundamentals right now and the fundamentals are not right, in my mind, yet. It would be dangerous, as I said earlier, to approve something in part that's a smaller extent still without those fundamentals in place.

**COMMISSIONER:** By those, those are the matters that you have outlined in terms of the loose ends.

**MR KENSINGTON:** Yes, well it comes back to that landscape framework, starting out with the clear opportunities and constraints that this land is telling us and having clear principles in mind which might be you do not cross any gully tributaries with a culvert or a bridge, for example. You may even have in your landscape framework that you have a stronger connection of those gully land form features to have that mountains to the sea theme coming through loud and clear with your landscape outcomes. At the moment that's not really a strong element in the proposed provisions or layout.

 The whole idea about the rural urban boundary for me is quite important. What's to stop someone else coming along in the future and applying for something quite similar to the south-west? It's just there's no kind of really clear edge, whereas at the moment we do have a clear edge with that tributary of the Wairau Stream and the QEII Covenant in the McKie(?) ecosystem.

 Just the other fact that springs to mind, while I've got the floor, you asked Mr Bain or someone yesterday about having a clear idea of the land form and the elevation and the contour (inaudible), my figures do include contour information. I don't think I've got any numbers on them though. But if you look at figure 4, for example, clearly you can see the elevation change and yesterday you talked about it being kind of ramped up the higher you get up there and that's clearly what that is showing there in those kind of red/orangey colours.

 That's definitely where it ramps up and the last couple of mornings I've gone for a run up the Wairau Road and that last little bit is the toughest to get to the top. So, that's probably the most sensitive area there, which is outside the site and I acknowledge that. But we've still got quite a change in level from the high part of that site in the south through to the north where it is lower. But the proposed plan change structure that I've seen does not respond well to the topography.

**COMMISSIONER:** Anything further?

**ASSISTANT COMMISSIONER:** I just had one supplementary question and it is a term that has come up in your summary at 6(e), it's on page 3 and it is just in regards to this legible rural character and spaciousness and perhaps you might be able to point to where you have covered that in your evidence-in-chief or perhaps now, just to unpick that a little bit for me.

**MR KENSINGTON:** Sure. If you go to my evidence-in-chief and my appendix 2, which is the relevant statutory provisions, at the back of that on page 6, appendix 2, page 6, there's a definition from the District Plan of rural character and those words:

"Rural areas are typically distinguished by a dominance of openness and rural practices over manmade structures."

That's kind of where that spaciousness comes in.

**ASSISTANT COMMISSIONER:** There it is, yes.

**MR KENSINGTON:** Yes:

"Rural character includes the key elements of spaciousness, low density, vegetated production orientated."

That's where that's come from.

**ASSISTANT COMMISSIONER:** You can help unpick this for me in spaciousness and in terms of the spatial distance between physical part elements of the environment, distance between buildings ...

**MR KENSINGTON:** Yes, that's exactly it. You might have a few farm sheds in a rural landscape but clearly there's a spaciousness in between those structures, which is the importance of a farm to have land for grazing.

**ASSISTANT COMMISSIONER:** Okay, okay, thank you.

**COMMISSIONER:** Nothing further, thank you, Mr Kensington.

**MR KENSINGTON:** Thank you.

**COMMISSIONER:** Mr Grieve.

**MR GRIEVE:** Thank you, sir, Mr Twigley.

**MR TWIGLEY:** Okay, good afternoon. My name is Cameron Twigley. I hold the qualifications and have the experience described in my primary statement of evidence dated 25 June 2019. I've continued to comply with the Environment Court's code of conduct for expert witnesses in preparing these highlights of my evidence. There are a couple of corrections I'd like to make to my primary evidence, so my paragraph 81 should reference paragraphs 78 and 79, not paragraphs 70 and 71. I would also make that minor correction to the date of my highlights package, being 24 July now, rather than the 23rd.

 In my opinion The Paddocks subdivision consent notice plays a critical role in offsetting the adverse landscape and visual effects of The Paddocks development in maintaining rural character and amenity and achieving the objectives and policies of the operative New Plymouth District Plan. I do not agree with the evidence of Mr Comber that the variation of the consent notice is a consequential amendment. The section 42(a) report also addresses this matter as a consequential matter to be resolved after a decision on the request is made.

 In my opinion, the consent notice variation application is not a matter to be tallied up at the end once a decision on the plan change request is made. You had a question for Mr Grieve about priority of considering those two applications. So my opinion is that both matters need to be considered together and the processes should not be considered in isolation and certainly the consent notice should not be left for a wash up or a tally up at the end of this, whatever decision is made.

 In my opinion, the consent notice is a fundamental matter for consideration and no adequate justification for the variation has been provided by the applicant or in the section 42(a) report. In fact there is a noticeable absence of assessment of this matter by the applicant. Mr Grieve describes the variation of the consent notice as the elephant in the room. In my opinion, there's been no change in circumstances that warrants variational cancelation of the consent notice.

 The consent notice is as relevant and important today as it was when it was first imposed. The application to vary the consent notice would severely undermine the integrity of The Paddocks subdivision and in turn result in significant adverse effects on landscape and rural character and amenity values, including cumulative effects, which would be contrary to the objectives and policies of the operative District Plan and the regional policy statement and would not achieve the purpose of the Act. Therefore, in my opinion, the application to vary or cancel the consent notice should be refused.

 I agree with the section 42(a) report that inadequate information has been provided with the plan change request in respect to traffic and landscape effects. In my opinion, the request does not contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, cultural effects of the proposal, as it is required to do under section 32(1)(c) of the RMA.

 This does not allow an informed judgment on the request to be made. Oākura Farm Park Limited has provided insufficient information in respect of the following matters. I won't read all of those out. In my opinion, further assessment should be required in relation to those matters, rather than approving the request and leaving them to be resolved through future consent processes.

 The expert evidence on a number of matters is disputed and further information has been requested by the experts, who have reviewed their request. In my opinion, the effects of the proposal have the potential to be significant. Leaving these matters to be addressed through future consent processes would create a risk to the successful implementation of the plan change and, ultimately, a risk to the community in the case that the request is approved.

 I'd just like to give an example of that, which we heard through Nic Gladstone's evidence in respect to traffic effects. It's my understanding that we haven't seen a preliminary design for the roundabout or if the roundabout is not the preferred option a preliminary design for an intersection upgrade. That, to me, raises questions about things like land acquisition, is land acquisition needed to provide a safe design solution for that intersection?

 I noted that Mr Muldowney's submission was that we can't have a situation where a third party approval frustrates implementation of the plan change. For that matter, I also note that NZTA approval is required for whatever treatment is proposed on that intersection, as well as if an alternative access is proposed on to the State Highway. My understanding is that NZTA are not in agreement at this point.

 I agree with the section 42(a) report that based on identified residential land supply and forecasted demand, there is already sufficient land supplied to meet Oākura's future housing needs. So I continue to disagree with Mr Comber that the rezoning of the land is necessary, as this is not supported by MPDC's Housing Business Development Capacity Assessment dated June of this year. Mr Comber states in his supplementary statement of evidence that:

"There is no short-term development capacity that is green fields land serviced and immediately available for urban settlement."

He relies on table 4.13 of the Housing Business Development Capacity Assessment. In my opinion, this assessment is incorrect and it appears Mr Comber has misinterpreted table 4.13. So I've attached that table as (inaudible) A to this statement and I'll just take you to that now. It's the second page. My opinion of that table is that it clearly relates to the whole of the New Plymouth district.

 In my opinion, it's logical that the figures provided for undeveloped residential-zoned land in the short and medium term include Oākura, given that Oākura has undeveloped residential-zoned land that is serviced with adequate development infrastructure to support the development of the land. Table 4.13 certainly does not provide evidence that there is no short-term land in Oākura available for urban settlement.

 Now, if I can take you to table 4.8, which is just the page one back from that page you were looking at. So that table supports this point as it shows 158 lots of undeveloped residential land in Oakura with a start year of 2018 and a 99 per cent feasibility. And I also note going back to the other table, table 4.13, that that table shows the Oakura growth areas, the two flood areas, as being required in the long term, 10 - 30 year period, and I just note there that that table is in contradiction to the long-term plan as well which ... So there's a few documents here that we're all looking at that are sort of not talking to each other and that causes an issue for evaluating this issue.

 So the HH Housing Business Development Capacity Assessment prepared by NPDC states that both FUD South and FUD West are adequately serviced by infrastructure and that their feasibility is 100 per cent. So this demonstrates that by serviceable the Housing Business Development Capacity Assessment means that Council 3 waters infrastructure is available for the land to connect to and have sufficient capacity. And that also includes a consideration of the roading network as well.

 In order to address the applicant's contention that there is no serviced undeveloped residential zone land available in Oakura, I've attached to this statement several plans showing the main existing undeveloped residential zoned land parcels in Oakura. So I've attached a hard copy of those in Annexure B but I've also got a copy of those to show on the screen. Maybe start at the top … Okay, so the parcel that you see there is zoned residential C already. The land to the south is FUD West, and it might be difficult to see up there but hopefully you guys can see it better on the plan is that all the services are shown on that plan, so that's wastewater, stormwater and water services and you can see that those services are available to connect to. Sure, there's some work to be done to connect to them but that's a typical situation for land development of large parcels of residential-zoned land. You can see Cunningham Lane connection, so that just ends in a dead end at the moment but that's the connection through. That's identified as an indicative road on the District Planning Map; I think it's A60.

**COMMISSIONER:** Just acomment, Mr Twigley, our attachment does not show everything it is showing on the screen.

**MR TWIGLEY:** Oh, it might be one of the other ones. There's three plans there so you might not have the --

**COMMISSIONER:** Oh, yes, sorry. Yes, further on.

**MR TWIGLEY:** So that land has infrastructure to connect to. It's actually even got an approved subdivision consent for the 35 lots which effectively takes up around half of that block.

**COMMISSIONER:** So that is all that 8.6 ha block?

**MR TWIGLEY:** The 35 lots is probably half of that.

**COMMISSIONER:** Okay.

**MR TWIGLEY:** And I've attached that subdivision consent to this statement as well.

**COMMISSIONER:** The solid red line, that is following the land property boundary and the hatched is just showing indicatively where that land is (several inaudible words)?

**MR TWIGLEY:** Yes, I believe that's right, yes. So that ... I'll just go back to this statement. Yes, so that subdivision consent's attached as Annexure C on my evidence. I'll just go on to the next one.

 This one is showing up in the top-left corner, that's another area of residential-zoned land with services at the end of Jans Terrace. That is another area that could potentially be zoned residential that could be developed. The last one is Wairau Road, so I guess that's the Paddocks subdivision a little bit further -- as you go south up Wairau Road you come to the Paddocks. You can see in the red there, those are areas that are zoned residential that, again, have infrastructure in close proximity that could be connected to. Obviously, they have the roading network to connect to. The Council water reservoir is further south up Wairau Road, and you can see the water line coming down Wairau Road from the reservoir so that's available to connect to. The purple hatched area, that is land that is proposed to become residential-zoned land through the proposed District Plan.

**COMMISSIONER:** That is noted in the draft plan.

**MR TWIGLEY:** It is, yes, yes. I just put that in there because that's looking to the future.

 In summary on those points when forecasted growth rates for Oakura of between 210 and 247 households for the next 30 years are factored in, and that's the estimates that are provided in the Housing Business Development Capacity Assessment. So if you factor those growth rates in with existing land supply, there's no requirement for FUD South to be rezoned to meet the future growth needs of Oakura either in the short term or the medium term.

**COMMISSIONER:** Just when you refer to short and medium, that is in respect of the NPS requirements (overspeaking)

**MR TWIGLEY:** Yes, so short 0 - 3 and medium 3 - 10. I agree with the submission of the Kaitake Community Board that the FUD West area was always considered the first cab off the rank in terms of the future growth areas, and I consider the Action Plan that's part of the Oakura Structure Plan indicates this in the following actions, and I'll quote that action:

"Encourage future residential development on the land between existing residential areas in Oakura, the state highway and the Kaitake Golf Course."

So that's clearly FUD West.

"Future residential development may also occur on the landward side of the SH45."

Those are my points of emphasis there but I think the way that that is constructed there's a priority towards FUD West, firstly because it comes first in that statement and also because of the language. You know, "encourage" and then for FUD South "may" and I think that's picking up on what Mr Heslop was saying yesterday about FUD West has always been seen by the community as the next logical growth area for Oakura.

 I'm also aware that NPDC have undertaken some preliminary work on the development of FUD West and that the landowners are currently considering their development options. I'm also aware that the two landowners of FUD West have recently reached agreement which would remove any landowner impediment to the extension of Cunningham Lane to service FUD West. I've attached a letter confirming that point which was provided to the Kaitake Community Board. I think you're going to hear some evidence from Stefan Kiss later in the hearing about this particular issue.

 Key concerns that I have with the request from an environmental effects and infrastructure perspective include the proposal to provide for independent water supply for 68 residential lots where reticulation is available, the precedent this could set and the potential undermining of the objectives and policies of the Operative District Plan. I note New Plymouth District Council have stated that they won't support independent water supply for 68 residential lots. That came through in the supplementary information or statement post-provision of evidence.

 From a design perspective I have concerns about the lack of integration, resilience, and connection with the existing Oakura Village due to the proposed sole access arrangement from Wairau Road, noting that NZTA have not agreed to an alternative SH45 access so this cannot be relied on at this point. Also concerned about the abundance of cul-de-sacs within the Structure Plan, and I note Mr Muldowney was critical of cul-de-sacs within the existing Oakura Village so I mean I have the same concern with this; the layout of the Structure Plan.

 I'm concerned about the high-density subdivision proposed, you know, so that's 300 m2 lots and I note that the plan change request also would allow for 250 m2 lots to be subdivided as a discretionary activity, and also my concern with the 600 m long bund adjoining SH45.

 The Action Plan for the Oakura Structure Plan, and this is maybe picking up on a question that you asked Mr Comber yesterday about whether there was anything unique in the District Plan relating to Oakura, and I guess the main uniqueness is that when the District Plan was created in or adopted in 2005 many of the settlements in the New Plymouth District that didn't have wastewater connections were zoned residential C, and that had like minimum lot size for subdivision of 700 m2 rather than the typical residential A which is 450 m2 and that was out of recognition because you obviously need more space to have a septic tank and disposal field on site. So that situation obviously changed when wastewater was reticulated to Oakura in 2008/09 but what came out of the Oakura Structure Plan was that the community valued those bigger lots within Oakura, and one of the actions in the Action Plan was that the community wished to develop a coastal community zone and part of that was retaining larger minimum lot sizes of 600 m2. And that was stated -- the reasons for that were to recognise the uniqueness and the special values of Oakura.

 My understanding, I haven't been involved with the Oakura Focus Group, but my understanding is that is still the desire apart from those high density areas around the business area which Mr Hislop spoke about yesterday, and I agree that when we're looking at higher density for Oakura that that should be focused around that main business area.

 Another concern I have is adverse landscape and visual effects on the Kaitake Ranges and the landscape in general due to the location and scale of the request, the proposed bund, the roundabout and the underpass. I'd like to add here, and this is picking up on what Mr Kensington was talking about, about the starting point being the RPS and obviously the District Plan has to give effect to that RPS and it's done that … I'll just read this statement but this is how it's effectively given effect to those objectives and policies within the RPS. This also relates back to this whole position that the applicant is advancing that because the Structure Plan area is not in the outstanding landscape, then it doesn't have these adverse effects on the outstanding landscapes so:

"The Operative District Plan recognises that activities outside the boundaries of an outstanding landscape can have adverse effects on that outstanding landscape. The Rural Environment Area rules relating to bulk and location of buildings, number of habitable buildings, earthworks, and subdivision all include assessment criteria which direct a consideration of effects on outstanding or regionally significant landscapes among other matters. For example, the subdivision assessment criteria …"

And this relates to Rural 78 in the District Plan:

"… states that matters to be considered should include effects of the subdivision on the protection and management of outstanding and regionally significant landscapes and the coastal policy area."

A further concern I have is the potential for adverse effects on the conservation initiatives of Restore Kaitake and Project Mounga due to the widescale urbanisation of the site. I'd like to add here that what I heard from Mr Bevers in relation to the significant impact cats will have on birds and lizards and the lack of reliable mechanisms to control them only reinforce this concern. There is an absence of assessment on this matter and, in my opinion, it would be short-sighted not to turn attention to the potentially significant impacts on these landscape scale restoration projects. Mr Hislop covered this in his submission yesterday but there's some significant effort going into these projects, some significant investment, and some real hard work and mahi, not only the Oakura community but the general Taranaki community, in achieving these projects.

 Lastly, I'm also concerned about the adverse cumulative effects on landscape and rural character, and amenity values from the combined effect of the Paddocks subdivision development and the request. In my opinion, the request will not give effect to the National Policy Statement on Urban Development Capacity due to the fact that NPDC have identified that there is enough existing residential zoned land supply for the New Plymouth District and Oakura in the short and medium term, and considering the potentially significant adverse local effects of the request. A better question is, does the land need to be rezoned for NPDC to meet their obligations under the NPS-UDC which, in my opinion, the answer to is no. I also note that the NPS-UDC is clear that it does not anticipate development occurring with disregard to its effect; and that comes through clear in the preamble to that document.

 I disagree with Mr Comber that the request gives effect to the RPS for the reasons addressed in paragraphs 148 to 155 of my primary evidence. I disagree with Mr Comber that the request represents a unique opportunity for residential development within the district due to the land being in one ownership. So a similar opportunity exists on the FUD (West) land which, in my opinion, presents a more logical connected area of land for future expansion of Oakura. I disagree with Mr Comber's section 32 evaluation that Option 3, which has been presented as the All Farm Area development option would best achieve the purpose of the Act. Given that there is no identified shortage of land supply for urban expansion of Oakura that other identified areas located entirely within FUD overlays - and remember that this request is not entirely located within a FUD overlay - so those areas could be developed to provide equal benefits, and that there is no risk with Option 1 status quo option. And the main risk that I identified there when doing the section 32 analysis was that that land could be chopped up into lifestyle blocks and future opportunity lost but, of course, that risk doesn't exist because of the consent notice.

 Given the adverse environmental, social and cultural effects that would result from Options 2 and 3, I've concluded that Option 1, the status quo option, would best achieve the purpose of the Act to promote the sustainable management of natural and physical resources.

 I disagree with the section 42a report's initial recommendation to approve in part the request to reflect the content of the final structure plan, although I do note that in the latest supplementary section 42a report a final recommendation has been withheld based on the applicants submitting a revised structure plan. I've assumed that that's for the Structure Plan for 167 lots, and due to continuing concerns related to landscape and traffic matters.

 The initial recommendation on the request appears to be an infrastructure-led recommendation with the approval for 167 lots based largely on an assessment of available water supply despite there being significant concerns raised in the section 42a report about traffic, landscape, and visual amenity issues **inter alia**. I disagree with the section 42a report recommendation that a 50/50 split of the available water allocation between FUD South and FUD West is a flexible and a fair allocation given that FUD South only has 25 per cent of the estimated allotment yield of the two growth areas within Oakura. The landowners of FUD West would be unfairly disadvantaged by this allocation in my view, and I also note that they have not had an opportunity to comment on this specific matter due to the matter only coming to the fore through the section 42a report.

 That's the end of my highlights and I confirm the conclusions of my primary statement of evidence.

**COMMISSIONER:** Thank you, Mr Twigley. Mr Coffin?

**ASSISTANT COMMISSIONER:** Right, where to begin? I will just go back to the future urban development overlay and what is your understanding of its underlying purpose? I am quite interested in understanding the overlay in terms of where it has come from, the chronology of where it came from, its original purpose notwithstanding there is the draft and potentially a future urban -- sorry, urban in both areas and there might be a change. I just want to understand what was the original purpose of it from your understanding?

**MR TWIGLEY:** So I guess rewinding, the Council back in 2008 undertook what they called or created what they called the Framework for Growth for the district and Oakura had a separate process from that district-wide process which started out of the coastal strategy, and that document dealt with Urenui and Oakura as two coastal communities that, I guess, had a separate document that addressed their future growth needs. Out of that coastal strategy for Oakura came the Structure Plan and within that Structure Plan the FUD South area was identified as a potential growth area. Then Plan Change 15 came along in 2011, adopted in 2013, and the purpose of that was incorporate into the District Plan future growth areas across the district but that plan change created - and I've said it in my evidence - a holding position for the district, so what it did was it identified those areas and it protected them from activities that might jeopardise the ability of those areas to be developed for future growth. So it controlled things like subdivision, things like pig farming, and activities that would create reverse-sensitivity issues so the development of those areas into residentially-zoned areas would come through either a District Plan review process or a private plan changes we're considering now.

**ASSISTANT COMMISSIONER:** Thank you for that. So just turning attention for a little bit to the rural environment area in terms of, I am thinking about its use as a zone in terms of the remaining area and how it ... Could there have been other mechanisms used to zone that particular area? I am just thinking in terms of a visual impact and landscape effects of the original consent for Paddocks, could they have used a slightly different mechanism or do you think that was the right one at the particular point in time?

**MR TWIGLEY:** Yes, I mean I totally think that that was the right mechanism. We've talked a little bit about the door being left ajar and that was recognition that that, or the FUD plan -- the Plan Change 15, the FUD Plan Change was sort of around the same time so it was recognition that that area was proposed as a FUD overlay so it allowed that area to potentially be rezoned to residential in the future but, of course, that process would be subject to detailed investigation to determine if it was an appropriate area to be rezoned and, you know, Mr Hislop's covered the background to how that area came to be and it's clear that very little analysis went into making that decision in terms of is it an appropriate area for urban development.

**ASSISTANT COMMISSIONER:** Just moving forward to the NPS-UDC and that Business Capacity Assessment for New Plymouth and notwithstanding that it is for New Plymouth-wide and we are focused on Oakura, but I am quite interested in your view in terms of how that assessment has worked, or your view of it in terms of its limitations. I mean there has been other evidence that we have been privy to that goes a little bit further in terms of what is the actual yield you could get out of the particular areas and what the expectation might be of getting to the subdivision stage there are a number of constraints. I am just wanting to understand a little bit more from your perspective of some of the limitations of that assessment.

**MR TWIGLEY:** Yes, well, I mean one matter that's been discussed is the evidence of Mr Doy, you know, he did a slope analysis of that land and that reduced some of the yields of the areas that he looked at, both residential-zoned areas and future growth areas, so I guess that's a limitation of that assessment. In terms of ... It's difficult to comment without knowing the process the council's gone through to come up with those numbers exactly but, yes, I imagine that they do have some limitations but --

**ASSISTANT COMMISSIONER:** So you would expect other geo technical constraints, landscape constraints, all of those things would all come into play and would have an effect on the yield?

**MR TWIGLEY:** Yes, absolutely like they do, yes, on any land development project. I mean what I would say is that if you look at FUD West versus FUD South, you know when you're looking at commercial viability in terms of developing those areas, you know, one area might have a bit more cost with it but that has to be offset against the yield that will come out of that area in terms of whether it's commercially viable, and obviously FUD West, I think it's estimated at about 350 lots whereas FUD South is sort of more like 120. So the point there is that in developing FUD West, you know, if the costs are a bit higher, well so are the returns which makes it commercially viable.

**ASSISTANT COMMISSIONER:** You talked earlier on about the non-developed land and you have given us the tables and I just wondered, from your view, if you saw a difference between non-developed land and land that is immediately available because I am perceiving there is a bit of a difference between land that has been zoned but it does not have the services, it may not necessarily have the agreement of the landowners, the market conditions might not be favourable, a whole range of different things compared to land potentially which is immediately available to get to the markets. Do you see quite a significant difference between those two things?

**MR TWIGLEY:** Yes, I'm not sure how you define "immediately available" and I'm not sure where that term's come from because I don't think it's used in the NPS or the ... I think it was a term used by Mr Comber, but the point I was trying to make is that when they're talking about feasibility and land that's available it doesn't mean that all the connections are in and you simply have to, you know, do the survey and everything's sorted. It's anticipated that there will be costs in connecting to the services as there is with every subdivision but the point is that the infrastructure is there, you know, adjoining the land and that there's capacity within that infrastructure for that development to occur. I think that's clear that --

**ASSISTANT COMMISSIONER:** So you are drawing a distinction that the terminology you have used links to the NPS?

**MR TWIGLEY:** Yes, that's what I've done, yes.

**ASSISTANT COMMISSIONER:** Just in regards to, I am calling it "the principle of fairness" and it was in the section 42a report is the recommendation for a smaller footprint, vis-à-vis a smaller subdivision, and that relies very heavily on the fairness principle, a 50/50 split between the West and South FUDs, and I was just interested in your comments. You did raise it but I am just interested in your comments further around the fairness principle and how you might apply that; its relevance in the RMA. Those who might not be aware, the RMA from time-to-time can be incredibly unfair so I am just interested in your link of the fairness principle in the RMA context but also if you think any other principles would be appropriate for us to consider?

**MR TWIGLEY:** Yes, I mean I guess --

**ASSISTANT COMMISSIONER:** Oh, sorry, Mr Wasley to consider, I should say. A slip of the tongue.

**MR TWIGLEY:** I guess that's where I was coming from on that point about fairness and allocation is that clearly, you know, 75 per cent of the identified growth area is in FUD West and so if you determine that being fair is to split the water allocation 50/50, well, you're clearly changing the yield between those growth areas and potentially affecting the value of each piece of land by doing that, and that would seem to me that if you're doing that through this process that to be fair the owners of FUD West should have some input into that, and my understanding is that they haven't had an opportunity.

**ASSISTANT COMMISSIONER:** So did you have a view of first in, first served in terms of when people are ready, that they are ready and others might not be, and perhaps the fairness principle is not appropriate?

**MR TWIGLEY**: We did talk about that earlier in the week actually and I think Mr Muldowney's comments were that that principle works well for a resource consent application but not so well in the context of a plan change, so I think that made sense to me.

**ASSISTANT COMMISSIONER:** This question might not be relevant to you but I am going to ask it and then perhaps my learned friend on the other side will pick it up and it might be something I will ask a little bit later, and it is just in your experience how long does it take a proposal in the New Plymouth area, in the coastal area, to bring it to market? So if a land has got the right zoning, you have got willing owners, how long would you normally expect that the land would be available to the market?

**MR TWIGLEY:** It depends on the size of that subdivision and, yes, when you get a bigger subdivision, although we don't get, you know, big subdivisions in the New Plymouth district, 20 or 30 lots might be considered big here. Probably a bit different where you gentlemen are from. But, yes, it tends to be staged as well but, yes, it does depend a little bit on the upfront investigation work that needs to be done in terms of engineering assessments and things like that but, you know, anywhere between say six to nine months and it might be two years depending on the processes that you have to go through for consenting and --

**ASSISTANT COMMISSIONER:** So relatively quickly?

**MR TWIGLEY:** Yes, yes.

**ASSISTANT COMMISSIONER:** There have been a number of different views around the land that is already available in Oakura and I am just interested in your view, if you had a view, in regards to the uptake of the existing so that ... I am thinking specifically about infill and whether you are aware of what the rate of uptake has been (several inaudible words)?

**MR TWIGLEY:** Yes, I wouldn't venture to make a judgment on that but I have been involved personally in some infill subdivision in the village over the last few years but that's been sporadic, I would say. Yes, I mean the opportunity for infill development definitely changed a bit when the wastewater was reticulated because obviously you don't need a room onsite for a disposal field so that created some opportunities although --

**ASSISTANT COMMISSIONER:** And the nature of those is sort of one dwelling, or one to three dwellings? Pretty small scale?

**MR TWIGLEY:** Yes, yes, it's pretty small scale, yes, and I think, yes, there is that desire to retain those bigger lots in Oakura. It's something that the community values so, yes, that's probably impacted a little bit on that uptake of --

**ASSISTANT COMMISSIONER:** So even if there may be an opportunity in the zoning planning sense to infill, would your view be that the pick up is not necessarily consistent and strong even though people would prefer to have a bit of space around them, prefer not to have (overspeaking) next door neighbour?

**MR TWIGLEY:** Yes, I think that's fair and ... Yes, and the estimates in the Housing Business Development Capacity Assessment, you know, they identified the infill opportunities but then they sort of code a 20 per cent uptake to that because of those types of reasons that not everyone wants to cut up their backyard.

**ASSISTANT COMMISSIONER:** Do you think that is quite accurate?

**MR TWIGLEY:** Yes, it would seem fair I think, yes, especially in Oakura.

**ASSISTANT COMMISSIONER:** Thank you. Mr Twigley, if the proposal or the proposed plan change was just confined to the FUD South area would your advice to us and your evidence be different to what you have outlined, both in your evidence-in-chief and your summarised statement?

**MR TWIGLEY:** It would be different.

**ASSISTANT COMMISSIONER:** Okay. If I can outline, I am just interested in the implications of development beyond the defined FUD and particularly the planning implications.

**MR TWIGLEY:** Yes, I think that does create a lot of planning hurdles, developing outside that FUD area. Obviously, we've got the issue with the arbitrary line, if you like, the way that FUD area's been drawn up, and by no means am I suggesting that if it was granted that that would be an appropriate kind of boundary for the ... I think there's been some good evidence around using landscape features as boundaries. I think a real key is that alternative access point on to the state highway. I think that's a really key matter. I think it would improve the Structure Plan significantly if that could be achieved. And I'm also thinking to the future about FUD West and that, ultimately, that's going to need a connection to the SH2 in the future.

So, yes, thinking long-term if, you know, those two FUD areas entered on to the state highway, you know, at that point, possibly the speed limit was pushed out and the village extended that way, that would be how you would do it in the future if you were looking sort of in a perfect world, I guess. It would make the Structure Plan a lot more resilient, a lot more connected. Yes, that's sort of how I look at the boundaries of that FUD area. It would possibly reduce the requirement for a bund as well along the state highway if you dropped the speed limit; maybe have it set back from the state highway.

**ASSISTANT COMMISSIONER:** The final question, Mr Twigley, somewhat hypothetical and as a planner and if you were in charge at the New Plymouth District Council and taking a helicopter view, what from that planning perspective would you see as being important in terms of the overall future development of Oakura? I suppose what gaps are there, and you have highlighted earlier on in terms of the lack of or the disconnect between the some of the documents and that type of thing, so if you are in charge what would need to happen from that helicopter view?

**MR TWIGLEY:** Yes, well, I mean the perfect opportunity coming up, the proposed District Plan, so it happens every ten years and you get a chance to review your plan. I'd be having a very close look at the Housing Business Development Capacity Assessment and reviewing that closely as to what are the future growth needs of Oakura because I think they really need to be examined. They really haven't been examined in any great detail since the Structure Plan in 2006. You know, we've still got those growth areas more or less as they are, so I think that would be critical. Looking at that undeveloped residential land; looking at the growth areas; looking at what's logical for the future growth needs of Oakura, and then putting them into a sort of coherent planning framework for growth that's clearly understood and that the community have engaged on, and setting out a clear pathway for the short, medium and long term. Also responding to the uniqueness of Oakura in terms of some of those things I talked about with larger lot sizes and that special connection between the coast and the national park. Those things that all of the community value very highly.

**ASSISTANT COMMISSIONER:** I will ask it anyway just in case (several inaudible words) asked it earlier. I just wondered if you had a view. Obviously, the capacity report is dealing with dwellings with an assumption of occupancy, and as you will probably appreciate averages do not actually exist in the real world; there is not a 1.5 person or a 2.5 person, whatever the case may be, and I just wondered whether you had a particular view in regards to the accuracy or the benefit or preference of using dwelling numbers with an average occupancy, or rather what do you want the population to look like and then look for the

typologies of houses to provide for that, but perhaps density might an appropriate measure. I just wondered if you had a view.

**MR TWIGLEY:** Yes, I mean that's a very good point and I think the -- yes, having -- focusing on lots and households and that is a bit crude, and I think having some guidance and some goals around typologies is definitely -- you know, that's where we need to be thinking and so it does -- in terms of that capacity assessment, it doesn't really deal with that. I think Mr Wasley had a question about the Structure Plan and whether it allowed for different typologies because of the, you know, forecast is showing we're going to get smaller households as we go forwards, so I think having those different typologies and different options for people to buy into that might want a smaller property or might want to live with granny and grandpa, you know, those types of arrangements, having that flexibility in the housing stock is definitely a good goal going forward.

**ASSISTANT COMMISSIONER:** It certainly seems to me that the unique circumstances of living near the coast here with the Mounga behind you would lead itself to design solutions in the future -- yes, fine(?) in typologies rather than dealing with a detached multiple bedroom house and trying to mitigate its effects in the environment.

**MR TWIGLEY:** Yes, and I would say that through the draft District Plan that's proposed to be notified as a proposed plan in August, next month, there is some provisions that move towards that in terms of semi-detached and multi-unit type dwelling arrangements.

**ASSISTANT COMMISSIONER:** We had a few submitters this morning talk about their concern about I suppose the density and people being close together and like the idea of the space and perhaps their typology (overspeaking)

**MR TWIGLEY:** Yes, so there's a friction there between retaining that spaciousness within, yes, residential environment but also allowing for those different typologies and higher density and options for people.

**COMMISSIONER:** There is nothing further. Thank you, Mr Twigley.

**MR TWIGLEY:** Thank you.

**COMMISSIONER:** Mr Grieve?

**MR GRIEVE:** Thank you, sir. That's all the expert witnesses for my clients so I think we're down to the next lot of submitters.

**COMMISSIONER:** Yes, we are. Okay. We will take an afternoon adjournment until 4.10 pm and then we are happy to sit through to around 6.15 pm - 6.30 pm. We are endeavouring to catch up a wee bit, and after the afternoon tea break I will just outline some of the readjustments in terms of hearing from submitters because I am also aware that some people have some time constraints in terms of this afternoon, and at this stage we are looking at the site visit commencing at 9.00 am Friday morning but we will talk around more details of that tomorrow. So we will adjourn to 4.10 pm.

(Adjourned until 4.10 pm)

**COMMISSIONER:** Okay, we will reconvene so in terms of who we will hear from this afternoon, as I outlined prior to the break we are happy to go through to 6.15 pm - 6.30 pm tonight and this recognises in terms of some people have some time constraints and some commitments, so we have done the best we can and I just thank you to those for your forbearance in terms of the changes and that we are a bit behind the original schedule.

So we will hear from Ms Barrett next, then Erin Whooley and then Trent Tscheuschler and Ellie(?) Black, Ian Frame, Fay Looney, Graeme Churchill, and then Stefan Kiss, Sam Dixon, and then we might carry on down the list after Sam Dixon just depending on the time. So we will just keep on going and see where we get to around to 6.15 - 6.30 pm and if people are more -- both Mr Coffin and I are more than happy for you to summarise any statement you are presenting and, certainly, if I can re-emphasise we have heard on a range of issues that submitters have raised so if people just take note and be conscious of trying not to - if you have been here - to repeat things that others have said because just repeating the same thing does not make any difference. We have heard the issues that people have raised and are certainly keen for those where also issues have not been raised to-date for those to be covered up by submitters in terms of your submission. Ms Barrett, welcome.

**MS BARRETT:** Start?

**COMMISSIONER:** You are also speaking on behalf of the Bennetts and the Mathesons and the Stoltes?

**MS BARRETT:** Yes.

**COMMISSIONER:** Okay. Thank you, and if you can just pull the microphone a bit closer to you, and over to you.

**MS BARRETT:** Okay. I have many concerns if this proposed subdivision was to go ahead and oppose it in its entirety.

Firstly, Oakura School I think is at capacity now. The school has a steady growth that for a number of years with development coming from infill in areas already zoned for development, this will continue with what we have now.

 Parking and traffic safety by the school is currently an issue. Peak times already take up all available parking. This is Donnelly Street, Hussey Street, Main Street, The Outlook, back of the Four Square. Vision can be difficult when coming from Donnelly Street on to the main road especially at peak times. There's an increased risk of the safety of children getting to and from school with increased traffic. Navigating a busy highway and a busy Donnelly Street already pose safety problems for our community. An influx of traffic will have severe implications to the safety of our school community.

The thought that the Ministry of Education thinks that the school's capacity is 1,000, this is a joke. No other primary school in Taranaki has 500, let alone 1,000 students. The largest intermediate school has around 600 - I'm not 100 per cent sure on that figure - on a site which is considerable bigger than Oakura School. We only have two high schools have exceeded 1,000 on sites that we cannot even compare to our Oakura School site.

 With the proposed subdivision, Oakura School would grow considerably impacting on the values and the character we hold dearly at our school. Sports fields would have to go to make room for classrooms. The only other sports fields in Oakura is Corbett Park. This would mean a 20-minute walk to and from what would take away from crucial educational time and compromise the safety of our children travelling along a main highway. As a parent, I find this completely ridiculous. Auckland primary schools may have these huge numbers but also have the infrastructure to cater for this. That is because they are a built-up high-density urban area where they are able to manage and cater for this. Oakura is not a high-density urban area but a semi-rural township and we should adhere to the long-term plan prepared by the Oakura Community Board. This does not include the proposed subdivision on the mountainside of the SH45.

 Increased numbers at the school could mean that the school's forced to lose the year seven and eight students. This is something our school community values and is part of the school's character. To lose the year seven and eight students from the school would be a detriment to the valued leadership and caring nature our students gain from this.

 So that's what I've talked about for the school but then we've got traffic issues for our community. Increased traffic volumes will compromise the safety especially to our children heading to and from school and commuting just around Oakura as they do. Entering on to the main highway is already hazardous especially by the Four Square and off Wairau Road. Crossing of the main road will become even more treacherous. Oakura already lacks a sufficient parking space at and around school, the main road, the library, at the beach, just to name a few. Being able to commute safely around the village for us and our children is detrimental to the quality of life in the village atmosphere.

 Further, development, infill housing, and proposed development that is already zoned will continue to create growth and will continue to need to be managed and already is putting a strain on our infrastructure and services. Development should happen on the seaside of the main road to aid this management.

 If this subdivision was to go ahead, it would change the landscape from rural to urban and destroy rural views and vistas leading up to and from the Kaitake Ranges. Developing on the seaside would be less visible and have more options to walk, bike, rather than take a vehicle. Having this proposed development so close to the Kaitake Ranges would also increase pests in which we are working so hard in trying to reduce and eradicate. Insufficient infrastructure as grassland is converting into curbs, and roads, and pathways will add to erosion of stream banks and run-offs into our streams and to the beach.

Oakura has a village feel and a unique character, an amazing sense of community. This will be compromised with such a huge growth of population if this proposed subdivision is to go ahead. We do not have the infrastructure or the services to cope with this growth. Gradual growth will continue to happen with infill and proposed development already zoned. So that was mine.

**COMMISSIONER:** Thank you.

**MS BARRETT:** And this is from Hayley and Stuart Bennett:

"Oakura Primary School is directly off SH45 making access for our children whether in cars, walking or biking, already dangerous. Our children need to be extremely vigilant when crossing Donnelly Street. The influx of traffic would escalate and dangers surrounding this crossing. The current level of car use by parents/caregivers dropping off children before and after school primarily between 8.30 am - 9.15 am and 2.45 pm - 3.15 pm takes up all available on street parking. This parking would also adversely be affected. If this subdivision was to go ahead, the added influx of people which will cause a surge in traffic and pedestrians will have severe implications for the safety of our children.

 Also, of major concern is the specific zoning rules that the developer is requesting to applied to this development, ie 300 m2 sections, an increase to the area of the site that can be covered by a building to 55 per cent. This will surely set a precedent for all future developers throughout Taranaki. If we wanted to live in a city we would have. You will have a lot of explaining to do in the future if I seek to subdivide my property into 400 or 500 m2 sections and am told I cannot after you've given this developer special permission.

 The current school will not be able to cope with the influx of new students. We all know the Ministry of Education has no money so will the developer be contributing to building and resourcing a new school to accommodate these extra children? With this particular developer's previous development, ie the Paddocks, did this developer promise to provide something towards the infrastructure of the Oakura Community and, if so, did he deliver on these promises?

 Growth is a natural part of any community and I am not opposed to it. With a strong council that has the interests of its community at heart, this growth usually occurs in a well-mannered structured way. I was under the impression that the council wanted to advocate for a coordinated approach to the growth of the village. The proposed development is far from what we could be defined as a coordinated approach. I've concern that the proposed development would encroach on the National Park and would be detrimental to the ecosystems. I've watched our community embrace the Restore Kaitake project. The proposed plan change seems to negate the whole initiative.

So that's Hayley and Stu. This is Sara and Richie Matheson:

"Oakura is a small village with amenities and school size for a smaller population. The increase in population that will become evident if this subdivision goes ahead will result in a requirement to, for example, build additional classrooms. How is this intended to be funded? Is the developer making provisions for this?

State Highway 45 is already a very busy road with high levels of traffic through the village at peak times. The population increase will obviously increase this further. This then presents a danger to the children walking back and forth to school. Improved crossing facilities will be required within this village.

Will the change in zoning rules being requested result in setting a precedent for future subdivisions of land?"

So, that's their one. Then from Loe and Lies Stolte:

"We oppose the planned subdivision in its entirety.

We are an elderly couple who have two children and four grandchildren who reside in Oakura. We are regular visitors who enjoy catching up with our family and/or enjoy the many activities on offer in Oakura for us and our family.

We are regulars at Oakura School, either picking up grandchildren, grandparents' day or watch the grandchildren play sport for either interschool or Saturday soccer. Each time we visit the school the sports fields are, more often than not, in use.

We find parking at the school can be difficult and manoeuvring around Donnelly Street can be challenging, and this is now with no subdivision. The increase of traffic that would occur from the proposed subdivision up and down Donnelly Street and on to the main road would further increase the safety risk for pedestrians and drivers. On top of this, we are absolutely gobsmacked to think that the Ministry of Education could even consider that Oakura School has the capacity of 1,000 students. If the proposed subdivision was to go ahead, what would happen to the school's sports fields? Where would the children play their sport? How could Donnelly Street, the main street and other parts of Oakura possibly cope with the increase of traffic and manage to keep pedestrians and drivers safe? Our families have nothing but positive things to say about Oakura School. This, we're sure, would change if Oakura's size would increase significantly. Sheer numbers would change the character and feel of the school.

Oakura Beach is another place we enjoy with family. Parking and traffic, once again, is already an issue. Having this subdivision across the main road poses a problem of residents more inclined to drive to the beach rather than walking, creating further traffic and parking problems.

We think that Oakura does not have the infrastructure and services to cope and manage with the proposed subdivision."

**THE COMMISSIONER:** Thank you, very clear. Mr Coffin?

**ASSISTANT COMMISSIONER:** There was a consistent theme of the parking. I am just interested in you just being a little bit more specific because you are living in the area.

**MS BARRETT:** Yes.

**ASSISTANT COMMISSIONER:** Which parking are you most concerned about?

**MS BARRETT:** Well, there's a number of different parking places that concern me. The school is obviously a topic. Already we have a huge problem up at school with the traffic and people being dropped off, picked up, particularly on a rainy day. The kids are encouraged to walk and bike to school and we have a huge percentage of children who do this. However, even though they do do this, we still have parking issues. So that is only going to grow and become a bigger issue and I don't know the solution to that. The Four Square and the main street often is fully parked and has no capacity for more parking that I can see. The beach is another area, and those are just to name a few.

**ASSISTANT COMMISSIONER:** Thank you.

**THE COMMISSIONER:** Okay. Just one question. You mentioned in your own presentation about the unique character. Can you just summarise what --

**MS BARRETT:** Unique character of Oakura?

**THE COMMISSIONER:** Yes, what you see as that character.

**MS BARRETT:** Oh, there's many unique characters of Oakura. It's a place that many people choose to live for the fact that we have the freedom to be able to send our kids off to the Four Square to get themselves an ice‑cream, feel safe. There's a real sense of community. I mean, an example of that, when the tornadoes came through Oakura the fire brigade was inundated with help as well as neighbours and things getting together. The same may have occurred with a tornado going through New Plymouth but we were offloading our supply from our little community through to the township community. So the sense of community and people bonding, you know people and you know that they will support you when you need it and will look out for our children and each other, and the sense of freedom.

**THE COMMISSIONER:** Okay. We do not have any further questions, so thanks very much, Ms Barrett.

**MS BARRETT:** Okay. Do you need ...?

**THE COMMISSIONER:** Yes, if you could leave those with Jane and that will be -- thank you.

Okay, so we will move to Erin Whooley of First Gas. Welcome, and we have your statement in front of us and certainly matters such as qualifications and experience and code of conduct, and there could well be other matters that we are more than happy to take as read.

**MS WHOOLEY:** Great.

**THE COMMISSIONER:** Thank you.

**MS WHOOLEY:** Thank you. Good afternoon. I'm Erin Whooley.

**THE COMMISSIONER:** Can you pull the microphone closer, please?

**MS WHOOLEY:** Can everybody hear me now?

**THE COMMISSIONER:** Thank you.

**MS WHOOLEY:** I'm Erin Whooley. I'm a planner. I work for Beca and I am working for First Gas and would like to run through a very short summary of my evidence. This is the evidence that was accepted as late and I'd just like to acknowledge that and say thank you. This is Nicola Hine. She is the land advisor for First Gas and she's available to answer any questions specifically relating to the network.

So, to just resummarise the original submission and the evidence, First Gas neither supports nor opposes the proposed plan change. The matters that First Gas are interested in is all around enabling First Gas's ongoing operation, maintenance and upgrade of the pipeline. The pipeline is regionally and nationally significant infrastructure.

This plan change proposes a rural lifestyle area over the area where there are existing pipelines. The site contains infrastructure which is owned by First Gas, OMV and Liquigas, which includes high‑pressure gas and liquid petroleum pipeline in the Oakura delivery point. When you do your site visit, you'll be able to see the delivery point. The pipeline corridor traverses three separate rural lifestyle lots, one of which includes an equestrian arena. With development potentially in close proximity to the pipeline, this will potentially expose the pipeline and the network. It's vital to protect this. This protection is consistent with the RPS, which confirms that the gas network is again regionally and nationally significant infrastructure.

The recent council's supplementary 42A report does accept two of the matters which were outlined in both the submission and the further evidence. The first of those ‑‑ this is in section 3.72 of the supplementary section 42A. The first relates to a new rule requiring setbacks from the pipelines. This is a good outcome. The pipeline that is referred to doesn't ‑‑ whilst it has an easement, easements don't provide any true protection of the pipeline and a rule is a much more appropriate mechanism. The pipeline is within an easement, which we recognise has traditionally been relied upon to protect and enable infrastructure and activities, but it is not fit for purpose in a resource management context.

The second relief, if you could call it that, which is outlined in the supplementary section 42A report, is that the pipeline should be clearly shown on the concept and the structure plan. Making the location of the pipeline known is vital to facilitate its protection for the benefit of plan users, future purchasers of the affected sites and decision makers at all levels. This would also help achieve simpler plan interpretation and certainty in interpretation.

Whilst both of those two matters are definitely acknowledged in the supplementary report, they're not actually carried through into the table of the proposed amendments to the plan change provisions in section 4. We would just like to reiterate that these outcomes is definitely what First Gas is still seeking.

The third matter that was outlined in my evidence relates to providing additional matters of consideration in relation to subdivision in the rural lifestyle zone. This wasn't acknowledged in the supplementary 42A report and I consider that it's really important that the pipelines are protected and enabled and when assessment is facilitated by way of a consent application that the implications of these and how they're assessed will allow First Gas to essentially be a part of that and to share what's required to protect the network.

We're still seeking clarification over whether access will be provided off Wairau Road into the western‑most lifestyle block, which does contain the equestrian area as we understand it. First Gas would have an interest in this in terms of any potential conflict with the pipeline assets; for example, if there were horse floats or very heavy vehicles crossing the pipeline.

That wraps up the summary. Both Nicola and I are happy to answer any questions.

**THE COMMISSIONER:** Okay, thank you. Mr Coffin?

**ASSISTANT COMMISSIONER:** I do not actually have any questions because you have been quite clear about what exactly you are looking for and what the reasons are for it, so I do not have anything else at this stage.

**THE COMMISSIONER:** You mentioned that the easement is not very effective, so what does the easement provide for, as a matter of interest?

**MS WHOOLEY:** I think we'll co‑answer this.

**THE COMMISSIONER:** Okay.

**MS WHOOLEY:** Essentially, an easement is a private agreement between a landowner and First Gas. Whilst it is a public document - everybody can access what is on a title to fully understand what's inside an easement - it's not easily accessible and it's not easily well known. Do you want to add? Yes.

**MS HINE:** So I think if we bear in mind the pipelines were installed 1975 and that easement sort of reflects that time, and the use of the land provides for ordinary cultivation, so your ordinary farming/pastoral activities, so with the change of use sort of what we highlight is the easement doesn't provide for that. It doesn't protect enough for intensification and that growth there.

**THE COMMISSIONER:** Okay. So, in terms of that you are suggesting a new RDA rule in terms of structures of buildings within 20 metres of the centre line of the gas pipeline, so that is a 40‑metre corridor for want of a better word, is the easement that wide, ie the proposed rule and the easement, are they the same in terms of the width?

**MS HINE:** Essentially, no. So the easements are generally six metres either side of the pipeline, bearing in mind we've got three pipelines here. So I think as well with this, this was sort of a unique easement. It talks about a 20‑metre wide easement because you had a couple of pipelines in there, and then Liquigas came later, so it might be a sort of 20, 25‑metre easement collectively, if you like. So the 20‑metre setback, if you like, or safe separation distance as we like to say, really it goes further than the easement because it ‑‑ imagine your house is built 20 metres away and you'd like to then landscape, put in a pool, fence. By having that further buffer, it means someone can carry out those ordinary activities without affecting the pipeline and encroaching on the easement. Conversely, or reversely, if we come along and excavate within that easement, we're not sort of right there above, you know, next to your bedroom window.

**THE COMMISSIONER:** Okay. My last question: in terms of what First Gas is seeking, has there been any ‑‑ well, first of all, has there been any discussion and then agreement with the applicant in terms of what you have outlined and what First Gas is seeking?

**MS WHOOLEY:** No, we haven't approached the applicant directly for this relief. It's purely been by way of the submission.

**THE COMMISSIONER:** Okay.

**MS WHOOLEY:** Yes, and sorry, just to clarify with your previous question, it's not 20 metres either side of the pipeline, it's 20 metres from the centre ‑‑ from the centre of the gas pipeline so --

**THE COMMISSIONER:** Yes, which is in your statement, yes. Thank you. No further questions, so thanks very much and thanks for that good summarised version. Thank you.

Okay, so Allie Black and Trent Tscheuschler have been rescheduled to Friday, so we will move to Ian Frame. Welcome, Mr Frame.

**MR FRAME:** Thank you.

**THE COMMISSIONER:** Please take us through your statement.

**MR FRAME:** Okay. Thank you. I'll just read through my document:

"Background

1. My wife and I are residents of Oakura, having relocated here from Wellington in 2016 following my retirement from full-time employment. I knew Oakura well, having spent my teenage years living in New Plymouth. We built a new home in The Paddocks subdivision undertaken by Mr McKie. Since taking residence both my wife and I have become actively involved in community activities in Oakura and the wider Taranaki region.

2. During my working career as a senior executive in the civil engineering and finance sectors, we lived throughout New Zealand and in parts of Australia, the UK, south‑east Asia and the Pacific islands. The reason we chose to spend our senior years in Oakura was because of its unique recreational attributes, its proximity to a progressive provincial city, its interesting people and particularly its strong sense of community in a traditional kiwi style.

3. By 'strong sense of community' I mean the way people support one another in their daily lives, provide care for each other, share their vegetables, share their fish that they catch, maintain their local recreational clubs and facilities [much of which is done on a voluntary basis, by the way], maintain a safe and secure living environment and share ideas about how to be healthy and self‑sufficient in many ways. These are the core values that bind the close‑knit community of Oakura.

4. Also, we were attracted to purchasing a lot in The Paddocks subdivision because it was a small lifestyle block that suited our purposes and we were assured by the resource consent and Mr McKie himself that lot 29 would remain as productive farmland. The rural aspect of The Paddocks and the surrounding land use was a critical factor in our decision to purchase a property and subsequently spend over $1 million developing it. Also, my wife is a naturopath and she was particularly attracted by Mr McKie's assurances that lot 29 would soon become and remain an organic dairy farm.

Character of Oakura

5. The essence of Oakura is that it is a meeting place and has been since Māori and, later, Pākehā first arrived. Today it is where surfies meet surf lifesavers, who meet fishermen, who meet equestrians, who meet motorbike riders, who meet mountain bikers, who meet trampers, who meet golfers, who meet lawn bowlers, who meet world‑famous sportspeople, who meet artists, who meet gardeners, who meet farmers, who meet brewers, who meet firefighters, who meet global oil and gas engineers, who meet adventure tourists, et cetera, et cetera. Many of the people involved share several of these interests and for that reason Oakura attracts people both as visitors and residents from across Taranaki, New Zealand and the world."

Commissioner, that may seem like a longwinded way of making my point but I want to ‑‑ I want to impress upon you that community is about people, not about land. And I understand we've heard a lot from the planners so far in the session and their job is to talk about land and land use and built environment, but the community is about people:

"6. People who know Oakura understand its unique character and recognise it as the gem, the jewel, the treasure, the taonga that it undoubtedly is. Its success as a community has been its ability to maintain the special character without succumbing to overwhelming commercially driven development.

7. Sadly, in other parts of New Zealand and elsewhere globally there are many examples where communities have been effectively destroyed by commercially driven development that has undermined the traditional values and character of the community. Personally, I believe Queenstown is in that category. Forty years ago it was a treasure; today it is just another commercially driven mecca devoid of its traditional values. I have several friends who live there and they barely know their neighbours, let alone care for them.

8. To be clear, I'm not anti‑development, nor anti‑growth and I believe the vast majority of Oakura residents are the same. In many ways, Oakura would be stronger with more people to support its various community and business activities. However, any such growth and development needs to happen in a way and at a rate that doesn't destroy the community's inherent character or overstress its infrastructure.

Demand for future growth.

9. With reference to Boffa Miskell's report prepared for the NPDC, there were 549 dwellings in Oakura in 2018 and there will be demand for a further 247 new dwellings by 2048, ie in 30 years' time. That is growth of about eight dwellings per annum.

10. Boffa Miskell's report also states that there is existing land already zoned for residential development that can provide 157 sections with a further 127 available as infill sections. This means that there are 284 sections available on land already zoned for residential use. Those sections more than cater for the district council's forecast demand of 247 sections for the next 30 years without the requirement for any rezoning of rural/FUD land.

11. Furthermore, if in future years there is proven demand for growth at a rate faster than the district council is currently forecasting, then the rezoning can be reviewed at that stage on an adaptive basis.

Location of the expansion

12. In essence, Oakura is a seaside community. From a residents' perspective, its shoreline is the dominant geological feature and the centre of much of its activity. In many ways it is Oakura's raison d'être."

In fact, the word 'Oakura' means place of the mouth of an eel net, and so even back when Māori first arrived and gave Oakura its name, it was all around ‑‑ it was all around the fishing. I expect - I don't know for sure but I expect - that the eel net was ‑‑ or, sorry, the small estuary where the Oakura River flows out to sea looked like an eel net and probably was full of eels at the time, certainly full of whitebait:

"There are other important geological features such as the Kaitake Ranges and the Oakura River, but they aren't the fundamental reason why Oakura exists. It exists because of its beach and an estimated 90% of the residents live within easy walking distance ... of the beach."

By 'easy walking distance', Commissioner, I had the fortune of running the public transport system for three years in one of New Zealand's largest cities. I know for a fact that about a quarter of a mile or 400 metres is what most people will deem to be the limit of easy walking distance. So, if you take from the Four Square store down to the beach, even from the corner of Wairau Road and State Highway 45 down to the beach is about 400 metres. People will walk from that point. Further up the hill, I mean, we live in The Paddocks but we often walk down there, my wife and I, but we're quite fit. But if we were taking a hamper or beach gear down, we will get in our car and drive. I would suggest that most people that live on the south side of State Highway 45 will drive to the beach. Those that live on the seaside of State Highway 45 will tend to walk to the beach. That's relevant in terms of car parking, et cetera, down at the beach. So:

"For that reason alone, any further residential development of the township should be focused on the seaward side of State Highway 45.

13. Many small towns in New Zealand are suffering from the conflicts that arise between community activities and the ever‑increasing traffic on state highways that run through the town, particularly where the residential properties straddle both sides of the highway. Fortunately for Oakura, that is not currently a major issue because the current residential zone is primarily on the seaward side of the highway. However, it could increasingly become a problem if further residential development takes place to the south of State Highway ...

(transcription ends)

(transcription begins)

It is not just a traffic problem; it is a significant community safety problem.

 Furthermore, it has now become obvious that the Oakura Primary School is becoming increasingly constrained by the land on which it is located. Before long it will make sense to relocate the school to a more suitable place. The obvious location in terms of child safety and convenience for the majority of the Oakura families is to the seaward side of State Highway 45 within the boundaries outlined in my following section. There is plenty of suitable land available, especially towards the western end of the existing residential zone, that is on the seaward side of State Highway 45. Other suitable recreational facilities could be located there.

 So the natural boundaries and barriers for the township. Oakura is surrounded by highly productive dairy farmland, and any further expansion of the residential zone needs to be done by recognising existing natural barriers. These natural barriers are, in my opinion, the Oakura River to the east, State Highway 45 to the south, and Ahu Ahu Road to the west. Now, Ahu Ahu Road is further west than what the KCB has been suggesting, because they've been suggesting the golf course, but there is already residential development beyond the golf course, and if you look at Ahu Ahu Road, there are lifestyle blocks on the western side of Ahu Ahu Road, and there is no reason why the township of Oakura, the residential zone, couldn't go right through from the existing beachfront area, residential area, through to Ahu Ahu Road, in my opinion, and consistent with my views that within 400 metres of the sea, of the coast, is suitable for Oakura, consistent with current character. That would be a 400-metre-wide strip right down to Ahu Ahu Road. Sorry, there is no map up there to show you on, so I have to explain it rather than …

**THE COMMISSIONER:** No, and certainly I have been down Ahu Ahu Road and do know that.

**MR FRAME:** Yes, you understand the area. I mean, I'm a keen golfer, and I know every time I play golf down that end of the course, I look out there and say, "That's where the village needs to expand to". And I would even go so far as to say that a deal could be done with the golf course to take the last two holes, the most seaward two holes away, replace them with some other land and open that up for residential as well.

 It appears the applicant is arguing that The Paddocks' subdivision has been a success, therefore they should be entitled to continue converting their dairy farmland to residential use. I strongly disagree with that. Firstly, The Paddocks' subdivision is rural in nature, comprising what are essentially lifestyle blocks. Secondly, there is a sizeable natural barrier between The Paddocks' subdivision and the adjoining dairy farmland created by the QEII Open Reserve that was established as part of The Paddocks' development itself. Conversely, what is proposed under Plan Change 48 is completely different. It is a much larger scale, higher density, residential subdivision with no natural barrier between the residential housing and the productive farmland. If, as it appears, the applicant party purchased the subject dairy farmland eight years ago with the intention of converting it to suburban residential properties, I would have to conclude that they bought the wrong farm. They should have bought on the other side of State Highway 45, or somewhere adjacent to New Plymouth city.

 Conclusions. The proposed Private Plan Change 48 should not be approved in any form for the following reasons.

There is a very high risk that it will generate population growth at a rate that will undermine the special character of Oakura and completely overload existing infrastructure.

It is not needed to meet the NPDC's forecast demand for housing in the Oakura township over at least the next 30 years. If future demand turns out to be higher than the NPDC is currently forecasting, then future land-use planning should be done on an as required and adaptive basis once it becomes obvious there is insufficient land already zoned residential. I expect any such review will be at least ten years away, and probably much longer.

Commissioner, I wasn't aware, but I was interested to hear today, that there is a major plan review coming up with the NPDC, and I think that's excellent. I think what this plan change has done is it has motivated the community to take that planning step by the Council more seriously, even than they may have otherwise done.

In any event, future expansion of the Oakura residential zone should be on the seaward side of State Highway 45 between the Oakura River and Ahu Ahu Road. There is plenty of suitable land within those boundaries, the location of which is consistent with Oakura's character as a seaside community. If there is a need for a larger primary school and additional recreational facilities in future years, there would be plenty of suitable land within these boundaries and well away from the dangers of State Highway 45.

 In my opinion, the Commissioner should not be swayed by the applicant's enthusiasm and apparent readiness to proceed. Oakura needs sound land-use planning in order to protect it from the downside of opportunistic and commercially driven development for development's sake. The special and unique character of the Oakura community needs to be recognised for what it is, and protected. I believe the residents of Oakura recognise and accept the inevitability of growth and fully embrace it. What they don't accept is the irrationality of this poorly conceived application for a large residential rezoning of productive farmland in an unsuitable location.

 There are many other valid social, visual and infrastructural issues that I haven't commented on as I am aware these issues are being raised by other submissions.

 But finally, being a very positive-minded person, and also being thankful to have the opportunity to buy and live in The Paddocks' subdivision, I have tried very hard to find the positives in this application. Unfortunately, I can't find a single one. In my opinion, the application simply doesn't make sense from a community perspective.

**THE COMMISSIONER:** Thank you, Mr Frame. Mr Coffin?

**THE ASSISTANT COMMISSIONER:** Thank you for your submissions. It is very clear, and I think in some ways you have summarised the comments of a number of other submitters, so thank you.

 Just on your page there at paragraph 4, you have talked about some of the rationale about why you purchased the property, and two of those were the assurance by the resource consent, and I am assuming you mean the condition that was put on for Lot 29, is that correct?

**MR FRAME:** A combination. I mean, there were very tight covenants put on those sites, and they were all consistent with the provision in the resource consent, certainly as we understood it.

**THE ASSISTANT COMMISSIONER:** In terms of the QEII covenants and those types of things.

**MR FRAME:** Well, height restrictions and distance from boundaries, height restrictions on vegetation and on buildings, and also use, and also maintaining the rural character. It actually uses those words, I believe, rural character, maintaining the rural character of the area.

**THE ASSISTANT COMMISSIONER:** You also mentioned Mr McKie as well. Was that in person or was that a verbal assurance?

**MR FRAME:** About the dairy farm, it was verbal many times. I can assure you, my wife cross-examined him on that when it was happening, and followed the progress of the submission, because at the time that we bought, it hadn't been certified as organic, but my wife could probably tell you the day that it was. She celebrated it.

**THE ASSISTANT COMMISSIONER:** Thank you. I do not have any more questions.

**THE COMMISSIONER:** In paragraph 8, Mr Frame, and your last sentence, you talk about growth and development needs to happen in a way and at a rate that does not destroy the community's inherent character, et cetera. So, can you just tease out for me in terms of what you see is important in terms of growth and development in a way and at a rate and what that means?

**MR FRAME:** Yes. Well, I mean, it means location of the expansion. It means at a speed, which in other words number of new dwellings per annum that the infrastructure can handle, and, to be perfectly frank, I wasn't aware of the extreme state of the constraints on the infrastructure at the moment. I was aware there was some problems at the school, but as a result of this hearing I've become aware of a whole lot more constraints on infrastructure, so I mean those need to be sorted regardless of what happens, and whether this plan change is approved or not, there's going to be growth no doubt and, as I say, the community would probably welcome it. I mean, the bowling club would like more members, and so would the golf club, and I'm sure there are a whole lot of other clubs in town that would like more members.

 So, I think that that needs to be sorted out regardless but, yes, infrastructure, but also, I'm a business manager. I know you can grow at a certain rate with a company and still maintain its culture. If you try to expand too quickly, you will lose control of the culture, and the company will lose its edge as a result.

 What is that growth rate? Well, I know with a company, probably 15 per cent per annum. With a community like Oakura, I don't believe it could be anywhere near that. Low single figures of expansion per annum.

 Do I believe that the next 30 years will require only eight new dwellings per annum? No, I think demand will be slightly higher than that, but I think there's plenty of land on the seaward side of State Highway 45 to cope with it.

**THE COMMISSIONER:** Thank you. We do not have anything further, so thank you, Mr Frame.

**MR FRAME:** Thank you.

**THE COMMISSIONER:** We will move to hear from Fay Looney. Welcome.

**MRS LOONEY:** Thank you.

**THE COMMISSIONER:** If you can take us through your statement please?

**MRS LOONEY:** At this stage, I just want to make a point. It's not in my submission. In the last ten minutes I've heard the most mind-blowing news about lack of consultation with Light Gas. We have a 36-inch pipeline coming through our land. I know how it affects everything we do, and I cannot believe that we have got to this stage two years on and they have never consulted with Light Gas.

 I have been putting together this submission ever since I was aware of the need to speak up and oppose this proposed plan change. I tossed most of it aside last night after spending the day listening to submitters for the application. I tell you, my heart rate's gone up since I heard about that Light Gas, so please excuse if I can't …

**THE COMMISSIONER:** That's fine.

**MRS LOONEY:** Technical experts I will not argue with, as I am certainly not qualified to question their expertise. I am, however, very qualified to celebrate the lifestyle that Oakura delivers to me, my family, and our residents every day of my life. Living here, raising a family, participating in the community's activities, should be a prerequisite for those who are in charge of a community's wellbeing and environment. KCB proved yesterday they are champions for the community, and backed it up with detailed proof.

 You need to be here and feel the vibe that unites Oakura. Oakura was settled by the first settlers. They brought with them farming skills and instilled them in the generations to come. You will hear fifth, sixth and seventh generation voices in submissions today. Oakura is an international village now. Just listen to the many languages our sixth and seventh generations are exposed to in the playgrounds of Oakura School every day. Such are the benefits of a village atmosphere.

 The applicant's planning expert obviously does not live here. Does the applicant? And therein is the problem we face at times such as this proposed private plan change. Many experts start from a negative position by not being a resident of the place they are anticipating shaping their way.

 It seems the applicant's planning expert felt that as the local coffee shop was closed at 2.00 pm, it indicated a lack of enthusiasm for business in the village. Here's a hint. If you still want a coffee, and High Tide Coffee is closed at 2.00 pm after being open since the early hours, just cross the road, if you can through the traffic, and get one from Four Square, Butlers Reef or The Café. Another option is drive to the beach down Wairau Road. The surf shop has a great coffee service. You can sniff the ozone and dip your toes in the Tasman Sea long before your coffee cools down.

 I also heard how the applicant is kindly donating a piece of art to become a focal point of his proposed large residential development in our rural landscape. I have a question about that. Why is it that people are more proud of promoting something from somewhere else other than supporting local? Oakura has sculptors, internationally recognised sculptors. One lives on Wairau Road. As we speak, she's presenting at an international forum in Europe by invitation. There are at least four other celebrated sculptors within a stone's throw of The Paddocks.

 A thousand people at our local school? I guess that means a minimum of 500 cars delivering them on a one-way street. Goodbye playgrounds and wellbeing factors.

 Fifteen thousand people riding their bikes and walking from Pukeiti to the top of Surrey Hill Road? We can't discuss that because it's not up for discussion yet and may never be.

 The green school? Yes, I believe it’s a reality. The trucks roaring past my door many times a day carrying the topsoil, breaking up the road, indicate something's happening. However, if your information is coming from the media, then I would hold fire for a while with regard to the details. I know this property well. It bordered ours for many years. Our families shared harvesting duties and horses then tractors. It's full of Kura history, including 22 existing building sites originally intended to become Kura township. Our first home was its post office. The river stone from the Kura Post Office is part of my Kura gallery and sculpture garden.

 What qualifies me to be here today? My late husband's great great grandfather, JJ Looney, and his wife were the first European settlers to settle in Oakura. In 1866 JJ Looney purchased 300 acres of land in Oakura. Lot 29 was part of that land. John Looney was a developer. He owned Lot 29. His point of difference to today's discussion is that he contributed much of his life to creating a community and serving the community, not sucking the life out of it.

 Self-sufficiency ruled his household, most likely the first green farmer in local history. The family milled trees with a circular saw, built a water wheel that created the power to enable much of the development and building of their family home and others. He imported apples and pears for the orchard, often shared with the community. His vision saw the creation of the dairy factory where he ran everything by water power, their homestead built from timber milled off the farm.

 His children were the original pupils that opened the Oakura School along with the Julian family. JJ invested time in developing the village community. He served as commissioner of the 15th District's Roads Board, provisional trustee for BNZ Taranaki, auditor of the Oakura Roads Board, inspector and auditor Provincial Cattle Board, member of Oakura School Board, chairman of the Oakura School Board, a position I carried myself for several years.

 Kura is where I have lived for the past 60 years. I quote from Mr Paul Goldsmith's submission to the 2010 Paddocks' subdivision consent:

"Thank you for drawing our attention to the vulnerability where the village meets country. It's important to get the solution right for the future of the district."

Did we get it right then? No. It would be far more meaningful to be talking to you with my feet planted on the grass pasture of Lot 29. Instead we sit in an intimidating situation where we are expected in a short time to reconvince you of this applicant's rort of The Paddocks' consent, which included the following. You've all talked about those, so I won't repeat them all.

 I will just say, so here we are taking another bite at the cherry, the cherry being the balance of the applicant's farmland, thus confirming the fact that the Resource Management Act lacks integrity in imposing its own conditions. According to the papers I have read, the applicant actually said that the balance allotment of this proposed site would be able to be retained as a productive farming unit. Imagine how surprised I was when the applicant's lawyer today (that was Monday) stated the farm was not an economic unit? I guess we weren't sharp enough to know that applying for a simple but expensive to all ratepayers' private plan change, the worm can would open again.

 I have a difficult time believing this wasn't the intent all along. When will it stop? When our water is brown and floods into our iconic surf beach? When Highway 45 on the mountain side is unable to be farmed? When accessing Highway 45 becomes a raffle? When a family walk to the seaside becomes impossible to push a pram, walk a dog, or ride your pony due to having to negotiate traffic, something we can all do now? When the fire brigade races to put out a fire and the water has gone, what happens? More importantly, does anyone really believe that by changing the rules and allowing a plan change on Lot 29 from rural to residential, this will not place enormous doubts on the ability of our water supply to sustain the village? Your own experts make the risk perfectly clear. Based on technical advice related to reticulated infrastructure, there are infrastructure limits on the scale and extent of this expansion. In particular, the aquifer supplying the Oakura water supply system has a limited capacity to meet future demand.

Stop right there. Water? Without it, we die. All very valid and concerning, as are the experience of those on Wairau Road who have since The Paddocks was inhabited regularly had flooding issues on their property.

 As a past chairperson of the Kaitake Community Board for two sessions, some of that time leading up to The Paddocks' decision during the Oakura structure plan proceedings, I experienced the complex decision process brought about by politics, and those more often than not have personal agendas. I also experienced the frustration of our community that accompanies many shortfalls of the outcomes of such plan changes. They often make no common sense, and rarely are answerable for the undeniable mistakes that affect the community.

 Others in qualified fields will debate these outcomes during this hearing. I hope you listen to them, and to those of us who live here and have contributed to the building of the community.

 Rural is our true brand. Oakura was a farm when I first came here. I milked my first cow in West's cowshed across the road from the pub. Cows grazed along the highway, just as they still do on the periphery of the village. Every asset we are privileged to enjoy came from a farming environment. Farmers created many of the village's amenities in their own time, the school, the pool, the hall, the church, the Crafty Fox was relocated by farmers, tennis courts, bowling green, the playcentre building was shifted onsite by locals with tractors. Our lawnmowers and then our tractors carved out the golf course. Pony Club started and supported by long-term residents. The Surf Club, for many years the annual New Year's Day big fundraiser was manned by locals. Then there are those who presently and in the past have given time serving on the community's committees.

 It is very humbling for me to note the passion with which a number of second, third and fourth generation Oakura families and young professionals, now residents of Oakura, are backing those who are opposed to this development. These are the voices who will be most affected. Their memories will not match my generation's. They are making their own while contributing to the wellbeing of our environment.

 Our roots are in the land and our feet dabble in the Tasman Sea. The lifestyle that Oakura is blessed with has been completely shaped by farmers and locals in past generations. Celebrate it, don't eliminate it, which brings into focus a deeply distressing fact of this requested plan change. It appears it has the ability to not only change forever the face of a community's unique lifestyle and heritage but, by all accounts, it will even destroy the ability to farm an existing well-maintained local farming business due to the approximate location of the requested plan change. For that reason alone, we should be loud and strong in our objection to this.

 I look to areas on coastlines around New Zealand as I work in my capacity as a New Zealand landscape photographer over a period of 40 years, recording many coastal communities on raw and isolated coastlines. I feel sad at the lack of respect for communities who have invested in keeping a true Kiwi respect for our incredibly beautiful landscape and the freedom it affords us to enjoy clean beaches and rivers to swim and fish in, many now destroyed by large overdeveloped residential developments such as we are considering in this discussion. People don't live there for a large part of their existence. These holiday homes sit with curtains drawn, unoccupied serving as escapes for those who have already destroyed their own immediate location.

 Let you be remembered by your thoughtful consideration and rejection of this completely unnecessary development. Accept change, but work with locals and apply it to the plan we already have.

 Thank you.

**THE COMMISSIONER:** Thank you, Mrs Looney. Mr Coffin?

**THE ASSISTANT COMMISSIONER:** I just had as a clarification, this is just in regards to the Kura history you mentioned, the Kura township. You will appreciate I am not fully aware of the history of this area, so I was just wondering if you could just elaborate quickly for me the location of the Kura township you are referring to in the home of its post office?

**MRS LOONEY:** 2.83 kilometres up Kura Road.

**THE ASSISTANT COMMISSIONER:** Thank you. And its previous population?

**MRS LOONEY:** That was a long time ago, and I'm old, but I'm not that old. I only know through family and discussions about the Kura township. Interesting enough, it was a village. It had a hall. I remember the hall. We used to have good dances in it. It was a farming community who gathered in the hall for bowls and things like that, but the early Kura had a monastery. There was a monastery there. A lot of people who still live don't know that. That is very hard to discover any memory of it up there, but of course it's located to the Kura pa, which is another very historical site. The access used to be through our farm. So, yes, it was a busy farming -- it was the settlers, my husband's family, settled on that land. They came in on the first two ships.

**THE ASSISTANT COMMISSIONER:** Thank you.

**THE COMMISSIONER:** You have outlined in terms of milking cows, so have you lived in that community all of your life?

**MRS LOONEY:** Seventy-nine summers. I can remember most of them. There's a few there that I can't remember. They live in my mind but, no, I was born in New Plymouth, but my parents always camped every summer at Oakura Beach in Shearer's Paddock and then we had number 1 campsite, and then my dad brought an acre of land on Mace Terrace and we spent our summers there.

**THE COMMISSIONER:** How many people would have lived in the settlement then, just roughly?

**MRS LOONEY:** It's hard to quantify. You mean in Oakura?

**THE COMMISSIONER:** Yes.

**MRS LOONEY:** Well, I could name a few families. The West family was one of the locals. Sampsons. Gosh, you're stretching my … The Lees family, our family. My dad brought a patch next to a strawberry patch which was owned by Mr Russling. It was a commercial strawberry patch. The Atkinsons were here. There weren't a lot of people. We spent most of our time, our playground, at the marae, and Martha, the kuia, used to take us in her dray with her big draught horse and took us collecting mussels and paua and taught us much about the ocean.

**THE COMMISSIONER:** And just a final question. On your fourth page and you quote from Paul Goldsmith's submission, and in terms of:

"Thank you for drawing our attention to the vulnerability where village meets the country. It's important to get the solution right for the future of the district."

Can you just tease that out in terms of … so I can have a bit more greater understanding of the intent of the quote?

**MRS LOONEY:** Well, I don't know what Paul was intending, but it hit me when I was reading it that it really implied that we do have to be very careful.

 The village, as many people have said, it is a village. It's a village community, and it's hard to answer your question because I don't … I know what he meant, and I know what I meant, to keep that village atmosphere, but the very thought of a large … I go back to what I said about viewing the coastlines around New Zealand. When I see places that were villages, like the Pauanui's and places that literally close down, you know, through the winter, well, they're a village in the summer, and I just don't want that to happen to Oakura.

**THE COMMISSIONER:** So you see it as that whole 24/7 365 days a year.

**MRS LOONEY:** Absolutely. I mean, it's proven to be. It's a gathering spot for as long as I've lived here. We used to have local dances and now they have yoga classes, you know, in the village, plus lots and lots of other things.

**THE COMMISSIONER:** There are no further questions, so thank you, and thanks for the clarity you have presented.

**MRS LOONEY:** Thank you.

**THE COMMISSIONER:** Thanks very much. Now, Graeme Churchill. Welcome to you both.

**MS BISHOP:** Thank you. Good evening. I'm speaking on behalf of Graeme Churchill of 78 Wairau Road, Oakura.

 My name is Graeme Churchill and I have lived in Oakura for 36 years. My section backs on to the Wairau Road stream, and since the development of The Paddocks, I have noticed more water in the stream, and considerably more flooding when raining.

 A major concern is that more development of kerbing, roads and driveways, will only increase the flooding of the stream. I have witnessed on more than one occasion water lapping the surrounds of the pump station. If a high tide had occurred at the same time, the pump station would have flooded, leaving raw sewerage on the beach. I would not like to be a councillor if that was to happen, and I believe it's not a matter of if, but when.

 The Wairau Stream is home to eels, banded cockapoo, giant cockapoo, kura and bullies, all of which are fed regularly by myself. I have noticed recently that the numbers have declined, and I strongly believe this is due to pollution from development.

I also feel very strongly about the utilisation of good land for housing. This land is situated on the sheltered side of the Kaitake Ranges and has a microclimate which suits both horticulture and dairying. This should be of huge importance now oil and gas is being slowed down in the Taranaki region.

 I also believe Oakura's infrastructure will not cope with the development's influx of people and vehicles. Two examples of this are the Wairau Road intersection and the Oakura School roll. I decline the plan change in its entirety.

**MR CHURCHILL:** Thanks.

**MS BISHOP:** That's the end.

**THE COMMISSIONER:** Can you just give us your name?

**MS BISHOP:** My name is Suki Bishop, and I live at 72 Wairau Road, Oakura.

**THE COMMISSIONER:** Thank you. Mr Coffin?

**THE ASSISTANT COMMISSIONER:** I was wondering, Mr Churchill, what has been your occupation?

**MR CHURCHILL:** Farming.

**THE ASSISTANT COMMISSIONER:** Farming locally?

**MR CHURCHILL:** And motelier and truck driver. Quite a few other jobs. I'm retired now.

**THE ASSISTANT COMMISSIONER:** And you have been living in Oakura all that time, for 36 years?

**MR CHURCHILL:** I have been, yes, and the surroundings.

**THE ASSISTANT COMMISSIONER:** And you mentioned that you think there is pollution from development.

**MR CHURCHILL:** Yes.

**THE ASSISTANT COMMISSIONER:** Did you have a view about which development it was?

**MR CHURCHILL:** It's since The Paddocks. There's a lot more water coming down now. It's really flushing out the stream, and I notice the decline in the eels and the cockapoo in Oakura.

**THE ASSISTANT COMMISSIONER:** And you thought that is from development, or changes in climate, or anything else?

**MR CHURCHILL:** No, development. It's since … because of the tarseal roading, the kerbing, the concrete drives. The water when it rains, when you get a big rain event, it just goes straight into that stream and straight out, and it goes right across The Paddocks down in the land right in front of the sewerage pump. I've seen that actually covered in water. There is a video out that I videoed. I think Doug Hislop has got that, where the water is lapping around the sides of the embankment around the … it wouldn't have taken … high tide it would have gone -- it would have flooded all that, plus some houses there.

**THE ASSISTANT COMMISSIONER:** And we did see some images yesterday.

**MR CHURCHILL:** Oh, you have. That's good.

**THE ASSISTANT COMMISSIONER:** That is great. Thank you.

**THE COMMISSIONER:** I have got nothing.

**MR CHURCHILL:** All good.

**THE COMMISSIONER:** Thank you very much.

**MR CHURCHILL:** Thank you.

**MS BISHOP:** Thank you.

**THE ASSISTANT COMMISSIONER:** Sorry, just before you go, kura, is that the little freshwater crayfish?

**MR CHURCHILL:** Crayfish, yes.

**THE ASSISTANT COMMISSIONER:** Thank you.

**THE COMMISSIONER:** Thank you. Thank you, Suki. Now, I will just ask, Denise Novak, are you present?

**MS NOVAK:** I must say, great submissions, Ian, Faye and Graeme.

**THE COMMISSIONER:** Welcome.

**MS NOVAK:** Welcome. Oh, thank you.

**THE COMMISSIONER:** So we have your statement in front of us, so if you would like to take us through that.

**MS NOVAK:** Yes. Mine is a bit repetitive, but it does come from my heart. My name is Denise Novak. I was an Oakura resident/ratepayer for 35 years from 1970 to 2005. In that time, I was heavily involved in the community.

 Oakura, Oakura and whatever else you've heard, it is Oakura and it's the same. The first Oakura District Plan came into effect in the late 1980s. This was when Oakura was a part of the North Taranaki District Council. Consultation was carried out by Becca Carter Hollings & Ferner. I took part in the process. It was written in this plan to protect the views from the Kaitake Ranges to the sea and from the sea to the ranges. This was then carried into the 2005 New Plymouth District Plan and now the present Structure Plan, nearly 30 years of vision and protection of ranges and sea which could be undone by a proposed hideous subdivision that strikes the jugular of a small village, and the visual beauty of the famous surf highway 45.

 It is also interesting in 2016 New Plymouth District Council took part in a survey by 4 Sight Consulting Auckland, who were commissioned by the Ministry of Environment on resource management - national planning template. New Plymouth District Council expressed that Mt Taranaki, Pouakai and the Kaitake Ranges are a significant natural feature of the province and the threats to these include browsing domestic stock, pest animals and week incursion.

 If you allow these 400 plus residential sections in this area and here comes 200 dogs, 200 cats and the odd goat. There has been many a goat in the residential sections of Oakura.

 Oakura growth. There is no doubt Oakura will grow. It was always known the growth would be on the seaward side of Oakura. I support any proposed subdivision on the seaward side of Oakura, such as the Cunningham/Holden approved subdivisions, as it fits with the District Plan and contour of the land.

 It is easy for a developer to rock into a council with a glossy plan, verbally give assurances of what would be done, with not much data to back it up, and if approved a village such as ours is left with the fallout like stormwater, roading, schooling and plain ugliness.

 Oakura is unique. Nestled under the Kaitakes, the beach and surrounds are respected and loved by many, not only existing residents, but national and international villages and generations of Taranaki families. These slopes in question form a buffer to the bush covered slopes of the national park, and are more sensitive to development as they can be seen from afar due to elevation.

 I strongly oppose the development, and request the Oakura Farm Park rezoning application at Wairau Road, Oakura be declined in its entirety. Thank you.

**THE COMMISSIONER:** Thank you. Mr Coffin?

**THE ASSISTANT COMMISSIONER:** Just to confirm that you are living at 18 Belt Road, is it?

**MS NOVAK:** Yes.

**THE ASSISTANT COMMISSIONER:** You mentioned the survey by 4 Sight.

**MS NOVAK:** Yes.

**THE ASSISTANT COMMISSIONER:** The council commissioned that work?

**MS NOVAK:** I think they were chosen. There were six councils around New Zealand that were chosen, or they decided to go in for that.

**THE ASSISTANT COMMISSIONER:** I am familiar with the national planning template, but what was your view of the work they were doing?

**MS NOVAK:** Just everything, and this just popped up.

**THE ASSISTANT COMMISSIONER:** And where you have said that there are 400 plus residential sections in this area, here comes 200 dogs and 200 cats, is that your estimation?

**MS NOVAK:** Oh, that's just tongue and cheek really because that's what happens.

**THE ASSISTANT COMMISSIONER:** Thank you very much.

**MS NOVAK:** Thank you.

**THE ASSISTANT COMMISSIONER:** Sorry, there are going to be more questions from Mr Bosley(?). That was all from me.

**THE COMMISSIONER:** No, I do not have anything. No.

**MS NOVAK:** Sorry.

**THE COMMISSIONER:** Thanks very much. Thank you. Just before we go any further, I just wanted to see if there are any submitters who are scheduled for today who are unable to attend tomorrow. Okay, so no.

 Jane's been doing her best to rearrange the schedule as we have worked through today, so please do not hesitate to contact her or Julie, who is sitting over in the corner, in terms of any further adjustments.

Mr Hookham, join the table, thank you. I am just checking your name on the list, Mr Hookham. Okay, we have your statement, if you could take us through it please.

**MR HOOKHAM:** Good afternoon. My name is Bruce Hookham. I'm here speaking on behalf of myself and my wife, Patti, who is sitting alongside me.

 We are here to oppose the Private Plan Change 48 rezoning of the land on the original Marsh farm. I've lived in the same house in the village since 1952 (67 years), so I'm kind of an oldie like Fay and a few others around as well. In fact, in our lane there were only two houses between our house and the sea.

**THE COMMISSIONER:** Mr Hookham, if you can just look this way, and that would be helpful. Thanks.

**MR HOOKHAM:** That was the house on the corner of Mace Terrace and Fay's parents' house down where Doug lives at the moment.

 We feel as a village Oakura has almost reached its critical mass, and a development as proposed would ruin its village atmosphere, as other people have said.

 Another 400 houses would be a visual blot on the side of our village I feel. We should be able to continue enjoying a rural edge on both sides of the village, otherwise it would become a sort of a suburb of New Plymouth.

 The original Paddocks' subdivision that was granted in this area would stay as farmland. We relied on the sub-divider at that time to be upfront and honest about his intentions. We now find he wishes to make major changes to the plan without honouring the consent that was originally granted. Surely the NPDC and the RMA Act would ensure he would be obliged to keep his word and honour what the villagers believed would be developed.

 Our objections include the obvious, which I don't see any point in going over in detail at this point, but they have probably been stated by many others, and will to come, roading, parking, infrastructure, the effect on the natural environment as we currently enjoy, 400 houses, 400 extra vehicles, probably twice that as most households have two cars at least.

 Roading. We have struggled in the past to get any changes to our main road with the 50 km signs just past the Four Square on the New Plymouth side, and on the other side just a few metres past Wairau Road. Vehicles are often still doing 100 km hitting the 50 km sign, and still driving at speed past both of these signs. Many of us have witnessed near misses, especially on the main road with children crossing and, in particular, outside the Four Square. In fact, we saw a young tiny tot ran out away from his father and got to the middle of the road only a couple of weeks ago and his father had to really dash out to try and pull him back. Do we have to have another child, you know, injured or something before we see any of these changes?

 Corbett Park, another danger with the 100 km limit through this area. Imagine 400 vehicles speeding past that.

 Parking. Difficult to get parking in the village now at busy times during the day and weekends. What will another 400 vehicles do to that? Think about that into the future.

 Infrastructure. Water, we already have restrictions in the summer months, so how much extra water do we have to share with another 400 houses?

 School. How does the school cope when it's already at so-called capacity? The population of the proposed subdivision would increase the numbers and almost double the village in size that would affect the wonderful unique rural atmosphere that we currently enjoy.

 Will we be able to call our village a village, as Fay has alluded to, or will it change to being another suburb of New Plymouth?

 Interested to hear Mr Ian Frame's comments about Queenstown. I used to go down there on business in the early 1980s. That's nearly 40 years ago and it was a very small place. I'm sure if I went back now, I probably wouldn't recognise what it's turned into.

 Major blocks. Just a couple of points on major blocks that have gone up quickly full of houses. You've probably all seen around Tauranga area, and I think one of the most recent ones is I go to Auckland on business quite a bit. Coming down the Bombay Hills you look to Pokonau(?), it's just a sea of houses now. That was a rural area, and that's only taken a few years, not very long at all, and it's not very attractive. It's not a rural village as it used to be.

 One of the reasons we live in our village is because of its uniqueness, as everybody has said, and we need to fight to keep it that way. We need to have a say on how our village progresses in the future. It needs to be managed with care. So, basically that's my feelings on the submission.

**THE COMMISSIONER:** Okay, thank you. Mrs Hookham, anything you would like to add?

**MRS HOOKHAM:** No, I just support what everybody else has said.

**THE COMMISSIONER:** Okay. Thank you. Mr Coffin?

**THE ASSISTANT COMMISSIONER:** I am just interested in your thoughts, your closing thoughts around you want to have a say in how the village progresses in the future. In your ideal world, what does that look like?

**MR HOOKHAM:** Well, again, I agree with other speakers that of course it's going to expand, but we'd like that to go at a measured rate, and not, as I say, have a blot just banged on the edge of a village. That's the main point I think that everybody really is pointing to. We want it to stay as a village so that it's not just overrun with houses like a lot of these other small places in the country have become.

**THE ASSISTANT COMMISSIONER:** Thank you.

**THE COMMISSIONER:** Just on the last paragraph on your first page, you outlined the matters related to your objections. In terms of the effect on the natural environment, can you just tease that out a bit more in terms of what your concerns are in respect of that matter?

**MR HOOKHAM:** Well, it's going to end up if you get that number of people coming in a short term, it's obviously going to have effects on all of those things that we've talked about, the roading, parking, infrastructure, and the whole village itself.

**THE COMMISSIONER:** I was more focused in terms of your reference to the natural environment. What do you see as the potential ‑‑

**MR HOOKHAM:** As Fay alluded to, the beach area, the coastline. It is after all a coastal village. In terms of the people that lived here when we first came in 1952, I'd hazard a guess maybe 150 people, and all the seafront was just baches of course, no houses, and there were very few. We've got aerial photographs of our street and right down to the beach, and there's very very few houses, maybe ten or a dozen.

 So, it's grown gradually over that period of time obviously, and we wouldn't expect it to take off like as the proposal.

**THE COMMISSIONER:** We do not have anything further, so thank you to you both.

**MR HOOKHAM:** That's okay.

**THE COMMISSIONER:** We will now move to hear from Stefan Kiss. Thank you, Mr Kiss.

**MR KISS:** I realise it's quite late in the day. I was forecast to be on at 9.00 am this morning and my submission is quite long, so I'll try to keep it as brief as I can, and I might just summarise as best I can. I would encourage you if you do get the chance to fully read my submission at a later date because I've gone into quite a lot of detail and spent quite a bit of time on it.

**THE COMMISSIONER:** Certainly. And you have got a number of attachments also.

**MR KISS:** Yes, there's maps. So, I'll try and keep it reasonably visual.

**THE COMMISSIONER:** But do not feel you need to miss things out if you need to make a point about something.

**MR KISS:** Okay. Thank you. My name is Stefan Kiss. I have a Bachelor of Surveying and Bachelor of Commerce in Economics at Otago, and I've been practising as a land surveyor for 20 years or longer, and my relevant experience in relation to the plan change is I have got direct experience in structure planning and plan change work, and have worked for New Plymouth District Council as a consultant adviser. Would reference area Q, myself and Richard Bain prepared the structure plan for Area Q in Bell Block. I also worked for several years as a senior associate at Harrison Grierson Consultants in Auckland and Wellington, and worked on some significant land development projects in Albany and at the Aotea Block in Porirua where we developed several seasons in a row up to 120 sections per year, 200,000 or 300,000 cubic metres of earthworks per season at times.

What I've got up on screen at the moment, I thought I might start there, is some work that I was commissioned to do for New Plymouth District Council in 2014. Now, the timing of that is relevant in relation to the future urban development overlay which had been Plan Change 15, which had been through, and the request that was made of myself and my firm, Taylor Patrick, was to take a look, a much closer look, at the flood area and zoom in a bit more and have a look at how that area might be developed, and then think about how it might be sequenced.

I have spoken to Juliet Johnson at New Plymouth District Council, and she is comfortable with me releasing this plan to you. The plan never saw the light of day, and I'll just go into some background as to why that occurred, and it links into Doug Hislop's discussion about the Oakura Focus Group, because that's how we ended up with the Oakura Focus Group.

So, I spent two days out on the land meeting the landowners and walking pretty much every stream and river valley, ridge and rise, the bush, the roads, and came up with this overall concept plan which tries to connect the coast, the golf course, the village, the village centre and the while of that flood area, but one thing that struck me is it's big. It's a really really big area of land, and it takes a long time. I do encourage you if you get the opportunity to have a look at the north side, the coastal side land.

**THE COMMISSIONER:** We will be.

**MR KISS:** It's a wonderful piece of land, and it's got some very interesting aspects, and it's got challenging portions to it, but it's also got some wonderful open, big large flat spaces as well, plenty of sun, and lots of opportunity to improve some of the streams and associated valleys to form walkways and linkages, particularly the opportunity to link the golf course to the village. Currently you have to drive a long way to get to the golf course. There's opportunities to provide that. But the really big one for me is that east-west connection between Wairau Road and Russell Drive. When you look carefully at the way the village is, the whole western side of the village which was developed from the 1970s onwards, which includes the camp ground, a major community asset, but as soon as you get to the bottom of Wairau Road and turn left and you've got the Surf Club and the Board Riders Club, from then on you're on Messenger Terrace. That's the lowest sea level elevation of the village through there, so in terms of climate change, sea level rise, coastal inundation, that's a vulnerable area.

 You've got 169 developed properties west of the Board Riders Club that rely entirely on that portion of Messenger Terrace to get access. I see the Russell Drive link from Cunningham Lane to Russell Drive, being at an elevation and a distance quite safe and back from the coast, being an already important part of the resilience of Oakura looking 50 to 100 years forward. While it might not be imminently important now, the strategy of it and development towards providing that link I think is going to be really important in the future.

 My submission obviously is that I do not support the plan change proposal. I believe that the proposed plan change would produce a significant and disproportionate increase in housing at Oakura that would generate significant adverse effects on the environment, the wider community and the ratepayers of the district and that rezoning this amount of land at this time at this location inappropriately reduces options as to how this land and all of the FUD land in Oakura might be developed over a 30 to 50-year time horizon. As an aside, I also consider the Proposed Structure Plan has an inappropriate mix of allotment sizes not suited to the community and I do not support the removal of the consent notice.

 I have done some analysis on the population work done by Alan Doy, surveyor for the applicant, and the council's planners and the numbers actually line up reasonably well with the numbers they did for the 2014 Structure Plan in terms of projections of allotments and population size. There are some interesting comments that I have picked up on in my review of the national policy statement, the UDC. The policy states the following purpose:

"To enable urban environments to grow and change in response to the changing needs of the communities and future generations and provide enough space for their populations to happily live and work."

Then when you turn to the definition of "urban environments", the definition section says that:

"Urban environment means an area of land containing or intending to contain a concentrated settlement of 10,000 people or more and any associated business land irrespective of local authority or statistical boundaries."

Oakura has a population of 1,380 which is about a tenth the size of a concentrated settlement so I think there is an argument there that the New Plymouth District may not need to provide the short-term, medium and long-term growth requirements or constraints of the NPS in the sense that what I believe New Plymouth is doing quite well is providing a mix and balance supply across the district. You have got growth areas in Bell Block, you have got growth areas in New Plymouth, you have got areas in the Waitara, Inglewood.

 I do not think that there is an expectation that you need to grow Oakura at any particular rate higher or lower than other parts of the district. What is important is to put investment into those areas that have sewerage schemes, water schemes and accommodative growth scenarios so the path of least resistance. Also as a comment, I think the Oakura market is connected to the New Plymouth property market and the opportunities to buy and sell in Oakura are connected to opportunities to buy and sell everywhere else in the district. We are only 15 minutes' drive from New Plymouth after all.

 I note that there is not a lot of data presented on lifestyle blocks which has been a significant growth area around Oakura and provides a significant proportion of the roll at the school and also provides an outlet for growth in Oakura. There is a trend towards lifestyle blocks at Ahu Ahu Road, Weld Road, Surrey Hill Road, Koru Road and Plymouth Road. The council is promoting the idea of lifestyle zones in the new District Plan. They have kept themselves very tight-lipped about where they might be. I do not know where they will be. I do think that Oakura is a prime candidate for lifestyle zones and I expect that there will be an upward trend in supply for lifestyle blocks.

 There has been quite a bit of commentary about infill and potential for infill. It continues to surprise me where people were finding bits of land in Oakura to develop and I think that will continue to be the case particularly closer to the ocean where people really want to be. There are signs of redevelopment and removal of houses and the type of subdivision activity that you might expect in a market where people want to invest. Also the recent development of the Cunningham block which sat idle for decades is now underway. There is quite a significant development there.

 I just want to talk about the scenario of the "What ifs?" I think part of my presentation today is about a question you raised yesterday, sir, about what might happen if the request is denied and what might happen to Oakura. I think if the request is granted opening up Oakura's residential greenfields development on two fronts, ie the Cunningham Lane extension which is the area of FUD west or north of FUD west, that is existing zone land on the Holden block, and also the request change on the south side, it carries significant risk of generating adverse effects on the community.

 These include the rate of development particularly during the first few years of development as section sales volumes will need to be high initially to cover the upfront lead costs of lead infrastructure. This has been mentioned by several submitters today of the expected high costs of lead infrastructure. A high rate of change will have more effect on schools and services as the village struggles to adjust to the quantum of investments needed to accommodate its new population.

 I will just run through the upfront development costs that I see facing both scenarios. The Oakura Farm Park development has significant upfront lead development costs. These include the road through the Thurman property and a culvert across the stream at some 200 metres of roading plus a significant culvert and embankment with contour fall of 8 to 10 metres; the provision of an underpass; a culvert replacement and a roundabout or junction improvements at a high speed state highway; land negotiations with Powerco for a boundary adjustment and purchase and the Thurman land purchase for roading and joint venture requirement there.

 On the north side of the highway, my analysis is that the Cunningham land will be needed for construction of the underpass, at the very least to get machinery down to build that and I will be drawing on that later. On analysis of the access ramps to get back up from the underpass, I believe they are going to need third party land on the south side of the highway and the provision of services from Wairau Road into the site; electricity, fibre, gas and water. Then you have the storm water works, embankment and culvert construction and armouring within the stream valleys.

 Based on my experience, sir, my estimate is that Oakura Farm Park will need to develop and sell 50 to 100 allotments in the first few seasons of development to achieve financial viability. It will not be an option to provide 10 or 20 lots per sale in those first few years as suggested.

 Likewise, the residential zone land at Cunningham Lane has lead infrastructure costs. It will have a similar sized stream valley to get across to get started. Cunningham Lane is already constructed to within 50 metres of the stream. There is a second stream crossing also but no need to build an underpass or replace a culvert under the highway. There will be earthworks and storm water management works also. Therefore, there is also a need for this residential zone land to develop and have available for sale up to 50 lots in the first few seasons of development.

 Given the need for both developments to supply so many sections in quick time to market to achieve financial viability and given the assessed demand on the NPS of 20 lots per year, I believe there are serious questions about the financial viability of both developments if they were to proceed concurrently. I submit that staged development is needed and that one of these developments would or should not occur whilst the other is going ahead. In other words, choosing one ahead of the other I think is the reality of the situation or if both are chosen, then one developer will I think step back and let the other go.

 I have talked about the 2014 work. If you can go to appendix 2A. As part of the work on the draft concept plan, I was asked to look at the Russell Drive link. I know there has been some commentary on that at appendix 2A. Just while that comes up, we did some work looking at three different scenarios for sections and planned drawings of getting across from Russell Drive across those stream valleys and into the Holden block. This was part of the 2014 works. It is not a straightforward link by any stretch of the imagination but the work there does demonstrate that there are longitudinal gradients and earthworks options there. I expect that a bridge will become quite a viable option for that.

 There is a bridge at the Waiwhakaiho(?) mouth at the Messenger Terrace end so a bridge of a similar, perhaps slightly larger scale to that might be possible as opposed to a culvert with earthworks. The work there has been done to demonstrate that that can happen and the other point I would make there is that the link would not necessarily have to be constructed early. It could be left until such time as the community really needs the connection and that might require some form of assistance by local government to help finance that link across there. Once it becomes part of the resilience of the community and urgent, I believe the cost of that will be significantly less than relocating 169 dwellings away from the coast.

 The other thing of course that the Russell Drive link provides is an alternative source of water, electricity, gas and those main networks of utilities that come with roads and there has been some talk today about water supply pressure. The water layout in Oakura does not have a good strong loop layout. It is all based on Wairau Road and branches coming off branches off branches and the east/west link will provide extra redundancy and extra water pressure in the system.

 What happened with the 2014 plan, things went quiet for a little while so the intention was that this plan might be used by the council to commence a plan change process. Things went quiet and then in 2015 and 2016, you heard from Doug Hislop about the Oakura Focus Group. I was tapped on the shoulder by Doug and asked to assist with that. I thought it was an excellent process and very thorough. It was well facilitated and there were several people on that group, Grant Aitken from BTW, Allen Juffermans from Juffermans Surveyors was there for a while and Scott Grieve was there for a couple. There were lots of good people on that group who I think gave authenticity and strong professional backing to the process that that came up with.

 The original report that came out for consultation with the community, did Doug present that to you yesterday?

**MALE SPEAKER:** And the appendices.

**MR KISS:**  And the appendices and I have got a copy of it here. If you go to appendix 3, Sam, just scroll down a couple until you get to a drawing.

**COMMISSIONER:** Can you just pause for a moment, Mr Kiss?

**MR KISS:** Yes.

**COMMISSIONER:** I just need to make contact with Jane for a moment. It will not take a moment. Sorry, Mr Kiss. I am just sorting out the rest of the evening.

**MR KISS:** This plan here is the result of the initial round of focus group work and you can see the difference between the original FUD concept plan that I produced in 2014 and the subsequent work done by the focus group which effectively suggested that Oakura should push slightly into FUD west probably about 30 to 50 per cent into FUD west from the current zoning. It is probably a little bit unclear from that map but that is effectively what was suggested.

**MALE SPEAKER:** There is a slight change of colour there that we can see (overspeaking)

**MR KISS:** Which one? Is he pointing at this one? The current zoning is sort of there and so this area through here was proposed as the push out. I will just pick up on the point here which is that this was really the first indicator to me that the 2006 Structure Plan - this is ten years later - was not aligning with the community's idea of how fast or how big the community wanted to grow. Or perhaps it suggested this 2006 Structure Plan was setting an urban boundary for the maximum area that Oakura might go to and, within that, the community was coming up with its own best way of identifying how to push into that resource.

 It raised some questions to me about the 2006 Structure Plan because there have been several good things that have come out of that structure plan. There have been several questions that suggest that it has got a few flaws in it. Examples of that are the structure plan in 2006 suggested land east of Wairau Road and north of Surrey Hill Road down to the Oakura River, the future urban area, and the latest section 42A report by NPDC planning are saying that is going to be cut out because that land was always too steep.

 The applicant has repeatedly described the triangular shaped FUD south area as not logically representing a pragmatic topographical area for development. Another one which I think is a really important point is that the 2006 Structure Plan describes a key objective, section 3.1, population growth:

"Manage residential development so that the village appeal is enhanced and characterised."

I have been through that 2006 document several times looking for population estimates. I could not find any. The section 42A report by NPDC forecasts that the FUD area, fully developed, would have a population of 3,500 residents. I have checked that against the figures provided by Alan Doy, the NPDC planner and my own figures and using the census 2013 figures of 2.7 residents per house, I come up with figures of 3,100 to 3,444 residents if you fully develop the FUD. Pretty close to the 3,500.

 3,500 residents is not, in my opinion, a village or village appeal. A population of 3,500 residents is a town and I can give you evidence of that because Inglewood has a population in the 2013 census of 3,246 residents. Inglewood is a town located 15 minutes drive from New Plymouth and a similar drive time to Oakura. It has two primary schools, a secondary school, extensive CBD, industry and commercial zoned areas and a variety of sports grounds and complexes. Inglewood illustrates the level of services that would be needed should Oakura grow to the extent shown in the 2006 Structure Plan.

 Where would the services be located? The 2006 Structure Plan makes little or no effort to consider the consequential effects of increasing the population to 3,000 plus residents. That is where I go on to say that maybe we have been expecting too much of the 2006 Structure Plan and there has been a lot of discussion about it this week.

 In my opinion, the 2006 Structure Plan was intended to provide an urban boundary to Oakura to stop it from growing longitudinally along the coast. It was not intended, in my opinion, to prescribe within those growth areas how and when Oakura should grow. It left that up to the community, landowners and decision makers to determine that through the usual process of plan change and resource consent.

 Should Oakura grow south of the highway versus north of the highway? What does the structure plan say? The 2006 Structure Plan said that Oakura should encourage future residential development on the land between the existing residential areas in Oakura, the state highway and the Kaitake golf course and then there is a full stop and then it says:

"Future residential development may also occur on the landward side of State Highway 45."

That is about as good as we get in terms of direction from the structure plan. I interpret the word "encourage" future residential development as opposed to "may also" as being a subtle but, I think, significant distinction of priorities. There may also be a need in the very long-term for use of land south of State Highway 45. We do not have the Beca planner here that did the 2006 work but I suspect that is probably what they had in mind.

 Plan change 15 in the FUD overlay, Mitchell Dyer, the planner at the district council who prepared that plan change, really had no option but to adopt the 2006 Structure Plan for its growth projection mechanism for the FUD overlay because that is all the council had in terms of analysis at that time. The 2006 Structure Plan created the boundaries that are the FUD west and FUD south. The 2006 Structure Plan also requested that it be reviewed in ten year's time, ie 2016 which was three years ago.

 I submit that the work done by the Kaitake Community Board and the focus group and the documents that arose from that were significantly sufficient to be considered reviews of that 2006 Structure Plan and potentially could be or should be considered to supersede the 2006 Structure Plan in directing decision makers about where Oakura should grow in its staging. I think the stuff that is up here now is much closer to where Oakura's thinking is now than it was back in 2006.

 Then this all went out for community consultation and the final document that was produced does not have a drawing or plan saying, "This is where Oakura should grow". That is as close as we got and the final document does not actually have that drawing. It leaves that in a word document. The word document uses words like "managed" and "appropriate" and "staged" growth. I am getting near the end of this. The key remarks of the KCB plan in relation to growth are:

"The essential message to the council is that the village requires managed, staged and targeted growth. Rapid and widespread expansion would negatively affect the special character of Oakura."

A couple of things I would like to mention. Submission item 2. In terms of rezoning the land and looking out to 30 to 50 year's time, I submit that rezoning too much land that covers a very long time horizon is poor strategy, particularly from the point of view of the community or the council. For example, land may be needed in future to locate a new school. Might FUD south be an appropriate location for a new school in 30 year's time? If the land is already zoned residential and locked into a tight pattern of roading and infrastructure, then this option of locating a school here would be lost.

 Another example that comes to mind is sea level rise. The lowest lying areas of Oakura are the community assets of Corbett Park, the campground and the Oakura Marae. If these areas become inundated by sea level rise in the future in Oakura, then there will be a need to relocate and find a new home for these community assets. FUD south potentially may have an important role to play in Oakura's future but it is too early to forecast what these needs might be.

 Submission item 3. The Proposed Structure Plan has an inappropriate mix of allotment sizes not suited to the location in the Oakura community. This is in regards to the 300 square metre zoned area proposed at the present for 360 square metre sized lots. I think smaller lots should be mingled and spread with larger lots to create a variety. If the applicant intends to build a retirement village type concept, then this would be best achieved through comprehensive design in a resource consent process in my opinion.

 On the consent notice, I do have a couple of things to add. It has been fairly well covered off. I do not support removing the consent notice and I support the submission of Cam Twigley and his analysis of the matter, particularly as the Paddocks subdivision is still undergoing development with some lots still to get title and several houses still under construction. I think that is premature but another observation I would like to make as a practitioner is that I do regularly negotiate consent notice items in terms and wording with affected parties, usually neighbours, on behalf of subdividing clients.

 The option of offering a no further subdivision consent notice is very much a bottom of the pocket last-ditch effort and never given over lightly. It always represents the end point of a difficult negotiation where neighbours have clearly been affected by the client's development but the client wants to go there as they desire to complete their development they have in mind and it means foregoing future development rights in favour of enjoying current profits. It means what it says.

 I just want to bring up the underpass. If you could bring up the appendix. The underpass, appendix 12. This is a sketch map. I have not seen any drawings of the underpass and so I thought I would sketch something up myself to see how it might work because I could not see how it could work so I was looking at that. A couple of things to start with here. Downstream side or on the seaward side of the highway, there is no esplanade strip either side of that stream. There is no public access there. That is because the land is not zoned for residential development yet so, eventually, if those properties are subdivided, then a strip would come through.

 This is part of the reason why I think developing from the north from the beach up provides these open reserves with pathways and eventually connects up to the highway but an underpass built there now will get you nowhere apart from the need to get back up on to the highway and around again. To do that with ramps for people with prams or in wheelchairs - as you need to do for designing these things - takes up quite a lot of land and you end up down the bottom of the screen there and quite close to the highway. I am quite concerned about the safety of that.

 I think the appropriate solution would be to go inland into the Cunningham land and back up again which means the applicant would need to negotiate a land purchase from the Cunninghams to complete that development of an underpass.

 Overall conclusion. I submit that the request be declined in its entirety and that the Proposed District Plan which is expected to be notified in late August 2019 will provide the opportunity and process to tidy up any zone boundary matters for the interface of the Cunningham Lane extended zoned land with the FUD west land.

**COMMISSIONER:** Thanks, Mr Kiss. Mr Coffin.

**ASSISTANT COMMISSIONER:** Can you come back to me?

**COMMISSIONER:** Okay. On your point 6 where you were talking about submission item 2, Mr Kiss, and you highlighted the concern about the rezoning of too much land over the long period of time and then you suggest some looking out into the future of what could happen, what would your expectations be in terms of the District Plan in which they generally have a ten-year horizon vis-à-vis how any longer term strategic considerations are dealt with and anchored in some type of document?

**MR KISS:** I think that the land size in FUD south and FUD west is significantly large enough to accommodate all of the community assets within that area and I do not believe that it should be considered exclusively residential development. It is the right land and it is the right area in balance and size for Oakura as an urban perimeter. Going through and pushing out the supply reduces optionality for those decision makers in 20 or 30 year's time if it rezoned now.

 I think the approach that we had up on screen before that the Kaitake community board had come up with to stage the growth leaves areas of the FUD open for future decision makers to then strategise. Do we need to move the school? What is left? It is also about highest and best use. If a local authority is trying to negotiate land purchase for land that is zoned highest and best use residential, it is in a much poorer negotiating position than land that is zoned rural.

 You can put a package of compensating measures together as part of a plan change but at the moment, there does not appear to be a pressing need that I can see over a ten-year horizon to really go for these big shifts in the community assets. It is working fine at the moment.

**COMMISSIONER:** In terms of land that is already zoned for residential purposes, which you have talked about, together with the two FUDs, is it your view that that is adequate for the next 30 years?

**MR KISS:** Easily.

**COMMISSIONER:** To accommodate a range of activities.

**MR KISS:** That is based on me physically walking the site, my experience of land development and the rate of growth in Oakura. All of the factors. There is an enormous amount of land there to provide for the future needs of Oakura over the long-term.

**COMMISSIONER:** Thank you, Mr Coffin.

**ASSISTANT COMMISSIONER:** I had just had one question because I think your evidence has answered most of all my questions I originally had. It is just at paragraph 5.18, in your opinion, you suggested that you have to perhaps develop and sell 50 to 100 allotments to make it financially feasible and I just wondered where you presenting us with any evidence to support that.

**MR KISS:** That is based on my experience as a project manager. I do not have the development figures that the applicant would have to digest that. I think it would be a question appropriately asked of their team to see where they see it.

**ASSISTANT COMMISSIONER:** Thank you.

**COMMISSIONER:** Thanks very much, Mr Kiss.

**MR KISS:** Okay.

**COMMISSIONER:** It is now 6.30 pm. It is an appropriate time to adjourn. Please do not hesitate to contact Jane in terms of allocation of time and an approximate time for tomorrow morning. Thank you and, again, for tomorrow, we are prepared to sit longer after 5.00 pm in terms of hopefully getting through those submitters who were going to be heard today and those of tomorrow. Thank you and we stand adjourned until 9.00 am.

(Adjourned until Thursday 25 July 2019 at 9.00 am)