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| Event: | New Plymouth District Council  Oākura Rezoning Plan Change |
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| Date: | 23 July 2019 |
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| Before: | New Plymouth District Council independent hearing commissioners:  Bill Wasley  Antoine Coffin |
|  |  |
| Applicant: | Oākura Farm Park Limited |
|  |  |
| Counsel: | Lachlan Muldowney |

**MR SKERRETT:** ... the other unknown factor that we don't know is the cycleway traffic and how that is going to impact on that intersection going forward.

**THE COMMISSIONER:** Okay. So just on that matter in terms of the reduction in terms of lot yield and, therefore, whether the roundabout is a solution or something else, what would be your advice at the end of the day in terms of roundabout or other mitigation measures?

**MR SKERRETT:** Okay. As an Englishman, I'm actually pro roundabouts. I understand some people have concerns around their effect on ‑‑ I mean, they're much safer than a crossroads in terms of vehicular traffic, but for vulnerable road users there is some evidence that they're less favourable. However, I do believe we can design for those effects and minimise those to the absolute minimum.

Long term, and I have talked to people out at Oākura, they would love to see a roundabout at either end of the village. Unfortunately, the eastern end of the village would prove a lot more difficult to develop with a roundabout due to some service lanes that run parallel to the highway. But I see a roundabout will continue to function perfectly well whether the lot yields were as per the original TIA or as the reduced amount now being talked about and provides that future proofing for anything that were to occur in terms of the shared cycleway traffic.

**THE COMMISSIONER:** So in terms of the proposed roundabout in terms of the State Highway 45 of Wairau Road ‑‑ and you in your statement outlined some design matters that had been raised by submitters, et cetera, and obviously they need to be considered. However, just putting those aside for the moment, is there adequate land available in terms of the legal road, both in terms of Wairau Road and the State Highway, for a roundabout to be located? The reason I raise that is that if there was a requirement for a roundabout and it required further land, that would provide some challenges through the approval or consenting process, so I would just be interested in your view.

**MR SKERRETT:** I believe it is. The roundabout layout as prepared by Mr Doy shows that it can be accommodated. Ms Greenough's concern around the approach speed is ‑‑ it has an effect on the potential size for the inner radius of the roundabout, but I believe that should be addressed by traffic calming measures on the approaches to get the speed down to what it's posted to be at 50 kilometres an hour. There are techniques out there that have been well used and well documented that can achieve that.

**THE COMMISSIONER:** I take it at the present point in time there is no preliminary design at all for the roundabout?

**MR SKERRETT:** Correct.

**THE COMMISSIONER:** In terms of the process, given that NZTA is the road controlling authority for the state highway, they would have the final say in terms of design, et cetera?

**MR SKERRETT:** Correct, yes.

**THE COMMISSIONER:** I will be hearing from NZTA, but in terms of the discussions that you have had with the agency, are you able to outline whether they have a similar view - bearing in mind I will hear from them - in terms of a roundabout being able to be accommodated in the existing road reserve?

**MR SKERRETT:** That was certainly their initial view. Any questions around it have only arisen in recent weeks from the review by Ms Greenough. So the actual NZTA staff themselves thought it was achievable.

**THE COMMISSIONER:** Okay.

**MR SKERRETT:** I would just caveat that. I mean, for just the plan change area itself on its own, the existing road layout can be adapted to accommodate all the predicted traffic flows. It's only when you get into this bigger picture full development of everything that the roundabout kind of becomes a necessity in terms of capacity and safety.

**THE COMMISSIONER:** I am just going to go to you. You were poised to make a comment, Mr Muldowney.

**MR MULDOWNEY:** I just want to be very clear on this evidence because it is critical. It really raises the question of what level of certainty around the engineering outcome we need to drive into the plan change stage.

**THE COMMISSIONER:** That was going to be my question to you in terms of the mechanism vis-à-vis plan change or as a subsequent consent process.

**MR MULDOWNEY:** Yes. My position would be that what you as the decision maker need to be satisfied about is that if the ‑‑ certainly the applicant's position is that the roundabout is the practical solution. As I say, it has been indicated in the council's long‑term plan as the intended upgrade solution. But if there was ultimately a problem with securing NZTA's approval for that kind of engineering solution, we cannot have a situation where the plan change is effectively frustrated because NZTA will not agree to the roundabout. So if you prescribe a roundabout as requested in the plan change stage, it needs to be with NZTA's commitment that it is on board with that.

If NZTA is not prepared to get on board with that at plan change stage, you need to be satisfied by this witness and other witnesses that this plan change can still proceed without a roundabout. If I have understood the witness, as I understand the answer he just gave you, the answer is that the full development of the plan change area can proceed without the roundabout, but if you then take the full development in the plan change area and you add to it additional development, say, from (inaudible) you are going to need to move to some other solution at that intersection, like a roundabout. That is how I understood the evidence to be sitting but you will hear from the witness --

**MR SKERRETT:** Correct, yes.

**THE COMMISSIONER:** That is what I have taken from Mr Skerrett's evidence, yes, so I am clear on that. In terms of the additional access proposal, how would you see that, Mr Muldowney, in terms of being dealt with? Again, that is left to a consenting process?

**MR MULDOWNEY:** Well, I think it is the same category as this ultimate approval of NZTA in terms of the roundabout in that unless the Transport Agency is going to turn up at this hearing and say it approves of the additional access point, I do not think it would be sound resource management practice to impose that access as a condition or an element of the plan change. It could be flagged as an option, but I think that is as high as you can take it because otherwise it puts the Transport Agency in the position of being the ultimate arbiter of whether this development proceeds or not.

So I think that just like the ultimate roundabout treatment, the question of whether or not there should be an additional access point on the state highway, nice to haves and it certainly would be the applicant's preference if we could get a second access point because it is going to improve the permeability of the site and the overall transport network. But the evidence is that we can survive without it. In fact, we can do better than survive without it, we could have as good of an outcome, as acceptable of an outcome, without it.

**THE COMMISSIONER:** Okay. I am still on some mitigation that you discussed, Mr Skerrett.

**MR SKERRETT:** Sure.

**THE COMMISSIONER:** You talked about in your discussion - particularly in terms of concerns raised by the school in terms of any potential impacts - there is some potential mitigation that you have outlined which is beyond the subject site. I would be interested also in your view, Mr Muldowney, in terms of again is that something for consideration through a subsequent consent process as opposed to the plan change process.

**MR MULDOWNEY:** Yes, I think that is the right way to frame it, yes.

**MR SKERRETT:** Yes.

**MR MULDOWNEY:** I think the evidence (inaudible).

**MR SKERRETT:** Yes, no, I believe that's the appropriate way. Once the development has been firmed up and we know exactly what we're dealing with, then you can make an assessment on the impacts on the school. At the moment, it's really hard to determine, you know, how many people living within the subdivision are going to have kids going to the school or are going to drive or are going to walk or ... I guess that will come as details get firmed up.

**MR MULDOWNEY:** So, as I say, all I would add to that is that so long as the conditions of consent meet the ordinary tests in section 108 of the Resource Management Act, being for a resource management purpose, meeting the Newbury tests in terms of having a relationship with the land use which is being authorised, then there is no reason why a consent condition could not be imposed at subdivision stage, for example, which requires some form of upgrade to the transport network which might be a little further removed from the subdivision area itself; for example, something on Donnelly Street.

**THE COMMISSIONER:** Okay. The other option would be if some things or some aspects of that did not meet what you have outlined in terms of the relevant tests there is always the option of an Augier proposition from the applicant to actually do certain works.

**MR MULDOWNEY:** Yes, which may well be flushed out. For example, if we were in a situation where there was some form of resistance or a concern raised about those sort of negative effects, there is no reason why it could not be offered up.

**THE COMMISSIONER:** Okay.

**MR MULDOWNEY:** But I think the key point is that that is the right stage in the planning process to be dealing with those sorts of issues. What we need to be satisfied I think from the plan change decision‑making perspective is that they will get picked up and there is a mechanism for picking them up.

**THE COMMISSIONER:** Just on that similar theme, Mr Muldowney, would in your view there be any ability anyhow through the plan change process, apart from being clear that such matters could be addressed through a subsequent process, would there be any ability anyhow through the plan change process to deal with those matters?

**MR MULDOWNEY:** Well, only to the extent --

**THE COMMISSIONER:** I am just teasing out how far in terms of my jurisdiction I could go anyhow.

**MR MULDOWNEY:** Yes. I think the point is that the only way that it features in your evaluation is under section 32 when you are thinking about the costs and benefits of the proposal. Now, if one of the costs of the proposal ‑‑ if you are not satisfied that these ‑‑ let us imagine some of these localised network effects cannot be mitigated and you did not have a mechanism for mitigating them - and I say you do at the consent stage, but if you could not and you did not have a solution - that would be a cost and that would be one of the factors that you would weigh up in your evaluation under section 32. It would count against the grant of the plan change. So that to me is the way that you would properly frame the question around this topic.

**THE COMMISSIONER:** Thank you. Just for clarification, in paragraph 12, Mr Skerrett, you talk about the criteria in terms of roundabouts and you note the desirable criteria of a driver approaching a roundabout is able to see other entering vehicles before the driver reaches the holding line or the give way line.

**MR SKERRETT:** Yes.

**THE COMMISSIONER:** Is that desirable criteria in respect of all entrances to the roundabout?

**MR SKERRETT:** Yes, it applies on each arm, yes.

**THE COMMISSIONER:** Okay. I am going backwards here; I am going to paragraph 4 where you noted that NZTA requested the higher rate of 10.4. I do note that in subsequent discussions they have obviously been satisfied that the 8.5 apply. Was there any reasoning for the 10.4 trips?

**MR SKERRETT:** It's in their planning guidelines. It's the default number that they use to assess all points as I guess their starting point.

**THE COMMISSIONER:** Which in my understanding is different to what a number of councils, including New Plymouth District, assess?

**MR SKERRETT:** There's a large debate within the industry around trip generation. The research report that the NZTA base their 10.4 on has a range between - I can't remember - 4.6 and 14. The little piece of work I did in New Plymouth has a similar range in trip generation, so it's very difficult to hang your hat on just one number.

**THE COMMISSIONER:** Okay.

**MR SKERRETT:** I believe there is a piece of work going on now to try and develop a more robust number.

**THE COMMISSIONER:** I do not have anything further, so thank you, Mr Skerrett.

**MR SKERRETT:** Thanks very much.

**MR MULDOWNEY:** Sir, is that a convenient time to break?

**THE COMMISSIONER:** It is, yes, and we will reconvene at 11.20 am and then presumably you are calling Mr Bain first?

**MR MULDOWNEY:** Yes, Mr Bain and then Mr Comber to wrap up.

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

**MR SKERRETT:** Sorry, sir, just before --

**THE COMMISSIONER:** Mr Skerrett?

**MR SKERRETT:** A question was asked yesterday about VEM equivalents.

**THE COMMISSIONER:** Yes, it was.

**MR SKERRETT:** So for residential development it nearly is. You can't ‑‑ because the VEM is based on the length of the vehicle, you can't guarantee everybody is going to be driving a normal sized car and not have a van or something. So it's not directly comparable but it's going to be very, very close. For a residential subdivision it'll be very close to VEMs.

**THE COMMISSIONER:** Okay. Thanks for raising that. Thank you. Okay, we will adjourn until 11.20 am.

(Adjourned until 11.20 am)

**MR MULDOWNEY:** I now call Richard Alexander Bain and Mr Bain has a supplementary statement.

**THE COMMISSIONER:** Thank you. Mr Bain?

**MR BAIN:** Thank you. This summary of evidence focuses on matters where I am at variance with the other landscape experts as recorded in the expert joint conferencing witness statement dated 10 July. Where I refer to clause numbers, they are from that joint conference statement.

**THE COMMISSIONER:** Okay, thank you. I have that statement before me also.

**MR BAIN:** So, clause 12 of that statement:

"With regard to the site and surrounds, I consider the most relevant characteristics to be the close proximity to urban Oākura, the Kaitake Ranges, an outstanding landscape, and the presence of three waterways within the site.

Clause 12: with regard to the role of the consent notice, I have taken the approach that assessing landscape and visual impacts starts with the plan change request and considers the merits of the application. I acknowledge the limitation of the consent notice that no further subdivision is permitted while the land continues to be in the rural environment area. It follows that should the request be proven to have merit that varying and/or cancelling the consent notice will be a consequential consideration.

Clause 13: There is disagreement amongst the landscape experts about the scale and extent of development. My evidence contends that the scale and extent of the proposal is contextually appropriate through its proximity to Oākura, the varying land use activity areas, the enhancement of the site's waterways, and provides a spatial zone, the rural lifestyle area, to create a transition from urban to rural. In my opinion, the site does not possess qualities or characteristics that suggest it ought not to be subject to change.

Clause 13: I am at variance with the other two experts over the effectiveness of the rural lifestyle area as a transition from urban to rural. I consider that the cadastral boundary offers a practical edge to the development given the separate and unrelated ownership of the subject site and the adjoining property and that the Wairau Stream is too small a natural feature to provide a legible boundary of any consequence. The effectiveness of the cadastral boundary as the appropriate demarcation for the transition is underpinned by the distinctly different district plan provisions that will apply, namely the structure plan provisions applying to the subject site and the rural environment area provisions applying to the adjoining property [that being the neighbour]. Further, the rural lifestyle area of the structure plan is proposed to meet a local need for equestrian lifestyle that includes a common bridle trail. This rural lifestyle area occupies nearly half of the structure plan area at 44 per cent.

Clause 13: With regard to the desirability of a landscape framework as expressed by the other experts, I note that such a plan is recommended in the section 42A report, appendix 10, amendment 1, policy 23.8(b), develop a landscape plan setting out the overall landscape features and elements, including planting for the Wairau Estate structure plan area, which will be given effect through the controlled provisions of the recommended rule Res 100.

Clause 14: I am at variance with the other experts with regard to the scale and effect and quality of the view (of the OL) [the outstanding landscape] from State Highway 45. As stated in my evidence‑in‑chief, in my opinion the characteristics and qualities that contribute to the Kaitake Ranges as an OL are not adversely impacted by the development despite that there are views of the OL across the site for the following reasons: the site is not located within an OL; the scale of the ranges is such that they will not be subsumed by the development; the presence of other buildings in the area, such as the houses in The Paddocks, are located closer to the OL than the proposal area; the Kaitake Ranges are a dominant backdrop in the wider area, not just across the proposal site; the extent and quality of the views from State Highway 45 are limited by the speed of the road users along the stretch of highway, orientation; any available views are typically fleeting, being interrupted by patches of roadside trees and buildings and extended lengths of continuous roadside plantings of shelter belts of both exotic and indigenous vegetation; the ability of permitted activities - such as shelter planting, large sheds - to prevent views of the OL; there are no nearby public viewing places designed for views of the OL; there are no district plan view shafts or view protections of the OL; the natural character of the OL will remain unchanged by the proposal, although there will be reduced views from the highway from the bund and associated vegetation.

For these reasons I do not consider that this represents an adverse effect on the OL's natural character values. I also note that the 2006 Oākura Structure Plan indicates an inland area with the plan key noting building controls on height, scale and form. This suggests that houses built on the upper slopes were of concern with regards to effects on the OL. The urban part of this proposal is outside that area.

Clause 15: Notwithstanding agreement about the unknown extents of the bund, there is disagreement among the experts as to the appropriateness of the bund as a landform. In my view, once planted, the underlying landform will not be perceptible. As stated in my evidence, bunds are not uncommon in places where urban development extends into the countryside. Such bunds are effective in screening urban development from rural roads. A landscape bund of two to three metres in height that has been indicated to be 500 to 600 metres in length along the state highway road frontage of the Wairau structure plan area will present a roadside visual amenity similar to and consistent with roadside frontages along either side of State Highway 45 readily observable in the locality."

With regard to the supplementary section 42A officer's report I just make two comments. So these clause numbers refer to the clause numbers in the supplementary 42A report that came out on the 19th. These are just minor things:

"Bullet point 3 recommends that there should be, 'Limited residential development along the northern edge of the Wairau Stream to provide transition from dense residential development to rural land, being the balance of the land in the open space corridor'. This sounds very similar to that of the proposal (rural lifestyle area) whereby a spatial transition from residential to rural is promoted.

Clause 3.69: Referring to the effect on the KNE and gully tributaries, the report states that the, 'Wairau Stream is particularly important'. I believe this should read the, 'Wairau Road Stream is particularly important', meaning the stream closest to Wairau Road as referenced in clause 17 of the joint conferencing statement."

**THE COMMISSIONER:** Thank you, Mr Bain. So, in terms of where you discuss the OL, the outstanding landscape, does that include all of the ranges? I just want to get a bit more of a feel for ‑‑

**MR BAIN:** Of what is the OL?

**THE COMMISSIONER:** Yes.

**MR BAIN:** So the OL, the outstanding landscape, in the district plan is all of the Kaitake Ranges, the Pouākai Kaitake Ranges and Mt Taranaki. In fact, it's all land within the Egmont National Park. For that reason, that's why there are no rules in the district plan regarding the OL because the Egmont National Park management plan would kick in.

**THE COMMISSIONER:** Okay.

**MR BAIN:** So if someone wanted to put a cell phone tower within the national park, it would be dealt with that way.

**THE COMMISSIONER:** I observed this when I did my site visit on Monday morning. So, the extent of the Kaitake Ranges in terms of the indigenous vegetation extends down and then moves into pasture, so that is the actual boundary of the national park and the OL?

**MR BAIN:** Generally. There is land outside the Egmont National Park and, therefore, outside the OL that looks like national park because it is covered in bush but, in fact, is in private ownership. In this area, The Paddock boundary is more or less consistent with the national park boundary but not ‑‑ there's not a direct relationship.

**THE COMMISSIONER:** Okay. Do you have what the height is of the subject site in its closest proximity to the OL and then what the height above sea level is where the OL or the Kaitake Ranges commence? The reason I raise that just in terms of my site inspection, the slope of the land seemed, in non‑technical terms, gradual and then I think there is a gas pipeline that is indicated by white posts and then the property, and then the topography then seems to rise more steeply.

**MR BAIN:** That's correct, yes.

**THE COMMISSIONER:** I just want to understand that a wee bit more.

**MR BAIN:** I think your observation is dead right. If you're standing at the highway and you're looking across --

**THE COMMISSIONER:** Yes, that is where I was.

**MR BAIN:** Yes. If you look across the site, it's relatively flat. It's only about 4 or 5 per cent up to where the bush area is, and then it speeds up, to use your ‑‑

**THE COMMISSIONER:** Yes.

**MR BAIN:** It speeds up as it rises above the hill, and it does, I believe, create a bit of an optical illusion, if that's the right term. Because when you're standing at that highway your eye does tend to read the Kaitake Ranges as a dominant land form and then your eye comes down to the foreground. I think it's worthwhile to recognise that the majority of this development is on relatively flat land. It's not elevated land as such. I can't give you the exact numbers of the reduced levels above sea level. I know the top of the Kaitakes is about 500 metres above sea level. I think just below the QEII is 60 metres above sea level but then it --

**THE COMMISSIONER:** At the end of Wairau Road --

**MR BAIN:** Up the top, yes.

**THE COMMISSIONER:** Yes, according to my GPS it was about 130 or 140 or something like that.

**MR BAIN:** That sounds about right.

**THE COMMISSIONER:** I was just wanting to get more of an understanding of that.

**MR BAIN:** Yes. So coming -- if you're at the top of Wairau Road and you drove down that road, as I'm sure you did, it's steep and it becomes decreasingly steep as you come down the hill. So the steepest bit of the site of our proposal site is that top piece, that narrow piece, where the easement is at the top of Wairau Road. The majority of the development is below the QEII area which is relatively flattened.

**THE COMMISSIONER:** So the pasture land, if you are moving from the ranges and heading down, that is visible, is that in a different ownership to the subject site?

**MR BAIN:** Yes. So if you're standing at the road, as we've talked about, there's only a narrow piece of the proposal site that goes up behind The Paddocks and joins into Wairau Road. The land below the Kaitake -- the land that joins the fence that joins the bush is owned by others. So our site doesn't join the OL.

**THE COMMISSIONER:** Mr Muldowney, can I get a plan or an aerial that actually has the --

**MR MULDOWNEY:** I am just working on it as we speak.

**THE COMMISSIONER:** Okay, because I am really keen to just understand more, and certainly we will look further when we do an on‑site inspection, but having a good understanding of what is between the subject site then and the distance and the slope up to the ranges --

**MR MULDOWNEY:** Yes. I have just been handed a map from the council website which shows the topographical lines overlaid across the site, so we will get that organised for you and present it in hard copy for you.

**THE COMMISSIONER:** Yes, thank you for that. So, Mr Bain, in terms of that land we are talking about beyond the subject site, are there any particular controls on that, whether from a landscape perspective or any other planning controls?

**MR BAIN:** The land that's not on the subject site that is outside the OL is rurally zoned land and it's got the same rules as any other rurally zoned land. So there's no additional rules because that land is close to the OL.

**THE COMMISSIONER:** Okay. I suppose it is a matter for you, Mr Comber, when you present. I would be interested in what can occur on that land beyond the subject site under its current DP provisions. Okay, that is that matter. Thank you.

Now, you make a number of comments in respect of clause 14 on your page 3 and 4. So then over the page on to four you talk about the ability of permitted activities such as shelter planning, planting large sheds to prevent views of the OL. Can you just tease that out for me in terms of are there other requirements, though? While shelter planting might be a permitted activity, are there any particular restrictions on that or, indeed, large sheds, et cetera? I just want to know if there are any particular rules around those.

**MR BAIN:** So on the subject site, the landowner could as permitted activity plant a shelter belt along the boundary, which would obviously prevent views. He could also build sheds of up to ten metres high and of any length and any width. Those sheds would have to be beyond 30 metres from the road boundary. Under the consent notice, of course, he couldn't subdivide, but he could ‑‑ they're the two that spring to mind that I would consider that aren't fanciful.

**THE COMMISSIONER:** So shelter belts along the state highway boundary ‑‑

**MR BAIN:** Sorry, say that again?

**THE COMMISSIONER:** Shelter belts along --

**MR BAIN:** The state highway boundary, yes.

**THE COMMISSIONER:** Yes. Are there any distance requirements or can they be planted on private land but right up to the legal boundary?

**MR BAIN:** They can be planted right along the boundary, yes. No, there's no distance requirements.

**THE COMMISSIONER:** Okay. Just in terms of the proposed bund which is to parallel the highway, if that wasn't put in place are there any particular landscape issues that would arise in your view?

**MR BAIN:** As I say in my evidence, it does present a conundrum in that if you don't have a bund and you have urban development you will see the urban development. So I would see that as potentially an adverse effect. I'm mindful there's an exact example of this just out of Hawera. If you're driving north out of Hawera just past the furlong up to the racecourse on the left there's a subdivision.

**THE COMMISSIONER:** Yes, I am aware of that.

**MR BAIN:** You can't see that subdivision from the road because there's a bund that's two metres high. It's about 200 metres long. It happens to be planted with hydrangeas so it doesn't look the best at the moment, but you're not aware of that subdivision. So if we didn't have a bund in this site, we would potentially see the houses so that would create a different effect than if we did have a bund.

**THE COMMISSIONER:** Now, yesterday I heard both in opening submissions and in evidence that the district council has signalled from around 2006 or thereabouts through various plans, strategies and initiatives of further residential development at Oākura, including the subject site. In any of that work, are you aware of any landscape assessment work that has informed those plan strategies and initiatives of the council in respect of the subject site and/or the other future urban development areas and the undeveloped residential areas?

**MR BAIN:** I am relying on memory here. I was involved with that plan process through council, I think. At the time of the 2000 structure plan, there was quite a lot of pressure for coastal subdivision and that was something that people were concerned about, or the community of Oākura was concerned about it, particularly subdivision that might spread up and down the coast, particularly south actually along the coast. That's why I think you heard yesterday there was talk that it was deemed desirable that future urban development at Oākura should be inland, and that was a response, I believe, to the coastal subdivision.

From memory, there was a report done by LA4. I think there may have been two reports done by LA4 that looked at coastal matters and subdivision on behalf of council and that's where the site ‑‑ I think through that work this idea of a buffer came up that's shown on that 2006 plan. That then didn't get transferred into the district plan but I believe that's ‑‑ I do remember discussion around a potential buffer around the Egmont National Park.

**THE COMMISSIONER:** Okay. Yes, and it may be something that the council reporting officers comment on, but I was just interested in whether there had been more of the sort of detailed assessment in terms of landscape impacts on any of those future urban development areas before they have got more formalised over a period of time.

**MR BAIN:** Other than the LA4 one I refer to, I don't believe so. I do also remember at the time the issue council then had to deal with or council thought, "What do we do about this issue of buffer?" and how it ended up being translated into the district plan was that protection of the views of the OL were better dealt with within the rules of the district plan with regard particularly to building height. So rather than have a buffer zone where there isn't development, there was an overall ‑‑ there was assessment criteria applied to height and site coverage and earthworks, from memory. So it was dealt with in that way at a broad scale.

**THE COMMISSIONER:** Part of my interest through the questions is just that in clause 13 your last sentence:

"In my opinion, the site does not possess qualities or characteristics that suggest it ought not to be subject to change."

**MR BAIN:** Yes.

**THE COMMISSIONER:** Yes, so part of the questioning is what work, if any, had been undertaken in terms of prior to the identification of the site for development.

**MR BAIN:** I guess the simple answer to that is that the Oākura structure plan is probably the only manifest example of where the issue of the outstanding landscape and views of that landscape are touched on and that structure plan suggests that there was a piece around the top that could be considered as a buffer and, therefore ‑‑ but, of course, it doesn't extend over the whole site, it's just around that top piece. On that structure plan, it refers to height controls or potential height controls and, of course, on our proposal we have height controls that are lower than the district plan height controls.

**THE COMMISSIONER:** Turning to your paragraph 6 where you discuss clause 13, I take it from your statement there that you are supporting as part of the plan change, if it was approved, that landscape plan development?

**MR BAIN:** I don't not support it. It's come up a lot in the ‑‑ it's come up by the submitters ‑‑ by the other landscape experts, I should say, and I think it's referred to in the section 42A report. The landscape framework plan as I think it's referred to in the 42A report, I do see it that that would be better dealt with during subdivision application personally because I think it's quite a specific thing. On the structure plan as we have it now, I think there is a framework. We've got the gullies shown as planted and enhanced. We've got the planting along the ‑‑ we've got green stuff along the state highway and so on. Beyond that ‑‑ and we've got open space provision that is supported by the parks department, parks division, as articulated in the 42A report. So detail of planting framework or open space framework beyond that, it would seem to me that would have to be precisely dovetailed with actual subdivision. I would have thought that would be a better place to deal with it. If we produced such a plan for the plan change, a landscape plan for the plan change, I think it really would be very conceptual.

**THE COMMISSIONER:** So if it was dealt with ‑‑ and perhaps it is also a matter for your closing submissions, Mr Muldowney. I would be interested in your view in terms of what Mr Bain has outlined. But for the moment, in terms of that landscape plan, would it be appropriate, Mr Bain, for there to be some clarity around what is to be achieved by such a plan? It is just that when I look at the wording in terms of setting out overall landscape features and elements, including planting, where does the performance aspects come in and, again, is that better dealt with through a consent process?

**MR BAIN:** I believe it's better dealt with during the consent process because those performance standards, that performance, if you like, has to be matched with performance that would be within the subdivision design. How big are the lots? How do they relate to each other exactly? Are there little connections between lots to cross to other places? Any kind of open space or planting framework would need to work ‑‑ would need to dovetail with that. I think there's enough framework in the proposal to drive what would be considered a good urban area, in particular the waterways. That I think is the main one, that those are protected and enhanced and have walkways and planting and so on.

Reading the -- my interpretation in the 42A report of the parks comments is that they see the amount of open space as appropriate and they are suggesting reserve along two of the steams. They don't seem to be wanting any more so, therefore, if we're to add layers of open space or planting to a framework plan, I think it would need to work in with the actual subdivision design.

**THE COMMISSIONER:** I have nothing further, so thank you, Mr Bain.

**MR MULDOWNEY:** I call my final witness to give evidence, which is Mr Comber. Like the other witnesses, Mr Comber has a supplementary statement which I am circulating now.

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

**MR COMBER:** Yes, thank you, sir. Just for clarification, I have a supplementary statement and then a summary statement to follow. The supplementary statement addresses matters raised in the section 42A report.

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

**MR COMBER:** So that's what we're addressing now. So, assessment of certain additional matters, introduction:

"The council's section 42A report suggests that in the evaluation of the national policy statement on urban development capacity that objective OA2 should be evaluated in the overall context of Oākura and the district.

The council's report also considers that certain objectives and policies within the regional policy statement additional to those assessed within the request ought to be addressed to demonstrate that all the relevant provisions of the RPS have been considered. Those additional matters and their assessment are as follows: National policy statement on urban design capacity."

So I state there, and I will read them, sir, objective OA2 of the UDC:

"Urban environments that have sufficient opportunities for the development of housing and business land to meet demand and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.

At page 35 of the request [this is my initial assessment] the following assessment is made. The proposal will also be consistent with OA2. The four differing residential and rural residential environment areas, together with two choices of open space, will provide a range of opportunities for the development of housing, differing housing types and location, and local recreation and lifestyle choices that will meet the needs of persons who wish to live within the estate and for the generations that follow. Given the limited size of the estate and its close proximity to businesses in Oākura township, including vacant business land in the township, there is not a need to provide for business land within the estate apart from one lot for a small café or similar."

So, my further assessment in response to the section 42A:

"As has been stated elsewhere in the request document, the Wairau Estate is located at the existing urban edge of Oākura and it presents as a logical extension to the existing urban form. The reasons for the extent and form of the proposal are also discussed at some length in the request document.

The proposed plan change is being considered against a background of a district‑wide land supply review, which identified the need for a significant area of development land for urban expansion at Oākura. The land identified for urban expansion has been incorporated into the district plan via the mechanism of a further urban development overlay.

The recently released draft of the council housing and business development capacity assessment adopts the following criteria to define development capacity:

Short‑term development must be feasible, zoned in the district plan and serviced with development infrastructure"

and I will come back to that matter shortly, sir. Then it defines what medium‑term development capacity is and also long‑term development capacity.

At page 35 of the assessment, the following is given:

"Oākura has a capacity of 629 feasible lots totalling 70.6 hectares of land. This is a mixture of undeveloped residential land (18.1 hectares) plus two growth areas totalling 52 hectares. Land in the Oākura South growth area that would be challenging to develop for residential use has been removed under the draft district plan."

Sir, I'll show you an image of that in my summary.

**THE COMMISSIONER:** Okay.

**MR COMBER:**

"This is further analysed in table 4.8 that follows the assessment. The notable point about this assessment is that there is no short‑term development capacity, i.e. greenfields land serviced and immediately available for urban settlement. The detail for this is given in table 4.1.3 (page 44) of the assessment where all the land identified for urban expansion is in the long‑term development category."

So what that's saying to us is that there's actually nothing available in Oākura presently, nothing available serviced, nothing available that is commercially viable.

"There is a range of larger existing developed and serviced residential sections within the township that may lend themselves to infill development."

I'll have to read that again:

"While there is a range of larger existing developed and serviced residential sections within the township that may lend themselves to infill development, most residential property owners in my experience do not see themselves as subdividers or property developers and/or are not attracted to cutting off the backyard to create a section for infill development.

The HBDC also places little confidence in infill development addressing housing development capacity needs anywhere in the district where it says greenfield development is more feasible than infill development.

The feasibility outputs for residential greenfield development are at about 90 per cent whilst infill development has a much lower feasibility at 20 per cent."

This is a very significant observation in the assessment because there has been land identified at Oākura for infill development, I think from memory something like 94 lots. Based on this assessment, we could say goodbye to 80 per cent of those potentially.

Taranaki regional policy statement, fresh water. Section 6 Fresh Water and the WAL objective 2, that states:

"To protect the natural character of water bodies from inappropriate subdivision, use and development"

and it goes on to state in the policy:

"The in‑stream values and life‑supporting capacity of water bodies will be maintained and the natural character of rivers, streams and lakes and their margins protected from inappropriate subdivision, use and development."

**MR MULDOWNEY:** Excuse me, can I just check in your ‑‑ did that jump?

**MR COMBER:** Have I jumped a page?

**THE COMMISSIONER:** Mm.

**MR MULDOWNEY:** You were dealing with the feasibility outputs, 20 per cent feasibility statement and then --

**MR COMBER:** I'm going to give evidence in the summary further.

**MR MULDOWNEY:** (several inaudible words). I just want to check that the commissioner has the same one.

**MR COMBER:** Right. Yes, I'm reading an earlier version, my apologies.

**MR MULDOWNEY:** We will get you the version that has been circulated.

**MR COMBER:** Apologies for that, sir.

**THE COMMISSIONER:** Thank you.

**MR MULDOWNEY:** So you were at page --

**MR COMBER:** Page 3.

**MR MULDOWNEY:** -- page 4 and you had finished the --

**MR COMBER:** Yes, sorry, I beg your pardon, yes. Sorry, here we go, yes.

**MR MULDOWNEY:** No, I have another version as well.

**MR COMBER:** You can't have.

**MR MULDOWNEY:** Oh, this is --

**MR COMBER:** That's my old one.

**MR MULDOWNEY:** That is the old one.

**MR COMBER:** Yes, there's yours there, sorry. Apologies for the confusion. So, we're talking about infill development being not particularly viable. So:

"With regard to the demand for sections and housing at Oākura, my enquiries support, anecdotally at least, the HBC assessment of the lack of land available to Oākura for residential settlement. I have recently spoken to a real estate professional who currently lives and works at Oākura and has seven years' experience in that market. They told me in their experience they have always found there has been strong demand for residential property in the Oākura township and particularly in what they described as the local midrange, $650,000 to $850,000. They described an older dwelling in McFarlane Street recently having had 35 parties to the first open home and selling within three weeks for $700,000 plus. The agent also volunteered that there was an unmet demand for local retirees wanting to downsize to smaller lock up and leave dwellings."

On that, sir, I'd interpose that in the original request it was identified that in terms of retirement living, for people living at Oākura wanting to retire into a village type environment, the closest was in New Plymouth at Spotswood or, alternatively, Opunake or Hawera to the south. So that takes people well out of this local community in their older age.

"I recently posed a series of questions by email to a New Plymouth firm of registered valuers, Telfer Young Taranaki. The response I received, a copy of which I attach, confirms the experience of the real estate agent. In summary, Telfer Young advise ..."

I'm summarising the main points from that letter, sir:

"The Oākura market is small. Demand for property has been strong over the last 20 years [property at Oākura]. Values have often risen strongly in comparison to nearby New Plymouth. House prices at Oākura are higher to comparable homes in New Plymouth. The current medians are New Plymouth $445,000, Oākura $850,000. The higher prices at Oākura are due to a supply constraint. Demand in the residential market at Oākura over the past 20 years has exceeded supply. There has been limited subdivision over the last 20 years in the township. The advent of sewer reticulation at Oākura, which occurred approximately 20 years ago, has [not] resulted in the anticipated unlocking of infill development sections due to contour and foundation difficulties."

So there's the word "not" is missing there, sir.

**MR MULDOWNEY:** Before the word "resulted"?

**MR COMBER:** Before the word "resulted":

"The current and proposed zoning does not/will not readily promote infill development."

That's the advice from the valuers. The minimum lot size currently is 700 under the operative plan and proposed at 600:

"'The Paddocks' development of larger residential lifestyle sections has sold well and is now mostly developed. Housing use [in the township] has trended over recent decades from holiday and retirement homes to residences providing permanent homes for families, young professionals and retirees. Housing values are highest at the coastal edge and reduce as one moves inland [that's within the township]. Supplying further sections south of Highway 45 will have little if any impact on demand or values in the heart of Oākura [that is the coastal side of State Highway 45]."

What the letter elaborates on, sir, is that in the valuing world there's a discernible difference in appeal and reflected in pricings in terms of different parts of the township and it's indicating that the heart of Oākura is considered to be between the highway and the coastal edge:

"Conclusion

In my assessment, it is evident there is a significant supply constraint and significant unmet demand for serviced residential land at Oākura. This is confirmed not only by the council's draft housing and business development capacity assessment but also through the experience and observations of professionals with knowledge of the Oākura property market.

There are currently insufficient opportunities for the development of housing to meet demand and a lack of choice to meet the needs of people wanting to reside at Oākura. Increasing the supply of serviced residential sections across a range of sizes as proposed in plan change 48 will result in people having increased opportunity to house themselves in a range of dwelling types at Oākura. District plan provisions do not direct housing topologies. However, a range of lot sizes will assist people to make choices relative to their individual preferred housing requirements."

In conclusion:

"I confirm the conclusions of my original assessment as set out in the request."

I'll just move now to the Taranaki regional policy statement and the relevant section there is section 6 and the objective, relevant objective 2 under that, which the section 42A report suggested should be evaluated:

"To protect the natural character of water bodies from inappropriate subdivision, use and development"

and the policy under that is:

"The in‑stream values and life‑supporting capacity of water bodies will be maintained, and the natural character of rivers, streams and lakes and their margins protected from inappropriate subdivision, use and development."

Method 10 states that:

"In preparing, implementing and administering district plans and resource consents, assess, as appropriate, the effects of land use and development and subdivision on surface water and provide for any adverse effects to be avoided, remedied and mitigated."

"The Wairau Stream and two unnamed tributaries pass through the subject site. These water courses and the natural features, namely gully systems, within which they are located are to be retained. The central gully system, with designed bunding, is to be utilised for stormwater detention as a means of ensuring hydraulic neutrality consistent with the predevelopment condition is maintained.

Planting the retained gully systems with indigenous vegetation will help to ensure the natural character of these features is maintained and enhanced. Roading crossing of these watercourses is limited and will be designed with culverting that facilitates fish passage."

I think we heard evidence in the last day, sir, about the initial crossing through the Thurman property over the Wairau tributary. Both Mr Jansen and Mr Bevers have given evidence on how that will be dealt with in terms of preserving natural character and mitigating adverse effects.

"An ecological assessment has been undertaken of the site and is included in the request. The findings of this assessment are discussed in the request, as are the recommendations and the applicant's response.

Given the mitigation measures that the applicant proposes to undertake as set out in section 5.4.1 of the request, it is concluded that the water courses within the site will be protected from inappropriate development and the in‑stream values and life‑supporting capacity of the subject water bodies will be maintained and their natural character enhanced.

Natural features and landscapes, historic heritage and amenity value.

The 42A report suggests the following policies and objectives have not been addressed:

Section 10, natural features and landscapes, historic heritage and amenity value, AMY objective 1, NFL policy 2 and AMY policy 1."

Then:

"The section 42A discussion is somewhat confusing as NFL policy 2 relates to NFL objective 1 and not AMY objective 1."

But I'll work my way through that. NFL objective 1 is:

"To protect the outstanding natural features and landscapes of the Taranaki region from inappropriate subdivision, use and development and to appropriately manage other natural areas, features and landscape of value to the region.

The issue discussion in the RPS identifies that 'outstanding natural features and landscapes include Mt Taranaki and Kaitake mountain ranges'. The district plan more particularly defines Egmont National Park, which includes Mt Taranaki and the Kaitake Ranges, as an outstanding landscape."

I think that point was just established with Mr Bain, sir.

"For district plan purposes the park boundary defines the extent of the Outstanding Landscape."

The subject site is in proximity to, but not within the Outstanding Landscape. It is therefore concluded that the subdivision, use and development consequent on the plan change being approved will not result in the '... inappropriate subdivision, use and development ...' of an Outstanding Landscape.

Other aspects of the site that may be considered to be '... natural areas, features and landscapes ...' may have intrinsic environmental value but have not been specifically identified by either Regional or District Plans as being of value at a regional level.

If NFL Objective 1 is not considered relevant to the Request, it follows that neither is NFL Policy 2.

The RPS sets out AMY Objective 1, AMY for amenity, as follows:

"To recognise the positive contributions of appropriate use and development in terms of providing for the maintenance and enhancement of amenity values in the Taranaki region, while avoiding, remedying or mitigating the adverse effects of inappropriate use and development on amenity values."

Then the policy under the objective that was requested to be assessed:

"The adverse effects of resource use and development on rural and urban amenity values will be avoided, remedied or mitigated and any positive effects on amenity values promoted. Any positive effects of appropriate use and development will be fully considered and balanced against adverse effects. Those qualities and characteristics that contribute to amenity values in the Taranaki region include:

(a) safe and pleasant living environment free of nuisance arising from excessive noise, odours and contaminants, and from traffic and other risks to public health and safety;

(b) scenic, aesthetic, recreational and educational opportunities provided by parks, reserves, farmland, and other open spaces, rivers, lakes, wetlands and their margins, coastal areas and areas of vegetation;

(c) a visually pleasing and stimulating environment;

(d) efficient, convenient and attractive urban forms; and

(e) aesthetically pleasing building design, including appropriate landscaping and signs."

It is submitted that the section 32A Evaluation contained within Part 4 of the Request, and in particular, sections 4.3.4 Options, 4.3.6 Conclusion of Options, 4.3.7 Appropriateness of Objective of Request, 4.3.8 Appropriateness of the proposed regulatory planning provisions together with, in its entirely, Part 5 Assessment of Effects on the Environment, sufficiently address the matters within AMY Policy 1 and that any adverse effects arising from resource use and development on the local rural and urban amenity values as discussed and assessed within those Parts of the Request can be avoided, remedied or mitigated.

Parts 4 and 5 of the Request also demonstrate that the positive effects of the appropriate use and development of the subject site have been be fully considered and balanced against the adverse effects.

Statement of resource management issues of significance to iwi authorities, the section 42A report suggests the following policies and objectives have not been addressed, and I state them there, and working through them.

The Issues within section 16 of the RPS are set out under the heading 16.1 Taking into account the Principles of the Treaty of Waitangi as follows and the issues statement expressed thus. The significant issues in relation to taking into account the principles of the Treaty of Waitangi are: (1) forming an effective relationship while acknowledging the different

perspectives on kāwanatanga and rangatiratanga in resource management; (2) the Taranaki Regional Council and three territorial authorities agreeing to a shared understanding with tangata whenua of the meaning and practical implications of taking into account the principles of the Treaty of Waitangi in terms of resource management.

Further objective 1 states:

"To take into account the principles of the Treaty in the exercise of functions and powers under the Resource Management Act."

It appears this issue is intended to encompass the Regional Council and the three territorial authorities within the Taranaki region and their relationship with Iwi Authorities within the region.

It is submitted that Objective 1 is for the attention of the regional and territorial local governments in Taranaki, that is, those exercising functions and powers under the Resource Management Act.

This matter under consideration is a Private Plan Change Request and the applicant does not have nor is able to exercise, functions and or powers under the RMA.

It follows that Policies TOW 1 and TOW 2 do not fall for assessment in the context of this Private Plan Change Request.

Under 9 then I refer to the KTA Objective 1, KTA Policy 1, and the section headed up "recognising Kaitiakitanga". The issue statement within 16.2 is set out as follows:

"The Taranaki Regional Council and territorial authorities agreeing to a shared understanding with iwi and hapū on the meaning and practical implications of kaitiakitanga in terms of resource management."

A reading of Section 16.2 Recognising Kaitiakitanga in its entirety - including the Methods of Implementation - suggests that this part of RPS is again setting out matters intended to be exercised by the Regional Council and the three territorial authorities in the exercise of their functions and powers under the RMA.

Then with regard to CSV, which is cultural and spiritual values, objective 1, policies 1 and 3 per the RPS 16.4, Recognising Cultural and Spiritual Values of Tangata Whenua in Resource Management.

A reading of Section 16.4 Recognising Cultural and Spiritual Values of Tangata Whenua in Resource Management Processes in its entirety - including the Methods of Implementation - suggests that this part of RPS is again setting out matters intended to be exercised by the Regional Council and the three territorial authorities in the exercise of their functions and powers under the Resource Management Act.

And that's my supplementary evidence, sir.

**THE COMMISSIONER:** Thank you. So, Mr Comber, in terms of the District Plan, how would you describe the overall philosophy and intent of the District Plan in respect of Oākura?

**MR COMBER:** It's an interesting question; it's a very broad question. I think from the -- the District Plan is founded on it being an effects-based plan and as one of the persons involved in drafting that we adhered assiduously to the requirements of the Resource Management Act as it had been enacted. The Resource Management Act came into effect in 1991 and we got underway in 1992/93 with the drafting of it. There was no precedent law available and the effects-based approach was adhered to quite rigorously and that has resulted in there being no strategic direction as such at that time.

The relationship around strategic direction was taken more from the LTCCP - I think they were called then - the Long-Term Community Plan. More recently of course changes to the Act and the Local Government Act that planning has become somewhat more strategic and so it has been recognised in recent years that the Operative District Plan does labour in silence in the absence of a strategy.

So back to the question then, the way that the Plan I guess indirectly takes account of some of the characteristics particular to Oākura include things such as the identification of the coastal hazard area, the fact that initially there was no sewerage there and lot sizes were predicated around needing to utilise septic tanks, the residential sea environment area applied, the business area adjoining the State Highway on the eastern side was retained, it is a bit over 1.6 hectares I believe. So we're aware there's vacant land there and development could take place if it needed to.

I'd also understood the Plan quite clearly identifies that the township at that stage sat within a rural context on the coastal edge and subsequently the events of the early 2000s identified provision for urban expansion and that was incorporated through the Land Supply Review into the District Plan through the Plan Change 15.

**THE COMMISSIONER:** So, in terms of that Plan Change 15, how significant, in your view, was that Plan Change in providing for or addressing some of those gaps that you identified in the original District Plan in terms of strategic direction for Oākura?

**MR COMBER:** The Land Supply Review was a district-wide review, so the Land Supply Review started in the early 2000s and district-wide in a context where there had been very little growth in the district up until that time from recollection. But the Land Supply Review forecast growth and it identified areas for expansion right through the district and particularly around the New Plymouth urban area and also the townships of Waitara, Inglewood and Oākura.

While the population forecasts for Oākura at that stage weren't high, nevertheless I think the Land Supply Review inherently recognised that there was room for expansion with the new sewerage reticulation coming into being. Quite clearly that then set, I believe, a very clear policy signal from the Council that Oākura was to be an area for growth.

**THE COMMISSIONER:** Just turning to the National Policy Statement of Urban Development Capacity and how significant or influential has that policy direction been in your consideration and development of the Private Plan Change, or if it was not in place would you have reached some similar conclusions and recommendations?

**MR COMBER:** It has been significant because it's been assessed and, as we have discussed, so we have a situation where a part of the Oākura Farm Park Land has the overlay of the future urban development area, so that invites consideration for urban expansion. As we've gone along with this project, it's become very clear that there is an increasing pressure for growth at Oākura, there's an increasing pressure for provision of land, and I think it's been quite instructive in terms of the way - as we have moved through this process - as to become aware how acute the land supply shortage is in the township.

So, in the absence of the National Policy Statement, given the inquiry we've made, I think we'd still come to the same conclusion.

If I could just add to that, what is now standing out very clearly is that there is, apart from one or two sections that I'm aware of, and I've been monitoring the matter for the last couple of years in terms of availability of sections at Oākura through Trademe and so on, what's very clear is that there is absolutely negligible serviced land available at Oākura.

What the National Policy Statement defines as short-term development capacity and just to go back to that, where it is defined as being feasible zoned in the District Plan and serviced with development infrastructure, what is instructive about the assessment that has been made of Oākura is that there's been a lot of land put into the feasible category but there's actually nothing available that is serviced or been demonstrated to be commercially viable, apart from what's being considered here at this hearing.

**THE COMMISSIONER:** What, in your view, would be the subsequent implications, if any, if future growth opportunities were not provided for in Oākura, which some submitters have highlighted? So I would just be interested in your view on those implications because, at the end of the day, I need to look at both sides of the coin.

**MR COMBER:** So let's take FUD west and FUD south off the table, is that what you're saying?

**THE COMMISSIONER:** If we took off the table the implementation, I find they have been identified but this proposed Plan Change is looking at giving effect, so what are the implications if it did not proceed?

**MR COMBER:** If this particular Plan Change did proceed?

**THE COMMISSIONER:** Yes.

**MR COMBER:** I think the --

**THE COMMISSIONER:** Or indeed other Plan Changes related to those FUDs.

**MR COMBER:** Let us think about it in context, we have two areas of land identified for Future Urban Development at Oākura; they're both in their own titles, their own land titles, in single ownership. We have a unique opportunity here where one owner is motivated to actually make serviced land available for those people who wish to reside at Oākura. All of my enquiry, as far as I've been able to ascertain, suggests to me that the likelihood of FUD west being developed anytime soon is very remote and indeed FUD west has been identified in the proposed District Plan to carry on as FUD west, and I know that has no legal standing, but that's a signal from the Council.

So that owner is faced with, over the next ten years, with the same task that this applicant is faced with, spending several years and many thousands and thousands of dollars to actually get to a starting point. So that's the context.

If this owner wasn't pursuing this Plan Change, we're left then with in-fill development as the only prospect. The Council's assessment has quite a clear picture around the likelihood of in-fill development addressing needs, saying it's not a good bet. The evidence from the valuer supports that view and moreover says the difficulty around in-fill development at Oākura are the constraints around difficulties with the foundation and contour.

So the net result of that is that we have a township, which will continue to experience appreciating property values, if we listen to what the valuer is saying, and moreover it will have what Mr Muldowney has referred to in his submissions as stranded assets. The ratepayers of that community have invested millions of dollars in a water supply that is under-utilised; they've invested millions of dollars in a very controversial network reticulation scheme that - if my memory recalls correctly - had an initial costing of $7 million and I think blew out to in excess of $20 million. That capacity is there for something in the order of a community of 5,000 people and it's currently serving a population of around 1,300.

So I guess what that means over time is that the present community, while they might enjoy improving house prices, ultimately some will become priced out, they'll have to move out, rates will continue to increase where, if some urban expansion was provided for, the burden could be shared around a little bit.

The other side of it is that submitters talk about the village character and we understand that and respect that, but I would venture that increased population will bring increased services.

Interestingly, if I could just lighten things up a little bit, the first occasion that I met with Mr McKie, the principal mover for the applicant, one of the first occasions we met, we timed a meeting to meet at a coffee bar at Oākura at 2 o'clock in the afternoon and we arrived there to find that the coffee bar was closed or in the process of closing. It seemed to be a morning and early-afternoon gig. And we immediately considered that, yes; Oākura could do with a few more in the population to at least get the café hours extended.

**THE COMMISSIONER:** I am just turning to your page 5 and you talk about:

"The District Plan provisions do not direct housing typologies; however a range of lot sizes will assist people to make choices."

Do you feel that the variety in lot sizes addresses the ability for different housing typologies to be provided and therefore would address any requirements in the NPS around that matter, or do you feel there needs to be a greater direction as a result of the subdivision and any consenting processes in terms of a range of typologies?

**MR COMBER:** The application as lodged, in a very considered way, provided for a range of lot sizes. Could I just put up the Structure Plan and just talk to that?

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

**MR COMBER:** So what was publicly notified was that this land down here would be described as residential A with proposed medium-density residential. Now what has been applied for is that that land have a permitted subdivision lot size of 300 square metres and the section 42A report hasn't found favour with that.

Now that's against a background whereby the proposed rule is one house per lot and beyond that more than one habitable building per lot would be non-complying.

So in terms of how we've considered that, and Mr McKie, as he says in his evidence, he has an aspiration that people that live in Oākura community can retire there and he's had that enquiry for properties, people at Oākura are no different to people in New Plymouth or anywhere else for that matter in terms of where they own their own property in New Zealand, they're reaching retirement age and they wish to downsize. And the trend is quite clear in New Plymouth particularly that, when the birds have flown the nest, the remaining birds want to downsize, sell the family home of many years and move into a new smaller living accommodation. That's the aspiration behind this Plan Change in respect of those smaller lots.

Indeed I think Mr Bain in his evidence shows what such a development might look like, he has an image in his evidence I believe.

**THE COMMISSIONER:** My final two questions, just some clarification, on page 4, the fourth sentence down, you talk about:

"The feasibility outputs for residential greenfield development are around 90 per cent, whilst in-fill development has much lower feasibility at 20 per cent."

Can you just comment on what those feasibility outputs are?

**MR COMBER:** So that's a quote out of the Council's HBDC assessment and I think what they're saying there is that I think they're indicating that feasibility is more than simply identifying land for development, it's about it being commercially viable to bring to market. That assessment is placing - as I read it - a 90 per cent confidence level in bringing the land that is identified for greenfield development to market, whilst the in-fill development is a much lower bet. If we think about the 127 lots that have been defined - either 94 or 127 - it's a small number, if we take 80 per cent of those away we're not left with very much.

And I think on that point, sir, if I could, the valuer's report talks about four to five sections having been realised from in-fill development in Oākura in recent years.

**THE COMMISSIONER:** Okay, thank you. Just the last matter, on page 7 under the heading of "discussion" you outline:

"NFL Objective 1 is to 'To protect the outstanding natural features and landscapes ...'"

I just want to be clear in terms of with the word "landscapes" that they need to be outstanding when you read that policy, so it is outstanding natural features and is it outstanding landscapes?

**MR COMBER:** In reading the discussion in the RPS, I take that to be the case, and the RPS and the District Plan are consistent in terms of what they define as the outstanding landscape in Taranaki, which is essentially all of that land within the National Park boundaries.

**THE COMMISSIONER:** Thank you for that. I have nothing further, so thank you, Mr Comber.

**MR COMBER:** Thank you. I have a summary to deliver yet, it is three pages but I have a small PowerPoint presentation sitting behind it.

**THE COMMISSIONER:** We might adjourn, then come back to that after lunch. Thank you, so we will adjourn and we will reconvene at 2.00 pm, so I will hear from Mr Comber in terms of that summary and then we will hear from the Community Board and Mr Hislop and Mr Pillette, so that will probably occur somewhere around about 2.30 pm or thereabouts. Thank you, we will stand adjourned until 2.00 pm.

(A short adjournment)

**THE COMMISSIONER:** Okay, we will reconvene. Just before we hear from Mr Comber, in terms of the site visit, I indicated on Monday that I had undertaken one and the potential of taking then Mr Coffin - who arrives tonight - on one tomorrow, and also looking at matters on the subject site, together with any properties and features et cetera that submitters may wish us to take note of.

However, I have decided that the schedule for tomorrow is pretty well filled out for ‑‑ well, it is full for the day, so what I intend to do is to take Mr Coffin tomorrow morning out to Oākura so he can clearly understand the subject site, its context and related matters. But in terms of the more comprehensive site visit, I am looking at undertaking that either late Thursday afternoon or Friday morning, so we will sort out those details on Thursday, but I just wanted to give notice that it is not going to occur tomorrow, apart from Mr Coffin and myself heading out there prior to the 9.00 am start of the hearing.

As I outlined on Monday, those submitters who feel that we should either visit their property or look at particular features, if you can make that known to Jane, who is sitting over there in the corner, and that will go into the mix of our consideration of the site visit.

Okay, Mr Muldowney.

**MR MULDOWNEY:** Thank you, sir. Back to Mr Comber.

**MR COMBER:** Yes, thank you, sir. If I could ‑‑ you had asked for - just a couple of housekeeping matters - a copy of the plan relating to the additional land for water supply.

**THE COMMISSIONER:** Yes.

**MR COMBER:** I can make that available to you.

**THE COMMISSIONER:** Thank you.

**MR COMBER:** We also now have a plan showing the extent of the FUD area in relation to the existing area, which I think you wanted a plan of, was that correct? Is that the sort of thing you were looking for? I think you did ask the question.

**MR MULDOWNEY:** That was the plan that showed the subdivision layout.

**THE COMMISSIONER:** Oh yes, yes.

**MR MULDOWNEY:** With the paddock subdivision ‑‑

**THE COMMISSIONER:** That is correct.

**MR MULDOWNEY:** ‑‑ and also with the FUD overlay. There is the diagram (overspeaking)

**THE COMMISSIONER:** Yes. Oh sorry, I misheard you. I heard "FUD" and thought it was "flood overlay". That is why I was looking at it a bit. Good, thank you. Thank you.

**MR COMBER:** Thank you. So I'm the planning consultant for the applicant, Oākura Farm Park Limited. I drafted, prepared and lodged the request for a private plan change together with the application for variation of consent notice. I was initially engaged by the applicant in early 2017 and have worked on the proposal since that time, working with and alongside the owners and the various experts engaged by the applicant and that have given evidence to the commission.

I am familiar with the subject property, having made a number of walkover site visits since the commencement of the project. Through my work as a policy planner of approximately 20 years employed by the New Plymouth District Council, I have a good understanding of the planning issues touching upon the Oākura community, the township and its environs.

My relationship as a planner with mana whenua through Ngāti Tairi hapū and kaumatua Mr Keith Manukonga dates back to the early 1990s. I have a good understanding of hapū resource consent concerns and aspirations. My relationship with Taranaki iwi is limited to more recent times and through Te Kāhui o Taranaki. The commissioner and your advisor, Mr Coffin, have had the opportunity to read the application and my statement of evidence. You've heard and received my supplementary evidence today. You have read the various assessments and reports of the various experts that have been engaged by the applicant and have heard and listened to their evidence. Much has been written; there is much to read.

I propose to provide a summary of my evidence through a series of PowerPoint slides, a copy of which I attach to this summary. The purpose of this request is to rezone some 58 hectares of land at Oākura for residential and rural lifestyle living. Part of the land, which is located at the southern ‑‑ south-eastern edge, urban edge, of the Oākura township has been identified in the operative district plan for future urban development. Having land available in one ownership, with the owner having the experience in urban and rural land development, presents an almost unique opportunity in the district. The land is available, suitable, and the urban expansion is logical. The proposal is timely, forward-looking, can be staged to meet community needs over the long term.

The request proposes the subdivision and development to be undertaken through the mechanism of the structure plan with the framework ‑‑ within the framework of the operative district plan. This will enable certainty of outcomes. The structure plan is based on a site specific design-led approach utilising land beyond the FUD area. This planning approach has resulted in a comprehensive and integrated urban design which addresses transportation connections and accessibility, provision for active modes - walking, cycling and equestrian - provision for infrastructure, the natural environment and rural lifestyle.

Technical investigations to assess site suitability for the proposed development have been undertaken. These assessments include ecology, archaeology, landscape and visual impact, suitability of ground conditions for development and availability of water supply and wastewater, storm water disposal, traffic impact and noise attenuation of state highway traffic noise. Any issues in respect of ecology, archaeology, water, wastewater and storm water and noise attenuation of state highway traffic noise are considered to be minor or less than minor and can be addressed through mitigations.

Issues relating to landscape and visual impact and traffic impact have been identified by the council's peer reviewers. The outcome of conferencing by the respective experts to agree on the assessment of issues and the proposing of mitigations is awaited. Well, we're a little bit beyond that now.

Council estimates of lot yield on future growth land at Oākura have been examined and the information refined, based on land contour data. This has resulted in a refinement of what was an over-estimation. Using the same methodology, the lot yield for the proposed structure plan has been revised down to 316 lots. Rural lifestyle remains at 12 to 14 lots.

Council's technical advice in respect of available water supply capacity has also been assessed. The applicant's advisors have concluded there is sufficient proven aquifer capacity to service the on-demand water supply ‑‑ with on-demand water supply, 248 residential lots within the structure plan area. The remaining residential 68 lots and all the rural lifestyle lots could be ‑‑ could have their potable water supply met from dwelling rainwater harvesting and storage. Council is scheduled to investigate the availability of additional aquifer capacity over the next two to three years.

Submitters concerns have been carefully considered and mitigations proposed where appropriate. These include proposing local road access from State Highway 45 and the bridal trail network being extended to the State Highway 45 Wairau Road intersection. Submitters' concerns regarding increased storm water discharge at the beach and lower down ‑‑ and lower-lying sections in the vicinity suggest a pre-existing issue with council's storm water network. That discharge is to a natural watercourse.

If I can interpose there, sir, that I think, from memory, there was something in the order of 77 submissions concerned with storm water run-off. Our drilling down on the storm water reticulation network down Wairau Road and across the bottom of Messenger Terrace indicates - and this evidence has been given - though that there is significant storm water being discharged into the Wairau tributary from the state highway down to the outfall at Messenger Terrace unattenuated. The only point source discharge is off the roads primarily and the ‑‑ that section of the Wairau tributary is essentially being used as an open storm water drain, if I could venture that.

Storm water discharge to watercourses within the structure plan area will be attenuated with design for hydraulic neutrality at pre-development levels. The only water discharging presently into that tributary that's attenuated is from the paddocks.

Tangata whenua and mana whenua environmental and cultural interests have been recognised, taken into account and concerns responded to. Having regard to the available evidence, an assessment of this request against the provisions of part 2 of the RMA leads me to conclude that the granting of approval is both appropriate and necessary to provide additional urban development capacity of serviced land for residential and lifestyle settlement at Oākura.

The 42A report authored by council officers recommends approval, but limited to 167 lots. It is my view that an approval of the 316 lot proposal, as requested, is entirely appropriate. If in the meantime the water supply proves to be a development constraint, a discretionary rule mechanism to restrict development to 248 lots until such time as an adequate and sustainable supply is proven and available would be an appropriate statutory intervention.

Sir, if I could just revert to my PowerPoint presentation. I just have to ... so I really just want to I guess take you through the planning approach, sir, if I could, talk about the foundations, the reason and the vision. So the foundation is within objective 23 of the district plan and I'll read that:

"Land identified for future urban use is comprehensively planned to facilitate an integrated approach to land development while addressing site-specific issues to provide for accessible, connected, efficient, liveable communities and coherent urban spaces."

And, sir, I reference each of these slides back to my evidence.

The policy which Mr Muldowney touched on yesterday is policy 23.1 that sits under the objective. So the policy is:

"To control the design and layout of future urban areas through structure plans to allow for the comprehensive development of the area by ensuring type, location and density of development is suitable for the site, infrastructure is provided in a co-ordinated manner, the development considers topography and minimises changes to landform, that the constraints are identified and managed to ensure resilient and safe communities, interfaces with surrounding land uses are assessed and adverse effects are mitigated, open space parks and esplanade reserves or strips are provided for, connectivity and accessible urban forms are provided, that special features are recognised and those features of particular significance are protected."

There's only one method of implementation, sir, under this framework, and it is this: that rules requiring development and subdivision are to be undertaken in accordance with the relevant structure plan, so that was our template in terms of guiding the planning approach. The starting position, sir, is illustrated in these two district plan maps, A60 and A61. You'll be familiar now with the triangle within A61, but we're showing the extent of the FUD west area.

The land on the - what are we calling that - north-eastern side of upper Wairau Road is important to the consideration and I give you their plan A61, and the hatched area, which amounts to about 21 hectares, is that has been taken out of the FUD south area through a recommendation within the urban design capacity assessment that the council has had taken out. And the reason for that is that the land is deemed to be uneconomic, in essence, to develop for residential purposes, so we're left with FUD south at 12 hectares.

In the request, we looked at three options. One was the status quo, to leave the site, lot 29, as it is. Option 2 could look like this. That's ‑‑ so we end up with basically a giant ‑‑ not a giant cul-de-sac, but a number of cul-de-sacs. I think that yields about 120 sections. We're showing the reverse sensitivity ‑‑ sorry, yes, the reverse sensitivity state highway corridor through there, but from an urban design perspective, that's somewhat underwhelming and certainly would not achieve, I believe, the objective and policy of the district plan under issue 23.

We developed a vision and a structure for this from the outset and I'll just quickly step you through that, sir. This was produced in August of 2017, updated in October 2017. It was available on the applicant's website all of that time and has been used for community engagement and consultation. So the first point with the vision is that we wanted a connected development, and the most important feature of that is the intersection at Wairau Road with the state highway and hence we advocated from very early on that a roundabout would appear to be the most suitable traffic management device to get people easily into the area and back out on to the state highway.

The roundabout we're aware would also have, we believe, benefits for the wider Oākura community because there are ongoing issues with traffic exceeding the posted speed limit through that intersection and into the township.

We wanted a design that was accessible and we designed this roading network, minimising cul-de-sacs. I think there's only basically two there ‑‑ three, three there, and ‑‑ but essentially a circulation pattern which would get traffic moving ‑‑ enable traffic to move easily through the site.

We proposed a pedestrian underpass, which would provide ‑‑ which in time would provide access directly down to the beach, but more importantly, that was networked to a series of walkways within the development down the open space areas that we're showing there.

The site would be serviced, and we've heard the evidence about that in terms of the water supply, sewerage and storm water disposal.

The natural features of the site would be preserved and we've heard the evidence about that, but essentially we're endeavouring to minimise any disturbance of natural features and in fact the applicant's desire is to enhance them through retaining the water features, enhancing those with additional natural water and also with supplementary vegetative planting.

We're providing for equestrian lifestyle. Now, there's a good reason for that. Oākura is known as an equestrian lifestyle area. Many people in that community enjoy that activity. It has a pony club based in the township and I'm aware that the equestrian fraternity were one of the greatest submitters by number to the community consultation work that the community board undertook a couple of years ago. So we responded to that, we recognised that as being an unmet need in the community.

That equestrian lifestyle proposal provides for a bridal trail circulating through that area, a loop, which will be facilitated by way of rights of way across the lots and I think it provides a length of approximately 1 kilometre across ‑‑ around that circuit. Moreover, more recently we've ‑‑ through the prehearing meeting we've provided for an equestrian link, and I'll just point that out, because it's not shown on here. That's a bridal trail which will come down through here and link into the pedestrian underpass.

So we believe that - well, I certainly believe that - this will provide a very liveable environment for future residents at Oākura. We have a kick a ball space provided there, which meets the parks policy, district plan policies for the provision of open space, active open space, and there's a beautiful setting to be had there beside those ponds for the café that the applicant aspires to.

So the reasons for the development run something like this, and we've ‑‑ these feature in the early part of the request. Most importantly, the land is available, we have a motivated owner, one title, one ownership. It's timely. We've heard and we know there's a significant constraint, an under-supply of serviced land at Oākura and there are growth pressures coming, and I'm going to talk a little bit about those in a minute.

It's strategic. It's on an arterial route, it's at the crossroads, and it's becoming increasingly important that Oākura is going to feature very much in the district-wide tourist loop that is part of the district-wide regional tourist strategy, which again links in with the regional strategy. It's logical. There are no geographic constraints by comparison to the FUD west. It's back from the coast, which is the direction that the structure plan is wanting to take development.

And I'd just venture this too, sir, that if we are minded to think about sea level rise, the front development at Oākura we must give a thought to, in time, that that must come under threat. Basically the coastal edge of Oākura in that Messenger Terrace area, along the frontage, is basically built on a fore dune. There's minimal protection there and in time this particular site could feature ‑‑ and I'm talking long term now, because the coastal policy statement asks or directs councils to have regard to the 100-year timeframe, that in time that this land could be quite important in the future of Oākura.

And we can achieve a logical extension of services; that is quite clear. We can link into the capacity that's available and in a cost-effective manner. The land is suitable, easy topography. The aspect is great, it lies to the north and arguably it has to be considered as highest and best use, which is a consideration, I believe, under part 2.

It's forward-looking. It avoids ‑‑ by transitioning the existing dairy farm into residential and urban equestrian lifestyle, it avoids the peri-urban reverse sensitivity ‑‑ I beg your pardon, rural reverse sensitivity considerations that I know the applicant faces from time to time with ‑‑ from neighbouring property owners, residential neighbours.

It's addressing community needs. It will provide serviced land for dwellings, small lots, people that can retire locally, multi-modal safety in terms of getting about, equestrian and recreation. It can be a staged development. It will ‑‑ it can be staged so that supply can respond to market demand, and we have a staging plan, sir, that is within the request at page 17 and the closer examination of that will show that this area can be sequentially developed in blocks of 20 or so lots, more or less, along with a logical extension of services. And you'll see that that has been prepared by Mr Doy at McKinlay Surveyors.

So the growth pressures, what are they? Well, we know there's unmet demand due to supply constraint of available serviced land, but I'd like to touch on these other matters, the Green School, Oākura/Pukeiti shared trail and business development. The Green School is coming and I'm sure the people of Oākura are aware of that and I don't believe it should be underestimated in terms of the economic benefit that that will potentially bring to the district and the Oākura community, on top of the focus on environmental education that is its focus, a standard space curriculum with environmental focus.

It's only the second Green School in the world - the first one is in Bali - and this development is well-resourced. People in the room will know who the proponents of it are and the fact that it's extremely well-resourced. It has provision in the plan for a 200-student campus, primary through to secondary. It will be a private school and the fees ‑‑ I might correct those numbers. I'm seeing different numbers, but from $12,000 to up $42,000. I've seen maybe $24,000 in terms of annual fees.

There's been global interest. They've had applications. As at 3 July, they'd had 26 student applications from New Zealand, 6 from Australia and 18 from internationally. Without trying hard, they've had 400 job applications for teachers. Now, most of these students will be family-based, because they will be young people that will require family support. Those students and teachers, mostly in families, will require housing. Oākura is the closest township or urban area to the school. It's 2 kilometres from Oākura to the Koru Road turnoff and then up the state highway, then 4 kilometres up the road to the school itself. It's under construction as we speak. It's opening in 2020. I was reading in the paper this morning it expects to have a student body of 100 students onsite by July of next year.

And that's just an artist's impression of what the school will look like. If you drive up Koru Road now, you'll see there are site works going on. It's under development. It's been well-reported in the local newspaper. This is as recently as yesterday, from the Green School newsletter, and I'll read it:

"Due to the overwhelming interest in the Green School from families with children aged 12 to 14, we will be now offering places for 9 and 10 year in 2020. This means we will be catering for years 1 right through to 11 when we open in 2020. We're very excited to announce that stage 1 of the construction of our campus buildings has begun. This will include three learning pods, a two-storey building that will act as a multi-purpose resource centre as well as a service building located at the school's entrance. Our campus will continue to evolve from here as our community grows."

I'd just like to spend a couple of minutes on the Oākura to Pukeiti shared pathway, so, sir, if I could just explain here, so this is Pukeiti, which is an internationally renowned garden, rhododendron garden. It's owned by the regional council. The facilities there have had an upgrade recently, in the last couple of years, and you'll read in the community prehearing record that the people attending the Pukeiti café, the upgraded one, 30,000 in the first year, and in the following year it was 80,000, and this year they're 30 per cent up of the 80,000.

So that's the entry line to the shared pathway. That's 30 kilometres down to Surrey Hill Road and it will then drop down to a road and then a car park, then it will travel up or down Surrey Hill Road to the intersection of Wairau Road and the state highway. This plan even shows cyclists coming in down the existing esplanade strip walkway and then on to the beach. Now, I'm not a mountain biker, but it's not hard to imagine that if somebody has cycled down there and even walked, they're not going to go to Oākura and not actually go to the beach. There'll be people who will have the goal of actually jumping in the sea when they get to the end of that as a recreational activity. Equally, there will be traffic travelling up upper Wairau Road from the state highway turnoff to the Surrey Hill Road end to the car park to walk or bike up to Pukeiti.

The use of this walkway is an unknown. Nobody is prepared to put a number on it, or publicly, at least. Neither of the regional district councils whose project it is are prepared to state a number. There was a recent report in the newspaper where one of the residents of Surrey Hill Road was concerned. Anecdotally he's saying, "It seemed like a good idea at the time, but we're now concerned we might have 15,000 vehicle movements, cycles or cars, on our road every year". Growth is coming.

The computer was wanting to update. Okay, business growth, so people ‑‑ we've heard and read in the submissions that people value the character of Oākura and I think I have some understanding of what that's about, not having lived there, of course, but I have an understanding that it's a close community, there's a vibe. I hear there's an Oākura vibe; there's no question. Part of that character though is actually in the built fabric and that is what reflected in the business area in a range of individual typically older buildings, mostly single storey, and that's all about to change.

This development here is going to occur, as people will be aware, on the inland side of the state highway in the central business area there, in the business zoned land. This side has been identified for business development for as long as I've been in planning in the district. There was actually a comprehensive development plan in the Taranaki county plan going back to the 1960s showing a development that, if it had of been realised, would have been similar to what people would understand to be the Moturoa shopping centre or the, frankly, Park shopping centre. That's what was envisaged for this site.

So here we are 60 years on and we have this development underway. So this part of the business area of Oākura is going to change markedly. We have a two-storey development, three retail spaces and nine apartments. Change is coming to Oākura.

I just want to reflect a little bit on the stone carving. So this comes from a memorandum of understanding that Oākura Farm Park Limited has arrived at with Ngāti Tairi hapū. The site is shown in the upper photograph and you'll see that, sir, when you and Mr Coffin visit the site. Now, that land is actually not road reserve, it actually sits within the freehold that is part of the QEII covenant area.

Now, unfortunately I haven't got a better image of the design that's been proposed, but the design has been conceived by an internationally ‑‑ or nationally recognised artist and carver in the person of Dr Barry Te Whatu and he has worked with Ngāti Tairi to develop this concept. Now, those three stones shown there, the carvings, are actually very large boulders weighing many tonnes, and I think they'll stand about 3 metres high or so, and he has conceived a design which talks about the past, the present and the future. So what we're looking at here is something that will acknowledge the Kiatakes. It will. For the hapū, who found themselves in a soldier settlement, it will put a marker in the ground for them, a very visible one, and will be much more significant than naming streets.

And I would envisage in time that when this is realised, and we have attempted to ‑‑ already made an application for funding - unsuccessful, but we'll find funding for it - that this will become a point of interest for passers-by and I would venture will probably become an educational asset for the local school, teachers and students alike.

The proposal is the 316 lots. We're showing on this one the access to State Highway 45 and it's realised through the structure plan in this fashion. Our ‑‑ or my view is that we do need to retain the 300 square metre lots in the development for the various reasons that have been discussed. So in conclusion, I believe the request satisfies the requirements of part 2 RMA and the broad assessment required against the purpose, the matters of national importance, the other matters and the Treaty of Waitangi, and that's set out more particularly in section 6.4, pages 69 to 72 of the request.

So I conclude that the land identified for future urban use - and I put the emphasis on "the" land - that's been identified for future urban use is comprehensively planned to facilitate an integrated approach to land development and has addressed site-specific issues to provide for an accessible, connected, efficient, liveable community with coherent urban spaces, so I believe that this request can deliver on the objective within the district plan. Thank you.

**THE COMMISSIONER:** Okay, thanks, Mr Comber. In terms of the slide, that was the FUD south updated?

**MR MULDOWNEY:** Oh yes, shall I put that up?

**THE COMMISSIONER:** Yes, please. That is the one. So can you just explain then the land that is coloured ‑ well, is it brown or whatever - did you say that has been removed in terms of the work council has done in terms of its assessment?

**MR COMBER:** It's still within the district plan, sir, but the ‑‑ it's been discounted for the purposes of the assessment.

**THE COMMISSIONER:** Yes, okay.

**MR COMBER:** And I imagine it won't be carried forward into the new district plan, based on that I guess policy recommendation.

**THE COMMISSIONER:** But as part of FUD south, it is still contained in the draft? That is the point.

**MR COMBER:** Yes, yes. The subject site is still shown as future urban development in the proposed plan.

**THE COMMISSIONER:** Okay. The remaining area with the discount, that was 12 hectares, was that correct?

**MR COMBER:** 21.4, I believe.

**THE COMMISSIONER:** Twenty-one.

**MR MULDOWNEY:** It is 21.3 or 4.

**THE COMMISSIONER:** That has remained?

**MR MULDOWNEY:** Oh no, sorry, the ‑‑ no, no.

**THE COMMISSIONER:** I want to know the ‑‑

**MR MULDOWNEY:** That is 21 hectares, this is about 12.

**THE COMMISSIONER:** Okay.

**THE COMMISSIONER:** And in my evidence, sir, I suggest that removing that 21 hectares should be taken into account in the consideration of the Wairau Estate structure area because it is land that is now lost, which had been provided for and the offset is to take that into account for the Wairau Estate proposal.

**CHAIRMAN:**(?) Slide 18, you had up in terms of the stage development which goes from 1 to 15 slides. I don't need it up on the screen and I think you mentioned it was about 20 lots or thereabouts per stage.

**MR COMBER:** It varies. I think the first one is 24 lots then 15, 20 -- it varies. It has been sequenced for packages of development to be released.

**CHAIRMAN:** So bringing on, and the timing of each stage, presumably depends on the uptake of the previous stage?

**MR COMBER:** Correct.

**CHAIRMAN:** I know this is a bit of a guess but what would be the overall timing for completion all things being equal? I am just trying to get a bit of a sense.

**MR COMBER:** Well, it's a good question that one. I believe ultimately this is an intergenerational project but having said that it's been established that there is a deficit of available land in Oākura. Historically with no land available the average uptake of new lots at Oākura has been something in the order of four to five per annum. I believe with the unmet demand that we might see 15 or 20 per annum for a couple of years to meet that unmet demand. The housing capacity assessment tells us that immediately - well, virtually immediately - we need 50 and if we read that together with the views of the valuer my instinct would tell me that there is going to be quite quick uptake here for the first few years.

Just on that, sir, that there's a -- in terms of provisioning for the roundabout there's a correlation between the uptake here and the provisioning for the roundabout and in the request - or post the request I think it was - we developed a rule - drafted a rule - which says that in a super staging situation with the larger stages, which I haven't got that in front of you, but with an aggregation of these individual stages into two or three -- four super stages it was, we were trying to correlate the uptake of sections, houses being built, occupancy at 2.68 or whatever the magic number is, translating that into vehicle movements and we calculated that there would need to be an uptake of about 75 per cent of the lots in the super stage 1 which would then trigger a consideration of funding for the roundabout and the building of it. At the present time, as the evidence -- you've heard from Mr Skerrett and others that there wouldn't be sufficient traffic to warrant a roundabout right at the outset of this development.

**CHAIRMAN:** I have got nothing further so thank you, Mr Comber.

**MR COMBER:** Thank you.

**MR MULDOWNEY:** (several inaudible words)

**CHAIRMAN:** Okay. Thanks, Mr Muldowney.

**MR MULDOWNEY:** (several inaudible words)

**CHAIRMAN:** Yes, she is because there is some further information to --

**MR MULDOWNEY:** (several inaudible words)

**CHAIRMAN:** Okay. No, that's fine. Thank you.

**MALE SPEAKER:** I'm told we're to clear out.

**MALE SPEAKER:** Swap sides.

**CHAIRMAN:** Yes, there's a swapping --

**MALE SPEAKER:** (several inaudible words)

**CHAIRMAN:** We'll take a short adjournment of five minutes to allow a change of positions to occur.

(A short adjournment)

**CHAIRMAN:** Okay. We'll reconvene and Kaitaki Community Board, Mr Hislop.

**MR HISLOP:** Tēnā koe.

**CHAIRMAN:** Welcome.

**MR HISLOP:** (2 seconds of Māori spoken). Good afternoon, sir. We will read our documentation except there will be parts of it that we won't really need to read because they'll be listed in the written summary there so we'll go from that. So thank you. And also we have some images and we hope we've got the technology under control.

**CHAIRMAN:** Thank you.

**MR HISLOP:** Not the technician, the technology.

**CHAIRMAN:** Just depending on the timing we may take an afternoon tea break at some point.

**MR HISLOP:** Thank you. I'd just like to call on Mike to perform a karakea.

**MR PILLETTE:** Yeah, we feel it's appropriate for us to say a (Māori word) karakea before we start our submissions and just a standard one to bring us together as a hui. (15 seconds Māori spoken)

**MR HISLOP:** Right, starting off. My name is Douglas Robert Hislop. I am a retired school principal, having spent 46 years -- 48 years -- 46 years - God, I can't remember now - in public service in the education sector. My wife and I live in Oākura and have been residents and ratepayers here for the past 49 years. We have two grown daughters, now with families of their own. Both girls were students at Oākura Primary School where my wife was a teacher for 30 years. My wife’s family have a long association with Oākura, having owned a seaside cottage in the village since 1951. Her 80-year-old sister still lives there permanently.

I was the 17th registered member of the Oākura Fire Service, a teacher at Oākura School for a number of years, and more recently on the Oākura School 150th Jubilee Organising Committee. I am a member of the Oākura Beach Carnival Trust, founder of the Restore Oākura Urban Predator Trapping Initiative, a foundation member of the Oākura Boardriders Club, and play a leading role in developing and maintaining the Oākura Community Civil Defence Plan.

I have been a member of the Kaitake Community Board since 2004, being its deputy chair at that time, and subsequently its chair from 2007.

**MR PILLETTE:** My name is Michael William Pillette. I am currently deputy principal of Fitzroy School, a large U5 primary school here in New Plymouth and have spent 44 years in education as a teacher, as a principal and as a Massey University mathematics curriculum advisor to Taranaki schools.

My wife and I live in Oākura and have been residents and ratepayers there for 40 years. My four adult children have all attended Oākura Primary School and I myself taught there for two years early in my teaching career.

I was a member of the Oākura Pony Club when my children were growing up and was a foundation member of the Oākura Boardriders Club. I am currently chair of the Oākura Community Emergency Planning Committee and I have served on the Kaitake Community Board for the last four terms and am currently deputy chair.

We present this submission on behalf of the Kaitake Community Board and are authorised to do so on its behalf.

So our opening statement; the core purpose of the community board is to represent and act as an advocate for the interests of its community. The Kaitake Community Board, KCB, achieves this purpose by having a local focus and providing principled representation on behalf of the Oākura community. Our members live within the community they serve, many of them for a significant timeframe, and have a strong association with local community organisations and special interest groups within the district.

Community engagement is the cornerstone of the KCB's work, and the question of whether any action will be for the betterment of the community is at the heart of all discussions held and decisions made.

The pressures resulting from a growing population and increasing tourism demand have the potential to put Oākura community and its coastal environment at significant risk. To appropriately address and manage these challenges the KCB considers it essential to take a long-term view and ensure that development is undertaken in a smart and sustainable manner that responds to both the issues and the aspirations of the community, now and in the future.

The KCB has worked continuously and collaboratively with our community and understand the values unique to it. We have, and continue to, engage intensively to establish a unified approach and help develop plans that accurately represent the vision the community has for their village and their environment. This deep understanding of the local community has enabled the KCB to assist and support the New Plymouth District Council, the NPDC, and the Taranaki Regional Council, the TRC, in mapping and achieving their strategic and business objectives, to safeguard and maintain their assets and develop an understanding of the impacts of governance decisions upon local residences, businesses and organisations.

This local knowledge is a key factor in enabling the NPDC and the TRC to fulfil their obligation of ensuring the communities under their jurisdiction have a good quality of life that achieves the best outcome for the majority. Through identification of community needs the local and territorial authorities can accurately demonstrate how those needs will be met through such mechanisms as long-term community plans, the Kaitake Community Plan, district and regional plans and relevant policies and procedures.

Key to the enactment of community aspirations for their local area is the use of the district plan as an enabling mechanism to ensure development accords with the values held by its communities. As such, a district plan should provide certainty to the community in terms of growth, management of activities and envisaged character. As these factors change over time updated plans are developed through engagement with affected communities, as has occurred with the proposed changes to the operative NPDC District Plan, which seeks to control unfettered subdivision of productive rural land and consequential loss of rural character and amenity.

This proposed plan change clearly signals that any development in Oākura South -- we refer to the draft district plan change, clearly signals that development in a Oākura South future urban development zone, FUD, should not occur any sooner than a 10 to 30 year timeframe. It is noted that the proposed private plan change, the subject of this hearing, has been lodged prior to any adoption of the proposed district plan change.

**MR HISLOP:**  Just to hold there, we'll put an image up. We're lucky we get to go to the briefings because we're elected members so that's for the draft district plan and you can see there that the urban growth area --

**CHAIRMAN:** Can you address the -- you can go up to the slide (overspeaking) if you look back this way it will ensure everyone can hear what you're saying.

**MR HISLOP:** I'm used to talking to a blackboard. There, down here is that land. The yellow bits are the undeveloped residential land. Now, we know Mr Comber made a great play about saying roads are coming up. He didn't mention the bit that's going to be put in and my understanding that within the

(several inaudible words).

**MR PILLETTE:** Now, this submission from the KCB opposes the proposed private plan change and subsequent variation to conditions of an existing subdivision consent. The submission will outline the specific issues raised by our community, provide a history of Oākura Village to enable contextual understanding and the plans for urban development that have emerged from within community consultation over time.

The submission will also address the important elements of village, social and cultural wellbeing that are fundamental to the community and outline the community expectations for development within the applicant's site that were formed by the required conditions within the original subdivision consent granted by the NPDC.

This KCB submission is underpinned by our long experience and actual understanding of local amenity values and our desire to always put people at the centre of decision-making processes. We have applied exactly the same rigour to this application as to every other issue the KCB scrutinises; no less, no more. We believe the underlying information we provide speaks for itself and will be useful in that regard too.

**MR HISLOP:** Right, my turn. I turn now to the issue of future urban development. The Oākura community has always acknowledged that future growth is required and will occur. Through the KCB and the Oākura Focus Group, OFG, the community has set out to address this in a way that provides for the social, cultural and environmental well-being of Oākura. This is a mix of green field, adequate in the foreseeable future with the present zoned land, and in-fill development within the existing footprint of the village. This work has informed NPDC decision-makers in their subsequent district-wide planning processes. Its genesis was the New Plymouth Coastal Strategy and the substantial work that has been continued from that point onwards. It is important to note at this time -- to acknowledge the considerable input and expertise the OFG has provided in this regard.

The KCB opposes the private plan change and variation to consent notice to allow further subdivision of the rural land in question. It is the considered opinion of the KCB that the FUDs identified for the Oākura community were developed with the specific intent to highlight the necessity for development and population growth in the community to be undertaken in a manner that does not compromise the natural or social environment and conserves and maintains the rural character and associated amenity values of Oākura.

The applicant's premise that expanding the urban fabric of Oākura south of State Highway 45, SH45, has long been regarded by successive councils and the community as logical is actually incorrect. Statements were made such as:

"Developing the property for urban living is a logical and efficient expansion of the Oākura urban fabric."

And:

"Expanding the urban fabric of Oākura essentially south either side of State Highway 45 has long been regarded by successive councils and the community as being logical. This has been evidenced in various planning documents over recent decades and most recently in the Oākura Structure Plan 2006 and the operative New Plymouth District Plan."

However, the community has always viewed the south side of SH45 as a much loved rural landscape. The planning action that led to the addition of the southern FUD triangle was an action taken when the owners of the land at that time indicated they wished to establish 4 hectare lifestyle lots on their property. It was at the time when we were talking about the development of the Oākura structure plan and the owners of the land at that time were miffed that they were being left out of being able to do any residential development on their property.

The 4 hectares lots at that time -- this was 10 acres lots as they were called then of course. This was a relatively easy process then but was subsequently changed during later NPDC planning reviews. In fact the applicant stated he would proceed with a large 4 hectare lifestyle subdivision if his "Paddocks" application was unsuccessful. Many Oākura residents at that time viewed that as a real threat to the character of the rural landscape.

The FUD area in question was added with the western boundary drawn in a perfunctory manner as a possible safety net buffer so as to protect the rural character of the land further to the west and the landscape views up to the Kaitake Range. This would have allowed for three 4 hectare lifestyle blocks if the current owners at that time had proceeded with an application.

So there's the land in question. So it's the triangle area there --

**CHAIRMAN:** Did you want to approach the image?

**MR HISLOP:** Yeah. So I can do that. The owners live here, you've got the marshes. That's this bit here and they were concerned that none of that area was going to be included as a future urban development. It was all going to be on the seaward side of Highway 45 and they complained. John Marshall at the time came and saw me. I was on the community board and he came and saw me and asked me what to do. I pushed him -- pointed him in the direction of the managers at the council at the time to go and talk to and as a result of that the line was drawn across the (several inaudible words) I'm surprised that Mr Comber doesn't know that. It's common knowledge.

Right, moving on. Where did I get to here? It's worth noting that NPDC stated at the time:

"The proposed FUD overlay plan change seeks to maintain the status quo within the rural environments of the future urban growth areas identified by the FUD overlay. This is consistent with maintaining the rural character while recognising the diverse nature of rural land and rural land uses. Flexibility of land use is maintained while recognising that within and adjacent to future urban growth areas it is necessary to maintain a level of control that ensures that the future urban development is not compromised by short to medium term decisions in terms of land use changes."

If the FUD triangle was considered important surely far more planning work would have been subsequently carried out? In fact any FUD plan change was done in conjunction with the rural review. The two working in tandem to acknowledge urban expansion over the long horizon and to protect rural land as an important resource. The application makes that very point. This is what the plan change application says. The application makes that very point:

"It was apparent that in imposing the triangular shape of the FUD on the topography little, if any, consideration appears to have been given to the future development of the available land for urban use."

For it to be stated in the application that successive councils and the community had considered it logical to expand residential development in the FUD area and west of it is disingenuous. It is clear that the New Plymouth District Council did not want 4 hectare blocks spreading westward in this rural environment and established the FUD triangle as a potential method to keep control over the situation.

It was done at a point in time when the subdivision of farmland in this way was easy to achieve. It was certainly not in the community's interest for it to happen then, any more than it is now.

The KCB's opinion is this had a significant bearing on Commissioner Tobin's overall 2010 "Paddocks" decision. Essentially, her final determination shifted the potential 4 hectare lifestyle development of the FUD overlay to the end of Upper Wairau Road, urbanising it from a possible 19 4 hectare blocks into 27 residential lots as far removed from the farming operation as possible and protecting the balance of the property, lot 29, from further development. The community hasn't had to overthink the circumstances to work that out.

I have another image there. So this area -- sorry?

**CHAIRMAN:** I need to hear, Mr Hislop.

**MR HISLOP:** I'm sorry.

**CHAIRMAN:** Speaking to the blackboard won't achieve that probably.

**MR HISLOP:** No, no, no, I'll stand up here. But this was the alternative plan put up for the "Paddocks", that if the "Paddocks" wasn't successful this is what was going to happen and it was in an environment when 4 hectare lots could virtually be done overnight.

It is now argued in the application that it is appropriate to plan for the urban development of lot 29 and lot 3, which is the firman(?) entranceway to only give effect to the portion of the property in the FUD area would not result in orderly and logical urban development and would be an inefficient use of the available infrastructure.

The KCB rejects this premise. The lot 29 land in question currently ensures a rural view to the west from the dwellings on the west side of Wairau Road. Rural views are also available from the SH45, Wairau Road intersection, and they are further available as one travels on SH45 south-west when leaving or arriving in Oākura village. It is these views from residential lands to the open farmlands and beyond to the Kaitake Range, which are a significant attractor to residents and visitors. This is a widely held view by the Oākura community and is supported by many of the submissions opposing this private plan change application. The proposed development will neither visually integrate with the Kaitake Range nor seamlessly merge with the rural landscape. It will adversely affect the rural character of that area forever, pushing a sprawling urban boundary much further to the west. Therefore, the KCB has genuine concerns as to the adverse effect on rural character and amenity that would be generated by the proposed development.

I had another image there. So that's the land in question.

The KCB finds it paradoxical that the applicant went to considerable length at the "Paddocks" hearing to expound the importance of not developing the FUD triangle area. He stated at the time:

"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. He went on to say:

"The farm land was being landscaped aesthetically to maximise the beauty of the outstanding views up to the Kaitake Ranges."

And:

"In my view all of this work is not compatible with developing the triangle area."

It is clear there is nothing in lot 29's rural landscape that defines it as anything other than rural. It is open production‑based rural setting, not even a mixed use rural environment. Accordingly, we question the wisdom of permitting any residential development on lot 29. Such residential development will completely dominate this highly visual rural landscape and it is inconceivable that, as this new application suggests, the predominant Oākura village character will transition in overtime and the community of Oākura will be able to absorb and adjust to it, just as it has done in past years.

It is important to recognise at this point that through KCB led processes the Oākura community has been actively and consistently reviewing urban development both prior to and since the Tobin "Paddocks" report and the community sentiment about green field expansion has remained consistent over that time.

In this new application the applicant now reverses his position made during the 2010 resource consent application for the "Paddocks" subdivision. His offer then was that the FUD triangle would be retained as part of the rural balance area - lot 29 that is - of his property with protected farm status and rural zoning in perpetuity. At that time he stated:

"Retaining the farm dairy unit will continue to be economic and will sustain our family and future generations of farming families with a livelihood and career opportunities now and in the future."

It has been clearly identified by the community that the FUD west area and the preferred area is the preferred area for future grain. It adjoins existing undeveloped residential land that has approved subdivision consent and provides a natural extension of the village in close proximity to the beach well away from the threat effects on the Kaitake Range and the Egmont National Park.

The KCB is aware that two FUD landowners, Oākura Farms Limited and Pinewoods Partnership are the two other large land owners in the district, are in agreement over the key link road between Cunningham Lane and Russell Drive and had confirmed this with the NPDC in writing. Therefore, there is no landowner related impediment to FUD west being developed in an integrated and timely manner. A copy of the correspondence has been forwarded to the KCB on this particular matter. I have copies here, sir, if someone wants them.

**MALE SPEAKER:** Thank you.

**MR HISLOP:** In this new application the applicant now reverses his position made during the 2010 resource consent application, "Paddock" subdivision, as I have already said. His offer then was that the FUD triangle would be retained. At that time he stated:

"Retaining the farm dairy unit will continue to be economic and will sustain our family and future generations of farming family."

I think I have read that before. Sorry, have I missed a page? He emphasised his point by adding:

"The soil quality in a New Plymouth black/brown free‑draining volcanic loam, which is excellent for pasture growth and balanced with an excellent climate and north facing aspect. The soil on most of Oākura farm is class 3 which is suitable for pastoral grazing. For those reasons, and from my experience, the best productive use of the land is for dairy farming."

He went further by stating:

"The area of farm we want to retain as part of this subdivision will remain a highly productive farming unit, which needs protecting from further subdivision in our view."

This statement was accepted in good faith by the community and really provided the rational starting point for the KCB in its succeeding work on urban growth and infrastructural issues because we had to make -- as a result of that not being available we had to come up with another strategic long-term plan for growth.

The applicant at the time also drew his attention to other points. These are in our written submission and we don't need to repeat them here. I think we have made the point quite clearly.

However, I will say that during the hearing's verbal submissions the applicant also stated:

"We now wish to address the disadvantage of changing the rural zone to residential in lot 29. The fragmentation and urbanisation of this productive, versatile land should not be compromised. It is an important resource which underpins the social, economic and cultural well-being of the district. This parcel is a highly productive farming unit, which needs protecting from further subdivision. The location protects the open landscape, giving rural appearances that should be preserved and maintained forever. The dairy farm can continue to operate and the economic benefits of that cannot be overlooked. The importance of retaining this rural land for future farming operations to support the local, regional and national economy cannot be underestimated."

The major point in his "Paddocks" application was that lot 29 would remain as a dairy farm, not just be left-over land from the subdivision. He argued that the "Paddocks" subdivision was specifically created as part of a comprehensive development package to maintain both productive uses of land as well as maintaining rural character. Furthermore, this approach would maintain extensive views from SH45 up to the Kaitake Range. Lot 29 would be protected from further subdivision, therefore ensuring rural character and landscape values were maintained.

The KCB believes the applicant's testimony had a significant bearing on the final determination of Commissioner Helen Tobin at the "Paddocks" hearing. This application now contends that the land in question is better suited to residential development than to be used in a productive rural manner.

Now, the amount of productive rural land conversion has become a nationwide concern over the past ten years or so. This specific block occupies an area within some of the very best North Taranaki pastoral lands. The applicant also emphasises the economic benefits of dairy farming in the points that I've read out. However, there is no doubt that a wide range of other highly productive value-added activities could operate successfully in this sloping, north-facing landscape sheltered from the cold winds from the south.

The KCB supports that point of view. In fact Food Futures is one of the four key strategies of Tapuae Roa Make Way for Taranaki. In this context the Taranaki-wide action plan seeks to extend the region's capability to add value to its existing commodity food production. This is a high level, long‑term, economic development strategy led by the region's territorial authorities to transition Taranaki's traditional pastoral productivity industries into a wider range of value-added products.

The KCB believes the about turn in this application demonstrates that the untested outcome assumptions and assurance given within this new private plan change application must be treated with particular caution. Important conclusions from his experts at the 2010 "Paddocks" hearing are now at variance with the information in the current application.

This is of a considerable concern on a number of levels. It calls into question the weight given by Commissioner Tobin to that expert evidence in reaching her 2010 decision. It has put at risk the professional reputations within the community of those people in terms of providing open, full and very relevant advice that they are absolutely required to do. A crucial part of that evidence at that hearing stated that the approach taken would safeguard the rural character, as well as the rural approach to and identity of Oākura village. However, this subsequent application indicates the proposed significant shift in landscape character is immaterial.

It is widely accepted in the community there is no credence in this application because the applicant isn't adhering to his obligations that were decided, and which he personally offered and agreed to, in the "Paddocks" hearing. At that hearing Mr McKie spoke at length about his integrity.

The overriding community view is that there is no integrity in this application. We believe that the applicant has materially failed to comply with the terms of the Tobin final determination and the application can hardly be construed as an investment in the community. Many of the issues around character, aesthetics, village culture et cetera are the same now as they were in 2010. They haven't changed to the extent that would render those promises made then irrelevant in today’s context.

I now wish to turn to Village Amenity Value; a cornerstone message in the Oākura Community Engagement Report 2014/16, "Oākura - A Growing Community" was for the village to maintain its identity and character. Many residents stated this during the KCB's extensive consultation processes.

This was a NPDC supported project. It followed a well‑constructed process with the core purpose to connect with local residents to establish what was important to them. Was the Oākura Structure Plan 2006 still relevant? What was the community's vision for the future? What issues and opportunities did they want to be explored and challenged through the project? This work was underpinned by an adaptive planning philosophy with a focus on equitable, inclusive and participatory processes to collect information about the community. It involved numerous meetings, considerable research by a constituted focus group in close liaison with the NPDC planning team. It was well received and provided many opportunities for reflection and conversations by all those involved. It was developed as a high-level document to provide the very best possible and most authentic information to NPDC planners and decision makers. This is stated in the preamble to the final report, saying:

"The overriding theme of the project has been to determine the community issues rather than to provide solutions for them, as many are complex and challenging."

The adaptive planning process approach was considered essential. The world around us is relentlessly changing faster than society has ever experienced in the past. The huge changes in families, communities, workplaces and environments require better and more flexible planning foresight than ever before. Locking our community up for 40 years into what is proposed by a structure plan with something called a design-led approach will not provide that flexibility. I noticed before that Mr Comber stated - this morning it was actually - himself that planning has to become more strategic. That's exactly the approach that we take.

The KCB does realise that a structure plan is an important method for establishing a pattern of land use and the transport and services network within a defined area. Obviously it should provide a detailed examination of the opportunities and constrains relating to the land, including its suitability for various activities and infrastructure provision. However, as a cornerstone surely such a plan should also identify, investigate and address the potential effects of urbanisation and development on natural and physical resources not only in the planned residential development area but also in the neighbouring areas. In this instance the KCB believes a valid structure plan would address mana whenua, natural resources, the coastal environment, historic heritage and special character. We don't recognise that detail in the proposal.

The Oākura, a Growing Community project consultation process attracted written submissions from over 100 individuals and groups. The report was intentionally aligned to the New Plymouth District blueprint strategy, as was the subsequent KDB community plan that includes further sections on Okato and Omata communities. The report took cognisance of Commissioner Tobin's Paddocks determination and all NPDC's relevant review strategies and policies. In the section 4.3.8.8 "A Growing Community" of the request for private plan change and variation consent notice Oākura Farm Park Ltd, the application sets out to determine this report differently. It states:

"Nowhere in the district plan is the rate of development for flood areas specified"

And:

"Given the comprehensive urban design approach of the Wairau Estate the proposal could be considered 'smart growth'."

The application's definition of "smart growth" is not aligned with the community's definition. It states that there is significant benefit in using lot 29 for urban development as it abuts an existing residential area and therefore offers logical and coherent extension to the Oākura village. Like other statements in this application it is written as a confirmed truth, when clearly it can be considered not to be.

The application states:

"The comprehensive approach adopted within this request, as demonstrated at the outset in the Vision and Structure document, is consistent with the objectives of this key direction, and in particular, the strengthening of and connection with the existing Oākura township, notwithstanding the outward expansion proposed. Local consultation identified the township being located either side of SH45; the proposed roundabout at the SH45/Wairau Rd intersection is a key element in this proposal to help ensure the village remains readily 'connected' as it inevitably expands."

The KCB, as the report's author, directly challenges this assumption. This proposed development is an intensive large tract urban suburb of some 400 lots adjacent to the existing Oākura village. There is no coherent evidence that the proposal will enhance Oākura's social, community and physical infrastructure. It has no merit in adding intrinsic value to the community, and is not the logical location for further planned development, predominantly in an area never identified for future urban growth.

Much in-depth work has been done by the community on the future they seek for Oākura through involvement in the Coastal Strategy 2006, the Oākura Structure Plan 2006, reference to the Mana Whenua Mana Moana Position Paper 2006, further involvement through the Oākura Village Recreation and Community Facility Study 2011, the Oākura Community Engagement Project Report 2014/16 and the subsequent Kaitake Community Plan: A Thirty Year Vision 2017.

The KCB facilitated the community involvement in all this work with no foregone conclusions, no ulterior motive, and no self-interest. The combined outcome of these processes provides a clear view of the social foundation of Oākura and how residents want their residential and business community to develop over time. The applicant hasn't liaised as effectively with the community to ensure anywhere near as wide public participation in the development of this proposal. Yet the application attempts to convince that the proposed scheme is in sync with the outcomes of all this extensive work.

During the Paddocks hearing the applicant stated:

"We also note that we were not consulted about the Oākura Structure Plan."

Why he believed he should have been is far from clear, as he was neither a resident or landowner in the Oākura community during the 2004/06 period when that extensive community consultation was being carried out.

However, taking into account the above point, the KCB draws attention to the fact that he was well aware of the Oākura Community Engagement Project 2014/16 but did not choose to participate. In fact the KCB and a NPDC senior planner arranged and held a meeting with the applicant, as a major Oākura landowner, to provide him with a draft report and seek feedback from him. None was forthcoming, and we note that the meeting is not listed in his application.

There was never any local consultation held whatsoever regarding the addition of the FUD south are of State Highway 45 - as the application states again in point 52 above - as he did early in point 17 and 18.

As I said, when the owners of the land at the time complained a perfunctory line was drawn on the map, onto the district plan map as the FUD area -- sorry, into the Oākura Structure Plan. It never went back out on consultation, it was just added in.

Moving on, the proposed development will not support local facilities and services such as early childhood centres, the school, and shops. The resulting population increase is not a sustainable growth solution for Oākura and is not part of the NPDC’s long-term spatial strategy for the district. The KCB contends the development is not fit for purpose and will add further unnecessary impacts in the Oākura rural and coastal environment, with financial and resourcing implications that will have to be addressed in the future.

It is quite clear residents want to have a sustainable community. However the KCB believes that this development will only expedite an inexorable, unwanted suburbanisation of our rural landscape and amenity values. Allowing the proposed plan change and resulting development to go ahead based on the premise that such suburbanisation is inevitable will result in more than minor adverse effects through loss of village character, identity and amenity values.

Now we need to talk a little bit about staged development. We are particularly concerned that the application contains plans to intensify development in the FUD triangle by reducing lot size there to 300 sqm to increase the maximum building coverage allowance from the current Residential C rule. The FUD zoning rule in the New Plymouth District Plan anticipates that any such reduction by any future development would by its very nature destroy the rural outlook. The KCB opposes this proposed lot size reduction. The advanced reasons do not correlate with the in-depth work carried out by the

KCB in this regard.

The KCB does support some reduction in Oākura village lot sizes. In fact, carrying on from the previous work done during the Oākura Community Engagement Project 2014/16, the OFG has been working throughout this year with NPDC planners on that very issue. The NPDC and KCB have arrived at a common view for possible inclusion in the new draft district plan to go out for formal consultation with the community.

We understand there is a trend towards smaller section size in the draft district plan and for the most part accept there should be some reduction in Oākura. The location of where lot sizes should be reduced and where a medium density residential zone could be implemented has been discussed at length by the OFG.

The outcome of those discussions, and in agreement with the NPDC planners, was that the area surrounding the Oākura shops on South Road has been identified as the appropriate area to be considered for a medium density residential zone. This area is within walking distance to the local centre and on a bus route that connects to the rest of Oākura and links back to New Plymouth CBD. The extent of the area includes those houses in close proximity to the shops and within the grid pattern oriented with State Highway 45. This is within an area of generally flat landform with limited views into and out of the area. This area has already undergone subdivision and infill housing. Therefore intensification is an accepted and ongoing part of the character of the area. It is an ideal location for more elderly people to live and be able to be handy to all the local services within easy walking distance, not the 2.5 km round trip to where the application says the 300 sqm medium density subdivision should be. I'm a pretty old fellow and I would say I'd be getting in my car if I lived in one of those 300 sqm houses down there, making more trouble for the village with its lack of parking.

The OFG also supported a changed residential zone within the balance of the current village residential boundary of 600 square meters with a discretionary rule of 500 sqm. The discretionary rule would be assisted by an Oākura/Kaitake design guide. The majority of the larger village sections (1,000 sqm) that this could apply to tend to be back from the beach and backing on to reserve areas and streams meaning there are not unmanageable adverse effects on village amenity values.

I do have a view of this. So there and there is already zoned residential. This is the bit here that is already underway or being redeveloped, the whole land is being redeveloped. I've got the information about there. Now the bits here, we talked at length about this at the Oākura Focus Group and what was decided was that all the green bits could be cut up now, all right. So all the green bits there - and I think before I said it works out it's about 11 hectares all up - they could be cut up now if people chose to do so. The yellow ones could be also added in. So that was the suggestion that we went back to the planners with and the planners were quite happy about.

This area here is the area that we would say should be the medium density area, the 300 sqm sized sections in this area, because it's within easy walking distance. There's the library; there's the hall; there's the business area there, the doctor, the garage, the chemist shop and so on.

Now this is the area here that the applicant wants to cut up into 300 square metre sections. As I said, that's a 2.5 km walk, so I don't really think that's natural. We're actually looking at perhaps even including that bit up there, which is down Dixon Street and along Mace Terrace and down Hau Lane. That's another flat area which is close to here that could be included and we're working through that with the planners at the moment.

So that's our plan for growth if you like. When I say "our plan", it's the Oākura Focus Group and community board. It would need to go out in the draft district plan for consultation and we'd have to take whatever the community tables about that.

The NPDC analysis identified on that map that currently there are 114 sections - they're the green ones - of 1,200 sqm that could be cut in to 600 sqm for infill or new dwellings replacing existing older homes right now. So there you go, that's 228 sections if they were all cut up. The properties were identified -- talking about this again. The properties were identified using the draft district plan residential area, excluding the possible medium density area so the figures are not including the bit with the blue line right around it. Cross-lease properties were also removed for the analysis. The analysis was based solely on property size and recognised some properties may not be able to subdivide due to topology, easements such as right-of-ways, land covenants or location of existing buildings in the middle of a site for example.

Even so there are a number of 2,000 sqm or larger in which case they could possibly be subdivided into more than two sections. With added discretionary rule of 500 sqm there are undoubtedly many more that would have the potential to subdivide. The important point here is that the analysis did not include existing undeveloped residential land that I pointed to on the map, the two yellow bits there. It was not part of that arrangement, we put that to one side.

A general and conservative estimate under this solution is there would be approximately 300 new building lots available. Taking those figures into account the KCB doubts local demand would saturate this supply before the next district plan review.

If you go back to the philosophy of adaptive planning, doing a chunk, seeing how it works, then having another look and see what needs to be done next, rather than locking us up into a 40-year plan as suggested by the application.

Mr Comber goes to considerable length -- and this is an important point. Mr Comber goes to considerable length - most in writing and again today, in fact I wondered if he had shares in the Green School -- he goes to considerable length to highlight the proposed development of the Green School as a driver for urban expansion in Oākura. At this point the proposed development is mostly known about through a sophisticated publicity campaign. Now I must point out that I went to the official opening of that and I've been given an individual drive around the site so I do know what I'm talking about. There is no quantitative information about who or how

many students and families may eventually choose to participate. In this regard his statements are assumptions based on no hard evidence.

Mr Comber also goes to great length in alluding to further residential demand as well in Oākura due to the possible development of the Kaitake Trail. This is a joint project being explored - and I make the point explored - between the TRC and the NPDC. The KCB disagrees with his statements. The KCB instigated the original proposal for the establishment of this destination trail and has been closely involved in the project ever since. At this point there are many parts of that particular puzzle still to be solved and a large number of fundamental decisions still to be made. His statements are in the most part suppositions only.

I can give you one example of that. There is no decision been made whether it's a two-way trail, up and down - it may only be a trail down. There's also considerable concern in the village about it and it has been pointed to the people who have concerns that it is a high-level document and the prescription part of it is still to be worked out.

The KCB views that its community-led solution is appropriate smart development. With the addition of the Holdom green fields land, already zoned residential, it is the best way forward for future village growth. This planned approach, investigated and discussed at considerable length by the OFG and NPDC is at significant variance with the contention in the application that it is clear there is a need for even more green field residential expansion in Oākura.

The New Plymouth District Plan states:

It is considered important to ensure that any new activities do not adversely affect the environmental and amenity values, or reduce the ability to develop land in a comprehensive and integrated manner, prior to confirmation of the rezoning through a plan change process."

In line with this statement we believe that the principal residential growth of Oākura is maintained on the seaward side of the State Highway 45. That judgement, first put into effect in the Oākura Structure Plan in August 2006, has been through a number of council reviews - 2008, 2010, and 2014 - and has always been sustained. Also, the NPDC's Land Supply Review 2007/2027 Framework for Growth, conducted over two years, where Oākura's future needs were =considered separately through the Coastal Strategy's Oākura Structure Plan reinforces that position.

These above comments are consistent with the NPDC’s Plan Change 15, 2013 that added a future urban development overlay, including associated rules, to provide a level of control to land use activities and subdivision within, and land use activities adjacent to, the future urban growth areas identified by the NPDC Framework for Growth, 2007, and Oākura Structure Plan, 2006. Therefore we believe the Oākura Structure Plan has significant relevance in this instance.

I want to just make the point that the KCB considered submitting on Plan Change 15. We didn't do so in the end because I went in and sought advice from Mr Frank Versted(?) who was in charge at the time and Mr Anthony Wilson about doing so. Our submission would have been to remove the triangle FUD because it was unnecessary and they told me not to bother because what was in the structure plan would be staying in, so that was what I was told. As I result - I wish we had now - of that the Kaitake Community Board did not submit on Plan Change 15.

Although outside the scope of this hearing, I guess, the Kaitake Community Board now believes the best long-term sustainable solution would be for the FUD designation to be removed from lot 29. We further suggest that for all FUD lands around the Oākura community these should be developed with rules to maintain the rural character at the edges of the settlement. This suggestion follows on from Mary Buckland in her work for the New Plymouth District Council 2010 rural review. She stated:

"It is really important that any expansion of Oākura is contained within the line entitled Area of Focus of the Structure Plan. Further development along the coastal area either to the west or east should be discretionary with conditions related to location, visibility, and retention of the natural character. It is important to have strong 'edges' to both the lifestyle areas, and coastal settlements, particularly in high-value landscapes and coastal areas."

We believe in general terms the urban edge of Oākura is defined by Oākura River in the east, the beachfront in the north, the golf course in the north-west, but there is no clear demarcation line to the south-west. KCB’s opinion is that the unnamed tributary of the Wairau Stream on the east side of the Paddocks and other Upper Wairau Road properties - sorry, I don't know whether I read that properly, we're talking about Upper Wairau Road, the tributary alongside Upper Wairau Road - provides the natural landscape buffer to the visual and rural character to the south-west. The same applies to the Holdom land, with the Oākura Golf Course and State Highway 45 buffering future residential development within that FUD area.

So the green line shows where we're suggesting that the urban area is -- the buffer line is here. We're essentially saying that this is the area for development for Oākura.

The community has never envisaged that there would be further residential development on lot 29. The NPDC also states this position in the draft district plan of the proposed urban growth area for Oākura except, perhaps, at some much later time in the FUD area. It shows the south FUD not being required for development until, perhaps, in the next 10 - 30 year period and that was the first slide we put up.

We re-state that Commissioner Tobin's Paddocks determination and NPDC's own reviews and rules have provided the starting points and the fundamental principles for the KCB to follow in all its subsequent community undertakings.

There is much made in the application of the process of staged development. The KCB understands that the District Plan does not include a mechanism to manage that process. We believe that the forecast supply of housing clearly outstrips forecasted demand.

The application states:

"The rate of development at Oākura has been, and will be, determined by market forces, that is, at the rate at which serviced lots available to the market are purchased for housing."

Yet this is followed by the statement:

"It is envisaged that the development of Wairau Estate will be both staged and sequential and will occur at such a rate (eg 10-15 sections per year) that the community of Oākura will be able to absorb and adjust to it, just as it has done in past years."

We believe those two statements contradict each other.

These types of claims are made a number of times in the application, but the KCB interprets them as a calculated attempt to soften the actual reality of statements.

Throughout the document the use of hyperbolic phrases such as "anticipated", "at best", "no more than", "gradual increase" are used. As already stated, this development will completely dominate the local environment and the predominant Oākura village character will be lost.

The applicant also declares that:

"The existing facilities will be able to service and grow in line with the gradual increase in population."

The KCB views this assertion as astonishing. The infrastructural capacity of the community is already stretched to the absolute limit in many areas, and the 2018/28 council long-term plan has no inclusions to address these issues. There is scant information in the application to address how the proposed development will affect the carrying capacity of the community's infrastructure and the processes adopted to mitigate the adverse effects. Obviously, the need for further infrastructural development and funding would be required if this application is successful; yet there is a lack of clarity of what would be needed, by when, and how it should be funded.

It is critical to manage the impacts of activities locating in the Oākura Village environment. The KCB, the OFG and successive NPDC planners understand this. Precisely to address the infrastructural needs of the village as far back as the 2012/22 long term-plan process, the KCB submitted on getting urban planning underway. We also requested council to initiate an Oākura traffic study to identify future highway, road and street network issues, and formalise a roading structure plan. The council recommendation at that time was that progress on the

implementation of these projects would occur during the 2013/14 year.

To further emphasise the need for action, the KCB re-submitted to the 2013/14 annual plan deliberations. The background information to this recommendation, NPDC officers stated:

"With regard to the requested traffic study and urban expansion, it is anticipated detail investigations for the rezoning of land from rural to residential at Oākura will commence by late 2013/14."

This work was never undertaken.

An attempt to address this issue --

**THE COMMISSIONER:** Mr Hislop, perhaps we might pause there. It is 4.00 pm. We will take a 15-minute break and then (overspeaking) continue and you can rest your voice. We will adjourn now and reconvene at 4.15 pm.

(A short adjournment)

**THE COMMISSIONER:** We will reconvene. Just before Mr Hislop carries on in terms of presenting, what I intend to do is to complete hearing from the Community Board. I then have some questions and then intend to hear from Mr Grieve in terms of the presentation of his legal submissions and I will then call it a day. That may take us through somewhere to about 6.30 pm or thereabouts. I will defer any questions I have of you, Mr Grieve, till tomorrow morning, if I do have questions of you, but will certainly endeavour to hear your submissions before we adjourn tonight.

**MR HISLOP:** Thank you. I just want to back up a little to points 68 and 69 which I missed and I think they do need to be said. It was to do with the Green School and the Kaitake Trail that Mr Comber went to great lengths talking about.

He went further in his written statement and said:

"As the Green School and the Oākura to Pukeiti shared pathway become reality and move from start-up through to maturity over the ensuing ten-year planning period, and coupled with the other growth factors identified, I consider Oākura has significant urban growth pressures coming its way."

I just make the point that the KCB considers both the Kaitake Trail and the Green School are immaterial to this application. Consideration of future residential development in Oākura has not been part of the processes they have undertaken with those two particular places. To suggest either development when, or if, they come to fruition will have a significant impact on residential growth in Oākura is just speculation.

Now moving back to point 86, I am up to but just to reiterate because of the break that I was talking about what the KCB have been asking or submitting to the council on several occasions, on lots of occasions, stuff that needed to be done and hadn't been done, just moving onto there. We were talking about getting an urban study underway and traffic studies underway and so on as far back as 2012.

I am up to point 86. As an attempt to address this issue a further time the KCB submitted at length to the council's 2018/28 long-term plan. The submission requested development of an Oākura CBD local area blueprint that programmes township upgrades and enhancements that maintain amenity and rural character values.

The KCB provided background information to the submission. This is in the written statement and I don't need to repeat it here. However, the KCB's requests for integrated growth planning processes were not seen necessary enough to progress during the ten-year life of the long-term plan, they just weren't included in it.

Consequently, the KCB initiated a strategic planning initiative with NPDC support to re-investigate what was important to the Oākura community. That was the Oākura Community Engagement Project. The worth of this report is well documented and has been used by council in a range of settings that demonstrates the usefulness of such community-led work.

The KCB 2018/28 long-term plan submission concluded. The report of the Oākura engagement project -- we sent out:

"... to ensure it provided the raw material, all the priorities and all the objectives to be turned into comprehensive district plan rules, internal plans, programmes and services by staff. It is a community-led project looking out over an extended time horizon of 30 years. The real worth is in the subsequent actions council takes to progress elements embedded in it. Yet execution of it through the draft 2018/28 long-term plan is difficult to find."

We also said:

"Bear in mind the NPDC Blueprint key directions of Community/Citizens states: 'The New Plymouth District is made up of many communities and neighbourhood centres. Strengthening and connecting local communities ensures that they become successful, safe and liveable environments for residents. The Council’s role is to support community, business and industry initiatives by providing high-quality public infrastructure and a pragmatic regulatory response that helps our community achieve their goals.'"

This KCB submission, 2018/28 long-term plan gained no NPDC support for inclusion. So the NPDC did not see a need to allow for any infrastructure to be strategically planned and budgeted for within the LTP process.

Now I just move on to something else that Mr Comber touched on; it was this -- he said this, I think it is in his written statement:

"There are a number of examples within the district and indeed, Oākura itself, where sub-optimal urban development has occurred through successive 'nibbling' (by subdivision), particularly where land is in smaller greenfield lots and in multiple ownership. This has resulted in residential areas that fall short of the primary aim of Objective 23. This is particularly in evidence from the numerous cul-de-sacs through the Oākura urban area."

Now I want to make a big point on that in a minute.

The KCB disagrees with this statement. We point out that the proposed subdivision itself is one large, very large, cul-de-sac. In our opinion it is worse suboptimal urban development than the community's preference, which we have been over, for further urban expansion as set out in the submission.

I want to make the point that he suggested again verbally that this is particularly in evidence through the numerous cul-de-sacs and there's no connectivity as a result within the Oākura village. I'd just like to point out there is - I will count them for you - one, two, three, four, five, six, seven, eight, nine, ten, eleven cul-de-sacs in the Oākura village. I went home last night after that statement was made and I did a double check. Hau Lane, Mace Terrace, Pitcairn Street, McKellar Street, Donnelly Street, Hussey Street, Cunningham Lane, Telford Terrace, Russell Drive and so on all have connectivity for pedestrians and bikes. We don't want connectivity for a racetrack for vehicles. Connectivity to us is about what we call bump spots. It is me out walking the dog down through Matekai Park and into Shearer Reserve or wherever it happens to be, or from Hau Lane to Mace Terrace, and bumping into someone and stopping and having a talk. That is what communities do, not when you're locked up in your motorcar whizzing around the place at 100 miles an hour. So all this stuff about connectivity, the reasons that connectivity is being talked about in this application is all about vehicles and that is precisely what it is that we are not wanting in Oākura. The major problem in Oākura with traffic is the major highway. So I just make that point. That means I can have little bit of a rest and hand over to you, Mike.

**MR PILLETTE:** I want to move on and talk a little bit about the Kaitake range. The Kaitake Range is part of the Egmont National Park. Its lowland coastal forest is not atypical of that found in the rest of the park. The trees here are not found in the higher areas of the Pouakai Range and the mountain itself. There are nikau, titoki, kohekohe, puriri, pukeatea and karaka trees as well as a range of indigenous smaller species.

The Kaitake Range is a place of special significance and ensuring the protection of it is of paramount importance. The NPDC has defined the Kaitake Range as an outstanding landscape confirming that:

"Development on the lowest slopes of the range, within the ring plain should not climb any further up the slopes of the ranges."

And stating:

"Of relevance to the rural review the assessment found that the main areas of concern are those areas where visibility combines with highly-valued landscape. This means it is development on the rising slopes around Mt Taranaki and the ranges and in pockets along the coast which are of main concern to landscape character."

However the applicant's consultant advances the proposition that the landscape views through the effect of the overall landscape change on the land immediately adjacent to it are appropriate and justifiable, given the development is not significant in scale and location, only limited to the site itself.

The KCB disagrees with that proposition. If anything, ten years on from the NPDC character landscape review, the outstanding landscape amenity value of the Kaitake Range and the ring plain around it requires even more protection. Sensitive management of the surrounding landscape can help protect and enhance many of the Egmont National Park's values. The impact of this proposed development cannot be regarded as a sympathetic approach to landscape character.

Of even greater importance, the Kaitake Range is a site of great significance to Taranaki iwi, acknowledged and revered as a tupuna of its younger ancestor Mounga Taranaki. This is one example of the importance of the mouri of Papatūānuku to Taranaki iwi.

We understand and support the autonomous, independent and self-governing role of marae/pā and hapū within Te Ao Māori. However, we cannot find the detail in the application intended to provide a clear process on how the applicant has positively engaged with tangata whenua, to shape the environment to highlight Māori culture and identity of this traditional rohe in an enduring manner.

Iwi and hāpu whanonga pono are always considered carefully by the KCB. We are deeply concerned that scant regard has been given in the application to the very necessary core Māori values of Taranaki iwi and the exercise of kaitiakitanga by the tangata whenua of the area in accordance with tikanga Māori in relation to natural and physical resources and their stewardship.

Under the Resource Management Act, RMA, local authorities must take into account iwi planning documents. In fact, a key objective of the RMA principles is to enhance the protection, reinstatement, development and articulation of our cultural landscapes, enabling all of us to connect to, and deepen our sense of place.

The Taranaki iwi environmental plan "Taiao, Taiora" prepared by Te Kāhui o Taranaki with tangata whenua of Taranaki iwi has statutory weight and decision makers need to take into account the policies contained within it.

We stand alongside Taranaki iwi in opposing any potential adverse effects on the environment through this application. Me Mahi Tahi Tātou - working together

The Environment: the application's purpose is to turn this rural environment adjacent to the Egmont National Park, the park, into a large residential housing subdivision. The KCB opposes any reduction in the protection or active management of important areas of indigenous biodiversity on Crown land.

There has been widespread loss of biodiversity across Aotearoa New Zealand, particularly in lowland and coastal environments. There is now less than 10% remaining indigenous vegetation cover, which can be used as a proxy for indigenous biodiversity, throughout most of the country's lowland zone.

The Oākura community has a special relationship with its environment, evidenced by all of the activities the community has led and participated in over the years. Our urban community is in very close proximity to the park. Our beach is a significant recreation area for all ages and a major attractor for visitors. Both require ongoing and careful protection. The KCB takes environmental responsibility particularly seriously. The maintenance and enhancement of biodiversity is at the forefront of all our decision-making processes. The KCB community plan states:

"Encouraging ongoing community stewardship of the local environment and its biodiversity to restore and maintain natural habitats, ecosystems and viable populations of native species."

The KCB works hard to raise the profile of biodiversity in our community by removing animal and plant pests that are key ecosystem threats and providing a safe environment for native species. We build public awareness on these issues through regular items posted on our Facebook pages and in the local paper, The Oākura Messenger.

The KCB is a member of the Taranaki Biodiversity Trust, Wild for Taranaki. Currently, we are partnering with the Taranaki Regional Council in its "Taranaki Taku Tūranga - Towards a Predator-Free Taranaki" project. This is an $11.7 million project to eradicate mustelids, rats and possums from the Kaitake Range and surrounding areas. As Oākura is the closest urban area to the Kaitake Range our ongoing mission is to provide and maintain an urban trapping scheme to prevent predator re-infestation into the park. The KCB is also actively working with the Taranaki Mounga project to return kāka, kiwi and other significant New Zealand native birds to the Kaitake Range.

There is a bland assertion in the application that its structure plan will be supportive of natural biodiversity, and bird life in particular. However, there are a number of untested assumptions in this application about mitigating any actual and potential effects on the environment that do not provide certainty to the community in this context. The application does not include ecological evidence addressing the impact of urban expansion on natural values, including the future environment on the Kaitake Range.

The application states:

"It is almost inevitable that nearby residential living will bring with it domestic and (in time) feral cats. It is now well established that cats kill native bird life and in significant numbers. Community awareness about this issue is growing. Methods to reduce or eliminate the loss of native bird life attributable to domestic and feral cats include community education, neutering of cats, keeping cats indoors as much as possible, non-replacement of cats or an outright ban."

It also states:

"A contentious issue in which most communities have strong views for and against. While property owners in the adjoining Paddocks are bound by a private covenant not to keep cats, it is considered that such an obligation would be difficult to enforce on the larger scale of development contemplated at Wairau Estate. Such a ban would also likely be of limited value (given the distances which household felines are known to wander) unless domestic cats were banned from a wider area eg Oākura urban area."

The application mentions cats using further abstruse language such as "nearby residential living" when the actual meaning is "this planned development". It suggests cats in the more distant Oākura urban environment are as big an issue as those would be in the planned development. This is clearly misleading, as there is scant historical evidence of cats straying from Oākura onto the Kaitake Range.

The KCB deciphers the statements in the application as merely superficial endeavours to convince decision makers, with no attempt to provide any solution to an especially serious issue. The Cornelis Bevers Ecological Assessment does recommend that domestic cats are prohibited from the proposed development, but the management of such a prohibition while appearing cogent in the application, will not be sustainable in the long term.

Now, here is an example of just how far one domestic cat travels in a week in the rural environment.

(video played)

We further note in the applicant's evidence, 17 June 2019, that Mr Bevers states in point 45, "Domestic cats are already established in the area." We view this as another statement that is not supported by evidence. The area is question in this application is the open farmland of lot 29. While there may well be some cats domiciled on the properties on Wairau Road, separated from lot 29 by the unnamed Wairau Stream tributary, where are these established cats? Are they on the Paddocks subdivision where they are meant to be prohibited from? Are they roaming around lot 29? Lot 29 and the Paddocks subdivision are the two areas bordering the park and the areas in question here.

The application also states:

"In due time the applicant is also happy to participate in a community-wide conversation about the place of domestic cats in the Oākura township and environs.”

The KCB views this as a further attempt to fudge this issue. The circumstances we are discussing are not about Oākura Village but about what is most likely to occur on this planned large tract subdivision. It is the applicant’s responsibility to mitigate this serious issue on his proposed development, not try and pass it off as something occurring in the Oākura Village. here is no valid mitigation proposal being presented.

Regarding proximity to the park, the proposed high-density housing lot boundary distances from the park range from the nearest at 390 m to the furthest at 1,400 m. The larger lifestyle lot boundaries range from 220 m to 690 m. We believe any urbanisation of the rural landscape adjacent to the park will make the park's natural areas vulnerable to further and wider threat processes. We contend that there will be a decline in biodiversity, not an increase as suggested in this application.

The claim therefore that there will be an increase in wildlife biodiversity is not supported by prior experience or factual evidence. We actually don't have to think much further than rats, cats and weeds to arrive at that conclusion.

There is no clear evidence of how the impact of invasive plants spreading from residential lots and weed infestation would be avoided. Weedy plants are one of the greatest threats to New Zealand's parks, reserves, coasts, bush remnants, wetlands and alpine areas. Many of these are ornamental plants originally valued for their dramatic foliage, pretty flowers or colourful berries, but over time have jumped the fence from gardens and gone wild. The impacts from such sources have the potential to cause serious damage to the park's conservation values.

The application makes no mention of mitigation measures for other dangerous predators to native species such as rats. They are omnivorous, eating both plant and animal matter. They will feed on almost anything - including grains, seeds, fruit, meat, insects - and do huge damage to the biodiversity of native forest ecosystems.

High rat populations are unquestionably linked to residential living. Urban environmental elements provide food, water and harbourage to rodents, leading to greater infestation. It is well known that both Norwegian rats and black rats are liable to grow faster and become sexually mature more quickly in urban environments. The rat gestation period is approximately 3 weeks. In urban environments rats can reproduce year round and have as many as five litters per year with four to eight young per litter; that is up to 40 further rats a year from one female.

This poses a very serious problem for the park and particular regard must be given to the protection of the inherent significance of its ecosystems.

As a member of the Taranaki Biodiversity Trust the KCB is closely involved in the Taranaki Taku Turanga - Our Place, Towards a Predator-Free Taranaki project through the Restore Kaitake plan of action. It involves removing possums, stoats and rats from about 8,600 hectares of private and conservation land including Oākura, the Kaitake Range and down to the coast.

In the pro forma letter received from the applicant's planning consultant, it states:

"OFPL is open to entering discussions with submitters and the relevant regulatory authorities to consider a 'whole of community' approach to the question of rodents, mustelids, cats and dogs in Oākura and environs."

We would like to point out that the KCB has already instituted a whole of community approach in a wide range of environmental contexts over many years. A consistent effort is being made to nurture our indigenous biodiversity and halt its decline. We have organised and supported practical on-the-ground projects to maintain and restore the biodiversity of our natural environment. This has enabled more community members of all ages to participate, enjoy and learn about our biodiversity value and its benefits. We have encouraged and supported our community to actively work together, and empowered participants to make informed decisions and actions on real-life sustainability issues.

Some examples are the KCB played a major part in the Department of Conservation, DoC, project to replant appropriate native species on the last piece of the Egmont National Park pastoral lease when it expired; supported the development and maintenance of Oākura School’s native plant nursery; have led the way in Taranaki with the Restore Oākura urban trapping project; we collaborated with Oākura School and Doc to build and locate Kororā (Little Blue Penguin) breeding boxes on the foreshore; encouraged and supported the replanting of native species on the Oākura Pā site; and made a huge impact on foreshore erosion through the soft armouring of beach foredunes through ongoing spinifex and pingao plantings.

All of these activities require volunteer support. That support has been attracted through genuine public engagement and a great deal of ongoing personal time and effort over many years. This collective community action has built numerous neighbourhood links and social capital benefits, helping to make Oākura village what it is today. These enhancement, restoration, reconstruction and active management actions are wide ranging. They have helped foster a connection between residents and nature, and provide for the understanding and exercise of kaitiakitanga.

The planned large tract development is adjacent to a particularly high-risk environment that is undergoing an intensive pest control project that requires long-term management. The KCB does not believe the solution to this issue can be addressed through the consultant's misguided attempt at piggybacking onto an already existing whole-of-community approach and advancing the expectation that local volunteers will be responsible for mitigation measures on his proposed subdivision now and in the future. Our community approach should not be advanced as the solution to the obvious biodiversity issues this development will create. The reinvasion of predators to the park is a reality that cannot be addressed by a few glib assurances.

The removal of exotic animal and plant threats is crucial for preserving the ecological integrity of native ecosystems within the park. A major goal of the Department of Conservation's Egmont National Park management plan is:

"To manage the park from an ecological perspective to ensure that its indigenous biological diversity and health are sustained and improved."

It is stated that:

"The applicant undertakes pest and weed control on the OFPL site in conjunction with and regularly monitored by the Taranaki Regional Council."

The KCB suggests any that has been carried out is not of a standard that provides reassurance to the community or to the authorities responsible for the Egmont National Park environs. We believe the context of this particular matter in the application is of national significance and has nation-wide ramifications. Land use changes, introduced predators and pests continue to threaten our most precious ecosystems, native plants and wildlife. The parameters of this issue cannot be defined by the applicant.

Our fundamental questions in this regard are: What is the stance of Taranaki iwi? What are the opinions of the Department of Conservation, Ministry for the Environment, Federated Farmers, Landcare Research, and other associated national environmental stakeholders on this threat? What are the opinions of the Taranaki Mounga project and the Restore Kaitake stakeholders who have a huge financial stake in their current operations? What bona fide measures can the applicant put in place to ensure there are no adverse effects on the local and wider environment and its biodiversity that meets community expectations? What responsibility will the applicant take to ensure any required measures are sustainable now, and in the future?

We suggest that the ecological assessment undertaken to date for this application is deficient given the context of the proposal, and suggest further assessment, working with key parties is required to address the gaps in this information.

We note that in the final decision of Independent Commissioner Helen Tobin or March 2011 for the applicant's Paddocks consent hearing that there was to be follow-up monitoring of wetland birds, especially the Spotless Crake, and similarly, the Goldstripe Gecko by a suitably qualified and experienced ecologist, undertaken at the consent holder's expense after the proposed subdivision works and residential development had taken place and into the future. The results of this monitoring were to be forwarded annually to NPDC and TRC for a period of five years from the issue of the section 223 certificate.

After making numerous requests to NPDC from January 2019 onwards the KCB received the information about this requirement on 20 June. We note that the section 223 Certificate for the conditions referred to, 14.6 to 14.7, was issued on 20 February 2019, with the first monitoring report for wetland birds and Goldstripe Gecko due by 21 February 2020. The KCB questions if it is normal practice for such critical ecological monitoring only to commence more than nine years after the conditions were imposed?

If this is normal practice we question the relevance of these conditions and how they could possibly relate to conserving the biodiversity of the area? If this is not normal practice, surely there must be Paddocks decision consequences relating to the lack of follow-up by all parties? We question what is the status of other required monitoring to have been carried out by NPDC and other authorities such as the QEll Trust to check that conditions set out in the Tobin report have been, and are being, adhered to? We have observed the considerable infestation of woolly nightshade on the QEll covenanted block within the Paddocks subdivision and find that particularly disturbing. Birds, especially native kererū, disperse those seeds. This invasive species forms dense stands, prevents the establishment of native seedlings, and slows the regeneration rate of native bush.

**MR HISLOP:** That is woolly nightshade berries, very popular for a lot of bird species. You can see the amount of seeds there are in just one berry alone.

**MR PILLETTE:** It is interesting that Cornelis Bevers in his expert evidence for the 2010 Paddocks subdivision application submitted that:

"Kereru are strongly suspected of using the western forest remnant onsite for breeding, as they were seen doing display dives from there."

We also note in his summary of evidence at point 12 it is stated:

"There are no threatened species known to be present onsite."

Yet the Spotless Crake is classed as an at risk relict, and the Goldstripe Gecko has very limited national distribution, but does have a toe in our biodiversity door here. The Oākura area provides a small enclave and has a significant role in the conservation of this gecko. Both these endangered species were present onsite leading up to the Paddocks hearing and decision.

I would like now to move on to the drinking water issue. The applicant's consultant, Red Jacket Ltd, confirms there is adequate water supply available to accommodate the full scope of the proposed development. We note that position has now changed in the applicant's expert evidence. It has now been stated in this evidence by Mr Comber that:

"The applicant's advisers have (now)concluded there is sufficient proven aquifer capacity to service, with on-demand water supply, 248 residential lots within the structure plan area."

However, it is on record that Council has stated that:

"The extent of the Oākura aquifer and its recharge zone is unknown, making proactive protection difficult."

There are risks associated with the aquifer, which is the source water for Oākura, that have not been researched. There is no understanding of how many bores, other than council's, penetrate the Oākura aquifer or how many septic tanks are currently in the catchment area.

The KCB believes those risks, and others, must first be understood, rather than just taking the water network supply and its health for granted as was the case in the original application. A high standard of data-based risk management solutions needs to be in place prior to any major development.

The existing knowledge base does not provide surety that supply maintenance and safety can, and will, be maintained if this large tract housing development is approved. Failure to maintain the water supply network could not only occur during event conditions but might occur slowly over time and not necessarily be detected in a timely manner.

The KCB believes that it would be negligent to approve this private plan change application prior to a comprehensive, scientific study of the Oākura aquifer and its associated complex hydrology being carried out. We understand that NPDC is currently carrying out remedial measures to ensure an ongoing water supply for the 2019/20 summer. We also understand that central government now requires territorial authorities to enforce drinking water standards more stringently.

We do know that the Oākura Fire Service has real difficulties with lack of sufficient water pressure for firefighting in areas of the village. We believe it's presumptuous to conjecture that the aquifer water would be made available for the water supply for residential growth only.

We note that Mr Comber states:

"The applicant has noted the council may be requiring additional land in the future on which to locate additional reservoir capacity. Mr McKie has identified additional land within OFPL adjoining the existing water treatment plant site that may serve the council purposes and would be happy to discuss how this may be acquired. A plan showing the additional available land on offer is shown in appendix M attached."

This is quite erroneous. The NPDC has no plans for a new reservoir on lot 29.

**MR HISLOP:** Turning to stormwater and wastewater. The Wairau Stream headwaters and tributaries are entirely confined within the property in question. It is this catchment system that will carry all stormwater from the proposed development. Regardless of any suggested mitigations, all stormwater flow paths ultimately lead into the Wairau Stream.

The response to stormwater management in the application is:

"Stormwater within lots will be disposed of by way of underground soakaway within lot boundaries. Stormwater from roads and the public spaces will be disposed of into the natural gully systems. Bunds will be constructed within these natural features to attenuate stormwater flow within the existing watercourses to ensure hydraulic neutrality is maintained (ie stormwater flows post-development are no greater than those occurring before development). The control of stormwater runoff from the local roading network can be easily achieved in the gully system of the central tributary of the Wairau Stream with the formation of retention ponds; the proposed short retention time of the ponding water is unlikely to negatively affect the raupō and flax beds in the gullies."

The KCB knows a plethora of impermeable surfaces is inevitable if this application is allowed. Impermeable surfaces generate stormwater runoff that can contribute to flooding, erosion and the release of contaminants into waterways. While the phrase "easily achieved" may embellish this application there is little doubt stormwater runoff is causing downstream effects for the community since the Paddocks subdivision was approved. Expert advice provided then made many reassuring comments about stormwater detention. Statements were presented such as:

"The proposed subdivision will not result in increases in peak stream flow downstream of the flood retention facility."

"There will be negligible effect on flood flows in the main channel of the Wairau Stream including in the vicinity of Tasman Parade and the Old Boys Surf Club."

"A number of submissions raise concerns regarding increased flows and erosion in the Wairau Stream. I believe that the proposed stormwater infrastructure as outlined in the Infrastructure Report adequately obviates all such concerns."

The catchment management conditions imposed in the final decision of Independent Commissioner, Helen Tobin, March 2011 appeared stringent enough at the time, offering onsite capture of 100% of all stormwater runoff, but clearly the downstream reality demonstrates that this is a particularly serious issue. This is of specific, and increasing concern for many property owners on the seaward side of State Highway45. No doubt the applicant will argue that the escalated issues are nothing to do with the Paddocks subdivision. However, as this image clearly shows the Paddocks subdivision isn't immune to flash flooding.

This is Shearer Reserve and here is the sewage treatment station. The green line here is Wairau Stream, coming down around there. The shots that follow this; these are the places where those images were taken from; there, there and there. This is the one nearest the thing, you can see there where the stream has come in and the council has thrown some rocks over the side to do something about it there. That's the first one. This is further up Shearer Reserve towards the trail up towards the village. You can see there quite clearly that here the stormwater coming down has been so high that it's up over here and it's flattened all this area out. You can actually see the growth that's been washed through the fence here, the flood that's come through the fence. This is another part of this, this is number 3. These images are available in the written record and are available there for you to look at. This is right at the top. You can see even up here, which is higher up, that the water has come right across the trail.

This is an interesting point here. You can see here is the transfer station, here is the sewerage line coming across the stream here, here is the overflow for the transfer station to go into the stream and I'll explain that a bit later on. The other point to keep in mind here - this is an erosion issue that will come up later - the sewerage line comes along here and then down and across here. The 17 properties connected there with the sewerage line in behind the rock wall armouring that they've got in front of the properties.

There's two video clips coming up now and once again you can see the points where they were filmed from. You can see where the rocks have been put in there by the council to stop -- because of the erosion. You can see a big part of the bank there being taken away. In fact, the rock walls they've had to put on the far side for the people over there, look at this bit here. There's Buster the dog jumping down into it. As this comes around you can see that it's been on the property on the far side, right up onto the property over there whose boundary is the stream. More rock walls being put in by the council and you can see the bit that has been taken away there. It's quite obvious to see that the natural flow of the stream just can't take the water.

This next one is probably the most revealing of the lot. This was taken I think it was 27 July last year. That's the track that I've said -- going up the track there to the village, that's the track and look at the water coming right across the area there. That was a year ago that particular -- last year.

As we said, we thought what was decided by Commissioner Tobin was onsite of the water was good enough but clearly it wasn't.

In spite of assurances that stormwater is, and will be, released in a manner aligned with natural flow regimes this isn't the community's experience. Stormwater runoff in the tributary and Wairau stream substantially increases during high rainfall events, as shown. The stream cannot handle the amount of water coming from upstream. This has caused soil erosion on both sides of the stream. The stream edge is the property boundary on the first five houses on Lower Wairau Road past the Wairau Road/State Highway 45 intersection and four of the first five houses on the Tasman Parade end of Lower Wairau Road part of the sixth. There is no esplanade strip buffer.

Going on, the New Plymouth District Council sewage transfer station on the Shearer Reserve on the west side of the stream opposite these properties occupies the lowest point in Oākura, to allow the gravity-driven sewerage network to work efficiently. If something goes wrong the capacity for emergency dry weather storage is eight hours. In wet weather events this could be halved to as little as four hours.

The applicant's planning consultant states:

"There are no known reticulation capacity issues with wastewater."

The KCB challenges this statement. NPDC does not have a sewerage containment standard and no stormwater modelling has been carried out. The only option in the event of an emergency is for overflow migration into the Wairau Stream by the pipe that I showed you on that image, 200 m from the mean high-tide mark. There's also the question of risk to the major sewer that crosses the stream bed at the same location.

Already NPDC, as a protection measure, has had to provide hard rock armouring on the stream edge adjacent to the sewage transfer station. Unfortunately this causes further issues. Erosion events are just transferred to the end of the rock wall provisions and start again. There are seven 90-degree directional changes in the last 300 m of the stream before it reaches the bridge. The KCB believes that artificially altering the natural flow regime in a climate of increasing high rainfall events and then having to initiate remedial actions will be the unfortunate and costly outcome.

With the increased flow in the stream sand is often stripped out from beneath the Wairau Stream bridge and stream mouth. This allows the tide to surge up into the stream. High rainfall events are often associated with stormy seas. If there is a high tidal back flow under such conditions the stream drainage system is then overwhelmed and exceeds capacity, putting more inundation pressure upstream of the bridge.

We have some images to show that as well. There's the first one. There you go, that is the Waimoku Stream bridge, it is not the Wairau Stream bridge, but as you can see the water here -- you imagine that the water from the Waimoku Stream just literally can't get out during the high tide for a period of time and it just backs up. We're talking about the Wairau Stream but that was an image to show what we're talking about.

This was taken 22 June, I think it was, a month ago. That is the Wairau Stream lagoon - it is known as the Wairau Stream lagoon - in its normal meandering state. You know, a popular place for kids to play and so on. That's what it looks like. I think the next one was taken last Wednesday. I was trying to get an image showing about -- it wasn't a particularly big storm and it was an hour and a half after high tide but you can see there how the waves -- even there they've taken the lagoon out and the waves there are actually pushing up under the bridge which is just here. It's not a major for the photo because I didn't have the chance to get it but it shows you the process of backing the water back up.

When the sand's taken out from under the bridge, there's a pretty good result to show you how bad it can get. It's stripped all the sand off beach. Bear in mind that there's the rock wall where -- there's a sewerage pipe behind that rock wall.

There's the Wairau Stream bridge there. You can see that the water's been right up to here. There's no way in the world that the water can get out of the stream under those circumstances. This is where the pipeline is. As you can see there, the pipeline is just here. This is behind -- the erosion is taking place behind the rock wall. So when the water comes down in velocity down the Wairau Stream it acts like a fire hose and it just takes all of the sand out in that vicinity, meaning that the wave actions can get right up in and do some damage.

There is a general consensus that a greater frequency of high-intensity rainfall events associated with the predominantly accepted climate change scenario is unavoidable. There is a need to address the Oākura community's expectations regarding stormwater collection, management and disposal into the Wairau stream and its tributaries. Without a robust and workable management system aligned with natural flow regimes and overflow its results are inevitable.

Our beachfront area will be placed at further erosion risk as well, as I've shown you. The beach comprises of a thin veneer deposit of sand overlying an intertidal boulder platform eroded from volcanic deposits. Sand volumes on the beach are highly variable and erosion events can be exacerbated by high volumes of floodwater stripping away sand and its protection function, pushing the erosion line closer to house owners on the western end of Messenger Terrace and Tasman Parade road reserves. Bear in mind there is a main sewer pipe on the Messenger Terrace beachfront servicing 17 residences.

We question how the proposed stormwater management system design can effectively address the quality of runoff from the site, protect against increased streambank erosion, meet flood control objectives, and not affect the beachfront. The KCB believes the proposed system will not be fit for purpose. The community will not accept a develop-and-clean-up-later process in this regard.

Moving on, safeguarding water biodiversity. The Wairau Stream headwaters and tributaries provide the sole watercourse for stormwater runoff, as already said. The KCB believes this will result in escalating water contamination through the increased use of pesticides, detergents and other dissolved toxins by the increased residential population. The applicant cannot just treat this stream as a drainage network for the removal of stormwater and other water waste from his proposed development. Even kids cleaning cars can be a real issue in this regard.

High concentrations of zinc, copper, and polyaromatic hydrocarbons most usually derived from vehicle sources are commonly found in stormwater from urban areas. The KCB believes that the intensification in urban pollutants will degrade the unnamed Wairau Stream tributaries and the Wairau Stream. However, there is no mention of any stormwater pollutant mitigation measures in the application.

Neither are there specific plans and concepts provided for public scrutiny about the importance of this freshwater catchment downstream from the proposed development, regarding what native species - fish, bird species, insects with aquatic larval stages - are established and depend on it for feeding, dispersal, breeding, or over-wintering to complete important parts of their life history.

It can also be expected that the levels of suspended sediments will increase significantly. Suspended sediments can smother the bottom of the stream bed with fine particles. This will not only reduce water clarity and increase turbidity but will decrease the suitable habitats for aquatic invertebrates, fish and plants. Increased sediment deposits also reduce the stream's capacity to buffer flood events causing localised flooding. It is well known that drainage and reclamation, flood management schemes, earthworks, stormwater and other point discharges can have a negative impact on indigenous freshwater species and habitats.

There is currently no information provided on the reliability of previous mitigation to prevent sediment increase and protect native species habitats in the Wairau Stream and its tributaries. For example, are there banded kōkopu, giant kōkopu, common bully, inanga, redfin bully and other species present in the stream? I am talking south of Highway 45 here. The KCB knows there are eels in the stream habitat at that particular point because a local resident feeds them. Has any work been done to identify whether they are the New Zealand long fin species or not? DoC specifies their conservation vulnerability status as at risk.

The application references the storage of stormwater in retention ponds to ensure hydraulic neutrality. These are to be constructed through excavation - I will come back to that - in the shallow natural gully wetlands on lot 29. There is no evidence presented that demonstrates what effect the construction of these proposed stormwater storage systems will have on the biodiversity that is currently present in these areas or what the ongoing effects will be. Once ecosystems are disturbed to a great extent, and species are lost, the loss in diversity is difficult to restore. Yet, these are the very areas that the application suggests where biodiversity will be enhanced through the development.

Going back to the excavation bit, my understanding is that they are going to excavate the top ends of the gullies to use the earth from there to build the bunds at the bottom ends of the gully.

It is interesting to note that Cornelis Bevers in his expert evidence for the 2010 Paddocks subdivision application submitted then that:

"The numerous small wetland areas within the tributaries of the Wairau Stream onsite are significant in terms of representativeness at both a district and regional level."

NPDC promotes Oākura Beach as one of the region's premier summer destinations.

The polluting process will become -- any, I should say. Any polluting process will become especially prevalent during low rainfall periods when the stream discharge rate is at its lowest velocity. Oākura Beach is a popular destination during summertime and, in general terms, this is when the beach is at its busiest and stream discharge rates are lowest.

Small children and toddlers invariably play in the Wairau Stream lagoon, in fact, parents encourage them to do so rather than in the more boisterous sea, and there is an image there to show that.

The KCB believes there is a duty to avoid, remedy or mitigate any adverse effects on the environment caused by this proposal. Our expectation is that the application would include these issues.

**MR PILLETTE:** Now there will be submitters from Oākura School regarding their ideas about the application. It is still part of our community and so we will comment as well.

So turning to Oākura School, the application states:

"The Ministry of Education is responsible for ensuring communities are provided with sufficient school capacity and Oākura will be no different."

Well, actually we disagree with the contention that the consequences the proposal would have on the local school is only a Ministry of Education concern. In this regard, the KCB contends the application should demonstrate some social responsibility to the community. The KCB has a clear understanding of national education property guidelines. The guidelines point to continually adding classrooms to existing school sites rather than purchasing land and building new schools.

In fact, Doug for 12 years represented Taranaki and Whanganui schools on the Ministry's lower North Island Property Funding Committee.

The Ministry of Education rarely takes into account the amount of open space a school has in its property entitlement guide. The extra classrooms needed to accommodate the additional student numbers at the school generated by the proposed subdivision would seriously diminish the existing sports field space.

The school field is used for tennis, netball, hockey, basketball, soccer, rugby and cricket and for daily free play activity during intervals and - apart from Corbett Park - this is the only sports field in Oākura. Losing part of this field would have a significant effect on the entire Oākura Community. We need more sports ground space now and this proposed development will make matters much worse. The single available public sports field, Corbett Park, is in Māori ownership, leased to the NPDC, and is in a very low lying area and has considerable drainage issues. The school grounds are an essential component in meeting the current sports and recreational needs of not only the community but also the children in the wider district. By "wider district", we refer to teams from around Taranaki - Hawera, Stratford, Inglewood, Waitara and New Plymouth - all playing on the school fields in the winter sports season.

The grounds are also an important hub in the regular sporting exchanges between school teams in the inter-school competitions. Reducing the school's open space capacity will severely restrict local community involvement in such activities. It will also compromise the physical education and free play activities of students during the school day. Both are essential developmental attributes contributing in a very major way to their cognitive, physical, social and emotional wellbeing. Our open spaces and recreation facilities, developed over the years through many hours of voluntary effort by local community groups, hold a special place in the heart of its residents. They contribute positive benefits to the community's social, physical and mental wellbeing. We need to protect and preserve our recreational areas, not diminish them.

Traffic impacts on the roading network. The KCB believes the applicant's Traffic Impact Assessment contains a number of untested assumptions. We are very concerned that this application could be accepted on the basis that the negative aspects are minor, could be resolved at a later date or are the responsibility of other authorities; that is, the New Zealand Transport Authority or the NPDC. There is no analysis of how the Traffic Impact Assessment is aligned with the Government Policy Statement on Land Transport that sets the strategic direction to drive improved performance from the land transport system across New Zealand. Much is made about how useful the proposed roundabout would be to provide solutions for increased traffic impacts. While the KCB doesn't have the technical expertise to make a considered judgment about roundabout construction, we still regard its development as a very unlikely scenario. This is due to the irregular alignment of the Wairau Road intersection with State Highway 45, the steep contour of the existing State Highway 45 section to the east of the intersection, and the fact that the Matekai Stream crosses the highway at the bottom of the dip, only 150 metres from the intersection, through an earth tunnel dug in the 1930s. We don't believe there is sufficient detail about the roundabout for anyone to have a considered view on its construction or its appropriateness.

With this lack of clarity, the KCB is concerned that the NPDC has already signalled its development in year four of the 2018 to 2028 long-term plan. We also note that in the peer review of the Integrated Transport Assessment, ITA, that using a roundabout as a traffic calming feature is not recommended.

The analysis of the impact of the extra traffic likely to be created by the proposed development was only at the Wairau Road intersection with State Highway 45, while obviously significant effects would be much more widely spread through the village and beyond. The required traffic engineering solutions to maintain the free flow and safe movement of vehicular and pedestrian and cycle and equestrian traffic would be so large that there would have to be major amenity consequences throughout the village. These were not addressed adequately in this application. Other expert advice has been added later and we will leave that for the other experts to consider its relevance.

There is no data on the effects on traffic movements at the intersections of Donnelly Street and The Outlook with State Highway 45 or Dixon Street, Hau Lane and Butlers Lane with State Highway 45 and, therefore, no proposal to address any issues that would undoubtedly arise.

For example, the eastern 50 kilometre restricted speed zone begins only 115 metres from the pedestrian traffic island in the centre of State Highway 45 adjacent to this junction. Global data states a medium-sized car with good tyres travelling at 100 kilometres an hour on a dry road needs a stopping distance of 98 metres. On a wet road that stopping distance increases to 122 metres. The minimum sight distance to enable a driver coming from New Plymouth to see a vehicle entering State Highway 45 from one of the three side streets and perform a sudden stop before reaching the conflict point is compromised even further by the steep SH 45 entrance to the village.

Similarly, vehicles travelling through the village from the west do not come into view of those drivers from the east until those vehicles are within 50 metres of the intersection. If there is a stationary vehicle ahead waiting to turn into Dixon Street approaching traffic cannot be seen at all.

Personal observations and anecdotal evidence demonstrate that many vehicles travelling east through Oākura are already increasing their speed by the time they reach the Dixon Street/Hau Lane/Butlers Lane intersection. Many do not adhere to the 50 kilometre an hour speed restriction, as they view that stretch of the highway only as a part of a route connecting their departure and arrival points. This is especially relevant at this particularly busy intersection. It's dangerous for all users. It is an intersection used by vehicles to enter and exit the Four Square minimarket parking space and adjacent parking areas. It's used by vehicles turning to travel to other destinations in either direction on State Highway 45. It is frequented by pedestrians of all ages to access services in the immediate area, or as a through point to reach other destinations such as the school. It's regularly used by large service vehicles, such as refuse collection trucks and those providing supplies to local businesses.

**MR HISLOP:** Here we have the Dixon Street/Hau Lane/Butler Lane State Highway intersection. We've got, I presume, I can't tell you, I can't remember -- that car I believe is turning this way or going straight across. We've got a car there that has just either come through the village or come out of Dixon Street and heading towards New Plymouth. We've got two cars coming up the hill here into the village. We've got this car here - now that's a really interesting one - obviously turning into Hau Lane to go down Hau Lane there and just missing this one that's come out of Dixon Street just there.

This one here is trying to get across, waiting for this one to get further ahead to turn into Dixon Street as well. Now that is the state of that particular intersection and the reason that we're talking about this is the fact that in the application nothing has been talked about the effects, the amenity effects or the traffic effects on the village, other than the Wairau Road intersection and now a little bit about Donnelly Street.

Here we are. Here's another one of the same intersection. Here's somebody coming out of Butler Lane, probably from the Four Square parking lot. Here we've got a car ready to turn into Dixon Street and we've got three cars it looks there coming through the village, so you can see it's a very busy place.

This is an interesting one. We've got the truck coming up here through the village. We've got this car coming out of a parking spot here and you can just spot -- there's the little kid there trying to get across to the pedestrian island here which, by the way, isn't very safe and we'll come on to that in a moment. I mean kids' behaviour is kids' behaviour. Just because it's not the smart thing to do doesn't mean they're not going to do it.

As I said, the pedestrian island isn't particularly safe. Something has whacked it there. You can see the three signs have been knocked over. I think that's all. Is that all? One more. Oh, this is Donnelly Street and it's taken in the morning obviously around school time. Here we've got mum and dad and a kiddie walking to school. We've got a couple of kids walking up here, and look at the vehicles coming through. Look at all the trucks and everything coming through there, a very, very busy place.

**MR PILLETTE:** Just continuing, there's no comment about noise, air quality, or other environmental factors related to traffic, which would extend along State Highway 45 through the village and are not limited to junctions or to motor vehicles. Vehicle movements entering and leaving private premises, businesses, on road carparks and also pedestrian crossing movements would all be adversely affected by the significant increase in vehicular movements on the highway and in Oākura generally. Within the 50 kilometre an hour restricted zone, there are seven street entrances, two enclave entrances servicing 13 properties and 17 driveway entrances.

**MR HISLOP:** Just keep going.

**MR PILLETTE:** Go on there, right. We've been unable to identify any data showing peak demand times for CBD parking, what the stresses on parking availability will be within certain walking distances of the CBD services, downstream issues for vehicles parking in Dixon Street and the effects on fire engines exiting the Oākura Fire Station in an emergency, future parking availability for hall users, appropriate solutions for the collection of students from Oākura School, or congestion effects on the Oākura beachfront. The proposed development will have major effects on all of these issues. It is at a distance to both the CBD and beach that would result in most trips between the subdivision and those destinations being made by vehicles. The lack of clarity is concerning, as no data is provided and no solutions are offered.

We note that as long ago as 2008, NPDC recognised the need to:

"... extend Donnelly Street through to Upper Wairau Road in Oākura to improve the connectivity of the road network in this rural township."

As recommended in this report, funding for such an upgrade should be part of a development contribution from residential subdivisions. We question what dialogue has been carried out with the NPDC on this point.

We also note:

"It also ventured that forming Hussey St to connect through to Butlers Lane, with travel in one way direction from the current cul-de-sac head on Hussey St via Butlers Lane, would provide an opportunity for improved traffic circulation in the locality of the school."

The KCB understands there is an archaeological site location on the road reserve which impedes such a development.

The KCB has submitted to the NPDC on a number of occasions to initiate a comprehensive traffic study to identify future highway, road and street network issues, but NPDC has never considered that this was necessary. We believe that fact indicates a lack of support from council planners for any large tract residential development proposal such as this at this time.

**MR HISLOP:** Thanks, Mike. Moving on to the proposed pedestrian underpass, it is stated that:

"The pedestrian underpass proposed under SH 45 southward of the Wairau Rd intersection will provide safe passage for walkers, cyclists, and horse riders moving between Upper Wairau Road and the beach and associated facilities."

It is contended that:

"To promote the safe passage of pedestrians and other active modes across SH 45 a pedestrian underpass (for walking, cycling and horses) is considered an important element in the safe and efficient road transportation network at Oākura and SH 45 in particular."

The KCB views this claim as nonsensical. We believe it is being promoted as the solution to the safe movement of all those wishing to cross the road, but does it? The underpass will deposit all users onto the seaward side of the busy SH 45, adjacent to the Wairau Road/SH 45 intersection and in very close proximity to where the 100 kilometre open road rule changes to the 50 kilometres restriction. Users - presumably pedestrians, cyclists, horse riders, parents with toddlers, children heading to and from school, et cetera - will then have to travel some distance from the end of the underpass on the side of the State Highway 45 to negotiate the intersection and/or the proposed roundabout to move on to, or back from, their destination.

Roundabouts are constructed for the more efficient movement of vehicular traffic, not for the safety of other users. The applicant actually states the obvious:

"A roundabout typically performs better than a crossroads in terms of safety for vehicles, but not so well for vulnerable road users, i.e. cyclists and pedestrians."

Much is made of how desirable the overall development will be for horse owners. A Rural E Environmental Area is planned as a discrete area:

"... to enable rural lifestyle living and particularly for those among the local equestrian community."

To suggest horse riders would use the underpass, safely circumnavigate the intersection and travel down to Oākura Beach demonstrates a complete lack of regard for the circumstances.

The application alludes to a horse trail from the seaward side of the underpass to the beachfront. However, there is no connecting esplanade strip from the SH 45 to the beachfront. This means all users heading that way will have to travel nearly a kilometre down busy Lower Wairau Road. In spite of knowing this, the application continues to promote this trail to the horse owners' fraternity. I think we've got one there?

**MR PILLETTE:** No, I'm sorry, we don't.

**MR HISLOP:** We haven't got any?

**MR PILLETTE:** No.

**MR HISLOP:** 185, no?

**MR PILLETTE:** 174 I've got (overspeaking)

**MR HISLOP:** Okay. The lack of trail connection was brought to the applicant's attention - and his experts - at the meeting with the KCB on 13 April 2016 and again on 24 May 2017. We also pointed out at the time we would not support an equestrian trail on the esplanade strip.

After the second meeting Mr Comber stated in an email to the KCB that:

"The underpass concept is more of a 'nice to have' than a 'need to have' category. NZTA have told us that while they have funding for stock underpasses they have nothing for pedestrian/cyclists/horses. If it was to proceed in the fullness of time a joint funding approach (NZTA/NPDC/McKie) would most likely be the only way it could be realised in any event. While it is early days yet it is an idea we'd like to test through the plan change process; the feedback from the community will no doubt be a significant factor as to where the idea ends up."

The KCB restated that fact yet again at the pre-hearing community meeting in Oākura Hall on 28 January 2019. On the very same day the applicant's team was still advancing this probability to the submitters at the pre-hearing equestrian meeting, stating that:

"The proposed underpass could connect with a future esplanade reserve/strip [shown on District Plan Map A 61] heading down the valley to Messenger Terrace and onto the beach."

At that 28 January meeting, the response to the KCB about this issue was that an easement could be obtained through the future subdivision of the Holdom FUD area on the seaward side of SH 45. However, the Holdom FUD area is not one of the land parcels involved. There is a 2 hectare lifestyle block to the west and five residential lots to the east whose common boundary is the lifestyle block.

In 2008, after KCB requests, NPDC did undertake enquiries about obtaining an easement along the boundary of that lifestyle block. This was firmly rejected by the landowner and the KCB recently confirmed that this is still the case. We note the KCB concern, as expressed, was not included in the Kaitake Community Board and Groups pre hearing meeting report. The report only states:

"The Kaitake Community Board then questioned as to where the pedestrian route goes after the underpass. The applicant detailed that the underpass would pass between the red house and the Okato side of the culvert and would link with the associated esplanade strip between SH 45 and Messenger Terrace."

**MR PILLETTE:** I've got that image.

**MR HISLOP:** Pardon?

**MR PILLETTE:** I've got that image --

**MR HISLOP:** Oh, you've got it?

**MR PILLETTE:** Yes, sorry. It's either of these. (several inaudible words).

**MR HISLOP:** Yes, sorry, I keep forgetting. So this is where the proposed underpass is to go. Here is the esplanade strip. It stops there, one, two, three, four, five houses there and this 2 hectare block here with a lovely mansion on it here, who has determined that, "That's the way it's going to stay, thank you very much".

**MR PILLETTE:** It's another idea being floated.

**MR HISLOP:** So, continuing. Where did I get to? Yes. Under these circumstances, we find the statement by Mr Comber in his Applicant's Evidence is at odds with what has occurred:

"Submitters concerns have been carefully considered and mitigations proposed where appropriate. These include proposing local road access from SH 45 and the bridal trail network being extended to the SH 45/Wairau Rd intersection."

It is unlikely that the 2 hectare lifestyle block, with its very large stately residence, will ever become a residential development. However, if in the future if some solution was arranged to complete an easement connection, the KCB would oppose horse riders using the SH 45/Tasman Parade as a horse trail. We do note that the applicant's team believes the current esplanade strip ends in Messenger Terrace. It doesn't. It ends in Tasman Parade.

Tasman Parade is often inundated with vehicles and pedestrians. It is a very busy environment and is not conducive to horse riding activity. Do you have those ones? I think you have. I'll keep on reading because I think there's two or three there.

The Shearer Reserve end of the trail is a heavily frequented recreation area and picnic spot. It has a children's playground, basketball half court and skate park in constant use. There is an attached family picnic area and the KCB is currently negotiating with the NPDC to set up a mountain bike area in the reserve for the local teenagers. It is a very popular community gathering spot and it is an entirely inappropriate location for the access by horses.

Did you get it? So there you can see how busy it is down at the end of Shearer Reserve. I mean that's the sort of parking problems we've got now. That's the playground area at the end of -- this is where they're expecting the horses to come out. There's another couple there. I think there might be. No. And there's the skate park and you'll see it's a very busy environment; a very busy environment. There might be one more I think. No, that's the last one. We'll get to that one. Yes, thanks.

The NPD's category for this Shearer Reserve is a Destination Play Space. This is the highest classification in the New Plymouth District Play Space Framework, classed as a Premium play space for the whole district that is a major attraction, or within a major attraction/destination, for residents and visitors and it's listed there what they say but I don't need to read it out.

And it also should be recognised that horses are banned from Oākura Beach from 9.00 am to 6.00 pm during daylight saving time for 26 weeks or 6 months of the year. To allude that this is a possible horse trail in the future to people to garner support for the subdivision proposal is just an insincere **non sequitur**. The proposed evidence casts serious doubts on the credibility of the application in this regard.

**MR PILLETTE:** Right, we're nearly there. We'll move on to the idea of the proposed bund. The proposed noise attenuation bund to be built alongside SH 45 to diminish the residential housing set back requirement will mean the total loss of the rural views up to the Kaitake Range. A 2 metre to 4 metre high 600 metre structure is a formidable construction. It is an artificial feature and will severely undermine the current natural features and ambience of the western entrance to Oākura village. The proposal sets out to embellish the bund construction by suggesting the provision of a walkway to a café-type development at the small pond on the western side of Lot 29.

**MR HISLOP:** So that's the pond area there where the café is being proposed to be. I think the interesting point of this shot is that in the ecology section Mr Beavers said in his testimony, describing this area and talking about indigenous plants and other plants, he said there's some gorse there. He calls that "some gorse".

**MR PILLETTE:** The KCB does not support the development of commercial activity outside the CBD area, except for some small scale commercial operations on the Oākura beachfront. This is the preferred position of the community as set out in the Oākura Community Engagement Report 2014/16. The proposed walkway is isolated and remote from the village centre, with difficult pedestrian access. There is no connection to the village pathway network. If allowed, this brings into focus the question of it being mainly accessed by vehicular traffic. The KCB questions what parking would be required, and where it would be located.

The amount of the extensive earthworks to build the bund and the other major earthworks within the proposed development raises real concerns. The adverse effects on the environment that will eventuate, and the movement of State Highway 45 traffic during its construction should not be underestimated.

**MR HISLOP:** Thanks, Mike. And just to finish up now really, the Oākura community has been actively and consistently reviewing urban development through successive processes, and the community sentiment about urban development and greenfield expansion has remained consistent over time. Over the years the community has obviously grown and changed, but the initial attractions that have drawn everyone here have remained constant. At the same time, those that live here have accepted residential growth and the gradual urbanisation of Oākura village. That acceptance has resulted in much reflection and discussion about what is the best way forward.

Here you have a large and engaged community group of residents who have participated in a wide range of processes to arrive at a common view of how they wish their community to develop over the years. Many, if not most, have volunteered their energy, time and financial donations to build what we have here today. It is clear they require that investment to be protected.

We believe that building relationships is the groundwork for the constructive dialogue that is required on such a project. We have never established an open and easy relationship with the applicant as we have done with other individuals and groups in many contexts over the years. The KCB was asked to meet with the applicant and his team on two occasions - 13 April 2016, 24 May 2017 - ostensibly to discuss ideas with us as the local community leaders. In both cases we were presented with detailed concepts to show what his intentions were. While we were asked some questions, it became clear the agenda was already cast in stone and the meetings were only held to ascertain if the KCB would be useful to it. We note that both those meetings are not recorded in the application.

The KCB also held a meeting with the applicant, along with a senior NPDC planner, to provide a draft of the Oākura Community Engagement Project report and to seek feedback from him. None was received and this meeting is not recorded either. When reading the supplied documentation we find it is written in such a way to suggest there has been a positive relationship in the applicant's dealings with the community. The applicant himself states:

"We have listened to and have a very good understanding of the Oākura community's concerns."

We ask, if this is the case, why have there been so many submissions opposing the application? In retrospect that is not surprising as the applicant does not live locally. The community is told that his experience in developing means he has the very best knowledge of what is needed. That is, the community can be shaped on behalf of local people from the outside looking in. We find the approach particularly unhelpful. Many in our community feel they are being coerced into accepting an unneeded and unwanted subdivision.

There has never been any explanation why the applicant has deviated from his pledge made to Commissioner Tobin to ensure the balance of his farm remained rural in perpetuity. The KCB, the community - and we suspect Commissioner Tobin - accepted his assurance as a certainty. It provided confidence to the community and the subsequent springboard for the KCB to search out, engage with the community and plan with the NPDC the best way forward for the community to grow and develop over time.

There is considerable lack of clarity in this application. The KCB is concerned there will be many negative cumulative effects if this application is confirmed: the KCB maintains that the proposed subdivision is in the wrong location for future growth; future growth in Oākura, involving much community engagement, has been carried out to develop a sound and realistic plan; the community wants the rural landscape character on the south side of SH 45 protected; the biodiversity threats to the Kaitake Range and the Egmont National Park are genuine; the Kaitake Range is of great significance to Taranaki Iwi; major traffic-related issues will be generated by the subdivision; down water storm water issues are not successfully mitigated in the application; not enough research has been carried out to ascertain the size of the aquifer and its replenishment rate; overcrowding at Oākura School will lead to deteriorated educational outcomes for its students; and the subdivision will compromise the community's natural and social environment and endanger the rural character and associated amenity values of Oākura.

Much effort has been put into this private plan change application to reinvent our community in a way that few of us want it to become. The KCB contends that the application fails this test in many instances. The adverse impacts to the environment, to public amenity values, to sense of place and to lifestyle enjoyment will be borne by the residents. The cost overruns to mitigate residual risk will be borne by the ratepayers. We urge this Hearing Commission to reject this plan change in its entirety.

This concludes our advocacy on behalf of the community. Mō tātou, ā, mō kā uri ā muri ake nei – for us and our children after us.

**MR PILLETTE:** Just to finish our submission, I will finish with a very short karakia as appropriate. [Māori content] Kia ora.

**THE COMMISSIONER:** Thank you. I do have some questions. If I go back to paragraph 11 of your statement, which is on page 4, you talk about the draft district plan:

"... signals that any development in the Oākura South Future Urban Development zone (FUD) should not occur any sooner than a 10 to 30 year timeframe."

So, in terms of the concerns that you have outlined in terms of the FUD south, is that in total opposition to the FUD or at some point is it a matter of timing? I just wanted to be clear.

**MR HISLOP:** As we've said in the written statement the KCB -- and we need to speak to the other members about this, but at this point we are considering submitting to the draft district plan consultation to remove the FUD entirely from the area. We don't believe it is needed at all and we understand how it was placed there in the first place. Unfortunately, over the period of time since it was put into the Oākura structure plan, the general opinion of the planners in the council has been, "Look, we need to leave it there in the long-term. It's strategic to leave it there in the long-term because it may be needed in the future at some stage".

**THE COMMISSIONER:** Just on that same theme, Mr Hislop, you outlined in terms of your view how that FUD south was placed on the relevant council plans and in your view that was in response to propositions around 40 year lots.

**MR HISLOP:** Yes.

**THE COMMISSIONER:** Is there any council documentation that actually supports that? Because, at the end of the day, I need to consider what it is in particular plans and strategies. I cannot, whatever my consideration is, just necessarily accept, "Well, this may have happened" if there is no documentation to support a particular proposition. So, I am just --

**MR HISLOP:** No, and I think that is being used to an advantage to a certain extent.

**THE COMMISSIONER:** No, I am interested --

**MR HISLOP:** No, no, that is my personal opinion.

**THE COMMISSIONER:** Yes, but I am interested whether nothing --

**MR HISLOP:** There's no written record that I'm agreed to. I just make the point, though, that -- and it's unfortunate that John Marsh has now passed away. He's not available, but his wife Trish worked for me for a number of years, so I'm well aware of what happened but, as I say, I mean we were new chums in the elected representative -- like, now I'd be saying -- I'd be making sure I got a written statement on that but my understanding is there is nothing written down about that.

**THE COMMISSIONER:** Okay. Both of you throughout the statement have raised concerns in terms of the southern FUD and potential impacts if that area was developed. In terms of the western FUD, are some of those potential effects also likely to arise in respect of the development of that area?

**MR HISLOP:** Yes, I'm sure they will and I would go back to -- somewhere in here there is a statement that says we address every issue that comes up with the same rigour. We would certainly be putting anything in the western FUD under exactly the same rigour as we've put this but until we see it we don't know.

**THE COMMISSIONER:** You have been very clear in terms of the identification by the community of the FUD west in terms of the preferred area for future growth. So in terms of those areas that are already identified but are undeveloped, and I am not wanting to put words in your mouth --

**MR HISLOP:** No, no, no, that's fine.

**THE COMMISSIONER:** -- but does the board accept that they are in the plan and there is the opportunity for those to develop at some point in time?

**MR HISLOP:** The rural areas that have been --

**THE COMMISSIONER:** There are some areas identified in the operative district plans for potential growth.

**MR HISLOP:** Yes. I think that some other submitters might address that better than I will, more professionally, but I think that we want to see what the draft district plan comes out with. We've been talking -- I shouldn't say behind the bike sheds. That's not the right way, but we've been talking with the Oākura Focus Group and with planners, and then they've gone away and done what it is that they're going to do in that sort of a process. But in the end we will have an opportunity to formally submit when they come out for formal consultation. And when we get hold of that that's what we'll do. We've worked with them right through, all the way through, and a lot of stuff -- they say to us a lot of stuff that we've done we've put into the draft district plan. But I would say that the Cunningham Lane is already in. It's there, you know, and the general consensus in the community is that the western FUD is to be developed first. It has always been considered as the logical development and when anything comes through in concrete that we can get our teeth into, as it were, I would imagine that the first thing that we would do would be to call the Oākura Focus Group together, and sit down and nut it out and see what's right with it and what's wrong with it and what can be done and what can't be done, what's silly and so on.

**THE COMMISSIONER:** Actually, just on the focus group, was that established by the board or was it --

**MR HISLOP:** Yes, by the board.

**THE COMMISSIONER:** Okay.

**MR HISLOP:** And it was established and it was back in Frank Versteeg's day, who was in the process of retiring. We had been so concerned with the lack of progress on the Oākura structure plan, the prescriptive areas, of getting on with it and doing it, that we had agitated and agitated and agitated for a number of years, so it was decided in-house at council that we would set up a group and start from there. So we thought that through and, as a consequence - and it's in the written record in the appendices - we put together a plan of what a community board focus group could look like and we put in terms of reference and so on. We did it totally that way. It goes out of existence when we go out of existence and the new board then decides if they want to continue it on and so on.

**THE COMMISSIONER:** Thank you. So turning to paragraph 58 on page 14:

"The proposed development will not support local facilities and services."

and you give some examples there. Can you tease that out for me in terms of what gives rise to that view?

**MR PILLETTE:** Fifty-eight.

**MR HISLOP:** Yes, I'm just seeing what it says.

**THE COMMISSIONER:** Because would not, if it was granted consent, more people and all that actually support some of those local services? So I think you need a lot more to note.

**MR HISLOP:** Yes, perhaps it's not written as well as it should be. It will not support the local facilities in the fact of overloading of the facilities, all right? And it probably should have said, "It will not sustainably support". I think that might have been a better way of putting it. Obviously, the garage is going to get more petrol sales and more bottles of milk will be sold at the Four Square and so on, so I mean there will be businesses that would certainly gain some measure out of it.

In saying that, we've had a lot of discussions around the village and there are people in the village, whose business it is to paint houses and build houses and so on, who think this is the best thing since sliced bread but we're trying to look at a long-term strategic 50-year, 100-year plan. Some of the stuff that's being suggested will be gone forever if you think of the agricultural land, for example, and what is needed there. So we tend to park to one side anybody who has a vested interest in the outcome. Do you want to add to that?

**MR PILLETTE:** No.

**THE COMMISSIONER:** So, in turning to paragraph 82, which is what is on my page 19.

**MR HISLOP:** No, that's all right.

**THE COMMISSIONER:** And you note there:

"The infrastructural capacity of the community is already stretched to the absolute limit in many areas."

**MR HISLOP:** Yes.

**THE COMMISSIONER:** Can you just outline in a bit more detail examples of that, given what I have heard in the last day and a half in terms of matters related to waste water, for example, and the capacity to cope with that. So I am just interested in you teasing that out.

**MR HISLOP:** All right. I think parking in the village straightaway is -- we have a serious problem. We have a serious traffic problem in Oākura now. We're intersected by a highway. We're never going to get rid of the highway, so that's an issue. It's an issue for pedestrians crossing the road and so on. Because we've become more popular we've got a real parking issue in the village. It's stretched to its -- and it is annoying that in some documents that come out council say things such as, "Well, we've just put in more parking in the village". Well that's not true. All they did is put a hard surface on top of a very muddy grassy piece of land that everyone was parking on anyway because it was making such a mess. We submitted that we needed something done about it so they put a parking lot in, but they actually didn't --

**MR PILLETTE:** Increase the amount of parking.

**MR HISLOP:** Yes, we got no parking created out it. The beachfront is another area. Council in its wisdom promote us as a destination, and the beach as a destination, which costs them nothing of course to do that. There's a serious parking issue down on the beach, so that is one example of it. We don't know how much water is in the aquifer. We don't know its replenishment rate. It seems to me that, you know, blindly going ahead and allowing a lot of subdivision without doing that work first is silly. There's no containment standard for sewerage. There's a range of -- they might be seen as minor in relation but when you put them all together there are a lot of issues that need to be addressed that aren't being addressed. And they're not in the long-term plan.

We went in and submitted and I think probably in our appendices there's our 2018 to 2028 submission to the long-term plan. It didn't make the grade. It just wasn't included, so obviously council don't think we've got a problem and, of course, sports grounds, that's the other one. That's a huge issue.

**THE COMMISSIONER:** I think, as you noted in the statement, there is nothing proposed to what exists at the present time in terms of sports grounds?

**MR HISLOP:** No. And we did a sporting facility study back in 2010/2011 to try and get over that hump. The other thing is that the hall is the second most used hall in the district after the Bell Block Hall, and trying to juggle its customers. And there's another issue that, five years, ten years from now, something serious has to be done about it.

**THE COMMISSIONER:** Okay. Are you going to be here for the duration of the hearing?

**MR HISLOP:** Yes.

**THE COMMISSIONER:** The reason I raise that is that you both have presented a substantial statement and there may be some other questions when I further consider that.

**MR HISLOP:** Yes.

**THE COMMISSIONER:** That I may call you back to respond to.

**MR HISLOP:** I'll undertake to be here.

**THE COMMISSIONER:** Okay. Obviously, because it was tabled I have not had the opportunity to pre read it.

**MR HISLOP:** Mike has to go back to work. He can't unfortunately.

**THE COMMISSIONER:** No, that is fine, but as long as there is one of you.

**MR HISLOP:** I'll be here.

**THE COMMISSIONER:** I will leave it there for now but I may well come back to you between now and, certainly, before we get to (overspeaking)

**MR HISLOP:** Thank you.

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

**THE COMMISSIONER:** All right. Thanks very much, and thank you for attaching the USB together with the list of the publications on that for reference. Thank you very much for that.

Now, Mr Green, I do not want to sit - and I am not saying I do not want to hear from you for an hour - beyond 7.00 pm. I need to catch up with Mr Coffin after that, in terms of briefing and discussing with him what has happened and what has transpired in the last day and a half, because he will be attending from 9.00 am tomorrow. So I am not sure whether you are able to get through your statement by 7.00 pm, given we have been here since 9.00 am also.

**MR GREEN:** Probably optimistic, sir.

**THE COMMISSIONER:** Okay. And I did not want for you to do some of it. I would rather maintain the flow, so a roundabout way of saying: you will be here in the morning?

**MR GREEN:** Certainly, sir.

**THE COMMISSIONER:** Okay. I think I will hear from you then and then we can go through your witnesses.

We are running behind schedule, in terms of what is in the schedule obviously for this afternoon and for Wednesday, so there will be some delay in terms of allocated times.

I have had a request so I am coming back to you, Mr Grieve, that there is a submitter who can be here in the morning but cannot be here for the remainder of the hearing, so I would seek your indulgence in terms of at some point of actually allowing that submitter to present during the presentation of your case and your witnesses.

**MR GRIEVE:** Yes, sir, no problem.

**THE COMMISSIONER:** Okay. Thank you. So, on that note, we will adjourn in a moment. As I outlined earlier on, I will be also taking Mr Coffin out tomorrow morning, at least to show him the subject site and certainly driving around Oākura and looking at the subject site from some of the viewpoints that I looked at on Monday, and then we will be undertaking a further more in depth site visit later on in the week.

So, thank you and we stand adjourned until 9.00 am in the morning.

(Adjourned until Wednesday 24 July 2019 at 9.00 am)