

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

PPC18/00048

Under the Resource Management Act
1991 (**RMA**)

In the matter of an application by Oākura Farm
Park Limited to vary or cancel
Condition 4 of Consent Notice
Instrument No. 9696907.4 on Lot
29 DP 497629

And

In the matter of Proposed Private Plan Change 48
to the New Plymouth District Plan
requested by Oākura Farm Park
Limited for the proposed rezoning
of land at Wairau Road, Oākura

Statement of Evidence of Cameron John Twigley (Planning)

on behalf of:

Matthew Peacock; Richard Shearer; Steven Looney; and Wayne Looker
(‘the submitters’)

25 June 2019

INTRODUCTION

1. My name is Cameron John Twigley. I am the Director of Planning and Environment at BTW Company Limited, a multi-disciplinary consultancy with offices in New Plymouth and Hamilton.

Qualifications and Experience

2. I hold a Bachelor of Social Science in Geography from Waikato University and a Postgraduate Diploma (with Distinction) in Urban and Regional Planning from Heriot Watt University, Edinburgh. I have been a full member of the New Zealand Planning Institute since 2009. I am accredited to act as an Independent Hearings Commissioner under the Resource Management Act 1991.
3. I have been a practising planner for 19 years. I have worked as a planner in both the public and private sector, mainly the latter. I am a full member of the New Zealand Planning Institute and also a Member of the Resource Management Law Association of New Zealand also serving on the committee of the Taranaki branch of the latter.
4. I undertake planning work for a wide range of local authority, central government, private sector clients throughout New Zealand across a wide variety of sectors. My planning advice and project work typically relates to strategic planning, project management, policy analysis or resource consent matters. During my career, I have been involved in a large number of plan development and resource consent processes relating to both district and regional planning issues. I am particularly experienced in matters of subdivision and residential land development due to BTW Company having its foundations in surveying. I have been involved in many local authority and Environment Court hearings relating to these matters.
5. I have the following specific experience with respect to the matters currently in front of the Council:
 - a. I presented planning evidence on behalf of the applicant Oākura Farm Park Ltd in the New Plymouth District Council (NPDC) hearing for the Paddocks subdivision in December 2010;
 - b. Having led the resource consent application process for The Paddocks I know this subdivision, the subject site for the Plan Change and the surrounding environment well;
 - c. I am familiar with the New Plymouth district and the Taranaki region, having spent the majority of my life living in New Plymouth District. I

also know Oākura very well having camped at Oākura Beach regularly growing up and still regularly spending time in the village with friends and family; and

- d. I am very familiar with the Operative New Plymouth District Plan and associated plan change processes, the Regional Policy Statement for Taranaki and other relevant planning documents and strategies.

Expert Witness Code of Conduct

6. Although this is not an Environment Court hearing, I confirm that I have read, and have prepared my evidence in accordance with the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014). This evidence I am presenting is within my area of my expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

EXECUTIVE SUMMARY

7. In my opinion the request does not contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, cultural effects of the proposal. Oākura Farm Park Ltd has provided insufficient information in respect of:
 - Stormwater Management;
 - Water Modelling;
 - Traffic Effects;
 - Reverse Sensitivity Effects;
 - Landscape Effects; and
 - Ecological Effects.
8. In my opinion, here has been no change in circumstances that warrants variation/cancellation of the consent notice. The application to vary the consent notice would severely undermine the integrity of the Paddocks subdivision and in turn result in significant adverse effects on landscape and rural character and amenity values, including cumulative effects, which would be contrary to the objectives and policies of the ODP and RPS and would not achieve the purpose of the Act. Therefore, the application to vary or cancel the consent notice should be refused.
9. Similarly, the plan change request would result in significant adverse effects, would not give effect to the NPS-UDC and the RPS and would be inconsistent with Taiao Taiora, Oākura – A Growing Community and the Kaitake Community Plan: A Thirty Year Vision.

10. A section 32 evaluation concludes that the purpose of the Act is best met by retaining the status quo. An analysis of the efficiency and effectiveness of the proposed policy and zoning changes concludes that they are not the most appropriate method for achieving the objectives of the ODP. Therefore, the request should be declined.

INVOLVEMENT WITH THE PROPOSAL

11. In June 2018, I became aware of the application to vary or cancel Condition 4 of Consent Notice Instrument 9696907.4 on Lot 29 DP 497629 ('the application') and the request for Proposed Private Plan Change 48 to the New Plymouth District Plan¹ ('the request').
12. Matthew Peacock; Richard Shearer; Steven Looney; and Wayne Looker ('the submitters') formally engaged me in March 2019. At that time, I reviewed the documentation setting out the application and the request, including the supporting expert assessments. I also reviewed the submissions and further submissions made to the Council.

SCOPE OF EVIDENCE

13. In my evidence I will comment on:
 - a. The Site and Immediate Environment;
 - b. The Application and the Request;
 - c. Background and Planning Context;
 - d. The Community Vision for Oākura;
 - e. The Statutory Framework for Consideration of the Application;
 - f. Assessment of Application to Vary Consent Notice;
 - g. The Statutory Framework for Consideration of the Request;
 - h. Evaluation of the Proposed Plan Change Request;
 - i. Assessment of the Policy Framework;
 - j. Section 32 RMA Evaluation; and
 - k. Planning Conclusion.
14. In preparing my evidence I have considered the:
 - (i) Regional Policy Statement for Taranaki (2010) and the interim review report (2017) (**RPS**);
 - (ii) New Plymouth District Plan (2005)² (**ODP**);
 - (iii) New Plymouth Draft District Plan 2016 (**DDP**);

¹ New Plymouth District Council Reference 'Wairau Road, Oākura Rezoning – PPC18/00048'.

- (iv) Oākura Structure Plan (2006) (**OSP**) including associated text and map, plus the Implementation Plan (February 2008);
- (v) Draft NPDC Housing and Business Development Capacity Assessment 2019 (**HBDCA**);
- (vi) National Policy Statement on Urban Development Capacity (**NPS-UDC**);
- (vii) Request for Private Plan Change and Application to Vary Consent Notice 9696907.4 by Oākura Farm Park Limited, dated 15 March 2018, within report by Comber Consultancy, Version 7 dated 16 April 2018, with associated appendices including further information submitted;
- (viii) Council's Section 42a report (dated 31 May 2019) on the application and the request (**section 42a report**) including Technical Assessment Advice (Appendix 7 of the section 42a report);
- (ix) Submissions;
- (x) The statement of evidence of Doug Hislop and Michael Pillette on behalf of the Kaitake Community Board (**KCB**);
- (xi) The evidence of the applicant Oākura Farm Park Ltd received on 17 June 2019;
- (xii) The expert evidence of Messrs Gladstone, Rollins, Peacock and Kensington on behalf of the submitters dated 25 June 2019;
- (xiii) I have reread the following documents from the resource consent application process for the subdivision known as 'The Paddocks':
 - The landscape evidence of Mr Richard Bain;
 - The evidence of the applicant Mr Michael McKie;
 - My own planning evidence;
 - The decision by Commissioner Tobin; and
 - Consent Notice Instrument No. 9696907.4 (copy attached as **Annexure A** of my evidence).

THE SITE AND IMMEDIATE ENVIRONMENT

- 15. The site subject to the request ('the site') and immediate environment are generally well described in the section 42a report, including the planning history and the consent notice on the site, and I agree with the summary provided and will not repeat that information.
- 16. I would add that Oākura is a coastal community uniquely positioned at the closest point between the Egmont National Park and the Tasman Sea (see

Figure 1 below). This connection between the sea and the National Park/Kaitake Ranges is in my opinion the main contributing factor to Oākura's sense of place. I would describe Oākura as having a laid-back small-town vibe with one of the best beaches in Taranaki and residential areas, business areas, facilities and recreational areas all closely connected and accessible. It is clear from the submissions that these aspects are highly valued and enjoyed by residents and visitors.

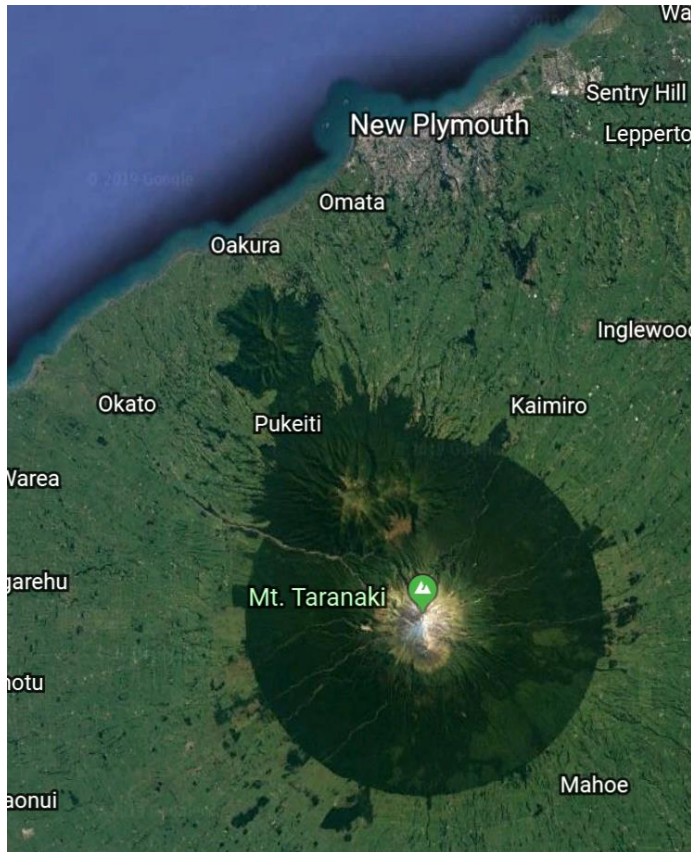


Figure 1: Location of Oākura (Source: Google Earth, 22/06/2019)

17. As outlined in the request and the section 42a report, the site contains an area of land identified as Oākura (South) Future Urban Development ('FUD') overlay. From this point onwards I refer to this area as 'the triangle'. Based on NPDC's draft Housing and Business Development Capacity Assessment the triangle has potential to yield 117 future lots if it is rezoned to residential.

THE APPLICATION AND THE REQUEST

18. My understanding of the application is that it seeks to vary condition 4 of the consent notice on the site to permit subdivision across the entire site that accords with the structure plan submitted with the request, should it be approved.

19. An outline of the request is provided in sections 3.3 – 3.5 of the section 42a report including changes that have been made to the request following pre-hearing meetings. I adopt this summary of the request. However, based on my reading of Mr Comber’s evidence it appears there have been further changes since release of the section 42a report, although no amended structure plan has been provided at the time of preparing this evidence. My understanding of the request is that it now proposes, a total of 330 lots rather than 399. Of the proposed 330 lots, 248 residential lots will be provided with reticulated water supply, 68 residential lots will now be provided with independent water supply (e.g. rainwater tanks) and 12-14 rural lifestyle lots will also be provided with independent water supply. My evidence assesses the proposal on this basis with the limitation of not having an amended structure plan to assess.

BACKGROUND AND PLANNING CONTEXT

20. This section of my evidence outlines the background and key planning context, including some planning assessment, to help provide context to the application and request. A full analysis of the planning policy framework is provided later in my evidence.

The Operative New Plymouth District Plan 2005

21. The section 42a report accurately summarises zoning and other ODP notations of the site³. I would add that the site adjoins the Egmont National Park and Kaitake Ranges which are identified as Outstanding Landscapes within the ODP.

Key objectives within the ODP relating to the application and request are:

- Objective 1: Ensure activities do not adversely affect the environmental and amenity values of areas within the district.
- Objective 2: To avoid, remedy or mitigate the adverse effects of light overspill and glare, noise, and the consumption of liquor on amenity values and health.
- Objective 4: Ensure subdivision, use and development of land maintains the elements of rural character.
- Objective 5: Maintain and enhance the character and coherence of the urban areas of the New Plymouth District.
- Objective 6: Ensure sufficient space is available to protect residential amenity; visual and aural amenity is protected; and traffic generation is consistent with the character of the residential area.
- Objective 15 To protect and enhance outstanding landscapes and regionally significant landscapes within the district.

³ Section 4.12 NPDC Section 42a report

- Objective 16 To sustainably manage, and enhance where practical, indigenous vegetation and habitats.
- Objective 19 To recognise and provide for the cultural and spiritual values of tangata whenua in all aspects of resource management in the district in a manner which respects and accommodates tikanga Maori.
- Objective 20: To ensure that the road transportation network will be able to operate safely and efficiently.
- Objective 22: Avoid the adverse effects of subdivision, use and development by ensuring appropriate and sufficient infrastructure, community facilities and new areas of open space are provided.
- Objective 23: 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.

The Paddocks Subdivision and the Consent Notice

22. The background to the Paddocks subdivision is accurately summarised in paragraphs 4.9 - 4.11 and 12 of the section 42a report.
23. I would add that an integral part of the design of the subdivision was the retention and protection of 80% of the application site via the creation of Lot 29. Lot 29 forms the vast majority of the site subject to the request. As confirmed in the landscape evidence of Mr Bain in the Paddock's subdivision hearing⁴, Lot 29 was not a left-over balance lot, as is often the case with rural subdivision, but a vital component of the subdivision designed to protect and maintain rural and landscape character and amenity and a productive rural land use i.e. the dairy farm. In my opinion the non-complying subdivision application would have had little chance, if any, of being granted without the provision of Lot 29 and the legal protection applied to it from further subdivision via the consent notice.

Plan Change 15 – Background to the Proposed FUD Overlay

24. The purpose of Plan Change 15 was to provide for the interim control of specific land use activities and subdivision within, and adjacent to, areas identified as future urban growth areas by the Final Framework for Growth March 2008, the OSP and Urenui Structure Plan.

The Section 32 report for Plan Change 15 states;

'The proposed FUD Overlay Plan Change has its origins in the Land Supply Review (LSR) which commenced in 2006 in response to recent economic and household growth. The LSR aimed to address the supply of land for

⁴Paragraph 49, Evidence of Richard Bain in the Paddocks subdivision hearing

residential and employment growth in the New Plymouth /Bell Block area, and in other towns with the potential to grow through the twenty year planning period. The Operative District Plan (August 2005) was prepared during a period of relatively low growth pressures, although as the plan became operative some of these pressures were beginning to manifest themselves. There was at that time sufficient capacity within existing residential, business and industrial zones to accommodate growth pressure. In addition, the plan as drafted, was a purely effects based district plan with no strategic component⁵.

25. At the time the Paddocks consent was granted in 2010, the OSP had identified the triangle on Lot 29 as 'urban area – residential development'. In 2013 this area was identified as a FUD Overlay in the ODP through Plan Change 15. The purpose of imposing the FUD overlay was '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 Council's Framework for Growth 2008, Oākura Structure Plan (2006) and the Urenui Structure Plan (2006)⁶.
26. The FUD overlay does not guarantee land will be rezoned for urban land use, but protects the land, and land adjacent, from subdivision and development that has the potential to undermine the ability for the land to be rezoned. The FUD overlay is therefore a holding position with any future rezoning subject to further investigations after which the land either progresses to a Plan Change, or does not. In the latter case it would be appropriate to then remove the overlay as the FUD overlay imposes significant restrictions on a landowner's ability to subdivide and develop their land.
27. I understand that despite the triangle identified in the OSP becoming a FUD overlay very little investigation (if any) went into determining its suitability for urban development. Mr Hislop's statement on behalf of the KCB covers this matter in detail⁷.

Paragraph 1.6 of the request also acknowledges this:

'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.'

The request goes on to state:

⁵Page 1, NPDC Section 32 Report, Plan Change 15

⁶ Paragraph 1.1, New Plymouth District Plan Decision on Plan Change PLC09/00015

⁷ Paragraphs 9-15 Kaitake Community Board Submission on Plan Change 48 Application

*'The extent of the existing FUD area appears to have been done for plan drafting convenience and does not take account of the topographical features or legal boundaries of the affected properties.'*⁸

The request further states:

*'The FUD area identified (which will yield approx. 120 sections) is an awkward and inefficient shape (i.e. a large triangle) and does not lend itself to a logical and well-planned urban extension of the Upper Wairau Rd residential area. Further, removing 12ha from the existing dairy farm will most likely render it uneconomic.'*⁹

28. Mr Comber, author of the request, would know all of this well as he was Manager Environmental Strategy and Policy at NPDC at the time Plan Change 15 was developed and made operative and was in attendance at the hearing which considered Plan Change 15.
29. I agree that the triangle is poorly conceived. In addition to the above shortcomings, the only logical vehicle access to the triangle is via a new road intersection with SH45. Given that SH45 in this location is a Limited Access State Highway, it was never guaranteed that NZTA would grant a new road access. In fact, when Mr McKie was investigating the possibility of the Paddocks subdivision, he was told by NZTA that they would not allow a new road access onto SH45¹⁰. In my opinion the poor decision made by NPDC in making the triangle a FUD overlay has led to many of the issues that are now being dealt with, many of which are outlined in the section 42a report, such as:
- the applicant's desire to substantially increase the size of the area for rezoning and at a density inconsistent with the village character;
 - the proposal for all traffic to enter and exit the structure plan area via Wairau Road, resulting in poor connectivity with the existing Oākura village;
 - the severing of the esplanade strip and Key Native Ecosystem by a collector road and associated infrastructure e.g. culvert or bridge etc due to safety issues obtaining a road access off SH45; and
 - The need for a 600m long bund located along the SH45 frontage and within the esplanade strip and Key Native Ecosystem to mitigate reverse sensitivity effects, resulting in poor connectivity with the existing Oākura village both physically and visually, and potential adverse effects on the conservation initiatives of the Key Native Ecosystem.

⁸ Paragraph 4.3.7, Plan Change Request

⁹ Paragraph 2.2.4, Plan Change Request

¹⁰The Paddocks Subdivision Hearing, Paragraph 38 Evidence of Mr Michael McKie

30. In my opinion the planning context of the FUD overlay does not provide weight to an argument that the site is suitable for rezoning and residential development, given the obvious lack of consideration given when identifying the area as a FUD overlay.

The Oākura Structure Plan 2006

31. The stated purpose of the OSP is to integrate the protection, use, management and development of land and resources in the local area. As previously outlined, the OSP identified the triangle area as an 'urban area – residential development'. The OSP also identified a key residential growth action as developing a Coastal Community Environment Area to recognise the uniqueness and special values of Oākura. Minimum lot size for subdivision and future residential development was identified as 600m² for this reason. The OSP is a non-statutory document but represents a community vision for Oākura over at least a 20-year period¹¹. Further community strategy documents have flowed from the work that the community put into the OSP which are outlined below.

THE COMMUNITY VISION FOR OAKURA

32. During my experience over the past 13 years dealing with many resource management matters in Oākura I have observed that for a small community the KCB, and the community it represents, has undertaken a considerable amount of work to detail a clear vision for the future of Oākura. This vision is clearly outlined in the detailed statement of the KCB which cites the following strategic documents:

The Coastal Strategy 2006;
The Oākura Structure Plan 2006;
The Oākura Village Recreation and Community Facility Study 2011;
The Oākura – A Growing Community 2014/16; and
The Kaitake Community Plan: A Thirty Year Vision 2017.

33. I note that the KCB conclude that:

*'The combined outcome of these processes provides a clear view of the social foundation of Oākura and how residents want their community to develop over time'*¹².

34. My understanding is that through developing the documents *Oākura – A Growing Community 2014/16* and *The Kaitake Community Plan: A Thirty Year Vision 2017* the community vision is that Oākura needs managed, staged and targeted growth; and that this does not include the village

¹¹Page 5 Oākura Structure Plan 2006

¹² Paragraph 77, Kaitake Community Board Submission on Plan Change 48

growing to the size indicated by the FUD overlays in the short to medium term, or the foreseeable future.

35. It is also worth noting that the 396 submissions in opposition to the request represents what I believe to be an unprecedented response to a resource management matter in Taranaki. As a general comparison, in 2015 South Taranaki District Council received 101 submissions on their entire Proposed District Plan. In 2016 Taranaki Regional Council received 61 submissions on their Proposed Regional Coastal Plan. The community response to the application and request demonstrates that the community strongly believe that the proposal does not align with the community vision for Oākura.

THE STATUTORY FRAMEWORK FOR CONSIDERATION OF THE APPLICATION

36. Under Section 221 (3) of the RMA, the owner of land may apply to the consent authority to vary or cancel any condition specified in a consent notice. In assessing such an application, the consent authority is to apply Sections 88 to 121 and 127(4) to 132 of the RMA, which are effectively the sections for processing resource consent applications. This is a discretionary exercise.

ASSESSMENT OF APPLICATION TO VARY THE CONSENT NOTICE

37. The applicant has applied to vary the consent notice on the site under section 221(3) RMA to allow for the rezoning and subdivision and residential development of the entire site.
38. In my opinion the proposed variation effectively amounts to a cancellation of condition 4 of the consent notice as the proposed variation will allow for subdivision and development of the entire site in accordance with the proposed structure plan, rather than just the triangle. The consent notice will no longer serve to protect landscape and rural character values as it was designed to do.
39. As previously discussed, when considering an application to vary a consent notice under section 221(3) of the RMA a consideration of section 104 needs to be made, as directed by section 221(3A), and that it is a discretionary exercise. I note that in the application documents Mr Comber has assessed the application as a non-complying activity which I consider is incorrect.
40. Based on legal advice I have received from Mr Grieve (legal advisor for the submitters), I also understand that an application to vary a consent notice should not be subject to the same possibilities for variation and change as for example consent conditions i.e. it's a higher threshold.

41. The variation of the consent notice has been alluded to by Mr Bain and Mr Comber as a 'consequential amendment'¹³ which indicates they consider it is a secondary matter to the request. I disagree.
42. If the variation to the consent notice only related to enabling rezoning and subdivision of the triangle, it may have been appropriate to view the application as a consequential amendment in the case that the request was granted. However, given the variation to the consent notice would enable rezoning and subdivision of the entire site, in my opinion the application warrants a more detailed 'up front' assessment given the importance placed on the consent notice in the Paddocks decision and based on the legal advice received from Mr Grieve.
43. In considering whether or not the consent notice should be varied my understanding is that it is important to examine the purpose of the consent notice, and inquire as to whether some change of circumstances has rendered the consent notice of no further value.

Purpose of the Consent Notice

44. In order to refresh myself on the circumstances in which the condition was imposed, and the environmental values it sought to protect, I have reviewed the Paddocks hearing evidence of Mr Michael McKie, Mr Richard Bain, my own evidence (including the relevant scheme plans that were included therein) and the decision of Commissioner Tobin. The relevant scheme plans (dated 18.03.10 and 02.12.10, the latter being the approved plan) and evidence of Mr McKie and Mr Bain is attached to my evidence as **Annexure B**, **Annexure C** and **Annexure D** respectively.

Mr McKie's Evidence

45. Mr McKie discussed his vision for the Paddocks subdivision and the importance of protecting Lot 29 from subdivision and further development in paragraph 38 of his evidence:

'Residential housing along the main highway into Oākura (which will spread roughly to the lake we have built, shown in the photographs in Annexure 2) will in my view destroy the character of the village'

'Ribbon development along a main highway is considered undesirable for safety and aesthetic reasons'

'If the identified Structure Plan triangle is developed, views up to the Kaitake Ranges will be obstructed by buildings. Ironically, protection of views up to the Kaitake Ranges Outstanding Landscape is a key aim of the Structure Plan'

¹³ Paragraph 179, Statement of Evidence of Colin Michael Comber PLC18/00048 17/06/2019

46. When referring to the location chosen for the Paddocks subdivision Mr McKie stated in paragraph 31 of his evidence:

'The location chosen will maintain uniqueness and protect the views of the Kaitake Ranges, especially from SH45' ... 'The location chosen will protect the open landscape giving rural appearances that will be preserved and maintained forever'

47. It is clear that the protection of the open landscape and the preservation and maintenance of the rural appearances forever that Mr McKie refers to was secured by the consent notice over Lot 29. Mr McKie's evidence clearly outlines the purpose of the consent notice.

Mr Bain's Evidence

48. Paragraph 49 of Mr Bain's evidence also outlined the purpose of Lot 29 and the consent notice:

'The farm lot (Lot 29 -66.5ha) remains as a dairy farm, which thereby maintains rural character, particularly with regard to spaciousness. This lot is not a 'balance lot'. It is not left over land from subdivision. This allotment has been specifically created as part of a comprehensive development to maintain both productive uses of land as well as maintaining rural character. Furthermore this approach maintains extensive views from SH45 up to the ONL. As described by Mr McKie and Mr Twigley in their evidence, this lot will be protected from further subdivision, thereby ensuring rural character and values are maintained.'

49. In summarising his evidence Mr Bain stated:

'Furthermore, this proposal will ensure that Oākura's identity, although growing, is retained by the preservation of views across the farms 1km of road frontage toward the amalgamated 66.5ha's of productive land. Also views towards the Kaitake Ranges and the ONL are preserved as the dominant feature within the landscape.'

50. The evidence of Mr Bain compliments Mr McKie's evidence confirming that Lot 29 was an integral part of the Paddocks subdivision design intended to maintain rural character and amenity (including a productive rural land use), landscape values and visual amenity. The mechanism for ensuring these outcomes were achieved was the consent notice. Mr Bain has reconfirmed this purpose of Lot 29 and the consent notice in the request¹⁴.

¹⁴ Page 3, Bluemarble Landscape and Visual Assessment Addendum to Plan Change Request

51. Commissioner Tobin, in her decision on the Paddocks subdivision application, referenced my planning evidence in the following paragraph which further details the purpose of the consent notice;

*'Mr Twigley, in his discussion of Landscape Effects, also discusses effects in the context of the total development and notes the proposed mitigation measures. He says (para 40); "The proposed covenants on the balance lot and the QEII/ private covenanted area will protect the foreground/setting of the Kaitake Ranges, avoiding adverse effects of subdivision on that land and achieving **long term benefits** (my emphasis) for the ONL and for the southern gateway to Oākura. The scale of the development in relation to the much larger and dominant ONL, along with the mitigation measures proposed, will ensure the proposed subdivision will not result in adverse visual effects on the ONL.'*¹⁵

52. An additional purpose of Lot 29 and the consent notice, which is not mentioned in the above extracts, but was covered in evidence and the decision, is the retention of productive rural land and a productive rural land use (the dairy farm), and therefore the maintenance of defining elements of rural character under the ODP. I will discuss those defining elements of rural character later in this assessment.
53. At the time the subdivision consent for the Paddocks was granted it was common NPDC planning practice for rural subdivision to impose conditions requiring consent notices preventing further subdivision. The wording in the consent notice '...while the land remains in the rural environment area' was commonly used for subdivision where there was a future possibility of the land being rezoned. The Paddocks subdivision fell into this category due to the triangle on Lot 29 being identified in the OSP as a 'future urban area – residential development'.
54. For what was a contentious subdivision application, the consent notice provided the many submitters and the wider community with a high level of certainty as to the future of Lot 29 and Mr McKie's obligations in respect of the land.
55. Given the content of the OSP at the time of granting the subdivision, I consider that the community will have had a reasonable expectation that the triangle area could eventually be subject to urban rezoning and development; but equally, that the balance of Lot 29 would continue to be protected from future subdivision and development. Given the existing supply of land in Oākura available for residential development, it would, in my opinion, have also been reasonable for the community to expect that a plan change for the triangle would occur in the long term, a long time after

¹⁵ Page 58, Report and Decision of the NPDC - Oākura Farm Park Subdivision Application, 11/03/20111

the Paddocks subdivision and the associated development had been completed. In my opinion, it would also have been a reasonable expectation that a Plan Change process for the triangle would be led by the Council in accordance with projected growth statistics.

56. Of course, the applicant is legally entitled to progress a private plan change at any time. However, when examining the purpose of the consent notice I consider that the above is important contextual background when considering its purpose and the expectations of the community. I consider this background is part of the reason for the overwhelming opposition to the request. As Mr Kensington puts it when referring to the application and the request *'in my mind the developer would get to have their cake and eat it too'*¹⁶
57. At a higher level the consent notice ensured the subdivision recognised and provided for matters of national importance under section 6 RMA¹⁷, had particular regard to relevant other matters under section 7 RMA¹⁸ and ultimately ensured the subdivision achieved the overall purpose of the RMA to promote the sustainable management of natural and physical resources.

A Change in Circumstances?

58. In my opinion the physical development of the Paddocks subdivision cannot be considered as a change in circumstances used to justify the variation of the consent notice. The Paddocks subdivision, including the requirement for the consent notice and the subdivision's effects on the environment, all became part of the existing environment in 2010 at the time the consent was granted.
59. The consent notice was registered in 2014. It could be said that *'the paint is still drying'* on the Paddocks subdivision; but given that there are four of the 26 lots still to be sold¹⁹, and six lots still undeveloped, even this is an overstatement.

Mr Bain's argument in the application documentation is:

'My assessment of the significance of the 'farm lot' (Lot 29) is not the same as when this land was discussed in the 2010 'Paddocks' application. At that time, the role of Lot 29 was considered important for maintaining rural spaciousness for the area generally, and the view from SH45 specifically. Rural spaciousness generally, is now to some extent altered by the inclusion of the Paddocks development, albeit in my assessment they are the greatest

¹⁶ Paragraph 7.5, Statement of Evidence of Peter Kensington 25/06/2019

¹⁷ Relevant matters of national importance being Section 6a and 6b RMA

¹⁸ Relevant other matters being Section 7c and 7f RMA

¹⁹ www.thepaddocks.co.nz/sales-information 23/06/2019

beneficiaries of Lot 29's spaciousness, and therefore are potentially most affected by its change. In terms of the Consent Notice, I consider that with regard to rural character its role has changed from that intended.'

60. I do not accept Mr Bain's argument. The assessment of a resource consent application and its associated effects is always a forward-looking exercise. The role of Lot 29 and the consent notice is equally important (if not more so now that the Paddocks has been developed) in maintaining rural spaciousness and the view from SH45 that Mr Bain refers to.

61. I note the comments of NPDC's landscape technical reviewer Emma McRae when referring to Mr Bain's LVIA addendum dated 24 February 2018:

'The addendum does not provide an adequate explanation as to the justification for the uplifting of the consent notice'²⁰.

62. A change in circumstances that might warrant variation of the consent notice would be where projected growth forecasts for Oākura have changed to a level that variation of the consent notice is required to facilitate urban rezoning to provide needed housing supply. However, NPDC's draft HBDCA clearly demonstrates that this is not the case, with anticipated demand for new housing in Oākura for the next 30 years forecast at 210 dwellings and the assessed supply being 630 lots²¹. I note that even with the NPS-UDC growth margins applied, and the exclusion of the triangle from the supply figures, there is still a healthy surplus of supply. I address this matter in further detail as part of my evaluation of the request.

63. In the interests of brevity and avoiding repetition, I have chosen to consider the majority of the section 104 assessment for the consent notice variation as part of the overall evaluation of the request. However, when considering the ODP as part of the section 104 assessment for the application, I consider it is important to focus on a key direction/issue within the ODP which directly relates to the variation of the consent notice. This is not as relevant to the request as the request proposes rezoning of the site.

The New Plymouth District Plan 2 and Objective 4: To ensure the subdivision, use and development of land maintains the elements of Rural Character.

64. The site is located within the Rural Environment Area which covers all land outside the urban environments of the New Plymouth District. *Objective 4: To ensure the subdivision, use and development of land maintains the elements of Rural Character* was a key issue in the Paddocks subdivision application and the provision and protection of Lot 29 through the consent

²⁰ Appendix 7 (2A) section 42a report, Wairau Estate, Oākura, Peer Review of Landscape and Visual Impact Assessment. Emma McRae. 13/02/2019.

²¹ NB: Assessed supply includes 117 lots allocated to the triangle

notice was the main mechanism to maintain elements of rural character and amenity. I have attached objective 4 and related policies in **Annexure E** of my evidence.

65. The policy thrust of the ODP's provisions in relation to rural areas is summed up in the statement:

*'The Rural Environment Area has been developed to ensure that the character of the rural environment is maintained both to protect amenity values and to promote the sustainable management of rural resources over the long term.'*²²

66. Before assessing the effects the variation of the consent notice might have on rural character, it is important in my opinion to look at the defining elements of rural character within the ODP and relate these to the site. The ODP states that:

*'The elements we associate with the rural environment are based on traditional 'rural' practices such as pastoral farming, horticulture, intensive livestock farming and other rural industries. Such uses include pastoral farming, horticulture, intensive livestock farming and other rural industries. These uses are being influenced by innovative rural practices. It is these uses that form the underlying basis for the levels of amenity expected in the rural environment, providing a basis for the elements of RURAL CHARACTER.'*²³

67. The ODP goes on to identify seven key elements that define rural character in the New Plymouth District. These are;

- Spaciousness - Areas of pasture or open space used for grazing stock or growing crops;
- Low Density - Widely spaced built form, with dwellings dispersed in the wider landscape and some limited lifestyle opportunities;
- Vegetated;
- Production Orientated - Land uses of a predominantly 'production' orientated nature such as farming and related farm storage sheds, stock yards, farm animals and houses supporting the principal productive land use. These include intensive farming activities.
- Working Environment - A generally highly modified and managed landscape, including the widespread use of machinery and chemicals to control and enhance plant and animal growth and production. As a result there are:

(a) Rural noises (for example) from farm animals and farm machinery such as milking machines, water pumps, harvesters, farm bikes or tractors and milk-tankers; and noise from industrial sites.

²² New Plymouth District Plan (page 241)

²³ New Plymouth District Plan (page 241)

(b) *Rural odours (for example) from dairy-sheds, silage storage, topdressing fertiliser, piggeries or poultry farms.*

- *Rural Based Industry; and*
- *Rural Infrastructure.*

68. The site in this case displays many of the above defining elements of rural character, including the following:

- There are large areas of open pasture used for grazing stock;
- Built form is generally widely spaced, dwellings and buildings are dispersed in the landscape;
- The area is vegetated with pasture, shelter belts and native vegetation;
- The land is used for production activities predominately dairy farming;
- The area is a working environment with a highly modified and managed landscape. Machinery is widely used; and
- The site is largely serviced by rural infrastructure although access to reticulated services is available.

69. Additionally, the site, and its protection from further subdivision via the consent notice, plays a vital role in maintaining and enhancing rural character and amenity in relation to the effects of the Paddocks subdivision.

70. In summary, the site has a largely rural appearance, as confirmed in the evidence of Mr Kensington, and displays the majority of the rural character elements that the ODP describes and seeks to protect through its objectives and policies. It is these elements of rural character that the consent notice currently protects.

71. The ODP identifies the threat to rural character proposed by the application and the request in the following:

*'the use of land for intensive rural-residential development for intensive commercial or industrial use and for activities that have not always located in the rural environment. Such development could result in a loss of 'spaciousness', alter the built environment, reduce pleasantness through, for example, increased noise levels and have implications for infrastructure and servicing.'*²⁴

72. In my opinion, the proposed variation to the consent notice would open the door for the request which would severely undermine the integrity of the Paddocks subdivision, and in turn result in significant adverse effects on rural character and amenity values, significant adverse landscape effects, adverse cumulative effects and would be contrary to objective 4 and associated policies of the ODP.

73. There has not been a change in circumstances that now renders the consent notice to be of no further value. The consent notice is as important today as

²⁴ New Plymouth District Plan (page 26b)

it was when it was first registered in 2014 in maintaining landscape and rural character and amenity values of Oākura. Therefore, in my opinion there is no valid justification to vary the consent notice to provide for widescale rezoning, subdivision and development of Lot 29, and to do so would not achieve the purpose of the Act.

STATUTORY FRAMEWORK FOR CONSIDERATION OF THE REQUEST

74. The statutory framework and matters to be considered by Council are outlined in sections 6-8 of the Section 42a report and I agree with the outline and do not intend to repeat it in my evidence. I now go on to evaluate the request against the relevant considerations.

EVALUATION OF THE PROPOSED PLAN CHANGE REQUEST

75. I generally agree with the primary issues identified in section 1.9 of the section 42a report, but have also addressed some additional matters I consider to be relevant. I have evaluated the issues in a similar order to the section 42a report.

Is there a need for the site to be rezoned?

76. I consider the obvious starting point for evaluating the request is whether there is a need for the site to be rezoned. The section 42a report rightly identifies that one of the key questions in evaluating the request is the capacity for additional housing in Oākura and whether current and proposed land supply will meet the anticipated future demand²⁵. In short, is there a requirement for the land in question to be rezoned to provide for Oākura's future housing needs?
77. As NPDC is still in the process of finalising its first HBDCA under the NPS-UDC an advanced copy of the Oākura component of the report has been included in the section 42a report (Appendix 9).
78. Based on the HBDCA, the section 42a report concludes that the anticipated demand for new housing in Oākura over the next 30 years is 210 dwellings with the assessed supply being 630 lots. Even with the NPS-UDC short term 20%, medium term 20% and long term 15% growth margins applied these figures demonstrate that there is already more than enough supply of residential land (existing zoned land and proposed) to meet Oākura's future housing demand for the next 30 years.
79. The triangle is estimated to provide for 117 lots. Interestingly, the forecasts in the HBDCA demonstrate that the triangle could in fact be entirely removed

²⁵ Paragraph 13.6 of section 42a report

and there would still be an oversupply of residential land available for Oākura's future housing demand for the next 30 years.

80. I note that Mr Doy's evidence has provided a revised residential lot supply for Oākura of 542 lots based on a topographical slope analysis, a reduction of 88 lots from the supply forecast in the HBDCA.
81. If Mr Doy is correct, then my conclusions in paragraphs 70 and 71 still hold true.
82. In conclusion there is no evidence of a requirement for the site to be rezoned to provide for Oākura's short term, medium term or long-term housing supply needs. I note that the section 42a report reaches the same conclusion²⁶

Water Capacity

83. NPDC have advised that the maximum proven aquifer capacity to supply Oākura which is sufficient to meet Peak Day Demand is a total of 1279 residential lots. I note the evidence of Mr Fraser for the applicant challenges this figure, but I have chosen to adopt the NPDC figure for the purposes of my evidence. NPDC have calculated that the demand from the total number of lots in the existing residential zoned areas in Oākura and the two current FUD areas exceeds the total capacity of the aquifer. The additional 131 reticulated lots now sought (over and above the 117 lots allocated to the triangle) further exceeds the capacity of the aquifer. Water supply is a major constraint for the request.\
84. I am also aware the NPDC's groundwater take consent (ref:6114) expires in June 2020. An application for renewal has not been lodged yet and NPDC are designing/consenting and drilling a new bore before the end of this year to replace a failed bore. I understand that once the second bore has been drilled and pump tested, and a sustainable yield confirmed, that NPDC will be in a position to say with confidence how much water is available. At this stage it is speculative to say with any confidence that the water allocation is available, that a new consent will be granted and if so for what volume.
85. I agree with the section 42a report that all existing zoned land should be apportioned the available capacity in the aquifer in the first instance.
86. In the interests of flexibility and fairness the section 42a report then recommends that the remaining further supply for 334 lots be allocated via a 50/50 split between the West FUD and the South FUD/the triangle i.e. 167 lots each.

²⁶ Paragraph 13.12 of section 42a report

87. Current estimates from the HBDCA are that West FUD has a future lot yield of 355 and South FUD/the triangle has a yield of 117 lots. Therefore, the West FUD has 75% of the identified FUD land in the HBDCA.
88. I therefore consider a fairer way to split the remaining water supply would be 75% allocation to the West FUD (i.e. 250 lots) and 25% to South FUD/the triangle (i.e. 84 lots).
89. If Mr Doy's figures are considered to be a more accurate estimate, then West FUD at his calculated yield of 283 lots would receive 69% allocation and South FUD/the triangle at a yield of 125 lots would receive 31%. Mr Doy's revised water supply allocation figure is 358 lots, so West FUD would receive 247 lots and South FUD/the triangle would receive 111 lots.
90. I consider the above to be the fairest way to allocate the limited water resource for the purposes of future urban development.
91. I note from Mr Comber's evidence that it is now proposed that 68 residential lots will have independent water supply (e.g. rainwater tanks) based on Mr Fraser's revised estimate of the aquifer capacity and Mr Doy's revised estimate of residential lot supply.
92. When referring to the NPDC Water, Wastewater and Stormwater Services Bylaw ('the bylaw') in his evidence, Mr Comber makes mention that although each lot within an urban water supply area is entitled to an on-demand potable water supply, it is not mandatory to connect²⁷. In fact, the bylaw is silent on this issue.
93. A document that isn't silent on this issue is the ODP. Appendix 22.2 of the ODP is clear that where reticulation is available, which in the case of the request it would be, then all new allotments shall provide a connection to the Council's urban reticulated water supply system via a service main, as per the Local Government Act 1974.
94. Policy 22.1 of the ODP is also clear that subdivision and development should provide for connection to reticulated water, stormwater and sewerage systems where they are available and it is practical to do so.
95. In my experience it would be highly unusual for a residential subdivision, where reticulation is available, to provide independent water supply at the scale proposed.
96. It is common for subdivision provisions in district plans to require residential subdivisions to connect to reticulated services where they are available. This allows Councils to plan and develop three waters infrastructure with certainty and confidence.

²⁷ Paragraph 147, Evidence of Mr Colin Comber 17/06/2019

97. If the request was allowed on the basis of 68 residential lots having independent water supply this would in my opinion set a harmful precedent for other plan changes and subdivision applications in the district as there are no unique circumstances that would distinguish the current case from others in the future.
98. I also note that the expert evidence of Mr Peacock for the submitters considers that, for a request of the size and scale proposed, a preliminary engineering assessment is inadequate and a more rigorous, detailed design-based assessment should be undertaken.
99. In my opinion, the currently proposed provisions for water supply will not be efficient or effective in achieving objectives 22 and 23 and implementing policies 22.1 and 23.1 of the ODP.

Wastewater

100. I accept the conclusions of the section 42a report.

Stormwater

101. Mr Rollins' expert evidence raises questions about the quality of the stormwater runoff that would result from the request, and subsequent residential development and the high sensitivity of the downstream contact recreation area referred to as the Wairau Lagoon (which is a very popular area for children). I consider the applicant should be required to assess this risk, and potential adverse effects in this regard, as part of the request.
102. In a similar vein, the expert evidence of Mr Peacock for himself and the submitters, raises concerns about the preliminary nature of the applicant's investigations into stormwater management and recommends that a more rigorous, detailed design-based assessment should be undertaken. I agree with Mr Peacock that for a proposal of the size and scale proposed a more detailed assessment should be undertaken as part of the request.
103. In my opinion there is not enough information to determine the efficiency and effectiveness of the proposed provisions in achieving objectives 22 and 23 and implementing policies 22.1 and 23.1 of the ODP.

Staging

104. I agree that staging is an effective and efficient way to develop large subdivisions. However, a key consideration for a staged subdivision is, in the case that for some reason future stages do not proceed, that each stage can 'stand on its own two feet' and is not reliant on other stages for aspects such as mitigation of effects. This is particularly important for the request which has many stages and will be developed over a long-term period.

105. The memorandum of Emma McRae on behalf of NPDC picks up on this matter and identifies that more information is required on the staging of landscaping to ensure that each stage as constructed is mitigated within itself, and does not rely on a subsequent stage of development to achieve mitigation²⁸. I note Ms McRae has requested a Landscape Structure Plan be prepared by the applicant which I agree with.
106. Given the scale of the request, the staged approach and the time that will be taken to fully develop the structure plan area I have concerns that landscape mitigation measures will be correspondingly slow. If the mitigation is not put in place upfront there will potentially be 20-40 years²⁹ of construction effects on the edge of an outstanding landscape (Kaitake). The length of time for landscape mitigation measures to start to have effect can be evidenced in The Paddocks subdivision.
107. In my opinion further information is required in relation to staging and landscaping to determine the efficiency and effectiveness of the proposed revisions in achieving objectives 1, 4, 5, 15 and 23 and implementing policies 1.1, 1.2, 4.3,4.5, 4.6, 5.3, 15.1 and 23.1 of the ODP.

Traffic and Access

108. I note that NPDC's traffic advisor has raised a number of concerns through the peer review process resulting in a conclusion that the adverse traffic and transportation effects of the request will be more significant than presented by the applicant³⁰. The expert evidence of Mr Gladstone for himself and the submitters also raises numerous design safety concerns with the proposed traffic arrangements.
109. The section 42a report concludes that splitting access from the proposed development between SH45 and Wairau Road is an appropriate response to the issues raised in submissions and technical advice and would create a more resilient transport network.
110. I agree that having a road access to Wairau Road and a new road access onto SH45 would produce a more connected and resilient urban area. However, for such an important matter as traffic, and given the concern of the community on this issue and the design concerns raised by the traffic experts, I consider further design work should be undertaken by the applicant to determine the efficiency and effectiveness of the proposed provisions in achieving objectives 20 and 23 and implementing policies 20.1 and 20.3.

Landscape and Visual Impact

²⁸ Appendix 7 (2B) section 42a report, comment on Bluemarble 'Response to Peer Review'.
Emma McRae. 30/05/2019.

²⁹ Page 4 of Plan Change Request 15/03/2018

³⁰ Paragraph 13.53, NPDC section 42a report

111. I note the community concern about the loss of rural landscape and rural outlook on the southern entrance to Oākura and the impacts on the Outstanding Landscape of the Kaitake Ranges that would arise should the request be approved.
112. Ms McRae's technical reviews and Mr Kensington's expert evidence for the submitters raise concerns about the lack of landscape and visual assessment provided in the request, and the quality of the information that has been provided by Mr Bain.
113. As well as raising concerns about the proposed structure plan, Mr Kensington also raises landscape and visual concerns about the underpass, the bund and the Wairau Rd/SH45 roundabout concluding that the request would result in significant adverse landscape and visual effects³¹. The section 42a report also concludes that the adverse landscape and visual impacts would be significant.
114. I consider that based on the expert opinions of Ms McRae and Mr Kensington the proposed provisions would not be efficient or effective in achieving objectives 4, 5, 6, 15 and 23 and implementing policies 4.3, 4.4, 4.5, 4.6, 4.8, 5.3, 6.1, 6.2, 6.3, 15.1 and 23.1 of the ODP.

Noise

115. I generally accept the evaluation and conclusions in the section 42a report relating to noise.
116. However, I note that the bund is required to have return sections to mitigate against what Mr Ellerton refers to as 'noise leakage' in the document Wairau Estate Acoustic Environment³².
117. The northern return section of the bund is located within the Wairau Stream tributary esplanade strip which is also a Key Native Ecosystem³³ (see **Figure 2** below). The bund appears to traverse the walking track within the esplanade strip. The proposal for a bund within the esplanade strip would appear contrary to the conditions of the esplanade strip instrument and the objectives of the Key Native Ecosystem.
118. Given the layout of the proposed structure plan, the location of the proposed enhancement planting and the location of the Key Native Ecosystem and esplanade strip, in my opinion further information is required to determine the efficiency and effectiveness of the proposed provisions in achieving

³¹ Paragraph 4.2, Evidence of Mr Peter Kensington 25/06/2019

³² Paragraph 4 Appendix 10 of Plan Change Request 15/03/2018

³³ Key Native Ecosystems are described as 'jewels in our biodiversity crown' that have significant indigenous biodiversity values for the Taranaki region – Taranaki Regional Council website 22/06/2019 www.trc.govt.nz/environment/farmhub/biosecurity-biodiversity/biodiversity-in-taranaki/key-native-ecosystems/

objectives 1, 2, 5, 6, 23 and implementing policies 1.1, 1.2, 1.3, 2.3, 5.1, 5.3, 6.3, and 23.1 of the ODP.

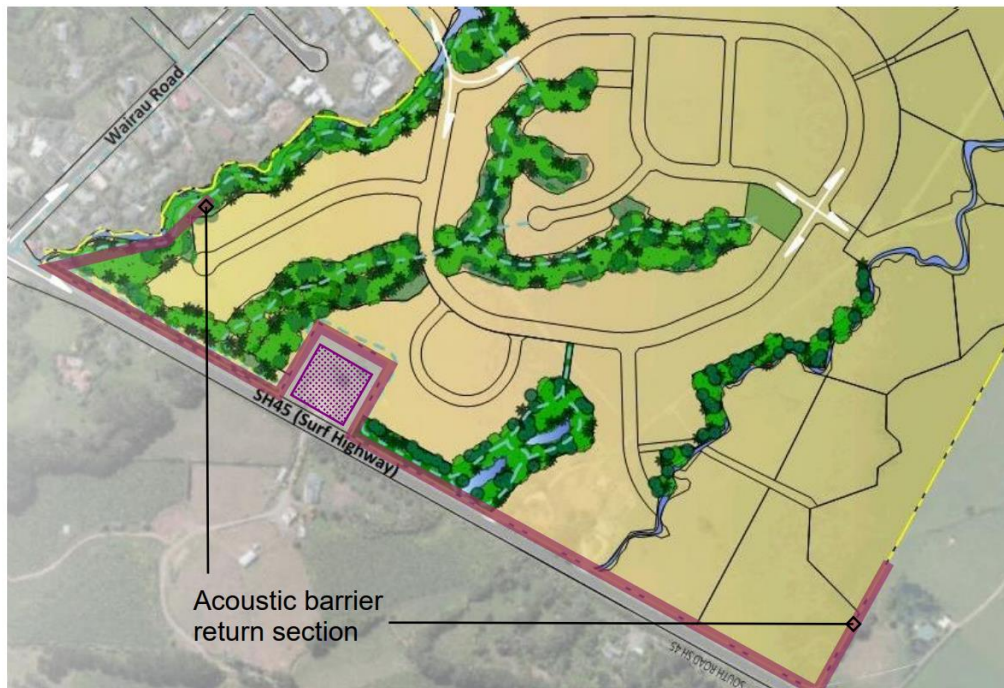


Figure 2: Proposed Acoustic Barrier (Source: Wairau Estate Acoustic Environment)

Open Space and Reserves

119. I accept and agree with the conclusions of the section 42a report.

Oākura School Capacity and Community Infrastructure

120. I note the disagreement between the Ministry of Education ('MOE') and the Oākura School Board of Trustees and Principal ('OSBTP') on the level of effect the request would have on Oākura School and the Oākura Playcentre's ability to absorb the additional demand created, and the wider concern of the community on this issue. However, others are better qualified to evaluate this issue.

Ecological Effects

121. The Oākura community is actively involved in activities to maintain and enhance their environment, a current example being Restore Kaitake. Restore Kaitake is a joint initiative between local residents and groups, who are teaming up with Towards Predator-Free Taranaki, led by Taranaki Regional Council ('TRC'), and Taranaki Mounga Project ('TMP')³⁴. The community is actively working with TRC and TMP to return kākā, yellow-

³⁴ www.trc.govt.nz/environment/working-together/pf-taranaki2050/restore-kaitake/ 22/06/2019

crowned kakariki, kiwi and other significant New Zealand species to Kaitake. Kaitake currently has the most intense predator control programme it has ever experienced. The likely outcome is that the natural values of Kaitake will become even more significant in the future as predators are removed and endangered native species reintroduced.

122. Urbanisation of a large area on the foothills of Kaitake has the potential to adversely affect the above initiatives primarily through the introduction of cats, dogs and creating habitat for rats. The Norway rat and ship rat, the two most common species in New Zealand, like to live near humans and can be found in houses, waterways and at tips³⁵. It is well known that kiwi and dogs don't mix well, and kiwi will be living in greater populations on Kaitake in the future.
123. The ecological assessment is limited to an assessment of the Wairau Stream and its tributaries. The assessment does not turn its mind to the likely future environment of Kaitake, the impacts the widescale urbanisation of the immediate landscape may have on the objectives of Restore Kaitake and Project Mounga. I consider further ecological assessment work should be undertaken by the applicant to determine the efficiency and effectiveness of the proposed provisions in achieving objective 16 and implementing policy 16.2 of the ODP.

Historic Heritage

124. I agree with the conclusions of the section 42a report.

Social Impacts

125. I agree with the section 42a report that there will be both positive and negative social impacts arising from the request. If the request was to be approved, I agree that the scale and significance of those effects will be dependent on the scale and nature of the rezoning.
126. As the voice for the community, and given how connected the KCB are with their community, I consider considerable weight should be given to the views of the KCB submission on the social impacts of the request.

Impact on Cultural Values

127. Many of the concerns raised in the submissions of tangata whenua align with the wider concerns of the community. I would describe the position within Taiao Taiora that Taranaki Iwi will not support any residential subdivision and development within 5km of the National Park boundaries as aspirational but founded in the deep significance that Taranaki Mounga has to Taranaki Iwi. Taiao Taiora states that:

³⁵ <https://predatorfreenz.org/resources/introduced-predator-facts/rat-facts/> 23/06/2019

'Taranaki Mounga is the much-revered peak at the heart of the Taranaki Rohe. His rich korowai of native vegetation spreads in all directions from his steep volcanic cone and across the adjacent ranges of Pouākai and Kaitake to the north west³⁶.'

128. The message in Taiao Taiora is that the proximity of residential subdivision and development to the Mounga is of concern to Taranaki Iwi. In this case the concern relates to the widescale rezoning, subdivision and development of the site on the foothills of Kaitake which is echoed in the submissions of the community and in the expert landscape evidence and technical review.
129. Based on the opposition to the request from Taranaki Iwi, and their genuine concerns for impacts on Taranaki Mounga, it is difficult to draw a conclusion on the efficiency and effectiveness of the proposed provisions in achieving objective 19 and implementing policies 19.2, 19.3 and 19.4 of the ODP.

Urban Design

130. From a subdivision design perspective, accessing all lots through one intersection onto Wairau Road is undesirable and results in a poorly connected urban area given most people will access the structure plan area in vehicles. Mr Kensington's evidence describes the urban area that would be created by the proposed structure plan as a *'clearly separated, inward focussed, isolated and disconnected area of residential land³⁷*. I agree.
131. Additionally, the five proposed cul-de-sacs within the structure plan with right of ways at the end of the cul-de-sac heads in my opinion will result in poorly connected residential areas likely to have poor legibility and resilience. Legibility and connectivity are widely recognised as key urban design objectives for residential areas. These issues could be considerably improved through the addition of an access from the structure plan area directly onto SH45. This would logically include the extension of the village speed signage westwards along SH45 as suggested by Mr Kensington³⁸. I also agree that if in fact it is considered appropriate to develop the triangle, and I hold that it is not, a more coordinated approach between the West FUD and the South FUD/the triangle would be beneficial e.g. a new crossroads intersection with SH45 serving both FUD areas.
132. I have the same shared understanding as the author of the section 42a report that NPDC are considering higher density residential areas in the Oākura village centre as part of their District Plan review process. This makes logical sense, represents good planning practice and aligns with the current centres-based approach of the ODP which has residential activity concentrated around existing urban infrastructure, with lower density on the

³⁶ Section 11.8 Taiao, Taiora An Iwi Environmental Management Plan for the Taranaki Iwi Rohe

³⁷ Paragraph 8.4, Evidence of Mr Peter Kensington, 25/06/2019

³⁸ Paragraph 8.9, Evidence of Mr Petr Kensington, 25/06/2019

urban periphery in order to maximise use and a accessibility of village and community amenities. Proposing high density residential areas (i.e. 250m-300m² lot sizes) in what would be akin to an outlying suburb, as proposed by the request, is another poor urban design outcome in my opinion.

133. Additionally, the proposal to sever the existing esplanade strip and Key Native Ecosystem with a collector road undermines the conservation objectives of this area, and again results in a poor urban design outcome. This would also be contrary to the purpose of the esplanade strip instrument, which is to provide pedestrian access and riparian protection over and along the strip, and the prohibitions for the strip which include taking or driving any vehicle on the land (see **Annexure G** for copy of Esplanade Strip Instrument).
134. In my opinion, the proposed provisions would not be entirely efficient or effective in achieving objectives 23 and 23.1 of the ODP.

Cumulative Effects

135. In my opinion it is important when considering adverse landscape and visual effects and effects on rural character and amenity of the request to consider cumulative effects. This primarily being the effects of the Paddocks subdivision combined with the effects of the request on the rural land resource.
136. Cumulative effects become more relevant in this case because the request not only proposes to rezone and significantly expand residential development on the rural land resource in question, but it also proposes to remove a significant mitigation measure for the Paddocks subdivision which protected the landscape resource and avoided the potential for cumulative effects from this subdivision i.e. the consent notice over Lot 29.
137. To understand the potential for cumulative effects it is important to first understand the farm and immediate environment prior to the development of the Paddocks. Attached as **Annexure F** of my evidence are four images:
 - 1) 2011-2012 - showing the farm and immediate environment prior to development of the Paddocks subdivision;
 - 2) 2016-2018 - showing commencement of Stage 1 of the Paddocks subdivision;
 - 3) 2018-2019 - showing further development of Stage 1 of the Paddocks subdivision; and
 - 4) showing Stage 1 of the Paddocks subdivision and the proposed structure plan overlaid on Lot 29. NB: This image does not yet include the

development of Stage 2 of the Paddocks subdivision (an additional 5 consented lots at the top of Wairau Road).

138. The images clearly demonstrate that the Paddocks subdivision, and the rezoning and associated subdivision and development that would result from the proposed request, including the undoing of the consent notice on Lot 29, would result in the widescale urbanisation of what was an 82 ha rural landscape. In my opinion there would be significant adverse cumulative effects on rural character and amenity and landscape values should the request be approved.
139. I consider the proposed provisions would not be efficient or effective in achieving objectives 4, 15 and 23 and implementing policies 4.3, 4.4, 4.5, 4.6, 4.8, 15.1 and 23.1 of the ODP.

ASSESSMENT OF THE POLICY FRAMEWORK

140. The following section of my evidence assesses the relevant national, regional, district and local level planning policy documents that must be considered when evaluating the request.

Taiao Taiora Taranaki Iwi Environmental Management Plan 2018

141. Taiao Taiora is a relevant planning document to be take account of under section 74(2A) of the Act. Taiao Taiora does not provide support for residential subdivision and development of the scale proposed, in the proximity proposed, to Taranaki Mounga. Relevant policies are outlined in section 11.16 of the section 42a report.

National Policy Statement on Urban Development Capacity 2016

142. I agree with the relevant objectives identified in the request and in the section 42a report and evaluate them as follows.
143. *OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.*
144. As previously outlined, I consider there are issues around the proposed structure plans lack of connectivity with the existing Oākura village including the integration with the existing transportation network. For these reasons I do not consider the request will result in an effective and efficient urban environment.
145. *OA2: 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.

OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

146. While it is acknowledged that the request will provide future opportunities for development of housing and business land, the HBCDA provides evidence that Oākura has sufficient residential land supply for the next 30 years and there is no requirement to rezone the site for the future needs of Oākura or the district. In my opinion, the existing land supply will provide 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. When considering the above objectives, the supporting policies in the NPS-UDC direct that it is also important to consider the costs and local effects of the request, some of which have been previously outlined as being significant.
147. In conclusion, I consider that the request does not give effect to the NPS-UDC.

Regional Policy Statement for Taranaki

148. I agree with the relevant objectives and policies of the RPS identified in the section 42a report. A full outline of what I consider to be the relevant objectives of the RPS is provided in **Annexure E** of my evidence.
149. As identified in the section 42a report the applicant's analysis of the RPS is limited to an incomplete assessment of section 15 Built Environment; and there are several relevant objectives and policies that have not been addressed³⁹. The section 42a report concludes that the request does not fully give effect to the RPS. Despite the above conclusions the planning evidence of Mr Comber goes no further to addressing these points.
150. In respect of the objectives and policies relating to section 1: Use and development of resources, my earlier assessment, and the submissions, highlight concerns regarding whether the rezoning of this rural land for urban development will enable people and the Oākura community to provide for their social, economic and cultural wellbeing.
151. In respect of the objectives and policies relating to section 6: Fresh Water my earlier assessment highlights the issue of sustainable management and use/allocation of groundwater resources in relation to the demand created by the request exceeding the supply of the Oākura aquifer.

³⁹ Paragraphs 11.7-11.13 section 42 a report

152. In respect of the objectives and policies relating to section 15: Built Environment my earlier assessment highlights a lack of integration with the existing Oākura village, poor urban design and amenity value concerns with the request as proposed.
153. In respect of the objectives and policies relating to Section 1: Use and Development of Resources, Section 9: Indigenous Biodiversity and Section 10: Natural Features and Landscapes, Historic Heritage and Amenity Value, my earlier assessment highlights concerns regarding significant adverse effects on landscape and rural character and amenity values, including significant adverse cumulative effects, and potential effects on biodiversity values.
154. Lastly, Taranaki Iwi oppose the application and request, and therefore whether or not the application and request give effect to the provisions in section 16 Resource Management Issues of Significance to Iwi Authorities is also in question.
155. Based on all of the above, in my opinion the request does not give effect to the RPS.

Draft New Plymouth District Plan 2016

156. As noted in the request and section 42a report, NPDC are currently reviewing the Operative Plan and a Proposed Plan is very close to being notified. Although the Draft District Plan has no statutory weighting, I note that NPDC do not propose to rezone the triangle within the Proposed Plan. I am aware of other FUD overlays that will transition to be rezoned under the Proposed Plan. This supports the Council thinking that rezoning of the land is not necessary within the next 10-year planning period.
157. The Draft Plan represents quite a big shift in NPDC thinking, from an effects-based Plan, to a more prescriptive, certain and strategic approach. The Draft District Plan is also one of the first plans to be prepared in accordance with the National Planning Standards, so it also has a more prescribed and certain format and presentation, including for such provisions as zoning.
158. I consider that the timing of the request raises a question of efficiency given the provisions have been drafted to fit into the ODP which is at the end of its shelf life. If the request is approved, then all of the proposed provisions will need to be reformatted into the format and style of the Proposed Plan at a later date.

Strategies under Other Acts

159. I agree with the section 42a report that two strategies prepared under the Local Government Act that constitute strategies that regard must be had to when evaluating the request are:
- Oākura – A Growing Community 2014/16; and
 - The Kaitake Community Plan: A Thirty Year Vision 2017.
160. As previously outlined in my evidence, the community vision is that Oākura needs managed, staged and targeted growth; and that this does not include the village growing to the size indicated by the FUD overlays in the short to medium term, or the foreseeable future. In the Kaitake Community Plan, the KCB stresses that rapid and widespread expansion would negatively affect the special character of Oākura and adversely impact on matters such as education services, traffic and environmental assets. These are the very issues that the submissions and the expert evidence for the submitters raise as concerns in relation to the request.

SECTION 32 RMA EVALUATION

161. The request has no stated objectives, so the applicant has adopted the purpose of the request as the objective, which is essentially the rezoning of the entire site for urban development. The proposed provisions of the request support the outcome sought in the purpose of the request and relate to proposed rezoning, a structure plan and associated policies, methods, rules etc. Previous sections of my evidence have examined the proposed rezoning and structure plan provisions as to whether they are the most appropriate method for achieving the objectives of the ODP; and ultimately the purpose of the Act.
162. The following analysis examines the three options presented in the request and the benefits and costs, and risks (of acting or not acting) on the community, the economy and the environment of the provisions proposed.

Option 1 -Status Quo

163. This option would involve not making any changes to the ODP i.e. the site remains in the rural environment area. This option would have the benefit of maintaining a relatively small working dairy farm and a productive rural land use, acknowledging the economic challenges outlined in the request that this land use may have in the longer term (noting that this is in contradiction to Mr McKie's 2010 Paddocks evidence).
164. The status quo option would continue to maintain and enhance landscape and rural character and amenity values in accordance with the consent notice and protect the foothills of Kaitake from the urbanization proposed under other options. The status quo option would maintain the integrity of

the Paddocks subdivision and avoid adverse effects on the Paddocks residents (and the environment generally) that are likely to result from the other options being implemented. This option would also avoid the environmental effects identified for Option 3 including impacts on cultural values.

165. The request identifies a risk with Option 1 being further subdivision and fragmentation of the site that will diminish the opportunity to develop efficiently for urban expansion in the future. However, under this option the site would remain in the rural environment area so could not be further subdivided due to the consent notice which protects against further subdivision and fragmentation of the site. The risk identified would not exist. Additionally, given the identified surplus of land supply for future residential development, Option 1 does not pose a risk of resulting in a housing supply shortage.
166. A cost would be the opportunity lost in adding to the supply of land for urban expansion of Oākura and economic growth and employment created. However, given there is already a surplus of future land supply for urban expansion this cost is not considered to be significant given there are other areas of land available that could equally provide these benefits.

Option 2 – FUD Area Only

167. To some extent I agree with the evaluation of Option 2 provided in the request that the rezoning and development of the FUD area only would have some inefficiencies. It would also suffer from the same integration issues with the existing Oākura village as Option 3. However, if the applicant could secure approval for a new road access from SH45, as they are currently seeking, it would avoid some of the roading and traffic inefficiencies outlined in the request. Importantly, the number of residential lots that would result (120 estimated) would align with the aquifer supply available. The FUD area has an awkward shape but with some amendments to the boundaries of this area this matter could be resolved. The fact the site is in one ownership means it has the potential to be developed in a coordinated manner.
168. This option would have the benefit of maintaining a significant area of rural zoned land and rural activities which would still receive protection from the consent notice from further subdivision and development, in turn maintaining and enhancing landscape and rural character and amenity values, although not to the same extent as the status quo option. Due to the reduced extent of the urban development that would result, compared with Option 3, many of the adverse environmental, cultural and social effects identified would be lessened. There would be supply of land for urban development and economic growth and employment created by this option, but these benefits could equally be provided by development of other available land. This option would better represent the managed growth sought by the community.

169. The request identifies a risk being the pressure put on further subdivision and development of the balance area, but again this area would continue to be protected by the consent notice.

Option 3 – All Farm Area

170. The all farm area option has the benefit of producing a significant supply of residential land for Oākura's future housing demand and making efficient use of the existing wastewater system for Oākura. The fact the site is in one ownership means it has the potential to be developed in a coordinated manner. However, these benefits have to be viewed in light of the high level of existing residential land supply for the next 30-year period i.e. Option 3 is not responding to an identified shortage in residential land supply. This option would provide the most economic growth and employment benefits, but as previously outlined, equal benefits could be provided by development of other available land. This option has the potential to result in the greatest social costs to the community.
171. This option is not supported by the Oākura community and as outlined in my earlier evidence, will result in significant adverse environmental, social and cultural effects.

Conclusion on Section 32 Evaluation

172. In conclusion, I consider that given that there is no identified shortage of land supply for urban expansion of Oākura, that other identified areas could be developed to provide equal benefits, that there is no risk with the Option 1: Status Quo option; and, given the adverse environmental, social, and cultural effects that would result from Options 2 and 3, that Option 1: Status Quo would best achieve the purpose of the Act to promote the sustainable management of natural and physical resources.
173. Based on my conclusions that neither the application, nor the purpose of the request, will achieve the purpose of the Act, I have not gone into any further detail on whether the proposed provisions are the most effective and efficient methods to achieve the existing objectives in the ODP.

PLANNING CONCLUSION

The Section 42a Report

174. I disagree with the recommendations of the section 42a report to approve in part the request and that the consent notice should be amended to reflect the final structure plan. I consider the application and the section 42a report have not adequately assessed the proposal to vary/cancel the consent notice. The recommendation for the request appears to be an infrastructure led decision with the approval for 167 lots based largely on an assessment of available water supply despite there being significant concerns raised in

the section 42a report about traffic, landscape and visual amenity issues inter alia. In my opinion there is also insufficient information to make an informed judgment on the request.

Conclusion on Application

175. In my opinion, here has been no change in circumstances that warrants variation/cancellation of the consent notice. The application to vary the consent notice would severely undermine the integrity of the Paddocks subdivision and in turn result in significant adverse effects on landscape and rural character and amenity values, including cumulative effects, which would be contrary to the objectives and policies of the ODP and RPS and would not achieve the purpose of the Act.

176. It is my opinion that:

The application by Oākura Farm Park Limited to vary or cancel Condition 4 of Consent Notice Instrument No.9696907.4 on Lot 29 DP 497629 should be refused.

Conclusion on Request

177. Similarly, the request would result in significant adverse effects, would not give effect to the NPS-UDC and the RPS and would be inconsistent with Taiao Taiora, Oākura – A Growing Community and the Kaitake Community Plan: A Thirty Year Vision. A section 32 evaluation concludes that the purpose of the Act is best met by retaining the status quo. An analysis of the efficiency and effectiveness of the proposed policy and zoning changes concludes that they are not the most appropriate method for achieving the objectives of the ODP.

178. It is my opinion that:

The request by Oākura Farm Park Ltd to rezone land at Wairau Road, Oākura, under Proposed Private Plan Change 48 to the New Plymouth District Plan, be declined.

ANNEXURE A –Consent Notice Instrument No. 9696907.4



View Instrument Details

Instrument No. 9696907.4
Status Registered
Date & Time Lodged 09 Jun 2014 14:36
Lodged By Haw, Colleen Margaret
Instrument Type Consent Notice under s221(4)(a) Resource Management Act 1991



Affected Computer Registers	Land District
634306	Taranaki
639200	Taranaki
639201	Taranaki
639202	Taranaki
639203	Taranaki
639204	Taranaki
639205	Taranaki
639206	Taranaki
639207	Taranaki
639208	Taranaki
639209	Taranaki
639210	Taranaki

Annexure Schedule: Contains 2 Pages.

Signature

Signed by Paul Follett Carrington as Territorial Authority Representative on 19/06/2014 02:33 PM

*** End of Report ***

**CONSENT NOTICE PURSUANT TO SECTION 221
OF THE RESOURCE MANAGEMENT ACT 1991**

IN THE MATTER of Lots 3 and 4 DP
336578, Lot 2 DP 400540, Part Sections
13 and 14 Oakura District and Part
Section 30 Oakura District

AND

IN THE MATTER of Subdivision
Consent pursuant to Sections 105, 108,
220 and 221 of the Resource
Management Act 1991

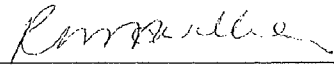
Pursuant to Section 221 of the Resource Management Act 1991 the New Plymouth District Council by resolution passed under delegated authority on 8 July 2013 imposed the following condition on the consent for subdivision of Lots 3 and 4 DP 336578, Lot 2 DP 400540, Part Sections 13 and 14 Oakura District and Part Section 30 Oakura District being LT470117

1. *'Lots 6-15 and Lot 23 shall contain 10% site coverage of native tree plantings.'*
2. *'All reasonable steps shall be taken to ensure the established vegetation on Lots 6-15 and Lots 23 and 29 shall be maintained, preserved and protected in a good and healthy condition. In the event of loss or destruction of vegetation for any reason, replacement plants shall be planted in accordance with the approved planting plan to the satisfaction of the Council.'*
3. *'No cats or mustelids shall be kept on Lots 6-15 and Lot 23.'*
4. *'Lot 29 shall not be further subdivided while the land remains in the Rural Environment Area.'*
5. *'The number of habitable buildings on Lots 6-15 and Lot 23 shall be limited to one (1) per lot.'*
6. *'The maximum height of a habitable building on Lots 6-15 and Lot 23 shall be limited to single storey i.e. 4.9m from existing ground level.'*
7. *'The fencing materials of boundary fences on Lots 6-15 and Lot 23 shall be limited to materials and design that is rural in character, have reflectivity values less than 35% and be finished in naturally recessive colours.'*

8. *'No solid fences or concrete structures/ pillars shall be used as boundary fencing on Lots 6-15 and Lot 23.'*
9. *'The exterior surfaces, including roof and walls, of any building constructed on Lots 6-15 and Lot 23 shall be recessive (shades rather than tints) colours with reflectivity values between 0 and 35%. Building materials used shall be compatible with the rural environment.'*
10. *'Any building constructed on Lots 6-15 and Lot 23 shall be setback a minimum 20 metres from any new road boundary and 10metres from side boundaries.'*
11. *'Driveways serving Lots 6-15 and Lot 23 shall be tar sealed, metalled or black concrete with 4% oxide.'*
12. *'Lots 6-15 and Lot 23 shall not be further subdivided.'*

DATED at New Plymouth this 26th day of May 2014

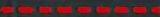







Signed by the said)
ROWAN MARGARET ANNE WILLIAMS)
Principal Administrative Officer)
of the New Plymouth District Council)



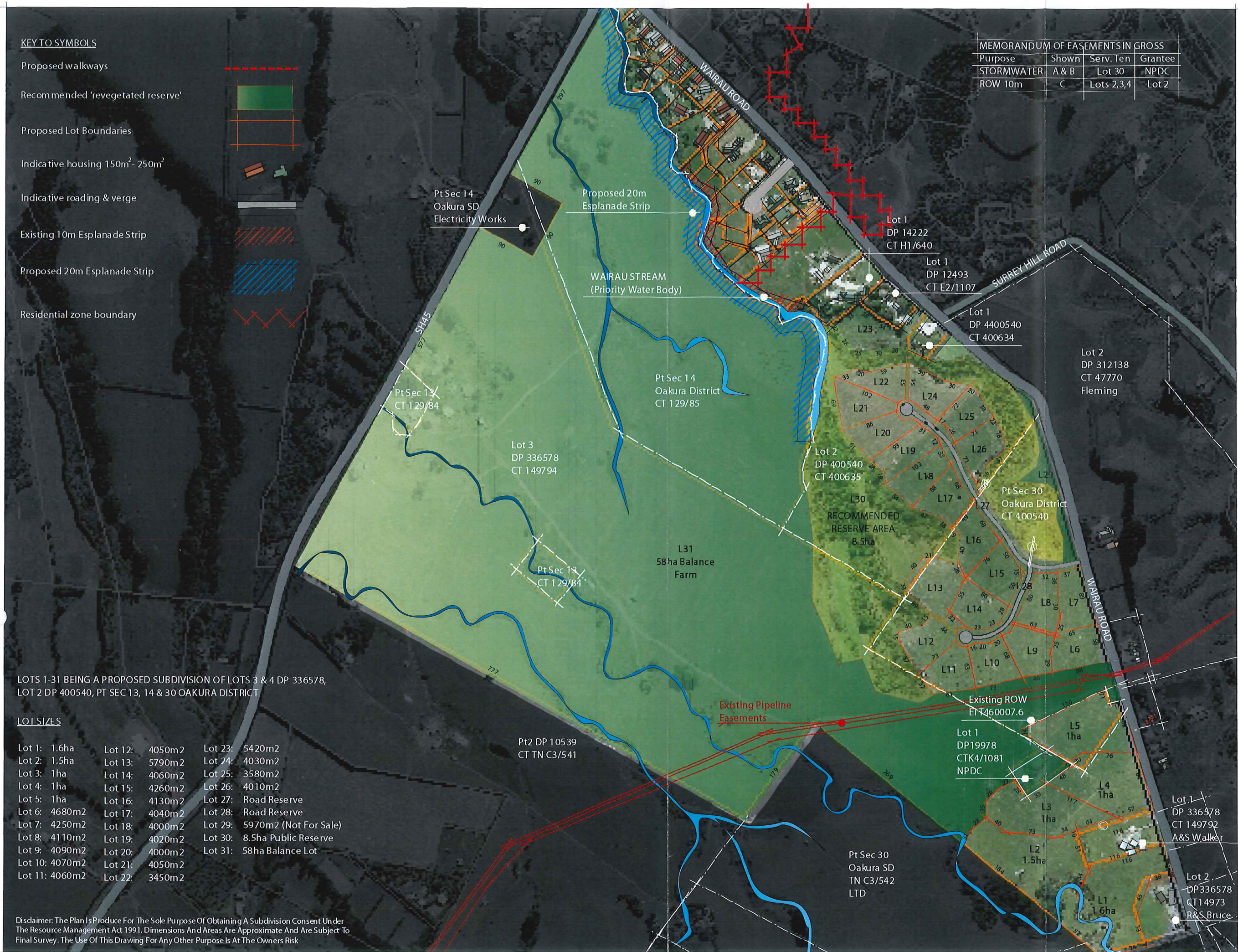
Document Number: 1551201
Property ID: 5781
Resource Consent: SUB10/45196.04

ANNEXURE B –The Paddocks - Approved Scheme Plan

KEY TO SYMBOLS

- Proposed walkways 
- Recommended 'revegetated reserve' 
- Proposed Lot Boundaries 
- Indicative housing 150m² - 250m² 
- Indicative roading & verge 
- Existing 10m Esplanade Strip 
- Proposed 20m Esplanade Strip 
- Residential zone boundary 

MEMORANDUM OF EASEMENTS IN GROSS			
Purpose	Shown	Serv. Ten	Grantee
STORMWATER	A & B	Lot 30	NPDC
ROW 10m	C	Lots 2,3,4	Lot 2



LOTS 1-31 BEING A PROPOSED SUBDIVISION OF LOTS 3 & 4 DP 336578, LOT 2 DP 400540, PT SEC 13, 14 & 30 OAKURA DISTRICT

LOT SIZES

Lot 1: 1.6ha	Lot 12: 4050m ²	Lot 23: 5420m ²
Lot 2: 1.5ha	Lot 13: 5790m ²	Lot 24: 4030m ²
Lot 3: 1ha	Lot 14: 4060m ²	Lot 25: 3580m ²
Lot 4: 1ha	Lot 15: 4260m ²	Lot 26: 4010m ²
Lot 5: 1ha	Lot 16: 4130m ²	Lot 27: Road Reserve
Lot 6: 4680m ²	Lot 17: 4040m ²	Lot 28: Road Reserve
Lot 7: 4250m ²	Lot 18: 4000m ²	Lot 29: 5970m ² (Not For Sale)
Lot 8: 4110m ²	Lot 19: 4020m ²	Lot 30: 8.5ha Public Reserve
Lot 9: 4090m ²	Lot 20: 4000m ²	Lot 31: 58ha Balance Lot
Lot 10: 4070m ²	Lot 21: 4050m ²	
Lot 11: 4060m ²	Lot 22: 3450m ²	

Disclaimer: The Plan Is Produce For The Sole Purpose Of Obtaining A Subdivision Consent Under The Resource Management Act 1991. Dimensions And Areas Are Approximate And Are Subject To Final Survey. The Use Of This Drawing For Any Other Purpose Is At The Owners Risk

Date: 18.03.10
 Scale: 1:5000 @ A3
 Issue: Resource Consent
 Job No: 2552
 Drawn By: RBLA/E Griffith






SCHEME PLAN

**MCKIE SUBDIVISION
 WAIRAU ROAD, OAKURA**



rbla
 Richard Bain Landscape Architects
 06 757 8903 32 Egmont St New Plymouth

KEY TO SYMBOLS

- Proposed Lot Boundaries 
- QEII Bush Covenant & Esplanade Strip 
- Mitigation Planting + Bund area in front of Water Reservoirs 
- Pedestrian Access to Wairau Road from Subdivision 
- Approximate extent of archeological area 

LOT SIZES

LOTS 1-29 BEING A PROPOSED SUBDIVISION OF LOTS 3 & 4 DP 336578, LOT 2 DP 400540, PT SEC 13, 14 & 30 OAKURA DISTRICT

- Lot 1: 1.6ha
- Lot 2: 1.5ha
- Lot 3: 1ha
- Lot 4: 1ha
- Lot 5: 1.1ha
- Lot 6: 4514m²
- Lot 7: 4036m²
- Lot 8: 4025m²
- Lot 9: 4007m²
- Lot 10: 4038m²
- Lot 11: 4038m²
- Lot 12: 4414m²
- Lot 13: 5371m²
- Lot 14: 4361m²
- Lot 15: 4145m²
- Lot 16: 4322m²
- Lot 17: 4043m²
- Lot 18: 4002m²
- Lot 19: 4022m²
- Lot 20: 4041m²
- Lot 21: 4102m²
- Lot 22: 3034m²
- Lot 23: 5197m²
- Lot 24: 4030m²
- Lot 25: 3586m²
- Lot 26: 4011m²
- Lot 27: Road Reserve
- Lot 28: Road Reserve
- Lot 29: 66.5ha Protected Farm Area
- Lot 30: 124m² to be vested in NPDC

Disclaimer: The Plan Is Produce For The Sole Purpose Of Obtaining A Subdivision Consent Under The Resource Management Act 1991. Dimensions And Areas Are Approximate And Are Subject To Final Survey. The Use Of This Drawing For Any Other Purpose Is At The Owners Risk



Date: 02.12.10
 Scale: 1:5000 @ A3
 Issue: Resource Consent
 Job No: 2552
 Drawn By: RBLA/E Griffith



**MCKIE SUBDIVISION
 WAIRAU ROAD, OAKURA
 SCHEME PLAN**

landscapearchitects
 32 Egmont Street
 New Plymouth
 06 7578903
 rbain@xtra.co.nz



**ANNEXURE C –The Paddocks Subdivision Hearing – Evidence of Mr
Michael McKie**

BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL
INDEPENDENT HEARING COMMISSIONER

IN THE MATTER

of the Resource
Management Act
1991

AND

IN THE MATTER

of the resource
consent application
to subdivide land at
Wairau Road,
Oakura, New
Plymouth

BRIEF OF EVIDENCE OF MICHAEL McKIE

DATED 16 December 2010

REEVES MIDDLETON YOUNG
LAWYERS
SWA Grieve
Telephone No. 06 769 8080
Fax No. 06 757 9852
Private Bag 2031
DX NX10021
NEW PLYMOUTH

Introduction

1. My name is Michael Mckie, with my wife and business partner Ingrid and family, our company is the applicant for the proposed subdivision. Ingrid and I have 35 years farming experience and our four adult children are all closely associated with our farming business. We are all born and bred in Taranaki and have lived here all our lives. I have been a real estate agent for 26 years and an associate of the Real Estate Institute of NZ for 19 years. I present this evidence on behalf of myself and family in support of our company's application.

2. As a point of clarification, although our business name is Oakura Farm Park Limited, the proposed subdivision is not a farm park style development.

Overview of the Vision for Proposed Development

3. As the applicants for this proposal we wish to share our overall vision for this unique and exciting development. We are extremely proud to be associated with this property and we will do our utmost to protect and enhance the land usage in a respectful way.

4. Our farming business as a whole (we have farms in Pihama, Opunake and Oaonui (South Taranaki), and Oakura) is in the top 2% of the largest suppliers in New Zealand to Fonterra.

5. The land area owned under our management on Wairau Road is approximately 83 ha. We are proposing to sub-divide 17.5ha of this land into two clusters of rural/residential allotments. Our

aim is to maintain 66.5 ha as a dairy farm and protected bush (including Pa site), wetlands and esplanade strip.

6. The water bodies and their margins within the farm will be (and some already have been) enhanced in accordance with the Dairying and Clean Streams Accord May 2003 (the Accord) and environmental policies. A copy of the Accord is attached as **Annexure 1**. The Accord is a collaborative effort between Fonterra, Regional Councils and the Ministries for the Environment and Agriculture and Forestry. It records (as at 2003) that dairying is an important land use and industry in New Zealand comprising 11% of the total land use in agriculture; producing 20% of New Zealand's total export income, involving 3.9 million dairy cows. Updated information from Fonterra dated 8 December 2010 attached as **Annexure 2** shows dairy now provides 26% of New Zealand's exports, and the significance of Fonterra payouts to all New Zealanders in terms of injecting money into the economy etc, not to mention the employment opportunities that the dairy industry provides (3,900 directly in Taranaki). As dairy farmers we are governed by the Accord. While the Accord is not legally binding, being shareholders of Fonterra, in practice, if we do not abide by the Accord we can be penalised by Fonterra on our milk price; and, worst case scenario, supply to Fonterra can be stopped.
7. Environmental protection is an important part of our farming operations and one that we are very passionate about. Our customers (milk supply etc) are world wide and demand best environmental practice (which we believe we deliver).

8. Over the last couple of years, we have already been regenerating and restoring areas on our Wairau Road, Oakura property. We attach as **Annexure 3** photographs of this work already undertaken. Some of this work was undertaken in conjunction with the Taranaki Regional Council (TRC).

9. We have already received support from the TRC riparian planting scheme and planted a 300 metre stretch of the Wairau Stream as a public display area. TRC wanted to use this part of our property as a "public display area" example because of its high profile on State Highway 45 (SH45); and, because it is a good example of riparian planting and best environmental practice. The photographs in Annexure 2 show this area and the other restoration of waterways projects we have already completed this year on the land proposed to be the balance block. We also constructed a small lake on that land and planted the lake margins with 3,000 native plants (as shown in Annexure 2). We constructed the lake for aesthetic values and wildlife habitat. The 3,000 native plants that were used to plant the lake margins were all paid for ourselves (we received no support from TRC towards that initiative). Purchasing, planting, spraying and fencing costs in respect of these matters to date amount to \$17,000.00.

10. As an integral part of the subdivision a native forest remnant incorporating a Pa site and extensive wetland areas within the proposed farm block will be protected through a QEII covenant (or private covenant). Covenants will also be registered on each lot title – requiring 10% site coverage of native tree plantings on each lot within the subdivision. I believe that these measures will assist to restore and enhance the land and revegetate the foothills of the Kaitake's – restoring them to the

state that they were in before being historically cleared for farming.

11. 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.
12. The soil quality is a New Plymouth black/brown free-draining volcanic loam, which is excellent for pasture growth, and is balanced with an excellent climate and north facing aspect. The soil on most of our Oakura farm is Class 3 which is suitable for pastoral grazing. It has moderate physical limitations to arable use which along with a 'wetness' classification does not make it ideal for horticulture. For those reasons, and from my experience, the best productive use of the farmland is for dairy farming – especially given the returns currently realised from that use. Within the farm the gully areas are, however, classed 5c1 soil which means they are less productive (an issue I will discuss further later in my evidence). I attach a relevant soil class map supplied to me on 2 December 2010 by Ballance Agri-Nutrients as **Annexure 4**.
13. 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. In terms of its productivity, Fonterra has stated that 55% of their supply base produces 100,000 kg milk solids (kgMS) or less per annum, and that smaller farms are increasingly important to them. I attach copies of emails from Fonterra's lower North Island Service Specialist dated 2 November 2010 and 16 November 2010 verifying that as **Annexure 5**.

14. Our Oakura farm currently produces 72,000 kgMS per annum. We estimate that the reduction in farm size resulting from the subdivision would still allow us to produce 65,000 kgMS per annum. The Kaitake Community Board and Fleming submissions argue that the dairy unit retained as the balance block of the subdivision would be uneconomic. In our view, and according to Fonterra's above mentioned statistics, the farm will remain a productive dairy unit.

15. In addition to our farming businesses we also have a passion for protecting and enhancing the natural surroundings. We have referred above to the work already undertaken on our Oakura farm. A further example is our 72 hectare dairy farm at Opunake. There, we have protected a 2 hectare Pa site with permanent fencing to eliminate stock access. 20,000 native plants are now established along all streams and wetland areas within the farm. A lake has been formed (for aesthetics and wildlife habitat) and all sand dune areas stabilised. That project was implemented and funded at our expense and completed in a four month timeframe. We completed the project out of passion for making the landscape more beautiful and for no other reason than the sheer enjoyment of the result. There has been no direct financial gain for us (although the streams and wetland protection has assisted with compliance with the Accord). We have had a huge amount of positive feedback from the public about our achievements at Opunake, that it just looks fantastic to see native plants and wildlife etc. I attach photographs of our achievements at our Opunake property as **Annexure 6**. Our other three farms are also all well presented and we have undertaken similar works on all of them. We are very proud of our achievements on all our properties to date, and we have a very good reputation as a

result (which we are also proud of); (and I will now present a short slide show of our Opunake farm and our other farms).

16. Through our conservation work on our other farms and our work on this subdivision to date, we have built very good relationships with IWI, the QEII Trust, TRC, Fish and Game, Taranaki Tree Trust and the Opunake and Oakura communities in general.
17. About two years ago QEII first approached us wanting to discuss the subject area (the remnant bush) on our Oakura farm. QEII had previously approved a covenant over that area with the previous landowners (who ultimately chose not to take it on). We left the QEII covenant on the table.
18. During our discussions with TRC over the last 12 months it was suggested that we revisit the QEII covenant option (when the New Plymouth District Council (NPDC) rejected our offer of vesting the area proposed to be covenanted as reserve areas in the NPDC). Through TRC we therefore approached QEII again to gauge their interest.
19. QEII was very excited to again have the opportunity to get a covenant in place. We also forwarded QEII the ecological report of Mr. Cees Bevers (Oecologico June 2010), as referred to in his evidence to follow. We also discussed with QEII our plans to additionally covenant the eastern gully (not previously considered and/or approved by the previous landowner and/or QEII). We have recently forwarded QEII Mr. Bevers' further report (Oecologico November 2010) which goes into more depth on the values of the Eastern gully and its wetlands etc, as will be referred to in his evidence.

20. In our discussions a few months ago QEII and TRC both advised us that, in their officer's views, it was so significant an area that they also wanted to recommend the entire area for Key Native Ecosystems (KNE) status. A KNE application has subsequently been filed with TRC (as will be referred to in the evidence of Mr. Bevers).
21. Both the QEII covenant application and the TRC KNE application results are unknown at this time. We have been advised that it may be sometime early in 2011, when they meet again to make decisions, that we will be advised of the results.
22. Regardless of the outcomes of the QEII and TRC decision making processes we are capable of undertaking projects of this size and nature ourselves within short timeframes. We have already done this as evidenced by our Opunake property referred to above. Also, regardless of the outcomes of the QEII and TRC applications, we can and will permanently protect and safeguard these areas as part of this application (by way of a consent condition/covenant as will be discussed further in the evidence of Mr. Cameron Twigley).
23. Through this subdivision proposal we are proposing a scheme which will help link the National Park to the sea enhancing essential corridors for native species to survive and flourish. These corridors existed 200 years ago and we now have a rare opportunity to protect this link forever. I also note that our farm is the closest access point farm from the National Park to the sea in Taranaki; there is no other farm that comes that close in terms of providing these corridors. The key to the success of this project is our ability, as applicants, to work and

liaise with all parties to ensure we work as a team with a focus on the same desirable outcomes.

24. In our view, the 4 hectare subdivision that we can now implement under Subdivision Consent 10/45241 (4 ha subdivision) will not achieve the same results. The 4 ha subdivision is not our preference for subdivision of the land. In the early stages of our subdivision application (now being considered) we went to great lengths to discuss these matters with NPDC and obtain quality expert advice to see what the best proposal was.

25. The concept of the cluster proposal now being considered in fact came about in our preliminary discussions with the NPDC. It was the preferred option over the 4ha 'carve up'. We haven't deviated from the concept plan developed by Mr. Richard Bain following those meetings with NPDC. Our expert advice was that the cluster style proposal was, for this land, a better solution in terms of sustainable management (which is why we made the application in the first place). Demand for smaller lifestyle blocks is now greater than ever. Generally two couples have to work hard to get ahead; 4ha blocks are rarely economic, resulting in off farm incomes having to be generated. This leaves little time on weekends to manage these larger blocks. NPDC will be aware of the greater need for this 'in between' sector, which is not a 600Sq m section or all the way up to a 4ha lot, due to the statistics recorded in its: Background Paper, Subdivision and Land Use in the Rural Area, Rural Environment Overview ("Rural Environment Overview"). I attach a copy of the relevant pages of that document as **Annexure 7**. The Rural Environment Overview records on page 18 that the average land area of lifestyle

properties has decreased from 2 ha to 1.7 ha; and goes on to state, "*This shows that there is a clear trend towards smaller lot sizes for lifestyle properties in the rural area*". The Rural Environment Overview also records the land use for dairy farming in Taranaki, the significance of the Taranaki dairy herds in New Zealand and the fact that farm numbers and pasture land areas are decreasing (which are further reasons why we want to retain the farm under this subdivision application). As yet there doesn't appear to be any provision in the NPDC plan rules for the type of development we are proposing, which I think is disappointing in such a unique location. However, we will reluctantly implement the 4 ha subdivision if we are not granted consent for the proposed cluster style subdivision application. This is the reality of the situation for us.

26. One of the reasons that I am personally of that view that the 4 ha subdivision will not achieve the same results (as the cluster style proposal) is because under the 4 ha subdivision there will be multiple ownership issues which will not easily allow the same results to be achieved. For example, my understanding is that the Accord will not apply (it does not apply to small "lifestyle" blocks; it applies to dairy farms). I understand (from Mr. Twigley) that a range of potential uses and activities will be able to take place on the majority of the 4 ha subdivision lots. From my experience as a farmer, blocks of land that size could be useful (if not for housing etc) for maize cropping, pine trees or free range pig farming. If the 4 ha subdivision is implemented, the land will not be controlled and managed by one owner (as it would be if it remained in the ownership of, and is farmed by, my family).

27. Overall, if the farm block was protected, farmed and managed by our family as one land unit then it would be controlled for a period of time to allow the establishment of replanting etc. In my experience it takes about 5 years of serious input and management to achieve results such as we have at our Opunake property. Further, the TRC would be working with one person i.e. me, and the land would not become fragmented with different owners. Therefore, in my view, there would be a far better chance of the project being successful in terms of implementing restoration planting programs etc if it was still held by one owner who was prepared to protect the properties unique features and ensure the enhancement occurs. I am aware of a farm that was recently sold where a farmer had, for example, spent ten years planting native plants and restoring the land (but did not legally protect them by covenant or other mechanisms). After the farm was sold the new owner cut all fences and let the stock into the restored areas, which destroyed all that hard work. I intend to work with QEII and TRC to generally restore and rehabilitate all of the waterways on the proposed balance farm block, and I intend to retire all those areas from grazing and ensure that they are permanently protected. The Eastern gully wetlands and bush will not be protected and restored if the 4 hectare consent is implemented and its future management would be uncertain.
28. My real estate experience shows me that Oakura is regarded as a desirable location with higher end purchasers seeking views, seclusion, or both, while retaining closeness to local amenities. Since the (cluster style) resource consent application was submitted I have had numerous approaches from people throughout New Zealand wishing to purchase a section within the subdivision. This is a great opportunity for

people to bring up their children and live in a safe and secure environment with beautiful surroundings and to educate them about the special environment they live in i.e. Pa site, remnant native forest, wetlands and stream all protected by a QEII (or private) covenant and possibly achieving KNE classification from TRC. The recommended roading upgrades, the proposed esplanade strip and pedestrian link will provide the ability for children to walk or bike to school which is an added bonus in our view.

29. NPDC has predicted (in the Oakura Structure Plan 2006) that Oakura growth will be from 1500 (as at 2006) to 4500 population within the next 15 years. Therefore a demand for housing is imminent. Our proposal for a cluster rural/residential subdivision will attract clientele looking for a special lifestyle with commanding rural and sea views in close proximity to the amenities of Oakura (while also protecting farm land and special areas from further subdivision and enhancing them).
30. Twelve kilometers south of New Plymouth, the Oakura township is located 900 metres away from the subdivision boundary. Services available in the Oakura township include cafes, restaurants, supermarket, petrol station, medical services, chemist, church, fire station, travel and real estate offices, library, hairdresser, craft shop and a clothes and surf shop. The Oakura Primary school and kindergarten are as close as 740 metres from the subdivision boundary. About 1 km away is one of Taranaki's most popular swimming/surfing beaches (Oakura Beach), which has an active Surf Club and camping ground facilities. Close by are popular surf breaks down Ahu Ahu Road and Weld Road (about 3 to 5km away).

The Kaitake Golf Course is also about 1 km away, as is the Kaitake Rugby Club and sports grounds.

31. The location we chose on our farm for the subdivision was identified for a number of relevant and vital reasons as follows:

- It is furthest from the existing cowshed (to avoid conflict between residents and the dairy operation).
- It is harder to manage stock due to the steepness of terrain and gullies. Steepness of terrain for cows can stress the animals out going uphill. From the dairy shed to the area of the top cluster there is a rise in elevation of 60metres. This is a fair climb for a herd of cows, along with a 1.3km walk.
- The gullies are death traps for stock if they get in there. Previous owners experienced high stock losses in the gullies due to stock walking into the swamps and getting cast. The stock then cannot get out again. Because of the distance, steep terrain and generally difficult conditions it is virtually impossible to remove stock (with tractor and rope for example) from those areas if trapped. I attach as **Annexure 8** some photos taken on 25 November 2010 showing 2 animals entering the wetland area from the Wairau Road neighbor's property. The next photo attached as **Annexure 9** (taken by Mr. Bevers during his wetland bird survey on 23 October 2010) shows the usual result of this behavior. Not really ideal for a nationally significant unprotected wetland (which protection is not required under the 4 ha consent).
- As noted, the gullies are classed 5c1 soil which means they are less productive.
- The native remnant bush area also creates a natural buffer between the proposed subdivision and balance farm, shielding the one from the other in a natural way.

- The location chosen has better road access and building sites that will allow houses to blend into the environment.
 - The location chosen will maintain uniqueness and protect the views of Kaitake ranges, especially from SH45. I attach photographs of those views as **Annexure 10**. I note that protection of those views will not be achievable if we have to exercise the 4 ha subdivision.
 - The location chosen will protect the open landscape giving rural appearances that will be preserved and maintained forever.
 - The location chosen is a dramatic and beautiful parcel of land which we believe will be a lovely place for people to live (especially after we have undertaken all the protection, restoration and enhancement measures proposed).
32. The economic benefits of the subdivision cannot be overlooked. To do the work proposed will require, for example, planting contractors/crews, maintenance contractors/crews, fencing contractors, surveying, construction and engineering (underground services etc), building, roading upgrades etc. The positive effect of creating employment opportunities and enhancing and developing the social and cultural well-being within the community are all very important aspects of this proposal. The dairy farm will continue to operate and the economic benefits of that cannot be overlooked either. I have noted earlier the importance of dairying to the local, regional and national economy (see the Accord). I have also noted that the farm will sustain our family and future generations of farming families with a livelihood and career opportunities now and in the future.

33. We have met with Iwi on several occasions in the last few months including three onsite meetings. We have been working closely with Iwi on this proposal. They have expressed a desire for input into street naming of the roads within the subdivision, and would like to commission a carving to reflect the cultural identity of the site. We have strongly endorsed their suggestions because we think they are fantastic; and, we will implement them. An issue of significant concern to Iwi was to see permanent protection of the Pa site which is what we propose. I have also participated in operating an excavator on site with Iwi and my consultant Archaeologist (Mr. Ivan Bruce) during recent archaeological testing (that testing is discussed in the evidence of Mr. Bruce). At a meeting with Iwi on Friday 26 November 2010 we came to an agreement with the Iwi about all these matters as will be discussed by Mr. Twigley in his evidence to follow. Iwi also advised us at that meeting that they have concerns about the 4 ha subdivision consent (a copy of which we provided them) which Mr. Twigley will also discuss further.
34. Our aspirations for this unique property are to put robust measures and procedures in place to protect the ecological systems, historic heritage and natural environment. Although we have no intention to sell the land on to another developer (as suggested by the Walker submission) the proposal we have put in place and the likely conditions of consent (should the subdivision be granted) would ensure that the natural resources of the site are sustainably managed for generations to come, regardless of who develops the subdivision or owns the lots. It is our intention to create and enjoy a shared vision that the Oakura community will be proud of. As a family we believe that our application has many outstanding benefits for

the environment and the Oakura community and that our passion and integrity for this proposal will ensure it is a success.

35. Throughout the consent process we have done a significant amount of consultation and liaison with the Oakura community and submitters. On 5th May 2010 we were invited to a community meeting at the Oakura Surf Club to listen to the community views and feelings regarding our proposal. Following the meeting I undertook to personally drop off documents to submitters with relevant reports and further information to help clarify their concerns and issues. We then attended a pre-hearing meeting at the Oakura Community Hall on 8th November 2010. This was an opportunity for both parties to ask and answer questions clarifying any further issues that needed addressing. Throughout the consent process we have maintained an open door policy and invited submitters to contact us personally to raise any issues or suggestions that they might have.
36. A recent example is a meeting with Mr. Paul Goldsmith (on behalf of him and other submitters) on 18th November 2010. Mr. Goldsmith approached me because he wanted to discuss some issues of his concern, which we were happy to meet about and discuss.
37. As noted, the concept of the cluster came about in discussion with the NPDC as the preferred option over the 4ha carve up (and we have deviated very little from the concept plan developed by Richard Bain). The gullies were initially proposed as NPDC reserve, which we were willing to re-vegetate and willing to gift to the NPDC/community. It was also proposed to

have walking tracks around the gullies that would link with the proposed esplanade strip. NPDC has since advised us that the reserve is not provided for (nor do they want to provide for it) in their current and/or future management plans. Maintenance of the reserve is not budgeted for. We were very disappointed with this response as we felt the reserve could provide some significant community benefits (as discussed in the original application). We feel that this is a lost opportunity for the benefit of the whole community. However we are willing to keep this option on the table if the NPDC and the Commissioner think it is the best option.

The reasons why we have gone with the rural/residential cluster style subdivision as opposed to the Oakura Structure Plan identified area (triangle zone)

38. This was an issue that some submitters specifically asked me about at the above mentioned pre-hearing meeting. I list some reasons as follows:

- Living on a main highway SH45 is not ideal due to traffic noise and volume;
- Potential higher crime rates because of exposure to SH45. For example, three of our five farms all have farm houses which are located off main highways and we have never had any issues; however, two of our farms have farm houses on the main highway and are regularly broken into (as Police records verify);
- Concern for safety of pedestrians, especially for walking/biking commuters to school and the village amenities along SH45;
- NZ Transport Agency has advised us that they will not support a new road access to this area from SH45; (we also note in

this regard that under our fallback position of implementing the 4ha subdivision option, NPDC has already also disallowed any road access points off the main highway; the Council has confirmed under that Subdivision Consent by consent condition that all current vehicle access points from the property are to be closed onto SH45 (including the access currently used by milk tankers));

- Residential housing along the main highway into Oakura (which will spread roughly to the lake we have built, shown in the photographs in Annexure 2) will in my view destroy the character of the village; at present only a handful of residential houses exist on the main highway in the main town area;
- Ribbon development along a main highway is considered undesirable for safety and aesthetic reasons;
- If the identified Structure Plan triangle area is developed, views up to the Kaitake Ranges will be obstructed by buildings. Ironically, protection of views up to the Kaitake Ranges Outstanding Landscape is a key aim of the Structure Plan. The farm land has been landscaped aesthetically to maximize the beauty of the outstanding views up to the Kaitake Ranges. All rural fences curve to the contour of the land, no pipe gates have been used, pine and macrocarpa trees have been removed. The farm buildings are in the process of being painted Karaka green and black thus creating a visual appearance of blending in to the landscape. In my view all of this work is not compatible with developing the triangle area;
- We have had no inquiries from the public wishing to purchase in this area;
- NPDC has recognized a ponding issue in this triangle area.

39. In our view the current proposal being considered in this hearing actually ticks all the boxes in the Oakura Structure Plan. What I

mean by this is that the Structure Plan has policies identifying special priority actions which we are complying with in terms of our proposal. For example, protecting the views of the Kaitake ranges (from sea to ranges and ranges back to sea), maintaining a greenbelt, important linkages (strengthen recreational linkages and with existing routes) as discussed further in Mr. Twigley's evidence. Neither the 4 hectare subdivision and/or new development of the triangle area will achieve all these things like we believe this proposal will.

40. We also note that we were not consulted about the Oakura Structure Plan (as we did not own the land at that time) and have not been consulted about development occurring on our land in the triangle area. Obviously some consultation has occurred with some community members but not necessarily with others.

The reasons why we also made application for the 4ha Subdivision Consent (now granted)

41. When we purchased the Oakura farm property, two independent valuations were done by us for the existing owners of the land at that time. Both independent valuers used the highest and best use approach, using the District Plan at the time (2007) for rural subdivision controlled 4ha lots. With the district plan potentially about to change to minimum subdivision of (controlled activity) sizes of 20ha, there would be a different outcome for us financially. The farm is in a very valuable location with land values in Oakura being some of the highest (if not the highest) in Taranaki. Oakura is a desirable area for people to live in and the market demand is generally high. There has been pressure for development due to that demand in this area for many years which will continue.

42. The 4 ha subdivision is our fallback position. There was never any certainty that the non-complying cluster rural/residential subdivision consent would be granted. With the change in light of the rural subdivision rules it was to secure an option for subdividing the farm. This is certainly not our preferred option and in our opinion, based on the evidence provided by the experts we engaged, it would result in greater landscape effects, loss of our dairy farm, employment for people, the farm income etc, and many more repercussions that are mentioned in our original application and in all of the evidence that will be presented today.

43. However, as noted, we have now obtained Subdivision Consent 10/45241 and we will reluctantly implement it if left with no choice. If we do have to implement that consent we will comply with the conditions of that consent, but we will do nothing over and above those as it would not be practical to do so given the lots will all be sold and we will retain no ownership of the land. Steps are now underway to implement this consent if we have to. We have an application currently processing with the TRC for the works associated with the proposed stormwater detention facility (discussed further by Cameron Twigley).

Officers Report

44. We are extremely disappointed with the officer's report and wish to make some comments on it.

45. There are a number of issues that concern us with the officer's report. However, all of them will be covered in the expert evidence of our witnesses so I will not repeat those.

46. However, we have some serious issues with Mrs Buckland's review of Richard Bain's report and would like to directly make some comments about that. While I may not be a qualified landscape architect, I know our land and the surrounding land more than well enough to make these comments.

47. Mrs Buckland contends that Richard Bain has missed some view points she considers should have been mentioned. We have some major issues with the following:

- (i) **Hurford Road.** This is supposedly part of the visual catchment in her view. She is clearly wrong. There are no views of our farm land from Hurford Road. I have double-checked this (and all the views she talks about) since reading her report. I think that she has confused our land with one of our neighbour's farms – being the Benton's farm south of our farm. She is picking up their paddocks in front of the Kaitake Ranges, not ours. Our property cannot be seen from Hurford Road. I know my land.
- (ii) **Surrey Hill Road.** I also disagree that there are any important views of our land from Surrey Hill Road. At most all that can be seen is a partial glimpse through a block of pine trees.
- (iii) **Victoria Road.** I think Mrs Buckland has again confused our land with a neighbour's property – the Fleming's land. There is a ridge on the Fleming property which intervenes in front of our property. I think Mrs Buckland has confused herself with that ridge. About 35% of our property is actually hidden behind that ridge on the Fleming's property. And, when viewed from the top of Victoria Road (which she

mentions) - I conclude that she must have actually been looking at that ridge thinking it was our land; however, it cannot have been our land because I have double-checked this myself. This can be confusing to someone who does not know the lie of the land like I do. I also note that Mrs Buckland fails to take into account the fact that the Fleming's now have a resource consent to subdivide their land (which is discussed in evidence by Cameron Twigley).

48. Another matter that concerns us about Mrs. Buckland's report is that she does not even mention the two large concrete water reservoirs/tanks owned by NPDC within our land. As owners of the land we consider those to be a blot on the landscape equivalent in size to two very large two storey houses, without any design controls. Quite frankly, one of the only reference points Mrs. Buckland would have had for our farm from any direction in assessing our farms landscape, would be those two concrete water tanks owned by NPDC. She fails to account for those and does not even mention their existence apart from a statement about them being part of the rural character. Those water tanks are two 'white elephants' in our view. Mrs. Buckland is supposed to be advising the Council but she seems to overlook these issues. As far as we are concerned the Council 'doesn't practice what it preaches'. In fact, we are offering as a consent condition (discussed in Richard Bain's evidence) to create a planted earth bund in front of those water tanks to tidy up the Council's eyesore. Other issues in the surrounding landscape, like the large earthworks scar in the clay beside the Kaitake Ranges (not far above our land slightly south east), will be discussed by our expert witnesses.

Conclusion

49. We are not doing this development primarily as a money making venture - we can simply exercise our 4ha Subdivision Consent 10/45241 if we wanted to do that. We are trying to achieve a vision that will stand the test of time. To achieve that vision we engaged professional expert advisers' from the outset of the project. We believe that the experts we engaged are well respected within NPDC and the wider Taranaki community, and we have appreciated their very high level of integrity and experience throughout this application process.

50. Our focus and vision for this dramatic and beautiful parcel of land is an eco friendly environmentally safe-guarded and protected project that is future proofed and enjoyable for generations.

MICHAEL McKIE

Annexure 1

Dairying and Clean Streams ACCORD

between

Fonterra Co-operative Group,
Regional Councils, Ministry for the Environment,
and Ministry of Agriculture and Forestry.

MAY 2003



Fonterra
Co-operative Group



Local Government New Zealand
te pūtahi matakokiri



Ministry for the
Environment
Manatū Mō Te Taiao



Ministry of Agriculture and Forestry
Te Manatū Ahuwhenua, Ngāherehere

Purpose

This Accord provides a statement of intent and framework for actions to promote sustainable dairy farming in New Zealand. It focuses on reducing the impacts of dairying on the quality of New Zealand streams, rivers, lakes, ground water and wetlands.

Rationale

Dairying is an important land use and industry in New Zealand:

- Comprising 11% of the total land used in agriculture (1.76 million ha);
- Producing 20% of New Zealand's total export income (\$5.9 billion in the year to March 2003); and
- Involving 3.9 million dairy cows (number of cows in milk in the 2002/03 season).

Dairying, like most intensive land use including urban areas, impacts on water quality and water environments. The ongoing intensification of existing dairy farms and the expansion of dairying into new regions have increased the importance of addressing impacts on water environments.

An industry-backed Accord to improve the environmental performance of dairy farming sends a strong message to the public and to domestic and international consumers, that environmental management is an integral and important component of the dairy industry. Such an Accord builds on current industry and government initiatives and is consistent with overseas trends and expectations. If done well, industry self-management is more effective in achieving positive environmental outcomes than sole reliance on a rule-based regime imposed by regulatory agencies.

This Accord is not legally binding on the parties nor on Fonterra's shareholders and in no way restricts any person in the exercise of any power or discretion under any statute.

Goal

This Accord reflects an agreement that:

Fonterra Co-operative Group, regional councils and unitary authorities, the Ministry for the Environment, and the Ministry of Agriculture and Forestry will work together to achieve clean healthy water, including streams, rivers, lakes, ground water and wetlands, in dairying areas.

In particular, the goal is to have water that is suitable, where appropriate, for:

- Fish;
- Drinking by stock;
- Swimming (in areas defined by regional councils).

Principles

We agree that actions will be developed that:

- Are applicable only in dairying areas throughout New Zealand and are able to be adapted for different situations to reflect catchment characteristics;
- Will make a real difference, recognising that greater benefits will be achieved when multiple actions are adopted;
- Are cost-effective;
- Are practical to implement in the context of existing farming operations;
- Clearly recognise the practical and financial constraints to implementation timeframes;
- Recognise that improved waterways management at the farm level will generally focus on headwaters, small streams and drains; and
- Acknowledge the lead role of the dairy industry in the Accord.

We agree on a principle of co-operation and mutual assistance to achieve the agreed objectives. This Accord will be reviewed annually to determine and report progress against performance targets, assess co-operation between the parties, and assist facilitation of regional action plans.

Development of agency actions

We shall encourage a strategic, cohesive partnership approach, which may include:

- A national dairy liaison group, involving the dairy industry, dairy farmer representatives, regional councils, relevant government departments, researchers and other stakeholders;
- Industry adoption of environmental management systems;
- Consistency when developing regional plans, water quality standards and environmental monitoring, while recognising regional differences;
- A co-ordinated communication plan.

Priorities for action and performance targets

We shall focus on the following actions and corresponding performance targets:

- Dairy cattle are excluded from streams, rivers and lakes and their banks.
 - Fencing may not be required where natural barriers prevent stock access.
 - The type of fencing will depend on factors such as terrain, stock type and costs.
 - Streams are defined as deeper than a "Red Band" (ankle depth) and "wider than a stride", and permanently flowing.

PERFORMANCE TARGET:

Dairy cattle excluded from 50% of streams, rivers and lakes by 2007, 90% by 2012.

- Farm races include bridges or culverts where stock regularly (more than twice a week) cross a watercourse.
PERFORMANCE TARGET:
50% of regular crossing points have bridges or culverts by 2007, 90% by 2012.
- Farm dairy effluent is appropriately treated and discharged.
PERFORMANCE TARGET:
100% of farm dairy effluent discharges to comply with resource consents and regional plans immediately.
- Nutrients are managed effectively to minimise losses to ground and surface waters.
PERFORMANCE TARGET:
100% of dairy farms to have in place systems to manage nutrient inputs and outputs by 2007.
- Existing regionally significant or important wetlands (as defined by regional councils) are fenced and their natural water regimes are protected.
PERFORMANCE TARGET:
50% of regionally significant wetlands to be fenced by 2005, 90% by 2007.
- Fonterra and regional councils develop regional action plans for the main dairying regions to implement this Accord by June 2004.

What these targets mean

These targets are minimum targets that we shall achieve on a nationally aggregated level. This means that:

- Any or all of the national targets may be exceeded or achieved more quickly than stated, at a nationally aggregated level but not less so;
- There will be flexibility in setting regional targets that still, when aggregated, allow the national targets to be met.

Roles and responsibilities

Role of regional action plans

Regional councils and Fonterra will develop regional action plans for dairying regions to assist implementing this Accord. These action plans will not take the place of any agency obligation under statute or commitment to shareholders or the community and will not be legally binding. These action plans will identify local commitments by regional councils and Fonterra and will describe, where necessary:

- Clear regional time-bound targets for the priority actions;
- Programmes to provide necessary information, such as identifying regionally significant wetlands and water bodies suitable for swimming;

- How the councils and Fonterra will work together and share resources, including providing information and advice to farmers, and links between field staff who work directly with dairy farmers;
- A statement of the compliance and monitoring roles of Fonterra and the council;
- A protocol for evaluating, reporting and reviewing the action plans.

Regional action plans may also include:

- A summary of agreed actions to implement the Accord at a regional level;
- Changes to regional plans necessary to support the actions;
- The development and alignment of council-managed incentive schemes to target dairy farmer needs;
- Priority catchments for action within the region;
- Commitments agreed by other potential partners, such as Federated Farmers and Fish and Game Councils.

Role of Fonterra Co-operative Group

As part of its commitment to this Accord, Fonterra will:

- Provide information and advice to suppliers in relation to the priority actions;
- Promote on farm environmental best practice through extension and on farm management programmes;
- Make arrangements with its suppliers to ensure the priority targets are met;
- Develop an assessment scheme for individual dairy farmers with independent third-party audit, by June 2003 and implement by June 2004;
- Continue to develop, promote and implement the Market Focused environmental management system to assist farmers to identify key, farm-specific environmental issues and to demonstrate progress towards the five priority targets;
- Continue to support the "Healthy Waters" Regional Action Teams initiatives beyond June 2003;
- Continue to identify, support and be involved in farm related environmental research and development that supports the priority targets;
- Report publicly on progress annually.

Role of the Ministry of Agriculture and Forestry (MAF) and the Ministry for the Environment (MfE)

As part of their commitments to this Accord, MAF and MfE will:

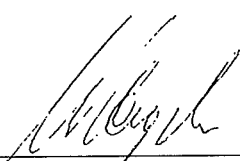
- Publicly support this Accord, and keep Ministers, national representative bodies (including farmer organisations) and the public fully informed of progress;
- Monitor overall progress towards the Accord targets (MfE);

- Facilitate the development of tools to assist implementing the Accord. These tools may include:
 - Farmer nutrient budgeting training;
 - Standardised bridge and culvert design guidelines;
 - Model rules for regional plans, including permitting stock access to waterways (with conditions);
- Identify any legislative and institutional barriers to effective implementation of the Accord, promote ways to overcome such barriers, and report by June 2004;
- With Fonterra, and regional councils, assess science and research needs to implement the Accord.

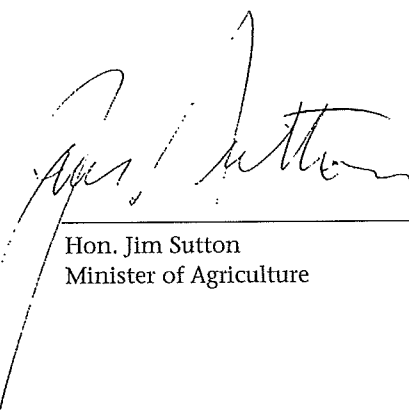
Communications

The success of this collaborative effort relies heavily on engaging the farmers and the wider community and on providing consistent information to farmers. Therefore, a communications plan will be developed and updated regularly.


Signatories



Henry van der Heyden
Chairman
Fonterra Co-operative Group



Hon. Jim Sutton
Minister of Agriculture



Hon. Marian Hobbs
Minister for the Environment



Neil Clarke
Chairman
Regional Affairs Committee,
Local Government New Zealand

Annexure 2

Annexure 2



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Dairy Dollars Help Keep Economy Healthy – NZIER Report

It's official. New Zealand's 4.4 million cows are doing their bit for New Zealand's 4.39 million people, with high dairy export revenues supporting jobs, keeping interest rates down and enabling more Government spending on essential services.

An independent report by the New Zealand Institute of Economic Research, released today, shows money from milk flows right through the economy, starting at the farm gate and moving out to rural and urban communities.

The report to Fonterra and DairyNZ shows:-

Dairy provides 26% of New Zealand's exports.

A \$1 rise in Fonterra's payout makes every New Zealander nearly \$300 better off.

Dairy farmers spent around 50c in every dollar they received on locally produced goods and services.

Every tonne of dairy exports helps reduce the current account deficit, bringing down interest rates and reducing mortgage payments for homeowners.

Dairying employs 35,000 workers directly and a further 10,000 contractors.

Fonterra CEO Andrew Ferrier said today the report, commissioned by Fonterra and DairyNZ, will enable New Zealanders to better understand that when dairy does well, New Zealand does well.

"Most people understand dairy is a key export industry. Now they can understand what it means for them as the report accurately quantifies, for the first time, the tangible benefits to both rural and urban communities," said Mr Ferrier.

An increase of \$1 to Fonterra's payout boost real incomes by about \$270 for every person in New Zealand, showing everyone benefits when the company does well.

"Of the \$7.5 billion farmers received in 2009, \$3.6 billion was spent on domestically produced goods, including fertiliser, feed, agricultural services and financial services.

"There is no doubt that dairy has helped us out of the recession and the benefits extend well beyond the farm gate. Export growth from the dairy sector has helped narrow the current account deficit and that helps everyone through lower interest rates on mortgages and other borrowings."

NZIER Deputy Chief Executive, John Ballingall, said: "Our modelling shows that the dairy sector has delivered significant and ongoing benefits to the New Zealand economy."

"Its influence extends well beyond its direct impacts in dairying areas, with the sector closely intertwined with the rest of the economy. That includes the jobs it delivers, the income that these workers earn, its links to supply firms, the effects of rural economic growth on urban centres and the tax revenue it provides to fund public services.

"The sector's strength has been very evident as New Zealand recovers from the global financial crisis and domestic recession. Given anaemic domestic demand, the export side of the economy has been relied on to generate economic growth and dairy has made a significant contribution."

DairyNZ Chief Executive, Dr Tim Mackle, said that last year dairying kept 35,000 people directly in work. "Our contribution to jobs is like having a city the size of Gisborne all working in the dairy industry. Urban centres also get a healthy share of indirect employment as they provide essential goods and services that are needed to produce dairy products."

Dr Mackle said the NZIER report shows dairy accounts for 26 per cent of New Zealand's total exports and it is looking to grow its contribution to the country.

"We've got a good track record of supporting regional growth, which this report shows, and we want to continue this trend. The challenge for our industry will be in how we achieve this growth in a sustainable way," said Dr Mackle.

The NZIER report details dairying's regional contribution. Highlights are included in the table below. Revenue figures are for 2009.

To read the report click here.

REGION

Waikato

Regional dairy production was worth \$2.4 billion in 2009 (Matamala-Piako \$552m, Waikato district \$390m, Waipa \$361, South Waikato \$263m, Hauraki \$196m)

More than 8,000 employed in local dairy industry

Bay of Plenty

Regional dairy production was worth \$605 million in 2009

Dairy revenue of \$254m in Rotorua district

Bay of Plenty employs more than 3,200 directly in the dairy industry

Fonterra's High Tech Tankers Now High-Vis Too

[13 Dec] They're high tech. Now they're high-vis too. By April 2011, Fonterra's entire fleet of 480 milk tankers...

Fonterra Increases 2010/11 forecast Milk Price by 30 cents to \$6.90 per kgMS

[10 Dec] Fonterra announced today an increase in its forecast Milk Price for the 2010/11 season from \$6.60 to \$6.90...

Fonterra Welcomes Government Move On Foreign Ownership Of Farm Land

[09 Dec] Fonterra today welcomed the Government's new directive to the Overseas Investment Office as a practical move...

Dairy Dollars Help Keep Economy Healthy – NZIER Report

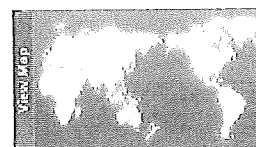
[08 Dec] It's official. New Zealand's 4.4 million cows are doing their bit for New Zealand's 4.39 million people...

Fonterra And Nestle Proposal To Extend DPA To Chile

[27 Nov] Fonterra and Nestle confirmed today a proposal to expand their Dairy Partners Americas (DPA) joint venture...

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Taranaki

Regional dairy production was worth \$822 million in 2009
Taranaki employs almost 3,900 directly in the dairy industry
28 per cent employed in South Taranaki district by dairy industry, nearly 9 per cent of total dairy related employment in New Zealand

Manawatu-Wanganui/King Country

Dairy production in Otorohanga was \$234m in 2009 and Tararua \$188m
These regions employ more than 3,200 directly in the dairy industry

Canterbury

Regional dairy production was worth nearly \$1 billion in 2009 (Ashburton \$471m, Selwyn \$270m, Timaru \$185m)
Canterbury employs nearly 3,500 directly in the dairy industry

Otago/Southland

Regional dairy production was worth nearly \$900m in 2009 (Southland \$710m, Clutha \$182m)
Otago/Southland employs more than 4,200 directly in the dairy industry

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Annexure 3

Annexure 3







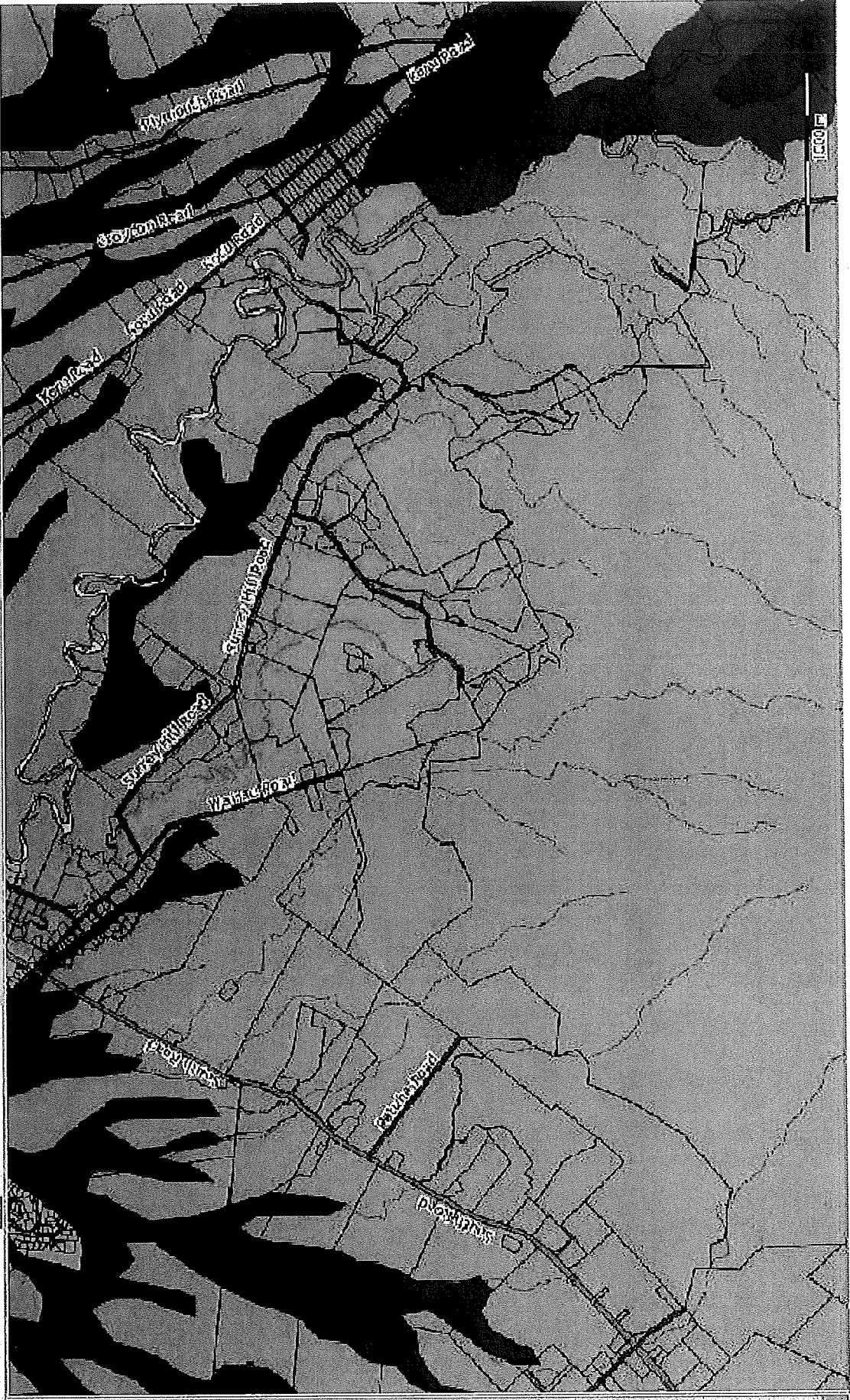


Annexure 4



InterGIS Viewer - D:_Taraona_King_Country_TKGD

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Legend

Annexure 5

Annexure 5

mckies@xtra.co.nz

From: "Korrin Dakin" <Korrin.Dakin@fonterra.com>
To: <mckies@xtra.co.nz>
Sent: Tuesday, 16 November 2010 4:45 p.m.
Subject: Share Information
-Hi Mike,

As requested please find below the information regarding the percentage of shares held by Fonterra Shareholders,

84% hold 200,000 or less
55% hold 100,000 or less
1% of Shareholders hold shares between 350,000 and 400,000
And only 2% of Shareholders hold shares above 400,000

I hope this information helps you with your report, good luck!

Please do not hesitate to contact me or my colleagues in the Service Centre on 0800 65 65 68.

Kind Regards,
Korrin

Korrin Dakin

Service Specialist - Lower North Island

korrin.dakin@fonterra.com
direct +64 9 369 6841 (ext 96841), mobile +64 27 320 4817, fax +64 6 278 1324
Fonterra Co-operative Group Limited
Fonterra Whareroa, PO Box 444, Whareroa Road, Hawera, Taranaki, New Zealand

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From: "Errol Hamill" <Errol.Hamill@fonterra.com>
To: <mckies@xtra.co.nz>
Sent: Tuesday, 2 November 2010 5:31 p.m.
Subject: FW: Fonterra Capital Structure (Stage 3)

Hi Mike.
As discussed. (more reference to these figs. to follow.

Cheers.

Errol Hamill

Area Manager – Coastal Taranaki (Ward 21)

errol.hamill@fonterra.com direct +64 6 761 8375, mobile +64 27 579 8519
Fonterra Co-operative Group Limited, c/- RD 1 Store, 108 A Tasman, Opunake 4616, New Zealand

From: Errol Hamill
Sent: Friday, 18 June 2010 2:37 p.m.
To: 'Williams.5@xtra.co.nz'; 'washerfarms@xtra.co.nz'; 'Barbara Kuriger'; 'Raebern@slingshot.co.nz'; 'bki@xtra.co.nz'; 'Daryl & Ali'; 'Donald & Maree Anderson'; 'jimbern@xtra.co.nz'; 'Jim McBride'; 'joelawn7@hotmail.com'; 'kdgoble@slingshot.co.nz'; 'morgl@xtra.co.nz'; 'm.v.trolove@xtra.co.nz'; 'cdravitzki@hotmail.com'; 'zmbarrett@hotmail.com'; 'philomena@xtra.co.nz'; 'vsbrophy@xtra.co.nz'
Cc: Nick Barrett (SHC)
Subject: FW: Fonterra Capital Structure (Stage 3)

Hi Ward 21 Networkers.

We (Nick and I) are planning to hold a round of five (5) 'shed meetings' within the Ward on Capital Structure Stage 3 over the week of 21st – 25th June, 2010.

We urge you to speak to those on your Network Lists, particularly those who you may be aware of that have indicated some concerns/lack of understanding of the proposal.

This will be the last opportunity to clarify issues/understanding of the proposal and we'll also cover (the 5) voting method options.

We can't stress how important it is (for the strength of the co-op) that all shareholders have taken the opportunity to learn about the proposal AND to participate in the voting process (on an informed basis). No doubt you're aware of the statistics (from Henry's e-mails) that farms under 100,000 kgMS make up 54% of the total Fonterra shareholder base and 84% of the Fonterra supply base is less than 200,000 kgMS so there is absolutely no basis for people to comment/accept that "they're only small, so their vote doesn't count" (as is often commented). Their participation/vote DOES COUNT.!

Dates/times/venues of this round of meetings are:

DAY	DATE	TIME	VENUE	
Wednesday	23 rd June	10.30am	Tim & Jane Fleming,	Cape Road, Pungarehu S/N 42497
Wednesday	23 rd June	1.30pm	Bernard & Raewyn Lawn,	Mangatete Road, Okato S/N 42656
Thursday	24 th June	10.30am	Rob & Gwen Willcox,	Mid Kahui Road, Rahotu S/N 42421
Thursday	24 th June	1.30pm	Bryan & Kim Roach,	Opua Road, Opunake S/N 42297/42298
Friday	25 th June	10.30am	(Washers)'Bullshop'	Koru Road, Oakura

We request your valued assistance.

Regards,
Nick Barrett (Shareholder Councillor, Ward 21)
Errol Hamill (Area Manager, Coastal Taranaki – Fonterra Milk Supply, Fonterra Co-operative Group Limited).

Annexure 6

Annexure 6



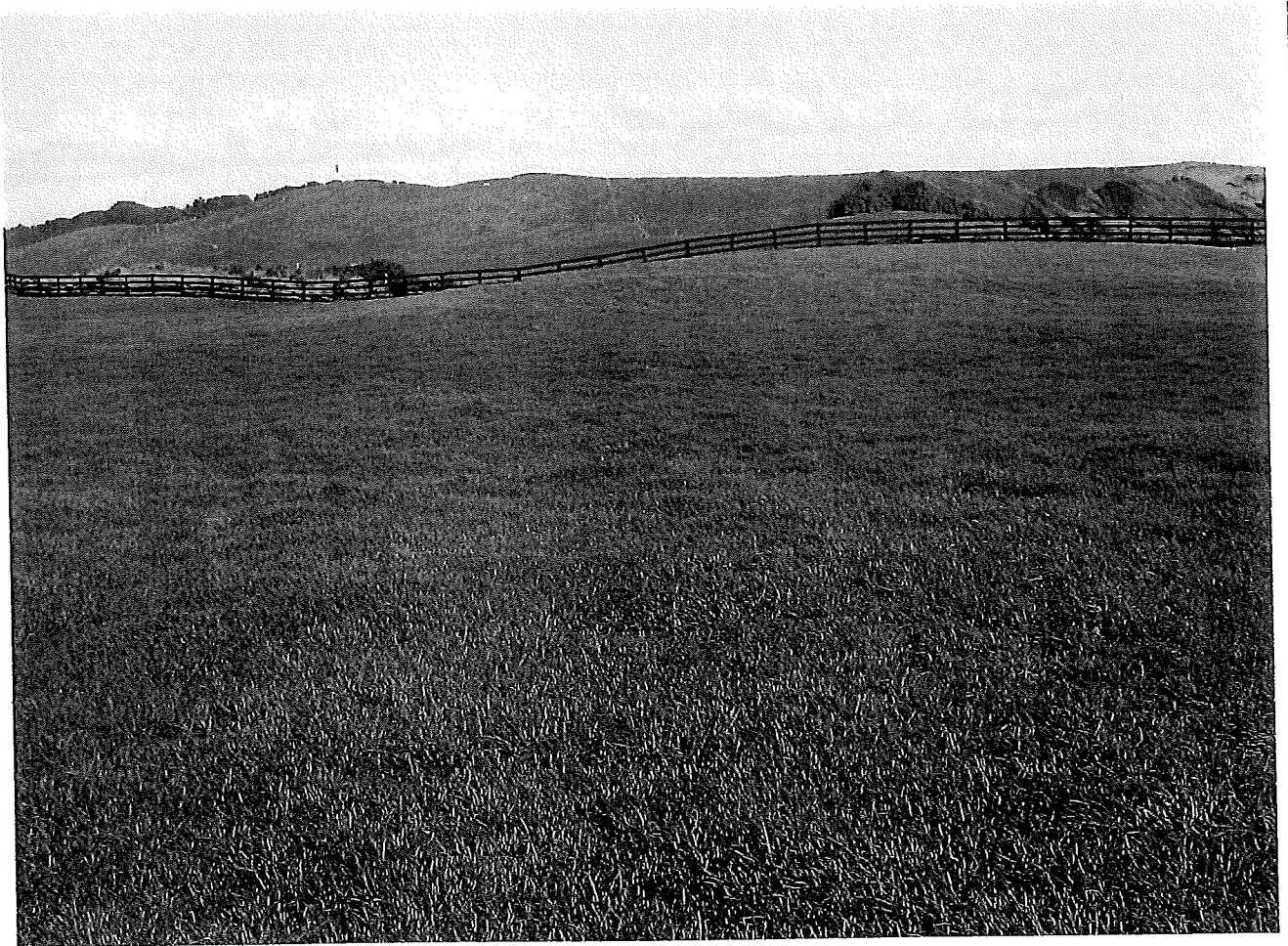












Annexure 7

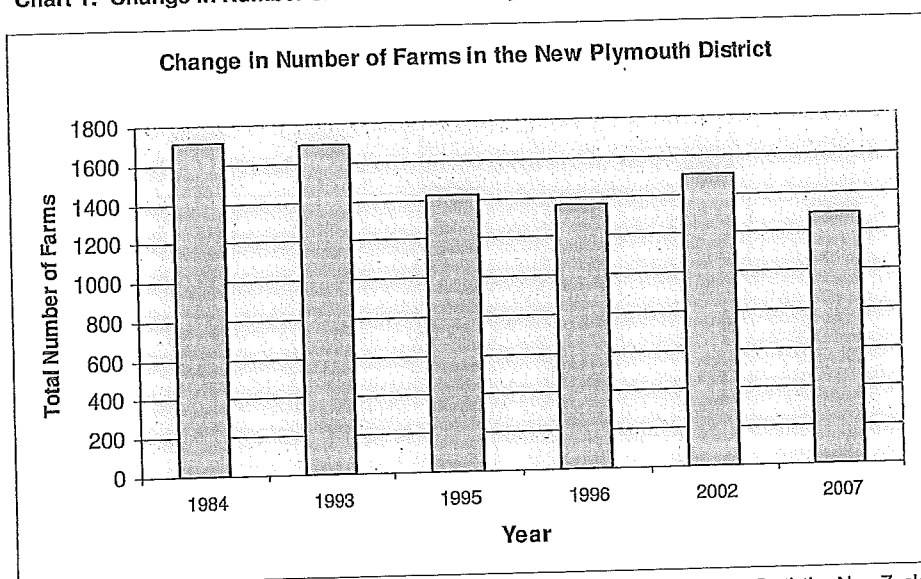
2. Rural Environment Overview

2.1 Changes in rural land-use

Farming sector

The rural area has a number of land-use types, reflective of the regional economy in Taranaki. The dominant land use in terms of land area is dairy farming, particularly in the more fertile areas around the ring plain and New Plymouth. In 2007 dairying represented 44 percent of the livestock farms in the district, followed by beef, which was 37 percent. The Taranaki region represents 16 percent of all dairy herds in New Zealand.

Chart 1: Change in Number of Farms in New Plymouth District



Source: Statistics New Zealand

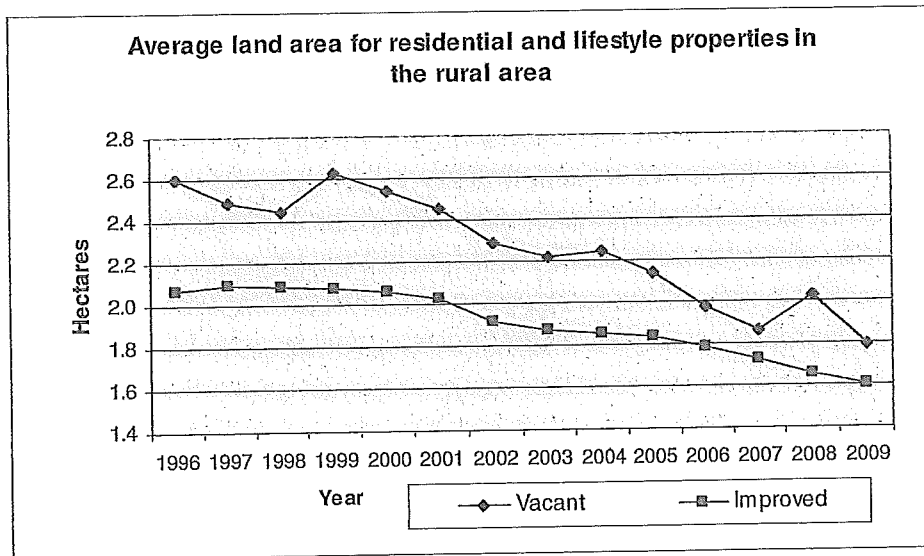
Chart 1 shows that the number of farms in the rural area has decreased since 1984. There were 1,712 farms in 1984, compared with 1,287 farms in 2007, a decrease of 425.

Corresponding to this the land area in pasture has also decreased as shown in Chart 2 from 124,259 hectares in 1984 to 102,431 in 2007. There has been a corresponding increase in the area in forestry with 1,035 hectares in 1984 increasing to 6,229 in 2007. Note that there is a peak in the data in 2002 with 7,062 hectares.

The proportion of consents granted in the coastal area against other rural has been reasonably constant and was 29 percent in 2008. This shows that development has steadily increased since 2000 in the coastal area, at a comparative rate to the general rural area. It is interesting that coastal consents dropped to 15 in 2009.

Property size in the rural area

Chart 12: Average land area for residential and lifestyle properties in the rural area



Source: Valuation New Zealand

The average land area for improved residential and lifestyle properties has steadily decreased from 2 hectares in 1993 to 1.7 hectares in 2007. The average land area for vacant residential and lifestyle properties has also steadily decreased from 2.6 hectares in 1993 to two hectares in 2007. This is a 20 percent decrease since 1996.

The difference in land area between vacant and improved properties has decreased. In 1996 vacant properties were 25 percent larger than improved properties. This has steadily decreased so that in 2007 the vacant properties are only 10 percent larger than improved properties.

This shows that there is a clear trend towards smaller lot sizes for lifestyle properties in the rural area. Vacant and improved properties average lot sizes are beginning to merge.

An analysis has been done of lot sizes by specific areas as shown in Chart 13. The 5km and 10km buffers represent those peri-urban areas out from New Plymouth (not defined in the District Plan). The Coastal Policy Area is defined in the District Plan and is generally 500m from the coast. The Outstanding Landscape area is the area below the ranges and the mountain (not defined in the District Plan).¹¹

¹¹ Northern Taranaki has not been analysed

Annexure 8

Annexure 8



Annexure 9

Annexure 9



Annexure 10

Annexure 10





**ANNEXURE D –The Paddocks Subdivision Hearing – Evidence of Mr
Richard Bain**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of an application by OAKURA
FARM PARK LTD. to New
Plymouth District Council to
subdivide land at Wairau
Road, Oakura, New Plymouth

**STATEMENT OF EVIDENCE OF
RICHARD ALEXANDER BAIN**

INTRODUCTION

QUALIFICATIONS AND EXPERIENCE

1. My name is Richard Alexander Bain. I hold an honours degree in Landscape Architecture from Lincoln University (1992), and am a full member of the New Zealand Institute of Landscape Architects.
2. I have been working for 18 years as a self-employed landscape architect, specialising in site design and visual assessment.
3. I confirm that I have read the Code of Conduct for expert witnesses in the Environment Court Consolidated Practice Note 2006. I agree to comply with this Code of Conduct. This evidence is within my area of expertise except where I state that I am relying on the evidence of another person. To the best of my knowledge, I have not failed to consider material facts known to me that might alter or detract from the options that I express.

ROLE

4. Richard Bain Landscape Architects were initially engaged by the applicant (Oakura Farm Park Ltd) to develop design alternatives to subdivide the land in a manner, which would enable a dairy farm operation to continue. The applicant was aware at this time that he could subdivide the site as a controlled activity into 4ha blocks. Mr. Mckie expressed to me that such a scheme was in his opinion wasteful of productive land. Furthermore, at that time, I had been engaged by Council to look at a number of other subdivision schemes within the district to explore design alternatives to those submitted to council. At that time, there was sentiment within council and the rural community that highly productive dairy land was being subdivided in a manner, which simply met controlled activity status with little regard for good environmental outcomes. This occurred during the first part the council's rural review in mid 2009. Indeed, the rural review which is currently still under consideration, (and has developed into Plan Change 27) has occurred primarily because of community and council concern over the current rural subdivision rules. In spite of whatever the outcome of the rural review, I think it is fair to say that there is general concern that current subdivision practice does not always produce anticipated outcomes. It is within this context that I became involved with this subdivision application being heard today.

PROPOSAL

5. The applicant wishes to subdivide his approximately 83 hectare Farm. The subdivision scheme has been designed by Richard Bain Landscape Architects in conjunction with BTW Company and the applicant. After spending time on-site, we proposed to the applicant a subdivision scheme using landscape criteria to define the boundaries of the subdivision while simultaneously protecting three quarters of the McKie Farm from development. This approach safeguards rural character, as well as the rural approach to, and identity of, Oakura. Furthermore, the scheme aims to preserve and enhance

local ecology, biodiversity, rural amenity, and archeological sites of significance to iwi.

6. The site comprises approximately 83ha of land situated within the Rural Environment Area. The property is bordered by a tributary of the Wairau Stream (Priority Water Body) and Wairau Road to the northeast, SH45 to the northwest, a neighbouring farm to the southwest and the Kaitake Ranges (Outstanding Natural Landscape) at the property's southeastern corner.
7. A controlled subdivision would have enabled the landowner to divide the property into 4ha allotments across the property's 4 titles. Indeed, the applicant has undertaken a 4ha controlled activity scheme, which has been consented (a copy of which is included in the evidence of Mr. Twigley). If the 4ha scheme is implemented, the rural character of the area will in my view diminish significantly for reasons outlined further below. The alternative design presented here, proposes to amalgamate 66.5ha within a farming Lot, preserve, protect and enhance 8.5ha of headwater gully, wetlands and remnant bush (including archeological sites of significance to iwi), and 20m Esplanade Strip along the southern side of the Wairau Stream tributary. In terms of sub-dividable Lots, the scheme also proposes to cluster five 1-1.6ha Lots along the southern slope of the farm and provide 21 Lots (approx. 4000m² in size) within a flat terraced envelope between the tributary of the Wairau Stream headwater gullies. The five 1-1.6ha lots located at the southern end of the site have been specifically made larger than the other lots as they are at higher elevation and potentially more visible. The eventual development of this part of the site is anticipated to be of a scale similar to, and would not appear out of scale with, the surrounding environment. The proposal to protect 66.5ha of the site will ensure a significant part of the site also remains as it is for future generations to experience and enjoy.
8. Mr Twigley covers the precise details with regard to lot sizes and types in his evidence and is also described in the Officer's report.

9. Since the Application was lodged and notified a number of changes have been made to the proposal as a result of further information requests made by Council, ongoing consultation between the applicant, Council officers, submitters and Iwi. These are summarised further in the evidence of Mr. Twigley.
10. In preparing my evidence I have relied on the following information:
- Original Application documents;
 - Submissions;
 - Information from the Applicant and experts in the applicant's project team;
 - I have visited the site several times and also have a good understanding of the landscape context of the surrounding area.

SCOPE OF EVIDENCE

11. My evidence covers:
- A summary of the proposal including amendments since the application was lodged;
 - Review of the relevant planning provisions in respect of rural character etc;
 - A description of the existing landscape context and character of the site and environs.
 - Assessment of the potential landscape and visual effects;
 - Outline of the 4 hectare scheme developments that could occur on the site if the resource consent granted is implemented and assessment of the potential landscape and visual effects;
 - Proposed mitigation;
 - Fragmentation, precedent and cumulative effect;
 - Comments on issues raised in submissions and Planning Officer's Report;
 - Summary and conclusions.

RURAL CHARACTER NPDC DISTRICT PLAN

12. The issue of rural character is often controversial and frequently misunderstood. In my professional capacity, I have been dealing with such issues for nearly 20 years. At the heart of the issue is that people have varying perceptions of what constitutes rural character, which is then complicated by the fact that landscapes are dynamic, and continually change. The District Plan largely manages the direction and consequences of change in order to sustain landscape values. To this end, the landscape pattern that we currently have within the district has largely been influenced by the District Plan (and the 4ha minimum Lot size controlled activity tool.) The New Plymouth District Plan (NPDP) - Issue 4: Loss or Reduction of Rural Amenity notes: “rural character is a broad concept, defined by the various elements that make up the rural environment.” Furthermore, “these elements help to distinguish the differences between those areas that are urban, from those that are rural.” Such elements include:

- spacious areas of open space used for grazing or growing crops;
- low-density, production oriented buildings;
- many narrow roads (unkerbed) with low traffic volumes;
- areas of vegetation, be they pasture, crops, forest and scrub (indigenous and exotic), stands of trees, shelter belts or gardens;
- farm animals;
- rural noises - farm animals, machinery, harvesters, farm bikes, tractors, milk tankers and noise from industrial sites;
- rural smells - dairy sheds, silage, topdressing; and
- a highly modified, intensely developed and managed landscape.

13. The NPDP states that the greatest threat to rural character is the use of land for intensive residential, commercial, or industrial uses, as these developments could reduce ‘spaciousness’ and ‘pleasantness’. The NPDP also recognises that visual amenity can also be adversely affected by changes in infrastructure, facilities, excavation and filling and loss of vegetation. The NPDP goes on to say (p27) that one way such intensive development can occur is through the fragmentation of ‘the generally large allotments’ found

in the rural sector. It recognises that traditional rural practices have historically required large areas of land compared with 'non-rural' residential, business, or small industrial sites. It suggests, that these 'large' allotments and their legacy of facilitating the dominance of open space over built form provide the basis for rural amenity.

14. However, the NPDP also recognises that as with other environment areas, change is constant in the rural environment and states: "Beyond the annual cycle of the seasons, regional, national and international forces act on the rural economy, and land uses frequently change as a result. Different crops, different management regimes, and different lifestyles bring change to the rural landscape and to the people who live there" (P241). A significant increase in traffic and associated noises may also create adverse effects.
15. Therefore, to maintain rural character any change in the provision and facilitation of spaciousness and the inherent fabric of local rural character must not be adverse.
16. Council's management strategy for rural subdivision is outlined in Objective 4 of the NPDP. "To ensure the subdivision, use and development of land does not adversely affect those elements that define the rural character while recognizing the diverse nature of rural land and land uses."
17. It is clear from the NPDP's Policies and Objectives that spaciousness and pleasantness are key descriptors of rural character and that this is primarily achieved through 'large' allotments and their legacy of facilitating the dominance of open space over built form. However, as also described in Objective 4, the district contains land-uses, which are diverse.
18. Within our rural landscape, we have land-uses on allotments that are not large. In fact, this district plan enables subdivision of small (one allotment of not less than 1000m² or two allotments of not less than 4000m²) lots to be subdivided from farms (so long as there is a 4 hectare balance.) Furthermore,

land can be currently subdivided into 4 hectare allotments as a controlled activity (and has been for some years now). This has resulted in landscape change. The rural landscape is changing from large tracts of openness to smaller lots with increased enclosure and less spaciousness. The District Plan in its rules, policies, and objectives has facilitated this change; the 4ha allotment subdivision has become a self-fulfilling prophecy to the extent that landowners tend to subdivide to the minimum allowable. Although this change in rural character is as a consequence of the NPDP, and indeed an inevitable consequence of economic and social forces, there is nonetheless sufficient concern over this change for the establishment of a rural review by Council.

19. In my opinion, there is specific concern that highly productive land is being subdivided in a manner which simply complies with the NPDP. The consequence being a wasteful use of productive farmland and degraded rural character. It is also my opinion that subdivision down to 4 hectare lot sizes can, in many cases, have adverse effects on natural/rural character and rural amenity values in certain areas (which I will discuss further below in the context of the 4 ha consent now granted for the site).
20. With regard to the applicant's proposal, I am of the view that the NPDP sends mixed messages as to what constitutes rural character. In my experience, lot sizes of about 4 hectares - often referred to as 'lifestyle blocks' - have a perceptibly different character from the truly 'rural countryside'. In my opinion it is preferable to go straight to a comprehensive design based approach in order to tailor a more fitted and site-specific result, which is what I did in this case. I consider better resource management can be achieved in this instance by taking that approach to development rather than simply subdividing to minimum lot sizes. The proposed subdivision scheme, while non-complying in terms of the NPDP, acknowledges that productive rural land is important while recognising the site's specific context. I will now address issues of the site's context.

SITE CONTEXT AND RURAL CHARACTER

21. The following evidence describes the site's existing landscape/rural character, visual and aesthetic qualities, amenity values, and natural character values.

22. The applicant's farm is currently zoned Rural and encompasses a wedge of gently rising land to the south of Oakura. The farm is bordered by SH45 along its northwest road frontage, neighbouring farms to the southwest, and 75m of the Outstanding Natural Landscape (ONL) boundary along its southern most corner. The northern half of the eastern boundary is delineated by a tributary of Wairau Stream and is cut off from Wairau Road by an existing developed residential area. The southern half of the eastern boundary steps back 'behind' the residential zone and is defined by the 'upper' extent of Wairau Road. Several small watercourses, largely devoid of established riparian vegetation, weave through the farm in addition to a tributary of the Wairau Stream whose headwaters also begin within the farm. The horseshoe shaped gullies that are attributed with the start of the eastern most tributary of Wairau stream branch southward from the current extent of residential subdivision along Wairau Road. The gullies exhibit various levels of vegetation, the central western arm containing remnant native forest while the outer arms on both the western and eastern flanks show evidence of grazing damage and predominantly support gorse and thistles.

23. The horseshoe of gullies envelops a gently sloping terrace of land that rises gently along the same gradient as Wairau Road. The terrace is currently farmed and a stock crossing has been fashioned near the base and convergence of the gullies. The terrace's isolation has created the need for access into the farm's northern paddocks. To the south of the terrace a gas line easement transects the farm and travels in an east-west direction. Adjacent to and south of the easement, a small concrete shed, access track and two large water reservoirs, and a Telecom tower, are located at the base of the farms moderately sloping southern slope. Two rural-residential properties subsequently 'cut into' the southern extent of the farm and create

residentially styled straight boundaries. In terms of farm structures, the number is few. The site contains a milking shed, hay shed set near the center of the property, farm house, and farm cottage which is located immediately adjacent to SH45. This cottage is currently in the process of being removed from site.

24. Significant public views of the farm are primarily experienced from SH45 where the last 1km of open rural views along Oakura's southern entrance corridor is defined by the applicant's farm boundary. Important public views are also experienced from the junction of Wairau and Surrey Hill Roads. Those traveling to/from the end of Wairau Road and accessing the walking track located there also experience close range views into the site. Annotated photographs that show these views are attached as **annexure 1**.
25. The receiving/surrounding environment is complex given the site's proximity to the town of Oakura (zoned Residential) and the Kaitake Ranges (ONL). To the northwest, horticultural operations, a commercial golf course and rural residential property dictate the presence of tall dense shelterbelts along the northern side of SH45. To the south, although visually experienced as part of the applicant's farm, a neighbouring dairy unit is compressed between the applicant's property and the ONL boundary. To the near east, the property is bordered by intense residential development (that area is also zoned Residential) and, rural residential sized sections along the upper end of Wairau Road. Whereas, to the far east and visible only from the upper slopes of Wairau Road/applicant's farm, distant farm land can be seen stretching across toward SH45 and away to the north of Oakura to adjoin the Tasman Sea. Please refer to **annexure 2** which shows the site in the context of the surrounding land use activities.
26. I consider that Wairau Road is actually experienced as a progression from a predominantly urban landscape (along most of the road) to a mixed rural-residential landscape along the 'upper' extent of Wairau Road. There has been a proliferation of life-style blocks or rural-residential land use in the

area in recent years, which in my view has seen a significant shift in landscape character. This reflects a changing emphasis in land use towards more of a dwelling/habitation function in the area.

27. Overall, the existing character of the site and its immediate environs contains four character types. The site and its western context is overtly rural, characterised by open space and pastoral land use. To the south lies the Kaitake Ranges (ONL), which rises steeply and is the dominant landform. To the north/east the subject site abuts the residential edge of Oakura and is therefore represented as an urban edge. To the east, the neighbouring land is 'lifestyle' in character as the land units are smaller with a predominance of shelterbelts. Houses are also closer together than is typical of those typically found in the rural environment.
28. The landscape character of the area is not 'rural'. However, in comparison to the nearby urban areas parts of it currently retain a 'rural' feel, due partly to the applicant's undeveloped farmland (approximately 80% of which will be protected from further subdivision if consent for the application is granted). While the character of a relatively small part of the applicant's site will change the proposed activity will be consistent with the existing mixed-use landscape character of the area. The proposed activity would in my view, create a logical extension to that existing residential and rural/residential environment and is a good fit for part of the site and locality in landscape terms.
29. In summary, the site is enveloped by a variety of landscape character types, development, and activities. Although it has a rural zoning, the development surrounding the site has significantly affected the rural character of the area. Consequently, the site (and especially that part of the site containing the proposed allotments) is experienced as being surrounded with the noise and activity more akin to a rural residential environment and does not have the amenity values typically associated with open rural areas.

ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

30. The NPDP is an effects based plan. Therefore, to determine the appropriateness of the proposed subdivision, a thorough assessment of effects needs to be undertaken. As part of the application, Richard Bain Landscape Architects prepared an assessment of effects. At council request, this was supplemented with photomontages, which illustrates visual effects such as scale and density attached as annexure 3. For the purposes of describing the effects of the current proposal, I will address the NPDP's discretionary activity assessment criteria for assessing subdivision applications. Although the subdivision is for a non-complying activity, I consider these criteria useful in assessing effects.

31. NPDC District Plan - RULE NO. RUR 77

With regard to landscape and visual effects the relevant assessment criteria pertaining to this proposal are as follows:

Rule No. Rur 77,79 - Assessment Criteria as per NPDC District Plan

3. *Effects of ALLOTMENT size and shape on the character of the area, amenities of the neighbourhood and the potential efficiency and range of uses of the land.*
4. *The effect of the subdivision on natural features, the Katikara Formation aeolian tephra sections, SIGNIFICANT NATURAL ARAS, OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES, Category A heritage BUILDINGS or items and their settings, the natural character of the coastal environment, vegetation, wetlands, or other habitats or wildlife and any existing or proposed protection or enhancement measures.*
5. *The effect of any methods used to make the ALLOTMENT suitable for the purpose of the subdivision on: the land form; or the likelihood or magnitude of natural hazard events.*
14. *The extent to which public space areas for recreation, conservation, or pedestrian/cycle access purposes are provided for.*

I deal with these respectively.

Assessment Criteria 3

Effects of ALLOTMENT size and shape on the character of the area, amenities of the neighbourhood and the potential efficiency and range of uses of the land.

32. The proposal consists of 29 Lots. Lots 1-5 range from 1 - 1.6 hectares and are located at the 'top' end of Wairau Road. Lots 6 - 26 range from 3000m² to 5300m² and are located between the gullies adjacent to Wairau Road. Lots 27 and 28 are Road Reserve. Lot 29 is a 66.5-hectare farm (which includes 8.5ha of proposed covenanted area). Lot 29 equates to approximately 80% of the site.
33. With regard to effects of these lot sizes and shape on the character of the area, I will discuss these in terms of how character is experienced by both passers by and local residents.

Users of State Highway 45

34. The applicant's property boundary extends from the over-bridge of a tributary of the Wairau Stream southwest along SH45 for approximately 1 km. When traveling south along SH45, views to the headwater terrace are initially limited due to residential development, roadside vegetation and vegetation associated with the headwaters of the Wairau Stream. Where roadside vegetation parts and ceases, views across the farm's northern paddocks and up toward the Kaitake Ranges are uninhibited due to the property's lack of vegetation. However, although the farm is spacious and open, the subdivision site is peripherally distant and set 'behind' the view of travelers heading in this direction.
35. Traveling north towards Oakura provides travelers with a slightly altered perspective - whereas when traveling south, vehicles are speeding up and heading away from the subdivision site, traveling north brings vehicles towards Oakura and vehicle speeds reduce. After traveling around a right hand bend, peripheral views extend across the majority of the farm, over the northern paddocks and up past the moderately sloping southern slopes. Views scout the edge of the vegetated headwaters of the Wairau Stream tributary and rise up, over the NPDC water reservoirs and the property's southern slope, culminating along the dominant ridgeline of the Kaitake Range. The subdivision site remains in a distant and peripheral location when

experienced by those traveling in either direction along SH45; the northern paddocks of the farm and the dominance of the Kaitake Ranges commanding initial and immediate views. The rural ambience of this view is compromised by the council watertanks, the Telecom tower, a highly visible earthworks scar at the top of Wairau Road (on an adjoining property) and the residential area of Oakura situated alongside the north eastern flank of the site.

36. The A3 'pullout' pages in the application's landscape assessment (annexure 4) include 50mm photographs from the 5 viewpoints included in the View Catchment analysis. Viewpoint 1 is taken from a stationary vehicle prior to passing the farm residence when traveling south. The view depicts the point at which the proposed Landscape Scheme would be the 'most' visible from SH45, albeit if only for a few moments until vehicles move past this location.
37. Viewpoints 2 & 3 take into consideration views from SH45/South Road when traveling toward Oakura from New Plymouth. These views are primarily experienced from vehicles, as SH45 is a busy road with little pedestrian or cycle use. Viewpoint 2 is taken from the northern side of the Oakura River over-bridge and viewpoint 3 from several km further north. The upper slopes of the applicant's farm are evident by referencing the location of the existing NPDC water reservoirs. Views are distant and intermittently available due to roadside vegetation, dwellings, and topographical change in the road layout. Nonetheless, these images indicate the importance of design controls to ensure dwellings sit sympathetically within the landscape. These images demonstrate how lightly coloured structures and landscape 'scars' protrude from the landscape, (these items have a high degree of visibility as can be seen in the photographs), while dark coloured structures bed down within the landscape and fade from view.

Users of Wairau Road

38. Wairau Road is divided into two distinct entities; the lower half, which connects Surrey Hill Road with SH45, and the upper half, which consists of the remaining length of Wairau Road that terminates at the ONL boundary.

39. The journey between the junction of SH45 and Surrey Hill Road, when travelling along Wairau Road is similar to that found on any residential, albeit, rural township street; modest houses with a 'beachy' theme complete with the comforts of outdoor living, mainly tidy and well kept gardens and sealed driveways.

40. Viewpoint 4 subsequently shows the first glimpse of upper Wairau Road via signs, fences, the eastern paddocks of the applicant's Farm and existing 'rural-residential' housing. The image has been taken from the turning lane at the junction of Surrey Hill Road and Wairau Road. Wairau Road continues up to a turning circle where a walking track leads up into the ONL and various driveways provide access to numbers 167, 168, 169, & 171 Wairau Road. Views from viewpoint 4 are characterised and dominated by the presence of the existing 'rural-residential' sections and the densely vegetated landscape of the Kaitake Ranges. Also highly visible is a large earthworks scar located at the eastern end of Wairau Road adjacent to the ONL.

41. Viewpoint 5 is taken just below 166 Wairau Road and shows the context of the farm as seen from this location. The views stretch across the applicant's land and neighbouring farms toward the Sea to the northwest. To the north views extend down Wairau Road, across Oakura, out to sea. Away to the northeast, views travel across moderately undulating farmland associated with Surrey Hill Road prior to panning across the ring plain and once again, out to sea. This view is only available from the higher slopes near 166 Wairau Road.

Neighbouring Residences

42. The proposed scheme significantly reduces the number of potentially affected neighbouring parties (compared with the 4 hectare subdivision scheme) due to its clustered design. The following residences are considered by me to be affected by the proposed scheme: (Location of numbered residences are shown on **annexure 4**)

- 166 - Dwelling located directly above the proposed scheme with elevated and open views;
 - 168 - Dwelling located behind and slightly above 166;
 - 171, 169, 167, 163, 161, 157, 139 - Dwellings located on the opposite side of the road; and
 - 142, 136, 134 - Dwellings located along the northern and lowest boundary of the scheme.
43. Residences 142, 136 and 134 orient north and are located on the opposite side of the headwater gully from the majority of the proposed subdivision and each property has established shelter/screening vegetation along their southern boundaries.
44. 166 and 168 Wairau Road are 5500m² sections, 166 having the most significant open and elevated views of the proposed scheme when compared with all other identified residences. Two additional 4000m² sections are located opposite 166 and 168, but these are currently undeveloped.
45. 171, 169, 167 Wairau Road are located above the site and are located on the opposite side of the road. They orient north and numbers 171 & 169 are tucked in behind substantial vegetation and are largely obscured from the road.
46. 157, 161, 163 (two dwellings) are located in a row and the second dwelling on 163 is adjacently located to the east of the ribbon development that has occurred along Wairau Road. The four houses are located opposite the access track to the NPDC water reservoirs and create a cluster of 'rural-residential' dwellings. The architectural styles vary in form and colour. Amenity vegetation along the roadside and throughout each property is well established. The impact of these properties on the environment is that they collectively create an ambience and character more akin to rural-residential amenity than an overtly rural landscape.

47. Residences along the northern part of upper Wairau Road are below and screened from the proposed subdivision by existing dwellings, shelter, and screen planting and therefore visually, will not be affected. However, subdivision will create an increase in vehicle movements along Wairau road. The applicant proposes the protection of the headwater gullies through covenant and encourages walkway links through the subdivision. Initially, it was proposed that walkways be included around the perimeter of the bush area as part of a public reserve. However, council has not expressed any desire to adopt the bush area as reserve. In addition, a 20m Esplanade Strip along the southern boundary of the Wairau Stream tributary is proposed. These and other mitigation measures proposed are discussed fully later in my evidence.

Summary of effects (assessment criteria 3)

48. The effects of the proposal on the character of the area are, in my view, limited by the clustered approach to the rural-residential size allotments. The cluster of allotments is located adjacent to Wairau Road, which provides connectivity between the future residents of these allotments and the township of Oakura. This connectivity is not just by proximity but also by the inclusion of walkways which link both to Wairau Road and to the Wairau stream via esplanade strip. In the original application, it was proposed that the bush area to the west of the allotment cluster be vested as council reserve. I believe that this would have provided significant additional connectivity and neighborhood amenity, as the bush could have contained perimeter walkways which could in turn link to the Wairau Stream and on into Oakura and the Oakura beach. Council has reported to the applicant that it does not wish to have this area vested as reserve. In my opinion, this is a lost opportunity. In response, the project team is proposing a QE2, or private, covenant over this bush and an area of significant wetlands. This will enhance ecological values and is described fully by Mr. Bevers in his evidence.

49. The farm lot (Lot 29 - 66.5ha) remains as dairy farm, which thereby maintains rural character, particularly with regard to spaciousness. This Lot is not a 'balance lot'. It is not left over land from subdivision. This allotment has been specifically created as part of a comprehensive development to maintain both productive uses of land as well as maintaining rural character. Furthermore, this approach maintains extensive views from SH45 up to the ONL. As described by Mr. McKie and Mr Twigley in their evidence, this lot will be protected from further subdivision, thereby ensuring rural character and values are maintained.
50. In my opinion, the clustering of the 'lifestyle' allotments into the eastern portion of the site, and the creation of a 66.5ha farm allotment which bounds rural land to the west is consistent with the character of this area. The protection of the bush and wetland gullies, enhanced rehabilitation planting, and provision for walkway linkages provides for improved neighbourhood amenity. This scheme efficiently utilises the land as the clustering provides lifestyle allotments, which are not wasteful of land, and enables a productive dairy farm to operate. Therefore, in my view, the proposal is appropriate to the site and wider landscape context.

Assessment Criteria 4

The effect of the subdivision on natural features, the Kaitake Formation aeolian tephra sections, SIGNIFICANT NATURAL AREAS, OUTSTANDING or REGIONALLY SIGNIFICANT LANDSCAPES, Category A heritage BUILDINGS or items and their settings, the natural character of the coastal environment, vegetation, wetlands, or other habitats or wildlife and any existing or proposed protection or enhancement measures.

51. The proposal is not located within a Regionally Significant Landscape. With regard to natural character and vegetation, wetlands, habitats or wildlife, the proposal enhances these values. Mr. Bevers' evidence has described the ecological values of the site and described how the proposal can enhance, restore, and rehabilitate these values. This is achieved through the covenanting of the main bush remnant as well as the eastern gully, which in Mr Bevers' view is a regionally and nationally significant wetland. Mr. Bevers has also stated that an application for the area to become a Key Native

Ecosystem (KNE) has been filed with the Regional Council because of its ecological significance. In my view, these measures protect and enhance natural character and significantly contribute to local landscape systems and identity.

Assessment Criteria 5

The effect of any methods used to make the ALLOTMENT suitable for the purpose of the subdivision on: the landform; or the likelihood or magnitude of natural hazard events.

52. The proposal has been designed to minimise adverse landscape effects including effects on landform. On the neighbouring property to the west, one can clearly see the adverse effect of earthworks that have occurred as part of driveway construction. This proposal recommends robust mitigation measures to limit the potential effects of earthworks and specifically provides screen planting to ensure views into sites are minimised. Mr Bell in his evidence discusses improvements to the existing ponding hazard.

Assessment Criteria 14

The extent to which public space areas for recreation, conservation, or pedestrian/cycle access purposes are provided for.

53. The proposal includes a pathway linkage from the northern end of the access road through to (please refer to scheme plan) the proposed 20m wide esplanade strip, which in turn runs down to SH45. This linkage also has a branch linking it to Wairau Road, thereby enabling pedestrian/cycle access into Oakura township. Conservation areas include the proposed QE2 or private covenanted area, as well as comprehensive restoration planting of the sites streams and gullies. Mr. Bevers' in his evidence has described the ecological status of the site and how the proposal will attenuate any potential effects.

4 HECTARE SCHEME

54. In light of the potential changes to the rural subdivision rules we also considered the likely changes to the landscape should the entire 83ha be

subdivided as a controlled activity; that is, into 4ha allotments. Subsequently, the applicant has undertaken such a scheme, which has been consented. My evidence focuses on landscape and visual effects within the context of the site as it operates presently, namely a working dairy farm. Neighbours and road users currently experience this landscape. However, the site is currently consented with a 4ha scheme. Therefore, my understanding is that I should also assess the effects of the proposal against the consented 4ha scheme because, if implemented, the site will not retain its current relatively 'undeveloped' rural nature in the long term. Therefore, in my view, the 4ha scheme is relevant when evaluating the landscape and visual effects of the proposed subdivision. That is because houses that can be constructed and land changes that could occur on the 18 lots now consented will cause the existing rural character to undergo significant change. While the sites that can be subdivided pursuant to the 4ha scheme have not yet been built on, the consented base line already in place allows for substantial change to occur over the entire farm. The resulting effect of this factor is that, while the application site is in a rural zone, it is an area that has undergone and is undergoing significant change and could undergo significantly more change if the 4ha consent is implemented. Mr. Mckie's evidence states that the 4ha scheme will be implemented if the comprehensive design scheme under consideration is not.

55. Irrespective of the legal relevance of the 4ha scheme in this process (addressed further in Mr. Twigley's evidence and in legal submissions), I reiterate that my involvement in this project began when the applicant approached me with concerns about the desirability of subdividing this land as a controlled activity. To this end, it is my opinion that a 4ha scheme would create adverse effects on the landscape by way of its very nature. As I have described earlier in my evidence, the 4ha approach has created sufficiently concerning outcomes on landscape character that council has undertaken a rural review. This review is proposing a change from a 4 ha minimum lot size to 20ha (while it is also meant to be targeting areas for more intensive rural-residential/lifestyle development). The intention being

to provide a disincentive for productive dairy land to be lost to subdivision by way of controlled activity consent applications.

56. The applicant's 4ha scheme has been consented. This scheme contains few conditions, which protect or enhance rural character in my view. Under this consent the applicant (or future land owners) can, without consent undertake the following (as discussed in evidence by Mr Twigley):

- Construct dwellings to a maximum height of 8m, other buildings 10m;
- Construct 2 dwellings per lot;
- There is no maximum building coverage;
- There is no limit on number of other buildings;
- The minimum setback from side boundaries is 5m;
- The minimum setback from road boundaries is 10m;
- There are no restrictions on colour, materials, or building styles; and
- There are only limited restrictions on shelter planting and plantation forestry (see Rule Rur75)
- There will be two long Rights of Way that will cut across the site which are likely to be highly visible.
- Installation of 22,500 litre water storage tanks on most lots for firefighting.

57. Furthermore, the consented 4ha scheme creates effects, which, in my opinion, degrade the site's landscape values. This includes the loss of productive land, the loss of open space, the loss of a rural Southern Entrance Corridor to Oakura, loss of views to the ONL Kaitake Ranges caused by likely roadside screen and shelter planting, the likely creation of a variety of architectural house styles - large, light, bright and high reflectivity values, and a variety of boundary treatments. It is perhaps ironic that a controlled activity would, (and the 4ha scheme if implemented will) in my opinion, create adverse effects on rural character of a scale and degree greater than the proposed scheme under consideration. Instead of preserving 66.5ha of farmland (including 8.5ha of protected bush and wetlands, and esplanade

strip) and thus the geographical integrity of Oakura, the property would likely become a conglomerate of a range of houses (large and small), fencing styles, land use, and shelter planting. The result would be, in my opinion, that the land would appear fragmented due to the various land uses by multiple owners for all the reasons I have outlined above. The experiential quality of approaching Oakura, as a small, coastal, and rural township would be reduced.

58. In my opinion, the 4ha lot sizes now consented will not ensure the maintenance of important landscape and rural amenity values on this site; on the other hand, I believe that the proposed comprehensive design cluster scheme will ensure those outcomes. Furthermore, once subdivided into 4ha Lots, the number of affected parties increases significantly. Overall, in my opinion, if the site is wholly developed to the 'lifestyle intensity' of 4ha lots (18 of which are now consented) we will experience a great sense of loss of the many qualities that are presently valued as part of the rural character and rural amenity of the area. I attach in **annexure 5** a plan of the 4ha scheme hypothetically developed in terms of the NPDP rules (or lack of) noted above.

59. The proposed comprehensive design cluster scheme, specifically addresses these issues through comprehensive robust design controls, single storey dwellings, one dwelling per lot, larger setbacks, restrictions on planting along SH45 road frontage, the protection of the 66.5ha farm (including 8.5ha of protected bush and wetlands etc.) I will now describe these and other mitigation measures, which are designed to minimise effects on rural amenity. These follow as recommendations.

MITIGATION

60. Rural character is the cohesive sum of a range of factors, each unassuming on their own, however when combined, they forge a strong visual and landscape identity. The following set of mitigation measures are intended to preserve, emulate, and respect the inherent rural character of the

receiving/surrounding environment within the proposed subdivision. In my view, these measures will effectively mitigate effects to the degree that the adverse landscape amenity effects of the proposed subdivision will be no more than minor.

61. In order to mitigate visual effects from public viewing places (roadways), neighbouring properties and for future residents of the development itself, planting is proposed within the two gullies located either side of the dwelling lots. This planting will soften and screen views from SH45 and from those living and using the middle sections of Wairau Road. For residents and users of upper Wairau Road, the planting of these gullies will provide an attractive visual backdrop and reduce the apparent scale of buildings. To further reduce visual effects from upper Wairau Road, screen planting is proposed from Wairau Road through to the water tanks. The scope and extent of these planted areas are shown in **annexure 6** on the Planting Scheme.

62. To maintain spaciousness as a key characteristic of rural amenity, the dwelling lots are clustered in the eastern portion of the site, adjacent to the urban edge of Oakura township. Because spaciousness is fundamental to a sense of rural character, buildings should be located at a scale and density that can be absorbed by the landscape. To this end, the areas proposed for development have contextual proximity to the residential and rural-residential areas of Oakura township but have adjacent natural landforms which integrate the allotments with its rural context. This means that these specific landscapes can adsorb dwellings with only a minor effect on rural character because they have a context that substantially sets them apart from the overtly rural landscape to the west. This consolidation of development in an appropriate location on the site avoids sporadic development, sprawl, and cumulative adverse effects and avoids areas not already compromised. For example, it was agreed by the design team early on in the design phase of this project that the area shown as potential residential land in the Oakura Structure Plan adjacent to SH45 was an inappropriate location for this development. There would have been adverse

effects on the environment in this location, particularly on users of SH45 and its role as the entrance to Oakura township, and effects on views of the ONL. The cluster of rural-residential allotments, where proposed, is sensitively sited in a portion of the property that has the ability to absorb development, while respecting aesthetic values, heritage values, ecological values, visual absorption capabilities and limiting visibility. In my view, siting of dwellings to avoid impacting on sensitive landscape features such as the ONL cannot be achieved with the 4ha consent.

63. Furthermore, building setbacks will ensure spaciousness between habitable dwellings, consistent with 'lifestyle' amenity. This will particularly benefit residents with views into the site and users of upper Wairau Road who have the most open views into the site. Spaciousness for users of SH45 (which is the western approach/egress from Oakura township) is achieved by the creation of the 66.5ha farm lot. As illustrated in the photomontages described earlier in **annexure 3**, the farm lot creates open space between SH45 and the dwelling lots. These allotments are further reduced in apparent scale and visibility by the rehabilitated gully located between the farm lot and the dwelling allotments. This open space (the farm lot) also creates an open interrupted rural foreground for views from SH45 to the ONL. It is therefore appropriate to limit the extent of development by restricting allotments to the area proposed.

64. In order to maintain rural character, the proposed mitigation measures include building design controls. There is a requirement for dwellings to be limited to one storey in height and for roofs and cladding to have colour schemes, which have low reflectivity values. These two measures will reduce the visibility of the dwellings and help visually 'set them into' the landscape. This will assist with visual and physical integration of the proposed development with the surrounding environment and in my opinion is necessary in order to maintain and enhance amenity values.

65. To maintain rural amenity in terms of built elements additional to dwellings, it is intended that road width will be set to the minimum allowable under the District Council's Roading Code of Practice and that road edges within the development are not constructed with kerb and channel. Rather, wide grass verges and swales will be constructed to accommodate stormwater. In addition, there will be no overhead streetlights. These items will enable the roadway to appear more rural than residential (typically residential streets have narrow grass verges, kerb and channel, overhead street lighting and footpaths).
66. I have not made recommendations with regard to non-habitable buildings (such as sheds) and noise. In the case of non-habitable buildings, in my view, a defining characteristic of the district's rural landscape is the eclectic mix of shed designs. Buildings such as these tend to be built from inexpensive materials and their form generally reflects their function. In other words, they look like sheds. In my view, placing design controls on non-habitable buildings is unnecessary. I have a similar opinion on noise. The lot sizes are rural-residential in size and noises are likely to result from machinery by owners maintaining their land. Noises from machinery are a prevalent and often underestimated aspect of rural living. Therefore, in my view mitigation measures to reduce noise are unnecessary.
67. The following NPDP policies, as listed within Issue 4 (Loss or reduction of Rural Amenity), were used to guide decision making in terms of our assessment of subdivision and how its subsequent effects (if any) can be avoided, remedied or mitigated.

Policy 4.1 Subdivision within the rural environment should not adversely affect the open space or visual elements of rural character

Policy 4.2 Activities should be designed, located and/or of such a density that the visual and open space characteristics of rural character is maintained.

Policy 4.3 Vegetation should be retained and planted to maintain and enhance rural amenity.

Policy 4.4 BUILDINGS, plantation forests and SHELTERBELTS should not adversely affect adjoining properties by shading.

Policy 4.5 Activities within the rural environment should not generate traffic effects that will adversely affect rural character.

68. To avoid, remedy and mitigate the likely adverse effects of the comprehensive design/cluster scheme proposal I recommend the following:

a. All Lots shall be limited to one habitable building (dwelling).

Policy 4.1 & Policy 4.2

b. Existing vegetation shall be maintained and enhanced.

- i. All headwater gullies shall be revegetated using native species to improve biodiversity, provide softening and screening to the subdivision and provide desirable links for walkways and pedestrian/community health.
- ii. All watercourses on the farm shall be fenced and revegetated in association with TRC's riparian planting programme and the Fonterra Clean Streams Accord.
- iii. Shelter & Screen planting along SH45 road frontage shall be prohibited unless otherwise agreed in order to protect the existing views to the ONL along Oakura's Southern Entrance Corridor.
- iv. A wide grass verge shall provide a public walkway along Wairau Road for the length of the headwater gullies.
- v. Native vegetation shall be established along the northern boundary of Lots 3 & 5.
- vi. Native riparian revegetation shall take place within the southern corner of Lot 1 (as it relates to the associated tributary and its banks).

- vii. An earth bund covered with planting shall be constructed in front of the council water tanks with the planting to extend to Wairau Road, in order to soften the development from users of upper Wairau Road.

Policy 4.1, Policy 4.2 & Policy 4.3

c. Dwelling Setback

- i. Lots 1-5: Dwellings shall be set back 30m from Wairau Road and 20m from all side boundaries
- ii. Lots 6-26: Dwellings shall be set back 20m from the internal road, Wairau Road and 10m from all side boundaries.

Policy 4.1 & Policy 4.2

- d. All Lots: Style and form of construction shall be limited in materials and form to reduce the visual impact on the receiving environment.
Roofs and Walls shall be limited to:
 - i. Dark and Recessive colours (shades rather than tints).
 - ii. Materials with a reflectivity value <35%.
 - iii. All Lots shall be restricted to the construction of a single story dwelling.
 - iv. Water tanks for firefighting required on Lots 1-5 shall be constructed of recessive coloured materials and or located to avoid visibility from Wairau Road.

Policy 4.1 & Policy 4.2

- e. All Lots: Site boundary elements (fences, gate posts, driveways, etc) shall be limited to materials and designs that are rural in character.
 - i. Eg: Concrete driveways shall be avoided in preference to tar-seal and/or metal.
 - ii. Solid fences shall be prohibited on all properties.

- iii. Pillars - urban in character shall be prohibited.

Policy 4.1 & Policy 4.2

- f. Roadways: Roads shall conform to NPDC Policy guidelines but shall include sympathetic elements characteristic of the rural environment. They shall:
 - i. Include wide verges to provide for walking routes.
 - ii. Include swales to capture surface run off, filter particulates from adjoining waterways, be in keeping with coastal/rural townships and avoid the need for unnecessary 'urbanisation' of the subdivision.
 - iii. Not include kerb and channel.

Policy 4.1 & Policy 4.2

- g. Although some degree of cut in association with farm operations is considered typical of the rural environment, the effect of cut faces in this location (whether concerned with building platforms or driveways) could have a more than minor impact on rural amenity if not managed appropriately, as is evidenced by the council water reservoirs. Therefore, to avoid adverse visual effects from earthworks:
 - i. Batters, where required, shall be prepared at a 1m vertical and 3m horizontal gradient and shall be planted/seeded at the time of construction unless otherwise assessed and agreed. Excavated material shall be spread evenly across the existing contour or removed from site. If the creation of platforms for lawns etc are desired, the batters shall be integrated with the adjacent natural contours at a gradient of no steeper than 1:6.

Policy 4.1 & Policy 4.2

MITIGATION SUMMARY

69. The mitigation measures I have proposed have the ability to avoid, remedy and mitigate any potential adverse visual or landscape effects of the proposal for all of the reasons I have described above. I have undertaken a careful comprehensive design approach to this proposed subdivision from the outset. The application promotes enhancements in sustainable landscape management on multiple levels including pest and weed control, native revegetation and biodiversity, bush and wetlands protection covenants, and strict design and appearance controls on buildings (to mitigate visual effects of buildings, earthworks and associated elements such as driveways) and mitigation planting requirements to achieve overall environmental enhancements. It is my view that adverse effects of the proposal will not be more than minor if all of the proposed mitigation measures suggested in respect of this development (by me and the other witnesses for the applicant) are implemented.

FRAGMENTATION

70. Fragmentation of the simple and broad-scaled visual landscape elements, features, and patterns is a potential adverse visual effect from rural subdivision. This can occur with such things as roads, driveways, boundary plantings and features, entranceway gates, and structures and dwellings. I believe that the test is: when do these elements become sufficiently widespread that visual clutter occurs which eventually fragments the scale of rural landscape and changes its character? This proposal will change the character of a relatively small area of the applicant's site where 'lifestyle' lots are located. However, 80% of the site will remain as dairy farm and covenanted bush/wetland. This is equivalent in size to the entire Oakura township east of Wairau Road. In addition, within the area between the Oakura River and Timaru Stream, there are only two other pieces of land comparable in size. This is illustrated in **annexure 7**. Furthermore, as noted above, while the character of a relatively small part of the applicant's site will change the proposed activity will be consistent with the existing mixed-

use landscape character of the area. On balance, the proposal limits the effect on rural character to a specific location adjacent to a semi-urban area.

PRECEDENT & CUMULATIVE EFFECT

71. To assess whether this subdivision will create an adverse cumulative landscape and visual effect one must assess the current level of subdivision/development and ascertain whether this proposal is the 'tipping point'.

72. The landscape in which this subdivision is located bounds Oakura township. The northeastern portion of the site bounds a residential zone and the southern reaches of Wairau Road contain several houses on 'lifestyle' lots. The northern boundary is alongside SH45. To the east, the land is overtly rural in character. Over time, housing densities have increased along Wairau Road as residential land and lifestyle blocks have developed. The creation of rural-residential size allotments as proposed in the eastern portion of the site is not incongruous with the existing receiving environment. To this end, this scheme will not create precedent as this subdivision has been designed as a comprehensive development with sensitive site selection taking into account specific landscape matters of character and identity and sites all differ in nature. With regard to cumulative effect, this development does not represent a point in the local landscape where the balance is tipped and rural character is subsumed, in my view. The subdivision proposal will not result in cumulative effects that incrementally erode natural and rural character for the reasons above. The proposed development avoids cumulative effects by being located between areas of existing development rather than extending the zone of development over the farmland to be protected (as the 4ha subdivision would if implemented), and, also by occupying a relatively small area in relation to the extent of rural land that will be protected and consequently will remain part of the surrounding environment context (which will not occur if the 4ha consent is implemented). Further, taking a cautious approach, I have recommended controls to minimise any potential cumulative

effects of rural residential housing units on natural character, landscape, and rural amenity values.

RESPONSE TO SUBMISSIONS - LANDSCAPE MATTERS

73. Submission No 1, P & K Lobb, No 171 Wairau Road. This submission is concerned that any subdivision should be located in the area of land shown in the Oakura Structure Plan as being preferred for residential development.

My Response: The application is not a residential development. The landscape assessment outlines mitigation measures to maintain and enhance rural character.

74. Submission No 3, R Oldfield, No 14 Hussey Street. This submission is concerned about community facilities and associated provision.

My Response: The proposal includes pathway linkages to Wairau Road and to the Wairau Road Esplanade Strip (thereby accessible by/to the community).

75. Submission No 5, EM-R Wenn, No 130b Wairau Road. This submission is concerned that the proposal does not follow council rules and that it is not located within the residential zone of structure plan. The submitter also has concerns that any road upgrade will be contrary to rural outlook.

My Response: The subdivision should be located where it has least affect on rural amenity. The lot sizes in this proposal are not residential. A two-lane road is not necessarily contrary to rural character. The treatment of the road verges and road detailing does affect rural character. The landscape assessment outlines mitigation measures with regard to road design to maintain and enhance rural character.

76. Submission No 7, HL & JDR Tompkins, No 163 Wairau Road. This submission is concerned that any subdivision should be located in the area of land shown in the Oakura Structure Plan as being preferred for residential development.

My Response: The application is not a residential development. The landscape assessment outlines mitigation measures to maintain and enhance rural character.

77. Submission No 8, MA & CM Bowden, No 157 Wairau Road. This submission is concerned that the subdivision is contrary to the 2006 Oakura Structure Plan and will create precedent. The submitter supports a 4Ha subdivision.

My Response: In my opinion a cluster development is more preferable to the 4ha scheme in landscapes terms, for reasons I have discussed earlier. I have also discussed the issue of precedent earlier in my evidence. The application is not a residential development. The landscape assessment outlines mitigation measures to maintain and enhance rural character.

78. Submission No 9, A & E Thompson, No 110a Wairau Road. This submission is concerned that more work is undertaken to ensure rural character is maintained through zoning controls and building design.

My Response: My report and evidence outlines design controls aimed at maintaining and enhancing rural character. Vegetation is also proposed to soften and screen buildings within the subdivision.

79. Submission No 10, G & C Stewart, No 169 Wairau Road. This submission is concerned that any subdivision should be located in the area of land shown in the Oakura Structure Plan as being preferred for residential development and that the development will affect the submitters' vista from the sea to the native bush on the Kaitake ranges.

My Response: The application is not a residential development. The landscape assessment outlines mitigation measures to maintain and enhance rural character, and views to the ONL Kaitake Ranges. The proposed 66.5 farm lot also assists in addressing these issues and will maintain open space.

80. Submission No 11, A Ingram, No 122a Wairau Road. This submission is concerned that more work is undertaken to ensure rural character is maintained through zoning controls and building design.

My Response: My report and evidence outlines design controls aimed at maintaining and enhancing rural character. Vegetation is also proposed to soften and screen buildings within the subdivision.

81. Submission No 13, Manna Christian Healing Trust, No 134 Wairau Road. This submission is concerned that the subdivision will affect the centre visually, aesthetically and have noise impacts.

My Response: My report and evidence outline measures to maintain a rural aesthetic and recommends building setback distances greater than required by the District Plan.

82. Submission No 14, A & S Walker, No 166 Wairau Road. This submission is concerned that any subdivision should be located in the area of land shown in the Oakura Structure Plan as being preferred for residential development and concerned about views from SH45.

My Response: The application is not a residential development. The landscape assessment outlines mitigation measures to maintain and enhance rural character. My report and photomontages submitted to council illustrate that visual effects from SH45 will be minor.

83. Submission No 15, J & M Fleming, No 139 Wairau Road. This submission is concerned about effects on the Kaitake foothills, relationship with the Structure Plan and the quality of the amenity of the gully.

My Response: My assessment of the site considers that the Kaitake ranges will not be adversely affected by the subdivision if the recommended design controls are undertaken. With regard to the gully planting, we have prepared planting schemes as part of the application, which outline the extensive revegetation of gullies proposed. Mr Twigley will cover the role of the Oakura Structure Plan in his evidence.

84. Submission No 16, S & J Ruddlesden, No 124 Wairau Road. This submission is concerned about the subdivision generally including its location.

My response: In my assessment I have discussed the character of the site and the merits of locating development where proposed and mitigation measures to adopt.

85. Submission No 17, Oakura Community Group, c/- Sian Fayle, 259 Surrey Hill Road RD4. This submission with 22 signatures is concerned about the loss of rural and coastal character, effects on views of Kaitake Ranges, and the location of Lots.

My response: In my opinion, the Resource Management Act focusses on the limiting of environmental effects - on balance. The site of this proposal is currently open space with virtually no buildings. The Act and the District Plan anticipate landscape change, which in the case of this site means that open space through subdivision is likely to occur (given the site's proximity to Oakura township.) I am of the view that in order to achieve a subdivision which best manages potential effects, a comprehensive subdivision design, as proposed, is the most appropriate approach. While the character of one relatively small portion of the site will change, on balance, the effect on rural character will be minor.

86. Submission No 19. 20 21, Smeal, Aitken-Hall, Johnston. These submissions support the clustered subdivision as a potentially better landscape outcome than a 4ha scheme. I agree.

87. Submission No 22, PJ & GE Wills, 23 Surrey Hill Road. This submission is the predominately the same as submission 17. Please refer to my response to that submission.

88. Submission No 23, AK Marshall, 124a Wairau Road. This submission is concerned that any new subdivision must be well managed.

My response: My recommendations with regard to location, re-vegetation, and design controls imply a high degree of management.

89. Submission No 24, JR Priest, 11 Prudence Place. This submission is concerned that the subdivision is contrary to the Oakura Structure Plan and in particular the sites relationship with the Kaitake Ranges.

My response: The location of lots combined with proposed mitigation recommendations acknowledges the Kaitake Ranges as the dominant landform in this area. My landscape assessment comprehensively addresses the issue of views towards the Kaitake Ranges.

90. Submission No 25, 28, 29 Watson, Blyde, Looker. This submission supports the clustered subdivision as a potentially better landscape outcome than a 4ha scheme. I agree.

91. Submission No 26, PS & SJ Goldsmith, No 135 Wairau Road. This submission states that the proposal has “many environmental and sustainable qualities and is or could be a good test case for better rural development.” However, the submitters are concerned about conserving rural character and the relationship between landscape and buildings.

My response: In my view, the proposal conserves rural character though the preservation of 80% of the site as farm and protected bush and wetland. Rural character is further maintained though recommended design controls on buildings and landscape elements such as fencing, roading and the rehabilitation of the site’s waterway and gullies. This proposal will also enhance amenity values/rural character values (at least in parts of the site); for example, the eastern gully is relatively degraded at present - but in a few years it will have established native vegetation and enhance both the environment’s ecology and character.

92. Submission No 30, RL & B Goodhue, No 110b Wairau Road. This submission is concerned about rural outlook.

My response: The submitter states that consideration has been given by the applicant to specified plantings, single level houses and colourings to blend with the environment. I have interpreted this to mean that the submitter

thinks these specific measures are desirable and appropriate, notwithstanding their concerns with regard to rural outlook.

93. Submission No 31, Kaitake Community Board, Doug Hislop, Chair. This submission is concerned that the subdivision is contrary to the Oakura Structure Plan, effect on the Kaitake Ranges, effects on rural character and/or visual quality.

My response: The submission states that “the concept of clustering dwellings in a rural subdivision to retain a sense of unbuilt spaciousness in intervening areas is gathering momentum in the New Zealand rural landscape”. I concur with this statement and to that extent, this proposal represents best practice.

My evidence addresses management of effects on rural character through my detailed description of visual effects on both road users and neighbours, and I have described mitigation recommendations to attenuate landscape and visual effects.

94. Submission No 32, PS & SJ Goldsmith, No 135 Wairau Road. This submission was submitted on behalf of a residents group, and is concerned about effects on rural character and in particular the desire to not see residential zoning extend beyond its present boundary as suggested in the structure plan. The submission also requests that ribbon/bands of trees and bush planting be used as a tool to ‘nestle in’ building sites.

My response: In my view, the extents of the residential zone of Oakura needs to be carefully considered; and, the extents indicated in the structure plan may have an adverse effect on the character of Oakura. This proposal is not a residential subdivision and has been comprehensively designed in order to avoid impacts on rural character.

With regard to the request that ribbon/bands of tree planting be used to nestle in buildings I make the following comments. One of the defining characteristics of the piece of land selected to accommodate the dwelling lots is its location between two gullies. This piece of land is not separated physically from the bulk of the farm but the remnant native forest in these

gullies will (with rehabilitation) form a vegetative backdrop and create a nestled in context to the subdivision. In my experience, managing extensive tracts of vegetation within single ownership (this proposal does this by covenanting this vegetation) produces superior sustainable management than having planted areas straddling across many allotments where each owner uses and manages the vegetation differently.

SUMMARY OF RESPONSE TO SUBMISSIONS

95. With regard to the landscape matters, many submitters have expressed concern about potential effects on views. In response; while the site (and some future buildings) may be visible from some properties, is it likely that the proposed dwellings on the proposed lots would not represent a prominent portion of views from existing neighbouring dwellings. i.e. the prominent part of their views are beyond the site towards the Tasman Sea etc. Furthermore, the township of Oakura already forms part of the view for many existing properties. Secondly, the potential effects of the proposal on the residential amenity (or rural-residential amenity) for nearby residents need to be considered in the context of existing amenity for residents. Their residential amenity (or rural-residential amenity) is already compromised to a degree due to the proximity of Oakura, SH 45 and adjoining residential and lifestyle areas (including Surrey Hill road).
96. In my view, potential effects on local amenity of the additional proposed development would be insignificant or minor in relation to the existing amenity for nearby residents. Furthermore, for many residents, landscape amenity will improve through the permanent protection of the 66.5 ha farm and bush/wetland/esplanade strip (and restoration of them), and not having the entire farm subdivided into 4ha lots.

RESPONSE TO OFFICER'S REPORT

97. I have read the council officer's report, including Appendix 2 - Mary Buckland's review of my landscape assessment and subsequent section 92 report. With regard to Mary Buckland's work I would like to make the

following comments. Mrs Buckland states in her 2006 landscape assessment review that there had been intensification of development on the ring plain right up to the bush line of Mt Taranaki and that scattered buildings had also appeared around the northern slopes of the Pouakai and Kaitake Ranges. This phenomenon of gradual expansion of buildings up the slopes toward the mountain has occurred throughout the district. Mrs Buckland goes on to say that such rural residential development has the potential to cause adverse visual effects on landscape values and rural character. However, she also says that small areas of rural residential development could be appropriately sited around existing settlements, as opposed to throughout the rural area. I agree with Mrs Buckland's assessment as described above. To this end, in my view, Oakura is an appropriate example of an existing settlement whereby rural residential development could be annexed. Mrs Buckland goes on to describe the identification of a buffer area which would extend around the mountain and include additional controls on subdivision and development.

98. I am in agreement and supportive of a buffer area around the ONL to protect landscape values and rural amenity. However, at this juncture, the location of the buffer area that Mrs Buckland refers to is not identified in any public documents that can be referenced for this proposal. This buffer area is not mentioned in Plan Change 27 and the community has had no chance to comment on its location. Therefore, the role of the buffer area becomes problematic in both designing development around the mountain, and in assessing effects. Other than general statements in Mrs Buckland work (statements which I agree with) about protections and controls on subdivisions, there is little to guide development as to the precise issues pertaining to such protections. In my view, the proposed subdivision scheme deals with many of the concerns that are implied in Mrs Buckland's assessment of the district's landscape. As Mrs Buckland states in her report, the context of this site includes rural-residential land use. Therefore, in my view, by clustering this development as proposed, the development is appropriately annexed to an area of similar landscape character and is in turn located adjacent to an existing settlement.

99. Of particular concern to Mrs Buckland are the potential visual effects of development on the ONL. As she correctly states in her report, Policy 15.1 of the NPDP states that subdivision should not result in adverse visual effects on outstanding landscapes, which includes the Kaitake and Pouakai Ranges. This proposal is visible from a very small number of locations and forms a very small portion of the viewing area from such locations. The subject site narrows at its southern end, and has a common boundary with the ONL of 75m long. Furthermore, the topography of applicant's site is relatively flat compared to the ONL land. To this end, the scale of the Kaitake Ranges, as seen from the identified viewpoints, is, in short, overwhelming. The scale of the ranges dwarf structures (the summit of the Kaitake ranges is at 684m), as illustrated by the council water tanks which although large do not dominate this landscape. We must also be careful to distinguish between the ONL from its surrounding landscape. The defining characteristic of the ONL in this location is the clearly defined bush/pasture edge. This is true for all of Mount Taranaki Egmont National Park - it is the bush edge that defines the natural landscape. To this end, the proposal's visibility against that bush edge is minimal. From the majority of viewpoints the entire subdivision is set against a rural backdrop. That is, there is rural land visible between the subdivision and the ONL. In some cases (e.g. from Ahu Ahu Road) the glimpse of the site is set against rural land with open sky above.

100. Mrs Buckland contends that development montages from viewpoints such as from Viewpoint 1 illustrate adverse effects on the ONL. Please refer to **annexure 8** which illustrates the anticipated visual effect from SH45 before subdivision and after stages 1 and 2 are complete at 5 years from viewpoint 1. In my view, the 'before and after' images demonstrate that the effects on the ONL and rural character are minor. The photomontage at 5 years shows that there is no built development at all in the fore or mid ground, thereby preserving the existing open rural view. The Telecom tower has been removed, thereby eliminating a highly visible vertical element which currently protrudes into the bush line. (The Telecom tower site is leased

from the applicant. The lease period ends in July 2015 and it is Mr Mckie's intention to not renew the lease upon consent of this subdivision). The visual impact of the council water reservoirs is also reduced by way of the proposed bund and planting. The gully situated closest to the viewer is shown as partially vegetated as part of the proposed clean streams accord. The montage also shows houses located at the rear of the site (lots 1-5) and a cluster of houses on the main part of the subdivision between the gullies. Importantly, none of the proposed houses will (irrespective of their final building location) protrude above the ONL bushline. It is my assessment that no houses from any viewpoint will protrude into the ONL from any viewing location. This is primarily due to the site's shape and location relative to the ONL (i.e. the site narrows at its southern end) and as a consequence of the proposed setback and design controls. Mrs Buckland contends that the landscape will become almost urban as a result of the subdivision when viewed from this point and rural character is significantly diminished. In my view, this will not be the case due to the retention of the farmland that provides the rural foreground of this view and the mitigating effect of the existing vegetation and the proposed planting. Furthermore, the mitigating effect of the planting should be viewed long term as the sustainable management definition in the RMA looks to the future (i.e. reasonably foreseeable needs of future generations etc).

101. Mrs Buckland has identified a number of viewpoints, which she believes are important. In my opinion, the public views of this site are minor (due primarily to distance) with the exception of the viewpoints I have described in my evidence. Users of SH45 are traveling at speed, and focused on the road ahead, This is particularly true of viewpoint 2 in my assessment (the viewpoint from the Oakura River bridge) where drivers are focused on the impending bridge or, in the case of reserve users, focused on safely entering SH45. From this viewpoint, none of the lower clusters will be visible and dwellings on Lots 1 and 2 with their recessive colours will disappear into the bush, as the Walker house does (166 Wairau Road). Mrs Buckland is also concerned that the addition of houses into this landscape creates adverse

effects. As I have described in my evidence, a maximum of five dwellings (with setback and design controls) will be located at the southern end of the site. There are currently six existing houses in this immediate area and two subdivided 1 acre parcels (which will presumably be built on). All of these existing houses are located higher towards the ONL than proposed lots 2-5. Lot 1 has an elevation similar to 168 Wairau Road, although it is likely that a dwelling would be built between 166 and 168 Wairau Road. The remaining 20 rural residential lots are located down the slope where the contour flattens in between two gullies. This area is at least 30m lower (in elevation) than the closest ONL boundary.

102. In my view, the existence of dwellings in this location does not necessarily equate to adverse effects as suggested by Mrs Buckland. Landscape change is not the same as adverse effect. The proposed dwellings, while visible to some, are located to avoid adverse effect. Furthermore, the character and amenity of this landscape is not one of pristine open rural land rising into an ONL. Mrs Buckland states that the subdivision introduces an inappropriate development into what is a rural and high value natural landscape which forms the immediate foreground to an ONL. This seems to be suggesting that the applicant's land is a high value natural landscape. In my view, the land is modified. The site contains two large highly visible water reservoirs and access track and earth mound, a white cellphone tower, existing houses on the ONL boundary, and residential and rural residential development along most of Wairau Road which in turn abuts the residential area of Oakura township. The presence of dwellings in 20% of the site represents a small area of change in rural character.

103. With regard to other matters raised by Mrs Buckland. On page 8 of Mrs Buckland's report she agrees with our assessment that effects of driveways and cuts & fills of the rights of way on Lots 1-5 will be more than minor. However, our assessment of these effects is made prior to mitigation recommendations. Mrs Buckland also says that it would be difficult to ensure that homeowners abide by the condition to not have urbanised boundary

treatments. In my experience such conditions are common place and enforceable.

104. On page 9 of her report, Mrs Buckland agrees with our assessment that the most significant effect on rural character would be the entire dismemberment and division of an 84ha productive landscape (as per the consented 4ha scheme). It is this fragmentation of the entire site that prompted our clustered design solution as currently proposed. Mrs Buckland and I seem to be in agreement that a completely fragmented site would have a significant adverse effect on rural character.

105. Mrs Buckland comments on page 10 that in her opinion there will be a loss of green belt around the ONL. I presume this green belt refers to farmland (there is no defined area of green belt as is commonly found in many NZ cities). In my view, the cluster subdivision protects a significant amount of that green belt/pasture as the area that forms the top cluster (lots 1-5) occupies a very small area of green belt/pasture due to the narrowing of the site.

SUMMARY

106. The application site within an area that has undergone (and is still undergoing) significant change; changing from large rural lots to smaller 'lifestyle' rural-residential sections and/or residential sections. The site is enveloped by a variety of development and activities and is next to the town of Oakura. Although it has a Rural zoning, the development surrounding the site (especially that part of the site containing the proposed allotments) has significantly affected the rural character of the area.

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

108. Carefully planned best practice mitigation is proposed to reduce landscape and visual effects of the relatively small area of the site proposed to be developed for the reasons I have set out. Those measures proposed in the application and evidence for the applicant has the ability to avoid, remedy or mitigate any potential adverse visual or landscape effects of the proposed activity.
109. With regard to rural amenity, the proposal represents an holistic comprehensive design approach with an emphasis on sound environmental outcomes. This includes statutory planning, landscape, ecology, archaeology, and infrastructure engineering. These disciplines have combined to create a proposal that when built 'on the ground' represents an integrated landscape. Furthermore, this proposal will ensure that Oakura's identity, although growing, is retained by the preservation of views across the farms 1km of road frontage toward the amalgamated 66.5ha's of productive land. Also, views towards the Kaitake Ranges and the ONL are preserved as the dominant feature within the landscape. The subdivision does not detract by way of inappropriate and/or dominant building location, reflectivity, or height.
110. It was proposed that reserve status be applied to the Wairau Stream tributary headwater gullies and the area become recreational reserve for those residing within the subdivision and wider community. This has been rejected by council but is still the most desirable status for this land in terms of the council's subdivision assessment criteria with regard to public access and amenity.
111. Cohesive and successive riparian strip establishment and management of the wider farm's watercourses shall continue in conjunction with TRC and Fonterra.
112. Owners of the subdivided lots will have the benefits of views, space and section sizes which are easily managed. Sizes and separation between

dwellings will provide spaciousness and be reminiscent of the rural environment but also provide opportunities for the development of community due to the proximity between immediate neighbours and Oakura. The five 1-1.6ha lots located at the southern end of the site have been specifically made larger than the other lots as they are at higher elevation and potentially more visible.

113. Vegetation, topography, and the tributary of the Wairau Stream play important roles in shaping views into the site.

114. Those most likely to be affected by the Subdivision are residents living along Upper Wairau Road with elevated and open views across the applicant's farm. Potential impacts on them will be mitigated by robust proposed design controls and mitigation measures discussed earlier.

115. The comprehensive design scheme clusters the subdivision within the eastern portion of the property adjacent to Wairau Road and existing 'rural-residential' and residential properties - a location that in my view is arguably already within the confines of Oakura township. The boundary between rural and urban living zones is retained and strengthened.

116. A conventional 4ha Scheme, if implemented, will in my view reduce the clarity of boundaries and unity synonymous with Oakura. It will blur the lines of where rural and residential character begins/ends, and detract from the current rural southern entrance corridor to the town.

117. The adverse effects of the subdivision proposal on the environment are largely avoided through the layout design. Where I have identified effects, I have recommended mitigation measures to attenuate those effects. Any potentially adverse landscape and visual effects of the clustered scheme on adjoining areas can be effectively mitigated and avoided by the inclusion of thoughtful and carefully considered design controls and covenants as proposed in the recommendations section above. If those carefully considered

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

Annexures

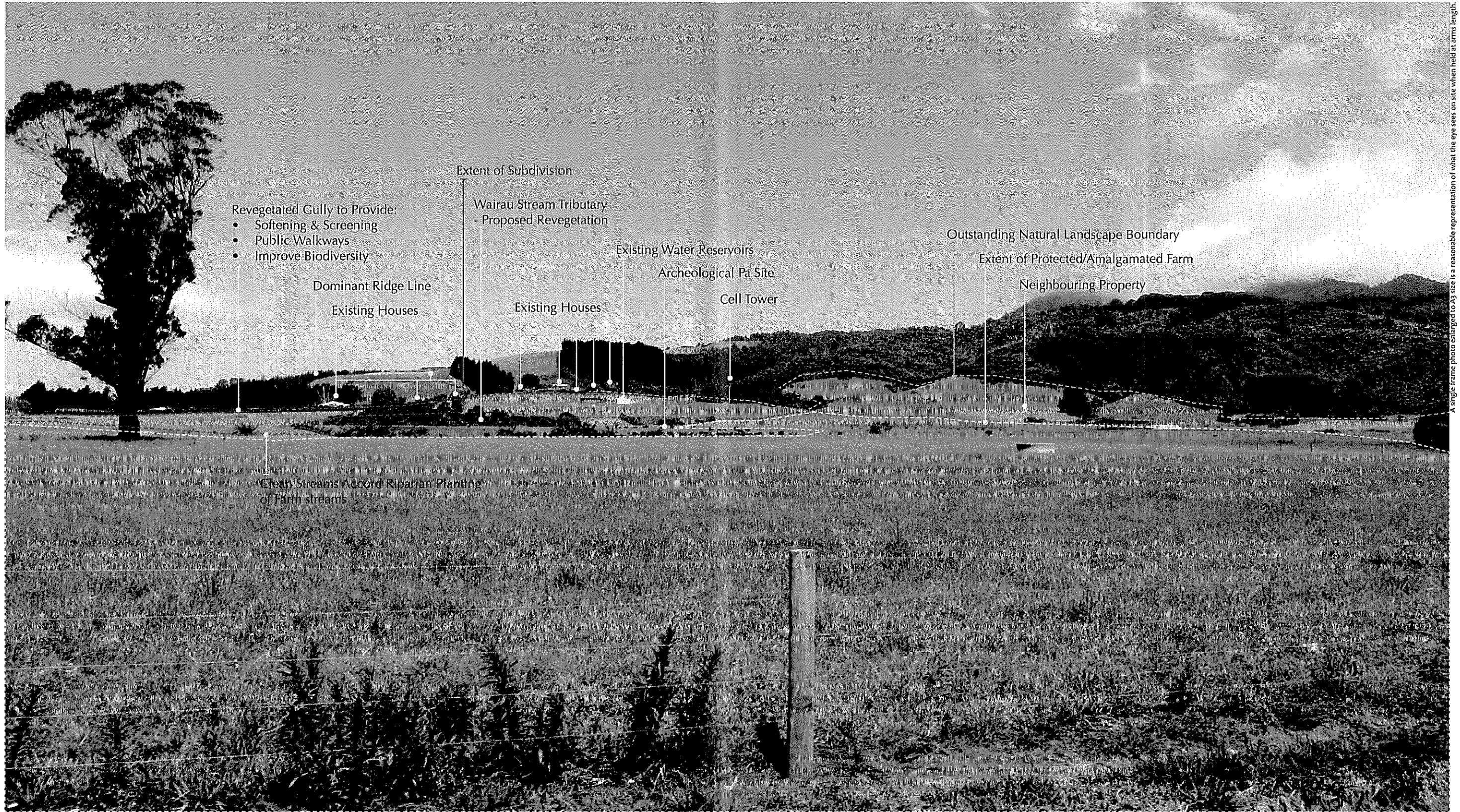
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|---|---------------------------------------|----------------------------------|
| 1 | Public Viewpoints Photographs | 6 x A3 (Plan) |
| 2 | Landuse Activities Plan | A3 (Plan) |
| 3 | Photomontages of Subdivision Proposal | 13 x A3 (Plan and Photomontages) |
| 4 | Viewpoint photographs | 7 x A3 (Plan & Photographs) |
| 5 | 4 Hectare Landscape Plan | A3 (Plan) |
| 6 | Subdivision Planting Scheme | 2 xA3 (Plan and Plant List) |
| 7 | Farm Context Plan | A3 (Plan) |
| 8 | Viewpoint 1 Visual Effect | 2 x A3 (Photomontages) |

Annexure 1



A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Public Viewpoint 1: State Highway 45



A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Public Viewpoint 1: State Highway 45

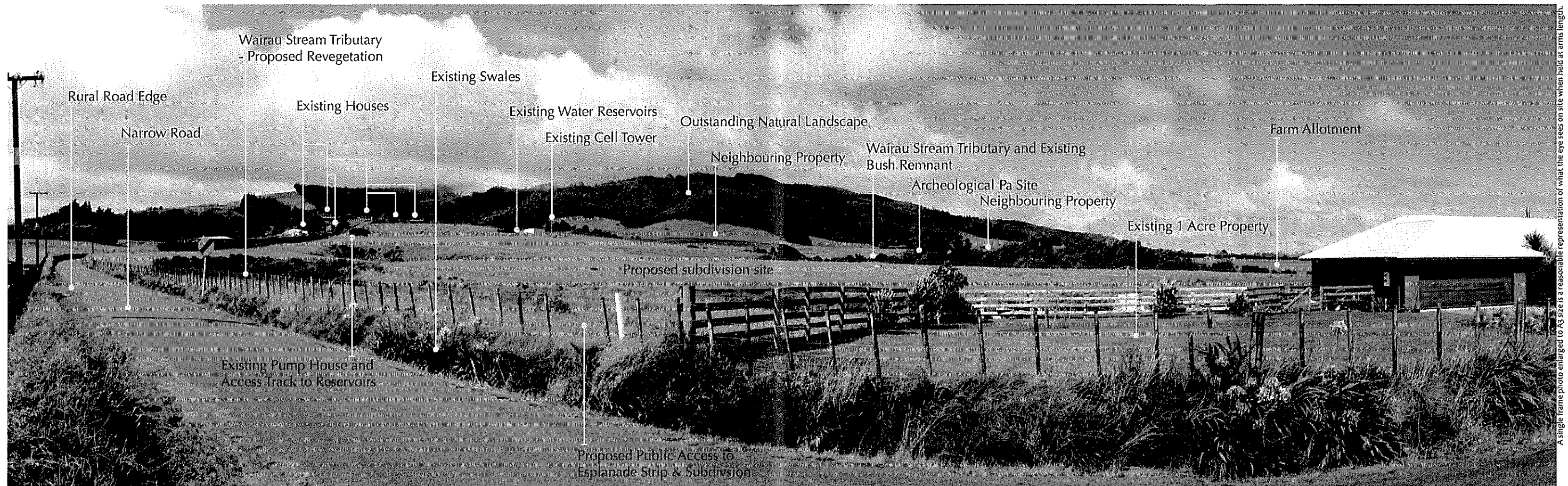
Public Viewpoint 1 of Proposed Subdivision
 State Highway 45 - McKie Subdivision
 November 2010



A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Public Viewpoint 4: Wairau Road

Public Viewpoint 4 of Proposed Subdivision
Wairau Road - McKie Subdivision
November 2010



Public Viewpoint 4: Wairau Road

Public Viewpoint 4 of Proposed Subdivision
 Wairau Road - McKie Subdivision
 November 2010



A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Public Viewpoint 5: Wairau Road

Public Viewpoint 5 of Proposed Subdivision
Wairau Road - McKie Subdivision
November 2010



Tributary to be planted via clean streams accord

Partially visible 58ha Farm Allotment

Archeological Pa Site

SH45

Existing Remnant Bush

Extent of Lots 6-26

Wairau Stream Tributary - Proposed Esplanade Strip & Public Access

Residential Area - Oakura

Gas Pipe Lines and access to Water Reservoir

Existing 1 Acre Property

Wairau Stream Tributary - Proposed Revegetation

Partial View of Lots 4 & 5

A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Public Viewpoint 5: Wairau Road

Public Viewpoint 5 of Proposed Subdivision
 Wairau Road - McKie Subdivision
 November 2010

Annexure 2



Landuse Plan

Annexure 3



Index of Photo Montages

Preview Page - Viewpoint 1
Viewpoint 1 - SH45 3 yrs After Consent
Viewpoint 1 - SH45 5 yrs After Consent
Viewpoint 1 - SH45 13 yrs After Consent

Preview Page - Viewpoint 4
Viewpoint 4 - Wairau Road 3 yrs After Consent
Viewpoint 4 - Wairau Road 5 yrs After Consent
Viewpoint 4 - Wairau Road 13 yrs After Consent

Preview Page - Viewpoint 5
Viewpoint 5 - Wairau Road 3 yrs After Consent
Viewpoint 5 - Wairau Road 5 yrs After Consent
Viewpoint 5 - Wairau Road 13 yrs After Consent

Viewpoints 2 & 3 are not included in this document as the visual effect on these viewpoints is minor due primarily to distance.

View Point Location Plan

ANNEXURE 3: PHOTOMONTAGES



Viewpoint 1 - SH45 3 yrs After Consent



Viewpoint 1 - SH45 5 yrs After Consent



Viewpoint 1 - SH45 13 yrs After Consent

Viewpoint 1 - Preview Page



PHOTOMONTAGE

Viewpoint 1 - South Road/SH45

3 YEARS AFTER CONSENT

Stage 1 Complete

- Gully Revegetation 3 yrs Old
- Clean Streams Accord Planting also Established in Lower Farm Gullies
- Bund and Planting around Water Tanks Complete



PHOTOMONTAGE

Viewpoint 1 - South Road/SH45

5 YEARS AFTER CONSENT

Stage 1 & 2 Complete

- Gully Revegetation Partially Screens Subdivision
- Clean Streams Accord Planting 5 yrs Old
- Bund and Planting around Water Tanks Partially Screens Infrastructure
- Cell Phone Tower Removed

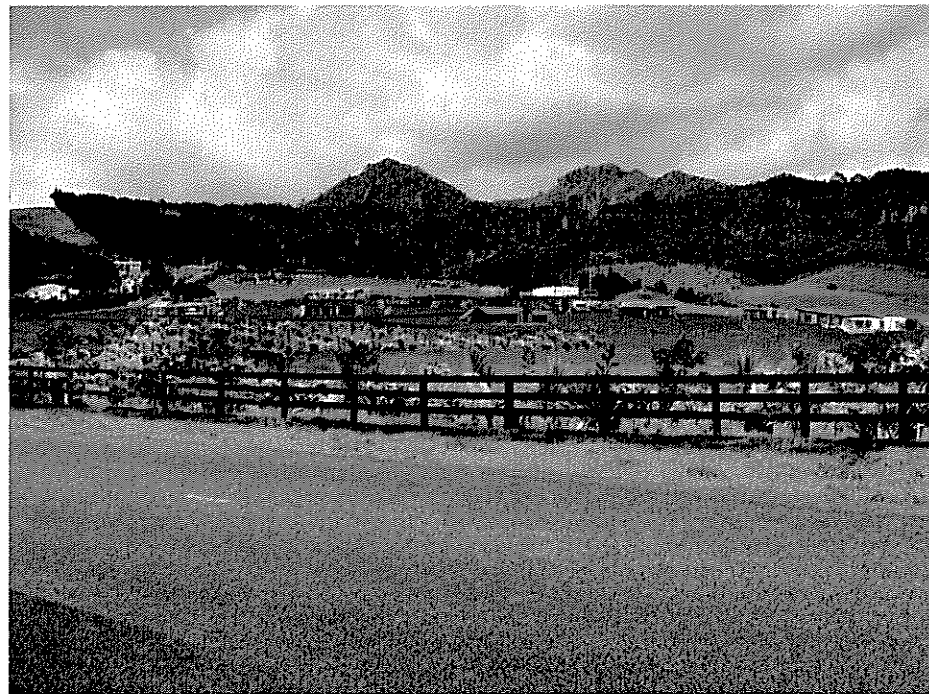


PHOTOMONTAGE

Viewpoint 1 - South Road/SH45

13 YEARS AFTER CONSENT
Stage 1 & 2 Complete

- Gully Revegetation Screens Lower and Mid Sections of Subdivision
- Clean Streams Accord Planting Provides further Screening of Subdivision



Viewpoint 4 - Wairau Road 3 yrs After Consent



Viewpoint 4 - Wairau Road 5 yrs After Consent



Viewpoint 4 - Wairau Road 13 yrs After Consent

Viewpoint 4 - Preview Page



PHOTOMONTAGE

Viewpoint 4 - Wairau Road

3 YEARS AFTER CONSENT

Stage 1 Complete

- Gully Planting Complete
- Road Widened
- Post & Rail Fence Installed
- Lots 1 - 15 Sold and all Dwellings Complete
- Some Planting around Dwellings
- Buffer Planting along Water Reservoir Access Track Established
- Bund and Planting in front of Water Tanks Created
- Subdivision Road 50% Complete



PHOTOMONTAGE

Viewpoint 4 - Wairau Road

5 YEARS AFTER CONSENT

Stage 1 & 2 Complete

- Gully Planting Partially Screens Subdivision
- Lots 1 - 26 Sold and all Dwellings Complete
- Boundary and Lot Planting Further Developed
- Buffer Planting along Water Reservoir Access Track
- Planting & Bund Partially Screen Tanks
- Subdivision Road 100% Complete



PHOTOMONTAGE
Viewpoint 4 - Wairau Road

13 YEARS AFTER CONSENT
Stage 1 & 2 Complete

- Gully Planting Substantially Screens Subdivision



Viewpoint 5 - Wairau Road 3 yrs After Consent



Viewpoint 5 - Wairau Road 5 yrs After Consent



Viewpoint 5 - Wairau Road 13 yrs After Consent

Viewpoint 5 - Preview Page



PHOTOMONTAGE

Viewpoint 5 - Wairau Road

3 YEARS AFTER CONSENT

Stage 1 Complete

- Buffer Planting along Water Reservoir Access Track 3 Yrs Old



PHOTOMONTAGE

Viewpoint 5 - Wairau Road

5 YEARS AFTER CONSENT

Stage 1 & 2 Complete

- Buffer Planting along Water Reservoir Access Track Partially Screens Subdivision



PHOTOMONTAGE

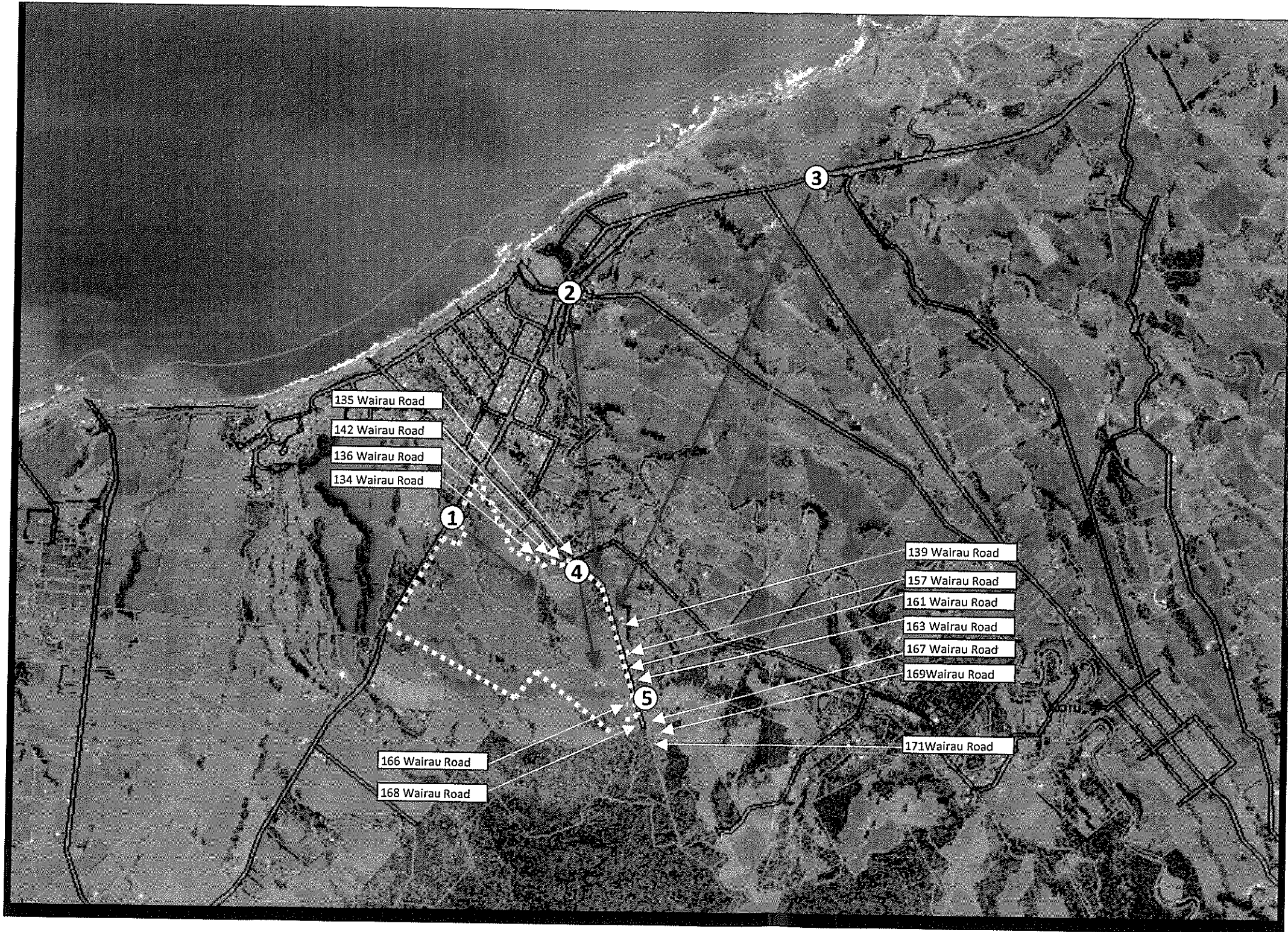
Viewpoint 5 - Wairau Road

13 YEARS AFTER CONSENT

Stage 1 & 2 Complete

- Buffer Planting along Water Reservoir Access Track Substantially Screens Subdivision

Annexure 4



Representative Viewpoint Location Map

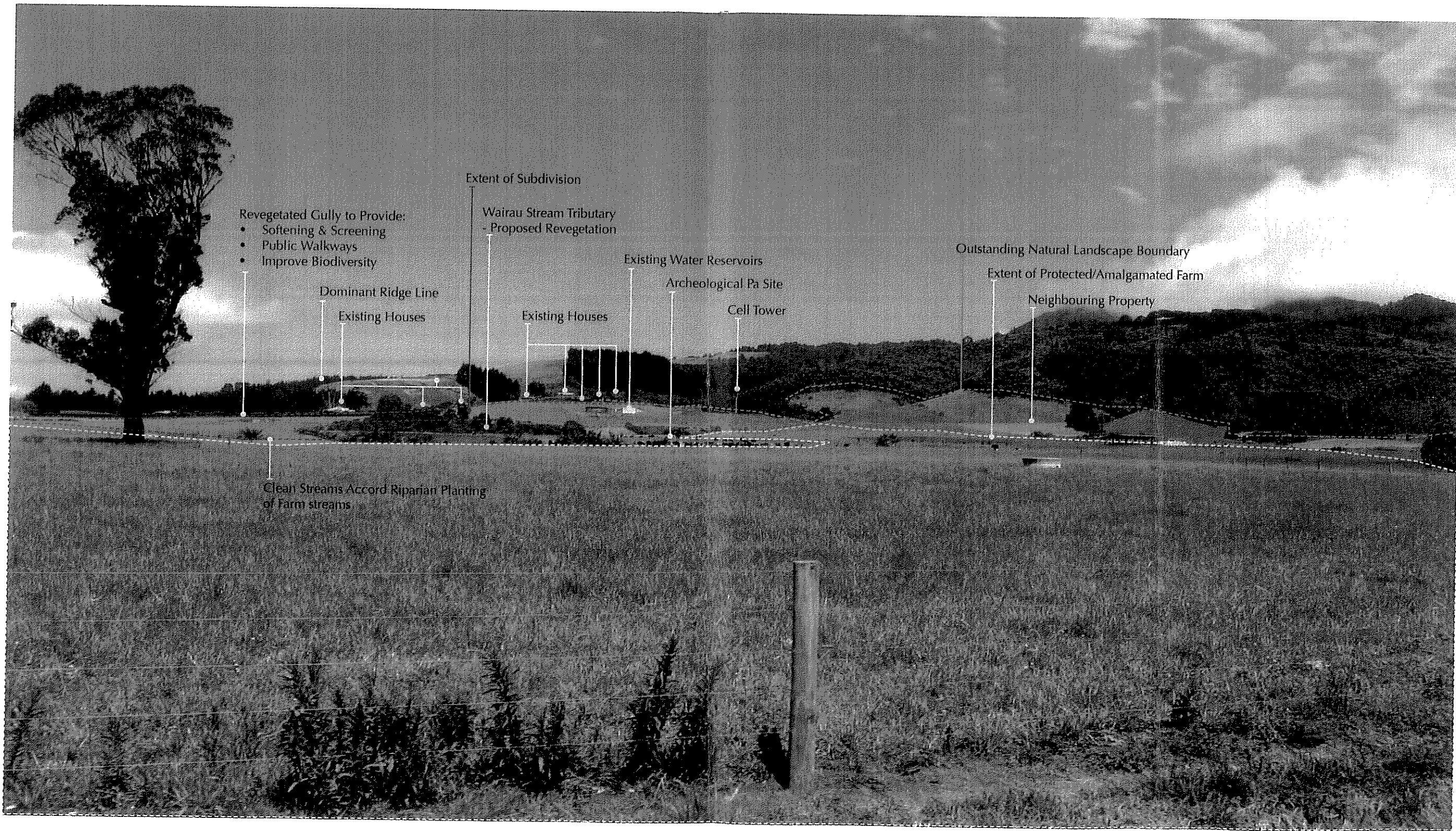
→ View to the Site

→ View from the Site

Subject Site

139 Wairau Road Surrounding Dwellings

ANNEXURE 4: VIEWPOINT PHOTOGRAPHS

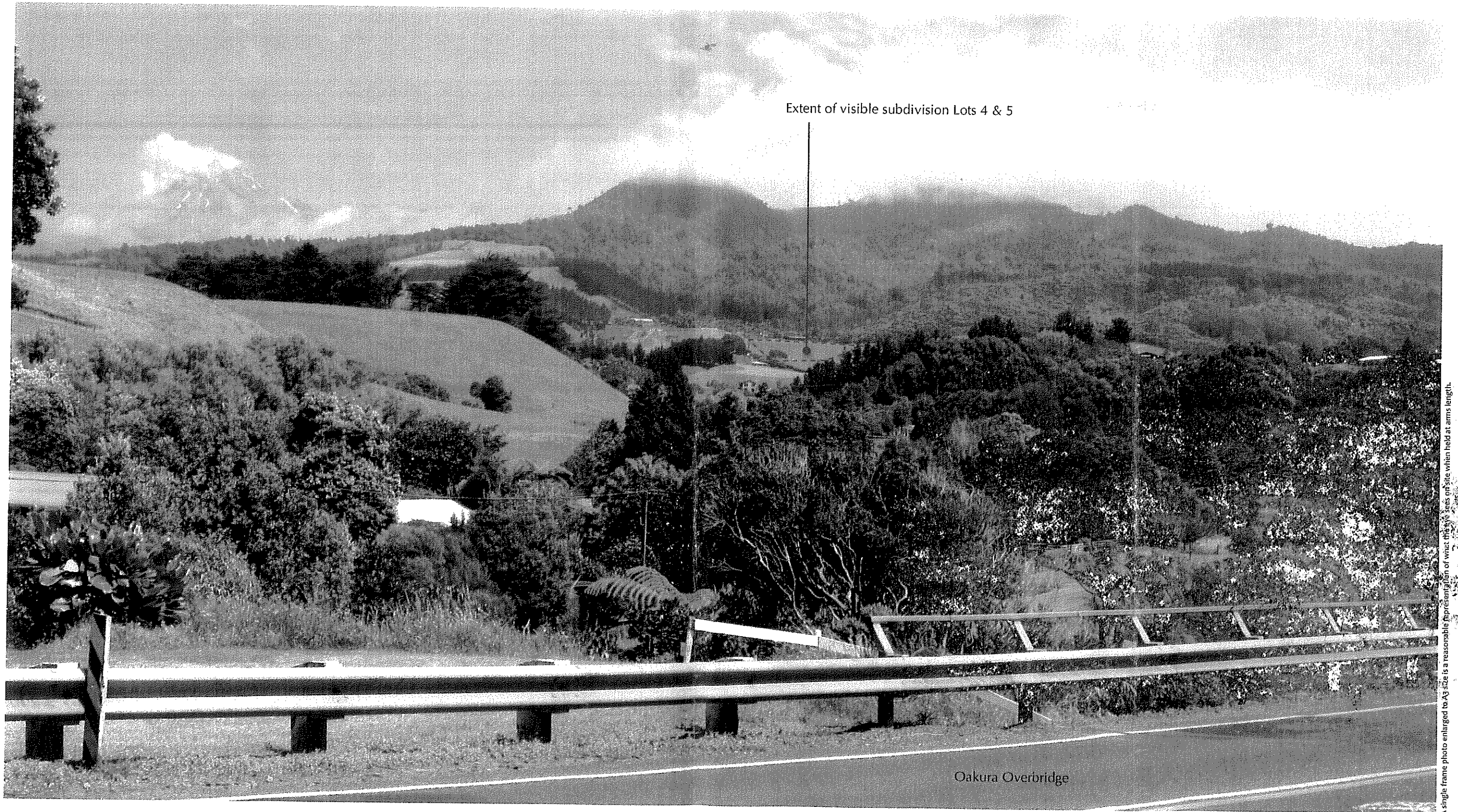


A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Viewpoint 1

Location: SH45 300m south of Wairau Road Intersection

Distance to Subdivision: 570m



Extent of visible subdivision Lots 4 & 5

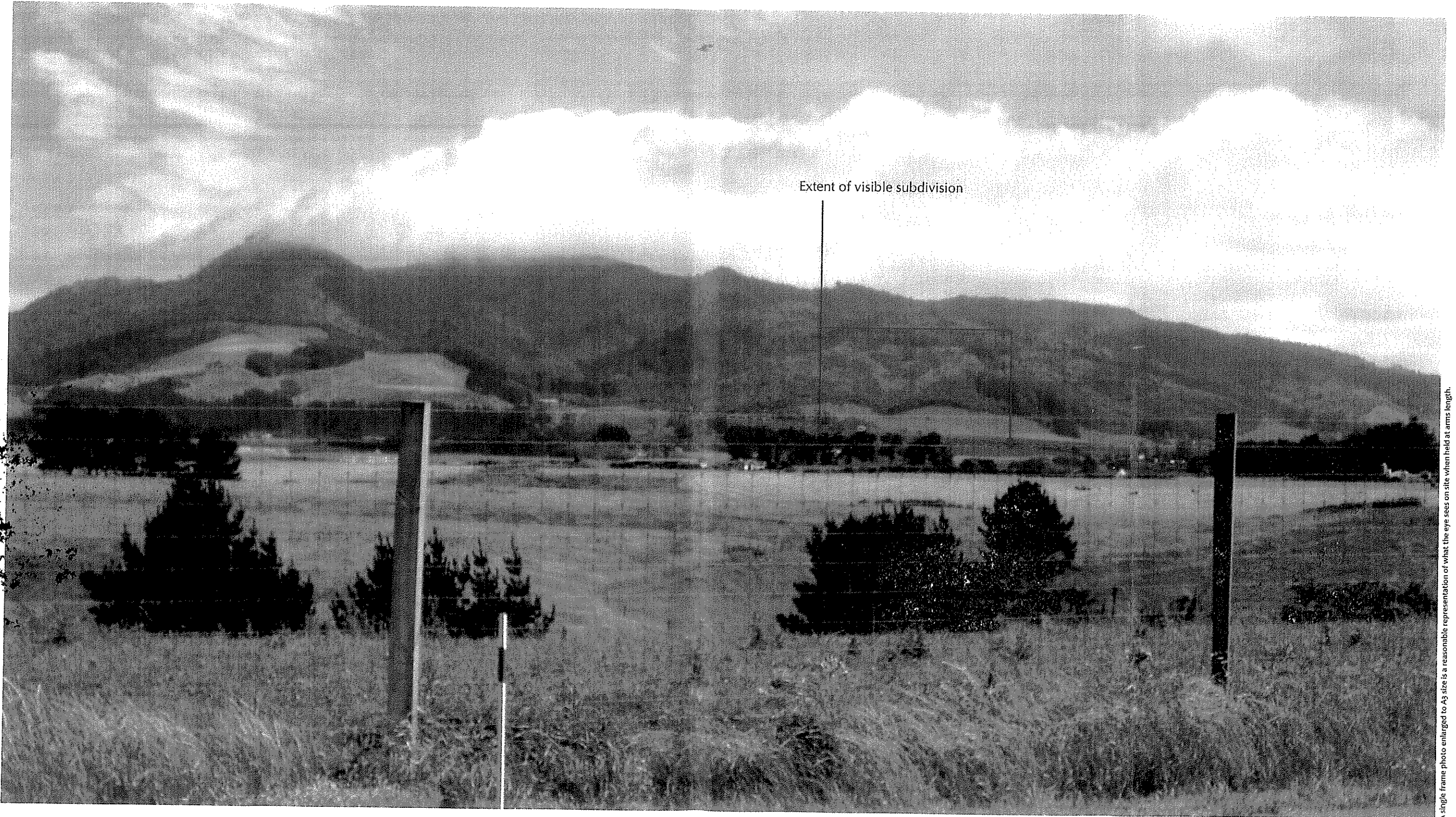
Oakura Overbridge

A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site, when held at arms length.

Viewpoint 2

Location: Oakura Overbridge

Distance to Subdivision: 2km



A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Viewpoint 3

Location: SH45 2km north of Wairau Road Intersection

Distance to Subdivision: 2.7km

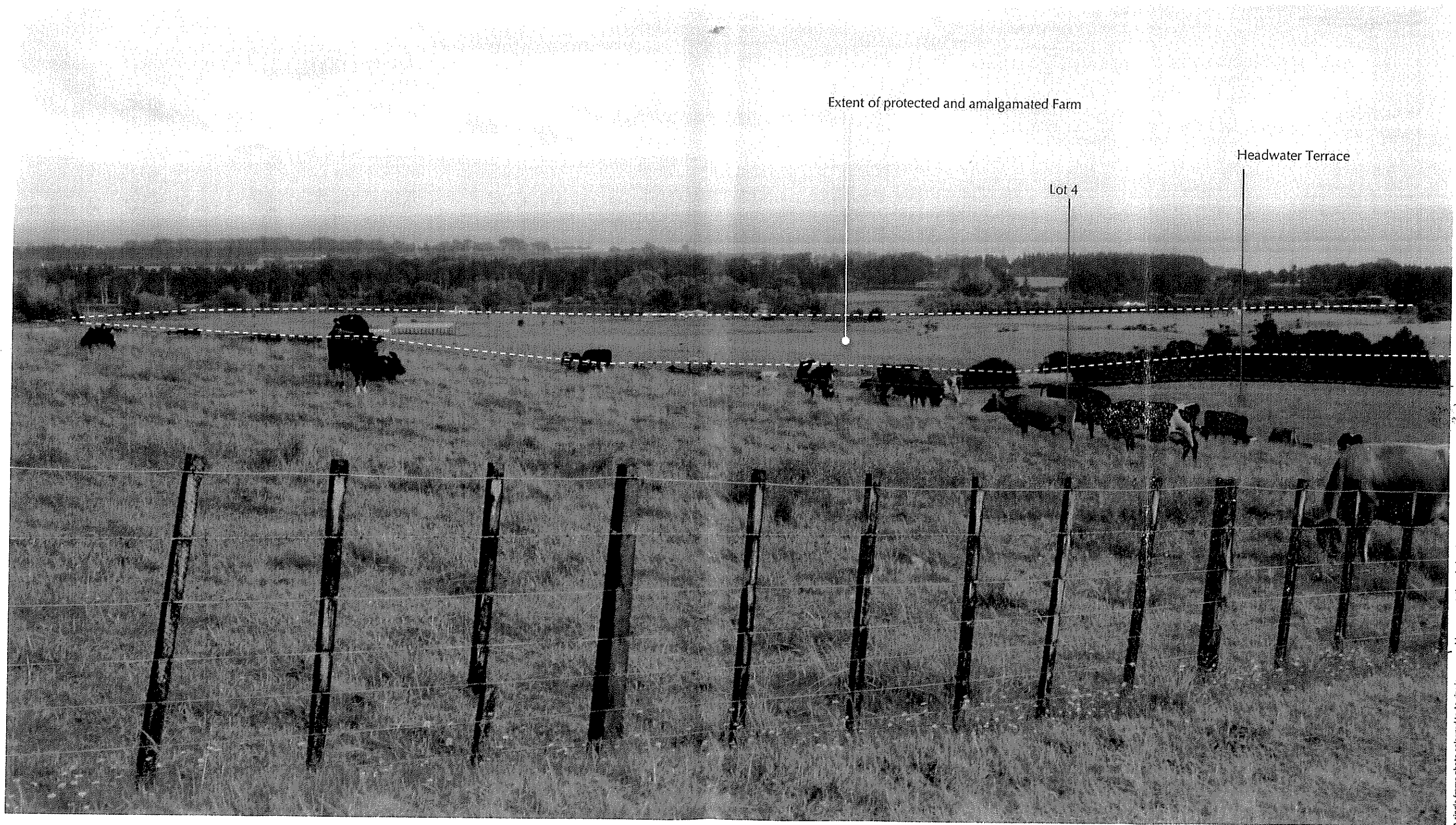


A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Viewpoint 4

Location – Corner Surrey Hill Road & Wairau Road

Distance to Subdivision: 90m

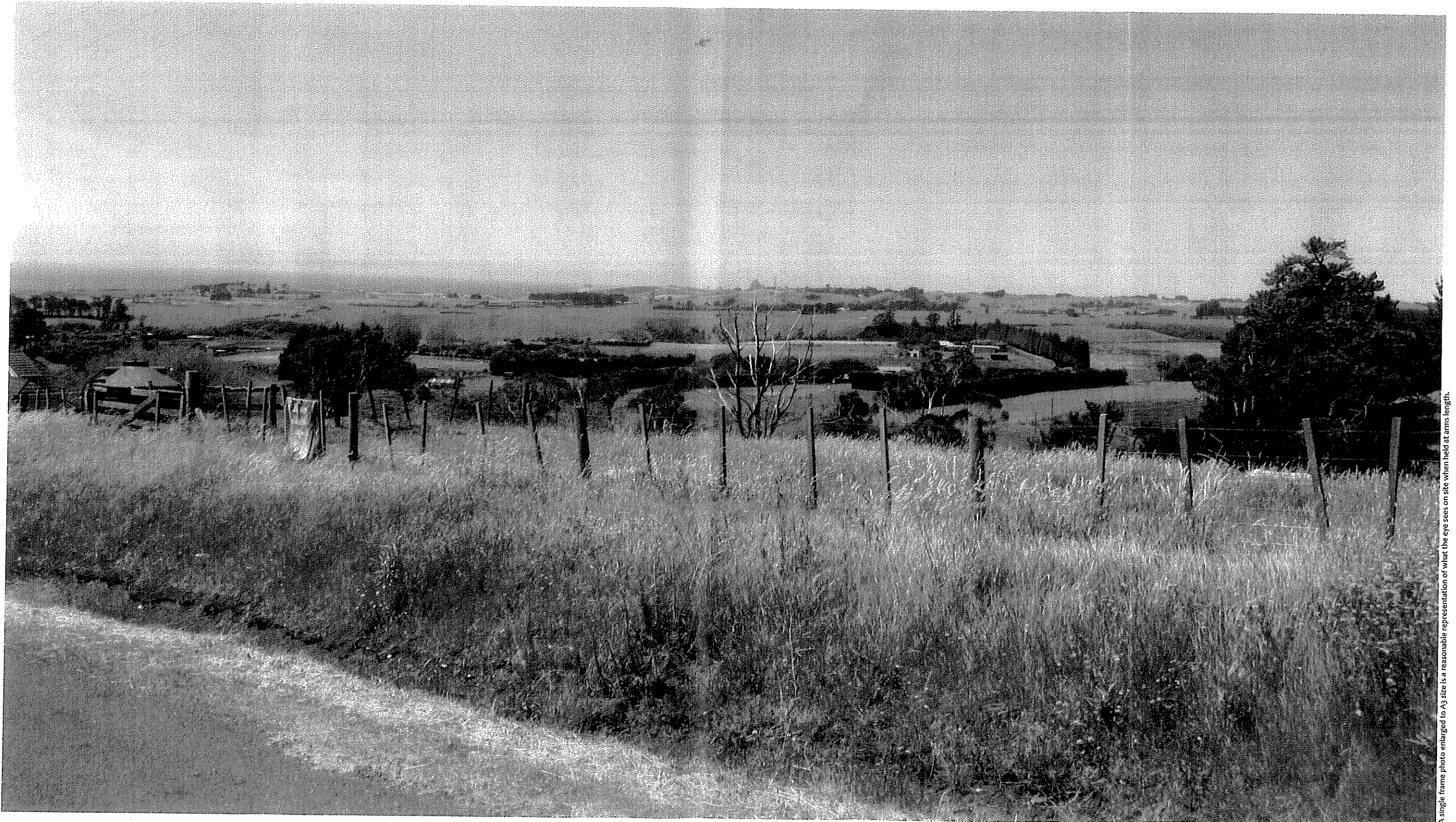


A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Viewpoint 5 - Northwest

Location - Below 166 Wairau Road

Distance to Subdivision: Adjacent



A single frame photo enlarged to A3 size is a reasonable representation of what the eye sees on site when held at arms length.

Viewpoint 5 - Northeast
Location – Below 166 Wairau Road
Distance to Subdivision: Adjacent

Annexure 5

KEY TO SYMBOLS

- Proposed Lot Boundaries
- 20m Wide Esplanade Reserve Strip to Wairau Stream
- Existing Streams
- Indicative Dwellings
- Indicative ROW/Accessways
- Indicative Shelter/Amenity Planting
- Indicative Fences
- Approximate extent of archeological ea

LOT SIZES

LOTS 1-18 BEING A PROPOSED SUBDIVISION OF LOTS 3 & 4 DP 336578, LOT 2 DP 400540, PT SEC 13, 14 & 30 OAKURA DISTRICT

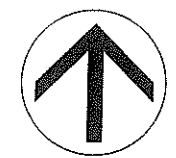
- Lot 1: 4.3ha (includes 0.1ha lease)
- Lot 2: 4.0ha
- Lot 3: 4.6ha (includes 0.5ha ROW/lease)
- Lot 4: 4.1ha
- Lot 5: 4.3ha
- Lot 6: 5.4ha (includes 1180m² access)
- Lot 7: 4.6ha
- Lot 8: 5.3ha
- Lot 9: 5.8ha (includes 1.0ha ROW)
- Lot 10: 4.24ha (includes 2300m² access)
- Lot 11: 4.0ha
- Lot 12: 4.0ha
- Lot 13: 4.0ha
- Lot 14: 4.3ha
- Lot 15: 6.4ha (includes 2.4ha ROW)
- Lot 16: 4.5ha
- Lot 17: 4.2ha
- Lot 18: 4.0ha

Disclaimer: The Plan is Produced for the sole purpose of obtaining a Subdivision Consent under the Resource Management Act 1991. Dimensions and Areas are Approximate and are Subject to Final Survey. The Use of this Drawing for any other purpose is at the Owners Risk

**ANNEXURE 5:
4HA LANDSCAPE PLAN**

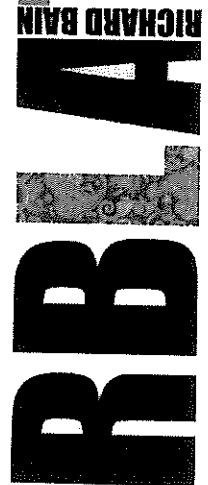


Date: 11.12.10
 Scale: 1:5000 @ A3
 Issue: Resource Consent
 Job No: 2552
 Drawn By: RBLA



**MCKIE SUBDIVISION
 WAIRAU ROAD, OAKURA
 4ha LANDSCAPE PLAN**

landscape architects
 32 Egmont Street
 New Plymouth
 06 7578903
 rban@wxta.co.nz



Existing ROW
 EI T460007.6

Lot 1
 DP19978
 GTK4/1081
 NPDC

Lot 1
 DP 336578
 CT 149792
 A&S Walker

Lot 2
 DP336578
 CT14973
 R&S Bruce

PI2 DP 10539
 CT TN C3/541

Pt Sec 30
 Oakura SD
 TN C3/542
 LTD

SURREY HILL ROAD

Lot 2
 DP 312138
 CT 47770
 Fleming

LOT 3
 4.6ha
 (includes 0.8ha
 ROW/lease)

Lot 1
 DP 14222
 CT H1/640

Lot 1
 DP 12493
 CT E2/1107

Lot 1
 DP 4400540
 CT 400634

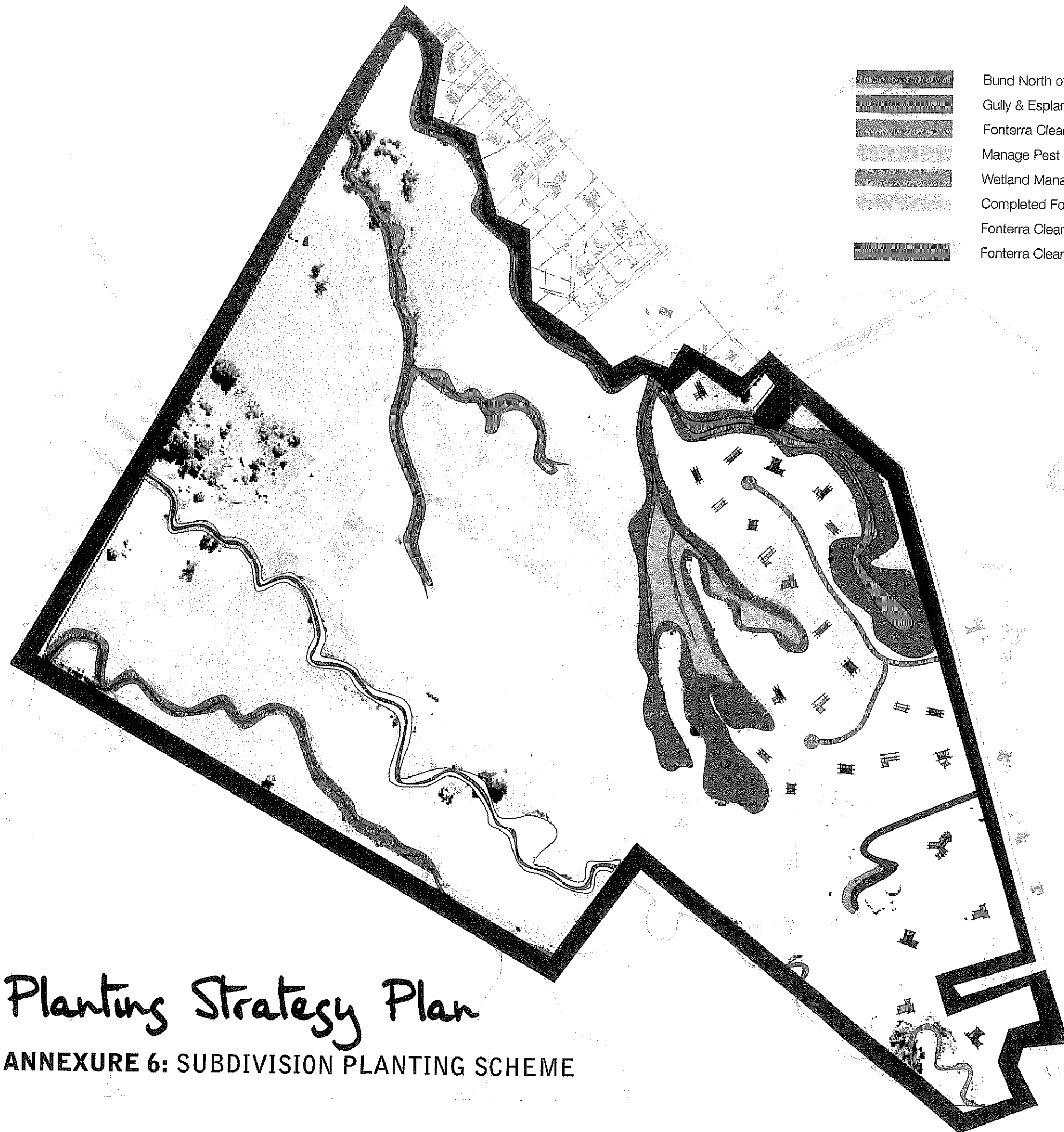
Pt Sec 14
 Oakura SD
 Electricity Works

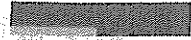
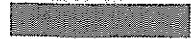
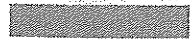




Pt Sec 13
 CT 129/84

Pt Sec 13
 CT 129/84



Annexure 6



	Bund North of Water Reservoirs & Access Track Planting	2011
	Gully & Esplanade Strip Riparian Planting	2011
	Fonterra Clean Streams Accord Riparian Strip Planting	2011
	Manage Pest Species within est. Bush	2011
	Wetland Management and Revegetation	2011
	Completed Fonterra Clean Streams Accord Riparian Strip	Complete
	Fonterra Clean Streams Accord Riparian Strip Planting	2012
	Fonterra Clean Streams Accord Riparian Strip Planting	2014

Planting Strategy Plan

ANNEXURE 6: SUBDIVISION PLANTING SCHEME

Plant List

Latin Name	Common Name	Height at 10 Yrs	Optimal Height
<i>Aristotelia serrata</i>	Wineberry/Makomako	5m	10m
<i>Carex secta</i>	Purei	1m	1m
<i>Carpodetus serratus</i>	Putaputaweta/Marbleleaf	4m	5m
<i>Coprosma repens</i>	Taupata	4m	6m
<i>Coprosma robusta</i>	Karamu	4m	4m
<i>Cordyline australis</i>	Cabbage tree	6m	10m
<i>Corokia macrocarpa</i>	Corokia/Whakataka	3m	4m
<i>Cortaderia fulvida</i>	Toetoe	2.5m	2.5m
<i>Corynocarpus laevigatus</i>	Karaka	6m	15m
<i>Cyathea medullaris</i>	Mamaku	6m	15m
<i>Dacrycarpus dacrydioides</i>	Kahikatea	4-6m	9m (20yrs)
<i>Dacrydium cupressinum</i>	Rimu	4-6m	40m
<i>Dysoxylum spectabile</i>	Kohekohe	4-6m	10m
<i>Fuchsia excorticata</i>	Kotukutuku/NZ fuchsia	4m	6m
<i>Griselinia littoralis</i>	Broadleaf/Papauma	5m	10m
<i>Hebe stricta</i>	Koromiko	2m	2m
<i>Hoheria angustifolia</i>	Narrow leaved lacebark	4m	6m
<i>Hoheria sexstylosa</i>	Houhere/Lacebark	4m	6m
<i>Laurelia novae-zealandiae</i>	Pukatea	5m	10m
<i>Meliccytus ramiflorus</i>	Whiteywood/Mahoe	4m	6m
<i>Meryta sinclairii</i>	Puka	4m	5m
<i>Metrosideros excelsa</i>	Pohutukawa	8m	15m
<i>Myrsine australis</i>	Mapou/Mapau	3m	3m
<i>Olearia lineata var. dertonii</i>	Twiggy tree daisy	3m	4m
<i>Olearia paniculata</i>	Akiraho	3m	4m
<i>Olearia solandrii</i>	Coastal tree daisy	3m	4m
<i>Phormium cookianum</i>	Mountain flax	1.5m	1.5m
<i>Phormium tenax</i>	Flax/harakeke	3m	3m
<i>Pittosporum crassifolium</i>	Karo	4m	6m
<i>Pittosporum eugenioides</i>	Lemonwood/Tarata	5m	6m
<i>Pittosporum tenuifolium</i>	Kohuhu	4m	6m
<i>Plagianthus regius</i>	Ribbonwood/Manatu	5m	10m
<i>Podocarpus totara</i>	Totara Slow	5m	30m
<i>Pseudopanax arboreus</i>	Five finger/Puahou	5m	6m
<i>Pseudopanax crassifolius</i>	Lancewood	5m	6m
<i>Pseudopanax laetus</i>	Broad-leaved five finger	5m	3m
<i>Rhopalostylis sapida</i>	Nikau	3m	10m
<i>Sophora microphylla</i>	Kowhai	4m	7m
<i>Vitex lucens</i>	Puriri	6m	20m
<i>Weinmannia racemosa</i>	Kamaha	4m	6m



Annexure 7



Context Plan

Annexure 8



Existing View - Viewpoint 1

ANNEXURE 8: VIEWPOINT COMPARISON



Anticipated View After 5 yrs - Viewpoint 1

ANNEXURE E –Relevant Objectives of the RPS

Regional Policy Statement for Taranaki 2010

UDR OBJECTIVE 1 To recognise the role of resource use and development in the Taranaki region and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.

WAL OBJECTIVE 1 To sustainably manage the taking, use, damming or diversion of fresh water in the Taranaki region to enable people and communities to meet their needs for water while safeguarding the life-supporting capacity of water and related ecosystems and avoiding, remedying or mitigating any adverse effects on the environment arising from that use.

GWR OBJECTIVE 1 To sustainably manage the use of groundwater in the Taranaki region by: (a) enabling people and communities to take and use groundwater to meet their needs while avoiding, remedying or mitigating adverse effects arising from that use; and (b) avoiding, remedying or mitigating adverse effects on groundwater quality from over abstraction, intensive agricultural land uses, the discharge of contaminants, and poor well and bore construction.

WPA OBJECTIVE 1 To maintain and enhance appropriate public access to and along rivers and lakes in the Taranaki region, while avoiding, remedying or mitigating any adverse effects that may arise from that access.

BIO OBJECTIVE 1

To maintain and enhance the indigenous biodiversity of the Taranaki region, with a priority on ecosystems, habitats and areas that have significant indigenous biodiversity values.

NFL OBJECTIVE 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 landscapes of value to the region.

AMY OBJECTIVE 1 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.

SUD OBJECTIVE 1 To promote sustainable urban development in the Taranaki region.

TOW OBJECTIVE 1 To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Resource Management Act.

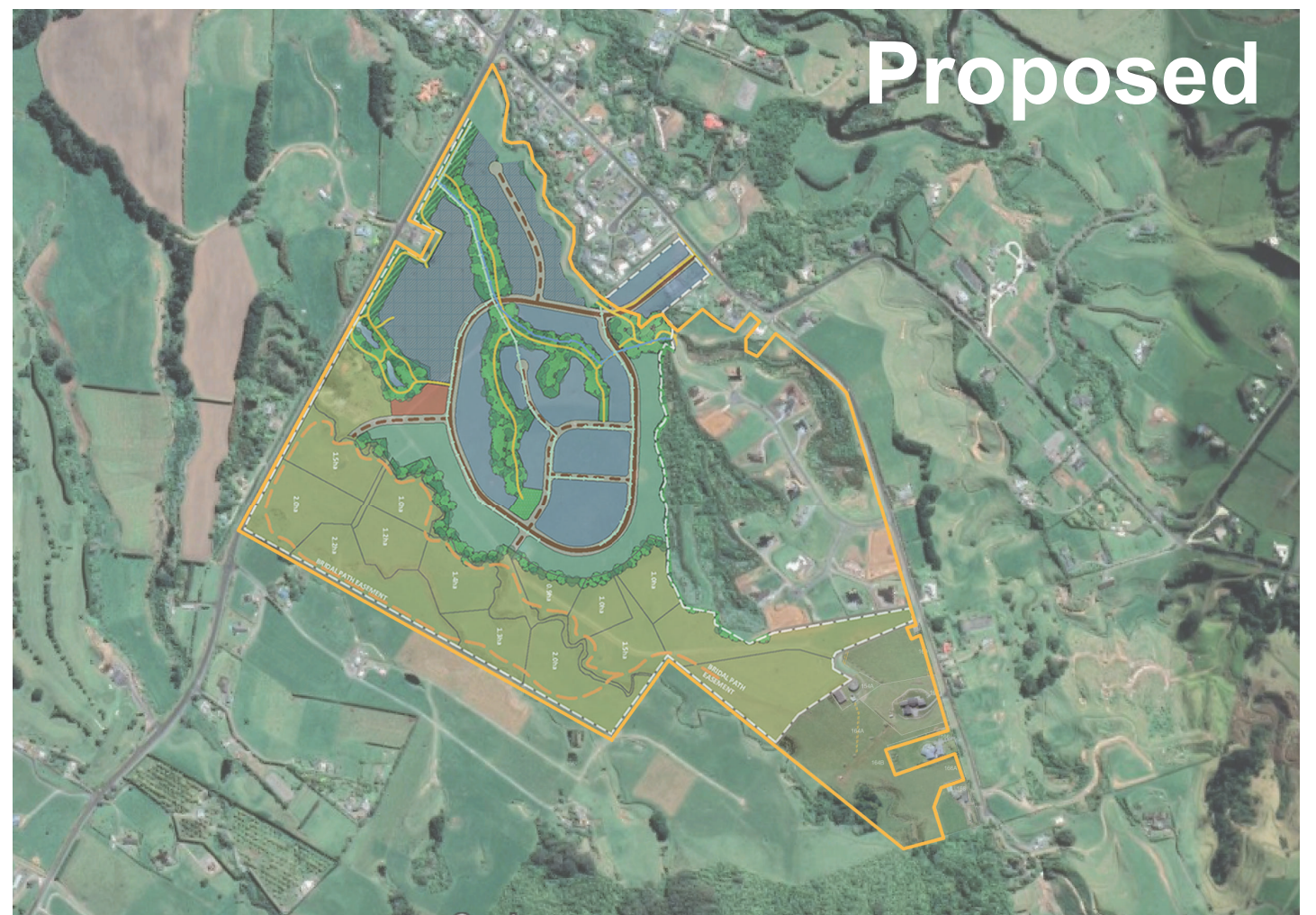
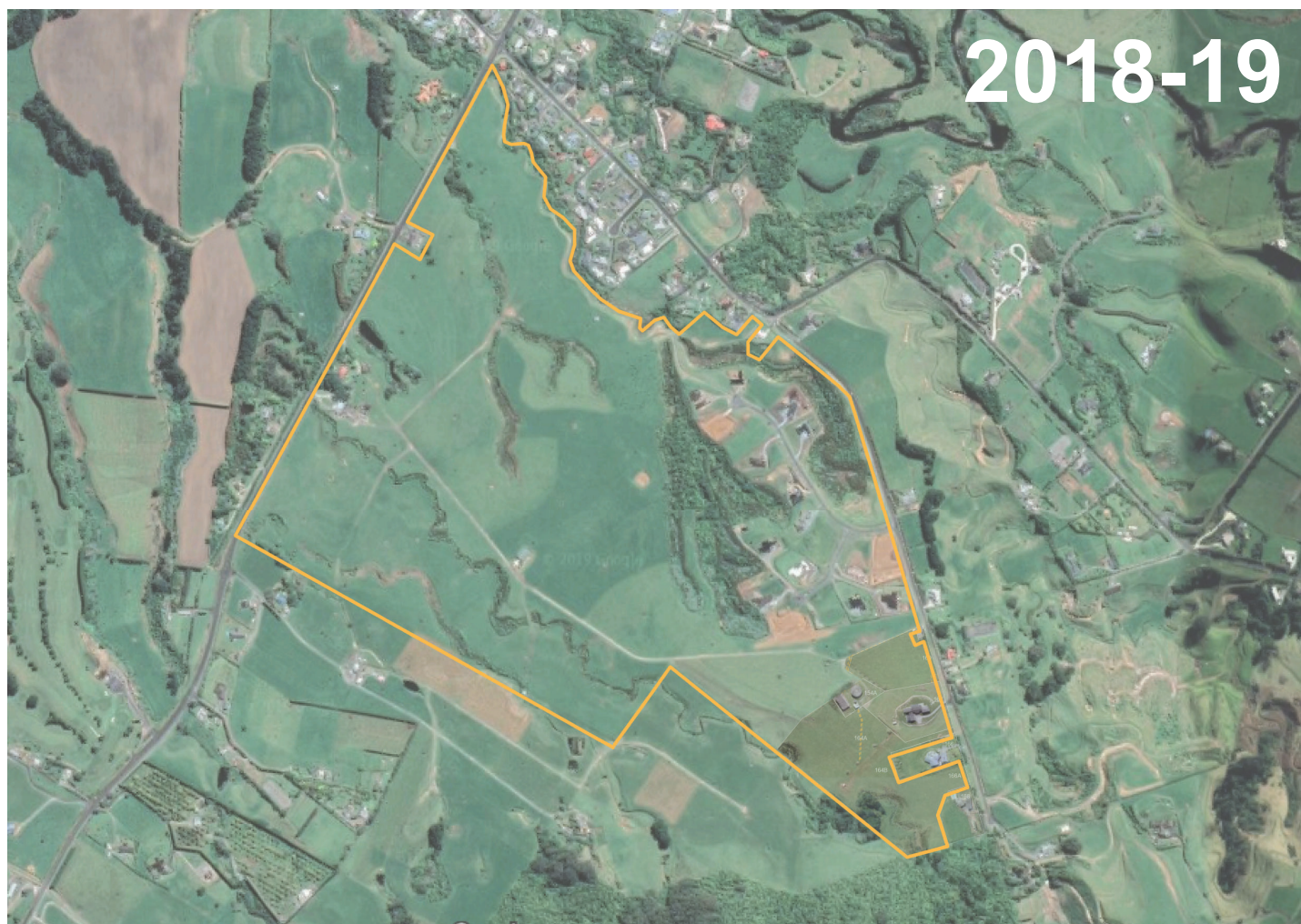
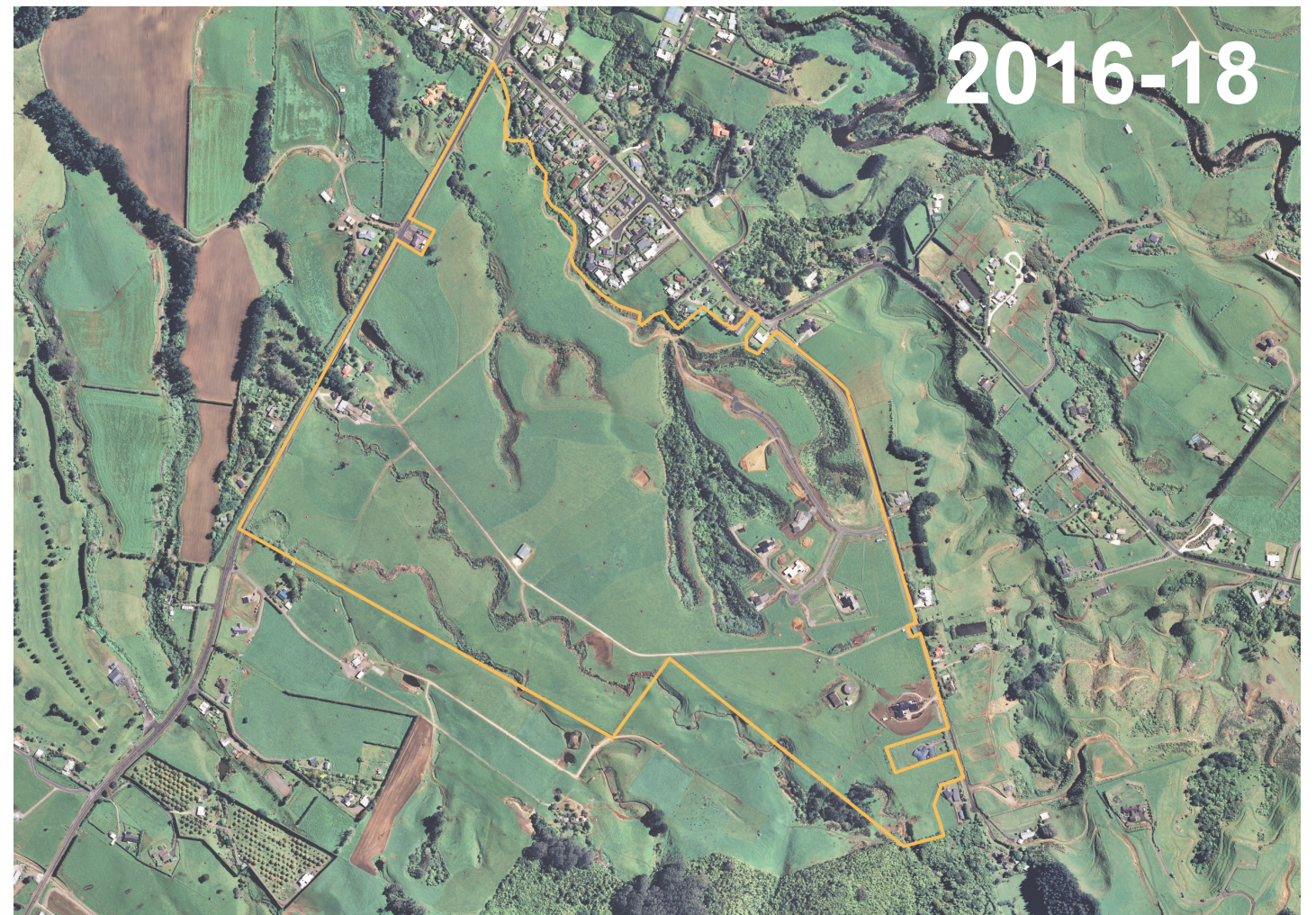
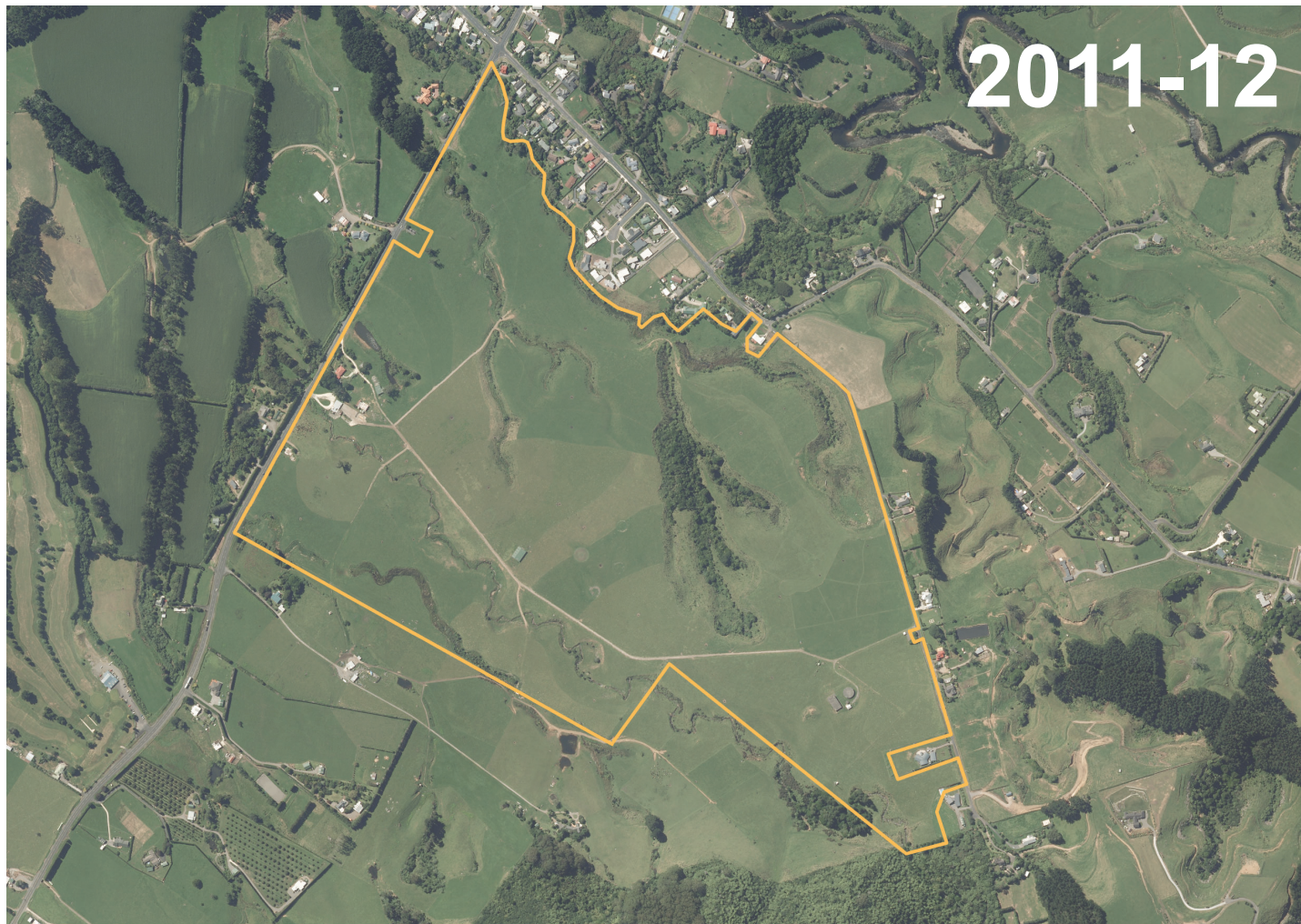
KTA OBJECTIVE 1 To have particular regard to the concept of kaitiakitanga in relation to managing the use, development and protection of natural and physical resources in the Taranaki region, in a way that accommodates the views of individual iwi and hapu.

REL OBJECTIVE 1 To recognise and provide for the cultural and traditional relationship of Māori with their ancestral lands, water, air, coastal environment, wāhi tapu and other sites and taonga within the Taranaki region.

CSV OBJECTIVE 1 Management of natural and physical resources in the Taranaki region will be carried out in a manner that takes into account the cultural and spiritual

values of Iwi o Taranaki and in a manner which respects and accommodates tikanga Māori.

ANNEXURE F –Aerial Images Demonstrating Cumulative Effects



Oakura Farm Park Limited – extent of cumulative development

ANNEXURE G –Esplanade Strip Instrument No 9696907.9

ID 005781

IN THE MATTER of Section 232 of the
Resource Management Act 1991

INSTRUMENT FOR ESPLANADE STRIP

INSTRUMENT dated the *3rd* day of *April* 2014

OAKURA FARM PARK LIMITED (as registered proprietor of the land) (hereinafter called the "Grantor") being the proprietor of the land described in Schedule "A" hereto ("the land")

AND

NEW PLYMOUTH DISTRICT COUNCIL (hereinafter called "the Grantee") a body corporate under the provisions of the Local Government Act 1974 in whose district the land is located

1. WHEREAS

Section 229 of the Resource Management Act 1991 provides that an Esplanade Strip may be created for one or more of the following purposes:

- a) To contribute to the protection of conservation values by, in particular, -
 - i) Maintaining or enhancing the natural functioning of the adjacent sea, river or lake; or
 - ii) Maintaining or enhancing water quality; or
 - iii) Maintaining or enhancing aquatic habitats; or
 - iv) Protecting the natural values associated with the esplanade strip; or
 - v) Mitigating natural hazards; or
- b) To enable public access to or along any sea, river, or lake; or
- c) To enable public recreational use of the esplanade strip and adjacent sea, river, or lake where the use is compatible with conservation values;
- d) AND whereas the Grantee in considering the Grantor's application for a resource consent to subdivide "the land" was satisfied that the purposes of Section 229 of the Act could be provided for by an Esplanade Strip.

2. AND FURTHER it is acknowledged by both the Grantor and Grantee that this instrument shall create an interest in the land described in Schedule B hereto (hereinafter called "the strip") and on registration under the Land Transfer Act 1952 shall by statute, run with and bind the land subject to the instrument and bind every mortgagee or other person having an interest in the land, without that persons consent as prescribed in Subsection (2) subparagraph (d) and (e) and (f) of Section 232 of the Resource Management Act 1991.

3. CREATION OF ESPLANADE STRIP

The Grantor creates in favour of the Grantee, an esplanade strip for the purpose of providing pedestrian access and riparian protection over and along the land described in Schedule "B" hereto (the strip).

gm *n*

ID 005781

4. COVENANTS

4.1 The Grantor and the Grantee mutually covenant THAT:

4.2 The following acts are prohibited on the strip:

- a) Wilfully endangering, disturbing, or annoying any lawful user (including the land owner or occupier) of the strip;
- b) Wilfully damaging or interfering with any structure adjoining or on the land, including any building, fence, gate, stile, marker, bridge, or notice;
- c) Wilfully interfering with or disturbing any livestock lawfully permitted on the strip.

The prohibitions in paragraphs b) and c) shall not apply to the owner or occupier of the strip.

4.3 The following further acts are prohibited on the strip:

- a) Lighting any fire;
- b) Carrying any firearm;
- c) Discharging or shooting any firearm;
- d) Camping;
- e) Taking any animal on to, or having charge of any animal on the land;
- f) Taking any vehicle on to, or driving or having any charge or control of any vehicle on the land (whether the vehicle is motorised or non-motorised);
- g) Wilfully damaging or removing any plant (unless acting in accordance with the Noxious Plant Act 1978 or the Biosecurity Act 1993);
- h) Laying any poison or setting any snare or trap (unless acting in accordance with the Agricultural Pests Destruction Act 1967 or the Biosecurity Act 1993).

The prohibitions in paragraphs e) and f) shall not apply to the owner or occupier of the strip who shall be entitled to graze or bring animals and vehicles onto the strip.

5. FENCING

The Grantee may in the future, in order to enhance the Conservation values of the strip, erect a fence along the boundary of the strip.

6. PLANTING

The Grantee may in the future, in order to enhance the Conservation values of the strip, undertake riparian planting along the length of the strip.

7. ACCESS TO THE STRIP

Any person shall have the right at any time to enter upon the land over which the esplanade strip has been created and remain on that land for any period of time for the purpose of recreation, subject to any other provisions of this instrument.

8. VARIATION OF ESPLANADE STRIP

In the event of the Grantee undertaking fencing of the strip and riparian planting, this instrument will be varied in accordance with Section 234 (3) of the Resource Management Act

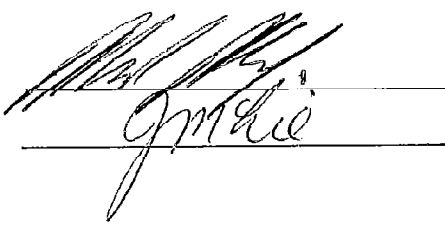
ID 005781

1991 and the prohibitions in 4.2 (b) and (c) and 4.3 (e) and (f) extended to include the owner of the strip (with the exception of those parts of the strip where existing access tracks provide vehicular and stock access to other parts of the Grantor's property).

Signed for and on behalf of
OAKURA FARM PARK LIMITED by)

MICHAEL MCKIE)

INGRID AUGUSTA MCKIE)



In the presence of:

Julia McKie

Julia McKie

1255 Main South Road OAKURA

Dairy Farmer

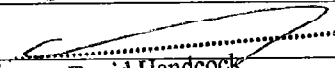
Signed for and on behalf of
NEW PLYMOUTH DISTRICT COUNCIL
under delegated authority for the Council by

Signature

Name

Title

SIGNED for and on behalf of the
New Plymouth District Council by
PETER DAVID HANDCOCK,
Manager Property Assets under
delegated authority for the Council.



Peter David Hancock

SCHEDULE A

A parcel of land been ⁶⁶⁻³¹¹⁹~~60-3186~~ hectares more or less being Lot 29 DP 470117, ^{part}~~all~~ of the land contained in Computer Freehold Register 634306.

SCHEDULE B

A parcel of land identified as Esplanade Strip AO on DP 470117 being not more than 20 metres wide adjoining the true left bank of the Wairau Stream where the aforementioned stream adjoins parts of the northern and eastern boundaries of the land in Computer Freehold Register 634306.