

Before the New Plymouth District Council

Independent Hearing Commissioners

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 Oakura Farm Park Limited for the proposed rezoning of land at Wairau Road, Oākura

Statement of Stefan Kiss - Bsurv Bcom (Economics) Otago

24th July 2019

1 MY RELATIONSHIP TO OAKURA

- 1.1 My name is Stefan Kiss. I am a resident of Oakura and owner of Land Surveying consultancy Taylor Patrick Limited, based in New Plymouth.
- 1.2 Our family moved to Oakura in 2009, when our oldest child was 4 years old. We were attracted to the opportunity for our young family to grow up with confidence in this little community surrounded by a unique environment so close to the mountains and the sea. We quickly discovered that this was a place where neighbours and strangers stopped to say hello, where a quick trip to the 4 Square could take as long as you liked, depending on your mood for conversation.
- 1.3 It has been a wonderful upbringing for our family and whenever we return home from trips away we feel the strongest sense of connection to this special place.

2 QUALIFICATIONS AND EXPERIENCE

- 2.1 My relevant qualifications include a Bachelor of Surveying degree and Bachelor of Commerce Degree Majoring in Economics from Otago University (1996).
- 2.2 I have practiced as a Registered Professional Surveyor for 20 years. In 2007 I started land surveying consultancy Taylor Patrick Limited in New Plymouth, we currently employ 6 staff. I have provided consulting advice to New Plymouth District Council for various projects, including the Area Q and Waitara Plan Changes and structure plans, and the Pukeiti to Oakura Cycling Trail. In 2014 I was engaged by NPDC to provide a concept structure plan for Oakura, I will discuss this in more detail later in my submission.
- 2.3 Prior to starting my own practice I was a Senior Associate of Harrison Grierson Consultants Limited, having worked in their Wellington and Auckland offices for several years. In my role I was actively involved in the preparation of structure plans and master plans, and in the consenting, design and development of large scale land development projects, most notably at Albany on the North Shore and the Aotea Block in Porirua Wellington. For the Aotea Block I oversaw the development of

Stefan Kiss submission

List of Appendices

Appendix 1 – Oakura Concept Plan 2014

Appendix 2 – Oakura Structure Plan Map August 2014

Appendix 2a - Russell Drive Connection Option 2 Plan

Appendix 3 – Oakura Focus Group Consultation Doc 2015

Appendix 4 – Oakura Final Report May 2016

Appendix 5 – Oakura Okato and Omata Community Plan August 2017

Appendix 7 – NPDC GIS Map with Utilities

Appendix 8 – Juffermans Surveyors Scheme Plan – Cunnginham Lane extension

Appendix 9 – Zoning Map Aa61

Appendix 10 – Zoning Map A60

Appendix 11 – NPS – UDC Tables Analysis

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nearly 500 residential allotments over a 4 year period 2003 to 2007 (with development of up to 120 allotments per summer season).

- 2.4 I also have four years experience in the UK having worked at Transport for London in a Transport Planning and Strategy Role and two years at Surrey County Council as Project Manager for the consenting of a new bridge across the River Thames.
- 2.5 I have prepared this statement in a personal capacity in my own time.

3 MY SUBMISSION

- 3.1 The proposed plan change would produce a significant and disproportionate increase in housing at Oakura township that will generate significant adverse effects on the environment, the wider community and the rate payers of the District
- 3.2 Rezoning of this amount of land at this time at this location inappropriately reduces options for how this land and other parts of Oakura might be developed over a 30 to 50 year+ time horizon (Reduces Optionality).
- 3.3 The proposed structure plan has an inappropriate mix of allotment sizes not suited to the location and the Oakura Community
- 3.4 I do not support the removal of the Consent Notice that prohibits further subdivision of this land.

4 INVOLVEMENT WITH THE PROPOSAL

- 4.1 I became aware of the Application to vary or cancel Consent Notice 1551201 on Lot 29 DP 497629 (**Proposed Variation**) and Private Plan Change 48 to the New Plymouth District Plan¹ (**Proposed Rezoning**) in 2017. At the time the application was lodged in 2018 I reviewed the proposed rezoning documentation and I lodged a submission in opposition.

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

- 4.2 Since that time, I have reviewed the submissions received, the applicant's expert evidence, the expert evidence prepared on behalf of submitters, the NPDC s42A report and supplementary s42A report and the expert witness conferencing joint witness statements for traffic and landscape effects. I have also attended parts of the first two days of the hearing and listened to the evidence of the applicants counsel, the applicants statement and the applicants planners statement.
- 4.3 Taylor Patrick is not engaged to provide advice on plan change matters by any of the landowners involved in the FUD areas of Oakura. Taylor Patrick is not engaged by NPDC to provide evidence on behalf of NPDC for this plan change. My statement is on a voluntary basis and I have given of my time to support the community I call home.

5 SUBMISSION ITEM 1: THE PROPOSED PLAN CHANGE WOULD PRODUCE A SIGNIFICANT AND DISPROPORTIONATE INCREASE IN HOUSING AT OAKURA TOWNSHIP

- 5.1 I have analysed the data and supply and demand forecast numbers produced by the various experts of the applicant and NPDC and compared these with data I produced for NPDC as part of work I was engaged to do on a structure plan concept for Oakura in 2014.
- 5.2 I have also analysed the NPS UDC and conclude that Oakura is adequately provisioned with adequate supply to meet short, medium and long term demand
- 5.3 I consider that the quantum of dwelling units and allotments proposed by the applicant will have very significant adverse effects on the unique character, amenity and environment of Oakura.
- 5.4 The NPS – UDC policy states the following purpose “enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.

- 5.5 Under the definitions section of the NPS-UDC “Urban environment” means an area of land containing, or intended to contain, a concentrated settlement of 10,000 people or more and any associated business land, irrespective of local authority or statistical boundaries.
- 5.6 Oakura has a population of 1380 people (Census 2013 – residing in the urban boundary of Oakura in 516 occupied dwellings).
- 5.7 As Oakura does not have a concentrated settlement of anywhere near 10,000 people or more, I submit that NPDC has no statutory obligation to specifically grow Oakura under the structural guidance of short, medium and long term obligations of the NPS.
- 5.8 An analysis of available land supply in New Plymouth, Waitara, Bell Block, and Inglewood shows the NPDC has done a good job of providing urban supply that is feasible, zoned and serviced with development infrastructure – the available supply for the District is significantly ahead of the NPS requirements.
- 5.9 This is evidenced by the completion of a sewer pumping scheme at Area Q in Bell Block which enables several hundred allotments, Parklands Avenue West in Bell Block, Carrington Road, Frankley Road and Ferndale Areas, Cowling Road and Honeyfield Drive, and the towns of Waitara (South) and Inglewood (South). In addition, there are large infill developments at Carrington Street and Sycamore Grove and by Housing New Zealand at Marfell and the recent Waitara Lands Act bill has enabled several hundred leasehold properties to become freehold – any of which are large and able to be subdivided. There are several other smaller infill developments underway all across the District.
- 5.10 The Oakura property market is connected to the New Plymouth Property Market and the wider District. Housing options and choice may rise and fall at various times at specific places within areas of the District (e.g. Oakura), but the important thing is that choice and options are available across various market segments across the District – that is the requirement of the NPS. So I submit there is no strategic need for NPDC to rezone large chunks at Oakura in order to meet its obligations under the NPS.

- 5.11 Nevertheless it has been useful to see that NPDC have undertaken a demand/supply analysis under the NPS-UDC as it helps to inform the debate on this current application for a plan change.
- 5.12 I refer to tables 1 to 3 in Appendix 11 which demonstrate the significant oversupply of allotments by FUD south and FUD West.
- 5.13 There is no data on lifestyle blocks which have been a significant driver of population growth and school roll growth in recent years. Surrey Hill Road, Weld Road, Ahu Ahu Road, Koru Road and Plymouth Road have all seen acceleration in the number of lifestyle dwellings located here.
- 5.14 The District Council is proposing to reduce the allotment size of urban infill subdivision in Oakura and particularly so in close proximity to the village centre, there will be an upward trend in infill subdivision as a result.
- 5.15 Infill subdivision and lifestyle block development will continue to provide a supply outlet to Oakura and could well provide the 20 lots per year needed to satisfy demand.
- 5.16 Opening up Oakura to Residential Greenfields development on two fronts (the Oakura Farm Park Plan Change and the existing zoned Cunningham Lane extension area north of FUD West) carries significant risks of generating adverse effects on the Oakura Community. These include the speed/rate of development, particularly during the first few years of development – as section sales volumes will need to be high to cover the upfront costs of lead infrastructure. A high rate of change will have more effect on schools and services as the village struggles to adjust to the quantum of investments needed to accommodate its new population.
- 5.17 The Oakura Farm Park Development has significant upfront/lead development costs. These include 1) The road through the Thurman property and culvert across the stream – this is some 200m of roading, plus a significant culvert and embankment with contour fall of 8 to 10m. 2) Provision of an underpass, culvert replacement and roundabout/junction improvements at a high speed state highway 3) Land negotiations with Powerco (boundary adjustment), Thurman (land purchase for roading), and on north side of highway (Cunningham) – to get access to build the underpass and approach ramps 4) Provision of services from Wairau

Road into the site (electricity, fibre, gas, water). 5) Embankment and culvert construction and armouring within stream valleys for stormwater attenuation and retention.

- 5.18 My estimate based on the above is that Oakura Farm Park will need to develop and sell 50 to 100 allotments in the first few seasons of development to achieve financial viability. It will not be an option to provide 10 or 20 lots per sale in those first years as suggested by the developer.
- 5.19 The residential zoned land at Cunningham Lane (north of FUD West), also has lead infrastructure costs, it will have a similar sized stream valley to cross to get started, but does not need 200m of initial road, as Cunningham Lane is already constructed to within 50m of the stream. There is a second stream crossing also, but no need to build an underpass or replace a culvert under the highway. There will be earthworks and stormwater management works also. Therefore there is also a need for the residential zoned land to develop and have available for sale up to 50 lots in the first few seasons of development.
- 5.20 Given the need for both developments to supply so many sections in quick time to market to achieve financial viability, and given the assessed demand in the NPS-HBCA of twenty lots per year, there are serious questions about the financial viability of both developments proceeding concurrently.
- 5.21 I submit that staged development is needed and that one of these developments should not occur whilst the other is going ahead.
- 5.22 Why should the Cunningham Lane Development go first? The Cunningham Lane Development provides strategic benefits to Oakura. I refer to the attached Draft Concept Plan prepared by Taylor Patrick for NPDC in 2014. This is a draft concept plan that was prepared to enable NPDC to evaluate and stage a Plan Change for Oakura. It intended to apply a finer grain to the Oakura Structure Plan 2006 by looking more closely at roading and reserve layouts, pathways and connection and at the topography and lie of the land.
- 5.23 In 2014 I met with the landowners of FUD West and South and with Oakura Farms Limited and walked over the FUD areas over a period of

two days. The sites in aggregate are extremely large. Even with my experience of large scale developments, the quantum of land suggested for supply in the 2006 Structure Plan is very, very big.

- 5.24 This work also included assessment of the proposed Russell Drive link and several options were designed in plan and longsection. Refer Appendix 2a
- 5.25 The Russell Drive link may best be achieved by providing a bridge rather than a culvert across the stream valley. Achievable gradients are demonstrated in the work we did in 2014.
- 5.26 My assessment is that the Cunningham Lane to Russell Drive link road will become very strategically important to Oakura if Coastal Erosion and/or sea level rise causes a need to retreat from Messenger Terrace (the beachfront road).
- 5.27 The Cunningham Lane to Russell Drive link will provide an alternative road access to the 169 allotments located at Ardern Place, Shearer Drive, the Circle, Russell Drive, Linda Street, Jans Terrace, Prudence Place and Rahui View. This road link will also support a vital infrastructure loop (and alternate source of supply) for water, gas, telecommunications and electricity.
- 5.28 While the link to Russell Drive may not need to be completed until its time of need, developing the road from Cunningham Lane as far west as is practical as early as possible (by encouraging residential development of the existing zoned area) will reduce the burden on ratepayers of the District. An early approach to planning for resilience enables those living in the areas affected to have confidence that their properties will continue to have access long into the future and this is a vital attribute to a functioning property and insurance market.
- 5.29 I believe that on these facts alone, NPDC should prioritise the Cunningham Lane extension ahead of FUD south. By not re-zoning FUD South yet, this enables and encourages Cunningham Lane extension to get underway (I see this as seed funding the resilience that Oakura will need to get through the coming decades of climate change)

- 5.30 Rezoning of land is also a direction for investment in infrastructure and community assets. There is a need to focus investment into the lower catchment as the priority for the following reasons:
- 5.30.1 To enable community connection to link to the coast (this is after all the main desire line of where residents head most days)
 - 5.30.2 To provide the engineered solutions to existing stormwater flooding of properties on Ardern Place
 - 5.30.3 The community has asked for this - refer Oakura Focus Group.
- 5.31 I note that my proposed location for Cunningham Lane to Russell Drive route alignment varies from the indicative road alignment shown in the District Plan Maps. The analysis of the topography shows the roads route will be further south. This is supported by the approved resource consent that NPDC had granted to the owner of the Cunningham Lane extension, which shows Cunningham Lane traversing further south. It is important to note here that some of the land granted consent in that application was within the Rural Zoned area and this is a potential way forward again for that landowner if a fresh application was to be pursued under the current zone boundary provisions.
- 5.32 After a period of evaluation and discussion with Council Parks and Roads team, the attached 2014 Concept Plan was finalised. It was evident that there was much more land available in the 2006 Structure Plan Area than was needed for development and so the difficulty now was to determine which areas should be prioritised and how much land should be released in a plan change. NPDC opted to undertake a comprehensive exercise of engagement with the Oakura Community to identify and quantify the needs of the Community with the intention that this process be used to inform the Proposed District Plan. While this 2014 Concept Plan for the entire FUD area was never released by NPDC, I believe that it demonstrates the feasibility of FUD West and the Cunningham Lane extension. NPDC have permitted me to release this to you in that context.
- 5.33 In 2015 I was invited to join the Oakura Focus Group by Doug Hislop (Kaitake Community Board). There were 2 other survey companies represented, two architects, and a good spread of representatives from the Oakura Community – including Manawhenua.

5.34 The Oakura Focus Group (with resource and support from NPDC) developed a document over several months, titled "Oakura A Growing Community." And this resulted in a map showing proposed residential expansion into FUD West (Refer Appendix 3). This map was the first real documented indication that the Communities needs and aspirations were at odds with the 2006 Structure Plan.

5.35 A Flawed 2006 Structure Plan?

5.35.1 I have come to the view that the work completed in the 2006 Oakura Structure Plan contained multiple flaws, examples of flaws are as follows:

5.35.2 the area east of Wairau Road and north of Surrey Hill Road down to the Oakura River is shown as being future urban area (residential development) – these areas were always too steep and of poor topography to support development - in the Proposed District Plan these areas have been removed from the FUD overlay (Refer S42A Report by NPDC planner).

5.35.3 The applicant has repeatedly described the triangular shaped FUD South Area as not logically representing a pragmatic topographical area for development.

5.35.4 The Structure Plan describes a key objective in Section 3.1 Population Growth - Manage residential development so that 'village appeal' is enhanced and characterised. At no point does it quantify or estimate the projected population arising from the enlarged urban boundaries. This has now been estimated as total 3500 residents (Refer NPDC Planners s42A report Appendix Page 6 Reasons 23.9 of Section 42A Report Recommended Amendments to Plan Change. I have reviewed this estimate and concur based on the following analysis – Current population 1380 (Census 2013 – residing in the urban boundary of Oakura in 516 occupied dwellings), plus 1720 residents from FUD West, FUD south, infill and already zoned residential (based on 2.5 residents per house) = 3100 residents, this increases to 3444 residents if using a 2.7 residents per house formula.

- 5.35.5 3500 residents is close to the population cap of the available water resource in the aquifer (based planners report of 1279 lots x 2.5 residents per lot = 3197 residents)
- 5.35.6 A population of 3500 residents does not equate to Village Appeal, 3500 residents is a town.
- 5.35.7 Inglewood has a population 3,246 in the 2013 census. Inglewood is a town located 15 minutes drive from New Plymouth (similar drive time to Oakura New Plymouth). Inglewood contains two primary schools and a secondary school, an extensive CBD, Industrial and commercial areas and a variety of sports grounds and complexes. Inglewood illustrates the level of services that would be needed should Oakura grow to this extent. Where would these be located? The 2006 structure plan makes little or no effort to consider the consequential effects of increasing the population to + 3000 residents.
- 5.35.8 But maybe people have been expecting too much of the 2006 Structure Plan? In my opinion the 2006 Structure Plan was intended to provide an urban boundary to Oakura – to stop it from growing longitudinally along the coast. It was not intended to prescribe within those growth areas how and when Oakura should grow – it left that up to the community, landowners and decision makers to determine that through the usual process of plan change and resource consent.
- 5.35.9 The 2006 Structure Plan stated, under the title population growth, that growth should *“Encourage future residential development on the land between existing residential areas in Oakura, the State Highway and the Kaitake Golf Course. Future residential development may also occur on the landward side of State Highway 45.”* I interpret the word “encourage” as being used for land north of the highway vs “may also” for south side of SH45 as a subtle but significant distinction of priorities. There may also be a need in the very long term for use of land south of SH 45.

- 5.35.10 The PC 15 FUD overlay had no other option but to adopt the 2006 Structure Plan for its growth protection mechanism, as it had no other analysis published or available to draw on.
- 5.35.11 The 2006 Structure Plan estimated that it would be providing for the needs for Oakura for the next twenty years, and that the Plan should be reviewed in 10 years time (i.e. 2016 – three years ago). Yet very little of the greenfields residential zoned or future residential land has been developed.
- 5.35.12 I submit that the 2006 Structure Plan has been reviewed through the Oakura Focus Group and Community Feedback process 2016 which demonstrated a very clear direction of focused growth, managed growth, smart growth.

5.36 Kaitake Community Board Plan – A thirty Year Vision

- 5.36.1 During the first quarter of 2016 the Oakura Focus Group Document “A growing Community” was released and circulated comprehensively with the Oakura Community, with large amounts of quality feedback received. Refer Doug Hislops evidence here.
- 5.36.2 The feedback from the community was looped into the work done by the Focus Group and resulted in a Final Report entitled Oakura A Growing Community Final Report 2016.
- 5.36.3 In 2017 this work was incorporated with similar workstreams by Focus Groups at Omata and Okato in the final document “Kaitake Community Board Plan: A thirty Year Vision”
- 5.36.4 It is my submission that this plan effectively reviewed the 2006 Structure Plan (as had been anticipated by that structure plan which requested itself to be reviewed in 10 years time). It is my submission that that this Kaitake Community Board Plan: A thirty Year vision supercedes the work of the 2006 Structure Plan. The key remarks of the KCB plan in relation to growth are *“the central message to the Council is that the village requires managed, staged and targeted growth. Rapid and wide spread*

expansion would negatively effect the special character of Oakura...”

6 SUBMISSION ITEM 2: Rezoning of this amount of land at this time at this location inappropriately reduces options for how this land and other parts of Oakura might be developed over a 30 to 50 year+ time horizon (Reduces Optionality).

6.1 I submit that rezoning too much land that covers a very long time horizon (i.e. 30 years plus) is poor strategy, particularly from the point of view of the community or Council.

6.2 For example, land may be needed in future to locate a new school. Might FUD South be an appropriate location for a new school in 30 years time. If the land is already zoned residential and locked into a tight pattern of roading and infrastructure, then this option of locating a school here would be lost.

6.3 Another example that comes to mind is sea level rise. The lowest lying areas of Oakura are the community assets of Corbett Park, the Campground and Oakura Marae. If these areas become inundated by Sea Level rise in the future and Oakura then there will be a need to relocate and find a new home for these community assets. FUD south may have an important role to play in Oakura's future but it is too early to forecast what these needs might be.

7 SUBMISSION ITEM 3: The proposed structure plan has an inappropriate mix of allotment sizes not suited to the location and the Oakura Community

7.1 I do not support a 300 sq. m allotment size for an entire precinct of FUD South. Smaller lots should be mingled with larger lots to create variety. If the applicant intends to build a retirement village then this would best be achieved through comprehensive design and a resource consent process.

8 SUBMISSION ITEM 4: I do not support the removal of the Consent Notice that prohibits further subdivision of this land.

- 8.1 I support the submission of Cam Twigley in his analysis of the Consent Notice Matter – the Paddocks subdivision is still undergoing development with some lots still to get to title and several houses still under construction. It is premature to look to remove the consent notice at this time.
- 8.2 Another observation I would like to make is I do regularly negotiate consent notice terms and wording with affected parties (usually neighbours) on behalf of subdividing clients. The option of offering a “no further subdivision” consent notice is very much a bottom of the pocket, last ditch effort and never given over lightly. It always represents the end point of a difficult negotiation where neighbours have clearly been affected by the clients development, but the client wants to go there as they desire to complete the development they have in hand. It means foregoing future development rights in favour of enjoying current profits. It means what it says.

9 **OTHER MATTERS: Concern about the ability to construct the underpass without other landowners being involved**

- 9.1 I submit a sketch plan which demonstrates that the proposed underpass will need to have access from the Cunningham land on the north side of the State Highway (to get diggers and equipment into the site) and will very likely to form the access ramps within the Cunningham land to enable safe setback of the footpath from the state highway carriageway.

10 **OVERALL CONCLUSION**

- 10.1 I submit that the request be declined in its entirety
- 10.2 The Proposed District Plan (expected to be notified late August 2019) will provide the opportunity and process to tidy up any zone boundary matters for the interface of the Cunningham Lane extension zoned land with the FUD West land.