

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 Oakura 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 Evidence of Cameron Twigley – HIGHLIGHTS

(Planning)

on behalf of:

Matthew Peacock; Richard Shearer; Steven Looney; and Wayne Looker

23 July 2019

1. My name is Cameron Twigley. I hold the qualifications and have the experience described in my Primary Statement of Evidence dated 25 June 2019. I have continued to comply with the Environment Court's Code of Conduct for Expert Witnesses in preparing these highlights of my evidence. I would like to make one minor correction to my primary evidence. Paragraph 81 should reference paragraphs 78 and 79 not paragraphs 70 and 71.

2. In my opinion, the Paddocks subdivision consent notice plays a critical role in offsetting the adverse landscape and visual effects of 'The Paddocks' development and maintaining rural character and amenity and achieving the objectives and policies of the Operative New Plymouth District Plan (ODP). I do not agree with the evidence of Mr Comber that the variation of the consent notice is a consequential amendment¹. The section 42a report also addresses this matter as a consequential matter to be resolved after a decision on the request is made. In my opinion the consent notice variation application is not a matter for tallying up once a decision on the plan change request (the request) is made. In my opinion it is a fundamental matter for consideration and no adequate justification for the variation has been provided by the applicant or in the section 42a report. In fact, there is a noticeable absence of assessment of this matter by the applicant. Mr Grieve describes the variation of the consent notice as 'the elephant in the room'.

3. In my opinion, here has been no change in circumstances that warrants variation/cancellation of the consent notice. The consent notice is as relevant and important today as it was when it was first imposed. The application to vary the consent notice would severely undermine the integrity of the Paddocks subdivision and in turn result in significant adverse effects on landscape and rural character and amenity values, including cumulative effects, which would be contrary to the objectives and policies of the Operative District Plan (ODP) and

¹ Paragraphs 17 and 179, Primary Evidence of Colin Comber 17 June 2020

Regional Policy Statement (RPS) and would not achieve the purpose of the Act. Therefore, in my opinion, the application to vary or cancel the consent notice should be refused.

4. I agree with the section 42a report that inadequate information has been provided within the Plan Change Request (the request) in respect to traffic and landscape effects. In my opinion the request does not contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, cultural effects of the proposal as it is required to do under section 32(1)(c) RMA. This does not allow an informed judgement on the request to be made. 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.

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

6. I agree with the section 42a report that based on identified residential land supply and forecasted demand there is already sufficient land supply to meet Oākura's future housing needs. I continue to disagree

with Mr Comber that the rezoning of the land is necessary² as this is not supported by NPDC's Housing and Business Development Capacity Assessment June 2019 (HBDCA). Mr Comber states in his supplementary statement of evidence that '*there is no short (sic) Short-Term Development Capacity i.e. greenfields land serviced and immediately available for urban settlement*³' relying on Table 4.13 of the HBDCA. In my opinion this assessment is incorrect, and it appears Mr Comber has misinterpreted Table 4.13 which I have attached as **Annexure A** of this statement. Table 4.13 clearly relates to the whole of the New Plymouth District. In my opinion it is logical that the figures provided for undeveloped residential zoned land in the short and medium term include Oākura, given that Oākura has undeveloped residential zoned land serviced with adequate development infrastructure to support the development of the land. Table 4.13 certainly does not provide evidence that there is no short-term land in Oākura available for urban settlement. Table 4.8 of the HBDCA supports this point showing 158 lots of undeveloped residential land with a start year of 2018 and 99% feasibility (also attached as **Annexure A**). Interestingly Table 4.13 shows the Oākura Growth areas as being required in the long term i.e. 10-30 years⁴.

7. The HBDCA prepared by NPDC states that both FUD South and FUD West are adequately serviced by infrastructure and that their feasibility is 100%⁵. This demonstrates that by serviceable the HBDCA means that Council 3 waters infrastructure is available for the land to connect to and has sufficient capacity. In order to address the applicant's contention that there is no serviced undeveloped residential zoned land available I have attached to this statement several plans showing the main existing undeveloped residential zoned land parcels in Oākura (see **Annexure B**). Under the HBDCA, these areas total 18.1ha, are estimated to have

² Paragraphs 25, 181 Primary Evidence of Colin Comber 17 June 2019

³ Page 3, Supplementary Statement of Evidence of Colin Comber 22 July 2019

⁴ Contradicts Table 4.8 of the HBDCA and the Long Term Plan

⁵ Page 37, NPDC HBDCA June 2019

a yield of 158 lots⁶ and are considered to be 99% feasible. These plans show that NPDC 3 waters infrastructure and roading is readily available. In the case of the Holdom residential zoned land, services are not only available but it also has a subdivision consent for part of the land for 35 lots. I have attached the subdivision consent as **Annexure C**.

8. In summary, when forecasted growth rates for Oākura of between 210 and 247 households for the next 30 years are factored in with the existing land supply, there is no requirement for FUD South to be rezoned to meet the future growth needs of Oākura either in the short or medium term.
9. I agree with the submission of the Kaitake Community Board that the FUD West area was always considered the first cab off the rank in terms of the future growth areas. I consider the Action Plan for the Oākura Structure Plan 2006 (OSP) indicates this in the following action *'Encourage future residential development on the land between existing residential areas in Oākura, the State Highway and the Kaitake Golf Course. Future residential development may also occur on the landward side of State Highway 45'⁷ (my emphasis). I am aware that NPDC have undertaken preliminary work on the development of FUD West and that the landowners are currently considering their development options. I am also aware that the two landowners of FUD West have recently reached agreement which would remove any landowner impediment to the extension of Cunningham Lane to service FUD West (letter attached as **Annexure D**).*
10. Key concerns that I have with the request from an environmental effects and infrastructure perspective include:
 - a. The proposal to provide for independent water supply for 68 residential lots where reticulation is available, the precedent this could set and the potential undermining of the objectives and policies of the ODP. I note New Plymouth District Council

⁶ NB: Evidence of Mr Doy estimates 134 lots based on slope analysis

⁷ Page 14, Oakura Structure Plan 2006

(NPDC) will not support independent water supply for 68 residential lots⁸.

- b. Lack of integration, resilience and connection with the existing Oākura village due to the proposed sole access arrangement from Wairau Road (noting NZTA have not agreed to an alternative SH45 access so this cannot be relied on), the abundance of cul-de-sacs within the structure plan, the high-density subdivision proposed (300m² lots) and the 600m long bund adjoining SH45. *The Action Plan for the OSP had an action to develop a Coastal Community Zone part of which was retaining larger minimum lot sizes of 600m² for subdivision to recognise the uniqueness and special values of Oākura⁹. I believe this is still the desire of the community through the work of the Oākura Focus Group and NPDC with higher density being limited to around the main business area – as was heard in the submission of the Kaitake Community Board.*
- c. Adverse landscape and visual effects on the Kaitake Ranges and the landscape in general due to the location and scale of the request, the proposed bund, roundabout and underpass. *I'd like to add here, to support the evidence of Mr Kensington, that the ODP recognises that activities outside the boundaries of an Outstanding Landscape can have adverse effects on the Outstanding Landscape. The Rural Environment Area rules relating to bulk and location of buildings, number of habitable buildings, earthworks and subdivision all include assessment criteria which direct a consideration of effects on outstanding or regionally significant landscapes among other matters. For example, the subdivision assessment criteria state that matters to be considered should include effects of the subdivision on the protection and management of*

⁸ New Plymouth District Council Infrastructure Group – Three Waters Report - Plan Change 48 - Supplementary Information 15 July 2019

⁹ Page 14, Oakura Structure Plan 2006

Outstanding and Regionally Significant Landscapes and the Coastal Policy Area¹⁰.

- d. Potential for adverse effects on the conservation initiatives of Restore Kaitake and Project Mounga due to the widescale urbanisation of the site. *I'd like to add that what I heard from Mr Beevers in relation to the significant impact cats will have on birds and lizards and the lack of reliable mechanisms to control them only reinforced this concern. There is an absence of assessment on this matter and in my opinion it would be short-sighted not to turn attention to the potentially significant impacts on these landscape scale restoration projects.*
 - e. Adverse cumulative effects on landscape and rural character and amenity values from the combined effect of the Paddocks subdivision development and the request.
11. In my opinion the request will not give effect to the National Policy Statement on Urban Development Capacity (NPS-UDC) due to the fact that NPDC have identified that there is enough existing residential zoned land supply for New Plymouth District, and Oākura, in the short and medium term and considering the potentially significant adverse local effects of the request. A better question is does the land need to be rezoned for NPDC to meet their obligations under the NPS-UDC which in my opinion the answer to is no. I also note that the NPS-UDC is clear that it does not anticipate development occurring with disregard to its effect.
12. I disagree with Mr Comber that the request gives effect to the RPS for the reasons addressed in sections 148-155 of my primary evidence.
13. I disagree with Mr Comber that the request represents a unique opportunity for residential development within the District due to the

¹⁰ Rule Rural 78, New Plymouth District Plan

land being in one ownership¹¹. A similar opportunity exists on the FUD (West) land which in my opinion presents a more logical, connected area of land for future expansion of Oākura. I disagree with Mr Comber's section 32 evaluation that Option 3 – All Farm Area would best achieve the purpose of the Act. Given that there is no identified shortage of land supply for urban expansion of Oākura, that other identified areas located entirely within FUD overlays 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.

14. I disagree with the section 42a reports initial recommendation to approve in part the request to reflect the content of the final structure plan – although I note in the latest supplementary section 42a report a final recommendation has been withheld, based on the applicant submitting a revised structure plan (presumably for 167 lots) and due to continuing concerns related to landscape and traffic matters.
15. The initial recommendation on the request appears to be an infrastructure led recommendation with the approval for 167 lots based largely on an assessment of available water supply despite there being significant concerns raised in the section 42a report about traffic, landscape and visual amenity issues inter alia. I disagree with the section 42a report recommendation that a 50/50 split of the available water allocation between FUD (South) and FUD (West) is a flexible and fair allocation given FUD (South) only has 25% of the estimated allotment yield. The landowners of FUD (West) would be unfairly disadvantaged by this allocation. I also note they have not had an opportunity to comment on this specific matter due to the matter only coming to the fore through the section 42a report.

¹¹ Paragraph 19 and 35, Primary Evidence of Colin Comber 17 June 2019

16. I confirm the conclusions of my Primary Statement of Evidence.

Cameron Twigley

23 July 2019

Annexure A – Tables from HBDCA

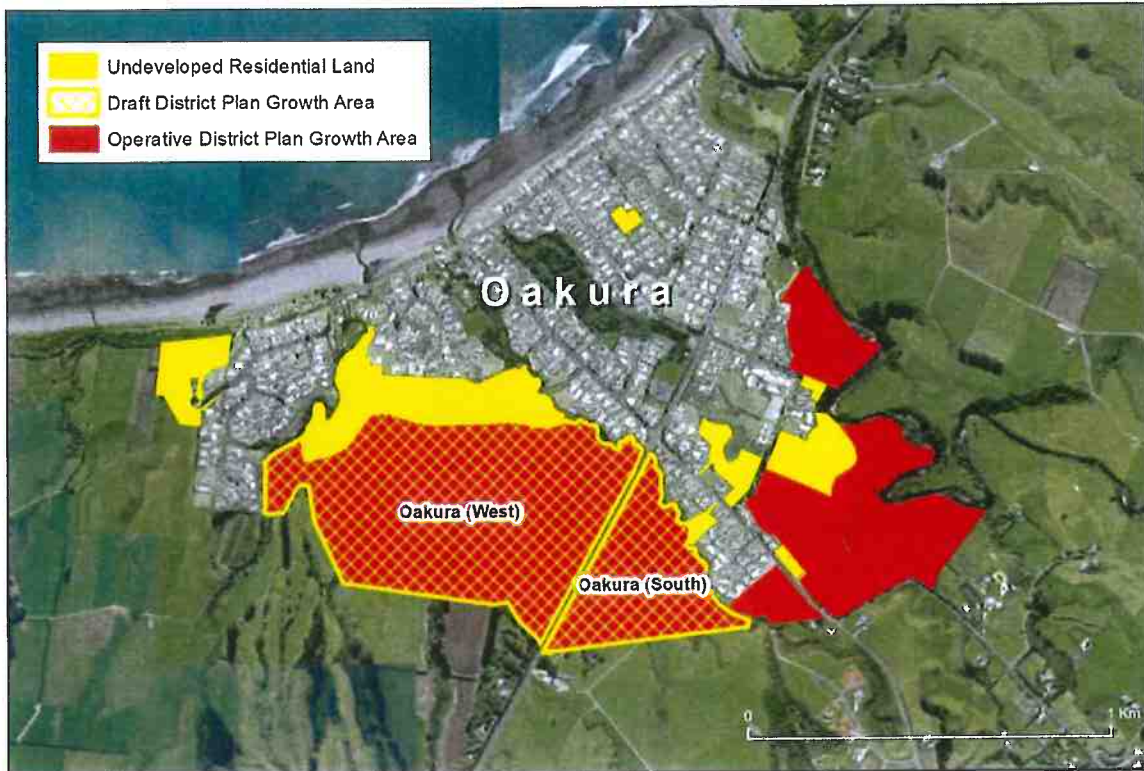


Figure 4.27 – Oakura Growth Area Map

	Zone under current DP	Total Area (ha)	Future Yield (lots)	Proposed Start Year	Grade	Feasibility	Feasible future yield
Undeveloped Residential Land	Res	18.1	158	2018	2	99%	157
Oakura							
Oakura South	Rural/FUD	13.0	117	2020	3	100%	117
Oakura West	Rural/FUD	39.5	355	2032	3	100%	355
Total		70.6	630		2.5	100%	629

Table 4.8 – Oakura Growth Area Yield

Identified growth areas in Oakura are currently zoned rural, but are enabled by the Operative District Plan as FUD overlays and are adequately serviced by infrastructure. The Draft District Plan will classify these as UGAs, but they will not be zoned as residential in the short to medium term.

An application for a Private Plan Change to the Operative District Plan was lodged in 2018. This application seeks to rezone approximately 58 hectares of Rural Environment Area land to mainly residential land just south of Oakura (part of Oakura South Growth Area). The submissions for this application closed on Monday 15 October 2018.

Okato

Okato has capacity for 258 feasible lots totalling 23.1 hectares of land. This is a mixture of undeveloped residential land (17.4 hectares) and one growth area of 5.8 hectares. Okato is a small settlement town with no Council sewer-reticulated services and little urban growth demand. The urban growth area identified in the Operative District Plan is large in relation to the township. The

SHORT TERM							Demand + 20% Margin =	
Operative District Plan	Plan-Enabled Capacity	Feasible Capacity	Feasibility	Infrastructure Capacity	Projected uptake	Remaining feasible capacity at 2021	Percentage Uptake	
Other Environment Areas	1,287	N/A	N/A	N/A	367	920	29%	1,391
Future Infill (New Plymouth only)	6,498	1,286	20%	1,286	432	854	34%	
Undeveloped Residential Zoned Land	4,128	3,671	89%	3,484	439	3,045	13%	
Area Q Undeveloped Residential Land	749	749	100%	749	153	596	20%	
Total	12,662	5,706	45%	5,519	1,391	5,415	25%	
MEDIUM TERM							Demand + 20% Margin =	
Operative & *Draft District Plan	Plan-Enabled Capacity	Feasible Capacity	Feasibility	Infrastructure Capacity	Projected uptake	Estimated remaining capacity at 2021	Percentage Uptake	
Other Environment Areas	920	N/A	N/A	N/A	558	363	61%	3,050
Future Infill (New Plymouth only)	6,066	854	14%	854	690	164	81%	
Undeveloped Residential Zoned Land	3,689	3,232	88%	3,045	1,262	1,783	41%	
Area Q Undeveloped Residential Land	596	596	100%	596	374	222	63%	
Junction Stage 1 Growth Area	174	165	95%	83	26	57	32%	
Upper Carrington Growth Area	267	267	100%	267	140	127	52%	
Total	10,792	5,114	47%	4,845	3,050	2,353	63%	
LONG TERM							Demand + 15% Margin	
Proposed District Plan	Plan-Enabled Capacity	Feasible Capacity	Feasibility	Infrastructure Capacity	Projected uptake	Estimated remaining capacity at 2048	Percentage Uptake	
Other Environment Areas	540	N/A	N/A	N/A	89	451	16%	6,479
Future Infill (New Plymouth only)	7,904	664	8%	664	554	111	83%	
Undeveloped Residential Zoned Land	2,886	2,335	81%	2,335	2,290	45	98%	
Area Q Undeveloped Residential Land	222	222	100%	222	205	17	92%	
Junction Stage 1 Growth Area	148	139	94%	139	118	21	85%	
Carrington Growth Area	127	127	100%	127	110	17	87%	
Junction Stage 2 Growth Area	119	113	95%	113	80	33	71%	
Frankley/Cowling Growth Area	831	814	98%	814	608	206	75%	
Area R Growth Area	63	61	97%	61	45	16	74%	
Oakura Growth Areas	472	472	100%	472	327	145	69%	
Okato Growth Area	69	69	100%	69	40	29	58%	
Waitara Growth Area	231	231	100%	231	177	54	77%	
Smart Road Growth Area	3,349	3,214	96%	3,214	1,836	1,378	57%	
Total	16,421	8,462	52%	8,462	6,479	2,072	32%	




Table 4.13 – Projected Take Up of New Plymouth District Capacity

Long term

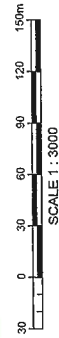
Projections of long term capacity take-up are based entirely on the Draft District Plan, with the addition of all the UGA, and additional re-zoned residential land. This capacity is all plan-enabled in the Draft District Plan. Development outside the residential boundary is projected to drop down to as low as one percent with the implementation of the Draft District Plan and stronger restrictions on uncontrolled rural expansion. This leaves 99 per cent of development within the residential boundary

**Annexure B – Plans showing
Undeveloped Residential Zoned Land**

Disclaimer: This 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.

LEGEND	
	NPDC WASTE WATER
	NPDC WATER
	NPDC STORMWATER

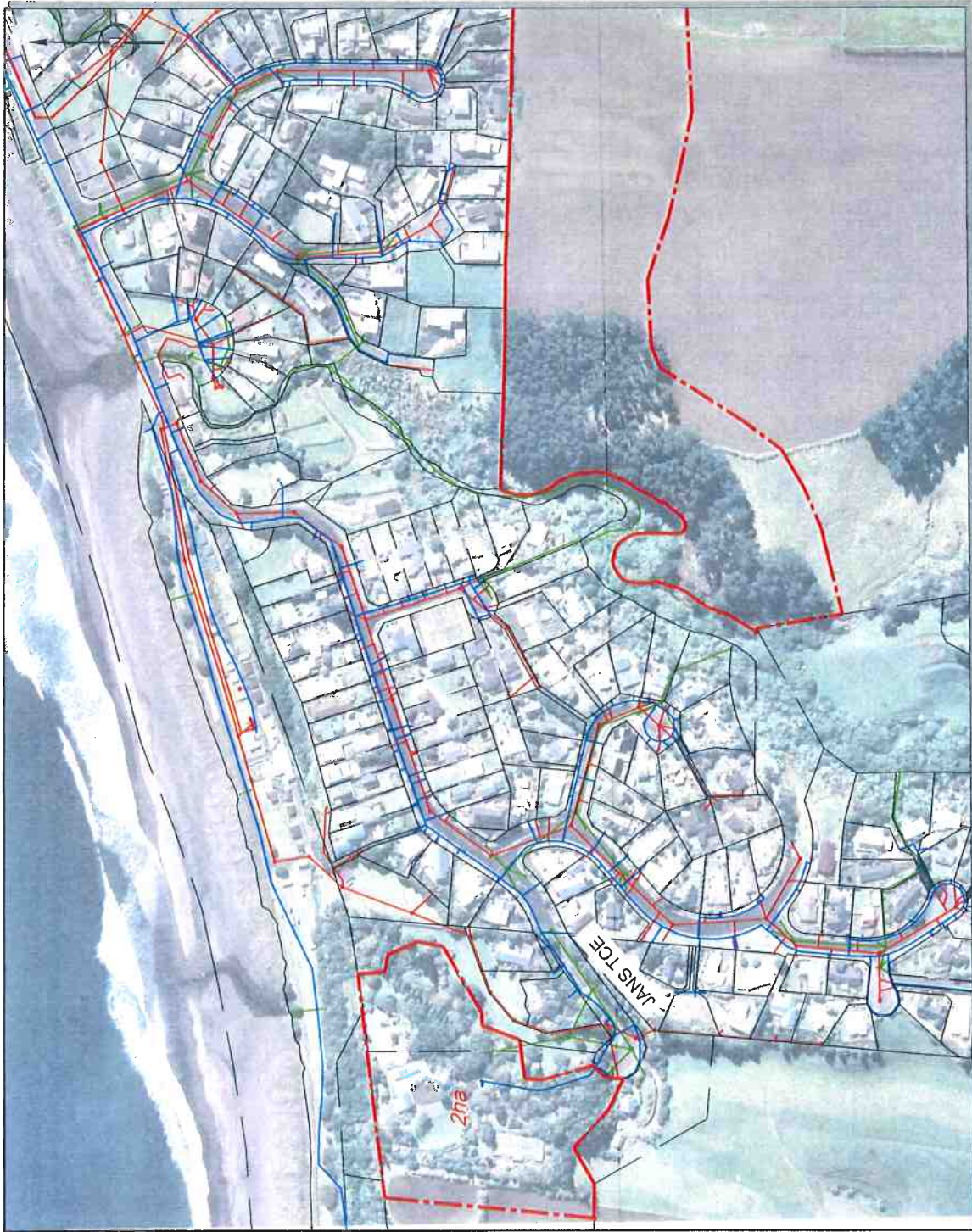
DRAFT






LOCAL BODY: New Plymouth District Council
 APPLICANT: -
 COMPRISED IN: -
 SCALE: 1:3000

**NON-DEVELOPED RES C LAND OAKURA
 (OAKURA FARMS LTD)**

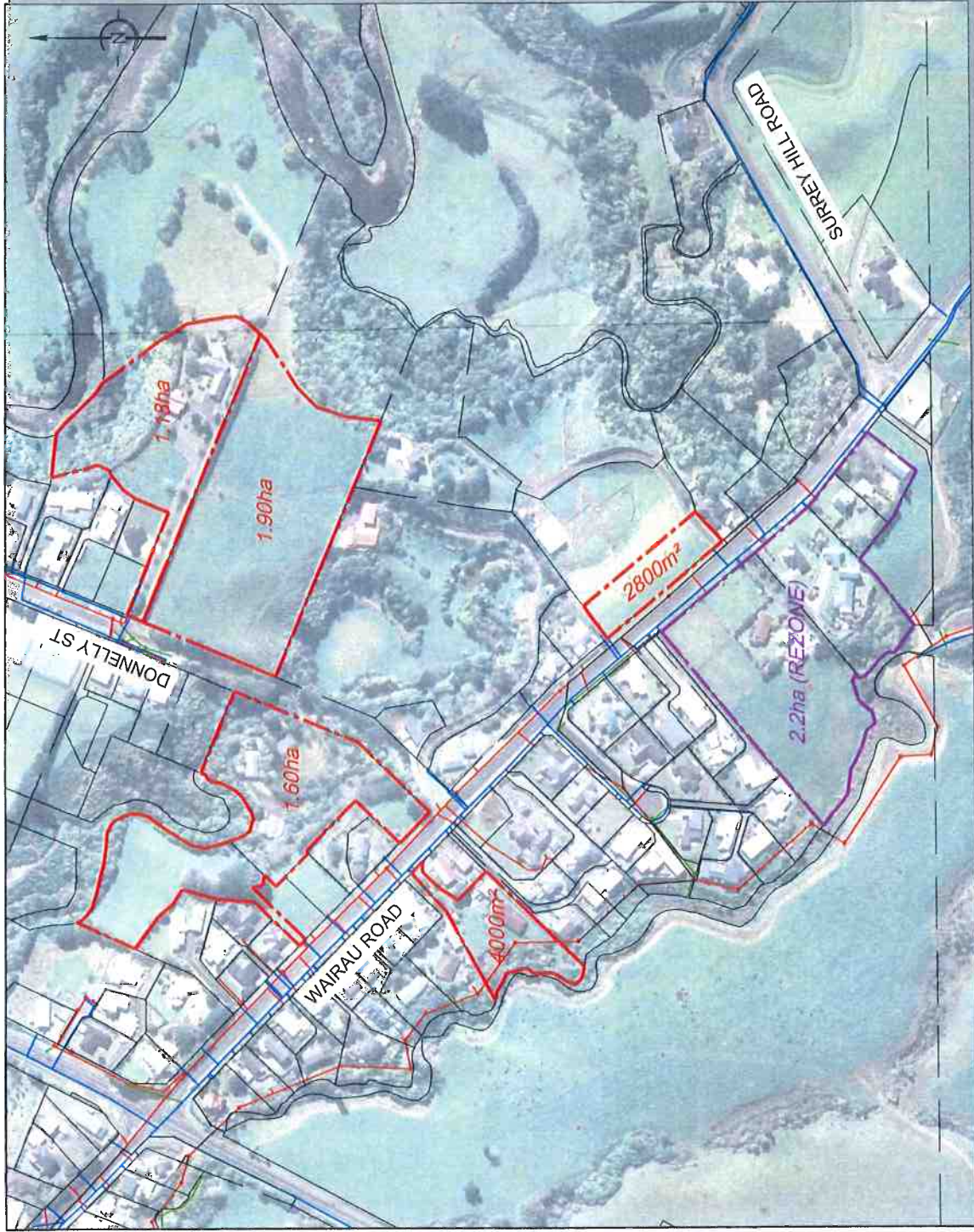
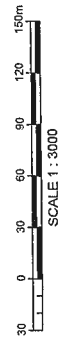
Prepared by: K. Preston
 Licensed Cadastral Surveyor
 Date: JULY 19
 Job No. -
 Drawing No. -
 Drawn by: KP
 Checked by: XX
 Date: XX/XX/18
 Date: 23/07/19



Disclaimer: This 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.

LEGEND	
	NPDC WASTE WATER
	NPDC WATER
	NPDC STORMWATER

DRAFT






Prepared by: K. Preston
Checked by: XX
Licensed Cadastral Surveyor
Date: JULY 19
Job No. -
Drawing No. -

Drawn by: KP
Date: 23/07/19

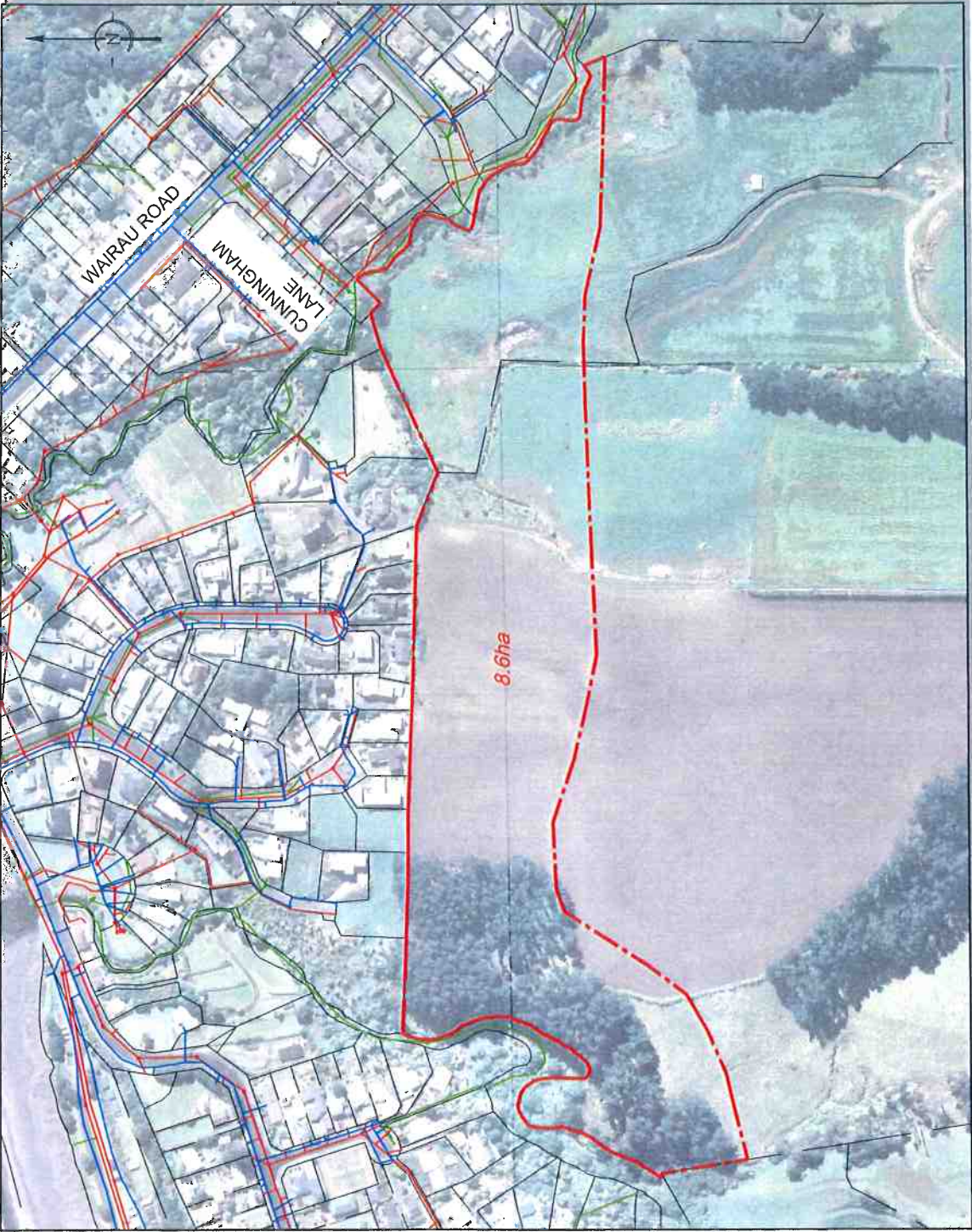
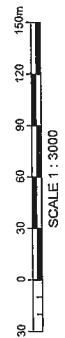
**NON-DEVELOPED RES C LAND OAKURA
(SOUTH OAKURA)**

LOCAL BODY: New Plymouth District Council
APPLICANT: -
COMPRISED IN: -
SCALE: 1:2000

Disclaimer: This 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.

LEGEND	
	NPDC WASTE WATER
	NPDC WATER
	NPDC STORMWATER

DRAFT






LOCAL BODY: New Plymouth District Council
 APPLICANT: -
 COMPRISED IN: -
 SCALE: 1:3000

**NON-DEVELOPED RES C LAND OAKURA
(HOLDOMS)**

Prepared by: K. Preston
 Licensed Cadastral Surveyor
 Date: JULY 19
 Job No. -
 Drawing No. -
 Drawn by: KP
 Checked by: XX
 Date: XX/XX/18
 Date: 23/07/19

Disclaimer: This 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.

LEGEND	
	NPDC WASTE WATER
	NPDC WATER
	NPDC STORMWATER

DRAFT



LOCAL BODY: New Plymouth District Council
 APPLICANT: -
 COMPRISED IN: -
 SCALE: 1:3000

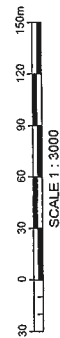
**NON-DEVELOPED RES C LAND OAKURA
 (OAKURA FARMS LTD)**

Prepared by: K. Preston
 Licensed Cadastral Surveyor
 Date: JULY 19
 Job No. -
 Drawing No. -
 Drawn by: KP
 Checked by: XX
 Date: XX/XX/18

Disclaimer: This 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.

LEGEND	
	NPDC WASTE WATER
	NPDC WATER
	NPDC STORMWATER

DRAFT






LOCAL BODY: New Plymouth District Council
 APPLICANT: -
 COMPRISED IN: -
 SCALE: 1:2000

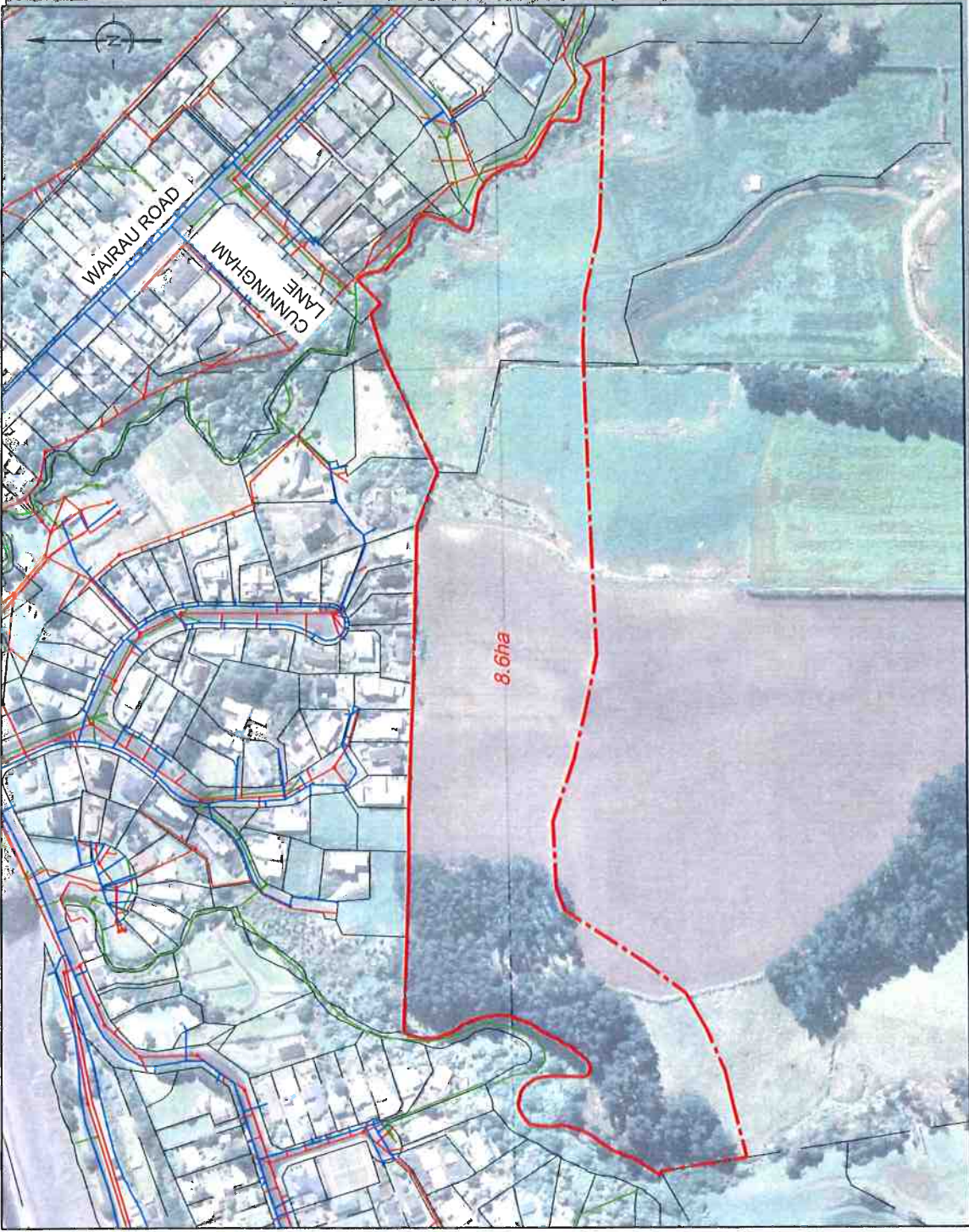
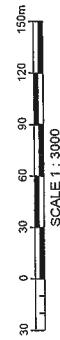
**NON-DEVELOPED RES C LAND OAKURA
 (SOUTH OAKURA)**

Prepared by: K. Preston
 Licensed Cadastral Surveyor
 Date: JULY 19
 Job No. -
 Drawing No. -
 Drawn by: KP
 Checked by: XX
 Date: XX/XX/18
 Date: 23/07/19

Disclaimer: This 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.

LEGEND	
	NPDC WASTE WATER
	NPDC WATER
	NPDC STORMWATER

DRAFT



Prepared by: K. Preston
Checked by: XX
Licensed Cadastral Surveyor
Date: JULY 19
Job No. -
Drawing No. -

Drawn by: KP
Date: 23/07/19

**NON-DEVELOPED RES C LAND OAKURA
(HOLDOMS)**

LOCAL BODY: New Plymouth District Council
APPLICANT: -
COMPRISED IN: -
SCALE: 1:3000

**Annexure C – Holdom Land
Subdivision Consent**



Te Kaunihera-ā-Rohe o Ngāmotu

NEW PLYMOUTH DISTRICT COUNCIL

newplymouthnz.com

When replying please quote document SUB12/45512.02 .

4 October 2016

N and B Holdom
C/- Juffermans Surveyors Ltd
PO Box 193
NEW PLYMOUTH

Attention: Jason Meuli

Dear Jason

**SUB12/45512.02 CONSENT IS GRANTED TO EXTEND TIMEFRAMES AND VARY
CONSENT CONDITIONS OF A 35 LOT NON-COMPLYING SUBDIVISION AT 1234
SOUTH ROAD, OAKURA**

I am pleased to be able to **enclose** a copy of a Resource Consent Approval, and my Planners Report prepared under the Resource Management Act 1991, for the above project.

If you are unhappy with any part of this decision you have the right to object in accordance with Section 357A(2) of the Resource Management Act 1991. Any objection shall be made in writing, setting out the reasons for the objection. This must be lodged with Council within 15 working days after receiving this decision.

Yours sincerely

Laura Buttimore
Consultant Planner



RESOURCE CONSENT SUB12/45512.02

Granted under Sections 125 and 127 and 104B of the Resource Management Act 1991.

Applicant: N and B Holdom
Location: 1234 South Road, Oakura
Legal Description: Lot 2 DP16742 and Part Section 3 Oakura District
Status: The proposal is a Discretionary Activity
Proposal: S125 – extension of timeframes and 127 – Variation to 35 Lot Subdivision

DECISION:

In accordance with Section 104 and 104B of the Resource Management Act 1991, consent is granted to subdivide Lot 2 DP16742 and Part Section 3 Oakura District into 35 allotments, as shown on the scheme plan submitted with application SUB12/45512.02 submitted by Juffermans Surveyors Ltd and entitled “Proposed Subdivision”, Drawing No. 1003-v7, Dated 26/08/16.

Subject to the following conditions imposed under Section 108 of the Resource Management Act 1991:

1. The applicant is responsible for all costs incurred in complying with the conditions.
2. All work carried out on the subdivision will be to standards acceptable to the New Plymouth District Council.
3. One copy of the Title Sheet (A3 size) is to be provided when the Survey Plan is submitted for approval.
4. Approval fees to be paid in accordance with Councils Schedule of Subdivision Fees and Charges when the Survey Plan is submitted for approval.
5. The Survey Plan shall conform with the Subdivision Consent Plan – Juffermans Surveyors Ltd; Job No 10003, Drawing No 10003-V7, dated 26/08/16 and Application for resource consents and further information received except for any changes required to be made to comply with the conditions set out below.
6. Approval is granted to carry out the subdivision in stages as follows:
 - Stage 1: 11 Residential allotments, Lots 10, Lot 11, Lots 13- 21 and Lot 12 (esplanade reserve), Lot 36 (to vest as Road), and the Balance area Lot 40.
 - Stage 2: 8 Residential allotments, Lots 5-9 and 22 – 23, Lot 37 (to vest as Road) and the Balance area Lot 41;

- Stage 3: 4 Residential allotments, Lots 1 – 4, and the balance allotment Lot 42;
Stage 4: 11 Residential allotments, Lots 25 – 35 and Lot 40 (to vest as Road) and the balance lot

Unless otherwise specified all conditions shall apply for all stages.

7. Distances between buildings and new boundaries shall comply with the requirement for existing buildings to meet standards in relation to new boundaries.
8. Water Services:
- 8.1 All lots (excluding reserves, roads and the balance allotments) within the subdivision are to be serviced by council approved water connection including manifold assembly.
- 8.2 All new reticulation shall be designed and constructed to the council's Consolidated Bylaws 2000 part 16 Water Supply, Water Reticulation Code of Practice requirements and the New Zealand Fire Services "Code of Practice for Fire Fighting Water Supplies" requirements.
- 8.3 Calculations and engineering plans shall be submitted for approval prior to construction. Designs shall incorporate water demand and peak flow data.
- 8.4 The new reticulation systems shall be flushed, tested and connected to the Council's water reticulation network by a Council approved contractor at the consent holders cost.
9. Sewer Services:
- 9.1 Each residential lot shall be provided with a sanitary sewer connection to a gravity sewer system connected to the existing public sewer drain.
- 9.2 All new reticulation shall be designed and constructed to the requirements of the Building Act, Consolidated ByLaws 2000 Part 15 Water and Drainage and Sanitary Sewer Code of Practice:
- 9.3 For a new connection to the sewer main an application with the appropriate fee is to be made to Council, and upon approval this connection is to be installed by a Council approved contractor at the applicant's cost.
10. Building Platform
- 10.1 An inspection and a report shall be carried out of soil compatibility by a suitably qualified person and submitted to the council to confirm the suitability of all residential allotments (in the respective stages) for on-site stormwater disposal. Where it is demonstrated that on-site disposal of stormwater is not suitable, then an alternative method of disposal shall be identified and made available.
- 10.2 Secondary flow paths shall be shown for all lots and shall take into account runoff from farmland south of the subdivision and shall be located clear of proposed building platforms.
- 10.3 A report shall be provided from a suitably qualified person to confirm that there is available within Lots 1-35 (in the respective stages) a stable flood free building platform suitable for building foundations in accordance with the requirements of the

New Zealand Building Code – Acceptable Solution B1/AS4 of Approved Document B1/4; Structure Foundations.

- 10.4 Any recommendations requiring specific on-site stormwater disposal and building platform shall be subject to Consent Notice under Section 221 of the Resource Management Act 1991.
- 10.5 All building floor levels shall have a minimum of 500mm freeboard in areas shown to be affected by the 1% event (see condition 16.3). This shall be designed in terms of its datum and shall be subject to a consent notice pursuant to section 221 of the RMA.

11. Earthworks

- 11.1 The subdivider shall appoint a suitably qualified person to design, control and certify all earthworks (including road).
- 11.2 All uncompacted fill shall be identified and shall be shown on the final plans and be subject to a Restriction (consent notice).
- 11.3 Any earthworks undertaken on site shall employ the best practical means of minimizing the escape of silted water or dust from the site. A description of the proposed means of mitigating these temporary effects shall be submitted and approved prior to any works commencing or a copy of the earthworks resource consent from the Taranaki Regional Council provided prior the commencement of works.
- 11.4 A wheel wash shall be installed and used on site during the full period of the earthworks construction period to ensure that loose material associated with the earthworks is not carried by tyre deposition on public roads.
- 11.5 During the earthworks construction period the road carriageway adjacent to the site shall be hosed down at the end of each working day.

12. Culverts

- 12.4 Cunningham Lane extension will cross two streams including the Wairau Stream. New culverts shall be designed to convey a 1% AEP and designed in accordance with the NZTA Bridge Manual and NZS4404:2010 Section 4
- 12.5 A Resource Consent from the Taranaki Regional Council is required. It should be obtained in the developers name and then transferred to the Council upon the structure being vested in the Council.
- 12.6 A building consent is not required for the installation of the culvert, but for any associated structures such as retaining walls a consent is required.

14 Cunningham Lane extension (stage 1, 2 and 4)

- 14.1 Lots 36, 37 and 40 shall vest in the Council as road.
- 14.2 The Cunningham Lane extension shall be designed and constructed to the Council's Rooding Code of Practice and include earthworks, kerb and channel, footpaths, road pavement, stormwater and street lights at the developers costs. The design of the full road shall be provided as part of stage 1.

- 14.3 The proposed road width of Cunningham Lane shall be 20m in legal width and a formed width of 11m
- 14.4 A temporary turning head shall be constructed beyond the boundary of the last lot in each stage.
- 14.5 The design of Cunningham Lane extension shall be continued at least 200 metres to ensure continuity of the roading gradient.
- 14.6 *In the event that the design of the road involves cut and fill batters these shall be located within the residential lots and outside road reserve .*
- 14.7 *The existing turning area at the end of the existing Cunningham Lane shall be removed and the road reinstated.*

14. Local Road (Stage 1 and 2)

- 14.1 Lots 36, 37 and 38 shall vest in the Council as road.
- 14.2 The local road shall have a legal width of 16m and a formed width of 5.5m to the front of the kerb channels.
- 14.3 The footpath shall be on one side of the road only and shall be on southern side where the majority of the houses are.
- 14.4 The Local road shall be designed and constructed to the Council's Roding Code of Practice (except where stated) and include earthworks, kerb and channel, footpath, road pavement, stormwater and street lights at the developers costs. The design of the full road and the lane shall be provided as part of stage 1.
- 14.5 A temporary turning head shall be constructed beyond the boundary of the last lot in each stage.

15. Local Lane (stage 4)

- 15.1 Lot 40 shall vest in the Council as road.
- 15.2 The lane shall have a minimum formed width of 3m with a legal width of 10m suitable for the design of stormwater runoff. The runoff must either to the stream or an alternative suitable stormwater system.
- 15.3 Street lighting shall be provided on the Lane.

16. Stormwater Control:

- 16.1 A storm water reticulation system to drain surface water from the subdivision shall be installed to an approved outlet to the requirements of the Council's Code of Practice.
- 16.2 The primary stormwater system shall be designed and installed to a 20% AEP event and shall be hydraulically neutral.

- 16.3 An engineering report and plan shall be submitted from a suitably qualified person that addresses the stormwater from a 1% AEP event. The system shall be designed so that no adverse effects downstream from the subdivision are created. The extent of the 1% event shall be defined on the engineering plans and shall be subject to a location restriction on the survey plan.
- 16.4 Calculations are required for:
- The new pipe sizes and that they are adequate to ensure all surface water on roads drain to an approved outlet.
 - That no downstream and offsite flooding or erosion will occur.
- 16.5 Stormwater from the roads shall be collected, managed and discharged to an approved stormwater system.

NOTE: Regional Council water rights shall remain in the name of the Developer until the asset vests in the Council.

- 16.9 Secondary flow paths are to be shown the engineering plan and easements created over private property to protect the path.
- 16.10 Erosion control design will be required for any stormwater inlet and outlet structures and at the bend in the stream along the short local lane to prevent scouring.
- 16.11 If required by the Taranaki Regional Council a consent shall be obtained for stormwater discharge, silt control and for erosion control works at the bend in the Wairau Stream (as required under condition 16.7).
- These consents are to be sighted by the Council prior to the commencement of any work on site.
 - Any consent required shall be obtained in the name of the developer. The Council shall accept the responsibility for any consent for an infrastructure asset upon acceptance of that asset.

17. Engineering Plans, Supervision and Certification

- 17.1 Detailed engineering plans, calculations, and specifications for the sewerage, water reticulation, stormwater reticulation, earthworks, road and walkway on esplanade reserve shall be submitted to and approved by the Council at stage 1.
- 17.2 All work shall be constructed under the supervision of a suitably qualified person who has the appropriate professional indemnity insurance and who shall certify that all the work has been constructed to the approved engineering plan/Code of Practice requirements.
- 17.3 Supervision and certification of the works and the provision of "As-Built" plans shall be as prescribed in section 1.5 of NZS4404:2004 Land Development and Subdivision Engineering.
- 17.4 A schedule of vested assets detailing cost and a brief description within the categories of roading, sewer, water, stormwater and reserves, shall be provided for each stage.

- 17.5 All fill greater than 1.5 in depth that has been identified as able to be built on is to have a certificate in the form of schedule 2A of part 2 NZS4404. All sites should have an area identified which can be built on.
- 17.6 *A Traffic Management Plan shall be submitted to Council for all roading works including excavation works on the Road Reserve prior to commencement of work.*
- 17.7 *Structures such as retaining walls, underground walls and bridges will require a separate building consent. The plan required under these conditions is separate to and do not form part of the building consent.*
- 17.8 *All areas affected by work and on completion of each stage shall be regrassed, revegetated or otherwise protected within two months of completion of work on each stage.*

18. Defects Liability Bond

- 18.1 A defects liability period of twelve months shall apply for assets to vest. A bond amounting to 5% of the value of the work for the first \$200,000 and 2.5% of the remaining value, with a maximum bond value of \$200,000 is required for the duration of the defects liability bond.

19. Easements:

- 19.1 Easements shall be created for sewer, stormwater and secondary flow paths as required and shown in a Memorandum on the Survey Plan.
- 19.2 The developer shall grant an Easement in Gross relating to Stormwater in favour of New Plymouth District Council in respect of various parts of the land shown on the Scheme Plan as areas to be used for controlled stormwater disposal and stormwater collection (detention ponds), the terms of such Easement to be as required by New Plymouth District Council.
- 19.3 Easements in gross shall be created for sewer, water and stormwater.

20. Vesting of Land for Reserve

- 20.8 The areas of land shown indicated as Lot 12 and Lot 41 on the subdivision consent plan prepared by Juffermans Surveyors Ltd; Drawing No. 10003-V7 Rev7, dated 26/08/16 and shall be vested in the Council as esplanade reserve. The reserve width shall generally be 20 metres, but may be reduced or increased where necessary to accommodate topography. The final width and boundaries of the esplanade reserve shall be agreed with the Council prior to final pegging.
- 20.9 A development plan for the esplanade reserve shall be submitted for approval by the Manager Consents (or nominee) in writing prior to the commencement of any works within the esplanade reserve. The development plan shall include, but not be limited to:
- Location of a walkway along the the length of the new esplanade reserve (north and south of Cunningham Lane);
 - Location of pedestrian entrances and vehicle barriers or bollards where required to prevent unauthorized vehicles entering the esplanade reserve; and

- Riparian planting and other planting as appropriate, including species and number of trees/plants.
- Reinstatement of existing natural features if earthworks have altered it.

20.10 The walkway shall be constructed in the location approved in the development plan as required under condition 20.2 above and to the design approved in the engineering plans as required under condition 17.1. The walkway shall be a 2.0m wide, gravel track on a solid base with wooden edging to retain placement of the gravel, with a maximum gradient of 1:12.

20.11 The vehicle barriers and bollards shall be erected in the location approved in the development plan required under condition 3 above. The barriers shall be 250 x 50 Vehicle Barrier – PSM 1.7 as detailed in the New Plymouth District Council Parks Standards Manual October 2010.

20.12 The walkway, vehicle barriers and bollards shall be maintained in good condition for a period of not less than six months from the date of the s224 issue.

20.13 Planting within the esplanade reserve shall be undertaken by a suitably qualified landscape professional in accordance with the approved development plan required under condition 3 above within the first planting season following the date of the s224 issue.

20.14 The planting shall be maintained in good condition for a period of not less than 18 months from the date of the s224 issue. Such maintenance shall include, but not be limited to, the replacement of any trees/plants that are lost or die or are otherwise defective, removal of weeds and other maintenance as specified in the Council's Code of Practice. This maintenance shall be undertaken by a suitably qualified landscape professional.

21. Fencing of Reserves

21.1 A 7 Wire Post and Batten Fence – PSM 1.11 shall be erected in accordance with the New Plymouth District Council Parks Standards Manual October 2010 on the true boundary between Lot 41 (reserve) and residential Lots 1 and 4.

21.2 A covenant shall be registered on all titles of new properties with a common boundary to reserve land (Lots 1 and 4), indemnifying the local authority against all costs of erection and maintenance of fences in the common boundary.

21.3 A covenant shall be registered on the titles for Lots 1 and 4 stating any fencing along the common boundary of Lot 41 (reserve) shall be no higher than 1.5m.

22. Street Trees

22.4 Street trees shall be planted generally in accordance with subdivision consent plan prepared by Juffermans Surveyors Ltd; Drawing No. 10003-V7 Rev7, dated 26/08/16 with a maximum of one street tree per lot.

22.5 Prior to planting of the street trees, a planting maintenance programme for street trees shall be prepared in accordance with the Councils District Tree Policy by a Council approved contractor or suitably qualified landscape professional. The plan shall include, but not be limited to, a planting schedule specifying species of plants, number of trees/area of planting, planting layout, height at the time of planting and height at maturity. The plan shall be provided to, and approved in writing by Manager Parks (or nominee) prior to issue of the s224.

22.6 Planting of the street trees shall be undertaken by a Council approved contractor within the first planting season following the date of the s224 issue. This planting, or appropriate alternatives as approved by the Manager Parks (or nominee), shall be maintained in good condition for a period of not less than 18 months from the date of the s224 issue. Such maintenance shall include, but not be limited to, the replacement of any trees that are lost or die or are otherwise defective.

23. Vehicle Crossings:

Vehicle crossing shall be installed as follows:

- 23.1 A **residential** vehicle crossing shall be constructed to serve Lots 10, 11, 14 and 15 to the Standard specified in the Council's Vehicle Crossings Code of Practice. **Stage 1**
- 23.2 A **residential vehicle crossing shall be constructed to serve Lots 24 and 7** to the Standard specified in the Council's Vehicle Crossings Code of Practice. **Stage 2**
- 23.3 A **residential vehicle crossing shall be constructed to serve Lot 4** to the Standard specified in the Council's Vehicle Crossings Code of Practice. **Stage 3**
- 23.4 A **residential vehicle crossing shall be constructed to serve Lots 27, 31 and 32** to the Standard specified in the Council's Vehicle Crossings Code of Practice. **Stage 4**

NOTE: Development Contribution for off-site services is payable by the applicant and shall be paid on each stage as follows:

<i>Stage 1:</i>	<i>\$33,760.43(Plus GST)</i>
<i>Stage 2:</i>	<i>\$24,553.04(Plus GST)</i>
<i>Stage 3:</i>	<i>\$12,276.52(Plus GST)</i>
<i>Stage 4:</i>	<i>\$33,760.43 (Plus GST)</i>

The 224 certificate(s) for this subdivision will not be approved until payment of this contribution is made apportioned to each stage.

Advice Notes:

The applicant should be aware that the Historic Places Act 1993 (HPA) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. Under Section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. Section 10 directs that an authority is required from the New Zealand Historic Places Trust if there is "reasonable cause" to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a Resource or Building Consent has been granted, or the activity is permitted in a Regional or District Plan. Evidence of archaeological sites may include oven stones, charcoal, shells, ditches, banks, pits, terraces, and stone walls, building foundations, artifacts of Maori and European origin or burials.

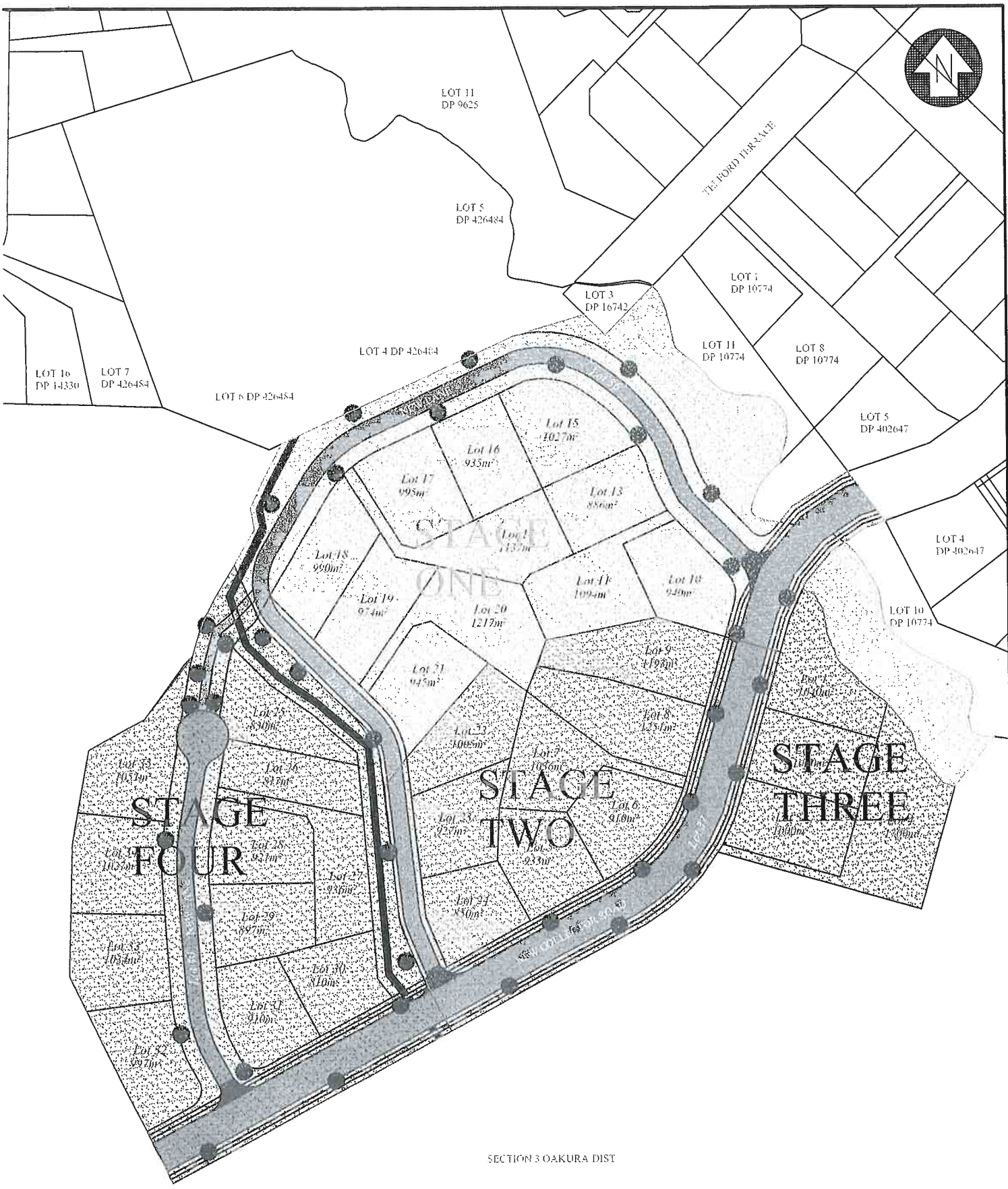
The allotments located in the Rural Environment Area will not be able to achieve a permitted building platform and will need Resource Consent at the time of building.

The applicant may wish to extend the walkway on the esplanade reserve beyond the site to meet Shearer Reserve. This will need to occur with consultation with the New Plymouth District Council Parks Team.

This consent lapses on 31 January 2022 unless the consent is given effect to before that date; or unless an application is made before the expiry of that date for the Council to grant an extension of time for establishment of the use. An application for an extension of time will be subject to the provisions of section 125 of the Resource Management Act 1991.

DATED: 4 October 2016

Rowan Williams
PLANNING LEAD



SECTION 3 OAKURA DIST



COPYRIGHT JUFFERMANS SURVEYORS LTD
 PO BOX 193, NEW PLYMOUTH
 p 06 759 0904
 f 06 759 0905
 e Info@juffermans.co.nz

Sheet Title
PROPOSED SUBDIVISION
 Address
 Cunningham Lane, Oakura

Client
 Holdom

Scale
 H 1:1250
 Date
 26/08/16

Drawing No.
10003-V7
 Job No.
 10003
 Sheet No.
 01

A3
 REV
 9

Annexure D – FUD West letter

P.O.Box 20
Oakura 4314.
13th.July 2019

The Chairperson,
Oakura Community Board,
Oakura.

Dear Doug,

A copy of a letter dated 14th.June to the New Plymouth District Council
is enclosed for your information.

Yours faithfully,

Oakura Farms Ltd.



Norton Moller

Chairman.

BILLINGS

L A W Y E R S

14 June 2019

The Manager
New Plymouth District Council
Planning Department
Private Bag 2025
NEW PLYMOUTH 4340

Attention: Rowan Williams

Dear Rowan

PROPOSED DEVELOPMENT AND LINK ROAD FOR OAKURA

We advise that we act for Oakura Farms Limited (Mr Norton Moller).

On behalf of our client we wish to advise the New Plymouth District Council that Oakura Farms Limited has reached agreement with Mr Neil Holdom of Pinewoods Partnership to use a small portion of Oakura Farms Limited land to effect an extension of what would be a future road from Cunningham Lane to Russell Drive.

While our client understands that the Pinewoods Partnership land already has approval for 34 sections, these sections will most likely be reviewed and additional sections created as demand occurs. Such a proposed development would be consistent with the vision that has been held for Oakura township for the past 50 years.

In our opinion, the development addresses the future needs and requirements of the Oakura community and has the ability to give Oakura "heart" through including carparking facilities close to the beach, walkway access to the beach, walkways up the Waimoku Stream and to the Kaitake Golf Course and, most importantly, a through road between Wairau Road and western Oakura.

Oakura Farms Limited has for many years been discussing an alternate access for western Oakura between Cunningham Lane and Russell Drive and there is now an understanding between our client and Pinewoods Partnership for developing that "link road" as part of the residential development.

We believe that this link road between Cunningham Lane and Russell Drive through the Oakura Farms and Pinewoods land is essential for the future of Oakura as it provides a secondary access between east and west Oakura and at a level that is well above sea level (which with climate change protects against the risks of rising sea levels to access along Messenger Terrace – Tasman Parade to western Oakura).

BILLINGS LIMITED
7 YOUNG STREET, PO BOX 243, DX NP90007, NEW PLYMOUTH 4340, NEW ZEALAND
TELEPHONE (06) 757 3944 FAX (06) 757 3959 WEBSITE www.billings.co.nz

DIRECTORS
TIM COLEMAN B.Sc., LL.B.
BRIDGET BURKE LL.B.
LINDA WILKINSON LL.B.
ELEANOR CONNOLLY B.A., LL.B.
RICHARD WILLIAMS B.Sc. (Econ.)

TE KARAKA
FOUNDATION



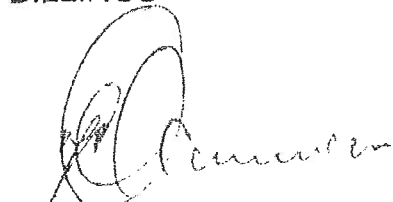
ASSOCIATE
ALEXA CAREY LL.B.
STAFF SOLICITORS
CIARAN KING B.A., LL.B.
EMILY BUTLER B.A., LL.B.

Oakura Farms Limited is willing to work together with the Pinewoods Partnership and the New Plymouth District Council to find a way to provide this opportunity for the future of Oakura.

Some time will be needed to investigate the options and to get the key people together but we are of the view that it is important to notify the Council of our clients willingness to work with the Pinewoods development and the need to address and incorporate the future needs of Oakura into the planning for this development so that community facilities, access and infrastructure can be provided for.

If you have any queries or require any further information, please do not hesitate to contact the writer.

Yours faithfully
BILLINGS



TIM COLEMAN / JANE GARNER
Director / Legal Executive
tcoleman@billings.co.nz / jgarner@billings.co.nz

cc. Pinewoods Partnership
c/- Neil Holdom
1234 Main South Road
Oakura 4314

P.O.Box 20
Oakura 4314.
13th.July 2019

The Chairperson,
Oakura Community Board,
Oakura.

Dear Doug,

A copy of a letter dated 14th.June to the New Plymouth District Council
is enclosed for your information.

Yours faithfully,

Oakura Farms Ltd.



Norton Moller

Chairman.