



# New Plymouth District Council Plan Change Hearing Commissioners

Response to Further Evidence for Reconvened Hearing - Proposed Private Plan  
Change 48: Wairau Road, Oakura Rezoning  
Prepared for New Plymouth District Council

22 November 2019



## Document Quality Assurance

<b>Bibliographic reference for citation:</b> Boffa Miskell Limited 2019. <i>New Plymouth District Council Plan Change Hearing Commissioners: Response to Further Evidence for Reconvened Hearing - Proposed Private Plan Change 48: Wairau Road, Oakura Rezoning</i> . Report prepared by Boffa Miskell Limited for New Plymouth District Council.		
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Status: Final	Revision / version: [1]	Issue date: 22 November 2019
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# 1.0 Introduction

- 1.1 This Report responds to the further evidence submitted by the applicant and submitters on Proposed Private Plan Change 48 Wairau Road, Oakura Rezoning.
- 1.2 The applicant submitted further evidence responding to the Commissioner's Direction (dated 6<sup>th</sup> September 2019), requesting further evidence to address matters raised in the section 42A response (dated 19<sup>th</sup> August 2019). On the 11<sup>th</sup> October 2019, the applicant submitted the following evidence responding to these matters:
- a) Landscape – Richard Bain
  - b) Subdivision and Development – Alan Doy
  - c) Traffic – Andrew Skerrett
  - d) Stormwater (1) and (2) – Luke Bunn
  - e) Planning – Colin Comber
- 1.3 Submitters also filed further evidence responding to the applicant's further evidence in response to the Commissioner's Directions (dated 6<sup>th</sup> September 2019 and 30<sup>th</sup> October 2019). Further evidence was received from the following submitters:

## Expert Evidence

- a) Matthew Peacock, Richard Shearer, Steven Looney and Wayne Looker
  - Landscape – Peter Kensington
  - Traffic – Nick Gladstone
  - Land Development and Subdivision Infrastructure Engineering – Matthew Peacock
  - Planning – Cam Twigley
- b) NZ Transport Agency
  - Traffic – Caron Greenough
  - Planning – Kelly Standish

## Lay Evidence

- c) Graeme and Marion Duff
- d) Kaitake Community Board
- e) Helen Shearer
- f) Oakura School
- g) Stephen Wood
- h) Steven Looney

- i) Fay Looney
  - j) Joint statement from a group of 49 submitters
- 1.4 In preparing this report, further advice has been sought from the Council's technical advisors. This further advice is attached and incorporated into the body of this report.
- 1.5 Since the hearing on this matter was adjourned in July 2019, the Proposed New Plymouth District Plan was publicly notified on 23 September 2019. Submissions on the Proposed Plan close on 22 November.
- 1.6 This Report addresses the further evidence received and follows a similar structure and order to previous officer reports:
- a) Revised proposal
  - b) Principal matters in contention
  - c) Relevant policy framework
  - d) Conclusions and recommendations

<b>Acronym table for reference throughout Response to Evidence:</b>	
<b>PPC48</b>	Private Plan Change 48
<b>NPDC/ Council</b>	New Plymouth District Council
<b>OFPL</b>	Oakura Farm Park Limited (applicant)
<b>SH45</b>	State Highway 45
<b>FUD</b>	Future Urban Development (Overlay)
<b>Operative District Plan</b>	Operative New Plymouth District Plan
<b>Proposed District Plan</b>	Proposed New Plymouth District Plan
<b>RMA</b>	Resource Management Act 1991
<b>NPS-UDC</b>	National Policy Statement on Urban Development Capacity
<b>RPS</b>	Regional Policy Statement
<b>OL</b>	Outstanding Landscape
<b>TIA</b>	Traffic Impact Assessment
<b>CIA</b>	Cultural Impact Assessment
<b>SIA</b>	Social Impact Assessment

## 2.0 Revised Proposal

2.1 In response to evidence presented at the original hearing, the applicant has submitted a revised proposal in its further evidence. The applicant has set out in their further evidence the key features of the revised proposal, these are as follows:

- a) A revised scheme, reduced from 399 lots to 144 lots, across 15.9ha; including 1.3ha of the adjoining Thurman land currently Rural Environment Area with FUD Overlay in the Operative District plan, and zoned General Residential in the Proposed District Plan.
- b) Change the zoning from Rural Environment Area to Residential Environment Area C with average lot sizes of 800m<sup>2</sup>.
- c) The removal of the Residential A and Medium Density areas.
- d) Removal of the Rural Lifestyle Area (12 lots).
- e) Removal of the proposed Bridle Trail and Equestrian Arena.
- f) The removal of the Business C Environment area.
- g) The reserves/open space areas shown on the Structure Plan to change in zoning from Rural Environment Area to Open Space B and C.
- h) Development to occur over five stages, with each stage comprising 24 – 33 lots, with an average and median of 29 lots.
- i) An amended structure plan for inclusion in the District Plan to direct the form and layout of subdivision and development.
- j) A Landscape Framework Plan directing where plantings and landscaping is to occur across the site.
- k) Removal of the proposed roundabout at the intersection of Wairau Road and SH45.
- l) Removal of the proposed Noise Attenuation Bund adjacent to SH45.

2.2 The further evidence from the applicant is silent on what District Plan provisions in the original plan change request are to be retained, amended or deleted for the revised proposal, apart from a new structure plan and new staging rule as appended to the evidence of Mr Comber. As the substantive issue to be determined is whether the land should be rezoned from Rural to Residential and the variation to the Consent Notice, if the Commissioner was of a mind to approve the Plan Change and vary the Consent Notice, these Plan provisions could then be determined.

## 3.0 Principal Matters in Contention

3.1 The assessment that follows is an evaluation of this plan change request and variation to the Consent Notice, limited to the further evidence and areas that have changed as noted in the previous section.

- 3.2 This section of the report sets out the principal matters in contention raised in evidence at the hearing, focusing on the key areas where it was identified that there were information gaps or questions raised by the Commissioners for the applicant to address. For ease of evaluation and consideration by the Commissioners, this section effectively covers the matters addressed in Sections 12 and 13 of the original s42A Report and Section 4 of the Response to Evidence Presented at Hearing Report.
- 3.3 In evaluating these matters, Sections 32 and 104 RMA provide the statutory context.

#### Appropriateness of rezoning, including scale, nature and extent of zoning

- 3.4 Following the hearing I concluded that the scale, design and layout of the original development proposal/rezoning was not appropriate for the site for a variety of reasons. However, the general proposed location was found to be appropriate as it is partially located in the FUD overlay identified in the District Plan and located close to the existing Oakura urban area.
- 3.5 The revised proposal reduces the scale of the development and extent of residential zoning, with the number of lots reducing from 344 to 144 lots. The further evidence on behalf of the applicant contends that by reducing the overall scale of the proposal, the transport, traffic safety, social and cultural, landscape and infrastructure effects all reduce to an extent that the concerns raised in the s42A report and s42A Response to Hearing Evidence report “fall away”<sup>1</sup>.
- 3.6 Mr Bain for the applicant outlines the rationale for the location, form and scale of the revised development proposal<sup>2</sup>. This rationale primarily involves limiting built development to areas of flat land between vegetated gullies, setting development back from State Highway 45 and utilising the unnamed tributary of the Wairau Stream as the boundary of residential development.
- 3.7 Further evidence from submitters in response contends that the overall concerns regarding the scale, location and need for the rezoning remain<sup>3</sup>. In particular, that the revised proposal does not address the key concerns of submitters that the proposed rezoning is in the wrong location and there is sufficient capacity for housing already provided for elsewhere in the village, either by infill housing in the village, or on undeveloped residential land.
- 3.8 As evaluated further in the sections below, the revised proposal better responds to the nature and characteristics of the subject site and surrounding area. The location, form and density of the revised proposal may be appropriate in terms of Policy 23.1 a), subject to the matters addressed in the sections below.
- 3.9 In terms of interfaces with surrounding land uses, the primary issue is the potential for reverse sensitivity effects with the dairy farm on the adjoining property to the southwest (Greensill property at 1303 Main South Road). With the removal of the Rural Lifestyle area and separating (by approximately 250m-300m) the residential development from this adjoining farm by retaining farm land on the southern portion of the subject site, I consider that the potential for reverse sensitivity effects have significantly reduced. However, it is unclear from the further evidence from the

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<sup>1</sup> Statement of further evidence, C.M.Comber, Paragraph 3

<sup>2</sup> Statement of further evidence, R. Bain, Paragraph 10

<sup>3</sup> For example, Submitters Kaitake Community Board, Paragraph 16; H.Shearer; S.Wood;



applicant how the remainder (currently farmed area) of the subject site will be used in future.

- 3.10 I note that the applicant is proposing to treat the southwestern boundary of the proposed residential area as an area of open space with walking/cycling connections which would provide an appropriate physical buffer. However, the revised Structure Plan shows two indicative roads connecting to the rural land through this open space area. While these road links provide a degree of future proofing and options if in the longer term the rural land was to be developed for residential purposes. It is questioned whether these road linkages undermine the effectiveness of the open space area as forming a boundary/interface between the proposed residential area and rural land. Overall, the revised proposal better interfaces with surrounding land uses by minimising reverse sensitivity issues with adjoining rural land and open space areas which is consistent with Policy 23.1 e).
- 3.11 One of the further considerations with rezoning rural land to residential is the supply and demand for residential land. The Future Yield Analysis<sup>4</sup> identified that the land that is currently available in the Oakura area could meet the short and medium needs for residential land identified under the NPS-UDC. That is, by way of either infill housing in Oakura as a part of the District Plan Review, or on undeveloped land already zoned for residential activity in the immediate area.
- 3.12 Mr Doy in his further evidence for the applicant has re-assessed the land supply in Oakura. He refers to the original evidence of Mr Kiss. Mr Doy concludes that in his analysis the potential lot yield/supply of dwellings in Oakura is 612<sup>5</sup>, similar to Mr Kiss who concluded 590 lots/dwellings. This compares with the NPDC assessment of 756 lots/dwellings, with the main difference between Mr Kiss/Mr Doy and the NPDC assessment is the yield for infill and West FUD. The short term (2018-2021) and medium term (2021 – 2028) projected demand for dwellings in Oakura is 60 and 76 additional dwellings respectively. The long-term (2028 – 2048) projected demand for dwellings in Oakura is an additional 112 dwellings. Therefore, the total projected additional dwellings in Oakura in the next 30 years is 247. Utilising the lot yield from Mr Doy in his further evidence, the infill development and undeveloped residential land would meet the short and medium term land supply requirements.
- 3.13 Overall, based on the further evidence, I consider there is currently sufficient land available to meet projected demand for housing in Oakura in the short to medium term without the plan change. Notwithstanding this conclusion, if the Commissioner was of a mind to approve the plan change, this rezoning would further increase the supply of residential land in Oakura.

#### Traffic, parking and access

- 3.14 At the conclusion of the hearing there were a number of matters outstanding in relation to traffic. With the revised proposal reducing the scale of the development, there will be corresponding reduction in traffic generated and associated effects.
- 3.15 Mr Doherty, Council's traffic advisor has reviewed the further evidence from the applicant and submitters covering traffic matters and his advice is attached in Appendix 1. In considering this advice and further evidence, I refer back to Policy 23.1

<sup>4</sup> NPDC, s42A Report, H.Wesney and A.Stevens, Paragraph 13.16.

<sup>5</sup> Statement of further evidence, A. Doy, Paragraph 22

in the Operative District Plan which directs evaluating the design and layout of future urban areas. Of particular relevance to traffic are the following points (b, d and g):

*To control the design and layout of future urban areas through structure plans to allow for the comprehensive development of the area by ensuring:*

- b) Infrastructure is provided in a co-ordinated manner by considering location, type and staging;*
- d) That the constraints are identified and managed to ensure resilient and safe communities.*
- g) Connectivity and accessible urban form is provided for;*

- 3.16 As identified by Mr Doherty, the further evidence from Mr Skerrett for the applicant assesses the traffic generated and effects arising from the revised proposal only, and does not consider the wider context (e.g. West FUD). In this further evidence and original traffic assessment, the Wairau Road/State Highway 45 intersection was identified as a constraint on the safe and efficient transport network. Similarly, the lack of pedestrian and cycling infrastructure connecting the proposed development with existing development in Oakura was another constraint. The further evidence from the NZ Transport Agency also identifies constraints with the existing road network.
- 3.17 Mr Doherty has considered how the traffic infrastructure for the revised proposal and traffic in the wider context can be provided in a coordinated manner and to ensure a safe and resilient network. He concludes that in the short-term, interim measures can be installed at the intersection of Wairau Road/State Highway 45 to effectively manage the traffic effects of the revised proposal. However, in the longer-term, a roundabout is the preferred solution for this intersection.
- 3.18 Mr Doherty suggests a trigger point for traffic on Upper Wairau Road on when this roundabout is required, and that further analysis is needed to consider the traffic effects on the wider network. To enforce this trigger, a District Plan provision could be applied to the plan change area which would be assessed at the time of subdivision and/or development. However, in terms of the wider network, there is still uncertainty about how the nature and magnitude of the traffic effects, and what measures (if any), are required to ensure a resilient and safe transport network.
- 3.19 In terms of a connected and accessible urban form, the revised proposal provides an internally connected vehicular and non-vehicular transport network. There is a single entry/exit to the development area which in part reflects the constraints in accessing the subject land.
- 3.20 Therefore, overall, considering the points in Policy 23.1 b), d) and g), there is still an inadequacy of information to make an informed assessment on the adverse effects of traffic, parking and access related to the proposed request. In terms of Section 32 (2)(c) RMA, based on the available information, and considering the traffic effects from the revised proposal (smaller scale), the risk of acting (in the form of approving the plan change) with insufficient or uncertain information may be able to be addressed through District Plan provisions and other methods outside the District Plan. The applicant may wish to suggest specific Plan provisions at the hearing which provide trigger points or other mechanisms to manage the traffic effects.

## Landscape and visual impact

- 3.21 Similar to traffic matters, there were a number of outstanding matters and potential outcomes inconsistent with Policy 23.1 at the conclusion of the hearing. In response, the applicant has revised the proposal and taken a ‘fresh look’.
- 3.22 Mr Evans, Council’s landscape and visual advisor has reviewed the further evidence from the applicant and submitters covering landscape and visual matters and his advice is attached in Appendix 1. In considering this advice and further evidence, I refer back to Policy 23.1 in the Operative District Plan which directs evaluating the design and layout of future urban areas. Of particular relevance to landscape and visual matters are the following points (a, c, e and h):

*To control the design and layout of future urban areas through structure plans to allow for the comprehensive development of the area by ensuring:*

- a) The type, location and density of the development is suitable for the site;*
- c) The development considers topography and minimises changes to landform;*
- e) Interfaces with surrounding land-uses are assessed and adverse effects are mitigated;*
- h) That special features are recognised and that those features of particular significance are protected.*

### *Effects on the Outstanding Landscape and Rural Character*

- 3.23 As set out in the s42A Response to Hearing Evidence Report, at the hearing there was disagreement amongst the landscape experts as to whether the changes to the landscape proposed were appropriate, in relation to the proximity of the plan change area to the Oakura village, rural character and effects on the Kaitake Range (Outstanding Landscape).
- 3.24 Mr Bain in his further evidence for the applicant considers that the new, reduced structure plan addresses these concerns, as it retains an open view for much of SH45 towards the Kaitake Range, with the proposed urban area restricted to a smaller area abutting the edge of Oakura and avoiding the lower slopes of the Kaitake Range<sup>6</sup>. Mr Bain states that this revised plan ensures that the associative values of natural character and legibility of the Kaitake Range/rural environment are clearly maintained.
- 3.25 Whilst Mr Bain states that the new structure plan has addressed the matters raised, Mr Evans considers that the documentation lacks enough details and states that while in Mr Bain’s view a ‘comprehensive review’ of the structure plan has been carried out, the evidence Mr Bain has provided does not support this claim.
- 3.26 Regarding the associative values and Mr Bain’s statement that these values are “clearly maintained”, Mr Evans states that he does not consider there is any evidence to support this claim as no CIA has been provided or any other documentation that deals with the associative values.

### *Form, nature and scale of the development*

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<sup>6</sup> Statement of further evidence, R.A.Bain, Paragraph 8.

- 3.27 Regarding the form, nature and scale of development enabled by the plan change, at the hearing limited additional information was provided. Mr Kensington raised concerns regarding the lack of integration into the landscape, no opportunities or constraints analysis, the severance of important landscape features, a lack clarity of defensible rural-urban interface, the significant landscape and visual impacts, and outstanding loose ends regarding information on overall development.
- 3.28 Mr Bain in his further evidence for the applicant contends he addresses these points and considers the revised proposal is an appropriate form, nature and scale of development from a landscape and visual perspective. Further evidence from submitters queries whether these points have been addressed, and submitters contend the revised proposal is a scaled-down version of the original proposal rather than a ‘fresh look’. Submitters reiterates earlier concerns about the location and scale of development, particularly when viewed from The Paddocks area.
- 3.29 In his review of the further evidence from the applicant, Mr Evans concurs with the further evidence of Mr Kensington that the scheme has not been developed from a first principles approach and is a scaled down version of the original proposal. Therefore, this lack of information makes it difficult to assess whether the form, nature and scale of the revised proposal is appropriate.

#### *Noise Attenuation Bund*

- 3.30 At the hearing concerns regarding the landscape and visual effects of the proposed noise attenuation bund were raised. The revised proposal means a noise attenuation bund is no longer needed, and the applicant proposes to remove this.

#### *Night time lighting effects*

- 3.31 Mr Bain states in his further evidence that the night lighting effects are now reduced, when compared to the original proposal, due to the reduced size of the scheme. Further, the separation distance between the development and SH45, combined with the vegetated buffer along the urban area’s southwestern edge will prevent the adverse light effects when entering the village from the south at night, in particular the appearance of development creeping up the slopes of the Ring Plain.
- 3.32 Mr Bain’s further evidence does not assess the potential cumulative effects of the proposed development, that is the existing lighting in the area combined with the proposed lighting associated with the development.
- 3.33 Mr Evans has considered the assessment provided by Mr Bain and considers that no analysis or evidence has been provided by Mr Bain to support his conclusion that the distance from SH45 and the vegetated buffer will “prevent adverse lighting effects”. Further, Mr Evans contends that we are expected to rely on Mr Bain’s statement that there will not be any adverse lighting effects.

#### *Landscape framework and Structure Plan*

- 3.34 During the hearing Mr Kensington and Ms McRae agreed that the applicant needed to start again and prepare a new structure plan rather than a smaller version of the current proposal, to ensure the proposal appropriately responds to the landscape and includes a higher level of specification and certainty to ensure the landscape outcomes in the District Plan.

- 3.35 Mr Bain has reviewed the matters raised in the s42A response and prepared a redesigned structure plan. Mr Bain explains in his further evidence the scale of the proposal has been reduced by way of a ‘first principles’ perspective, rather than ‘adjusting down the original scheme’, taking on board the views of both Mr Kensington and Ms McRae. The new Landscape Framework Plan sets out where existing planting is to be retained and where new planting is proposed.
- 3.36 Mr Evans states that the new structure plan is simply the Landscape Framework Plan with a few annotations. In Mr Evans’s view the Landscape Framework Plan needed to contain a greater level of analysis which could have then informed the new structure plan.
- 3.37 Further, Mr Evans considers the language used in Mr Bain’s assessment is unhelpful, in particular that the structure plan “responds positively to the areas of concern identified”. Mr Evans considers it is not appropriate for Mr Bain to determine this.
- 3.38 Overall, I consider that insufficient detail has been provided to be able to conclude what the impact of the revised proposal might be on the Outstanding Landscape. Although a reduced scheme is now proposed, what is not clear is the impact of the proposed lots at the sensitive interface between the plan change area and the lower slopes of the Kaitake Range. Whilst the overall size of the scheme plan has reduced, it appears development remains in this sensitive area.
- 3.39 Further, at this time no further information has been supplied which describes what the associative values of the Outstanding Landscape are.
- 3.40 In terms of Section 32 (2)(c) RMA, based on the available information, I consider there is still uncertainty on the landscape and visual impact. Therefore, I consider the risk of acting (in the form of approving the plan change) with insufficient or uncertain information remains uncertain.

## Noise

- 3.41 In the Response to Hearing Evidence Report it was concluded that the noise effects arising from SH45 could be avoided, remedied or mitigated subject to resolution of the location, length and form of a noise attenuation bund to be located along SH45.
- 3.42 With the reduced structure plan now proposed the applicant is no longer proposing a noise attenuation bund along SH45 as it is no longer needed due to the setback of dwellings from the State Highway. There were no specific comments on noise raised in the further evidence from submitters.
- 3.43 As reverse sensitivity associated with noise from the State Highway is no longer an issue, as concluded in earlier reports, all other noise matters can be effectively managed by existing provisions in the Operative and Proposed District Plans.

## Open Space and Reserves

- 3.44 The revised proposal includes similar open space and reserve provision to the original proposal for the reduced area. NPDC’s Open Space and Reserves advisors have advised they are supportive of the proposed open space and reserve areas shown on the revised Structure Plan. There were no specific comments on open space and reserves raised in the further evidence from submitters. The proposed open space

and reserves are consistent with the Operative and Proposed District Plans policy direction. However, as assessed above, the open space area between the proposed residential area and rural land is crossed by two indicative roads. These road crossings could undermine the purpose of this open space to form the boundary of the urban area. The applicant may wish to clarify at the hearing how these road linkages would be reflected and implemented in an open space context.

### Service Infrastructure and Stormwater

3.45 Following questions raised at the hearing by the Commissioners and NPDC advisors, it was found that there was insufficient information to properly assess the impact of the plan change on 3 waters matters. Policy 23.1 b) and d) of the Operative District Plan direct infrastructure to be provided in a coordinated manner by considering location, type and staging and through identifying constraints and managing these to ensure resilient and safe communities.

3.46 Mr Hall, Council's 3 waters manager has reviewed the further evidence from the applicant and submitters covering 3 waters matters and his advice is attached in Appendix 1.

#### *Water supply*

3.47 In terms of water supply, the primary issue was the availability of water to supply the entire original proposal. My conclusion at the end of the hearing was that if the plan change was approved, I suggested the available water capacity to service an additional 334 lots/dwellings, be apportioned 86 to the South FUD (the plan change) with the balance 248 to the West FUD<sup>7</sup>.

3.48 The applicant has provided further evidence from Mr Comber regarding the water supply matters<sup>8</sup>. Mr Comber states that the use of the Housing and Business Capacity Assessment (HBCA) is concerning as the HBCA acknowledges that the method has limitations. These limitations include that ground truthing is required to arrive at more accurate lot yield numbers, ensuring that it is reasonable to expect that the yield arrived at could be constructed on the site (e.g. where waterbodies or topography are located on the site the yield may not be achievable on that site).

3.49 Mr Comber refers to the assessments provided by surveyors Mr Doy (for the applicant) and Mr Kiss (submitter) and finds that the HBCA overestimates the likely yield in the West FUD as it does not take into account the contours of the land, which both Mr Doy and Mr Kiss have been able to do as they are based locally. Similar numbers have been reached by Mr Doy and Mr Kiss, and Mr Comber uses the yield numbers of 295 (West FUD) and 125 (South FUD, with the range provided by Mr Kiss). On a proportional basis, Mr Comber concludes that the allocation to FUD South would be 100 lots, based on the more accurate yield analysis from the two surveyors.

3.50 Notwithstanding this conclusion, Mr Comber considers the proportional allocation approach is flawed, and does not take into account future water supply capacity developments that may be made by council. He contends that the FUD West land is unlikely to be developed for residential purposes in the short-term, and that the constraint on water supply is temporary.

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<sup>7</sup> NPDC, s42A Report Erratum dated 3 October 2019, H.Wesney, Paragraph 4.78.

<sup>8</sup> Statement of further evidence, C. Comber, Paragraphs 68 - 80

- 3.51 Mr Twigley's further evidence for submitters accepts Mr Comber's further evidence calculation of the proportional allocation of water supply between FUD West and FUD South. However, Mr Twigley queries the proposition that FUD West will not be developed in the near future, and he refers to a master planning exercise currently underway for the FUD West land. Mr Twigley also questions whether the water supply constraint is considered temporary.
- 3.52 Mr Hall, Council's 3 waters manager has considered the further evidence and concludes that for the revised proposal reducing to 144 lots, and being undertaken in a staged manner, that the water supply can service this proposal. If the plan change was approved for the revised proposal, in assessing any subdivision application, one of the matters assessed is water supply. This assessment would ensure sufficient water supply was available at that time to service each stage of development.

#### *Wastewater*

- 3.53 In my Response to Hearing Evidence Report, I considered that measures were available to effectively provide for wastewater infrastructure for the original plan change proposed. These measures are included in the plan change as currently drafted, including consideration of the provision of infrastructure at the time of subdivision. No changes are proposed by the applicant relating to these measures, with the revised structure plan now proposed therefore my previous assessment stands and there are no outstanding wastewater infrastructure matters.

#### *Stormwater*

- 3.54 Further information was required regarding stormwater to ascertain effects of the proposed plan change. Specifically, it was requested that a computerised model of the entire catchment was prepared. This model would enable assessment of the impacts on run off, peak flow and potential flooding. Information was also sought on the management of water quality and integration with other matters, such as ecological effects and use and development of open spaces/reserves.
- 3.55 The applicant has provided further evidence from Mr Bunn in relation to stormwater. Mr Bunn's further analysis concluded that there is sufficient capacity in the proposed detention pond to accommodate storm events, and that the proposed pond would not increase peak flows at the discharge point. Further, he considers that the pond has a no more than minor effect on the SH45 culvert crossing and downstream confluence with the Wairau Stream. He states that in the modelled storm scenarios the development, resulting from the plan change, will have a negligible impact on the existing downstream environment.
- 3.56 Further evidence from submitters queries this conclusion. In addition, submitters seek that the stormwater effects downstream be reduced.
- 3.57 Mr Hall, Council's 3 waters manager has reviewed the stormwater assessment provided by the applicant and they accept its findings. Mr Hall notes that submitters are concerned about the downstream flooding, and that this appears to arise from the wider catchment. If the plan change was approved for the revised proposal, in assessing any subdivision application, one of the matters assessed is stormwater management. This assessment would ensure the design of the stormwater management system achieved hydraulic neutrality.

- 3.58 Overall, based on this new information, I consider the revised proposal is consistent with Policy 23.1 b) and d) of the District Plan in that stormwater infrastructure can be provided in a coordinated manner and ensures a resilient and safe community.

### Community Infrastructure

- 3.59 The further evidence from the applicant and submitters contains limited new or additional information on the effects of the revised proposal on community infrastructure. Due to the reduced scale of the proposal (i.e. number of new lots/houses), there would be less pressure placed on community infrastructure. Based on the previous evidence presented, it is uncertain whether the existing community infrastructure can be expanded or new community infrastructure developed to cater for the development.
- 3.60 Notwithstanding this conclusion, in terms of Section 32 (2)(c) RMA, based on the available information, I consider there is still uncertainty on the effects on community infrastructure and whether they could be managed for the revised proposal and the lower number of houses (and therefore future residents). It may be possible that the community infrastructure could be modified or developed to cope with future demand. Therefore, I consider the risk of acting (in the form of approving the plan change) with insufficient or uncertain information remains uncertain.

### Environmental Impacts

- 3.61 The applicant submitted no further evidence on the environmental impacts, specifically methods to manage the effects from cats and other pests. In addition, no further evidence from the applicant was received on the ecological effects on water quality resulting from the plan change. This lack of further information was noted in the further evidence from a few submitters.
- 3.62 With the reduced scale of the proposal, the potential effects on biodiversity from pests and water quality from earthworks and runoff is anticipated to be less. Based on the reduced scale of the proposal, I now consider these two matters could be assessed at the time of subdivision application on the measures to manage these impacts. Specific matters of discretion could be added to the subdivision rule to ensure this assessment occurs.

### Historic Heritage

- 3.63 The applicant submitted no further evidence on historic heritage, therefore no further evaluation has been undertaken. Our original conclusion on historic heritage still applies, in that other measures in the District Plan and archaeological authority process would effectively address this matter.

### Social Impacts

- 3.64 In the s42A Hearing Response report, we considered that a Social Impact Assessment (SIA) was required, to allow for closer examination of the potential social impacts of the proposed 344 lot development on the Oakura village and community. Primarily, the need for an SIA stemmed from the scale of the proposal and evidence presented by submitters at the original hearing on social impacts. Submitters referred



to the potential effects of the development on the social fabric of the village, the potential loss of Oakura's character and risk to community values.

- 3.65 The applicant now proposes a reduced scale for the plan change area, to be developed across five stages at a rate consistent with historical growth rates for the village. Further assessment of the potential social effects from the plan change could have on Oakura has been provided in Mr Comber's further evidence<sup>9</sup>. He firstly addresses the request for an SIA. In his opinion an SIA is not required in this instance, as he considers enough evidence as to the social impact of the plan change on the village was presented in the hearing from both submitters and experts. In addition, this evidence was based on the original proposal which has now reduced in scale, with a corresponding reduction in social impacts.
- 3.66 In Mr Comber's opinion, noting the scale and rate of development proposed to be managed with consent conditions, any actual, or perceived social impacts will or able to be avoided, remedied or mitigated<sup>10</sup>. The applicant proposes to establish a community development liaison group, comprised of key stakeholders in the community, the goal of the group would be to keep the community well informed, and provided a feedback loop to Council to assist in the identification and monitoring of any adverse social impacts of a more than minor nature that are attributable to the plan change area, should the need arise.
- 3.67 Further evidence from submitters notes the lack of a SIA from the applicant and queries regarding the further evidence from the applicant on social impacts. The Kaitake Community Board question the need or effectiveness of the proposed community development liaison group.
- 3.68 With the reduced scale of the revised proposal, the social impacts are likely to be less. However, it is still uncertain the magnitude of the social impacts and whether specific measures are required to manage these effects. While I see merit in the suggested community development liaison group, I question the effectiveness and ability to implement such a group via District Plan provisions – this group could be a method outside the District Plan.
- 3.69 In terms of Section 32 (2)(c) RMA, based on the available information, I consider there is still uncertainty on the social impacts. Therefore, I consider the risk of acting (in the form of approving the plan change) with insufficient or uncertain information remains uncertain.

### Tangata Whenua matters

- 3.70 In the Response to Hearing Evidence Report we identified that a CIA should be commissioned prior to determining this plan change, in response to concerns raised regarding the level of engagement with Tangata Whenua, both Ngāti Tairi and Taranaki Iwi to date. We considered that this would assist in understanding whether the matters in Section 6(e) and 7(a) of the RMA have been recognised and provided for, allowing for Taiao Taiora to inform the proposal, the plan change provisions, and structure plan, and ensure Ngāti Tairi is more actively engaged with on all aspects of the proposal and informs the Structure Plan design, outcomes, and implementation.

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<sup>9</sup> Statement of further evidence, C.M.Comber, Paragraph 43 – 67.

<sup>10</sup> Statement of further evidence, C.M.Comber, Paragraph 64.

- 3.71 We understand the applicant has commissioned the CIA<sup>11</sup>. At the time of writing this report, the timeframe for when this assessment will be available for consideration and assessment is unknown. We consider that this CIA is required for the reasons set out in the previous paragraph, and that the plan change should not be determined in the absence of this assessment.
- 3.72 In terms of Section 32 (2)(c) RMA, in the context of tangata whenua matters, I consider the risk of acting (in the form of approving the plan change) with insufficient or uncertain information could result in significant effects which have not been avoided, remedied or mitigated.

## 4.0 Relevant Policy Framework

- 4.1 The further evidence from the applicant and submitters has not directly referred to any policy matters. Therefore, I have not undertaken a further evaluation and I refer to the evaluation in the original s42A Report and Response to Hearing Evidence Report.
- 4.2 However, as I noted at the beginning of this report, since the original hearing, NPDC has publicly notified the Proposed District Plan. In terms of the evaluations for the Plan Change under Section 32 of the RMA and Section 104 of the RMA for the Consent Notice variation, a 'Proposed Plan' is a relevant consideration. Less weight would be given to the Proposed Plan than the Operative Plan given the Proposed Plan is at the very start of the plan-making process. In addition, this Private Plan Change request relates to the Operative Plan which is of primary relevance.

### Proposed New Plymouth District Plan

- 4.3 In the Proposed District Plan, the subject land retains the Rural zoning and Future Development Overlay, apart from the Thurman land adjacent to Wairau Road which is proposed to be rezoned from Rural to Residential. There is also a Public Access Corridor identified on the unnamed tributary of the Wairau Stream.
- 4.4 Of primary relevance to Plan Changes are the objectives in the Strategic Directions section of the Proposed District Plan. Attached in Appendix 2 are the objectives relevant to this Plan Change. These objectives provide stronger direction than the Operative District Plan on matters of significance to tangata whenua, housing supply and urban development. These topics have previously been evaluated in the earlier reports either under the Operative District Plan or Part 2 RMA matters. For example, objective UFD-19 in the Proposed District Plan is similar to Policy 23.1 in the Operative District Plan referred to earlier in this report relating to outcomes for new urban growth areas.
- 4.5 Overall, at this time based on the information currently available, I consider that plan change is mostly efficient and effective in achieving the objectives in the Proposed District Plan objectives, apart from those elements discussed earlier in this report.

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<sup>11</sup> Statement of further evidence, C.M.Comber, Paragraph 41 – 42.

## 5.0 Conclusions and Recommendations

### Section 32 – Overall Evaluation of Plan Change

- 5.1 Further to the overall Section 32 conclusion in the Response to Hearing Evidence Report, based on the further evidence submitted, much of the earlier conclusions still apply.
- 5.2 The purpose of the plan change is to enable the subdivision and development of the subject land for residential purposes. The reduced scale of the proposal would contribute to and increase the future housing supply in Oakura. The form, nature and scale of the proposal is more in keeping with the outcomes in the Operative and Proposed District Plans. However, based on the further evidence, there are still some matters which are unresolved and information is lacking, notably cultural impact assessment, traffic and landscape and visual impacts.
- 5.3 Lastly, in terms of the risk of acting or not acting based on insufficient and uncertain information, given the lack of information highlighted in this report, I consider the risk of acting still outweighs the risk of not acting.

### Section 104 – Overall Evaluation of Consent Notice

- 5.4 The actual or potential effects on the environment of the revised proposal are less than the original proposal. The primary purpose of the Consent Notice was to restrict subdivision while the subject land is zoned Rural to maintain the rural character of the subject land. With the reduced spatial extent of the area now proposed to be rezoned residential, the loss of rural character is reduced.
- 5.5 As I identified in the earlier reports, the wording of the consent notice 'while the land is zoned Rural' signals that development/rezoning may be contemplated in the future. In addition, as I noted in earlier reports, at the time of decision on The Paddocks consent application, PC 15 was notified introducing the FUD on part of the subject land. With the reduced extent of the plan change/residentially zoned area, covering part of the area identified as FUD, I consider the general intent of the Consent Notice could be achieved by retaining the large portion of the subject land as rural. However, further information is required to demonstrate how the rural character would be maintained when viewed from The Paddocks area.

### Conclusion

- 5.6 This Report responds to the further evidence presented by the applicant and submitters following the original hearing. This response includes matters or questions that the Commissioner asked us to respond to during the hearing in response to evidence. This response has been informed by NPDC's technical advisors regarding traffic, landscape and visual impact and three waters matters.
- 5.7 It is evident that there is still a lack of information in two key areas, namely cultural impact assessment, traffic effects and landscape and visual impacts. Until this information is received, the risk of acting (in approving the plan change) is potentially significant. Further evidence provided on other matters, namely reduced scale of the

proposal and stormwater, have demonstrated these matters can be effectively and efficiently managed.

- 5.8 The applicant did not submit revised Plan provisions in the further evidence. If the Commissioners were of a mind to approve the plan change, direction could be provided on the Plan provisions to be contained in the plan change. These provisions could then be drafted.

#### Recommendations

- 5.9 Given the conclusion on tangata whenua, traffic and landscape and visual effects matters, I do not make a final recommendation at this time.

# Appendix 1: Council Technical Advisor Comments

When replying please quote: 8178131



Te Kaunihera-ā-Rohe o Ngāmotu

**New Plymouth  
District Council**

21 November 2019

Boffa Miskell & Co Ltd  
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CHRISTCHURCH 8013

Email: Holly.Gardiner@boffamiskell.co.nz

Dear Sir/Madam

## **OAKURA PLAN CHANGE 48 – FURTHER EVIDENCE THREE WATERS**

### **Water Supply**

#### ***NPDC additional bore hole***

The applicant has noted that NPDC has commenced work to drill a further bore hole at the WTP site and this is intended to increase water supply capacity. While a new bore is being drilled, this bore is replacing an existing compromised bore. The water supply limitation remains at the proven capacity of the aquifer which is 2,506m<sup>3</sup>/day.

#### ***Scale of development and aquifer capacity***

The applicant has submitted a revised proposal reducing the number of lots to 144. The scale of the development is now much more in line with the number of lots anticipated within South FUD (117). NPDC acknowledges the work undertaken by the applicant and independently by submitters to determine the achievable lot yield from existing infill and existing zoned residential land. NPDC believes that the number of additional lots and the staged nature of the proposed development can be managed so that water demand can be met within the proven aquifer capacity.

#### ***Water supply leakage***

The applicant has made commentary with respect to leakage suggesting that if this was fixed then it would translate to more available water. This portion of water demand is better described as non-revenue water and includes other water aside from leakage such as illegal connections or higher than assumed legitimate night time use. It is also impossible to determine if leakage is occurring in the public network or within the individual consumers' property, in which case it is outside the Council's control to fix.

In order to fully understand the individual elements of consumption and leakage it would be necessary to install water meters on all connections. A programme of work to install water meters is indicated in the LTP but is after year 3 and will therefore be subject to consultation as part of the next LTP. Therefore, the Council cannot rely on fixing leakage to obtain significant quantities of additional water for supply.

## **Stormwater**

Additional evidence has been received from the applicant along with further submissions. The applicant's evidence and other submissions have been reviewed and considered.

### ***Stormwater management***

The applicant has now supplied more extensive evidence on the stormwater and effects of the proposed development. This has been based upon rainfall predictions which include allowance for climate change. NPDC has been unable to undertake detailed assessment of the model used to produce the output. However, the evidence provided strongly suggests that a detailed design for stormwater management can be developed, and this would achieve hydraulic neutrality in the three storm scenarios modelled.

### ***Flooding in lower reaches of Wairau Stream***

The main concerns raised by submitters are that the lower reaches of the Wairau Stream are prone to flooding. The submitters maintain that this flooding is not mitigated, and no more additional stormwater should be discharged into the stream until it is. They also raise a concern about further development outside the applicant's current proposal. The submissions also identify two risks relating to the existing 600 diameter culvert under SH45, relating to hydraulic capacity and bank stability.

The applicant's evidence strongly supports the risk of flooding in the downstream reaches of the Wairau Stream. They also correctly state that the area of the proposed development is a small part of the entire catchment (less than 5%). Based upon the applicant's modelling it can be concluded that the primary source of the flooding observed by the submitters is highly likely to be generated from existing characteristics of the main stem of the Wairau Stream (extensive modification of the natural stream channel and historical developments).

The existing 600 diameter culvert at SH45 provides a path for a watercourse to pass under the state highway. The Oakura Catchment Management Plan 2001 shows that ponding already occurs behind the state highway at this culvert for some rain events. While the exact year of construction is unknown, this pipe has been in existence for many years. Provided the proposed development is hydraulically neutral, ponding at this location will not be increased by the development. Therefore, there is no change to the risk of ponding or washout at this location.

### **Concluding remarks**

We believe that applicant has demonstrated that they can meet hydraulic neutrality by attenuating flows using detention ponds. These will be subject to detail design. Any stormwater infrastructure including detention and associate structures on public land that are vested in the Council will become Council owned and maintained assets.

Any further land to be developed outside of the proposed development area, would be subject to a Plan Change to enable a change of zone from Rural to Urban. The impact of the further development would need to be assessed as part of that application.

Yours faithfully



Mark Hall  
MANAGER THREE WATERS

22 November 2019

Hamish Wasney  
Boffa Miskell Ltd  
Level 4, Huddart Parker Building  
1 Post Office Square  
Wellington 6011

Dear Hamish

**New Plymouth District Council Wairau Road Plan Change 48  
Response to Traffic Matters Raised at Hearing**

The Commissioners hearing the Plan Change 48 application requested further evidence be submitted related to traffic evidence. I have reviewed the further evidence related to traffic matters from the Applicant and Submitters. I also took part in a teleconference with Mr Hamish Wesley and Mr John Eagles (NPDC Transport Manager) on the 19<sup>th</sup> of November to discuss the plan change and further evidence.

The following are a summary of my opinions on the related traffic matters raised above. Several of the opinions below are consistent with my earlier statements.

With respect to paragraph 6 of Mr Skerrett's further evidence, the assessment provided is for traffic volumes generated from the proposed developed and their interaction with the existing state highway traffic. As stated in my earlier evidence the assessment of the effects on traffic should include the potential effects of the plan change on the immediate and wider environment, both as it is now and the longer term environment based on likely future development that is planned for in the area. It appears Mr Skerrett has not considered these future-looking, longer term traffic effects in his further evidence.

The following points are consistent with earlier statements I have made in previous correspondence, which have not been addressed in Mr Skerrett's further evidence.

***Incorporating traffic generation in the wider context***

The package of measures proposed in the further evidence from the applicant is based on traffic generated from only the revised Plan Change 48 area. As noted above, the measures also need to include an assessment of traffic effects from the traffic generated in the wider context, such as the FUD west area.

This further information would inform the timing of infrastructure measures that will be needed in the future to accommodate increases in traffic volumes for all modes. In the paragraphs below, I have suggested trigger points for the timing of infrastructure interventions or recommended further analysis.

Including the traffic generated from the FUD west area would change the findings stated in paragraphs 6 to 11 inclusive of Mr Skerrett's further evidence.

***Requirements to upgrade SH45/Wairau Road intersection***

Mr Skerrett states in paragraph 22 that the existing intersection of SH45/Wairau Road can accommodate the predicted traffic generation from the revised proposal. I agree, but only in terms of the ability of the intersection to provide a reasonable level of service for traffic movements and only on the basis of looking at this intersection in isolation without the inclusion of traffic generated in the wider context, such as by the FUD west area.

Incorporating traffic from the FUD west area, would require an upgrade to the intersection of SH45/Wairau Road to accommodate the traffic volumes that would be generated. This is important for the timing of when new infrastructure needs to be installed.



In the absence of the traffic generation anticipated from the wider context, I have relied upon earlier evidence and traffic assessment provided by the Applicant and my knowledge of road design to estimate the timing of infrastructure improvements set out in the following points.

***SH45/Wairau Road Intersection safety and trigger for upgrades***

In terms of the safety of the SH45/Wairau Road intersection, Mr Skerrett has noted in paragraph 10 of his further evidence that the crash risk for the intersection would increase to 0.37 crashes per year once the dwellings in Plan Change 48 are built. A 0.37 crash risk is very close to the expected crash rate for a roundabout.

Additionally, as stated earlier, the analysis does not include traffic generated from the wider context such as FUD west area. It is almost certain that the crash risk exposure would increase if traffic from the wider area was included and would then require a significant intersection upgrade to reduce that exposure to acceptable levels.

Assuming that the calculated crash risk undertaken by Mr Skerrett is at the point where all 144 proposed dwellings are completed, I am of the opinion that the trigger point for when a re-configured intersection at SH45/Wairau Road is when approximately 150 additional dwellings are occupied whose access is onto Upper Wairau Road. Further analysis is needed to understand the timing for when the intersection needs to be re-configured, taking into account traffic generated from new dwellings that access lower Wairau Road and then the SH45 intersection.

Further crash risk analysis is also needed to understand the ratio(s) of extra traffic on all the approaches and the inter-relationship between those approaches that would determine the timing for the need to re-configure the intersection and this can be correlated to the number of new dwellings that would access Upper and Lower Wairau Road over time.

My preference for the form of the intersection at the SH45/Wairau Road intersection to mitigate the crash risk exposure is for a roundabout, coupled with measures to reduce approach speeds to a maximum 50 km/hr. A roundabout can accommodate the projected traffic volumes and is a safer configuration than a cross roads intersection. The roundabout also provides a visual demarcation for drivers as a lower speed environment.

***Lack of space for a roundabout at SH45/Wairau Road intersection***

I am still of the opinion that a roundabout at the SH45/Wairau Road intersection, designed to appropriate standards and incorporating the needs of all modes will not fit within the existing road designations. It is likely that land from the north-eastern quadrant and possibly the south-eastern quadrant of the intersection is required.

***Analysis of remaining intersections along SH45 and northern Oakura***

Even with the reduced scale of the proposal, there are potential effects on the wider transport network that need to be considered. These effects have not been addressed in the further evidence from the applicant. I am still of the opinion that the crash risk exposure to the remaining intersections along SH45 to the northern border of Oakura need investigating, based on the projected increase in traffic volumes, to determine the treatments needed to reduce that crash risk to acceptable levels. At some point in the future the traffic volumes generated from future developments to the west of Donnelley Road that access the state highway, will mean that intersection treatments to the Donnelley and Dixon Street intersections with the state highway are needed to reduce the expected crash risk exposure to acceptable levels

Noting my comments above, this is likely to be required when traffic generated from approximately an additional 150 Lots that access the state highway are completed. Further analysis is required to determine the traffic volumes at which point an infrastructure intervention is required and this can be correlated to numbers of new dwellings constructed to the west of Donnelley Street that would use the state highway and also accessing the state highway at Donnelley and Dixon Streets intersections.

### ***Donnelly Street***

I am still of the opinion that widening of Donnelly Street between SH45 and Hussey Street is required to ensure bi-directional traffic flow past parked vehicles on both sides of the road. The widening would minimise the safety risk of extended queues on the state highway waiting to turn into Donnelly Street. In conversations with Mr John Eagles, he has advised me of potential opposition for this treatment.

As discussed with Mr Eagles I am recommending a traffic demand management plan, as a possible alternative to road widening, to address safety concerns at the intersection with the state highway. Development of the plan would require the buy-in of the school and the residents of Oakura who drop-off and pick-up their children to/from the school.

This demand management plan would follow the principles that vehicular traffic would drop-off and pick-up from a safe location on the state highway and a school patrol would operate in the mornings and afternoons at a zebra crossing to facilitate the safe crossing of children. The underlying outcome is to reduce the number of vehicles turning into and out of Donnelly Street to mitigate the likely increase in crash risk exposure that will occur as the number of new dwellings, whose occupants include children driven to school, increase within Oakura.

The investigation into relocation of the existing zebra crossing across SH45 near the Donnelly Street intersection with SH45 (as previously stated in earlier correspondence) can also be incorporated into this management plan.

### ***Upgrades for active transport modes***

I agree with paragraphs 16, 18 and 19 of Mr Skerrett's further evidence. I am also of the opinion that, as a result of the traffic volumes generated from Plan Change 48, upgrades to the roads and footways should include the provision of shared path facilities for all active modes from the Wairau Road access point, down to the state highway and alongside the state highway into the village. These upgrades should occur early in the construction of dwellings associated with Plan Change 48.

Noting the topographical constraints between Upper Wairau Road and Donnelly Street, the existing - footpath link should be upgraded to accommodate the expected volumes of foot traffic and ideally provide a facility to wheel bicycles adjacent to any steps. This should be done early in the construction of dwellings associated with Plan Change 48.

Noting comments from other submitters, I am also of the opinion that the proposed position of an at-grade crossing on the state highway, as stated in paragraph 20 of Mr Skerrett's further evidence, is not a safe position.

Provided measures are installed to slow traffic at the SH45/Wairau Road intersection, I am of the opinion that crossing movements for active modes of traffic between Upper Wairau Road and Lower Wairau Road can be accommodated via at grade crossing points until such time as the crash risk exposure associated with this movement reaches a point where further infrastructure intervention is required. Noting my earlier comments about the timing of the installation of a roundabout in paragraph 5, it would be prudent to install an underpass at the same time as the installation of a roundabout.

I am not an expert in equestrian matters so am unable to comment on the safety of at grade crossings for those users.

In discussions with Mr John Eagles regarding the Kaitake Trail from Pukeiti to Oakura Beach, it is apparent further analysis is required to understand any change in crash risk exposure at the Wairau Road / SH45 intersection from an increase in crossing movements. The goal of this analysis is to understand whether the trigger point where infrastructure intervention is required for active users crossing the state highway is earlier than the timing of the roundabout construction recommended above.

I am still of the opinion that the pedestrian route along Hussey Street, including the link between Hussey Street and Butlers Lane, needs to be assessed in terms of the level of service the current width provides correlated to expected usage. If required this route should be upgraded, taking into account the needs of vulnerable users.

The pedestrian link between Hussey Street and Butlers Lane needs to remain as a non-vehicular route.

**Concluding remarks**

In summary, although information has been provided regarding the effects of additional vehicular traffic volumes on the SH45/Wairau Road intersection capacity from the revised proposal, there is still insufficient information in the Application documents and further evidence regarding the effects of the revised Plan Change 48. The original ITA provided for traffic generated from the Plan Change 48 area and the FUD west area, and any further evidence related to a revised Plan Change 48 should include the same. The original traffic assessment provided by the Applicant was useful in understanding total traffic volumes from other developments, which helps to inform the form of infrastructure requirements at the SH45/Wairau Road intersection but does not provide the mechanism to determine the timing of the intervention

I have attempted to provide trigger points for when infrastructure interventions are required, correlated to the Plan Change 48 information, but acknowledge that these trigger points need further assessment with regard to timing to incorporate other activities or sub-divisions that may occur and their timing.

Yours faithfully



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# Memorandum

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Attention: Hamish Wesney

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Company: Boffa Miskell Limited

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Date: 22<sup>nd</sup> November 2019

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From: Boyden Evans, Landscape Architect

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Message Ref: Wairau Estate, Oakura, Response to Further Evidence

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Project No: W16098

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## Introduction

This memo responds to the further evidence submitted by the applicant and submitters on Proposed Private Plan Change 48 Wairau Road, Oakura Rezoning.

The applicant submitted further evidence responding to the Commissioner's Direction (dated 6th September 2019), requesting further evidence to address matters raised in the section 42A response (dated 19th August 2019). On the 11th October 2019, the applicant submitted the following evidence responding to these matters:

- Landscape – Richard Bain
- Subdivision and Development – Alan Doy
- Traffic – Andrew Skerrett
- Stormwater (1) and (2) – Luke Bunn
- Planning – Colin Comber

Submitters also filed further evidence responding to the applicant's further evidence in response to the Commissioner's Directions (dated 6th September 2019 and 30th October 2019).

Boffa Miskell landscape architect, Emma McRae provided landscape input into the s42A report and attended the hearing in July 2019. Ms McRae went on maternity leave in September and so I am responding on landscape matters in relation to the further evidence. I am a landscape architect and Partner in Boffa Miskell and peer reviewed Ms McRae's previous inputs into the s42A report and subsequent material.

Based on the applicants' further evidence and also further evidence from the submitters, my response covers the following four areas:

1. Effects on the Outstanding Landscape and rural character
2. Revised structure plan
3. Landscape framework

#### 4. Night time lighting

In considering Mr Bain's further evidence, I acknowledge, similarly to Mr Kensington in his statement of further evidence, that attempts have been made by Mr Bain to address the matters raised in the s42A report and by submitters to improve the outcome of the proposed plan change. While the reduced scale of development will go some way in reducing some of the adverse landscape effects previously identified, there are still several shortcomings. The rationale provided by Mr Bain, together with the supporting material, does not provide robust and defensible evidence that the revised scheme is not the original scheme with a few bits removed. The lack of analysis and evidence has not been provided to back up the changes proposed.,

#### **Outstanding Landscape and rural character**

In his further evidence, Mr Bain contends that the 'new structure plan' has addressed the matters raised in relation to the Kaitake Range Outstanding Landscape and effects on rural character. However, I find the documentation provided lacks sufficient detail. The Landscape Framework Plan, which provides the basis for development of the new structure plan, has limited analysis and relies on a general plan, two supporting images and commentary claiming that the matters raised previously in the s42A report has been subject to a "*comprehensive review*".

#### **Landscape Framework Plan**

Mr Bain's Landscape Framework Plan comprises:

- a plan showing contours and extent of proposed vegetation;
- an indicative cross section; and
- an annotated photo montage, 'Kaitake Vista'.

In explaining the Landscape Framework Plan, Mr Bain states that the reduced scale of development is contained within a native bush framework that "*screens and separates the urban area from the rural environment*" and that when viewed from SH45 the views of the Kaitake Range Outstanding Landscape are "*predominately retained*" by vegetation.

I find that the limited material provided in relation to visual effects is insufficient to draw the positive conclusions that Mr Bain has.

The Landscape Framework Plan provides limited analysis and detail and is based on the premise that visual amenity can be achieved by way of screening with vegetation then potential adverse landscape effects on the Outstanding Landscape or on rural character are satisfied. While landscape and visual effects are closely related, they are different. Landscape effects relate to changes in the physical landscape, which may affect its characteristics or qualities. Visual effects relate to changes to views, which may affect visual amenity of the viewing audience.

Both aspects need to be addressed comprehensively in a landscape and visual effects assessment. If a comprehensive review had been carried out as claimed, I would have expected to see an analysis of the biophysical effects, effects on landscape character, effects on shared and recognised values (i.e. associative effects) as well as an assessment of visual effects. The shortcomings in the original landscape and visual effects assessment were noted in the s42A report and what has been provided for the reduced scheme has similar shortcomings.

## **Night Time Lighting**

Mr Bain concludes that the scaled back scheme will reduce the effects of night time lighting. This together with the distance from SH45 and the vegetated buffer will, in Mr Bain's opinion, "*prevent adverse lighting effects.*"

While this may be so there is no analysis or evidence to support this conclusion; we are expected to rely on Mr Bain's word that there will not be any adverse lighting effects.

## **Revised Structure Plan**

Mr Bain contends that he has applied a 'fresh look' to the development of a new structure plan and has tackled it from "*a first principles perspective, rather than simply adjusting down the original scheme.*" I concur with Mr Kensington in his further evidence, that the revised scheme has not been developed from first principles at all but instead is simply an adjusted original scheme.

The new structure plan is simply the Landscape Framework Plan with a few annotations. As noted above, I would have expected that the Landscape Framework Plan to have contained a greater level of analysis than what has been presented, and this in turn would have provided the basis for the formulation of the new structure plan.

In his paragraph 7, Mr Bain states that the "*Associative values of natural character and legibility of the Kaitake Range/rural environment are clearly maintained with the new structure plan*" (my emphasis). However, there is no evidence to support this claim given that there is no Cultural Impact Assessment or other supporting documentation that deals with associative values, which had been noted previously as missing from the application.

Mr Comber in his planning evidence concludes that the further evidence presented by the applicant's experts deal with landscape, social and cultural and infrastructure effects so that "*the concerns identified by the s42A authors fall away.*" I find it difficult to understand how he can arrive at this conclusion given that some of these matters have either not been provided to date (cultural impact assessment) or in relation to landscape matters, the information and level of documentation provided does not have the level of analysis and detail that I believe is needed.

## **Conclusions**

Mr Bain has addressed some of the matters raised in the s42A report to improve the outcome of the proposed plan change. The reduced scale of the proposed development has resulted in various changes that will have flow on effects in terms of a reduction in landscape and visual effects. However, insufficient analysis and documentation has been provided in relation to the Landscape Framework Plan. Also, the new Structure Plan does not appear to have been developed from first principles as claimed but instead is simply the original scheme 'adjusted down'. Given this, I am unable to come to any final conclusions on the landscape and visual effects of the revised proposal.

# Appendix 2: Relevant Strategic Directions Objectives from Proposed District Plan

## Historic and Cultural

**HC-3** Tangata whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.

## Natural Environment

**NE-6** An integrated management approach is taken where land use activities impact on waterbodies and the coastal environment, in collaboration with government, councils and tangata whenua.

**NE-7** Tangata whenua are able to exercise their customary responsibilities as mana whenua and kaitiaki in the protection and management of the natural environment.

## Tangata Whenua

**TW-8** Tangata whenua actively participate in resource management processes.

**TW-9** Recognise that only tangata whenua can identify impacts on their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.

**TW-11** Provide for the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance to Māori.

**TW-12** Recognise the contribution that tangata whenua and their relationship with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance make to the district's identity and sense of belonging.

## Urban Form and Development

**UFD-13** The district develops in a cohesive, compact and structured way that:

1. maintains a compact urban form that provides for connected, liveable communities;
2. manages impacts on the natural and cultural environment;
3. recognises the relationship of tangata whenua with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes and other taonga of significance;
4. enables greater productivity and economic growth;
5. enables greater social and cultural vitality;
6. takes into account the short, medium and long-term potential impacts of climate change and the associated uncertainty;
7. utilises existing infrastructure and/or can be efficiently serviced with new infrastructure; and
8. meets the community's short, medium and long-term housing and industrial needs.

**UFD-14** There is sufficient land to meet the short, medium and long-term housing demands of the district, that provides feasible development capacity for 10,919 dwellings, as follows:

1. 4,441 dwellings in the short to medium-term in:
  - a. undeveloped residential areas, particularly in Bell Block and the residential southern growth areas: and
  - b. the city centre, town centres, local centres and around transport nodes where there will be increased housing densities.
2. 6,479 dwellings in the long-term in:
  - a. the Cowling Road and Smart Road growth area: and
  - b. the city centre, town centres, local centres and around transport nodes where there will be greater housing densities.

**UFD-15** A variety of housing types, sizes and tenures are available across the district in quality living environments to meet the community's diverse social and economic housing needs in the following locations:

1. suburban housing forms in established residential neighbourhoods;
2. a mix of housing densities in and around the city centre, town centres and transport nodes, including multi-unit housing;
3. opportunities for increased medium and high-density housing in the city centre, town centres and local centres that will assist to contribute to a vibrant, mixed-use environment;
4. a range of densities and housing forms in new subdivisions and areas identified as appropriate for growth; and
5. papakāinga housing that provides for the ongoing relationship of tangata whenua with ancestral land and for their cultural, environmental, social and economic well-being.

**UFD-19** Urban environments are liveable, connected, accessible, safe and well-designed spaces for the community to live, work and play, which:

1. integrate and enhance natural features and topography into the design of development to minimise environmental impacts;
2. recognise the local context and character of an area;
3. reduce opportunities for crime and perceptions of crime through design solutions;
4. create ease of movement in communities through connected transport networks, a range of transport modes and reduced reliance on private motorised vehicles;
5. incorporate matauranga Māori principles by involving tangata whenua in the design, construction and development of the built environment;
6. use low impact design solutions and/or healthy, accessible, energy efficient buildings; and
7. are adequately serviced by utilising and/or upgrading existing infrastructure or with new infrastructure.

**UFD-23** Primary production and rural industry activities are able to operate efficiently and effectively and the contribution they make to the economic and social well-being and prosperity of the district is recognised.

**UFD-24** Productive, versatile land and natural, physical and cultural resources located within rural areas that are of significance to the district are protected and maintained.