

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

PPC18/00048

Under the Resource
Management Act 1991
(RMA)

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

And

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

FURTHER SUBMISSIONS OF COUNSEL
FOR MATTHEW PEACOCK; RICHARD SHEARER; STEVEN
LOONEY; and WAYNE LOOKER (SUBMITTERS)
2 DECEMBER 2019

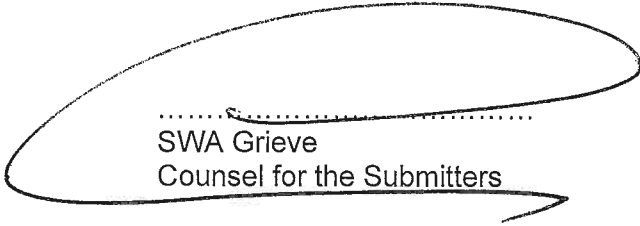
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MAY IT PLEASE THE INDEPENDENT HEARINGS COMMISSIONERS

1. You have heard from the 400 or so people/organisations on behalf of the Oakura community who are all against this application. Their collective evidence and submissions must be given significant weight in this case (particularly in the absence of a social impact report or evidence in respect of same from the Applicant).
2. Following the Paddock's subdivision, the Applicant's proposals do not achieve sustainable management (and would not achieve sustainable management in any event in my submission).
3. Sustainable management was arguably achieved when the Paddock's subdivision consent was granted – and the importance of condition 4 of the Consent Notice was determinative in that regard.
4. The overwhelming evidence for my clients (and all of the submitters in opposition) in this case to date is that these applications must be comprehensively refused for all of the reasons previously provided.
5. Part 2 of the Act is a paramount consideration in this case; and the relevant provisions in sections 5-8 already cited weigh heavily on the side of refusing the proposals - particularly with regard to sections 5(2)(a)-(c), 6(a), (b) and (e) and 7(a), (aa), (b), (c), (d), (f) and (g).
6. My clients support the Officers recommendations in the report titled - *“Response to Evidence Presented at Hearing – Proposed Private Plan Change 48: Wairau Road, Oakura rezoning, Boffa Miskell Limited (Anna Stevens and Hamish Wesney), 19 August 2019”* - that the risks of acting (in approving the proposals) and adverse effects that will flow are potentially significant.
7. However, my clients respectfully do not agree with the Officers conclusion in the report titled - *“Response to Further Evidence for Reconvened Hearing – Proposed Private Plan Change 48: Wairau Road, Oakura Rezoning, Boffa Miskell Limited (Anna Stevens and Hamish Wesney), 22 November 2019”* – that a final recommendation not be made at this time - particularly in light of the Officers' findings in respect of the matters discussed in that report in paragraphs 3.13, 3.20, 3.25, 3.26,

3.29, 3.32, 3.33, 3.36-3.40, 3.44, 3.60, 3.61, 3.68, 3.69, 3.72, 5.2, 5.3 and 5.7. And, for the reasons provided in the further expert evidence called by my clients (not to mention the further evidence/submissions of other submitters in opposition).

8. It is submitted that all the information is before you to determine the matters before you - and that the Applicant has now had ample opportunity to produce all the further evidence requested or otherwise required (as also discussed in the Memorandum of Counsel dated 6 August 2019 filed for my clients - and for the further reasons provided at around that same time by other submitters in opposition). The Applicant has had the following opportunities: the Application preparation/filing stage, post notification, submissions and consultation, prior to and at the substantive hearing in July 2019 and post substantive hearing leading up to today.
9. My clients are still of the firm view that the risk of acting and granting the Plan Change will be significant – particularly in the context of amenity, rural character, landscape and cultural/social effects (and including traffic effects in that context).
10. The removal of the Consent Notice imposition would only lead to the very significant adverse effects on the environment that it sought to avoid at the Paddock's subdivision in the first place; moreover, there will undoubtedly be significant cumulative adverse environmental effects if the proposals are allowed to proceed (in combination with the existing adverse effects from the Paddock's subdivision).
11. My clients respectfully request that a decision be made forthwith; and that the applications be declined/refused in toto.



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SWA Grieve
Counsel for the Submitters