

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

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a request for Private Plan Change NPDC PLC18/00048
by Oakura Farm Park Limited to rezone land at Oakura
within the New Plymouth District

**STATEMENT OF FURTHER EVIDENCE OF COLIN MICHAEL COMBER ON BEHALF
OF OAKURA FARM PARK LIMITED**

Dated 11 October 2019

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INTRODUCTION

1. This statement of further evidence is in response to the Commissioner's Direction dated 6 September and is limited to the following matters:
 - a) In response to the s42A authors' recommendation¹ for a proposal of reduced scale and intensity of development to that originally Requested (and as discussed again in the s42 Response report²), and as signalled in the Memorandum of Counsel dated 31 July 2019, evidence will be presented of a reduced scheme;
 - b) Cultural Impacts
 - c) Social Impacts
 - d) Water Supply

REDUCED SCHEME

2. The Applicant has listened to submitters and has noted the views of the s42 reports author (pre-hearing, and in response to the evidence) regarding the scale and intensity of the proposed rezoning and now proposes a scheme of less than half the size of that originally proposed and, at 144 lots, less than the 167 lots recommended in the s42A report.³
3. The reduce scheme has been arrived at following a landscape reappraisal by Mr Bain and subsequently a reappraisal of land development

¹ s42A report - 31 May 2019; paras 15.1 - 15.8

² s42A Response – 19 August 2019; para 4.5 - 4.33

³ s42A report - 31 May 2019; para 15.3

considerations by Mr Doy. By reducing the scale, overall footprint, and yield of the proposed plan change, the plan change now positively responds to the concerns identified in the s42A report and s42A response. As I will explain in my evidence, I consider that based on the further evidence presented by the applicant's experts, the transportation and traffic effects, social and cultural effects, landscape effects and infrastructure effects all reduce to the extent that the concerns identified by the s42A authors fall away.

4. The starting point for the reduced scheme was the response by Mr Bain, the applicant's landscape expert, to the concerns raised by Ms McRea and Mr Kensington. Mr Bain's supplementary evidence includes an amended Landscape Framework Plan together with an indicative development cross-section, and a Kaitake vista (montage). For ease of reference these are included in **Appendix A** hereto.
5. Next, Mr Doy's revised 144 Lot Proposal has been developed within the Landscape Framework 'fresh look' reappraisal undertaken by Mr Bain. Mr Doy's work includes indicative lot orientation, open space, roading and development stages. Again, for ease of reference Mr Doy's revised scheme, together with the new proposal overlaid on the original PC48 scheme are included in **Appendix B** hereto. The overlay illustrates the spatial extent to which the revised proposal has been reduced by comparison to the original.
6. A structure plan, for inclusion in the District Plan, showing the revised proposal is included in **Appendix C** hereto.
7. Dealing next with the s42A authors' concerns regarding the uneasy fit between the proposed plan change and the Oakura community's

aspirations, as expressed through the non-statutory document 'Oakura – A Growing Community 2014-2016'⁴, it is noted that reference to this document, and the more recent 'Kaitake Community Board Plan: A Thirty Year Vision 2017, are discussed in the s42A Response.⁵

8. It is clear that a tension exists between the statutory provisions of the Operative District Plan, which provides for significant future urban development at Oakura, and community perceptions about what that future growth might look like and how such growth is to be given effect to. There also appears to be a disconnect between the provisions of the operative plan, the community aspirations as expressed through the community documents, and submitters' oft repeated call to decline the subject application in its entirety.

9. If the community aspirations for growth as expressed through the non-statutory documents are to provide guidance, the essential themes are perhaps best captured in a single sentence in the Executive Summary of the Kaitake Community Board Plan: A Thirty-Year Vision (2017):

The central message to the Council is that the village requires managed, staged and targeted growth.⁶

10. I consider that the original Request proposal would have delivered managed, staged and targeted growth. It was to be managed by way of the structure plan mechanism, it was to be staged relative to the provision of a roundabout and pedestrian underpass as traffic generation originating from Wairau Estate increased as development progressed and it was a targeted to respond to the growth pressures that Oakura faces and to

⁴ Request – Pgs. 49-51 – Sec 4.3.8.8

⁵ S42A Response; paras 3.22 – 3.27

⁶ s42A Response; para 3.25

deliver a range of housing and lifestyle choices in response to the identified demands.

11. Notwithstanding this, the reduced scheme responds positively to the various submitters and the s42A authors' concerns about scale and intensity and will address community aspirations around being managed, staged and targeted.
12. With regard to scale and intensity of development, and by reference to the reduced scheme included in Appendix B.1, the land now proposed as Residential C Environment Area (or General Residential Zone under the Proposed District Plan) is 15.9ha. This includes the 1.3ha of the adjoining Thurman land which is currently Rural Environment Area with FUD Overlay in the Operative DP, but which has been zoned General Residential Zone in the Proposed District Plan publicly notified on 23 September 2019.
13. Table 1 below provides a yield analysis of the reduced scheme.

Table 1: Yield Analysis (approx) - Wairau Estate Structure Plan – Reduced

Env Area	ha	Buildable Lots	Area by %
<u>Thurman</u>			
Res C Env Area (General Res Zone - PDP)	1.30	10 (12)	0.0%
<u>OFPL</u>			
Res C Env Area (General Res Zone - PDP)	14.60	113 (132)	25.8%
Rural Env Area (Rural Production Zone - PDP)	31.67	n/a	55.9%
Open Space B	0.24	n/a	0.4%
Open Space C	6.66	n/a	11.8%
Roads (estimate)	3.50	n/a	6.2%
Total	56.67	123 (144)	100.0%

14. As shown in Table 1, the area of the applicant's land to be retained in the Rural Environment Area/Rural Production Zone is now 31.67ha with 6.9ha being given over to Open Space. Thus some 38.33ha or 68% of the OFPL land included in the Request area will remain or will be enhanced to be rural in character. The provision for equestrian lifestyle is no longer proposed (and the Business C area as originally proposed has been removed from the revised Structure Plan) consistent with maintaining the majority of the site in its existing pastoral rural character.
15. The area of the applicant's land to now be utilised for residential activity excluding roads is some 14.6ha. This is slightly greater than the nominal FUD area of 12-13ha on the applicant's land.
16. It is now proposed that all the land for Residential development be of one zoning, Residential C Environment Area (**ODP**)/General Residential Zone (**PDP**). The Residential D (i.e. small lot - 300m²) option has been removed.
17. It is noted the General Residential Zone in the Proposed District Plan (**PDP**) is proposed for the majority of the Oakura urban area which is currently Residential C Environment Area.
18. Various submitters are concerned that Wairau Estate may develop at a rate that results in adverse social impact. Of particular concern is that rapid development may bring with it an influx of primary-aged school children that will overwhelm the capacity of the Oakura school.

19. Concerns about rapid development are also expressed in the Kaitake Community Board Plan: A Thirty-Year Vision (2017):

Rapid and widespread expansion would negatively affect the special character of Oakura and adversely impact on the education services, traffic and parking and access to affordable homes and recreation and environmental assets.⁷

20. Rather than resulting in widespread expansion, the reduced scheme (as with the original) now provides for, over time, a modest and logical expansion of the township.
21. The reduced scheme prepared by Mr Doy included in **Appendix B.1** proposes a development in five stages ranging in size from 24 to 33 lots – average: 29 lots; median: 29.
22. By contrast, the historic size of greenfield subdivision in the township (1974 – 2010) has ranged from 6 to 31 lots – average: 18; median: 22. Four of these developments were 22 lots (2004), 23 lots (1979), 26 lots (1974) and 31 lots (1983). The largest of the historic subdivisions was a 31-lot subdivision in Arden Place in 1983. The most recent subdivision given effect was a 6-lot subdivision in Cunningham Lane in 2010.⁸ I am not aware of any adverse social impacts arising from these historic subdivisions within the Oakura township.
23. It is proposed, to avoid any prospect of rapid expansion, that the rate of development will be managed with District Plan rules controlling the staging of development. A proposed rule framework for staging the

⁷ s42A Response; para 3.25

⁸ Request – pg. 45; para 4.3.8.6

development of Wairau Estate in a manner that can be readily controlled by the Council through its regulatory function is set out in **Appendix C** hereto.

24. The rule framework provides for Stage 1 of 33 lots to proceed through subdivision consent to development with no time restriction; i.e. following the plan change PPC 048 coming into effect.
25. The development of Stage 2 can be commenced no sooner than two years following the approval of Stage 1. Thereafter Stages 3, 4 and 5 can only proceed to development following the sale of no less than 75% of the lots in the preceding Stage. Consenting to each Stage will be by way of controlled activity for landuse, in addition to the subdivision approval that will be required for each Stage.
26. The applicant does not propose what the community want to avoid i.e. 'large tract housing development with uniform housing types.'⁹ Rather it is intended lots will be available for purchase by families to build dwellings to meet their own individual housing choices and specific requirements. Thus, it could be anticipated dwellings will be varied in typologies, design and appearance. This approach is consistent with the way Oakura has evolved over time and is in line with community aspirations for 'sequential growth and variable housing choices.'⁹
27. The proposed rule framework endeavours to achieve a balance between lots coming to the market at a rate which will avoid adverse effects from social impact consistent with the size and rate of development of historic multi-lot greenfield subdivision at Oakura and in a manner which will help

⁹ KCB Thirty Year Vision v.3 pgs. 24

to ensure land prices are not artificially inflated due to excessive regulatory intervention restricting supply.

28. Given the last greenfield subdivision given effect to at Oakura was in 2010 and the evidence already given demonstrating historic undersupply, the proposed Wairau Estate, through contributing supply at a rate the community can manage, will provide access to the affordable homes that the 'KCB Thirty Year Vision' aspires to.
29. On a separate topic, I observe that the reduced scheme eliminates the need for the noise attenuation bund as all dwelling sites will now be at least 80m from the edge of SH45.
30. I also note that the retention of the pastureland on the southern aspect of the property adjoining the Greensill property avoids the issue raised in submission, i.e. a potential constraint on the spraying of effluent, as no lifestyle area housing will now occur on that part of the site.

CULTURAL IMPACTS

31. I now refer to the Tangata Whenua section of the s42A Response report.¹⁰
32. As to whether a Cultural Impact Assessment (**CIA**) is required, while the applicant considers that the history of its good faith engagement with tangata whenua shows that there is reliable evidence currently before the commissioners to ensure that cultural issues are identified and properly addressed, it is nevertheless willing to undertake a CIA to ensure cultural effects are comprehensively dealt with. To that end it has been engaging

¹⁰ S42A Response – paras. 4.104 – 4.109

with Ngati Tairi and Te Kahui o Taranaki since the hearing was adjourned, in an effort to advance the CIA project.

33. Subsequent to the July adjournment of the Hearing, the Applicant sought a meeting with Te Kahui o Taranaki to introduce the revised 144 lot proposal. Following an initial approach to Te Kahui o Taranaki on 12 September a meeting took place on 1 October 2019. As Ms Wano-Bryant was on extended leave Te Kahui o Taranaki was represented by planner Mr Sean Zieltjes. The Applicant representatives were Mr Mike McKie and myself.
34. The reduced scheme was introduced to Mr Zieltjes, and due to his not having been involved previously in the Request he was briefed on the process to date and the further evidence direction.
35. The matter of the need for a CIA was discussed, as was the relative positions of the Mana Whenua Hapu and Taranaki Iwi.
36. Mr Zieltjes advised he would need to take direction from Te Kahui o Taranaki and would endeavour to speak with Ngati Tairi chairperson, Mr Keith Manukonga.
37. Over the week commencing 7 October Mr Zieltjes advised he was drafting a proposal for a CIA to be undertaken by and on behalf of the Hapu and Iwi jointly. He indicated the proposal would provide the scope of the CIA, what was to be delivered and a fee. I advised him that the proposal would also need to be time bound, and ideally available to the Applicant by 30 November 2019.
38. The applicant has today received a proposal from Mr Zieltjes on behalf of Ngati Tairi and Te Kahui o Taranaki. The proposal is for a comprehensive

review including historical overview, site visits, review of plan change application and submissions, representative input and final presentation.

39. The applicant has today agreed to undertake that project, but has sought an indication of timing, given the commissioner's timetable for resolution of the plan changes application. Timing currently remains unresolved.
40. The potential delays associated with the CIA are regrettable, but the applicant is grateful to Ngati Tairi and Te Kahui o Taranaki for their engagement, which has been ongoing for some time. To ensure the commissioners have a clear picture of that engagement to date, I wish to draw the following matters to the Commissioners' attention.
- (a) The Applicant (OFPL) consulted with the representatives of the Mana Whenua, Ngati Tairi Hapu, over an extended period of time commencing 6 May 2016.
 - (b) At the time consultation commenced the Request was in its formative stages. The Applicant wanted to ensure that:
 - (i) the Mana Whenua Hapu was well informed of the proposal from the outset; and
 - (ii) it sought input from the Hapu to help inform and shape the Request; and
 - (iii) it learnt of any Hapu concerns and responded to those concerns.
 - (c) The Record of Consultation (RoC) covering the period 6 May 2016 – 20 Nov 2017 formed part of the Application.¹¹

¹¹ Request PPC 48 – Appendix 4 – pg. 78

- (d) The Plan Change Request was lodged with the New Plymouth District Council on 15 March 2018.
- (e) Further consultation meetings between the Applicant and the Hapu took place (after lodgement) on 17 June 2018 and again on 2 September 2018.
- (f) The full Consultation Record, i.e. 6 May 2016 – 2 September 2018 inclusive, was included in my evidence given to the Hearing Commission on 23 July 2019.
- (g) At the consultation meeting on 17 June 2018, the following is recorded in the Consultation Record:

The draft MOU was reviewed. In addition to several minor amendments it was agreed that the MOU record that a Cultural Impact Assessment (CIA) would be undertaken by Ngati Tairi with the reasonable costs to be met by OFPL. The CIA would be supplied to OFPL, NPDC and as evidence to the Hearings Commission. KM (Kaumatua Keith Manukonga) would prepare a CIA for consideration at the next meeting of the parties.

- (h) The 17 June 2018 entry records that the parties agreed to meet again in 4-6 weeks. In the event the parties did not meet again until 2 September 2018, some 10 weeks later. The September meeting focused on the proposed rock carving, with a preliminary concept drawing being tabled by the artist/carver Dr Barry Te Whatu.
- (i) The draft Memorandum of Understanding was reviewed at the Consultation meeting on 2 September 2018. Both parties agreed the content and Keith Manukonga advised he would table the MOU at the next Hapu meeting on 16 September 2019 for approval. The MOU was subsequently signed by both parties. A signed copy of the MOU dated 19 October 2018 is **attached** – Refer Appendix D

(j) Paragraph 7 of the MOU states:

Ngati Tairi Hapu will prepare a Cultural Impact Assessment in relation to the OFPL land that will be subject to the Wairau Estate Private Plan Change Request. The Assessment will address the historical relationship of the Hapu within the Wairau Estate Structure Plan Area, identify any water, sites, waahi tapu and other taonga within the Area and provide advice/recommendations /guidance to OFPL to enable OFPL to avoid or mitigate matters that may be of concern to the Hapu. OFPL will meet the reasonable costs of the Hapu in the preparation of the Cultural Impact Assessment.

- (k) A Pre-Hearing meeting specific to Ngati Tairi Hapu and Taranaki Iwi, with the Applicant was convened and facilitated by the New Plymouth District Council at the Civic Administration Centre on 29 January 2019.
- (l) The Prehearing meeting report records that the focus of Taranaki Iwi at the meeting was for an assessment of the Request to made against the provisions of *Taiao Tairora* Iwi Management Plan (IMP). This was subsequently undertaken by the Applicant and the Applicant was careful to ensure it formed part of its evidence presented in support of the plan change.
- (m) The Prehearing meeting report also records that the focus of concern of Ngati Tairi Hapu was around the design of stormwater detention areas and 'hydraulic neutrality'.
- (n) There is no mention in the Pre-Hearing record of a requirement for a Cultural Impact Assessment. This is despite the earlier MOU indicating Ngati Tairi would undertake that task. Keith Manukonga confirmed that in his view, this was no longer a necessary step. Had that requirement been identified and confirmed, the applicant would have taken steps to address that prior to the hearing commencing.

(o) Further, the submission to the Request lodged by Taranaki Iwi dated 10 August 2018, references *Taiao Taiora* with an emphasis on the need to have regard to effects on the physical environment. No mention is made of the need for a Cultural Impact Assessment.¹²

41. It is clear to the applicant that while the history of engagement shows that the need for a CIA was not pressed in advance of the hearing, given where these matters currently sit, progressing a CIA project at this late stage will be beneficial to all parties.
42. For that reason, the applicant supports the direction that a CIA be commissioned, and has agreed to that process with Ngati Tairi and Te Kahui o Taranaki. However, the applicant is not in control of the timing of the CIA, and that will be a matter left in the hands of tangata whenua.

SOCIAL IMPACTS

43. The submitters' concerns expressed through the course of the hearing, and the discussion about potential adverse Social Impacts in the S42A Response document¹³ have been noted, and as now discussed, responded to.
44. It is my opinion that the s42A Response has failed to consider and appropriately weigh all of the evidence touching on the social impact considerations relating to the request. I consider there to be an overwhelming body of evidence currently before the commissioners to enable them to evaluate and reach conclusions on the potential social impacts arising from the proposed plan change. For this reason, I consider there is no evidential value on a separate social impact assessment. Social

¹² Submission 134

¹³ S42A Response; paras 4.97 – 4.103

and community effects can be determined on the evidence currently before the commissioners.

45. In arriving at a recommendation supporting a Social Impact Assessment the s 42A Response has not attempted to weigh and evaluate the verbal evidence given (opposing the plan change) against the evidence set out in the Request itself nor the Applicant's planning evidence. Moreover, an examination of the non-statutory documents developed within the Oakura community itself, namely the 'Oakura – A Growing Community' 2016, and the Oakura section of the more recent 'Kaitake Community Board – A Thirty Year Vision' 2018 provides a basis to evaluate these community concerns against these community documents. If properly evaluated, the evidence shows that the Wairau Estate proposal is endeavouring to deliver for the self-described 'growing community' a built environment which is consistent with community aspirations. This is even more evidence-based on the reduced scheme.
46. An assessment of 'Oakura – A Growing Community' 2016 has already been provided in evidence.¹⁴
47. A review of the KCB Thirty Year Vision document confirms a strong alignment between what the Request sets out to provide to the community and the Oakura citizens' development-themed aspirational phases contained in the Vision document¹⁵. Relevant examples follow:

Staged rezoning of rural land identified in the Oakura Structure Plan to support sequential village growth and provision of variable housing choices rather than large scale tract housing development of uniform housing types;

¹⁴ Request document – para. 4.3.8.8; pgs. 49-51

¹⁵ KCB Thirty Year Vision v.3 pgs. 24-25

Increased density, small lot sizes and higher site coverages rules targeted in appropriate areas of new residential developments;

Rural lifestyle 1 to 5 ha lots provided in appropriate locations but retaining low density and open character;

Socially responsible multi-unit residential development to encourage of housing choices;

Higher density development in appropriate locations off-set by provision of public spaces, public reserves, pathways and improved access opportunities;

Multi-generational residential complexes designed so that young families and elderly people live in close proximity and naturally come into close contact;

Enhanced access in established and new residential areas, i.e. bridle, cycle pedestrian dedicated and shared pathways;

Equestrian lifestyle blocks

48. The apparent disconnect between the aspirations of the community, as expressed in their own planning documents, and the forthright and contrary views of the majority of the submitters expressed at hearing is somewhat surprising. This gap between the preferences and aspirations expressed in the non-statutory community planning documents and the evidence of resident submitters' calls into question what the community actually desires in the way of growth. Are the non-statutory documents to be looked at to provide some guidance for the Council and landowners' whose land has been identified for future growth at Oakura or not?
49. It would be difficult to believe that in planning for growth, particularly given the consultative initiatives that have been undertaken, that the community would not expect to see changes to the township's physical environment and also to changes in the social mores.
50. One would have to be optimistic that new families coming into any community would be welcomed by the existing residents. Given the vibrancy, social engagement and social cohesion that is readily evident

among Oakura residents it is most unlikely that their community values will be overtaken by new citizens moving into the community at the low annual rate that will occur through staged development as proposed.

51. It is accepted that the extent of the land originally proposed to be rezoned may not have been contemplated by many; however, the rationale for the approach has been well described in the applicant's evidence. The now reduced proposal is now more nearly aligned with the spatial extent of the FUD South area and, by extension, has to be in alignment with community aspirations. It was the FUD West and FUD South areas that would have, or should have been, the growth area's that the community were being consulted over for future growth at Oakura.
52. It is apparent that the greatest concerns were founded on the scale of the original proposal coupled with a potential for rapid growth, leading to a fear among some residents that this could overwhelm some social services, and particularly the capacity of the school, notwithstanding that the Ministry of Education provided evidence through the pre-hearing process that in its opinion the school could be expanded within the existing site to provide for projected growth in the school roll.
53. The extent of the area now to be devoted to residential living is marginally greater in area than the original FUD South Area and the number of lots to be released in each of the five stages are similar per stage to that of the size of the larger historic greenfield subdivisions that have taken place at Oakura since the 1970's.¹⁶

¹⁶ Refer Appendix B1

54. In evidence, many of the submitters attested to the length of time they had been living at Oakura, some for a number of years, many for a number of decades. Since 1991, the population of Oakura has increased by 471 persons from 1,068 to 1,539¹⁷, an average of 28 persons per year. In recent years 2006 to 2018¹⁸ the average dwelling occupancy has remained steady at 2.7 persons. This data clearly shows that the Oakura community has grown over time and at a rate which, has not resulted in any apparent significant adverse social impacts.
55. With regard to the likely rate of change under the reduced scheme, if all of the 33 lots within Stage 1 of the Wairau Subdivision are sold in the first two years it is very unlikely all will be built on in that first two years. Following land purchase, it typically takes 12-18 months for a house to be designed and built, and lot owners will each have personal circumstances that determine not all will have construction underway at the same time. Availability of builders and other trades will also influence the timing of construction. If all 33 lots within Stage 1 had dwellings built on them and occupied within three years of Stage 1 subdivision approval, the average rate of population increase over the period would be 29.7 persons per annum, assuming no other significant subdivision activity at Oakura. This rate of population increase is commensurate with the recent historic average.
56. As already described, the Oakura community has been extensively consulted in the recent past through largely self-manged processes supported by the Council. The community's aspirations and preferences have been well-expressed and well-documented through the outputs of

¹⁷ Census 2018

¹⁸ Census 2006, 2013, 2018

the *'Oakura – A Growing Community' 2016* and *'Kaitake Community Board Plan – A Thirty Year Vision' 2017*.

57. The underlying preference expressed in these documents is not for 'no growth' but for managed growth at a rate that the community and its facilities can absorb and adjust to as that growth occurs. It is my view that the scaled-down proposal and its proposed staging aligns well with the community's preferences and aspirations as expressed through the non-statutory planning documents while also being consistent with, and giving effect to, the Operative District Plan provisions for growth at Oakura.
58. To help to ensure the community is well informed about growth as it is occurring at Wairau Estate, and to provide a feedback loop to the Council to assist in the identification and monitoring of any adverse social impacts of a more than minor nature that are attributable to Wairau Estate should they arise, it is proposed that a community development liaison group be established with representatives from the key stakeholder groups.
59. The liaison group would comprise of representatives from the Kaitake Community Board (2), the School (Principal and a Board Trustee), Mana Whenua (2), the Applicant (2) and Council Planning Officers (2). The Group would be facilitated by a Councillor appointed by the Mayor/Council. It would meet at least six-monthly during the First Stage (first two years) of the development, and thereafter annually, and/or on an 'as required' basis should any stakeholder request a meeting be convened.
60. To give effect to the community development liaison group within the District Plan framework the following amendments to Private Plan Change PLC 18/00048 would be appropriate:

Method of Implementation 23.8 – add a method as follows:

- (i) *The COUNCIL will convene a community development liaison group comprised of representation from the Kaitake Community Board (2), the Oakura Primary School (Principal and a Board Trustee), Mana Whenua (2), the Applicant (2) and Council Planning Officers (2). The Group will be chaired/facilitated by a Councillor appointed by the COUNCIL. The purpose of the group will be to identify and monitor any adverse social impacts of a more than minor nature attributable to Wairau Estate should they arise. The group to meet at least six-monthly during the First Stage (first two years) of the development of Wairau Estate, and thereafter annually, and/or on an 'as required' basis should any stakeholder request a meeting be convened.*

Reasons 23.8 – Add the following reason:

While being long identified as a growth area, Oakura has not experienced greenfields expansion for a number of decades. To help to ensure that growth occurs in accord with community preferences, that is, staged and managed and that avoids rapid expansion, implementation of the Wairau Estate Structure Plan will be managed through District Plan rules controlling subdivision through staging. A community-based development liaison group will help to ensure any adverse social impacts of more than a minor nature attributable to Wairau Estate are identified at an

early stage and monitored. This, in turn will provide the Council and other relevant agencies with early information that might otherwise not be available to assist with informed decision-making and the taking of any necessary action.

61. Following the adjournment of the PPC048 hearing (26 July 2019) the following information was requested from the New Plymouth District Council.

It would be appreciated if you could advise as to whether or not Social Impact Assessments have been, or are to be, undertaken in respect of any the following plan changes and resource consents:

Plan Changes:

PPC18/00049 – Johnston St Waitara Rezoning (110-lot Private Plan Change)
 PLC10/00025 - Rezoning of Rural Environment Areas on Cowling Road, Tukapa Street and Frankley Road, New Plymouth to Residential A Environment Area

PLC09/00020 - Rezoning of Bell Block Area Q Rural Environment Area to Residential A Environment Area and Application of Future Urban Development Overlay to Area R (100ha zone change with potential for 1,000 lots)

PLC09/00015 - Future Urban Development Overlay (various locations through the District including Oakura FUD West and South.)

Resource Consents

LUC 18/47403 – Green School, 356 Koru Rd, Oakura – a 200-student school (primary, intermediate and high school) located in the Rural Zone. (6kms from Oakura with no onsite residential accommodation)

LUC 17/47175 - Bluehaven Commercial Ltd, 662 Devon Rd, Glen Avon, New Plymouth – a mixed-use commercial activity including hotel, multiple cinema complex, 5x large format retail and 30 speciality retail spaces, all with onsite carparking.

The response from the Council was that none of the listed Plan Changes or Resource Consents have been or are to be subject to Social Impact Assessments.¹⁹

62. It is evident SIA's have not been seen to be a necessary precursor to many significant landuse decisions granted by the Council in recent times. Social Impact Assessments (SIA) are usually undertaken at the beginning of the planning process. If a SIA was to have been undertaken at Oakura, the time for that was in 2009 when the Further Urban Development Plan Change introducing FUD West and South at Oakura was proposed. The Council of the time, its planning officers nor the local community considered such an assessment was necessary. It would now be setting the bar very high indeed if Oakura Farm Park Ltd, a private applicant, was to be required to undertake a SIA, given the response that the applicant has made to the concerns raised by submitters regarding perceived potential social impacts.
63. The rate of increase in the local population consequent on the reduced scheme and its District Plan controls will be no more uncertain or insufficient as to information than any other greenfield urban development typical in the District. Further, the Wairau Estate Structure Plan provisions now proposed will enable the Oakura community to grow at a rate similar to the historic low growth rate that it is accustomed to and that will enable the community to absorb and adjust to the growth as it occurs with any social impacts likely to be minor or less than minor.
64. With the reduced (123-144 lot) scheme now proposed, together the managing of growth through the proposed District Plan staging rules specific to Wairau Estate together with the proposed Development Liaison

¹⁹ Email – NPDC (Wesney) to Comber – 2 October 2019

Group I am of the view any prospect of actual or perceived negative social impacts will or are able to be avoided remedied or mitigated. Furthermore, I consider that the commissioners have a sufficient body of evidence from submitters against which to evaluate my conclusion.

65. I am of the view that the assessment of social effects undertaken within the Request²⁰ together with the subsequent evidence available to the Commission is at ‘...a level of detail that corresponds to the scale and significance...’²¹ of the social effects that might reasonably be anticipated from the implementation of the Request, and particularly now, in its much reduced scale. To now call for a specialist Social Impact Assessment in the absence of any evidence pointing to likely significant adverse social effects would be a disproportionate response, having regard to any likely benefits and costs from undertaking such an exercise.
66. In the New Zealand planning context SIA’s are typically undertaken for projects of an order of magnitude far greater than the subject plan change. Notable examples of projects where SIA’s have been commissioned in recent times include Auckland Council Drury South Plan Changes (a new structure plan to enable a 361ha site to be rezoned from rural to light and heavy industry, open space/stormwater management areas and roads); Hawkes Bay’s Ruataniwha Water Storage Scheme, (to provide irrigation to 470 farms greater than 10 ha to benefit dairy, sheep and beef and arable farming and intensified horticulture); Auckland’s Waterview Arterial Rooding Connection Proposed Plan Change; Taranaki’s State Highway 3 Mt Messenger Bypass/Tunnel project; and the Hamilton City Ruakura Development Proposed Plan Change (a site of some 616ha to provide for

²⁰ Request – Part 4 – s32 Evaluation Report pgs. 20-34

²¹ RMA s32 (1) (c)

'inland port' freight handling and distribution facilities, light industry, new residential, two retail centres, open spaces, parks and cycleways etc).

67. Commissioning a Social Impact Assessment for a plan change that proposes to provide 144 residential lots in an existing community of 1,500 persons where the release of lots for development will be approximate to the historic rate of growth does not warrant the commissioning of a Social Impact Assessment.

WATER SUPPLY

68. The Applicant has been under some difficulty with the everchanging (and uncertain) data the Council has been providing throughout this Request process regarding water supply capacity together with the changing allocation recommendations being made through the s42A Reporting process.
69. Through the s42A Response report we are now advised that the recommended allocation to FUD South is for 86 lots.²² I will now comment on several matters relating to the allocation issue:

Yield Analysis

70. It is of concern that the yield analysis methodology preferred in the s42A reporting is that of the Housing and Business Development Capacity Assessment when that same Assessment acknowledges the limitations (i.e. inaccuracy) of its assessment method and that ground truthing will be required to arrive at more accurate lot yield numbers.

²² Erratum dated 3 October 2019 to s42A Response Report

71. Two surveyors, working independently, have undertaken contour analysis of FUD South and FUD West and have arrived at similar yield figures. This evidence has been presented to the Commission by the respective surveyors, Mr S Kiss and Mr L Doy.
72. Adopting (in part) Mr Doy's Table 1 from his supplementary evidence the yield comparisons are as follows:

	HBA (NPDC) (Lots)	Alan Doy (applicant's surveyor) (Lots)	Stefan Kiss (submitting surveyor) (Lots)
Oakura West FUD	355	283	295
Oakura South FUD	117	125	107-129
Totals	472	408	402-424

73. It is clear from the surveyors' analysis using ground contour information and local knowledge that the HBA significantly overestimates the lot yield of West FUD.
74. If the proportional allocation approach is to be accepted it is suggested the following yields should be adopted:

	Preferred Yield Analysis (Lots)	Comment
Oakura West FUD	295	Conservative approach
Oakura South FUD	125	Within the range provided by Mr Kiss
Total	420	

75. Taking the s42A proportional approach the allocation would be as follows:

	Preferred Yield Analysis (Lots)	Allocation by percentage	Proportional Allocation (of 334 Lots)²³
Oakura West FUD	295	70%	234
Oakura South FUD	125	30%	100
Totals	420	100%	334

76. In summary, the Allocation to FUD South would be 100 lots/dwellings, based on the more accurate yield analysis of the two surveyors’.

The Proportional Allocation Approach

77. The underlying assumption to this approach is that West FUD will be developed while the water supply capacity is still constrained. This approach is flawed. The West FUD land is just that and will require to be rezoned from Rural to Residential ahead of any residential development.

78. The recently notified Proposed District Plan shows the FUD West is to remain as such. In the circumstances it has to be assumed that the Council is of a mind that the land will not be required for residential development for the life of the ‘new’ Plan, i.e. 10 years from the date it becomes operative. And I would suggest the Operative date is at least two years into the future, given the most optimistic of plan development process scenarios. If the present owner of FUD West was to choose to initiate a private plan change say during 2020, based on present experience, it would

²³ Erratum dated 3 October 2019 to s42A Response Report

be, at best, three years before the rezoning process was completed and the land available for development, i.e. 2023/24.

79. The more immediate potential call on the water supply for FUD West relates to a non-complying subdivision consent granted to the present owner in January 2012, over 7 years ago. This was not given effect to and was subsequently granted an extension through to January 2022. My understanding is that the grantee (who has been in ownership some 25 years) has little appetite to proceed with subdivision anytime soon, and is unlikely to proceed at all.
80. In summary, it is my view that there is no need for a proportional allocation between FUD West and FUD South of the currently available water supply as recommended in the s42A Report. The constraint on supply has to be seen as temporary in nature as the Council is in the process of establishing a second well to augment the existing supply. It also has to be expected that the Council will, in the near term, initiate investigations to determine and eliminate the cause of the 'leakage' of some 371 litres per connection per day in the Oakura supply.
81. In summary, there is adequate reticulated water supply capacity to service the FUD South Wairau Estate 144-lot proposal over the likely duration of its staged development (which is likely in the order of 10-15 years) and any near-term development that might occur in FUD West. It is all a matter of timing. The Council is obligated to ensure water supply is available to all of the potential lots within FUD West and FUD South and with work currently underway is using its best endeavours to deliver on that.
82. To endeavour to ration the water supply in the manner proposed is an unnecessary and unjustified planning intervention.

CONCLUDING COMMENTS

83. This evidence is limited in scope to that specified in Para 1 and should be read together with the PLC18/048 Request, and the evidence and supplementary evidence that I presented to the Commission in July 2019.
84. The reduced scope of the Plan Change (from 310 lots to 144 lots) responds to the concerns of submitters in respect of the original scale of the Request. The further expert evidence in respect of landscape, traffic and stormwater demonstrates site suitability for transition from rural to residential development as contemplated by the Future Urban Development (FUD) provisions at Oakura.
85. The rate of development now proposed will be in line with the historic rate of growth at Oakura and any adverse social impacts will be limited to the existing community being able to adjust to having new residents in their midst; this will occur at a rate that most similar communities in New Zealand have historically been able to cope with and without social disruption. The community development liaison group will help to ensure the community is kept informed as development progresses and any significant social impacts attributable to Wairau Estate are able to be identified and monitored, and where required, acted upon.
86. There is adequate business zoned land at Oakura to meet the future anticipated needs of Oakura township and the school has adequate capacity to accommodate predicted roll growth.
87. The Wairau Estate will provide more than sufficient passive and active open space for the needs of its residents and the area will be well

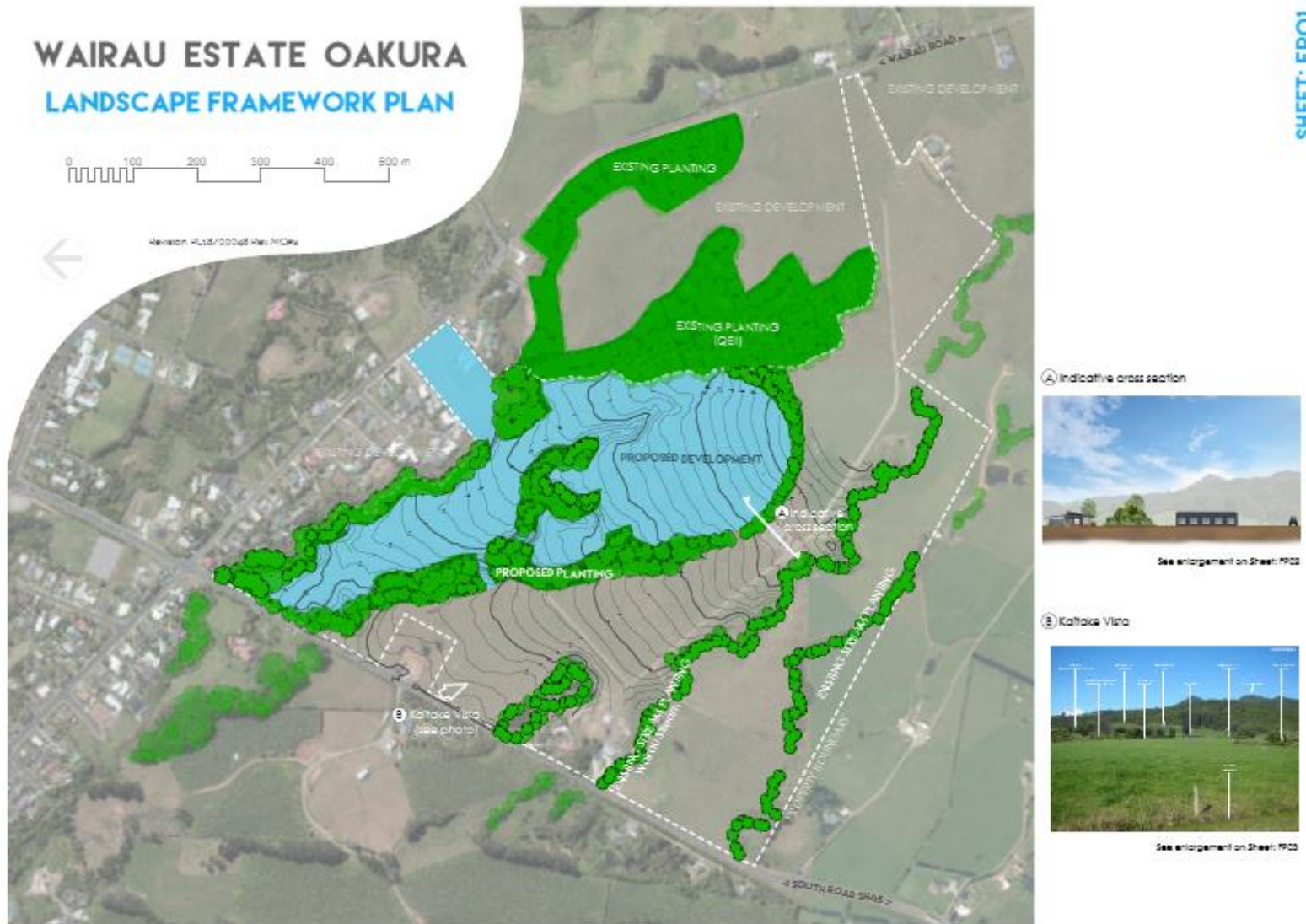
connected by roads and walkways to provide multi-modal options for movement about the Estate, to and from the township and beyond. There is sufficient infrastructure capacity in water supply and wastewater to service the requirements of Wairau Estate. Stormwater can be well managed in accord with current best practice.

88. The reduced scale will result in development being at a greater distance from the National Park boundaries than originally proposed; this is positive in the context of any cultural concerns and also in respect of indigenous biodiversity within the Park. The reduced scale has resulted in a greater continuity of green space being able to be achieved which in turn will provide an enhanced wildlife corridor between the Mouna and the coast.
89. Growing the population at Oakura in line with the community's well-documented aspirations will not only contribute to local social and economic wellbeing but will also contribute to community vibrancy and resilience.
90. In its reduced form the proposal continues to be deliver on the Objective and Policy of Issue 23 of the Operative District Plan in respect of the need to comprehensively plan for future urban development.

Colin Comber

11 October 2019.

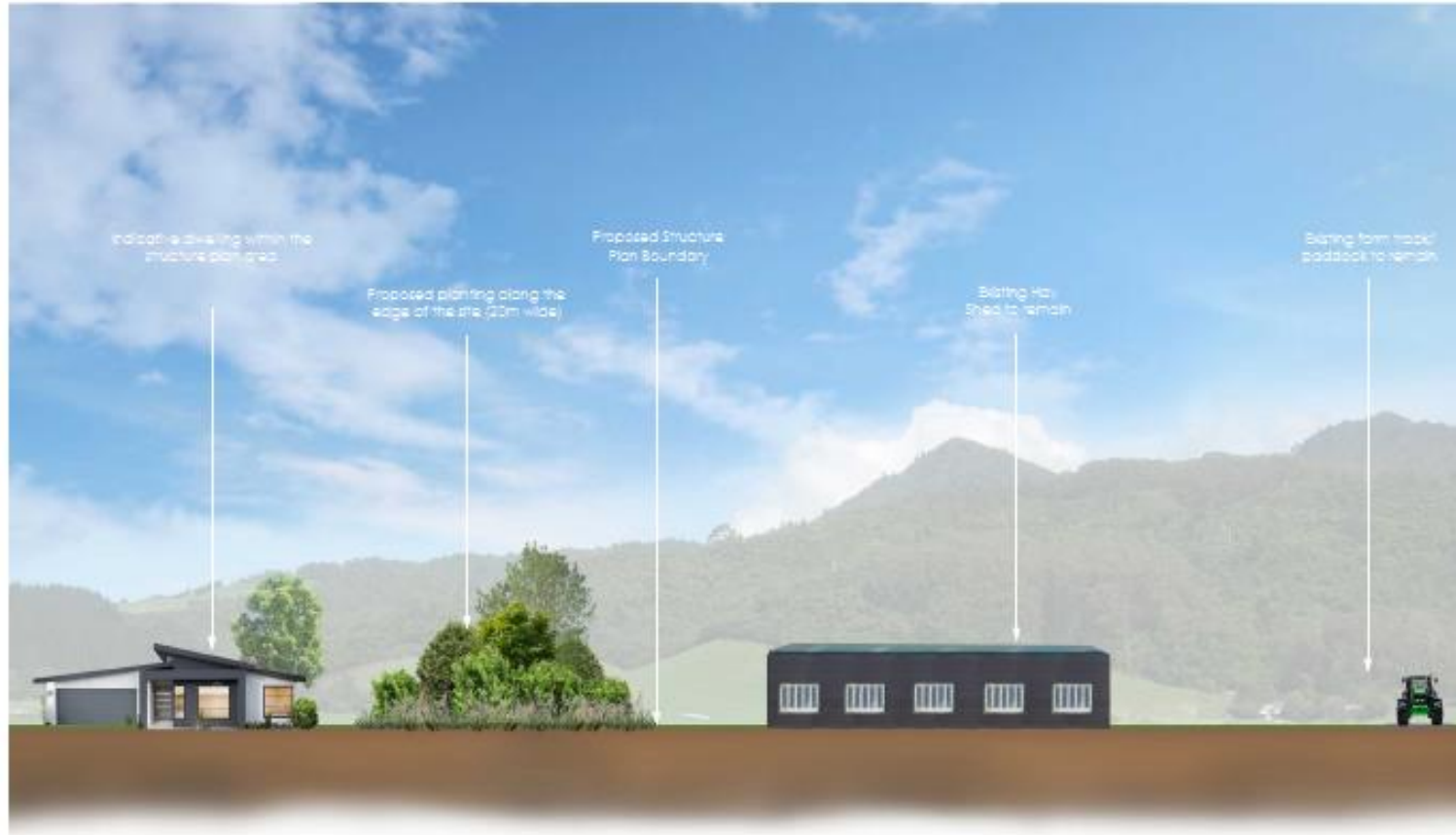
APPENDIX A – LANDSCAPE REAPPRAISAL (SHEETS FP01 – FP03)



WAIRAU ESTATE OAKURA

INDICATIVE CROSS SECTION

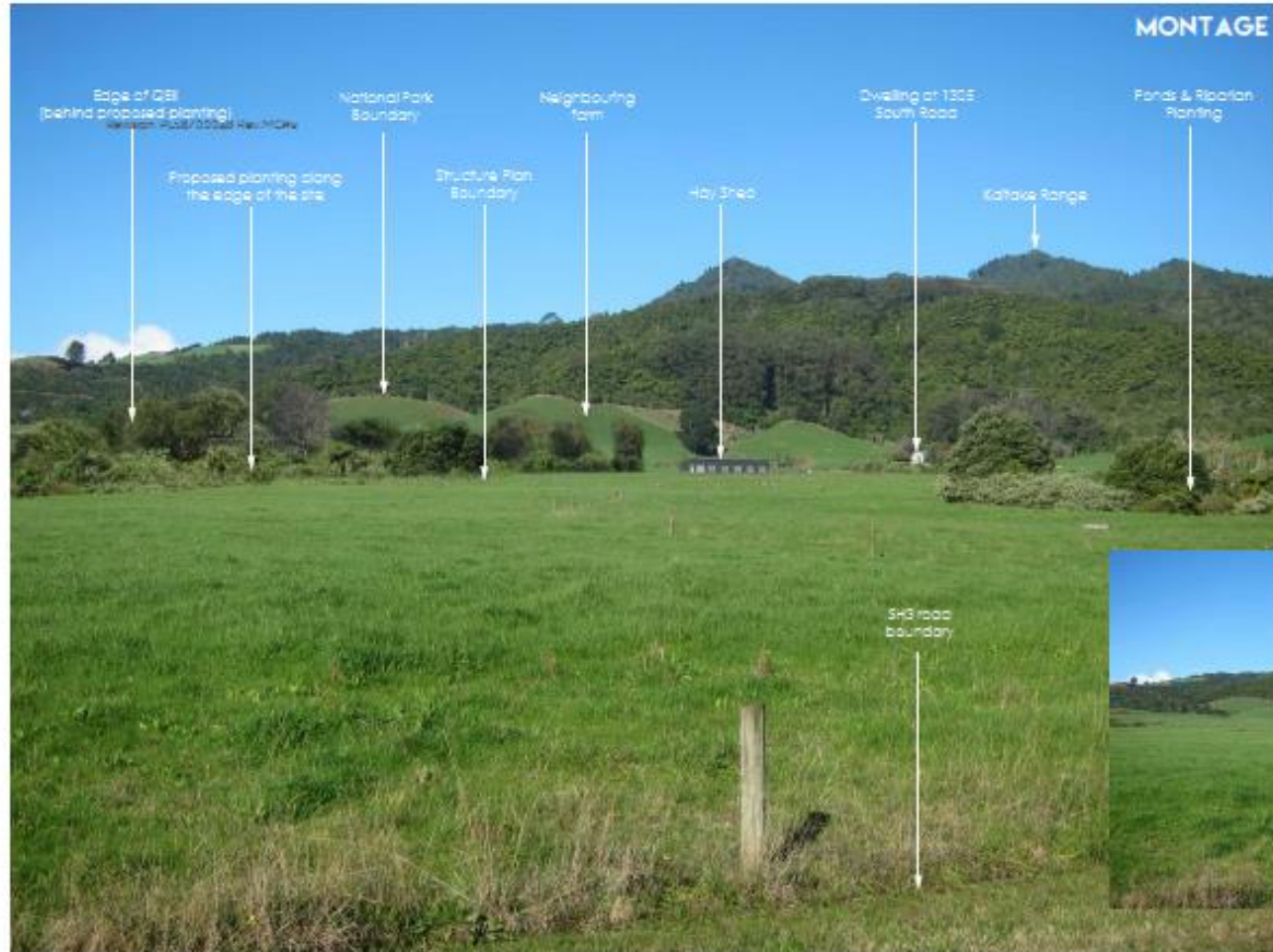
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WAIRAU ESTATE OAKURA

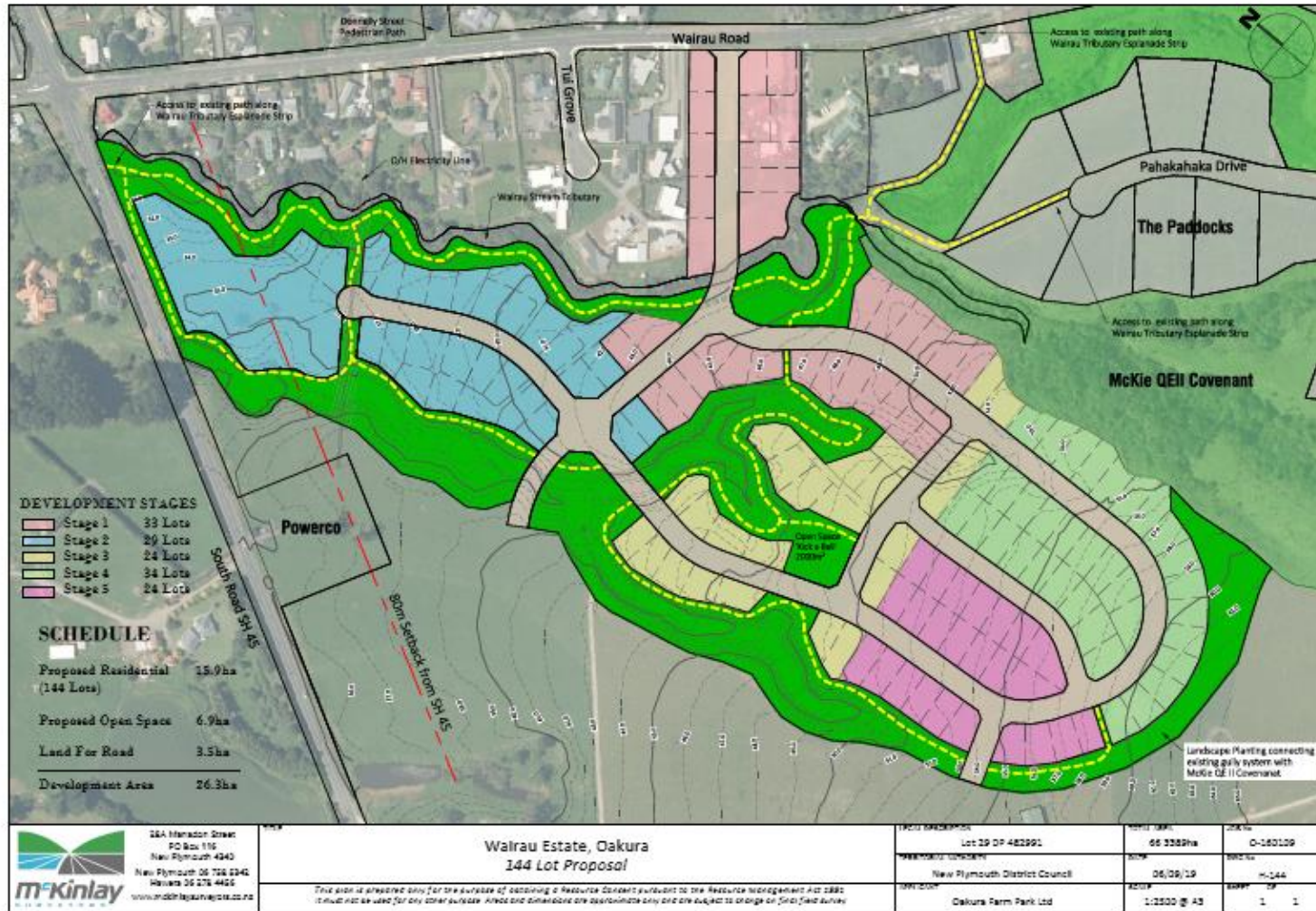
KAITAKE VISTA (MONTAGE)

SHEET: FPO3

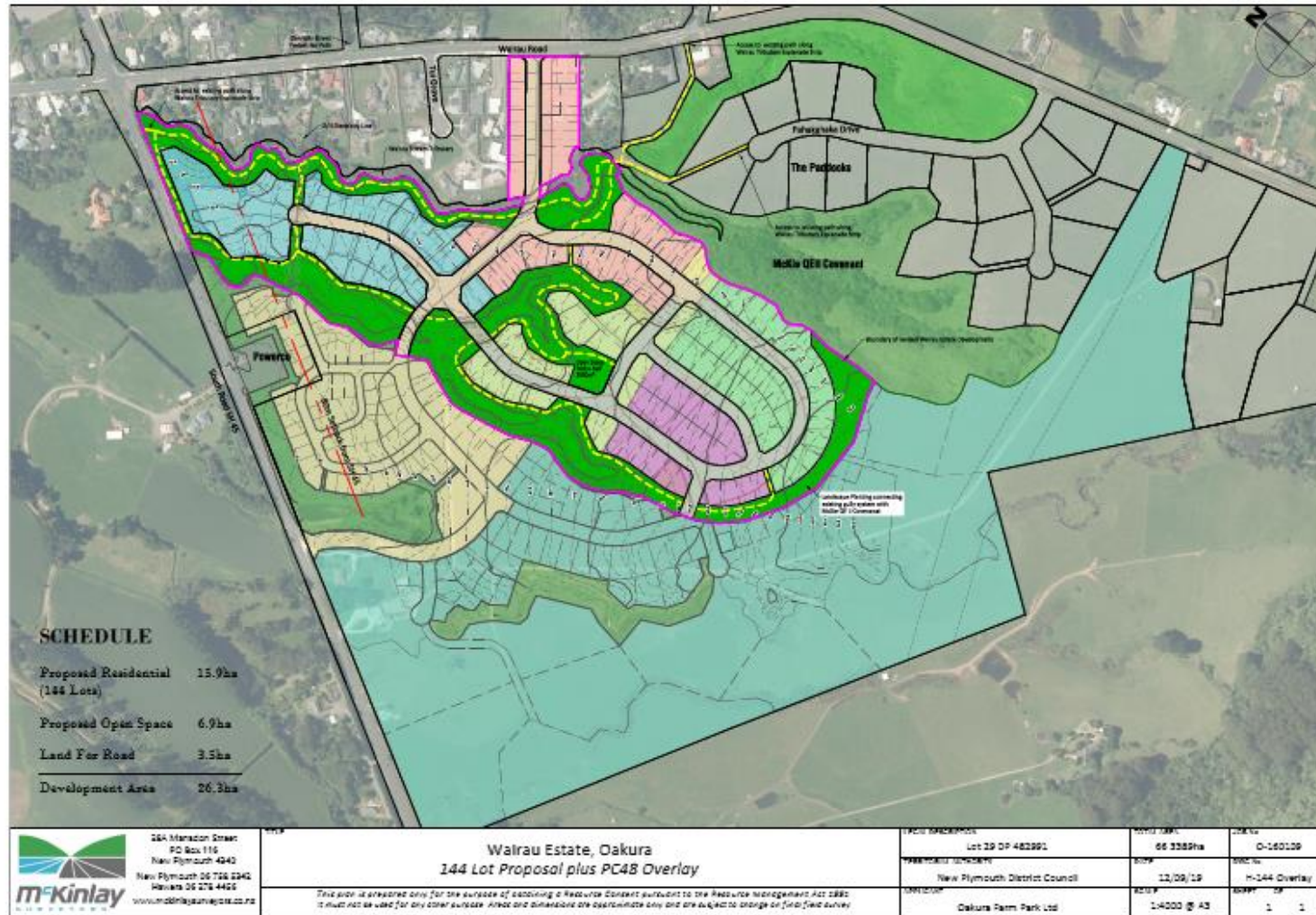


Photograph from SH3 looking towards Kaitake Range
Date of Image 2 & 19

APPENDIX B.1 – REDUCED SCHEME - INDICATIVE ROADING, OPEN SPACE AND DEVELOPMENT STAGES ETC.



APPENDIX B.2 – ORIGINAL SCHEME WITH REDUCED SCHEME OVERLAID



APPENDIX C- STRUCTURE PLAN – REDUCED SCHEME

APPENDIX D - OVERLAY RULES TO CONTROL THE STAGING OF DEVELOPMENT – REDUCED SCHEME

Rule No.	Parameter	Conditions Permitted	Standards and Terms Controlled		Matters over which control is reserved	Assessment Criteria COUNCIL has <u>restricted</u> the exercise of its discretion to these matters for <u>land use consents</u>
WAIRAU ESTATE STRUCTURE PLAN AREA						
OLXX	development and/or subdivision within the Wairau Estate Oakura Structure Plan (Appendix 32) Stages 1: no timing restrictions. Stage 2: commencement of the development of Stage 2 is restricted for a period of no less than two years (24 calendar	Stage 1 - n/a	n/a	n/a	n/a	1) The extent of non-compliance with the Wairau Estate Oakura Structure Plan and how this affects the future comprehensive and integrated development and/or subdivision of the structure plan area and environmental outcomes including: - The degree to which the comprehensive and integrated development and/or subdivision of all the land within the Wairau Estate Oakura Structure Plan area can still be achieved where the development of Stage 2 and each subsequent Stage is proposed ahead of less than 75% of the lots
		Stage 2 – n/a	n/a	does not meet the conditions for a permitted activity	n/a	

	<p>months) from the date of the consent/ approval of the scheme plan of subdivision for Stage 1.</p> <p>Stages 3: development of Stage 3 shall not commence until such time as no less than 75% of the lots created on subdivision within Stage 2 have been sold by the subdividing owner with proof of transfer of ownership being evidenced by receipt of notification of the transfer of</p>	<p>Stages 3, 4 and 5: 75% of the lots created on subdivision within Stage 2 and, in numerical sequence, each subsequent Stage, have been sold by the subdividing owner with proof of transfer of ownership being evidenced by receipt of notification of the transfer of ownership by the COUNCIL.</p>	<p>n/a</p>	<p>does not meet the conditions for a permitted activity</p>	<p>n/a</p>	<p>within Stage 1 having been sold and transferred into separate ownership;</p> <ul style="list-style-type: none"> - The degree to which comprehensive and integrated infrastructure provisions are co-ordinated within the Wairau Estate Oakura Structure Plan area. - The degree to which site-specific characteristics of the Wairau Estate Oakura Structure Plan area have been addressed in the design and layout of the development and/or subdivision. - The degree to which the rate of development may result in adverse social impact on the Oakura community. <p>2) The existing and forecast capacity of essential community infrastructure including schools and preschool facilities and recreational facilities.</p> <p>3) Financial contributions.</p>
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	<p>ownership by the COUNCIL.</p> <p>Stages 4 & 5: development of each of Stages 4 and 5 shall not commence until such time as no less than 75% of the lots created on subdivision of each preceding Stage have been sold by the subdividing owner with proof of transfer of ownership being evidenced by receipt of notification of the transfer of ownership by the COUNCIL</p>					
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Note 1: The above sequencing of development applies to the ‘Wairau Estate, Oakura 144 Lot Proposal’ development plan as prepared by McKinlay Surveyors – Ref: Job O-160109 Drawing H-144 dated 6 September 2019.

Note 2: The sequencing of development is to proceed in the numerical order of the Development Stages as set out on the above referenced development plan.

Appendix D – Memorandum of Understanding

MOU Final – 2018 10 15

Memorandum of Understanding

Between

Oakura Farm Park Limited, as landowner and developer

And

Ngati Tairi Hapu, as Mana Whenua

The parties to this Memorandum wish to record, in acknowledgement of matters of cultural importance to Ngati Tairi Hapu, the following:

1. The relationship between Ngati Tairi Hapu and Oakura Farm Park Ltd (OFPL) extends back prior 2010 when OFPL commenced consultation with Ngati Tairi Hapu in respect of the then proposed rural-residential development of part of OKPL land now known as 'The Paddocks'.
2. Oakura Farm Park Limited (OFPL) is now seeking the approval of the New Plymouth District Council by way of a Private Plan Change Request to rezone its land at Oakura from Rural to Residential and Rural Lifestyle. The development will be known as 'Wairau Estate'. The extent of the OFPL land subject to the Plan Change Request is shown on the attached plan titled 'Wairau Estate Oakura Structure Plan'.
3. Oakura Farm Park Ltd informed Ngati Tairi Hapu of its Wairau Estate development proposals commencing in May 2016 and provided a copy of the preliminary Vision Statement and Structure Plan at that time. The parties have had several meetings over the intervening period whereby OFPL has kept Ngati Tairi Hapu informed of progress in developing up the Wairau Estate proposal.
4. In 2017 Archaeologist Ivan Bruce of Archaeological Resource Management undertook an archaeological assessment of the Wairau Estate land. A copy of his March 2017 report has been provided to Ngati Tairi Hapu. Mr Bruce's reported concluded as follows:

15.1 Archaeological Resource Management was commissioned by Oakura Farm Park Ltd to undertake an assessment of the proposed Wairau Estate, at Oakura, New Plymouth. No archaeological sites have previously been recorded within the proposed development and no archaeological evidence was noted during the pedestrian survey. However, as it is reasonable to expect unrecorded archaeological evidence may exist subsurface within the proposed estate, this report recommends that all earthworks are undertaken under a general authority granted by the HNZPT. It is my considered opinion that if the HNZPT archaeological authority process is followed, Oakura Farm Park Ltd will have recognised and provided for the protection of historic heritage from inappropriate use and development as outlined in section 6f of the RMA.

5. OFPL now records that it will obtain a General Authority pursuant to the Heritage New Zealand Pouhere Taonga Act 2014 prior to the commencement of any earthworks that may be undertaken, in due course, as part of the Wairau Estate development and will look to Ngati Tairi Hapu to participate in the supervision and monitoring of such earthworks so enabling the exercise of its kaitiakitanga over the area.

6. Ngati Tairi Hapu have identified a number of matters that they request be addressed as part of Wairau Estate development. These are:

- a. That the disposal of storm water within the proposed development area during the development phase and subsequently upon completion of the development will not adversely impact instream values of the streams and water bodies within the development area.

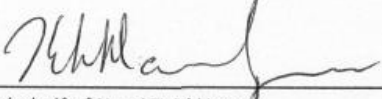
In response, OFPL places on record that it will use its best endeavours to ensure that OKPL and its contractors and other agents take due care to preserve and where practical enhance the instream values of the streams and water bodies within the development area. In support of this undertaking, OFPL undertakes to obtain all necessary consents from the New Plymouth District Council and Taranaki Regional Council in respect of the discharge of stormwater to water and land and in the control of sediment. For the avoidance of doubt, it is also recorded here that Wairau Estate will be reticulated for the disposal of sewage to the Council's public reticulation network.


- b. OFPL offers to Ngati Tairi Hapu the opportunity to recommend to the New Plymouth District Council the name to be given the Wairau Estate primary loop road on the understanding such naming will be reflective of the early (mana whenua) history of the locality.
- c. So as to provide a tangible sign of its mana whenua over the general locality that includes but is not limited to The Paddocks and Wairau Estate, the Hapu wishes for a stone sculpture to be placed on land set aside for open space reserve from The Paddocks development in Upper Wairau Road. The parties now agree the following matters:

- i. OKPL will make suitable land available on which to locate a stone sculpture;
- ii. The sculpture will be located to the mutual satisfaction of both parties;

-
- iii. The sculpture will be designed and carved by Ngati Tairi Hapu or by such persons as it engages to undertake such work;
 - iv. OFPL and Ngati Tairi, working together, will source suitable rock/stone for the sculpture;
 - v. OFPL will fund either wholly, or partly in conjunction with funding from the New Plymouth District Council Heritage Fund, the supply of the required rock/stone, and the transport and the design and carving of the stone sculpture. OFPL will assist Nga Tairi Hapu to prepare a joint funding application to the Council.
 - vi. All costs to be identified and agreed by the parties before the commencement of the stone sculpture project.
- d. Out of concern for discouraging persons from entering onto the Pahakahaka Pa site (HPT Ref: P19/340) and QEII covenanted area located between The Paddocks and Wairau Estate, OFPL agrees to, in conjunction with Ngati Tairi Hapu (and the New Plymouth District Council and Taranaki Regional Council as appropriate), design and have installed suitable signage identifying the cultural significance of the Pa site and environs.
7. Ngati Tairi Hapu will prepare a Cultural Impact Assessment in relation to the OFPL land that will be subject to the Wairau Estate Private Plan Change Request. The Assessment will address the historical relationship of the Hapu within the Wairau Estate Structure Plan Area, identify any water, sites, waahi tapu and other taonga within the Area and provide advice/recommendations/guidance to OFPL to enable OFPL to avoid or mitigate matters that may be of concern to the Hapu. OFPL will meet the reasonable costs of the Hapu in the preparation of the Cultural Impact Assessment.
 8. In conclusion the parties agree that this Memorandum of Understanding be tended as evidence before the New Plymouth District Council appointed Commission in the forthcoming hearing of the Private Plan Change Request.

Signed this 19 day of October 2018.

 chairman Oakura
On behalf of Ngati Tairi Hapu


Mike McKie, Director on behalf of Oakura Farm Park Limited


Witnessed by Colin M. Comber, Planning Consultant, New Plymouth

