

BEFORE COMMISSIONER MARK ST. CLAIR APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL

UNDER

the Resource Management Act 1991 ("RMA")

IN THE MATTER

of an application under section 88 of the Act by **ROBE AND ROCHE INVESTMENTS LIMITED** to the **NEW PLYMOUTH DISTRICT COUNCIL** for a subdivision to create 113 residential lots and additional road and recreational reserves at 56 Pohutukawa Place, Bell Block. (SUB21/47803)

STATEMENT OF EVIDENCE OF BENJAMIN CHARLES HAWKE ON BEHALF OF ROBE AND ROCHE INVESTMENTS LIMITED

1. INTRODUCTION

- 1.1 My full name is Benjamin Charles Hawke. I am a Director of Robe and Roche Investments (the applicant). The other Directors are my business partner Rodney Roebuck, and my brother David. Robe and Roche Investments was established in January 2020 for the purpose of applying for resource consent, and developing the subject site (subject to consent being granted).
- 1.2 Members of my family have lived in Taranaki since 1997, when they moved to New Plymouth from the Manawatu. My father, Rocky, formed a building company, KoDesign, and focussed on the construction of predominately large scale Rotary dairy sheds for PKW (Parininihi ki Waitotara), Landcorp, and local farmers. In approximately 2006, KoDesign purchased the local G J Gardner franchise for Taranaki bringing another offering of value-based home building to the New Plymouth and Taranaki region. I worked alongside my Dad throughout these years and in 2011 completed my building apprenticeship, always with a view of taking over the business - as I could see the potential for the growth and development of the area. In 2016, I purchased KoDesign, as well as the G J Gardner franchise with my business partner, Rod Roebuck. My role in both companies is Managing Director.
- 1.3 Our family and businesses have a long and proud history of sponsorship and investment in Taranaki. Our local G J Gardner franchise has partnered with

the Taranaki Foundation to form the G J Gardner Taranaki Homes Fund. Through the Fund, we support the Special Children's Extravaganza and The Heart Kids Foundation. We have been one of the biggest fundraisers for the Taranaki Cancer Society, and remain the session sponsor for the New Plymouth Operatic Society for four years running, as well as numerous schools and individuals within the region. We have been involved in seven very successful residential land developments in Taranaki, which have enabled people to live in warm, dry, healthy homes at an affordable price.

- 1.4 I am also a Director of Seaport Land Company, which is leading the ambitious redevelopment of the Ex-Fonterra Coolstores site near Port Taranaki.

2. BACKGROUND TO THE PROJECT

- 2.1 In 2019 I started discussions with the owners of 59 Pohutukawa Place, Warren and Claire Bolton, with a mind to leading the development of the land for residential housing.
- 2.2 My reason for doing this was to secure sections and land to ensure that GJ Gardner had land ahead of us on which to build houses, and I knew the land had been zoned Residential for many years; but, I was also aware that the Waipu Lagoons and cultural landscape added complexity to the site.
- 2.3 An agreement was reached, and the first stage is to secure the necessary consents for the subdivision and development of the land.
- 2.4 The application was lodged in May 2021, and further information provided, to the point where the application was publicly notified on 22 February 2023.

3. CODE OF CONDUCT

- 3.1 In addition to being the applicant, I have experience and expertise as a builder, business owner and land developer, predominantly in New Plymouth. In that context I, therefore, confirm that I have read the Code of Conduct for expert witnesses contained in the 2023 Environment Court Practice Note and that I agree to comply with it where relevant. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

4. PURPOSE AND SCOPE OF EVIDENCE

4.1 In my evidence, I will discuss;

- (a) Why Robe and Roche wants to develop this land, and the goals and aspirations for the Pohutukawa Place site.
- (b) How we see the site being developed, and the timing and sequencing of activities to develop the land.
- (c) The consultation undertaken with Puketapu Hapū.
- (d) Changes we have made to the project in response to submissions and through discussions with the New Plymouth District Council.
- (e) A response to other submissions, as relevant.
- (f) A response to the Council Officer's s42A Report, and comments on the proposed conditions of consent.

5. OUR REASONS FOR THE DEVELOPMENT

- 5.1 This land was identified for development because it is one of the last large tracts of residentially zoned land where housing development can be achieved at scale in New Plymouth.
- 5.2 The land is in an excellent location, and has the appropriate zoning.
- 5.3 For the last 7-8 years GJ Gardner has struggled to find suitable and sufficient sections ahead of our housing construction business to meet demand in New Plymouth district.
- 5.4 My experience shows that development at scale is significantly more efficient, and, therefore, cost effective, than smaller, one off infill site developments.
- 5.5 The goals and aspirations for the Pohutukawa Place site are to unlock this land for greenfields residential development, and provide housing for the New Plymouth community and people in the most cost effective way possible. Through our companies, we want to continue to bring well designed houses to the market that are suitable and as affordable as possible for our customers, and the community of New Plymouth.
- 5.6 While I see the symptoms of our local housing shortage every day, this was often dismissed as just being my 'gut feel' and I felt like I was being

dismissed as 'another winging developer'. So, in 2023, I engaged Ben Lawn of McKinlay Surveyors, to undertake some work for me to review the NPDC Housing Development Capacity Assessment¹. This provided evidence, which the NPDC has subsequently accepted and started to act upon, that there is a significant shortfall between what the NPDC has calculated New Plymouth requires, and what is 'plan enabled and infrastructure ready' in the New Plymouth District. Ms Hooper provides detailed evidence about this problem and the assessment undertaken.

- 5.7 Based on both my experience, and Mr Lawn's and Ms Hooper's analysis, there is no doubt in my opinion that New Plymouth has a significant housing shortage, and the NPDC's currently zoned residential land is insufficient to meet the needs of our current or future communities.
- 5.8 I also engaged Mr McIlrath to prepare an Economic Report which supports my views that the location of the development is ideal, and in fact, is needed in Bell Block to support the growing demand.
- 5.9 Mr McIlrath also identifies in his evidence that ensuring that the local residential construction sector can respond to the anticipated growth is critically important; and, that our proposed development will have "substantial" positive effects for New Plymouth District and Taranaki Region². As the largest provider in New Plymouth's residential construction sector, this is my greatest concern. Without land to build on, I cannot sustain my business. I have already scaled down my team, and it is really hard to rebuild capacity. This development will give me some certainty to plan for the future, however, my message to the New Plymouth District Council is we need more, and we need to be able to bring residential land to the market much more quickly than this has occurred.
- 5.10 The development of Pohutukawa Place will improve housing availability. In my opinion it is critical that the project proceed to provide future housing, and to signal to other developers that New Plymouth is 'open for business', providing much needed confidence in the construction sector.
- 5.11 I will, however, be perfectly honest. This process has been slow, frustrating and extraordinarily expensive. If I had known how difficult the process of developing long standing residentially zoned land was going to be at the beginning, I wouldn't have taken it on.

¹ Required under the NPS-Urban Development, as New Plymouth is a Tier 2 city.

² Lawrence McIlrath, EIC, paras 5.1-5.9, 8.1-10.4.

6. SITE DEVELOPMENT

- 6.1 I thought it would be useful to explain upfront how we envisage the site being developed should the consent be granted, to provide some context and a sense of the timing of activities, and ultimately the occupation of dwellings.
- 6.2 Based on the consent being granted in mid 2025, in my experience it will be at least 18 months before titles are established for the first stage 6. Once titled, building can commence, and it will take at least a further year from title before the first dwellings are consented (under the Building Act for example), constructed and able to be occupied.
- 6.3 The next two stages of the subdivision would follow. Based on my understanding of the current market, and considering a 'best case' scenario, I would expect all titles and full construction and occupation of the subdivision in 6-8 years. A 'best -case' scenario would be 5 years if demand was high and everything went well.
- 6.4 Not all sites will be developed by GJ Gardner, and other building companies will be able to buy sections. Depending on demand, this could speed up development by 1-2 years, or conversely, slow it down by a similar amount.

7. CONSULTATION WITH MANA WHENUA

- 7.1 From the submissions received, it was clear that more work was required to reset the relationship with Tangata Whenua so that the land could be developed in a way that was consistent with their aspirations, and that respected the significant cultural connections they have with this whenua.
- 7.2 Te Atiawa communicated that they would support Puketapu Hapū through this process; and Sean Zeiltjes has fulfilled this role throughout discussions, with Kelly Moeahu, for Puketapu Hapū.
- 7.3 I have ongoing experience engaging with Ngati Te Whiti in relation to the Seaport development (Ngāmotu, New Plymouth) and adopted the same open and honest approach with Puketapu Hapū for this site.
- 7.4 Improving this relationship and adapting our project to respond to the cultural advice received from Puketapu Hapū, Te Atiawa has been a process and that I have taken on personally. Building trust in relationships takes time, and this has been one of the reasons why there has been a significant delay between the notification of the application and the application being heard by Council.

7.5 To provide some detail on the work that has been happening with Puketapu Hapū since the application was notified, there have been a lot of hui which have resulted in:

- (a) A Cultural Impact Assessment being prepared by Puketapu Hapū to inform the project. This was facilitated by the NPDC, as it is important for the wider area;
- (b) Revising the site layout to provide a road buffer between residences and the Lagoon reserve, and subsequent re-working of roading design and engineering;
- (c) Revising engineering design to ensure water balance is achieved, with the philosophy of keeping the volume of water that enters groundwater and the volume that exits as overland flow as close to what is currently occurring as possible, to avoid altering the volume and intensity of flows into the Waipu Lagoons;
- (d) Modifying the roading layout so that aspirations of PKW to future develop their adjoining site were not constrained;
- (e) Undertaking the archaeological investigations and assessments requested by Puketapu Hapū;
- (f) A set of conditions for the TRC consents that are agreeable to Puketapu, which are appended to Mr Lawns evidence.

7.6 The outcome I believe is positive for the development, and as a developer who wants to have a long legacy in our District, I hugely appreciate the input all major stakeholders have provided.

8. RESPONSE TO SUBMISSIONS

8.1 As a result of some of the submissions, there have been significant changes made to the project which I detail in the following paragraphs. I then respond to matters raised in other submissions where appropriate.

8.2 STORMWATER

PKW, Te Kotahitanga o Te Atiawa and Puketapu Hapū raised concerns about the impacts that stormwater runoff could have on the culturally sensitive Waipu Lagoons in their submissions. Similar concerns were raised by Forest and Bird, Fish and Game NZ, the Department of Conservation, the Puketapu

Community Board and a number of nearby residents³. The NPDC also determined that their consent application could not progressed until consents had been obtained from the Taranaki Regional Council (TRC) for stormwater discharges near the lagoons, which are natural wetlands. In response, and to support (and ensure Puketapu Hapū supported) the applications to the TRC, the following changes were made;

- (a) The original proposal showed residential allotments bordering on the reserve which contains the Waipu Lagoons. We have revised the layout of the development so that there is a roadway between residential lots and the reserve.
- (b) With changes to the road and section layout, revised engineering design has also been required to demonstrate that the volume and intensity of flows entering into the Waipu lagoons remains as close to what currently occurs as possible. Mr Bunn from Red Jacket Engineering provides specific details in his evidence and previously did so for TRC.
- (c) Changes to the design (from downstream defenders to rain garden systems), so that there are no direct discharges to the lagoons or any other natural waterway, with all stormwater entering soakage areas before discharge. Again, Mr Bunn from Red Jacket Engineering provides specific details in his evidence and previously did so for TRC.
- (d) Archaeology and the potential to uncover previously unidentified features was also raised as a concern by these parties. I rely on the evidence of Mr Bruce regarding these issues.

8.3 ROADING & SUBDIVISION LAYOUT

In their submission, PKW raised that one of their desired outcomes was for the connectivity of the wider area to be planned in more detail. In response and in discussion with the NPDC,

- (a) the roading layout has been amended to ensure connectivity is provided to and through the PKW block of land, and the February 2025 updated scheme plan (included in the Officer's Report) reflects this. This includes the provision for a future roundabout, which was not anticipated in the original application.

³ H&J Ashton, M Perrot, G Hight, N Hight

- (b) I understand the concerns about traffic, and our experts have described how our site fits in with the wider schedule of work in Bell Block. This can give us all confidence that the roading issues are being sorted out, and the roading amendments we have made should contribute to improvements over time as this area continues to grow.

8.4 ECOLOGY

- (a) Submissions from a number of parties identified the potential for any changes to the hydrology of the Waipu Lagoons to affect wildlife and indigenous habitats. This is largely addressed through the additional work undertaken to design the development so that significant alteration to flows are avoided; and in the evidence of Mr Shaw who I also engaged to assist with potential ecological issues.
- (b) Fish and Game sought greater separation between the residential allotments and the lagoons, with concerns about predation on wildlife from residential pet cats, and also the tendency for Pukeko to decimate residential gardens. This has been addressed by placing the roadway between the reserve and the residential allotments; and is addressed in Mr Shaw's evidence.

POSITIVE EFFECTS

- 8.5 A lot of people submitted in support of the application and these submissions reflect the exact same reasons why we want to do this development. Submissions in support mention things like:

- (a) New Plymouths, and New Zealands Housing crisis and the lack of good sections to build on here;
- (b) That it will provide quality homes for local people, and the lot sizes are generous and ideal for families;
- (c) Opportunities for employment, support of the trades sector, support of local businesses and keeping the expertise we have in New Plymouth here;
- (d) It will be good for the economy.

I agree with all of these points, and this is the reason why I believe granting this consent is so important.

OTHER COMMENTS

- 8.6 I have reviewed all of the submissions received and Mr Lawn (and my other consultant experts) will deal with specific matters in evidence on my behalf.

9. COUNCIL OFFICER REPORT

- 9.1 I have reviewed the Section 42A Report for the Application. Naturally, I strongly support the recommendation to grant the consent. I do not have any specific comments to make on the 42A report and support the comments made by my experts in this regard.

10. PROPOSED CONDITIONS OF CONSENT

- 10.1 I have reviewed the proposed conditions of consent. I largely rely on the experts I have engaged in relation to any specific concerns about these. However, as the party that will be required to comply with them I consider that the conditions, with the amendments outlined by my experts where necessary in their evidence, will be appropriate, and that they will be complied with.

11. CONCLUSION

- 11.1 In conclusion, I strongly believe that the development of this land for residential housing is essential for the future prosperity of New Plymouth, and can be done sustainably and in partnership with Tangata Whenua.
- 11.2 Robe and Roche has engaged expert consultants to assess, and where necessary modify, the proposal to ensure cultural, ecological and engineering matters (and all matters generally) are addressed appropriately.
- 11.3 Granting this application will unlock 113 sections, upon which quality houses can be constructed in a part of New Plymouth where there is high demand, good infrastructure, and on land which has been signalled for this purpose since the 1980's. These 113 sections are occurring in the context of future development of the balance allotment of the subdivision (a further 90 potential lots), and this development is also enabling for the adjoining PKW land.
- 11.4 Consenting any sort development in New Plymouth has, in my opinion, been very hard for the last few years, and this is now coupled with a flat economy in New Zealand and constantly rising construction costs.

- 11.5 I, therefore, strongly support the recommendations of the Council Processing Officer in his 42A report to grant this application, because it will support the ongoing viability of my business in New Plymouth, and the large number of trades that my business supports, and their families, and our wider community. It will also be a significant boost in confidence for the development community in the New Plymouth District which is badly needed.

**Benjamin Charles Hawke
Robe and Roche**

28 March 2025