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Event: New Plymouth District Council  
Oākura Rezoning Plan Change

Date: 2 December 2019

Before: Bill Wasley, Hearing Commissioner  
Antoine Coffin, Assistant Commissioner

Applicant: Oākura Farm Park Ltd

Speakers for applicant: Lachlan Muldowney, legal counsel  
Mike McKie  
Richard Bain  
Alan Doy  
Andrew Skerrett  
Luke Bunn  
Colin Comber

Submitters: Scott Grieve, legal counsel  
Cam Twigley  
Peter Kensington  
Nick Gladstone  
Doug Hislop, Kaitake Community Board  
Graeme Duff  
Paul Verić, Oākura School  
Lynn Hepworth, Oākura School  
Kelly Standish, NZTA  
Caron Greenough, NZTA  
Richard Shearer, Oākura Submitters

**THE COMMISSIONER:** Good morning and welcome to this reconvened hearing in respect of Private Plan Change 48. For those who were not at the original hearing at the end of July, I am Bill Wasley. I have been appointed as Chair and Commissioner.

Just for clarity's sake, Mr Coffin on my right had a family bereavement so he could not attend the first couple of days of the hearing and withdrew from being a commissioner, but is fulfilling the role of assisting me in terms of the hearing, report-writing and recommendations back to the council. He will be asking questions and be fully involved in the hearing. Any recommendations in the report back to the council will be mine alone.

In terms of the process today, we will hear from obviously the applicant and witnesses. That is likely to take all of the morning and then this afternoon we have scheduled hearing from submitters. I will take submitter appearances this afternoon when we get to that point. Mr Muldowney?

**MR MULDOWNEY:** Thank you, sir, and good morning to everyone. As you have described, sir, the intention is to hear the balance of the evidence on this plan change today so that we can get to a point where the hearing can receive closing submissions and

close the hearing. Just on that point, I would like to address you on that procedural issue as to how I envisage the process from the applicant's perspective working in terms of getting you to a point where you can close. My hope is that all of the evidence that you need to hear is heard today, that the evidence is concluded today, and the matter would then be the subject of a further brief adjournment to allow me time to provide you with written closing submissions. My suggestion is that the timetable for those written closing submissions be set at 20 December, so we get to a position where you are able to close the hearing this side of Christmas. That is the intention and we will be working earnestly to make that happen.

One practical matter which we will need to address during that period between now and 20 December is the final version of the plan change. I am very conscious that we do not yet have that final edited version for you, and one of the reasons for that, or contributing to that, is that the applicant sees benefits arising from the cultural impact assessment which has been provided on Friday of last week and wishes to incorporate a series of recommended amendments that have arisen out of the cultural impact assessment. The idea would be to pick up the practical changes which arise out of the revised scheme and also pick up on various matters that have been identified in the

cultural impact assessment and provide you with the final version of the plan change itself in combination with the closing written submissions, which in my submission would then allow you, subject to any other matters that might arise, to close the hearing this side of Christmas, which I think would be in everyone's interest if we could get to that point. That is how I would hope we can pan out between now and Christmas, sir.

**THE COMMISSIONER:** Certainly, Mr Muldowney, we are of a similar view that hopefully today we will hear all of the remaining evidence, subject to then receiving your reply submissions. We will confirm this afternoon but at this point that process and date is fine from our point of view.

**MR MULDOWNNEY:** Thank you, sir.

**THE COMMISSIONER:** Just in terms of the cultural impact assessment which we received Friday afternoon, are you calling any witnesses in respect of that matter?

**MR MULDOWNNEY:** No, sir. It is unclear as to whether the authors of the report will attend today - I have not had any update from them - but we will be presenting evidence from Mr Comber, who will be offering planning comment on the cultural impact

assessment and identifying areas where there is opportunity for, incorporation of some of the issues that are identified in that report into the plan change. Certainly from the applicant's perspective we see the CIA as being a very useful and helpful document and the applicant has every intention of responding positively to it in its final draft of the plan change itself.

**THE COMMISSIONER:** Just to tease out the status of that and who was presenting that would be helpful.

**MR MULDOWNNEY:** It is not easy because the cultural impact assessment was something that was actually commissioned by the applicant after the adjournment and so that has been, if you like, the owner of the report, so to speak, but of course it has been produced very much at arm's length. It is an independent document and the applicant obviously has respected that it be delivered at arm's length. I was not aware of the final mechanism of delivery but I learned that it had been provided to counsel on Friday and I think provided to the commissioners at the same time as we received it. Everything is happening in real time.

To come back to the original question, the commissioner of the report is the applicant but it is very much being delivered,

as you could expect, in an arm's-length way. Whether we get the authors of the report attending today, I have not had any update from them on that but we can certainly enquire. What I would say is again reinforcing the message that from the applicant's perspective the CIA is seen as a very helpful document and the start of an ongoing dialogue. As you will hear from Mr Comber, the recommendations that are set out in the CIA are to make their way into what we will consider the recommended final plan change document.

**THE COMMISSIONER:** Okay. Mr Coffin, did you have a question around the CIA?

**MR COFFIN:** No. I think you have answered the questions, (1) "Have you received it?" and (2) "Have you read it?"

**MR MULDOWNNEY:** Yes and yes.

**THE COMMISSIONER:** It is considered as part of the suite of, for want of a better word, evidence and documentation that the applicant is relying on?

**MR MULDOWNNEY:** It is, absolutely, sir, yes. It is very much part of the overall body of evidence. There is no issue from

the applicant's perspective that it be received by you and treated in that way.

**THE COMMISSIONER:** We just wanted to be clear on the status so that we were not considering things that we were not entitled to consider, Mr Muldowney.

**MR MULDOWNNEY:** There is no contest on any of that.

**THE COMMISSIONER:** Okay. Thank you.

**MR MULDOWNNEY:** In terms of the process today, obviously this is a day which is focused on hearing the final tranche of evidence before you can close so I do not want to spend too much time on legal matters. All I wanted to do really was just preface the presentation of evidence by saying a few words.

Firstly, at the adjournment and with the presentation of the previous section 42A report, the applicant team has gone back and reviewed the proposal in an attempt to address some of the uncertainties that existed at the time of the 42A report that was presented. That of course resulted in a decision to amend the scale of the plan change. That was based on the applicant determining that of the critical environmental issues

that were at stake, most of them were linked to this question of scale. By addressing scale, it was considered that any of the remaining concerns identified in the 42A report and with submitters in opposition could be appropriately addressed.

With that approach in mind there was a body of evidence presented in October 2019 which set out the revised scheme and the thinking, from a technical perspective, that sat in behind it. That revised scheme started with the efforts of Mr Bain, our landscape expert, who took a fresh look at the site and its surrounds and produced a recommended revised scale which addressed in his mind all of the residual concerns relating to landscape matters. Off the back of the landscape work, the various further technical work then flowed.

The intention today is to call Mr Bain first to explain those first principles that went into the revised scheme and then Mr Doy, who is responsible for the subdivision and its layout. We will deal with water next. The reason for that is that Mr Skerrett is giving transport advice and I understand the council officer responsible has been caught on a delayed flight. We will swap the order that I had intended and we will call the water-related matters first, then traffic, and then we will

finish with Mr Comber on the overall planning sweep, if you like. That is the order of the submissions.

What I intend to do with each of those witnesses is have them speak briefly to their October report so that we can relocate ourselves, if you like, in terms of our thinking. They will walk you through the October reports. They are all fairly brief. Then when they have got to the conclusion of that, they have brief supplementary statements which respond to matters arising from submitter evidence that has been filed. Then once they have read those supplementary statements, obviously any questions from you, Mr Commissioner. That is the intended order of play.

Ahead of the technical witnesses, Mr McKie, the individual that is responsible for what you would call the plan change itself, who was unavailable at the hearing due to being hospitalised unexpectedly, is here today and he has a brief series of comments that he wishes to make in relation to the plan change. He has prepared some notes and I think they have been circulated, so I will hand over to Mr McKie to read his comments and then once we have heard from Mr McKie we can move straight into the technical witnesses.

**THE COMMISSIONER:** Thank you, Mr McKie.

**MR MCKIE:** Good morning, Commissioners. Welcome to New Plymouth. My name is Michael McKie and I am the applicant for the private plan change. This evidence is presented in response to the further evidence presented by various submitters in opposition to the revised, scaled-back proposal. I note the Commissioner's directive that unnecessary repetition of evidence already given is to be avoided, and so will leave the detailed technical responses to the various experts who will give evidence on behalf of Oākura Farm Park.

"At the time of the initial hearing of this plan change in July 2019 I was unexpectedly hospitalised and was unable to attend. This was very disheartening and I was very proud of my family for representing me at the hearing, particularly given the strength of negative community feeling presented by many submitters.

It appears even with the amended proposal the community opposition remains and that some submitters question my motives and overall approach. I want to set the record straight and for that reason I feel a personal response from me is necessary.

The evidence presented at the hearing by submitters in opposition to the project was reviewed closely by me. I strongly believe that the original proposal, which included provision for aged care housing opportunities, equestrian and lifestyle blocks, a new roundabout and underpass, open spaces and residential sections, would have made a wonderful contribution to the community of Oākura.

However, the evidence presented gave me cause to reflect carefully on whether I should persevere with the original

vision or modify the proposal to respond to concerns raised. I and my family decided to make changes to reflect the community concerns.

We did this because despite some of the community sentiments expressed, we do care about what is right for Oākura. While I do not personally live in Oākura, my immediate family does. They are part of the community, walking and driving in the village, swimming at the beach and participating in daily life here at Oākura.

On my instructions, the technical team have scaled down the plan change and effectively started again in terms of location, layout and design, all within the original footprint. While I am personally disappointed that the original vision for the plan change will not be realised, I am happy that we have come up with a project that strikes the right balance between preserving the community's way of life but enabling others to enjoy the benefits of a lifestyle in Oākura in the future.

I reject the suggestion that changes are not a genuine effort to address community concerns. I note that submitters referred to the stub roads as an indication of an intention to come back and extend the project in the future.

The roading layout has been prepared under the advice of technical experts and the layout future-proofs the subdivision for possible growth in the long term, should that one day long into the future be deemed appropriate. I am advised that this approach represents sustainable planning consideration for future generations. To demonstrate Oākura Farm Park's commitment to the proposed scale of the plan change, I refer to the submission which it has made to the New Plymouth District Council's proposed district plan. The submission seeks the same outcome as that sought under this process.

Finally, I wish to respond to the criticism surrounding the Paddocks subdivision. Firstly, I hope that the Commissioner sees that the Paddocks subdivision is clear evidence to my commitment to delivering a quality residential environment to Oākura.

The consent notice was not able to lock in the rural land use forever, despite me being at the time comfortable with

that outcome. Council received advice that the consent notices would need to be qualified to say that they would apply only as long as the land was zoned rural. This recognised that it was not in perpetuity but may one day be subject to change if the zoning changed.

This possibility was clearly signalled to the council at the time with the notification of plan change 15 and the placement of the future urban development overlay on the Oākura Farm Park plan. Everyone who purchased in the subdivision should have been aware of this important qualification.

It concerns me that submitters suggest I misled them on this point. I believe the terms of the consent notice are clear. It also concerns me that submitters use this as an indication of untrustworthiness.

I hope that through the changes we have introduced into the plan change in response to concerns raised, the solutions now proposed will be regarded by the community as genuine and something that will work for all. Regardless of the outcome of the plan change application, I look forward to strengthening relationships and communications with all the Oākura community."

Happy to answer any questions.

**THE COMMISSIONER:** Thank you, Mr McKie. I have a clarification and it relates to your paragraph 12. It may be something for Mr Muldowney to respond to. You say, "We note the consent notice was not able to lock in the rural land use forever", and then you go on to explain the reasoning around that. Perhaps I will look at Mr Muldowney in the first instance on that. Given that it is my understanding consent notices can endure, I was just

interested in terms of the qualifications around the consent notice.

**MR MULDOWNNEY:** I will address you fully on this in closing, sir, that can be assured, but I think the point here is that yes, you are right, as a matter of law the consent notice can endure but this particular consent notice was very much linked to the idea of preserving rural character.

**THE COMMISSIONER:** Yes.

**MR MULDOWNNEY:** The advice I have received from Mr McKie is that at the time that the consent notice was contemplated by the council, they were concerned to ensure that it did not constrain the ongoing future of the land use and its zoning. As Mr McKie reflects in his evidence, the FUD overlay signalled that the council had an idea that one day some of this land may evolve into something else. The intention was that the consent notice needed to reflect the fact that it would preserve a certain state of affairs so long as the land was zoned rural. That is the important qualification that Mr McKie refers to.

**THE COMMISSIONER:** Thank you, and thanks for noting it because it will be helpful in terms of addressing that consent notice

issue fully in your reply submissions. Mr Coffin, any questions?

**MR COFFIN:** Just a follow-up question from that. That is the consent notice and the detail of the protected farm lots that were part of that. The other side of it, and this is related to the landscape visual assessment, is the effects that were identified during the hearing as being significant adverse effects. That is through a combination of the two matters. One is the legal question of the consent notice and its perpetuity, and the second part is the effects. That is something certainly I would like to see covered in closing.

**MR MULDOWNNEY:** If I understand the point, sir, it is that the effects assessment at the time of the Paddocks subdivision in relation to landscape matters was influenced by the consent notice.

**MR COFFIN:** Yes. They are symbiotic.

**MR MULDOWNNEY:** I get the point. Thank you.

**THE COMMISSIONER:** Just following on from that, Mr Muldowney, being very clear in terms of then what has changed in the

intervening period given the reliance placed on the consent notice in terms of the original approval by the Commissioner for the Paddocks subdivision. It is a matter that is exercising our minds.

**MR MULDOWNNEY:** Yes. The point is understood and I can assure you that you will hear from me fully on that.

**THE COMMISSIONER:** Thank you. We do not have anything further so thank you, Mr McKie.

**MR MULDOWNNEY:** Thank you, sir. I will now call Mr Bain, the landscape architect, who has produced further evidence. Mr Bain produced a further statement of evidence dated 11 October and he has also produced a supplementary reply statement. Mr Bain, you have copies of both those statements in front of you?

**MR BAIN:** Yes.

**MR MULDOWNNEY:** Sir, the evidence from 11 October is the material that has been pre-circulated and you should have that before you. I think the hearings registrar has also provided you with a copy of the supplementary statement of 2 December.

**THE COMMISSIONER:** That is correct.

**MR MULDOWNNEY:** All right. As discussed, Mr Bain, if you can please start with your statement of 11 October, work your way through what you consider to be the critical points and paragraphs that you want to emphasise, and once you have completed that exercise if you can then move to your statement of 2 December and read that from paragraph 3 onwards.

**THE COMMISSIONER:** Mr Bain.

**MR BAIN:** Thank you. I will just start at paragraph 1. You have that in front of you, obviously. I just note your note that we do not unnecessarily repeat evidence, which is why this further evidence is relatively short, so I do not repeat things in the main hearing.

**THE COMMISSIONER:** I would just like to acknowledge both applicant's witnesses and submitters who have responded positively to that request.

**MR BAIN:** In terms of paragraph 2, with regard to the section 42A response report:

"Ms McRae and Mr Kensington both considered that a 'fresh look' was required, not merely an adjustment to the original scheme. With this in mind I undertook a comprehensive review of the matters identified in the response and prepared a redesigned structure plan which responds positively to the areas identified. Although my review has produced a reduced scale, I did approach it from a first principles perspective rather than simply adjusting the original scheme."

I talk to that a little further later on. I went back to the site, looked at the views and so on, and started afresh.

The reduced scale plan is shown on the plans at appendix A and takes a fresh look, primarily by the adoption of natural features adopted to define the southwestern extent of the proposal area. That was in direct response to comments made at the hearing by Mr Kensington and by council that they considered a defensible boundary would be and should be a natural feature, not the one that we have settled on, in fact. That was in direct response to that.

"The new structure plan reduces the scale of the original development in the following ways", and for clarity I refer to the subheadings that were used in the 42A report. If I could just go to paragraph 5, the 42A report refers to the Rural Subdivision Design Guidelines and District Landscape Assessment,

noting these reports, amongst other things, stated the need to take care of development on the lower slopes of the ring plain.

"Noting that these two documents are non-statutory, the reduced scheme has removed the lifestyle area. Also, the new structure plan is tucked below the Paddocks subdivision and therefore does not 'climb further up the Kaitake slope'."

Obviously the Paddocks subdivision sits above this one.

Effects on the outstanding landscape and rural character:

**THE COMMISSIONER:** I presume you are just going to interpolate as you go through as opposed to reading all of the statement, Mr Bain?

**MR BAIN:** Yes. I have my highlighter.

**THE COMMISSIONER:** Yes, that is fine. That is all right. I was just checking.

**MR BAIN:** In paragraph 7 I am just emphasising the point that -- well, there was criticism that the effects on the Kaitake Range are not adequately addressed. I consider that the new proposal does address that. We now have a clearer view of the Kaitake

from one spot in particular. In paragraph 8 I refer to the legibility and character of the Kaitake Range remaining legible.

If I go to paragraph 10 on the landscape framework plan that we produced, which is appended to my evidence, the contours are shown on that plan and one of the things that those contours show is how relatively flat the land is. I think there is quite a lot of misconception about -- I think people stand and look at the Kaitake Range and their eye goes to the ranges.

I see you looking at your little A4 plan there. I have come prepared with a bigger one for you.

**THE COMMISSIONER:** Thank you. We have those in front of us here.

**MR BAIN:** Is it okay for me to carry on?

**MR MULDOWNNEY:** Sorry, sir, I am just saying that there might be a similar image that we could bring up on the screen if others wanted to see what you were looking at.

**THE COMMISSIONER:** In terms of the landscape framework plan?

**MR MULDOWNNEY:** Yes.

**MR BAIN:** At paragraph 10, sir, I have just reiterated what I have spoken to previously. The unnamed tributary of the Wairau stream is now the southwestern boundary. By having that boundary, it provides a strong edge to the site and it does maintain the view up to the Kaitakes, or a view, and the viewpoint is marked on that plan I have just given you. You will see down on SH45 a little arrow pointing up. Then we produced an image from that viewpoint that looks up to the Kaitakes and that is also appended to my evidence. If you have a little A4 version I can provide you with a bigger one.

**THE COMMISSIONER:** Thank you.

**MR BAIN:** On that image that I have just given to you, you can see the existing haybarn in that photograph and to the left of the haybarn there is some vegetation that we have added in which would hide the houses behind them. It shows the clear view up to Kaitake Range.

If I jump to paragraph 12, this is where I describe that framework of indigenous vegetation that encapsulates the built area. A feature of the revised scheme is that the boundary

closest to the national park is the existing QEII land, which is bush and has the pa within that. The tributary and the southwest boundary is proposed as native vegetation with a finger of native bush that goes into the site, and then of course there is the tributary of the Wairau Stream along the north-eastern boundary that currently exists. On that plan that is on the screen in front of you, you can see that green border.

At paragraph 13 I would just like to emphasise the point that within the blue area on the plan, within the area that is to become subdivision, it is not intended that is devoid of vegetation. As part of subdivision design - we talked about this at the hearing - obviously subdivision time is when we would be precise about where internal vegetation would go. It is anticipated that there would be vegetation associated with the subdivision but for this plantage area it is really a big picture of where there is urban development and where there is not.

The noise bund is gone from this development. I am assuming you are aware of that, so I will not talk about that anymore. I do talk about night lighting, stating the obvious that the scheme is smaller so therefore there will be less lighting. There was talk about the view of lights from the

urban development coming in along SH45. That would obviously be reduced by pushing the development up beneath the Paddocks, and if the vegetation buffer screens the houses it would just result in a glow of light rather than point source light.

If I go to paragraph 18, where I talk about the zoning, there was criticism in the council officer's report that in the original scheme we had mixed-use, mixed-size or we had small residential areas intended for older people, and we had the equestrian zone, of course. There was talk about that being out of context with Oākura, so in response to that we have said that this whole area now would be the same zoning as Oākura. Under the operative district plan, that would make it residential C. Under the new plan, assuming that becomes operative, that would become what is called general residential. That is in response to the comment about it being contextual with Oākura.

I will just jump to my conclusion and then I will get on to responding to submitters. I might just read this paragraph:

"The new structure plan provides a smaller and more focused development that seeks to address the landscape and visual matters of concern expressed in the section 42A Response Report. In particular, the reduced proposal sets development within a vegetated framework, protects the key vistas of the outstanding landscape, and removes the noise attenuation bund, pedestrian underpass, and highway access.

In my view, the reduced proposal addresses the landscape and visual concerns of submitters and council."

**THE COMMISSIONER:** If you can do your next statement, and then we may have some questions.

**MR BAIN:** Yes. I will read this. It is 16 fairly short paragraphs, and this is in response to the submitters. I note in paragraph 1 that I do not respond directly to the statement of further evidence of Mr Kensington as the pertinent aspects of his evidence are embedded in the council response. I attend to it as it is described in the council response.

"Clause 3.10, council express concern that the indicative road linkages potentially undermine the effectiveness on the open space area as rural/urban interface. In response, the indicative link is prudent to allow for future access into the open space area for whatever reason. The potential for road linkages does not undermine the effectiveness of rural/urban interface because the road is not a requirement. Its implicit formation is reliant on future use of the land and the potential need for road access, not the other way round.

Clause 3.10, I note the acknowledgment that the 'proposal better interfaces with surrounding land uses by minimizing reverse sensitivity issues with adjoining rural land and open space areas.'

Clause 3.26, reference is made to my evidence regarding associative values. Mr Evans, council landscape expert, suggests that because no cultural impact assessment has been provided, at that time, my reference to associative values is invalid. In response, my use of the term associative values is made in the context of impacts on perceived natural character and legibility of the Kaitake Range as an outstanding landscape (OL). Because the

proposal is not located within the OL - and therefore no physical impacts - assessing the proposal's impacts relies on associative values only. My assessment seeks to put some perspective around values as impacted by the reduced visibility of the Kaitake Range resulting from the proposal. The reduced visibility is negligible in the context of the local area and the revised proposal maintains one of the better views of the range in the locality. There are no provisions in the district plan that support the notion that the views of the range across the subject site are especially important. The operative plan manages adverse visual effects in respect of OLs by way of assessment criteria for rules, and pertain to height of structures and buildings, site coverage, and reinstatement of earthworks."

I will talk again about the outstanding landscape in a moment.

"Clause 3.29, Mr Kensington and Mr Evans seem to take issue with my evidence stating that the revised scheme has been developed from a first principles approach, suggesting that it is a scaled down version of the original proposal, and that there is a lack of information in which to assess whether the form, nature and scale of the revised proposal is appropriate.

In response, I consider there is ample information to assess the appropriateness of the revised scheme. Given the original application and hearing evidence, the issues pertinent to landscape and visual are well canvassed. These are; contextual appropriateness of the development in regard to Oākura, visual effects of the proposal on the OL, visual effects on residents of the Paddocks, and rural/urban interface -landscape character effects. I consider that the revised scheme deals with these issues on a first principle basis in the following ways:

(a) Given the traffic evidence, there is only one viable and agreed entry point for the site; that is from Wairau Road. This access necessitates crossing the stream at the point shown on the Structure Plan.

(b) As a matter of first principles, the rural/urban boundary is formed by a natural waterway. Mr Kensington and council raised this matter of natural versus cadastral

boundary in the hearing. Therefore, I would have thought that this revised urban/rural interface would find considerable favour in this regard. Given the physical constraints of SH45 to the west, the Wairau Stream tributary to the east, and QEII area to the south, the extents of the revised scheme naturally derive from this pattern.

(c) The internal layout is a matter best suited to subdivision design with the indicative road layout providing a logical layout based on the flattest land within the (now reduced) plan change area.

What I am saying there is that the revised proposal is really a logical response to that landscape pattern that exists there, with the highway, Wairau Road - there is only one entry point that is available - and the presence of the QEII land. Once you work within those parameters and look at the land within it that is relatively flat, that seems to be a sensible response to subdivision. It cannot stretch along the highway. That is obvious. There is setback required on the highway and that would dislocate from Oākura. Where it is, is really attached to the Wairau Road residential area.

"Clause 3.31, I agree that no cumulative effects assessment has been made of lighting effect of the proposal with existing lighting."

I just note that lighting effects are covered in the district plan. There are permitted light levels at the boundary and they are designed to deal with light overspill into adjacent properties.

"Clause 3.33, Mr Evans does not provide any evidence, nor refer to any evidence of others that lighting effects will be adverse. I therefore remain of the view that the reduced proposal is unlikely to create adverse effects due to lighting. The QEII buffer area will in time prevent views of the proposal, the vegetated buffer between SH45 and the site will become sufficiently tall to prevent views of light sources, and the resultant glow will be viewed from SH45 in the context of the houses along Wairau Road.

Clause 3.39, reference is made to the area between the plan change area and lower slopes of the Kaitake Range as 'sensitive'. I note that the area is not identified in any NPDC or TRC plan or policy. There is no plan or definition that shows the extents of the lower slopes of the Kaitake Range. The closest we have to any attempt to deal with sensitivity around the OL in this area is the 2006 Oākura Structure Plan that shows an inland area with the map legend referencing controls on building height, scale and form. The proposal [the developed part of it] is not within this inland-area area. I also note that a theme of the Oākura Structure Plan as described in Mr Comber's hearing evidence was that the community did not want to see subdivision occur along its coastal areas. Therefore, it is my view that this area is not especially sensitive to landscape change. It is adjacent to urban Oākura and therefore contextually appropriate, is inland, thereby not subdividing coastal land, is relatively flat, as opposed to the Paddocks area which is demonstrably steeper, and will be contained within a framework of native vegetation. The proposal will reduce views of the outstanding landscape to a small extent, that is to a minor or less than minor extent - a loss that in my assessment will not subsume the presence of the Kaitake Range."

If I could just speak to that for a moment - I spoke to this a little bit earlier - and just refer to those images that I gave to you earlier, like I say, when one stands at the highway and looks across the site, one's eye goes to the Kaitake Range.

There is no doubt about that, but I need to make the point that

that hay shed that is in that image has the same contour as virtually the highest contour in the development. In other words, the houses that are going to go in this proposal are no higher than that hay shed. The land behind that hay shed belongs to the neighbour, so this is not a case of houses up on those slopes just below the national park. The land is relatively flat across that site. It is less than 5 per cent, by my calculation. While there is a lot of talk about the view of the Kaitake, I think we need to keep it in perspective.

If I go to my paragraph 10:

"Clause 3.40, council considers that there is still insufficient or uncertain information regarding landscape and visual impacts. In response, I consider that there is ample information to assess the proposal. There is also in my view little uncertainty. The landscape effects are predictable - the change from paddocks to housing - as is the visual impact on the OL."

What I mean by "the effects are predictable" is that we know what residential development looks like, we know what the district plan rules around how high houses are, what site coverage is and so on, and so when we talk about this area being residential I think we all have a clear view of what that means. The plans show the vegetative framework that wraps around that. The image shows the view of the Kaitakes just past that

substation, that building. I just do not agree that there is uncertainty as to what the landscape effects are.

"By way of response to Clause 5.5 of the latest section 42A report, residents of The Paddocks will face, over time, a diminishing rural outlook as the vegetation within the QEII area that is interposed between The Paddocks and Wairau Estate grows to maturity.

Looking into the site from SH45, the landscape buffer between the highway and the development will screen views from the highway while at the same time retaining a vista across the retained rural land up to the Kaitake Range. In a landscape context, with the selection of appropriate - endemic - endemic - native species, this screening will be seen to be contextually appropriate and have congruence with the Kaitake backdrop.

The character of the residential area will be similar to that of Oākura if the same zoning applies, without additional provisions as were proposed in the original application. While similar provisions relating to landscape and visual matters could be included in the revised proposal, they are considered unnecessary given the small scale of the development, its context next to urban Oākura, and the rules in the proposed district plan, particularly around front yard fencing.

In my opinion, the divergence in opinion between me and council's landscape experts and Mr Kensington is around the level of sensitivity applied to the site. Notwithstanding those submitters who oppose the proposal, in my view the site possesses few qualities that suggest it ought not to be subject to the type of change proposed. The revised proposal will impact an area similar to that of the FUD, noting the FUD creates an expectation of landscape change by way of urban development. The reduced proposal retains one of the more immediate and open views of the outstanding landscape, and a natural feature now forms the western boundary to the urban area. In short, it is my opinion that the revised proposal provides a high level of certainty around effects - effects contained within a discrete area bound by native vegetation."

The cultural impact assessment. I received the CIA on 30 November and while there has not been a great amount of time to consider its contents I note that there is reference to the impact on the Kaitake Range under clause 7.8 of that report. In response, an understanding of Ngāti Tāiri cultural values and their affinity with the Kaitake will form part of the ongoing consultative process between the applicant and the hapū.

**THE COMMISSIONER:** Thank you, Mr Bain. Mr Coffin?

**MR COFFIN:** Just going back to your original further evidence brief here, I have questions. At point 11 it starts with:

"If the FUD area west of SH45 is developed, the proposal will meet the community's desire that the majority of development will be on the western side of SH45."

In your assumptions for that statement, you were thinking over which period?

**MR BAIN:** What I am saying there is that the community has expressed a desire that urban development should be on the western side of the highway in the other FUD area. FUD West I believe is what it is called. I am saying that because the applicant's proposal is now smaller, if that FUD land were to be

developed then the majority of urban development would in fact be on that side of the highway.

**MR COFFIN:** That was going to be my second question. Thank you.

At point 15 you have noted the noise bund was also a visual mitigation. In your view, are there any other residual visual effects from SH45?

**MR BAIN:** By removing the bund?

**MR COFFIN:** Yes.

**MR BAIN:** Sorry, could you just clarify what the question is?

**MR COFFIN:** At 15 you have noted the noise attenuation bund will be removed.

**MR BAIN:** Yes.

**MR COFFIN:** There are no visual effects from the bund but are there any other residual visual effects?

**MR BAIN:** By removing the bund?

**MR COFFIN:** Yes.

**MR BAIN:** No, there are not. If you had removed the bund you would see the houses, but we now have that south-western tributary planted, which would mitigate views of the houses. While the bund was primarily for noise mitigation it also had the benefit of screening views of the houses that were going to be behind it in the original scheme. By taking the bund away you would see these houses if that tributary were not planted. Where those residual effects would have occurred, they will not occur because of the planting we have put along the tributary.

**MR COFFIN:** Okay. Just in the next paragraph, paragraph 16, you have already pointed out in your brief provided today that there was no further assessment of the lighting effects.

**MR BAIN:** Cumulative lighting effects, yes.

**MR COFFIN:** Did you have any further views from your perspective? Even though the assessment has not been done, do you have an opinion in regards to what those effects might be or might not be?

**MR BAIN:** My assessment is that we know what level of lighting will occur with residential development. There will be street lights. We know there will be people with their houses. The parameters for that are set within the district plan. If someone goes and puts a tennis court in with bright lighting, that may trigger an effect on a neighbour and that is covered under the district plan. I have assumed, because the site is, in effect, encapsulated with vegetation, that there would be a glow from that residential development but that glow would be viewed against the existing development of Wairau Road. I guess I take a common-sense view that that lighting will not cause an adverse effect given its urban context.

**MR COFFIN:** Thank you. You will have heard our questions to Mr Muldowney earlier around the consent notice and the symbiotic relationship between those two. Just looking at your point number 19 on page 5, my question is: are you suggesting that the vegetation that is proposed by the Wairau Stream and the vegetation in the QEII covenant is appropriate, with the farmland in the balance of the lot, to retain the rural character of that area? Is that what you are suggesting?

**MR BAIN:** With regard to rural character, the reduced scheme, the alternative scheme, the new scheme, puts the urban

development into one corner, if you like, and it is wrapped up in vegetation. That urban/rural interface is now a natural boundary. I suppose you could describe that as a green boundary. The remaining rural land of the applicant's site will obviously be overtly rural in a way that it was not with the original scheme, which had equestrian development on it. There is obviously a loss of rural character by changing it to urban development - I think that is self-evident - but the revised scheme has a defensible interface between those two elements.

**MR COFFIN:** I think Mr Wasley is going to ask a couple of questions on this point. If you were to cast yourself a short time into the future, taking into account you have what looks like at least two stub roads -- that is the word that has been used here. It is probably an unfortunate term for them. There are roads that show that there is potential for future-proofing future development. If there was to be further urban development in that area, would that compromise the natural boundary and the use of the balance of that rural character to mitigate the visual effects?

**MR BAIN:** My understanding is that the role of those stub roads is to prevent infrastructure limiting -- it is to prevent council ending up being boxed in a corner where the

infrastructure cannot go beyond the capacity it has at that time. It is future-proofing in that regard. If you asking me what the effect will be --

**MR COFFIN:** The roading network has been future-proofed. In a short form, I am asking: have the visual effects, the landscape effects, been future-proofed as well?

**MR BAIN:** I guess I go back to the evidence I gave at the original hearing. I personally believe that the original scheme was valid and appropriate to the site. If there was further urban development inside that rural area it would create a different effect and the extent that that effect was adverse would depend on how that was articulated. What I am saying is that it would not necessarily be the end of the world if development did occur on that land as we had described it in our original hearing. We had development in there and I think we had a defensible case for that.

**MR COFFIN:** Just teasing that out a bit further, what weighting or what emphasis do you put on that land that is no longer proposed to be developed as part of the plan change as mitigating any of the landscape effects of the current proposal? Then going back to 2010, where the Paddocks subdivision was

approved and the retention of rural land at that point - just putting aside whether it was rezoned or not - was a key element in terms of mitigation of effects, I would be interested in your views around it.

**MR BAIN:** I think there are two parts to that: there is the character effect and there is the visual effect. The character effect of developing anything within the applicant's site depends on its context with existing Oākura. If one was to put urban development in the south-eastern corner and leave a gap before Oākura, that would be inappropriate. So what the scheme does is it attaches it to Oākura. In the original scheme, we had a bigger area attached to Oākura. So if urban development was put into this remaining area, as a character effect it would be valid because it would be next to existing Oākura, i.e. what we are proposing, so it would be the natural growth of an urban area as typically happens in townships.

With regard to the visual effect, with the Paddocks subdivision, the openness of that landscape was talked about and there was a consent notice, as you are aware. On the proposal we have at the moment, that openness allows for the view of the Kaitake that is in that photo montage that I have presented to you. That is the main benefit of that open space at the moment.

However, I would reiterate the point I made at the original hearing: that view can be lost in a heartbeat with permitted activity. There used to be trees along that boundary that prevented views of the Kaitakes. The applicant, I believe, was to remove those trees. The shelter that that land receives, from a farming perspective, now relies on trees on the existing FUD West land. So if FUD West was developed, for example, and that land was rural, there would be a compelling case for the landowner to plant shelter trees along that boundary. So permitted activities such as that, the view is tenuous. However, the landscape as presented to us at the moment allows for that view and the development that we have proposed overtly acknowledges that view as we presented it.

**THE COMMISSIONER:** Just so I am clear, are you saying, from your perspective, there is no reliance on that land that is to remain as rural in terms of any mitigation of effects from a landscape perspective?

**MR BAIN:** Only that view I referred to.

**THE COMMISSIONER:** In terms of that proposed planting that encapsulates the proposed development, and putting aside the existing planting in terms of the QEII - obviously there is a

protection mechanism - what is intended regarding that proposed planting around and within the site?

**MR BAIN:** You mean the general planting approach?

**THE COMMISSIONER:** No. What, if any, are the protection mechanisms to ensure - given that is being relied on in terms of mitigation of effects - what is intended, that that endures?

**MR BAIN:** What is intended is that that south-western tributary, which is a shallow gully - it has existing planting in it now - the intention is that that would be planted up to be a much area of planting and it would be native planting, and that that would be council reserve, which would be the mechanism that I would consider to be best as a buffer to an urban area. The reason I say council reserve is because there is likely to be infrastructure within those green areas and the management of vegetated areas adjacent to urban areas is, I believe, best placed with council but that is not necessarily the case.

**MR COFFIN:** Just a little question on this. Obviously there is no underpass now proposed, but is a physical access to a future underpass being protected at all, or provided for?

**MR BAIN:** Yes. There is. You will see on the plan that is on the screen, I think there is a yellow dotted line - no, it is on the structure plan actually. If you refer to the structure plan, there is a yellow dotted line, which is Joe's pedestrian linkage, and we have it running along the side of the highway. If the underpass ever did come to pass, there is an ability to link into that.

**MR COFFIN:** And in a similar vein to Mr Wasley, is there any mechanism being used particularly to protect that future underpass? Or has it been precluded from the development at this stage?

**MR BAIN:** I think only to the extent that the piece of land that links into the underpass area is esplanade strip at present, I believe. So that would remain. What I mean is that it would always be public land.

**THE COMMISSIONER:** Point number 9, on page 4, just at the very end of that paragraph:

"...a loss that in my assessment will not subsume the presence of the Kaitake Range

I just want you to explain to me what you mean by "not subsume".  
I think I know what you mean but I just want to be very clear.

**MR BAIN:** Sure. The Kaitake Range is the omnipresent physical landscape in the area and it is seen from all over the place around Oākura, particularly between Oākura and Omata. There are views across that landscape to the Kaitakes. There are views from Okato there are views of the Kaitakes. They are there; they are everywhere. The scale of them is such that it would be difficult to subsume them by probably any sort of built development, to be honest. They are tall; they are high; they are 240 metres I believe, from memory. Residential housing, set where we have got it, at the levels set, the presence of the Kaitake Range cannot be ignored. The development just doesn't reduce it to something that you would not notice anymore. I just do not believe that is the case. In a way, I think that photograph I have given you represents that. When you look at a picture like that, the range is there and when you are in and around Oākura, the range is ever present.

**MR COFFIN:** Are you saying both that you will still be able to see the Kaitake Range, but also the residential development that will end up here - because we are looking at pasture and we can

see one building there - the Kaitakes will not be dominated by the residential development? Is that what you are saying?

**MR BAIN:** Yes. In the first hearing, the first part of the hearing, I did try to emphasise the point that too-high a level of sensitivity is being applied to the site and a specific view from SH 45 to the Kaitake Range. That view can be lost from permitted activity anyway. There are lots of views of the Kaitake Range from all around the area. I do not think too much emphasis should be placed on one particular view. There is no view shaft protection in the district plan. There is nowhere that says that this view is special. In and around Oākura, there are lots of view of the Kaitakes so I do not believe that the development will alter that.

**MR COFFIN:** But you will appreciate that this a plan change hearing rather than a resource consent hearing, so from a strategic point of view, we are quite keen to get your view, irrespective of there being rules or not rules, from your area of expertise, looking at it from a landscape point of view, saying these Kaitake Ranges will not be dominated by residential development that would be proposed. I am not wanting to put words in your mouth. I am just putting forward is that what I understand you are saying?

**MR BAIN:** The Paddocks development sits higher in the landscape than the proposal and that is there. I do not believe the proposal is going to create a new - the plan change does not create a new area of land or land use that is going to, in the greater picture of things, alter the Kaitake Range as the dominant landscape element in the environment.

**MR COFFIN:** Thank you.

**THE COMMISSIONER:** Just going back, Mr Bain, to your proposal that the planted area should become reserve and vested in the council, have there been any discussions along those lines with the council?

**MR BAIN:** Not that I am aware of. It is usual, in the district, that where there is infrastructure such as sewerage, that that is owned by council.

**THE COMMISSIONER:** I suppose if you were to summarise in two or three points, how would you see the current proposal in terms of its mitigation of landscape effects?

**MR BAIN:** I think the landscape effects are avoided by the proposal being smaller and positioned so close to urban Oākura. Any resulting effects that are not avoided, are mitigated by the extensive vegetative framework that wraps around the whole site. We looked at the issue of whether we needed to come up with additional measures. You might remember in the hearing we had additional provisions with regard to reflectivity of colour, the reflectivity of houses and we had height limits and I think we had some fencing controls. Those were provisions that we considered would mitigate the effects of the original proposal but now that the scheme is smaller and attached to Oākura in the way that it is, with the same zoning as Oākura, we felt it provided less complication and was unnecessary, so the same provisions would apply to this area as to Oākura. That is not to say the applicant is not open to such provisions, but we just assumed it is now the same zoning as Oākura.

**THE COMMISSIONER:** But just on that point, essentially the original proposal was attached to Oākura so it is just then the justification for not carrying through those other initiatives.

**MR BAIN:** The difference being that the original proposal had houses closer to State Highway 45 and we had mixed use development as well so that whole package of the mixed zoning

and the greater area, we felt that the provisions were necessary in a way that we do not consider them to be now.

**THE COMMISSIONER:** I have a couple more questions. This is just specifically about the cultural impact assessment. I am not sure if you have had a chance to have a look at it.

**MR BAIN:** I have read it.

**MR COFFIN:** You just referred to 7.8 of the cultural impact assessment. I am not sure if you have a ...

**MR BAIN:** I have read it.

**MR COFFIN:** You just referred to 7.8 of the cultural impact assessment.

**MR BAIN:** I do not have a copy in front of me. It refers to the Kaitake Range, does it not?

**MR COFFIN:** Yes, it does. And just one of the sentences there

"As a result, there are no specific provisions identified in the structure plan which recognise and provide for the relationship Ngati Tāiri and Taranaki iwi hold with Kaitake, which as noted in submissions is significantly more than just visual effects."

I heard earlier that you were saying you were going to respond specifically to 7.8 and I was just wondering in which particular way were you looking to respond to 7.8.

**MR BAIN:** The response is to understand from Ngāti Tāiri how that should be acknowledged and we see that as part of that process between the applicant and hāpu. I do not know what that may look like. It is an ongoing process of engagement. From memory, that paragraph refers to the range extending beyond the park boundary. I understand that. How hāpu wish to see that expressed I think it is part of the ongoing conversation.

**MR COFFIN:** Was this a matter you thought would be something that would be picked up at perhaps sub-division stage? Or were you thinking it was going to be incorporated into the infrastructure plan? Or would there be some specific policies and rules?

**MR BAIN:** Mr Comber may be best to speak to the process but my understanding is that it would be an ongoing process that would certainly include the sub-division stage.

**MR COFFIN:** So at this stage you are not quite sure what that might be, but it is something that you would work through in engagement.

Over the page, at 7.13 of the cultural impact assessment is about Pahakahaka Pā. This was information in regards to the location of the pā from Ngāti Tāihi's perspective and if I remember rightly, it has been reflected in the proposed plan, the original location of the pā site, and that is immediately to west of proposed plan change area and it is within the QEII covenanted area. That is my understanding.

**MR BAIN:** Yes.

**THE COMMISSIONER:** My question is around do you think the landscape framework plan responds appropriately to the presence of the pā immediately to the west?

**MR BAIN:** The simple answer to that is that it may not respond adequately. Again, that is part of the ongoing conversation with Ngāti Tāihi. Mr Comber is going to present some preliminary thoughts around creating some spaciousness or some open space between the pā and the development, and he has a

mark-up plan that we prepared in response, which I think signals how that might move forward.

**THE COMMISSIONER:** Thank you. Nothing further. Thank you, Mr Bain.

**MR MULDOWNNEY:** I now call Mr Doy. Mr Doy has not produced any supplementary evidence so he is just going to speak to his evidence of October and he is available, obviously, for questions.

**THE COMMISSIONER:** Thank you, Mr Doy. We have your statement in front of us, so if you can take us through that on the basis that Mr Muldowney has outlined.

**MR DOY:** Could I get the image of the subdivision layout up on the screen?

**THE COMMISSIONER:** Yes. And if you could pull the microphone closer to you?

Just while that is happening, Mr Muldowney, there is reference to the proposed plan that is dispersed through statements and Mr Wesley also discusses it. I do not need a

response now, but I would be interested in terms of your reply submissions in terms of the weighting, if anything, in terms of that proposed district plan that we may or may not need to give to it.

Thank you. Mr Doy.

**MR DOY:** Good morning, commissioners. I will speak to my evidence produced back in October. The plan that you have on the screen behind you, the revised layout, was prepared following Mr Bain's fresh look at the site. What I have tried to do with this layout is incorporate the sub-division design guideline. The revised layout, which I am introducing here, is 144 lots. Mr Bain has gone into great detail to describe the context and how it sits, so I will not go any further there other than to say that 6.9 hectares of the land is to be set aside for open space and revegetation of the existing natural features on the site.

Access and connections: We have one single access coming off Wairau Road due to the restrictions on the state highway. We have provided some connectivity should this be needed in the long term. As you have heard, the reason for that is to protect the future ability to create a resilient network for the roading

layout. It also does provide some access into those reserve areas. The development has not only been designed to cater for vehicular traffic. We have an extensive network for pedestrian and cycling access. There are access linkages through to Pahakahaka Drive, Wairau Road and on to the state highway near where the underpass was signalled. That is an existing esplanade strip entrance.

The street infrastructure is likely to be in accordance with council's land development standards and I have included two attachments there, D1 and D2. They show a typical plan layout and cross section. That is fairly standard in the NZS 4404, the land development standards.

Layout of the subdivision: The size and layout of the blocks responds to the size and shape of the land. There is one cul-de-sac and the reason for that one cul-de-sac is due to the narrow nature of that peninsula of land that runs down in that area.

The size of the allotments is generally 600m<sup>2</sup> - 700m<sup>2</sup> and they are of a regular shape. These meet the requirements for the proposed district plan, a general residential zone which has a minimum lot size of 600m<sup>2</sup> should that be adopted. This gives

rise to the 144 lots. If the existing Residential C Environment Area for Oākura is taken into account, then with the larger minimum lot size of 700m<sup>2</sup> the yield is reduced to 123 lots and this aligns well with the FUD South area estimated at 117 lots in the HBA capacity assessment.

The alignment of the streets has been addressed since the first iteration. The streets are orientated to maximise solar access for allotments. In most instances the long axis of sites is oriented east west. The layout has been designed to minimise disturbance by earthworks and follows the natural landform. You can see on the plan the contours are shown there and across each of the sites, you would generally be looking at slopes in the vertical of no greater than 1m. Any retaining structures will be low in profile and will be able to be effectively concealed in landscaping.

To address reverse sensitivity issues from the state highway, we have created three larger allotments with building platforms pulled back to the end of the cul-de-sac, where it is shown. That generally aligns with where the overhead power lines are, which run across the site in that area. Thus there would be no need for the noise attenuation bund to mitigate effects of the state highway reverse sensitivity issues.

Open space areas: Open space areas shown there on the plan are to be utilised for a mix of low-impact stormwater management, pedestrian and cycling connectivity and also provide increased ecological habitat and connectivity through revegetation and supplementary planting, which is positive for local amenity.

Central to the proposal we have an open space for an informal 'kick a ball' area of some 2000m<sup>2</sup> and that good connectivity for all modes of transport.

Other matters: In response to the section 42A report I had concerns about the approach that council had taken in apportioning the water allocation. Whilst the approach may be considered a nationally recognised methodology, I am of the opinion the information used to undertake the apportioning still needs to be accurate and fairly reflect the yields available for both FUDs on either side of the state highway. In this instance, two surveyors - submitter 108 Mr Stefan Kiss and myself - have independently arrived at similar yields which differ by only a small amount. We are talking about between five and ten lots. In table 1, under item 20, I have set out

how each of those different categories relate and compare. I think that is fairly self-explanatory.

Note 1: in my original evidence I had not undertaken an assessment of the Oākura infill. However, in light of Mr Kiss's evidence, I have had a look at that and I concur the potential for infill is more likely to yield nearer the 48 lots proposed by Mr Kiss as opposed to the 127 lots estimated in the HBA. I acknowledge the proposed New Plymouth District Plan may open up some opportunities for smaller allotments. However, these opportunities are low, given the existing fragmentation of the cadastre, topographical constraints and siting of existing buildings. In addition, any application for subdivision creating smaller allotments is likely to be discretionary or non-complying.

Just to clarify that, Oākura is primarily small allotments and to achieve a controlled activity with a 600m<sup>2</sup> site you are going to need at least a 1300m<sup>2</sup> allotment being two at 600m<sup>2</sup> plus at least 100m<sup>2</sup> for vehicle access. So for any site of less than 1300m<sup>2</sup> you would be looking at discretionary, or possibly non-complying.

The large difference in lot yield potential for the undeveloped residential land and West FUD is primarily due to large tracts of land which in my contention are due to issues that have been raised previously and that is due to the risk of inundation, difficult topography and land covenants restricting further subdivision.

In my opinion the potential lot yield is more likely to be approximately 612 lots given that Mr Kiss and myself have arrived at our respective assessments independently.

Council's infrastructure group have advised in their reply - section 42A appendix 3 page 3 - that there is sufficient water supply for an additional 589 lots, a 23-lot deficit when compared with our proposed 612-lot yield. However, in their summary, they also state:

"There is a possibility that we may be able to service a greater number in future once additional work is done - i.e. the drilling a new bore."

Furthermore, they conclude:

"A staged approach may be possible making the release of land subject to confirmation of the uncertainties above."

What that may mean, for this proposal, is that our final stage may be subject to some restrictions or triggers within the structure plan.

Taking into consideration the refined and ground-truthed lot yield, these comments suggest there is sufficient capacity for both South and West FUDs subject to a staged and managed release of lots.

I conclude my evidence here and am open to any questions you may have.

**THE COMMISSIONER:** Thank you. Mr Coffin?

**MR COFFIN:** Just a couple of clarifications, at point 5 on page

2. The sentence starts:

"The development has been designed to not only cater for vehicular traffic but provides significant opportunities which promote cycling and pedestrian connections ..."

My question is just around the difference between promote and provide for. What do you mean by "promote cycling"?

**MR DOY:** Promote: we would like to get people on to those other modes of transport so by providing good, connected pathways within the development, which are safe.

**THE COMMISSIONER:** On that point, and referring back to Mr Bain, where he suggested that those planted areas, or essentially the areas highlighted in green here, would be best vested in the council, a couple of questions around that matter.

In terms of the pedestrian or cycleways shown as the yellow dotted lines, is the intent that they would be provided prior to any vesting occurring?

**MR DOY:** Yes. They would be in the conditions of consent, should we be successful. There would be conditions around the construction of those pathways as infrastructure and that would go hand in hand with the revegetation and planting of those areas, and subject to maintenance bonds and the like for a period of time following vesting.

**THE COMMISSIONER:** Still related to that, the plan shows the development stages and there are five shown. That clearly outlines in terms of the residential and roading components. In terms of the planted or green space area, is that also to be

staged or is there an intention to actually define and plant all of that?

**MR DOY:** I think it would be staged and managed. It would be subject to what infrastructure needs to be in place for each of those stages and there may be some areas where it is advantageous to plant those areas up earlier and have them established ahead of subsequent stages.

**THE COMMISSIONER:** Thank you. Mr Coffin?

**MR COFFIN:** Just so I am really clear, the 6.9 hectares of proposed open space, that is inclusive of this plan change area. It does not include the QEII covenanted area?

**MR DOY:** That is right. It excludes the QEII.

**MR COFFIN:** Great. Now just at the end here, there are just a couple of clarifications at point 23 and at point 24. You are quoting the council's report. It is a little difficult to find it in the appendices. That is in the summary of it. The council does say until this further work can be done, they cannot make a commitment to this, but were you of the

understanding, or have you had a discussion with council around there is confidence they will be able to provide?

**MR DOY:** What I am saying there is that with further work, the 612-lot yield could be managed. It is not out of the question. There are things that need to be done but they can be done.

**MR COFFIN:** I will ask the question the other way. In your experience, would this level of uncertainty be normal? Would you say infrastructure of this type is a significant challenge to overcome?

**MR DOY:** I do not think it is a significant challenge to overcome.

**MR COFFIN:** Yes? Good. Just on that table there, table 1, under point 20, where you say 590, you are saying that is 612? Is that right? There is a land supply comparison and your one in the middle there, the 590 and the 612?

**MR DOY:** I have gone for the upper limit there.

**THE COMMISSIONER:** Mr Doy, just so I am absolutely clear, in terms of the lots shown for development, I take it that there would be no more than one dwelling per lot?

**MR DOY:** I would think, in the current market, no more than one dwelling per lot, based on ...

**THE COMMISSIONER:** It has outlined the lot yield and I presume then the servicing is based on the lot yield.

**MR DOY:** Yes.

**THE COMMISSIONER:** So if you then take that, that then would need to be no more than one dwelling for each of the lots and there are no other opportunities?

**MR DOY:** That is right.

**THE COMMISSIONER:** And also, just before you finish answering, is that the situation for the large lots, the three large lots to the west at the end of the cul-de-sac?

**MR DOY:** Yes, well, firstly the three large lots to the west of the cul-de-sac, they will be restricted by way of a no-build

covenant. And in addition, like the other lots, they could be subject to a land covenant restricting each site to one dwelling or a no further subdivision-type covenant. So there are mechanisms available to control the number of dwellings per lot.

**THE COMMISSIONER:** But for any of the assessment and consideration you have done, you have only allocated one dwelling for each one of those large lots?

**MR DOY:** Yes. For the type of development and the size of house expected and the site coverage for a 600m<sup>2</sup> site, we would envisage there would be one dwelling per site.

**THE COMMISSIONER:** Excuse me. Are you busy taking photographs?

**MALE SPEAKER:** Yes.

**THE COMMISSIONER:** I am not aware that there was any ...

**FEMALE SPEAKER:** He raised it with me (several inaudible words)

**THE COMMISSIONER:** Okay. Fine. Did you have any other questions, Mr Coffin? I do not think I have anything further, Mr Doy. No. Thank you.

At this point, Mr Muldowney, we might have a morning tea break and we will reconvene at 11.00 am and you are going to call evidence related to water. Is that correct?

**MR MULDOWNNEY:** Yes, I will call Mr Bunn and then, after Mr Bunn, we will hear from Mr Skerrett on traffic evidence. Then that will leave Mr Comber in terms of the planning assessment, which I anticipate will probably take us through to the 12.00, 12.30 mark.

**THE COMMISSIONER:** Okay. Thank you. We will adjourn and reconvene at 11.00 am.

(A short adjournment)

**THE COMMISSIONER:** Okay. If you will take a seat, please, we will get underway. We will reconvene. Mr Muldowney?

**MR MULDOWNNEY:** Thank you, sir. I will call Mr Bunn. Mr Bunn has given evidence in relation to stormwater-related matters. He has produced, like the other witnesses, a statement of 11 October and one of 2 December. I will ask him to firstly go through his 11 October statement. Can I just say that Mr Bunn

has not given evidence before, so congratulations Mr Bunn. What a welcome. Over to you.

**THE COMMISSIONER:** And there is no cross-examination, Mr Bunn, although there may be questions from just the panel members.

**MR BUNN:** I will start at paragraph 6 and just go through the evidence.

This evidence covers the high-level assessment of the proposed stormwater management system for the Wairau Estate development. This includes assessing the upstream catchment from the Kaitake Range to the confluence point with the Wairau Stream and assessing the potential hydrological effects of the proposed subdivision on the receiving environment.

The proposed stormwater management system, in this case being detention ponds, will be situated in the existing natural low points within the proposed development, being the unnamed tributary of the Wairau Stream and this will be utilising the existing culvert structure under SH45.

For the purpose of this high-level assessment, the pond system has been modelled as a single pond structure. The

multiple pond system is an acceptable option it will be interlinked and utilise a single outlet to the downstream environment. The multiple pond structures will be designed at resource consent stage. It will be assessed then.

I will just skip through to paragraph 8 for the analysis before summarising.

The hydrological analysis of the existing upstream catchment and catchments contributing to the proposed stormwater management system have been analysed using standard practice, which in this case was the US Army Corps of Engineers HEC-HMS Modelling System.

The summary from there is essentially we have concluded that there is sufficient capacity within the proposed Wairau Estate detention pond to accommodate up to the 1 per cent AEP design storm within the extents of the existing unnamed tributary.

The proposed detention pond servicing the proposed Wairau Estate development does not increase the pre-development peak flow at the discharge point for a 20 per cent, 10 per cent and up to 1 per cent AEP design storm.

The proposed Wairau Estate development in conjunction with the proposed detention pond has a no more than minor effect on the downstream 600mm culvert crossing SH45 and the downstream confluence with the Wairau Stream.

The peak flow from the proposed Wairau Estate development comprises of less than 5 per cent of the total peak flow at the confluence point across all design storms.

It can be concluded that the proposed development will have a negligible impact on the existing downstream confluence point.

The proposed detention pond servicing the Wairau Estate development is subject to detailed design and shall be designed in accordance with the NZ Building Code, Waikato Regional Council earthworks guidelines, and best practice engineering design.

In conclusion, based on the analysis undertaken, the proposed stormwater management system for the Wairau Estate development will have a no more than minor effect on the downstream confluence zone with the Wairau Stream, in relation

to peak flows and time to peaks for a wide range of design storm scenarios.

**MR MULDOWNNEY:** Thank you, Mr Bunn. Can we just turn to your statement of 2 December, please, and you can commence reading from paragraph 6.

**MR BUNN:** This is in response to Mr Peacock's further submission of evidence. Item numbers below refer to sections of his evidence statement.

Starting at item 4: The statement quoting the purpose of the stormwater modelling report prepared by me, stated by Mr Peacock, is correct. I agree.

Item 5: I confirm that the detention ponds have been designed to:

- a) have peak flow discharge from the Wairau Estate site in the reduced scheme plan no greater than pre-development during design storms of 20 per cent, 10 per cent, and 1 per cent AEP'
- b) have no impact on the peak flows and flood elevations at the 600mm diameter culvert under SH45;

c) have no more than minor impact at the downstream confluence zone where the unnamed tributary meets the Wairau Stream.

Item 6: The peak flow from the proposed Wairau Estate development comprises of less than 5 per cent as I have stated earlier of the total peak flow at the confluence point across all design storm scenarios considered. It can be concluded that the proposed development will have a negligible impact on the existing downstream environment.

Item 7: I can confirm that the stormwater design for the proposed development is only a high-level analysis. The proposed subdivision has not been fully designed; therefore, it is not possible to complete a detailed assessment of the proposed system. This will be completed at the time of subdivision resource consent.

Item 8: A physical site measure of the 600mm diameter culvert under SH45 was completed as part of the analysis and has been inputted into the stormwater model to establish peak culvert flows and peak flood elevations to achieve an accurate model.

Item 9: The stormwater modelling completed as part of this assessment has concluded that the existing culvert structure has the capacity to accommodate up to a 10 per cent AEP design storm without inundating SH45. Storm events over and above the 10 per cent AEP will likely partially inundate the roadway, which, in its current state, does not comply with the NZTA Bridge Manual. The culvert has been considered as a manmade restriction in the existing network with a ponding area upstream of the culvert. There is the potential to upgrade the culvert to meet NZTA requirements, although this would likely increase downstream flooding issues. Further modelling would be required to assess potential downstream impacts.

Item 10: The stormwater management system for the proposed development has not been designed to alleviate existing downstream flooding issues. The stormwater management system for the proposed development has been designed to have minimal to no effect on the receiving environment in accordance with NPDC Land Development and Subdivision Infrastructure Standards

Item 11: The subject stormwater modelling report has been prepared for the purpose of the plan change request and specifically is for the proposed 144-lot reduced scheme plan. If further development is undertaken upstream of the proposed

development in the future, engineering design will be required to minimise effects on the receiving environment in accordance with NPDC Land Development and Subdivision Infrastructure Standards

Item 12: The stormwater management system for the proposed development has not been designed to alleviate existing downstream flooding issues. The proposed development does not utilise the existing culvert structure under SH45 nearest to Wairau Road. This culvert is outside the scope of the development and therefore has not been evaluated. This culvert structure is a manmade restriction in the network and has an identified NPDC flooding area upstream of the culvert. There is the potential for NPDC to upgrade this culvert to meet NZTA requirements although again this would likely increase downstream flooding issues. Further modelling would be required to assess potential downstream impacts.

In conclusion, we have done a stream bed and bank stability analysis, which has been undertaken by Tonkin + Taylor. We have provided a report to follow. Tonkin + Taylor's summary is:

"This report concludes, after reviewing available information supplied by Red Jacket, that it is not expected that the proposed development will have significant effects on the stream bed and bank stability of the receiving tributaries of the Wairau Stream."

**MR MULDOWNNEY:** Mr Bunn, if you just remain there and answer questions please.

**THE COMMISSIONER:** Mr Coffin?

**MR COFFIN:** No questions.

**THE COMMISSIONER:** Mr Bunn, you indicated in your statement dated 11 October at 9(d) on page 2:

"The peak flow from the proposed Wairau Estate development comprises of less than 5 per cent range of the total peak ..."

In terms of your assessment and consideration, are those in line with the relevant standards and approach in terms of the district council?

**MR BUNN:** Yes. Essentially, within the council land development code there is an expectation - I think it is 4.3.4 - of the code that we mimic the existing regime in terms of where we discharge into the Wairau Stream. That is in relation to the flow based regime, not a volume base. So essentially, at the 600mm culvert under SH45 being our first influence on the way through the pond

system has been designed to have little to no influence on that culvert in terms of peak flows and peak elevations. That has essentially been the base of the model.

**THE COMMISSIONER:** So in terms of that design, that relates to the 1 per cent AEP design storm? Just to be clear.

**MR BUNN:** It relates down a 20 per cent, a 10 per cent and up to a 1 per cent, so we have taken a wide range of design storms to add some resilience.

**THE COMMISSIONER:** Are those standard, accepted ways from the council's perspective in terms of that assessment, in terms of design for stormwater?

**MR BUNN:** Yes, generally, yes, it would be a wide range of storms, up to a 1 per cent generally. Normal practice would just be assessing the 10 per cent and the 1 per cent but we have just gone a little bit further and gone for the 20 per cent as well.

**THE COMMISSIONER:** In terms of the previous proposal, what in your view is different in terms of the design and what you have outlined compared to what we heard back in July?

**MR BUNN:** The evidence from July was probably more preliminary and this is heading into detailed design. Normally, we would not produce stormwater modelling for a preliminary design. We have taken a more overall look at the picture and used the more standard method to come up with pond volumes as such. So this is taking it more in-depth; we are probably further through the detailed design processing than we would normally be for a preliminary assessment.

**THE COMMISSIONER:** In your supplementary statement, and this is your paragraph 15, or section 15, and within that, the third paragraph where you talk about:

"This culvert structure is a manmade restriction in the network and has an identified NPDC flooding area upstream of the culvert."

Can you just explain that a bit more for me, in terms of what that is about in terms of that council defined flooding area?

**MR BUNN:** This is the culvert nearest the Wairau Road. Essentially, the culvert has a flooding area identified through the New Plymouth District Council assessment, which they have already done. They have an identified flooding area there at

the moment. Essentially, that flooding area is detaining stormwater from the upstream catchment and then it is getting released over time via the 600mm culvert under the state highway. That manmade restriction there is detaining stormwater and I guess if that was going to get upgraded or changed in some way, then it would need to be assessed to see what the downstream impacts would be of not detaining that stormwater. The question is by not detaining that, are we going to increase downstream issues.

**THE COMMISSIONER:** We do not have anything further. Thank you, Mr Bunn.

**MR MULDOWNNEY:** I now call Mr Skerrett. Mr Skerrett, just like the other witnesses, you have a statement dated 11 October and you have an updated statement with some supplementary comments. If I can get you to please summarise your statement of 1 October and then move to reading your 2 December statement, please.

**THE COMMISSIONER:** Thanks, Mr Skerrett.

**MR SKERRETT:** I would just like to say that there is also an addendum to my evidence, issued in November. There are copies of that available because I do not believe that went up on to

the council website. So that is three documents, dated 11 October, 13 November and 2 December.

**THE COMMISSIONER:** Thank you.

**MR SKERRETT:** I will start at point 3.

The revised structure plan that has been discussed earlier today with the 144-lot yield that is going to be undertaken in five stages; through expert conferencing it was agreed that a suitable trip rate of 8.5 trips per lot was appropriate for the proposed development and therefore the 144 lots are likely to generate 1,224 vehicle trips per day when fully developed. In order to determine the effects of the additional traffic the morning peak was modelled as this was deemed to be the greatest impact due to the high percentage of vehicles turning right at the Wairau Rd - SH45 intersection. The additional turning movements were determined from applying the existing turning proportions and a 9 per cent morning peak hour flow and that gave the values that are shown in that diagram. The proposed plan change area will develop 110 trips of which 64 would be turning right at Wairau Road towards the village and 20 would be coming through the village and turning left into Wairau Road, with the rest going straight across or turning to the left.

These were modelled in Sidra 8 and the results indicated that for existing is level of service A for all movements on SH45, for Upper Wairau Road the right turn out is level of service B and all other movements are the level of service A. For Lower Wairau Road, the left turn out, it is level of service A and the other movements level of service B. For the development flows, the level of service remained unchanged, although there were modest increases in the average delays for the side-road movements but all less than one second. Since the development will take some time to occur, a sensitivity analysis was undertaken with ten years' growth applied to the traffic volumes at 2 per cent on State highways and 1 per cent on the local roads. The results indicated a small increase in the average delay to the side road turning movements but all remained at level of service A or B.

With the increase in traffic flows, there is an increase in risk of crashes occurring, as stated in the original traffic impact assessment. The intersection currently performs better than the 0.25 injury crashes per year crash prediction models indicate. With the increased flows the crash prediction models increase the injury crash rate to 0.37 injury crashes per year, an increase of 0.12 or an additional injury crash every eight years or so. Given the current injury crash rate at the

intersection is 0.1, an increase of 0.12, as predicted by the crash models, increases the rate to 0.22 injury crashes per year, which is still less than the models would predict for that intersection.

Given the predicted traffic volumes, I do not believe right-turn bays are warranted for the intersection, as they would increase the length of the crossing movements, requiring a larger gap in the traffic, increasing the delays of the crossing movements and increasing the potential for crashes to occur. During expert conferencing, NZTA's expert acknowledged that the proximity of the Wairua intersection to the speed limit is of concern and that traffic calming is required to slow the traffic down. This could be achieved by relocating the 50 km zone further to the south, implementing a formal traffic-calming scheme with vertical and horizontal elements installed near on the approach to the threshold and narrowing of lane lines at the signs, in accordance with NZTA's speed management guides.

The volume of traffic on Upper Wairau Road will increase between SH45 and the access to the proposed development to the order of 2,500 vehicles per day. Currently the road layout is developed in an ad hoc manner and it is a mix of urban and rural in style and varies along its length. The proposed development

changes the nature of the traffic activity on the road between SH45 and the access to the development to more suburban in nature. NZS 4404 recommends the following, a typical road-cross section for such a suburban road and it is a figure in the evidence.

**THE COMMISSIONER:** Just as a comment, Mr Skerrett, we have been pre-circulated with this, so I was looking more for your interpolation or highlighting matters for our attention.

**MR SKERRETT:** Okay. As has previously been mentioned, we are no longer proposing the underpass under SH45. There is the internal network of paths that are already discussed and there would have to be provisions for pedestrians to move from the current path at the northern end of the subdivision to Wairau Road. I suggested that a crossing point be established on Wairau Road to facilitate crossing movement and pedestrians and cyclists to the footpath to Donnelly Street. I suggested a crossing point be created just to the east of the intersection to narrow the highway down, to make the crossing a little bit easier. In conclusion, I believe that the new structure plan with the reduced lot yield, the predicted traffic generation can be accommodated within the local road network without carrying out capacity improvements to SH45/Wairau intersection and that

the Wairau Road would need to be upgraded to cater for the volume of traffic that is predicted. Most of the details of these could be addressed at the subdivision consent stage, should the plan change be approved.

Subsequent to the issuing of the evidence, we had some teleconferencing with both NPDC and NZTA. So now I am referring to the addendum to the evidence 13 November. At the conferencing NZTA expressed some concern about providing a crossing point to the east of the intersection and they suggested that the intersection could be pinched, which is, essentially, building each of the corners out to narrow the highway down and reduce the crossing width accordingly. A high-level sketch was prepared and circulated to NZTA's traffic expert for their agreement that it could be done. NZTA indicated they could not guarantee that the speed limit could be relocated further to the west on the approach to the intersection and that was primarily because it is a consultative exercise; there is no guarantee of the outcome.

Notwithstanding that during our discussions, it was agreed there are a number of steps that could be taken to address the speed, including the installation of an advanced warning sign, i.e. 50 kilometre an hour 200 metres ahead, as is currently

installed at the eastern approach to the village. Installation with stronger threshold treatments at the limit location and I put in there an example that is up at Acacia Bay in Taupo. There was discussion around funding and timing and there is no doubt that the development will increase the level of pedestrians crossing the highway and quantum is less certain however. The improvements for the safety, whilst is required, the timing is less certain. In this regard we accept a condition that the necessary modifications to the intersection are completed prior to granting of subdivision consent for stage 2.

With regard to the speed threshold improvements, we believe this is an existing problem that NZTA have acknowledged and has been an ongoing concern for some time with the local residents. The applicant is, therefore, prepared to work with NZTA to develop the funding formula for these works. I believe we were in broad agreement with NZTA regarding the works necessary at the intersection and that that can be completed to accommodate increased traffic. As it said, additional measures are required to reduce the speed. In terms of my response to the section 42A report, the initial impact assessment for the development attempted to accommodate the flows that might occur if all the future development outlined in the district plan were completed,

plus the proposed plan change area. Whilst the level of congestion, level of service at crossroads was still acceptable, there was an increase in the likelihood of crashes to occur and, therefore, a roundabout was promoted as a solution following discussions both with council and NZTA as a method of not only addressing the potential increase in crash risk but also to address the existing problem of the speed of the traffic on the highway.

It is acknowledged that the roundabout on its own would not be sufficient to reduce the approach speeds on the highway and additional measures would be required, such as a gateway and advanced warning signage. If the proposed plan change area with the reduction of the proposed number of lots is considered, the potential risk increase is significantly reduced and, therefore, the roundabout is no longer required. Council's traffic expert indicates the predicted crash rate at the crossroads is only marginally less than that for the roundabout and based on this suggestion that the roundabout treatment should, therefore, be triggered at 150 lots.

Given the original TIA was based on the maximum development of 399 lots, plus the additional traffic from FUD West and other growth in the area, I believe this is an over-simplistic view of

the trigger. Typically an intersection is allowed to perform at a lower level than the ideal and until such time that the treatments returns a positive economic return, i.e. a benefit cost ratio greater than 1, the installation of a roundabout will potentially improve the safety performance of the intersection but at the cost of the efficiency of the traffic. The side-road traffic is unlikely to benefit significantly, as it is currently predicted to be performing at an acceptable level of level of service B. However, the highway through traffic will be negatively impacted by the roundabout in terms of efficiency because they will have to slow to give way.

To offset this benefit considerably more lots would have to be developed on Upper and Lower Wairau Road to drive down the safety performance of the crossroads, thus increasing the benefits of the roundabout. I have not had an opportunity to calculate what the number of lots are required but I believe it will be significantly higher than the 150 lots and that would only achieve a BCR of 1. It should be noted that in the draft district plan the FUD West remains, indicating council has no intention of rezoning the land in the short to medium term. If the landowners wish to develop FUD West, then a plan change would be required. This process is likely to take two or three years, followed by a year or two of design and consent of any

subdivision, with another 6 to 12 months for construction before any dwellings are established. It is, therefore, unlikely to see any significant growth within a ten-year timeframe.

I, therefore, believe the need to change the intersection form is further into the future and is also dependent upon other factors, about which we have little information, such as the Oākura to Pukeiti shared pathway. Notwithstanding the intersection form, the issue of vehicular speeds on the highway approach remains. I recommended relocating the speed threshold further away from the intersection. Whilst I acknowledge that there is no certainty that this can be achieved, due to the consultation process required, I still believe it is a course of action the Agency should be undertaking.

In the meantime, the installation of advanced speed limit warning signs should be installed, along with a stronger gateway at the threshold to reinforce the need for vehicles to slow down. These elements could then be relocated if NZTA is successful in getting the speed limit relocated further from the intersection. I note the proposed district plan clearly shows a preferred route for pedestrians and cyclists to utilise the subdivision footpaths and cross the highway near the original proposed underpass to make their way down to the sea. In the

interim I agree with NZTA and the council that the kerbs near the Wairau intersection could be adjusted to provide clearer shorter paths to cross the highway. I do not believe the central refuge should be completely dismissed as an option, as it would be similar to the one at the other end of the township. But these details can be addressed at the subdivision consent stage if the plan change were granted.

The timing of these works has been raised and I believe it is unnecessary for them to be undertaken until at least the first of the proposed five stages has been completed. Details of the timing and financial contributions can be addressed during the subdivision consent process, should the plan change be approved. Council have raised the concern of the increased traffic on intersections further to the east of Wairau Road. During expert conferencing no agreement was reached on the extent that that should be considered.

In the morning peak traffic I estimated the increased flows heading east from Wairau Road from the plan change area is in the order of 64 vehicles. According to Stats New Zealand, one-third of households have children under 18 years of age resident at the last census. If we assume 100 per cent of the primary school aged children and 60 per cent of the intermediate aged

children were to attend the school, then 40 per cent of all the children would attend and the results indicate that for existing morning peak hour for SH45 the level of service (LOS) is A for all movements. For Upper Wairau Rd the right turn out is LOS B and all other movements are LOS A and for Lower Wairau Rd left turn out is LOS A and the other movements are LOS B. School. We could then apply that 40 per cent to the 30 per cent of households with children, which means 12 per cent of households or roughly one household in eight would have children at the school from the plan change area or 18 households from the plan change area. If we assume 100 per cent of them drive their children to school, then an increase of 18 vehicles in the morning peak is unlikely to have anything more than minor effects. Given the older demographic of Oākura, compared to the national average and the potential for active modes of transport to be used, this can be considered a conservatively high estimate of the potential traffic movements.

In conclusion, I believe the proposed measures are sufficient to address the effects of the private plan change and their details can be addressed at the subsequent consenting stages, should the plan change be approved.

**THE COMMISSIONER:** Okay, thank you. Mr Coffin.

**THE COMMISSIONER:** With regards to point 6 of 2 December and just where you are talking about the roundabout treatment should be triggered at 150 lots, is the lot numerically a good measure or are there are other measures that you could possibly use that might be a little bit more related to the actual traffic movements?

**MR SKERRETT:** No, it all comes back down to the volumes generated by the growth and development over time, so, yes, probably lots is the most appropriate measure.

**THE COMMISSIONER:** You talked about funding measure and I think we are going to have the NZTA later today, are we not? But, in your experience, what is the normal funding arrangements for future cost developments, notwithstanding this plan change area would be one of many developments? There is traffic movements being generated for lots of other places, some are already existing and some are future, so how does the funding arrangements work for that situation?

**MR SKERRETT:** During our conference call, NZTA were quite clear that they believe under the RMA it is your address what is on

the table in front of you, rather than trying to predict the future too far.

**THE COMMISSIONER:** You are talking about just the effects from the development.

**MR SKERRETT:** That is right.

**THE COMMISSIONER:** Yes.

**MR SKERRETT:** There would be an expectation from NZTA to get some funding from the developer to offset those effects that are specific to that development.

**THE COMMISSIONER:** At the time of each stage or at the ...

**MR SKERRETT:** That is open to debate. We had suggested in the initial proposal that there was a funding mechanism developed. I still think that is the most appropriate way. NZTA kind of had a view that they should be done upfront. I think that is a little unreasonable, given the fact that until such time as there are dwellings contributing to that section, there are no effects and we should address it at an appropriate time, rather than upfront.

**THE COMMISSIONER:** I am sure we will hear the NZTA view about the funding and when it should come but from your perspective you think a staged approach would be appropriate. At each stage you would be assessing the movements and ...

**MR SKERRETT:** I think we could come to a point where we would agree that at this point we need to do these works. It will not be at each stage; that will be a point where you do the works because they being similar.

**THE COMMISSIONER:** Do you think the mechanisms for that would be facilitated by particular rules that are part of the plan change or that would be something quite separate?

**MR SKERRETT:** It can be done either way. I would have thought it is better done during the resource consenting stage of the subdivision when more certainty is known.

**THE COMMISSIONER:** Just at point 8, you were talking about the roundabout and its effectiveness, and I was trying to picture it in my head. Are you talking about where a roundabout would be unbalanced you would have more traffic coming through it from particular directions and the risk for mothers and ...

**MR SKERRETT:** No, if you picture the crossroads at the moment, the state highway traffic is unhindered, it has free access through. If you put a roundabout in there they have to slow to give way, so that is the disbenefit of sort of highway traffic. The side-road traffic will have an improved access to the highway because the highway has to stop and give way to them. But it would be less because they're already performing at a reasonable level.

**THE COMMISSIONER:** Okay. Each of those traffic-calming measures, as a package, how would that work in terms of when you might see -- because we have just talked the funding arrangements, as a package of because they do not necessarily work independently, they are interdependent by each other?

**MR SKERRETT:** Correct, yes.

**THE COMMISSIONER:** How would you see those rolling out? So you would see ...

**MR SKERRETT:** I think there is an existing problem now and that was certainly NZTA's approach when we first discussed the intersection with them; that they had a problem, they were looking for a solution and the roundabout suited their needs at

the time. They have moved away from that and I still think it needs to be resolved sooner rather than later. If there is a consultation process for relocating the signs, they should initiate that as good managers of the highways network.

**THE COMMISSIONER:** Okay. At point 16, this was an interesting little bit of mathematics.

**MR SKERRETT:** Sorry, it is really hard to predict how many people would be going to the school, so that is why I took that kind of local approach.

**THE COMMISSIONER:** The potential effects on the school was raised by a large number of submitters at the first hearing and I just wonder, there are two parts to the question, one is this is a hypothetical situation, this is your hypothetical situation, is it one that is shared by the applicant in terms of these are the expected demographic coming out of the subdivision or is it just sitting out there as a ...

**MR SKERRETT:** If you look at The Paddocks, four out of the 20 lots have children attending the school, so they are less than the 30 per cent. It is an approach, it is the best I could do to come up with something to actually try and quantify what it

is. We have not talked about the fact that there is another school being developed in reasonable close proximity, we'd have kids going there as well.

**THE COMMISSIONER:** That is probably my second question, does this situation currently exist in Oākura? Are you able to go and identify a neighbourhood and then just test, does this demographic actually exist in reality? Because you said that you think it is conservative and it is at the higher end.

**MR SKERRETT:** Yes, yes. I am not aware of any ability to drill down. I could work with Statistics New Zealand and see if we could extract something from the census results, yes.

**THE COMMISSIONER:** I was just seeing if you had just tested it on the ground, so this is a hypothesis, this is what the stats say, does that exist across the road?

**MR SKERRETT:** I guess my only evidence really is the number of children attending from The Paddocks and the number of households with children.

**THE COMMISSIONER:** In our first hearing, the proposal was for a second access to SH45 at some time and certainly our understanding of the proposal is it is now that there is no

second access required. I am just wanting just to confirm with you that you do not see that as necessary.

**MR SKERRETT:** The way I saw it in the original proposal was with this plan change or the original plan change concept and FUD West, I could see the urban limits moving to the west out towards the golf club and a second access made a great deal of sense. It also opened up the opportunity for the FUD West to be developed because that has some quite difficult terrain to the north and to the east, making access much more difficult. We looked at it sort of with a bigger picture view that it kind of addressed a lot of issues. I think the proposal, as it is now, can be accommodated at Wairau Road intersection, subject to whatever happens to FUD West in the future. If all the access into FUD West comes off Lower Wairau Road, that would certainly push the case for a roundabout much quicker.

**THE COMMISSIONER:** Did you have a view around the wider traffic effects of the current proposal and green parking and access? Because you have talked about the intersection of Wairau Road with SH45 and the access to the school but did you have a view about other wider effects?

**MR SKERRETT:** I guess I just see it as natural growth within the network. The roads themselves can cope with it. I understand there are parking issues in Oākura. But I do not believe that this would exacerbate it significantly. People tend to find alternative places to park and alternative ways of getting to the beach, et cetera, if they cannot park exactly where they used to.

**THE COMMISSIONER:** Is that what you have seen elsewhere? We have new lots, new subdivision and people will find a solution.

**MR SKERRETT:** No, but I guess I am talking from my experience in the UK. I come from Cornwall in the UK, which grows by a million visitors during the summer period and you just work around it. There are various means of addressing some of those issues. Some of the towns in the UK have little minibuses that run around and shuttle people to the beach and back to the car parking areas and that sort of thing. I do not see this of that scale.

**THE COMMISSIONER:** Has public transport been an issue that has been raised at all with the NZTA in your discussions?

**MR SKERRETT:** Not specifically, no.

**THE COMMISSIONER:** Mr Skerrett, in terms of the mitigations or any mitigations, what would you see then the package of mitigations required at the plan change stage and then what would be required subsequent subdivision consent stages? I just want to have a bit more handle and certainty on what those packages are and what you ...

**MR SKERRETT:** I think all the issues are best mitigated at subdivision consent stage. That level of certainty around numbers will help. Yes, I think the subdivision stage is the best stage to address it, apart from the speed threshold, which a process should be started sooner rather than later.

**THE COMMISSIONER:** Which is beyond our jurisdiction in terms of mitigating --

**MR SKERRETT:** It is, it is and I would need to work with NZTA to get something moving there.

**THE COMMISSIONER:** Okay. Given that and your advice that all issues are considered and mitigated at the subdivision consent stage, does that leave us in terms of considering effects at the plan change stage in some difficulty in the sense that there is

not potentially enough certainty around what that package of mitigation may be? Does that leave what those effects could be in traffic - when I talk about that I also include pedestrian and cycling in that package - something for a later date that is uncertain?

**MR SKERRETT:** I do not know how uncertain is it? We know it is going to occur and it is got to be addressed at consent stage. I am not sure. I have done other plan changes where we have not gone into this level of detail.

**THE COMMISSIONER:** For an example, as noted there is no underpass to be provided and just putting aside whether that was primarily for equestrians or whatever, putting that issue to one side, we have heard in terms of the increased traffic generation. You have noted in your statement, it might have been your addendum, in terms of less certain regarding the level of pedestrians crossing the highway and that is in your paragraph 7 to your addendum. Given that uncertainty in terms of what pedestrian and cycle numbers look like and the potential for, in effect, given an increase in those numbers, is that not something that needs to be considered at the plan change stage, given that we have heard evidence from you in terms of the

increase in traffic numbers and the intersection can accommodate that, et cetera, et cetera?

**MR SKERRETT:** I guess those effects do not manifest themselves until subdivision. I am not quite sure what you would you actually look for in the plan change now, apart from an acknowledgement that this has to be considered at the subdivision stage.

**THE COMMISSIONER:** I am just trying to get some handle on any of the potential effects and, if we were of a mind to recommend approval of the plan change, whether there needed to be something, whatever that something may be, as part of the plan change, as opposed to leaving it for a subdivision consent process.

**MR SKERRETT:** Without having detailed design, I am not really sure what to recommend to you, to be honest. Now we have worked with NZTA and council all the way through the process and I certainly do not intend to stop doing that now or into the future. They could get a clause that states that that shall be agreed between roading authorities and the applicant on any measures that are being discussed, i.e. the pinching of the intersection could build out to facilitate the crossing of

Wairau Road for access to the connection to Donnelly Street;  
that is what I am thinking.

**THE COMMISSIONER:** Just so I am then clear and I am in your  
statement 2 December, paragraph 13, where you note in the second  
to last sentence:

"I do not believe the central refuge should be completely  
dismissed as an option and, therefore, can be addressed at  
the subdivision consent stage."

If those matters are addressed at a subdivision consent stage  
and given there are five suggested stages, at what time in that  
staging should these traffic matters or effects be addressed?  
Is it stage 1 or is it left to some later date?

**MR SKERRETT:** I would suggest after stage 1, once stage 1 is  
completed.

**THE COMMISSIONER:** Would be part of a stage 1.

**MR SKERRETT:** They would have to be completed before completion  
of stage 1.

**THE COMMISSIONER:** Okay, so any requirements, just hypothetically, would need to be considered in respect of a subdivision application for stage 1.

**MR SKERRETT:** Yes.

**THE COMMISSIONER:** I do not know if you have Mr Gladstone's evidence in front of you.

**MR SKERRETT:** I do not have it in front of me, no.

**THE COMMISSIONER:** Mr Muldowney, can you assist? This is his statement of 15 November. At paragraph 7 there is reference in terms of what experts agreed in terms of the joint witness statement, then 8 and then over the page on 9 one of the recommendations was:

"A pedestrian link between Wairau Road and Donnelly Street needs to be assessed if upgrading is required and considered as a non-vehicular route, taking into account the needs of vulnerable road users."

Do I take it, given your previous responses, that the consideration of matters such as that, again, is a subdivision consent stage matter, as opposed to a plan change matter?

**MR SKERRETT:** Yes. There is an existing link there, it needs, potentially, upgrading. I do not see it as something that cannot be addressed at resource consent stage.

**THE COMMISSIONER:** Okay. Just going to you, Mr Muldowney, we would be interested again for a matter for your reply submissions. If we were of a mind to recommend approval of the plan change, whether you believed it would be within our jurisdiction to clearly outline those matters that required consideration and resolution at the subdivision consent stage, i.e. the ability to provide some very clear direction in terms of what needs to be considered in terms of the traffic effects.

**MR MULDOWNNEY:** Yes, sir, I can certainly address you in the closing on that. My initial response is an unequivocal, yes, you do have jurisdiction to address matters in the way that Mr Skerrett is recommending. I will have a think about the right place within the plan change for it but I am immediately drawn to some form of assessment criteria. There may be matters of discretion and they could be articulated very clearly in any assessment criteria or information requirements that would be submitted as part of the consent. I think that would be the appropriate place for a level of detail around exactly what you would want to see addressed. But I will pick my way through the

plan change provisions myself and I will confer with Mr Comber and we will make sure we lay that out very clearly for you in closing.

**THE COMMISSIONER:** Thank you. One final question, Mr Skerrett, and this is going back to the July hearing. I think we had heard from Mr Gladstone. We also had heard from some submitters regarding the safety of the intersection and, from memory, an example was given of heading south along the road, which, I think, rises up towards the intersection and then drops down again.

**MR SKERRETT:** On Lower Wairau Road from the sea ...

**THE COMMISSIONER:** Driving from the Oākura -- heading from the north, heading south towards ...

**MR SKERRETT:** Right, okay, so from the township on the highway, yes.

**THE COMMISSIONER:** From the township, you have indicated in terms of the ability of the intersection to cater for additional traffic, where would those issues regarding then safety and the

design of the intersection? Do they again then flick up at the subdivision consent stage?

**MR SKERRETT:** They would have to be addressed as part of the design process and if it is on the highway it will be safety audited.

**THE COMMISSIONER:** Given that we are also dealing with a third party here in terms of New Zealand Transport Agency, I suppose it is something for you, Mr Muldowney, to again give consideration to, is in terms of, what could be appropriately applied, either through a plan change or a subdivision consent, in respect of where a third party may need to undertake works (a) to correct or to improve an existing deficiency and then it is probably more straightforward when there is some additional traffic being created because of a particular development? I am just wondering how those types of matters may be able to be addressed also, Mr Muldowney.

**MR MULDOWNNEY:** Yes. What I would say, firstly, is that there is nothing at all unusual about the situation we are in where we have got a plan change which brings into play third parties and third-party rights like the transport agencies. What I would be expecting to see from the Transport Agency at a plan change

stage is the fundamental requirements that they would need to see in place, which are to be appropriately addressed when the time comes for land use. We have got information from the Transport Agency on those matters and they will be reflected in the plan change.

At a consent stage I would have thought that there would be ample opportunity for this council to impose what are, in effect, conditions precedent, so conditions which are framed in a way which says, for example, certain land uses or subdivision cannot proceed until such time as X has occurred. If X is within the control of the third party, that is a perfectly fine framing of the condition precedent. What is not lawful is a condition which says the consent holder must procure or achieve X. So long as the condition is framed in the right way, I think that there is a way through in terms of any of the NZTA requirements. But, again, I will develop that and provide you with the authorities on that in closing, sir.

**THE COMMISSIONER:** Thank you. Nothing further, thank you, Mr Skerrett.

**MR MULDOWNNEY:** Thank you, sir. I now call Mr Comber, final witness for the applicant this morning. Like the other

witnesses, Mr Comber has a statement of 11 October and a supplementary statement, which has been circulated today and, like the other witnesses, will address you on the key matters arising out of the statement of 11 October and then take you through in some detail the response statement. Mr Comber.

**THE COMMISSIONER:** Just sorting out the early afternoon, Mr Muldowney, in terms of Mr Comber, do you have a feel for length of time, notwithstanding putting aside any questions?

**MR MULDOWNNEY:** We will go through the lunch break with this witness. I am not sure whether we will complete the witness before 1.00 pm but we will get through a good chunk of it.

**THE COMMISSIONER:** Mr Grieve has some commitments this afternoon and requires about ten minutes. If we are not finished with Mr Comber, say, around 1.00 pm, whether we paused and we heard from Mr Grieve.

**MR MULDOWNNEY:** I am reluctant to lose the flow of my evidence, sir, so I am in your hands. If that is your preference, then that is fine. My preference certainly would be to get through the evidence and get a single run at it, rather than have to

come back. But I am perfectly willing to flex if you think that is more convenient for you and the witness, sir.

**THE COMMISSIONER:** Okay. We will endeavour to do that. What we may do and we will reassess later on, yes, we will hear from Mr Comber, we will have any questions and then, all going well, we will hear from Mr Grieve and then we will take the luncheon adjournment, so that is what we will aim for at this point.

**MR MULDOWNEY:** Right, that is fine. I do not wish to be difficult, it is just that this witness is important to the applicant's case.

**THE COMMISSIONER:** Yes, yes, and we are just trying to balance availability. Thank you, Mr Comber.

**MR COMBER:** Thank you, sirs. I will step through the statement of further evidence dated 11 October. There will be some sections that I can take as read and will endeavour to traverse it reasonably efficiently.

**THE COMMISSIONER:** Thank you.

**MR COMBER:** This is a response to the section 42A authors' recommendation regarding the proposal for a reduced scale and intensity of development and also address the cultural impacts, although, by and large, I will be able to not have to speak to that because, essentially, we have been overtaken by other events, particularly the advent of the CIA. I address that in my supplementary evidence, which will follow. Social impacts, I will have something to say about. Water supply has been largely overtaken by events and I can traverse that fairly quickly.

The reduced scheme, the applicant has listened to submitters and has noted the views of the section 42A reports author. Now, as you've heard, we propose or the applicant proposes a scheme of less than half the size of the original and certainly less than the 167 lots recommended in the 42A report. As you're heard from Mr Bain, he has undertaken a reappraisal and that has subsequently been taken by Mr Doy and the resulting scheme, reduced scheme developed. 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 infrastructural effects all reduce to the extent that the concerns identified by the section 42A authors fall away.

The starting point for the reduced scheme was the response by Mr Bain, which you've heard about, to the concerns raised by the other landscape experts. Mr Bain's evidence outlines his amended landscape framework plan, together with the indicative development cross-section, the Kaitake vista, which you've seen images of this morning. You've also seen Mr Doy's work and heard from him and I will not have those images brought up because you've already seen those I refer in appendix B. A structure plan for inclusion on the district plan showing the revised proposal is included in appendix C hereto and we have seen that, I believe.

Dealing next with the 42A authors' concerns regarding the uneasy fit between the proposed plan change and the Oākura community's aspirations, as expressed through the community planning documents, as I have cited there. It is clear that a tension exists between the statutory provisions of the operative plan, which provides for a significant future urban development at Oākura, 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 the submitters'

oft repeated call to decline the subject application in its entirety.

If the community aspirations for growth, as expressed through the non-statutory documents, are to provide guidance, the essential themes are best captured in a single sentence in the executive summary of the Kaitake Community Board Thirty-Year Vision and that single sentence reads:

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

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 the estate increased as development progressed and it was a targeted response to the growth pressures that Oākura faces and would have delivered a range of housing and lifestyle choices in response to the identified demands. Notwithstanding this, the reduced scheme responds positively to the various submitters and the 42A authors' concerns about scale and intensity and will address community aspirations about being managed, staged and targeted.

Then I give some analysis of the yield and I will move to paragraph 14. As shown in table 1, the area of the applicant's land is to be retained in the rural environment/rural production zone and that area is now 31.67 with 6.9 hectares being given over to open space, thus some 38 hectares or 68 per cent of the Oākura Farm Park Limited land included in the request will remain or be enhanced to be rural in character. The provision for equestrian lifestyle is no longer proposed and the original business C area has also been removed, consistent with maintaining the majority of the site in its existing pastoral rural character.

The area of the applicant's land to now be utilised for residential activity, excluding roads, is some 14.6 hectares. This is slightly greater than the nominal FUD area of 12 to 13 hectares on the applicant's land. It is now proposed that all land for residential development will be one zoning, being either residential C under the operative plan or general residential under the proposed district plan. The residential D area, that is the small lot 300m<sup>2</sup> minimum permitted option, has been removed. It is noted that the general residential zone in the proposed plan is proposed for the majority of the Oākura urban area, which is currently residential C. What I am saying

there is we are consistent with the existing plan provisions and the going forward, in fact the general residential zone will align at 600 squares permitted area, with the analysis that you've heard from Mr Doy.

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 school. Concerns about rapid development are also expressed in the thirty-year vision plan and it is stated there:

"The concern about rapid expansion would negatively affect the special character of Oākura and adversely impact on the education services, traffic and parking and access to affordable homes and recreation and environmental assets."

What I would argue is that rather than resulting in widespread expansion, the reduced scheme is with the original, will provide for, over time, a modest and logical expansion of the township. The reduced scheme prepared by Mr Doy and you've heard from him, proposed development in five stages. My analysis of that is that those stages range in size from 24 to 33 lots; average 29 and the median is 29. By contrast, the historic size of greenfield subdivision in the township, that is 1974 to 2010,

has ranged from 6 to 31 lots; average 18, median 22. Four of those developments were one of 22 lots, one of 23, one of 26 and one of 31.

The largest of the historic subdivisions was a 31-lot subdivision in Arden Place in 1983. The most recent subdivision given effect to was a 6-lot subdivision in Cunningham Lane in 2010. I am not aware of any adverse social impacts arising from these historic subdivisions within the Oākura township. It is propose to avoid any prospect of rapid expansion, that the rate of development will be managed through district plan rules controlling the staging of development. A proposed rule framework for staging the development of the Estate in a manner that can be readily controlled by the council through its regulatory function is set out in appendix C. I just paraphrased that in how I believe will operate in the following paragraphs and I will read those.

The rule framework provides for stage 1 of 33 lots to proceed with subdivision consent to development with no time restriction. What I am saying there is the application for subdivision is made and once it is approved that subdivision and development will get underway, obviously following the plan change coming into effect. 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 per cent of the lots in the preceding stage. Consenting to each stage will be by way of controlled activity for land use, in addition to the subdivision approval that will be required for each stage.

The applicant does not propose what the community wants to avoid, i.e. large tract housing development with uniform housing types, 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 Oākura has evolved over time and is in line with community aspirations for sequential growth and variable housing choices and that is a statement from the Vision statement.

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 Oākura and in a manner which will help to ensure land prices are not artificially inflated due to excessive regulatory

intervention restricting supply. Given the last greenfield subdivision given effect to 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 Vision aspires to.

On a separate topic, I observe that the reduced scheme eliminates the need for the noise attenuation bund and we have covered that. Just an important point here regarding reverse sensitivity; that was raised by Mr Greensill. I also note the retention of the pasture land 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 on effluent as no lifestyle area housing will now occur on that part of the site.

The cultural impacts; I think we can move through that, sir, because we have had a reset on that with the advent of the cultural impact assessment becoming available on Friday and I will speak to that in my supplementary evidence.

Social impacts: the submitters concerns expressed through the course of the hearing the discussion about the potential

adverse social impacts have been noted and, as now discussed, responded to.

It is my opinion that the 42A responses fail 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 of a separate social impact assessment. Social and community effects can be determined on the evidence currently before you.

In arriving at a recommendation supporting a social impact assessment the 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 this non-statutory document developed within the community itself, these provide a basis to evaluate these communities' concerns against these community documents. 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.

**THE COMMISSIONER:** Mr Comber, just given we have had pre-circulated we would be looking at it in terms of just you interpolating more as you work through this statement, thank you.

**MR COMBER:** Certainly. Thank you, sir. So at 47 I am indicating very strong alignment between in fact what the original proposal proposed and the very specific examples that are cited in the vision document. I will not read those but a detailed reading of them will show that effectively that plan change - the original proposal was delivering what the community had identified as being desirable right down to equestrian lifestyle blocks.

The apparent disconnect between the aspirations of the community 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 in the 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 further growth at Oākura or not?

It would be difficult to believe that in planning for growth that the consultative initiatives undertaken within the community actually did not consider how the township would grow given the two FUD areas that have been in existence for so long and are actually embedded in the district plan. Yes, under 51 it was the FUD West and FUD South areas that would have or should have been the growth areas that the community were being consulted over for future growth at Oākura.

I just relay again that the Ministry of Education's position is that they believe that the foreseeable growth in the school can be accommodated within the existing site.

Just to say that we have endeavoured to align the staging with the historic rate of development of Oākura under 53.

Fifty-four, the key point there, the data that I provided clearly shows the Oākura community has grown over time and at a rate which has not resulted in any apparent significant adverse effects - sorry, social impacts.

Just as Mr Doy has indicated, I believe that for example stage 1 from approval will - if all 33 lots within stage 1 had dwellings built on them and were occupied within three years of stage 1 subdivision approval the average rate of population increase over the period will be 29 persons per annum, assuming no other significant subdivision activity at Oākura. This rate of population increase is commensurate with the recent historic average.

At 57, the underlying preference in the community 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 the growth occurs. It is my view that the scaled-down proposal aligns well with the community's preferences and aspirations as expressed in the community documents and as provided for within the district plan provisions for growth at Oākura.

Then, sir, at 58 I introduce the recommendation that a community development liaison group - I'll just read 58 but I will not go into the detail of the composition.

"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 can be attributable to

Wairau Estate should they arise, it is proposed that a community development liaison group be established with representatives from key stakeholder groups. I identify the community board, the school, mana whenua, the applicant and council planning officers and perhaps NZTA would be an addition as well. The group would be facilitated by a councillor et cetera, et cetera."

To give effect to the community development liaison group within the district plan framework the following amendments to private plan change 18 would be appropriate, and I detail those down there and I will not read them.

Then I go on to 61 where I cite examples of recent plan changes and resource consents, plan changes for the rezoning of land and future urban development areas and significant resource consents. I have confirmed with the council that none of those listed plan changes or consents have been or are to be subject to social impact assessments.

Then I just talk there about at 62 that there is no evidence or the council has had no necessity for SIAs in recent times. As I say there, they are normally undertaken at the beginning of a planning process. If a SIA was to have been undertaken at Oākura the time for that was in 2009 when the FUD plan change, introducing FUD West and South was proposed and that wasn't undertaken at that time.

So at 63, the rate of increase in the local population consequent on the reduced scheme and its district plan controls will be no more certain or uncertain as to information than any other greenfield urban development typical in the district. Furthermore, the provisions now proposed will basically manage the rate of growth at Wairau Estate commensurate with the historic low growth at Oākura.

At 64 I say that if there is any prospect of negative social impacts they'll be able to be avoided, remedied or mitigated. Sir, I believe you have sufficient information and certain information to be able to deduce that.

At 65 I am of the view the assessment of social effects undertaken within the request, together with the subsequent evidence available to the commission is at a level of detail that corresponds to the scale and significance of the social effects that might reasonably be anticipated from the implementation of the request, and particularly now in its much reduced scale. To call for a specialist social impact in the absence of evidence pointing to likely significant adverse effects would be a disproportionate response, having regard to

any likely benefits and the costs from undertaking such an exercise.

Then at 66 I give examples within the New Zealand context where SIAs have been undertaken. Reading through those, the scale of those proposals where SIAs have been undertaken have been quite significant by contrast or comparison to the matter now before the commission.

At 67, commissioning a social impact assessment for a plan change that proposes to provide 140 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, we are in a position now where the council are relaxed about the servicing of Wairau Estate, it can be adequately serviced.

Then I have my concluding comments. If I could just start at 84, the reduced scope responds to the concerns of submitters in respect of the original scale. Further expert evidence in respect of landscape, traffic and storm water demonstrates site

suitability for transition from rural to residential development as contemplated by the future urban development provisions at Oākura.

The rate of development now proposed will be in line with the historic rate of growth that Oākura has experienced and any adverse social effects will be limited to the existing community being able to adjust to having new residents in their midst. There is reference to the community development liaison group again as a mechanism to monitor the social considerations.

Oākura has adequate business zoned land to meet future anticipated needs of the township, and the school has adequate capacity to accommodate predicted roll growth.

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 for water supply and wastewater and stormwater can be well managed, as you've heard.

Then the reduced scale also results in the 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 Mounga and the coast.

Growing the population at Oākura in line with the community's well-documented aspirations will not only contribute to local social and economic wellbeing but also contribute to community vibrancy and resilience.

In its reduced form the proposal continues to deliver on the objective and policy of issue 23 of the operative plan in respect of the need to comprehensively plan for future urban development. That is the evidence.

**THE COMMISSIONER:** Thank you, so you can move to your supplementary statement and then we will come back to more questions. Thank you.

**MR COMBER:** So, sir, the setting out of this evidence is in the order of presentation following the principal matters of contention in the 42A response report and section 3. So the style is that I identify the section in the report and then offer an assessment.

So regarding the appropriateness of residential zoning including scale, nature and extent of zoning, paragraph 3.8, concedes the reduced scheme better responds to the nature and characteristics of the site and surrounding area and may be appropriate to ODP policy 23.1(a), which is the structure planning policy. My assessment is that a weighing of all the applicants' relevant evidence would lead one to conclude that the reduced scheme, having regard to the type, location and density is suitable for the site.

Paragraph 3.9 in the report considers the potential reverse sensitivity effects have significantly reduced. Again, we refer to the separation distance of 150 m sought by the submitter Mr Greensill has been met and the situation will essentially remain status quo on the part of the Oākura Farm Park property.

It is now clear at 3.9 how the remainder of the currently farmed area will be used in future. My assessment is that the

applicant's land not within the structure plan area will remain zoned rural environment area, rural production zone. It is intended the present use of this land as an organic dairy farm being managed by the applicant's daughter who lives on site with her own family will be continued.

Paragraph 3.10, questions about the future road linkages undermining the effectiveness of the open space area in forming an interface between the proposed residential and rural land. My assessment is that having regard to the potential needs of future generations it would be remiss of the council not to provide such future proofing. Providing potential access in this manner is a conventional planning mechanism and there are any number of examples through the district. These road stubs will vest as road reserve. The council has the option of conditioning a subdivision consent by specifying the extent to which a road reserve is to be formed and/or could retain narrow control strips in freehold in its ownership across the road reserve, parallel with the eastern edge of the open space, to control future access. What I am saying there is that those strips could be put across the road reserve in the council's ownership on the inside edge - if we can call it that - of the open space area.

Just thinking that forward a little bit, those road stubs as road reserve could potentially be pedestrian access ways into the open space area. I have seen that in other locations where those road reserves are actually maintained in mown grass to their full width and provide a very nice way to approach an open space, particularly with the width promoting, you know, personal safety.

Paragraph 3.11, considerations re supply and demand for residential land and the land that is currently available in Oākura could meet the short and medium-term needs for residential land identified under the NPS-UDC, national policy statement. I would respectfully suggest this matter requires a more robust analysis. As traversed in my original evidence and Mr Doy's, the New Plymouth District Council housing and business assessment - capacity assessment, drawing on the national policy statement, defines future development land in three categories and I set those out there, short-term, medium-term and long-term. The short term really is talking about land immediately available for development.

So apart from limited infill development the reality is that currently there is no short-term development capacity at Oākura, land readily available - that is land readily available

where feasibility has been proven, zoned and serviced. The New Plymouth document considers infill development to be a poor bet, with only 20 per cent development uptake likely, that is 20 per cent of something like 90 sections that have been identified, I think it is, for infill development. Pre-existing sections with development on them, it is only like that 20 per cent will be developed according to that document. I'd be confident an examination of a historic infill development at Oākura will confirm limited yield of this order.

A critical factor on the supply side of the two FUD areas are that each are in single ownership. That has positive and negative considerations. Of the two, the applicant is the only owner who has demonstrated commitment - evidenced through this private plan change request - to making short-term land available.

More recently the green school in nearby Koru Road has been enrolling pupils for a school start in early 2020. Based on my personal communications there is now anecdotal evidence emerging from the local real estate industry of enquiry from New Zealand, Australia and other countries of families looking to buy or rent dwellings in Oākura, or buy sections to build on. Given the publicly reported rate of enrolment, the schooling of up to 200

pupils at Koru over the next few years is a distinct possibility. This translates directly into demand for say 160 - 190 families wanting to locate in the district, so that the one or more children per family can attend the green school. Again, the anecdotal evidence is, for reasons of proximity to the school, a preference for these families to locate at Oākura or the environs.

I sent an email posing a number of questions to this lady, Ms Rachel Hooper, who is a sales agent at Oākura. That further illustrates the excess of demand over supply for rural real estate at Oākura. The information provided in attachment A is consistent with the evidence from Telfer Young presented to the commission in July.

Sir, if we could turn to page 30, if I could just quickly step you through Ms Hooper's response. So you can see I have posed nine questions there. Question 1, she confirms that she is been working in the Oākura market for seven years:

"How would you describe the demand for dwelling ownership in the township?

We have had consistent demand for property in Oākura village a number of years with demand in most cases exceeding supply.

Is there any statistical evidence that would indicate current strength of demand?

See attached document. This will give you a seasonal intent from purchasers as some are looking to purchase property for both investment and to live in."

What that says - turning over two pages, sir - compares the number of sales, median house price and average prices and days to sell at Oākura by comparison to New Plymouth over a period of time. Where are these people coming from to live at Oākura? One hundred per cent of them are from within Taranaki. What was the main purchase for purchase? They wanted to live at Oākura. So that is the statistical side of it that is presented:

"Are there any factors to be aware of that may influence future demand?

Important to be mindful of the desire by many to purchase property in coastal New Zealand and this being less available in prime locations. This desire and the reputation of our stunning coastal community continues to bring people here.

Is there any evidence to indicate demand attributable to families who want to be living in the Oākura area while their children are being schooled at the nearby green school in Koru Road?

We have started to receive enquiry from families looking to move here for the green school. They appear to be more interested in property closer to the school, either Oākura or surrounding lifestyle properties, than being based in New Plymouth. To date these buyers have had limited effect on the market. We expect that the enquiry and interest will grow considerably in the coming weeks and months.

How would you describe the demand for serviced sections on which to build new dwellings in the township?

There is a high demand for serviced sections in the village. Recently we had two sections available on South Road for sale. We had significant interest in the first few days, with both sections selling in multi-offer situations and achieving fabulous outcomes."

I presume "fabulous outcomes" is real estate jargon for very good prices:

"What is the current availability of serviced sections in Oākura?

Currently there is a very limited supply in the village."

Then she refers back to section 6 regarding demand:

"Are you aware of any landowners proposing to bring serviced sections, either greenfield or infill, to the market in the next year or two?

We are always on the lookout for property to suit the requirements of the market. As you will appreciate, we are unable to share information of property yet to be listed. However, we do not believe there will be an abundance available."

I did not intend, obviously, to seek names of landowners, it was more posed in a general way but that was the response given.

I have no particular knowledge of Ms Hooper as an agent. I have never bought a property off her. I have never asked her to sell one for me. So there is no business or other relationship

with her, she is part of my network and I posed those questions to her.

Then through my enquiries of other persons in the industry there is also an emerging trend of enquiry from green school families seeking to rent what is traditional holiday accommodation at Oākura for the long term. This trend is attributable to the undersupply of permanent long-term rental housing in and nearby the township. If owners opt to change tenure to long-term renting the knock-on effect could be a reduction in the availability of short-term holiday accommodation during the summer season.

Then I, along with Mr McKie, attended an open day at the green school in Koru Road this Saturday past. We along with 60 to 70 other persons, many being family groups, spent two hours touring the site and buildings under construction and learnt of the progress being made toward opening in 2020 with speeches by the founders and the teaching staff already employed. Judging from the enrolments to date and the visible significant public interest served to reconfirm to me that the advent of the green school is a real thing, appears to be well resourced and will undoubtedly impact on the demand for land supply at Oākura, not only now but on an ongoing basis well into the future as the

school ramps up to an initial 200 students, with founders' long-term aspirational goal being 400 - 500. They are confident they are going to be looking at a campus of 200 students over the next two to three years.

If I could refer to page 44, Commissioners, just to give you some visual in terms of what the progress of the development of the green school is and the level of interest shown last Saturday. I think this is about the fourth open day that the school has held, they are holding one about every three months, and they are getting enquiry from teachers from all around the world and from families considering placing students here from Australia and beyond.

In summary, there is negligible supply of serviced sections available at Oākura. There is historic longstanding undersupply and there is increasing demand. So in conclusion on this point the section 42A has failed to adequately weigh all the available evidence regarding land supply and demand, nor acknowledged the immediacy of the requirement for serviced sections at Oākura.

Traffic parking and access; paragraph 3.2 concludes there is still inadequate information on the adverse effects of traffic and parking and access, and that there is insufficiency

of information and uncertainty. The assessment has noted that the 42A response has considered the further evidence of Mr Skerrett and the technical report of Mr Doherty but is silent on the further evidence of NZTA.

Taking all the available traffic evidence together, I would venture that there is sufficient and certain information available for informed decision making. The key elements for this include the following. The design of the indicative local roading network within Wairau Estate is not in contention. The predicted traffic generation from Wairau Estate has been modelled. The predicted traffic movements attributable to Wairau Estate that will pass through the intersection have been modelled. The resulting level of service and performance of the intersection with Wairau Estate fully developed is acceptable by all three traffic experts. All three traffic experts agree that some form of speed of calming on SH45 is desirable to improve the safety of the intersection for all road users - user modes. The NZTA preference is for the detailed sign of the improvements be carried out as a condition of the subdivision of stage 1. This suggested approach is acceptable to the applicant, and I think Mr Skerrett gave evidence in that regard. In his supplementary evidence Mr Skerrett considers any traffic effects beyond the intersection that might be attributable to traffic

generation from Wairau Estate are unlikely to have any more than minor effect. NZTA has limited its requirements to the intersection, this suggests NZTA have no concerns for their network beyond the Wairau Road intersection.

The council, through Mr Doherty, is of the view that traffic effects need to be considered in a wider context and include consideration of the wider potential effects in respect of FUD West. He is also of the opinion that a roundabout is the preferred long-term design solution.

Mr Skerrett undertook the wider context assessment in his evidence presented to the commission in July, that was in respect of the original proposal, and proposed a roundabout for the intersection. In concert with this I proposed a policy that would have enabled the road-controlling authorities and the applicant, together with the owner of FUD West, to craft and agree a contributions formula that would have provided a funding regime for the construction of a roundabout and pedestrian underpass at a predetermined point in the future as development of the Wairau Estate and the subsequent FUD West progressed. That was predicated on the idea that contributions were taken from each lot as it was approved.

However, based on the further evidence of the three traffic experts in relation to the reduced scheme, a roundabout can no longer be justified as a component of this request, a reduced request. Further, I am of the view the applicant no longer has an obligation, if indeed it had an obligation previously, to consider the wider context of the future traffic environment related to the 144-lot reduced scheme as matters can either be mitigated or likely be no more than minor. This view is supported by the opinion of Mr Doherty who considers that an appropriate trigger point for a reconfigured intersection could occur where there are 150 additional occupied dwellings having access onto Wairau Road. Well, the Wairau Estate reduced proposal is 144 lots.

The way is, of course, open for the road-controlling authorities to address through forward planning the future requirements of the local network that takes into account the potential future growth of the Oākura township as provided for in the council's and the community's planning documents.

In conclusion, for the reasons discussed above, I consider that policy 23.1 (b), (d) and (g) can be satisfied. In summary, traffic that will be generated from Wairau Estate will have effects beyond the site that will be limited in scope and extent

to be no more than minor and that the recommended mitigations can be addressed through plan change provisions and conditions on stage 1 of subdivision consent.

**MR MULDOWNNEY:** Just pause there for a second, Mr Comber. Is that a convenient time, sir, to interpolate Mr Grieve? I am just conscious of the clock.

**THE COMMISSIONER:** Mr Grieve, I understand you have some time constraints this afternoon, is that correct?

**MR GRIEVE:** (Several inaudible words).

**THE COMMISSIONER:** "Soon" is in the next -

**MR GRIEVE:** (Several inaudible words).

**THE COMMISSIONER:** Around 1.20 pm?

**MR GRIEVE:** That will be fine.

**THE COMMISSIONER:** What we intended to do, we would not break for lunch before we heard from you. We will carry on until say

1.20 pm, Mr Muldowney. By that stage I think Mr Comber should be reasonably well through his statement anyhow.

**MR COMBER:** Landscape and visual impact; the 42A report, referring to paras 3.21 - 3.40. Nowhere in the discussion is a mitigation measure integral to the reduced scheme acknowledged. This feature is the open-space corridor along the western flank of the estate which runs south at approximately 45 degrees to SH45. The vegetation to be planted within this corridor will over time screen the built development within Wairau Estate from the view of persons travelling by on 45. This omission is significant as this landscape mitigation is key to visually merging the near and mid-ground along the edge of the future urban area with the vegetation within the national park boundary on the upper slopes of the Kaitake.

3.29 discusses the concerns of Mr Evans and Mr Kensington about a perceived lack of first principles approach to the review of the original scheme. My assessment is that the perceived lack of a first principles approach is predicated on the notion that the revised scheme appears to be a scaled back version of the original. I just ask the question: is this perception arrived at because it was assumed a review would

result in a completely different proposal of urban and rural form?

The original scheme acknowledged and retained the natural topographical features of the site with one exception, the southern cadastral boundary of the site was adopted to ensure efficient use of the land resource consistent with the residential/equestrian lifestyle/rural sequencing from north to south across the site.

The new scheme is sensitive to and retains those natural features which have also been described as constraints, but goes further by adopting the suggestion of the submitter landscape experts, that is a natural feature as a defensible, in landscape terms, southern urban edge. It is noted Mr Kensington suggested the Wairau Stream as the defensible southern boundary. Mr Bain adopted the principle of the natural defensible boundary but preferred the unnamed tributary further to the north. This results in a smaller urban form out of consideration for balancing off the preservation of the vista up to the Kaitake Range over the rural land retained for rural use. Further, with the dropping of the equestrian lifestyle component the need for built form on this aspect of the site is dispensed with, out of

consideration for preserving the pastoral status quo and the vista towards Kaitake.

From an environmental planning first principles perspective, that revised scheme appears to be a scaled down version of the original would suggest that both schemes worked to the natural topographical constraints of the site and we need not be surprised that the resulting urban form might appear similar but smaller; particularly with a single point of access, sir, I might say.

The mitigations proposed through retaining a greater proportion of the site in its present pastoral use, together with a more extensive use of vegetation to screen the urban form are matters very relevant to consideration of the landscape and visual effects that will deliver outcomes that, in my opinion, warrant greater attention being accorded than the scaling consideration that appears to be causing so much consternation.

At 3.38, references to a sensitive interface between the plan change area and the lower slopes of Kaitake and that it appears that development remains in the sensitive area. So my assessment is that the discussion in the 42A report suggests to me the extent of the applicant's site is not well understood and

I suspect this could be the case with a number of submitters. Analysis shows the applicant's site does not extend to the national park boundary, defined visually by the fenced bush line. The adjoining pastured slopes below the bush line are on the neighbouring Greensill property.

What the 42A report refers to as "sensitive" is described as an "inland area" in the Oākura structure plan map. I just refer - Commissioners, I have that up on the big screen behind you, that we have the inland area showing as the hatched area immediately adjoining the national park.

Further the OSP did not contemplate a prohibition on development on those upper slopes but proposed development controls directed at building height, scale and form of residential development. We are talking here about land that is quite visible on the landscape and it is typically above RL60, and I'll talk about that in a minute.

I have taken relevant extracts from the Oākura structure plan which affirm my assessment. So what the Oākura structure plan was recommending for implementation regarding sense of place was to develop overlay areas in the rural areas to protect views of the mountain and the sea and protect special value.

These overlay areas are indicated on the Oākura structure plan map, and include the coastal area and the inland overlay area. These areas propose to place controls on the height, scale and form of residential development, recognising the character of the rural area and its visibility from Oākura and the coast.

I just emphasise two points there; one is that building controls were contemplated, not prohibition. Secondly, the concern related to the view from the coast back to the Kaitakes. It can be concluded from the Oākura structure plan circa 2006 the community did place a special value on sensitive space and the natural values of the locality and that currently continues to be the case. However, this does not translate to a prohibition of development in the defined sensitive inland area.

I have undertaken an analysis of the topography along a view line from SH45 across the applicant's site, the neighbouring Greensill property to the national park boundary and Kaitake. We have image 2.1, please. The data used is derived from the New Plymouth District Council's mapping website that is in the public domain and I have interrogated that information together with using the available measuring tools.

So I now refer the Commissioners to attachment B, page 33 and 34. Page 33 is now on the big screen and that is entitled "Long section and location map". I just point out that the horizontal and vertical axes are the same, drawn at the same scale, on sheet 1. The view line starts at RL35 at SH45, passes to the south of the proposed structure plan area, through and over the hay shed on the applicant's land, across the Greensill property and up to the Kaitake range high point. So we are traversing a vertical from RL35 to RL40 on this consideration. So the hay shed approximates RL55, that is 20 metres vertically higher than the state highway. That approximates the south-eastern extent of the structure plan area as shown to the east of the view line. I'll show - on the next page there will be a larger version of the inset.

The slope from 45 to the hay shed approximates 3.5 per cent grey. To the naked eye, land at such a shallow grade appears virtually flat. I just cite as an example the typical cross fall of a footpath is around about that, between 3.5 and 5. From the hay shed to the Greensill property the slope is marginally steeper at 4.3.

The change in direction of the Greensill boundary occurs at about RL70, so we are showing that basically the dogleg in the

Greensill property coming in behind the development area. So we have got the Greensill boundary running basically west-east, and there is a 90 degree turn then for a distance and then it reverts back to running parallel with the original boundary line.

In RL70 what we are calling spot C on the vertical line is approximately 900 metres from SH45. Without detailed knowledge of the subject property, the casual observer understandably is not able to determine where the common boundary occurs. Both properties are in pasture with the common boundary defined by a fence line. The landscape reads across this gently rising land - almost flat, perceived to be almost flat - as a continuous pastoral scene and the assumption is made incorrectly that the applicant's land extends to the bush line. This same difficulty occurs when endeavouring to visualise the location of future development. Even with the hay shed as a reference point across the flat landscape, which is nearly 600 m along the view line from the point of origin, the casual observer will have difficulty visualising exactly where in the landscape future development is to occur.

The slope analysis shows that from RL70 to 120, that is the national park boundary, the grade steepens to 20 per cent over a

relatively short distance of 245. It is this rising ground on the Greensill property and the bush within the national park, combined with the more steeply pastureland contrasted against the bush vegetation, to which the eye is drawn. I have to say that when you look into that landscape, particularly in the afternoon, there is a shadow line at the bush line which draws the eye even more.

Sheet 2 in plan view shows the location and extent of the revised structure plan area. If we could have sheet 2, please? Sheet 2 in plan view shows the location and extent of the reduced structure plan area in relation to the inland area as depicted on OSP 2006. Note that the structure plan area does not intrude into the inland area. That was the concern of the section 42A report, that it was unclear where the extent of the development area was. I would have to say that effectively the reduction or the loss of sights from the original proposal is actually across - is in a south-westerly direction and it doesn't go back up the slope. So we were never looking to be within that inland area.

That portion of the inland area that is within the applicant's land - note the irregular boundaries - will continue to be within the rural environment area and subject to the

development controls of the respective plans. So that area continues to be farmland. Whereas previously equestrian lifestyle was proposed in these areas that will no longer be the case. Finally to note that the inland area is not within the outstanding landscape as defined in both the operative district plan nor within the natural features and landscapes definition of the PDP. In both documents the extent of the outstanding landscape and the natural features is limited to the national park boundary.

In conclusion, the slope analysis removes the uncertainty expressed in the 42A report about development occurring within the sensitive inland area as none is proposed. By contrast to the section 42A report, I am of the view there is adequate information to assess the appropriateness of the form, nature and scale of the reduced proposal.

**MR MULDOWNNEY:** Take the next two sections as read, just move to community infrastructure.

**MR COMBER:** Moving to community infrastructure; 42A says there are concerns remaining about the provision of additional community infrastructure. My assessment, the reduced scheme significantly diminishes the potential future demand for

additional infrastructure at Oākura. In my view the consideration is now limited to the school and local services. The evidence is that the Ministry of Education considers the school has sufficient potential capacity on the existing site to be able to expand to meet that foreseeable student growth.

I don't make that without empathy for the school board of trustees and the principal at Oākura. As a former board of trustee member at a New Plymouth secondary school, I have some understanding of the challenges - for example developing the business case, persistence and time et cetera - that school boards and their management face in securing commitments for resources from the Ministry of Education to meet expanding local needs. I understand the concerns of the school principal and the board, but these concerns cannot reasonably be expected to be met through a no growth and preserve the status quo at all costs approach in a locality that has been identified at a district level, both in a strategic and land-use planning context, as an area for urban expansion.

With regard to local services, Oākura, like most cities and towns in New Zealand, has grown organically in response to demand. During my time as a planner in the district, dating back to circa 1987, I have seen the services in the commercial

centre of Oākura expand to accommodate a growing population and in response to changing societal trends.

During my time the local dairy/shop has expanded its floor area to become a food market, Butlers Tavern has expanded and is now a destination entertainment venue with a district-wide catchment. That is in addition, of course, to its primary role to serve the local community, which it still does very well. A building built for the manufacture of surfboards, now ceased, adapted for use as a hairdressing salon, and there is now two in the commercial sector. The establishment of the tourist-oriented gift shop operated from the former Warea Church relocated onto the site back in the 1990s for the purpose, followed by the establishment of the Carriage Restaurant that is alongside, and that is in a railway carriage brought onto the site. The closure of the post office was followed by the establishment of a medical practice in the same building. A former butcher shop has been repurposed as a café. The Cunningham development currently under construction will see the addition of three new additional retail spaces presenting a modern retail frontage to SH45 at the southern end of the commercial area. A former shop/house on the corner of Dixon and SH45 has been redeveloped into a modern premise and is now used as a real estate office; not forgetting the long-established

service station, pharmacy and fish and chip shop in the commercial heart. A panel beater established in Victoria Road on the north side of the township, and there has been a pizzeria/bistro/café established on the beachfront at Tasman Parade, and a catering business has established at the Kaitake Golf Club. My point is that the township has evolved as population has increased in the last - dare I say it - 30 years.

The township has adequate land zoned for business and has the capacity and potential to expand as demand occurs. Existing buildings can be expanded and adapted/repurposed, just as they have been done in past years. The entrepreneurial and visionary types from within the community and beyond will continue to identify community needs, risk their capital, and set up shop to provide the services the community needs. Demand will continue to influence supply and will do so on a continuing basis.

While the section 42A report suggests uncertainty and insufficient information in respect of provision of community infrastructure, I would suggest the opposite is true. Central government has well-established provisioning and implementation policies for publicly funded education facilities and these apply to Oākura as they do throughout New Zealand.

With regard to the provision of other relevant community infrastructure, the conventional economic rationality of the behaviour of communities will ensure that any increase in demand for services that might arise with the advent of Wairau Estate will occur in the same organic way that the service needs of the township have been met up to the present.

**MR MULDOWNNEY:** You can take the next two sections as read. That takes us to social impacts.

**THE COMMISSIONER:** That is a probably a timely pause moment, Mr Muldowney. Thank you for that.

Mr Grieve, if you would like to come up and take a seat. Welcome. Thank you, if you can take us through your submissions, please?

**MR GRIEVE:** Thank you, sir. I will only be brief. I just really would like to summarise my clients' position, sir, in light of the further evidence.

May it please the independent hearing Commissioners, you have heard from the 400 or so people and organisations on behalf of the Oākura 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.

Following the Paddocks subdivision, the applicant's proposals do not achieve sustainable management, and would not achieve sustainable management in any event in my submission. Sustainable management was arguably achieved when the Paddocks subdivision consent was granted and the importance of condition 4 of the consent notice was determinative in that regard. The overwhelming evidence from 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.

Part 2 of the Act is a paramount consideration in this case, and the relevant provisions of sections 5 to 8 already cited weigh heavily on the side of refusing the proposals, particularly with regard to those sections I have cited there.

Sir, I say that in terms of both the plan change and the application to cancel the consent notice, because I think it needs to be borne in mind that the purpose of a district plan is

to assist the local authority to carry out its functions under the Act to achieve the purpose of the Act. It is not to allocate resources or to prescribe what the local authority considers to be the best use of them. My clients' support the officers' recommendations in the report dated 19 August 2019 that the risks of acting and the adverse effects that will flow are potentially significant. However, my clients respectfully do not agree with the officers' conclusion in the report dated 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 and so on, sir - I will not read all those - and for the further reasons provided in the expert evidence called by my clients, not to mention the further evidence submissions of other submitters in opposition.

It is submitted that all the information is before you to determine the matters before you and the applicant has now had ample opportunity to produce all the further evidence requested or otherwise. The applicant has had the following opportunities; the application preparation filing stage, post-notification submissions and consultation prior to a substantive hearing in July and post-substantive hearing leading up to today. 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 and social effects, including traffic effects in that context particularly. 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 Paddocks subdivision in the first place. Moreover, there will undoubtedly be significant adverse effects on the environment that it sought to avoid at the Paddocks subdivision in the first place. Moreover, there will undoubtedly be significant cumulative adverse effects if the proposals are allowed to proceed in combination with the existing adverse effects from the Paddocks subdivision. My clients respectfully request that a decision be made forthwith, that the applications be declined, refused **in toto**.

I would just like to touch here on Mr Comber's comment that growth has occurred in Oākura "as the population has increased", were his words, not the other way around. Thank you, sir.

**THE COMMISSIONER:** Thank you. Mr Coffin?

**MR COFFIN:** Mr Grieve, you have not had the opportunity to hear all of the evidence that has been presented this morning. So

just let me know if you think the question is unfair. We have heard views from the experts, particularly in regards to social impact; that there did not appear to be a need from the applicant's point of view to commission a cultural impact assessment.

**THE COMMISSIONER:** Social impact.

**MR COFFIN:** What did I say?

**THE COMMISSIONER:** "Cultural."

**MR COFFIN:** Did I say "cultural"? Sorry. That is what happens if I have not had lunch, social impact assessment. And we heard very clearly from the community submissions and opposition a range of social issues and concerns and potential effects. And I just want to ask you the question in terms of having heard all of those submissions in opposition. And you may have heard some of the responses to the need or not the need to conduct a social impact assessment. What is your view, notwithstanding that cultural impact assessment can come in many guises?

**MR GRIEVE:** Yes.

**MR COFFIN:** What is your particular view in this regards?

**MR GRIEVE:** My view, sir, is I --

**MR COFFIN:** Did I say "cultural" again? I apologise.

**MR GRIEVE:** (overspeaking) I understand the question.

**MR COFFIN:** Do not worry. I will be much better after lunch.

**MR GRIEVE:** It is a Monday, too, sir. My view, sir, is that, yes, I do not think it would have assisted the case much further to be honest. I think the social impacts are clear. I do not think a report is needed to tell you that. If anything, it would have just reiterated what the 400-odd people have already told you.

**MR COFFIN:** It has been proposed that a community liaison group of sorts be established. Is it the view of your clients that the liaison group would be beneficial to addressing in part those matters of social concern, social issues or potential social effects?

**MR GRIEVE:** Yes. No, sir, my clients feel that it is simply nonsense, sir. Forming such a group is not going to do anything to alleviate the adverse effects of their concern. What are we going to talk about, the fact that these adverse effects now exist that we already submitted would exist? So no assistance from that at all, sir. No, that is fine.

**THE COMMISSIONER:** All right, not a question but a comment, Mr Grieve, in your paragraph 7, particularly where you highlight "a final recommendation not be made at this time" in respect of Mr Wesley's 22 November report. However, that will be a question from us later on this afternoon to Mr Wesley once we have heard obviously the remainder of the applicant's evidence and obviously from the submitter, expert evidence and then submitters themselves. So that will be a question and discussion later this afternoon.

**MR GRIEVE:** Sir.

**THE COMMISSIONER:** Anything else in conclusion, Mr Grieve?

**MR GRIEVE:** No, I do not think so, sir. No, thank you, sir.

**THE COMMISSIONER:** Okay. No, thank you.

**MR GRIEVE:** Thank you, sir.

**THE COMMISSIONER:** And we will be hearing from your witnesses later on after lunch.

**MR GRIEVE:** Thank you. Is it okay, sir, if I leave it within your capable hands because I --

**THE COMMISSIONER:** Yes.

**MR GRIEVE:** Yes.

**THE COMMISSIONER:** That is fine. We will look after them.

**MR GRIEVE:** I would like to stay, but ...

**THE COMMISSIONER:** And we will not lead them, Mr Grieve. Thank you.

Now the danger incurring the wrath of my colleague to my right, I was going to suggest, Mr Muldowney, whether Mr Comber finished his statement and then we break for lunch and come back with questions.

**MR MULDOWNNEY:** That is perfectly fine, sir. I managed just nicely.

**THE COMMISSIONER:** So in that way that will then complete all of the applicant's evidence.

**MR MULDOWNNEY:** Well, that sounds helpful, sir. I mean, I think in light of the acknowledgement of Mr Grieve in terms of where he certainly sits in terms of the benefits or otherwise of a social impact assessment, it feels like we are actually in agreement happily on one point. That is that you have ample evidence on social impacts before you in the body evidence and that the idea of going out and commissioning a report on evidence that you already have is not necessary. And that really is the thrust of what Mr Comber and certainly my legal submissions were to you on the need for independent assessment. So maybe with that, Mr Comber can sort of work crisply through the social impact side of things and then, I think, deal with the tangata whenua and cultural impact section and then break for lunch.

**THE COMMISSIONER:** Yes, okay. No, thank you. Mr Comber?

**MR COMBER:** Thank you very much. So page 18, "Social impacts". So the report has -- notes various matters. The need for social impact assessment: I hold to the assessment set out in my earlier further evidence and confirm my view that, in the circumstances under consideration, a social impact assessment cannot reasonably be justified.

With regard to the community development liaison group, I hold to the assessment set out in my earlier further evidence and confirm my view that, in the circumstances, a community development liaison group - and obviously that is a generic term, sir - as described, is an appropriate planning mechanism to monitor for potential social impacts. It is not to prevent them; it is actually to monitor them. A provision could be written into the plan change or alternatively could sit outside the district plan provisions, with the group being facilitated within the council's community development role.

Risks for decision-making: Undertaking urban expansion is a well understood activity in the RMA planning discipline, and I guess I could say also within the world of local government. While we will never have complete information even with hindsight, I am of the view that, taking into account the significantly reduced scale of development now proposed, the

mechanisms suggested for managing the staging of development and the rate of release of sections, the community-based monitoring regime proposed and having an understanding of how the township has responded to growth over a long period of time, I am of the view there is sufficient information and sufficient certainty for decision-making. Risks may remain, but I would suggest in the context of social impacts, they are of low probability and at a minor level of significance such that the community will be able to absorb and adjust overtime. The positive social and economic benefits of a gradual increase in population at a rate similar to past growth phases will be of greater consequence over the longer term and needs also to be taken into consideration.

And I just under that heading of "Social impacts" just refer to a point within the community board's statement on the suggested liaison group. It is unfortunate that the suggestion for the group appears to have been misunderstood. There is, of course, no intention of usurping the role of the community board. That is not possible as it is an entity created under the Local Government Act with a defined role. I acknowledge the community board, all things being equal, would ordinarily be the most appropriate entity to facilitate the suggested monitoring on behalf of the stakeholders. However, all things are not

equal, and the KCB does not have a position a neutrality in this matter. By any sense of fair play and natural justice, it would seem inappropriate to appoint in any circumstance any party to a position of chairperson/facilitator if that party had been in public opposition to the matter that has given rise to the need for, in this case, the liaison group.

And then I reference Mr Twigley's submission, paras 6 to 9, and I venture that citing of the various -- of the status of consents and that the immediate neighbours have given written approval is not a reliable indicator for assessing social impact.

**THE COMMISSIONER:** Just for clarification though, you have "Submitter Twigley" there. He was an expert witness.

**MR COMBER:** I beg your pardon. I'll defer to that, Cam. Apologies for that, "Expert Witness Twigley", Cameron Twigley.

**THE COMMISSIONER:** And we will hear from him this afternoon.

**MR COMBER:** Thank you. I beg your pardon. So reading on, second paragraph, in the case of the green school, establishing a school without onsite accommodation in any location whose

purpose is to provide education five days a week for children aged 5 to 18 requires that students are housed away from the site with their families or guardians. The green school is novel and it is privately funded. However, it seems its purpose and vision are sufficiently compelling to be attracting enrolments from well beyond the district. Oākura is the closest urban settlement and the available evidence points to increasing demand from green school families having a preference to locate at Oākura, just a few kilometres down the road.

The green school consent application briefly mentions likely economic benefits, including increased demand for services during construction and beyond. The consent decision does not mention economic benefits nor consider potential social impacts. The matter of where the students and their families will reside does not appear to have been considered.

I now turn to the cultural impact assessment. So the applicant received a copy of the cultural impact assessment prepared by Ngāti Tāiri on 29 November, and I understand the Commission received a copy the same day. The CIA was commissioned by the applicant. I now formally present the document as evidence to the Commission.

The applicant acknowledges that the area subject to plan change PLC 048 is within the rohe of Ngāti Tāiri and that it is Ngāti Tāiri that has the mandate to assess cultural impacts within its rohe. Attention is drawn to the evidence presented by me to the Commission in July about the applicant's established relationship with Ngāti Tāiri dating back to 2010, and that it had been consulting with the hapū about the Wairau Estate project since 6 May 2016.

Ngāti Tāiri undertook to carry out a cultural impact assessment on 17 June 2018 and which the applicant agreed to fund. These undertakings are recorded in the consultation record and the memorandum of understanding between the parties dated 19 October 2019. And I have included those in my evidence, sir, at attachment D, paragraph 7. In addition to the record of consultation, a copy of the memorandum of understanding between the hapū and the applicant was tendered as evidence by me at the July hearing.

The CIA has been reviewed. The relationship of Ngāti Tāiri with the site, its environs and Kaitake as ancestral lands, water and wāhi taonga is now better understood and appreciated. Given the limited time available since receipt of the CIA, it has not been possible to comprehensively respond to the detail

of the matters raised. However, following are some mostly general comments and suggestions about matters of process to ensure that the matters identified for further action by the hapū are attended to.

Planning framework: The applicant acknowledges the planning framework within which the CIA is set, the primary documents of which are the -- Te Tiriti, the RMA, NPS on freshwater management, the regional freshwater plan, and the operative and proposed district plans.

The cultural landscape: That the cultural landscape is of significance to Ngāti Tāiri comprises -- and that it comprises a range of components, including the physical and tangible and intangible is acknowledged.

Referencing now the key areas of concern identified in the CIA. The applicant notes the key areas of concern for Ngāti Tāiri and will use its best endeavours, working with the hapū and the council, to address those concerns. The applicant's -- applicant values its relationship with Ngāti Tāiri and will continue working in a spirit of collaboration, in good faith and with goodwill to address those concerns.

Impact on Kaitake: The applicant will work with Ngāti Tāiri and the council to develop provisions for inclusion in the plan change that recognise and provide for the relationship of Ngāti Tāiri and Taranaki iwi with Kaitake.

Biodiversity corridors: The applicant will work with Ngāti Tāiri and the council to develop plan change provisions for the open space diversity -- biodiversity corridors that feature in the design of the structure plan to help to ensure certainty of achieving the desired environmental outcomes.

Pahakahaka Pā: The CIA is incorrect to assert the pā is within the plan change site. While the pā site may be within lot 29, the -- it is the applicant's land, the QEII covenant area that the pā is located within is not included in the plan change site area. Further, the pā rediscovery during archaeological assessment and the QEII covenant area were matters that featured in The Paddocks land use consent of 2010.

The applicant is aware of the presence and location of Pahakahaka Pā and there was an awareness of the pā both by the applicant and hapū during consultation. There are two primary reasons why it doesn't show on the proposed structure plan. Firstly, it is not located within the plan change site and;

secondly, it is not scheduled or mapped within the operative plan.

It is only with the recent notification in September 2019 of the proposed district plan that its scheduling and mapping was -- has brought it fully into the statutory framework. The mapping of the extent and the 50 m rule carried from the operative to the proposed plan has meant that the associated statutory provisions now come into effect. With the advent of the PDP and the now readily known proximity of the -- of Pahakahaka to the plan change boundary will of course be appropriate and of assistance to resource users to map on the structure plan the extent of the pā site on the adjoining land. The recognition and protection of Pahakahaka are matters specifically provided for in the MOU, and I'd refer you to paragraph 6(d).

The applicant will work with Ngāti Tāiri and the council to develop plan change provisions that address the matters identified for action in 7.16. And I refer there, sir, to the examples in appendix 1 of the CIA where a format and the -- provisions and the format of the operative plan have been included, and they certainly present a good starting point for us to frame up for the -- to address matters in the CIA.

The applicant has already considered the last bullet point within this section and prepared a preliminary concept for an open space adjoining the pā. This drawing has been prepared to assist initial discussions with the hapū, and that is attachment C and it is image 2.2. And in addition, we have taken advice from Ivan Bruce, the archaeologist, our -- the archaeologist.

If I just refer the commissioners to appendix C -- attachment C at page 39, which is now on the screen. So what is being talked about is land immediately to the west of the pā site. And what we have identified is potentially ten lots, which would trigger the 50 m rule, which relates to subdivision and/or development within 50 m of the extent of the pā site. And so that is the area of interest of -- to Ngāti Tāiri, that -- along the edge of the pā. And to the right of that, looking at the page, we have the open space area. So that will largely negate the 50 m rule, and to the right with the increase in distance, those residential sites will be there or thereabouts in terms of the 50 m rule.

And the notation on this preliminary conceptual is that:

"Detailed and final design [meaning extent, shape, et cetera] for inclusion in structure plan [to be by] to be prior agreed by hapū, NPDC and applicant."

So we have -- and then further across on the page, we are showing the "kick a ball" space, about 2,000m<sup>2</sup>, with the connection -- walking connection from the road into the open space area being retained. But the -- what -- the balance of what was to be open space, "kick a ball", would be -- revert to residential. So we have picked up on that aspect of the detail of the hapū's concerns and we have already given consideration to how it could be addressed, subject of course to all of the protocols around obtaining an archaeological authority before there's any disturbance undertaken.

Earthworks: Ngāti Tāiri acknowledgment of and support for the applicant's minimal disturbance approach to earthworks and retention of existing landform where practical is noted and appreciated. The applicant will work with Ngāti Tāiri in good faith and with goodwill to achieve the desired outcomes for the matters identified by the methods suggested. Earthworks and the need for Ngāti Tāiri to exercise kaitiakitanga during such activities are matters specifically provided for again in the MOU, and I'd refer you to paragraph 5.

In regard to 7.23 to 7.31 in the CIA, the various matters raised are noted along with Ngāti Tāiri concerns and desired outcomes. The process by which the applicant and its technical advisors working with Ngāti Tāiri along with NPDC and TRC will be required to address these matters. And this is the Te Mana o te Wai and stormwater management, referring to -- here to health of the waters, mana of the waters.

Provisions will need to be included in the structure plan, which will provide the operational framework for the setting of parameters and conditions of consent in the subsequent subdivision and development implementation phase. The process will need to be comprehensive and detailed. The applicant will work with Ngāti Tāiri in good faith and with goodwill along with the respective councils to achieve the desired outcomes. And again, stormwater management was specifically mentioned and provided for in the MOU, and I can refer you to paragraph 6(a) there.

Wastewater management: The infrastructure required within the site is limited to underground reticulation. The applicant will consult with Ngāti Tāiri at the detailed design phase to ensure concerns and desired outcomes are addressed. And just to point out that there's no pumping stations or any kit of that

nature to be installed within the development area. The applicant --

**MR COFFIN(?):** Sorry, we are going to ask questions later, but are you suggesting it is going to be a gravity-fed wastewater system?

**MR COMBER:** Correct, yeah, gravity-fed down to the pumping station, which lies further down the slope and the reserve, the council reserve, near the beach near Shearer Reserve. So wastewater management is specifically also provided for in the MOU at 6.a.

Amendments to structure plan: The applicant will work with Ngāti Tāiri in good faith and with goodwill along with the NPDC to address the issues identified, noting that involvement by Ngāti Tāiri in roading naming has been provided for in the MOU dated 19 October. The detail within the CIA will greatly assist the applicant, working alongside Ngāti Tāiri, to achieve their respective but complementary cultural and environmental outcomes. In addition, tangible recognition of Ngāti Tāiri as mana whenua of the locality through symbolism, including interpretative signage for the -- for Pahakahaka, road naming and sculpture, will enhance the mana of Ngāti Tāiri for the

present generation of the Oākura community, and that will be ongoing and endure into future generations.

Incorporating the matters identified by Ngāti Tāiri into the CIA -- in the CIA into the operative plan in the first instance within an appropriate and relevant framework of objectives, policies, methods and rules and the Wairau Estate -- coupled with the Wairua Estate structure plan, will ensure the matters required to be recognised and provided for as matters of national importance under section 6(e) will be appropriately managed.

And then finally, sir, a final section, "Policy and rule framework". So section 42A report: The report notes that at the time of writing the 42A report, there were still some unresolved matters and that information was lacking in respect of cultural impact assessment, traffic and landscape and visual effects. Further information on these three matters has been provided to the Commission, subsequently and today.

Having regard to section 32(2)(c), I am of the view that an evaluation of all of the evidence now before the Commission will show there is sufficient certain information at a level of detail that corresponds to the scale and significance of the

environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed plan change. Given the information available, the risks and benefits of acting outweigh the risks and disbenefits of not acting, having particular regard to the historic and current undersupply of readily available serviced land at Oākura and the immediacy of known demand. Para 5.5 of the report states that further information is required to demonstrate how rural character would be maintained when viewed from the Paddocks area.

My assessment is that a re-reading of the decision of Commissioner Tobin in respect of the Paddocks consent decision suggests the Commissioner was concerned with preserving views of the foreground and setting of Kaitake, particularly when viewed from SH45. And Mr Bain has given evidence on these matters I will not repeat. In my opinion, the 2011 decision does not call for an assessment of "maintaining rural character" to be applied against the application to vary the consent notice. It should be sufficient for the purposes of decision-making to know that all of the area included in the plan change site that lies outside of the structure plan area, (now significantly reduced from the original proposal, will continue to be zoned rural environment area/rural production zone. Rural character is

well-described and controlled in both plans and it is within these parameters that the balance area can continue to be used.

My point there is I don't believe the applicant is under any obligation to say what the future use of the land might be - it is currently being used for an organic dairy farm - and that the zoning of the land allows a range of uses within the rural character area/rural zone. And the -- misdemeanours in that regard can be managed and controlled by the council, particularly in respect of such a visible site.

Revised plan provisions: Assessment. A full site -- a full set of plan provisions, including maps, formed part of the plan change application. These were set out in appendix 11 of the application. These were included in an amended form in the plan change when publicly notified. These were recommended for further amendment in the first reporting -- section 42A reporting. And subsequently, I have proposed amendments to manage the staging of development, and the Transport Agency are requesting policy adjustment in respect of the recommended safety treatments at the intersection to accommodate the change from roundabout/underpass to an intersection upgrade.

A review of the CIA suggests a detailed assessment will be required to formulate provisions for inclusion in the plan change linked to the structure plan provisions. There has been insufficient time to address this aspect in detail. However, the format of the CIA will mean that it will be possible to develop a framework of objectives, policies, methods, rules and assessment criteria to address the resource management issues identified within the CIA. This would ideally be undertaken in conjunction with the council with a council planner, with reference back to the CIA authors for any clarifications as necessary, to ensure a best fit with the operative district plan and so as to reduce the requirement for rework.

Overall, I am of the view there is sufficient information with the available iterations of the proposed change -- plan change provisions and other recommended changes, together with the detailed issue identification outcomes sought in the CIA, for a comprehensive set of plan provisions to be drafted, with direction provided by the Commission as considered necessary. I am available to commence this work and I would work toward having a draft available for the Commission no later than 20 December.

**THE COMMISSIONER:** Thank you, Mr Comber. At that point, we will adjourn in a moment for the luncheon break. Now just after that, if there are any submitters or witnesses for submitters, who have any particular limitations in terms of timing, if you can speak to Julie during the break in terms of those and we will do our best to adjust the schedule to accommodate any of those requests. So we will have some questions when we come back of Mr Comber, and once we have completed those, we will then start hearing from submitters and all witnesses.

So we will reconvene at 2.45 pm.

(Adjourned until 2.45 pm)

**THE COMMISSIONER:** We will reconvene and just before we have questions for Mr Comber, in terms of the schedule for this afternoon, NZTA representatives need to leave by 4.00 pm, so what we will do, once we have heard from the submitters' experts, we will hear from NZTA. Mr Looney is not speaking. Mr Gladstone, I understand you need to leave at 4.30 pm.

**MR GLADSTONE:** Yes, that is correct.

**THE COMMISSIONER:** That is fine. Mr Evans, you need to depart at 4.30 pm also, okay. We will move around the schedule as best we can to accommodate those requests.

The other thing I omitted to mention before we adjourned for lunch is that Mr Coffin and I will continue hearing matters until the end of the hearing today, so we will just carry on past 5.00 pm in terms of the time required to hear from all parties.

Questions, Mr Coffin?

**MR COFFIN:** Thank you. Mr Comber, I had a lot of questions for you but it was helpful this morning, you have taken us through quite a lot of issues and they answer most of my questions, so just bear with me, I am going to be looking at my notes and just checking off that you have answered I think most of those questions. I am just picking out the ones you may not have at the moment.

The first one is you have given us quite a lengthy opinion in regard to a number of the social impact matters that have been raised in the course of our previous hearing. I just wanted to clarify with you in regard to your experience and/or

qualifications in the social impact assessment area. Obviously you are giving evidence and you have had lots of experience as a planner, but I just wondered if you could enlighten us in terms of your experience with social impact assessment?

**MR COMBER:** Nothing specifically, I am relying on my experience as a planner and the majority of that time has been with local government and with this organisation.

**MR COFFIN:** My next question is just in regards to the liaison group proposal and I was just wondering is it something that you had suggested to the applicant or has it come from somewhere else?

**MR COMBER:** No, it is purely a suggestion from me. But I have had experience in that sort of environment and one example would be when I was working in planning on the West Coast of the South Island where a local small community was being affected by coal dust from stockpiled coal and the difficulty with that scenario was that the households that were being affected by the coal dust were the households of the miners that had gone up into the hill to win the coal. So that was rather a difficult situation in terms of those people having to fundamentally raise an issue with their employer. But I saw the value of getting

stakeholders together and working through things rather than trying to deal with things without any mechanism for trying to address these issues.

With regard to the Oākura situation is that, just to be clear, the role of the group is not to prevent any adverse social impacts occurring; it is to monitor change in the community, such as it might be, and to act as a feedback loop to the council. So that, if there are any significant effects emerging, there will be the stakeholders that will be able to identify that together early on and take steps - whatever they might be - to address them.

The first thing is to recognise, identify any changes that might be occurring that are more than minor that are adversely affecting people.

**MR COFFIN:** We are not privy to any information about what exactly the role of the community liaison group would be yet, but I am assuming that it would have some role in identifying what social effects might be, a way of monitoring or measuring those, so they can see what changes. Then through that feedback look a link to action. I am just wondering about particularly

the action part linked to the what-is-being-measured part. Did you have any ideas about what that would look like?

**MR COMBER:** I think you start from clean sheet of paper base whereby you would invite the stakeholders to determine or agree on what their role was in a detailed sense and what they would want to monitor, with guidance from appropriate expertise. Of course any monitoring, the elements to be monitored would have to be decided and they would have to be measurable.

As for solutions, it might be matters that the council has to address through its community development role or its provision of services. It could be feedback to the developer to take certain action. But I envisage, like the applicant has to deal with the CIA and treat with Ngāti Tāiri, it has to be done on the basis of good faith and good will and open communication and honesty and just work through it. That is the sort of ethos that I would see that would ensure that group would get success.

**MR COFFIN:** Has there been any thought at this stage around resourcing in terms of establishing a baseline, working out who is going to have the role of monitoring, measuring, reporting, and then the actions? You mentioned council in terms of potentially services and other types of things.

**MR COMBER:** What I am saying there is it could have something to do with asset management, I do not know, but to be honest I have not produced any detail to that level. I just have a sense that it would be a useful mechanism to have, to get stakeholders to engage through the process.

There could come a time when - it might be two or three years down the track - they say, "Look, there is nothing to see here and maybe we can spend our time doing better things".

**MR COFFIN:** I am just going to have a quick look through my notes here. I have a question around the numbers in the demographics and you had explained to us there are some numbers in the demographics of a similar annual number, an increase in population to what is already existing. I just wanted to clarify with you around the number of the existing or expected growth being the same as the growth you would expect annually from the subdivision as a result of this.

Were you saying that number is inclusive of the expected growth or is that additional to, so rather than being same it is a 100 per cent increase?

**MR COMBER:** What is showing up is it is very hard to get a place at Oākura, so the rate of growth presently could be slower. But as I have indicated, I think somehow there is a synergy between the demand that I believe people wanting to have their children schooled at Koru, there is a synergy with that demand and the supply side that is potentially available through this project.

I have to say that was not apparent when we started out on this in 2016 because probably back then the now founders of the green school, it was just a good idea at the time and it was not on the radar. But it certainly has come into play as a very real factor on the demand side.

**MR COFFIN:** Just a specific question, at point 26 on your 11 October evidence, this is just the paragraph that is talking about having different housing choices, typologies effectively, and variations in typologies, design and appearance. Are you of the view that the mechanism for achieving that would be through things like covenants or particular rules or absence of rules, really just allow the market to sell the property and then people design and build their own home?

**MR COMBER:** Most people building at Oākura, as I can see it, get a bespoke house, they get it designed by an architect of

architectural draughtsperson, and so the typologies are reflective of a whole range of things, financial and preferences of the individual families. So I think again the applicant is not going to be specifying necessarily the typologies; that will be expressed by the people who are buying the sections, just as they have done at the Paddocks and just as they are doing elsewhere in that community and through the district and New Zealand really.

As I say, this is not a group housing scheme and so you are not going to get little boxes --

**MR COFFIN:** I am just interested to know because there are several conventions around. If you want to control development you can have quite prescriptive rules for a plan change; or you can have covenants applying, so you have a particular outcome that you are seeking so there might be some building heights and quality of materials and frontage, et cetera, it goes into amenity and all sorts of things.

Conversely, on the other side, where you want people to have a lot of choice, you could also have rules that provide for different typologies or require different typologies or covenants or laissez-faire, let the market decide.

**MR COMBER:** The historic approach in this district is not to prescribe house types; it is left to the market. I know, unlike in some other jurisdictions in New Zealand where there are very prescriptive arrangements put in place by the local authority for particular outcomes, but that is not the case here. So the fact that it is organic - if I can use that word - so there will be variation of house type.

**MR COFFIN:** That is my cultural impact questions. So my question about the cultural impact assessment was going to be, does the applicant support the cultural impact assessment, and you have provided detailed answers to that.

**MR COMBER:** You could ask that question directly of Mr McKie.

**MR COFFIN:** This is at the very end of your 11 October evidence, page 28, point 88, and there is a sentence in the middle there:

"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 Mounga and the coast."

So are you meaning that in a spatial sense, the continuity, or are you thinking in terms continuity of the time?

**MR COMBER:** It is spatially because the plan I am showing on the screen there is sufficient to illustrate that.

**MR COFFIN:** Yes, that is what I thought it was, but I just needed to ask.

**MR COMBER:** Yes, so it is that continuity, which will certainly recover, reinstate, what we could envisage would have been there in earlier days with regard to vegetation. But I think the important point is that the way that Mr Bain has designed the southernmost extent of the area is to tie the vegetation in the tributary back around to the QEII area, so there is a continuity there. That is what I am referring to.

**MR COFFIN:** I just have one question and a clarification. The next is around Pahakahaka Pā and I think you clearly articulated it is on the next-door property but that does trigger some of those provisions that are in the plan in terms of the 50 m buffer and you have provided that open space on the plan that we can see. I have just made an assumption that, even though it is indicated there at the present time in terms of open space, do you perceive that there could be a number of ways that could be treated in terms of creating buffer distance, it could be

treated as open space, green space, roading perhaps and footpaths, it could be the distance between the pā and, say for instance, the edge of a house. So you would not necessarily have to have a property boundary lot 50 m away, it is the development? Just to understand there are different ways you could approach it.

**MR COMBER:** We met with the CIA authors the day before we received this. It was not available for us to view but we met with the two authors and the chairperson of the hāpu and we just had a very brief discussion around that. But I think it is opening that space up like that has some potential disadvantages as well as advantages. At the moment the pā site is protected from intrusion by others because basically it is almost inaccessible, particularly on the farm side, the open space side, where it has that label, because private individuals cannot walk in there.

Once it is opened up or consideration is given to opening it up in this fashion, it could be that - to my mind - that space might be as bit too elongated and expose the pā too much and, let us be clear, you actually cannot see the pā site, it is overgrown with vegetation. But opening it up in that fashion, it could invite people to venture on to that space and I am not

sure Ngāti Tāiri would want that. So there are a number of considerations around it and it might be that that area needs to be closed down a bit.

Certainly I think they would be supportive and would likely see some interpretative signage there to indicate what is there, but equally that might be an invitation to some to actually go and start exploring. But a further consideration is that I do not think that the hāpu want to see that side of the pā with houses with their backs to it and that is a consideration.

But the other thought that I had around it is, if the open ball space, kickable space, is transferred over there, so you have got a situation there were people, in contemporary living, are kicking a ball around, there are people living there, which kind of connects with the people that lived there all those years ago on the pā site itself. So the place is being reinhabited and I think that is a useful thing to think about.

But we will not know what that space looks like until such time as there has been consultation with the Ngāti Tāiri and they have given some further thought to it. But you are right, there was a comment made that it may not be necessary to actually require the full extent of that and it might be that

there could be some development within 50 metres. So the options are open but it is about talking it through.

**MR COFFIN:** Thank you; that is really good. My last one is just a clarification; it is perhaps between yourself and Mr Muldowney who we will probably hear a little bit later this afternoon around the work that is going to be prepared, draft work before 20 December. I have just been making a little list here and at the moment I think we have the staging development as part of that work you are doing, the safety treatment at SH45 and Wairau Road, the CIA provisions, which you have articulated to us previously, and that also includes the pā site open space. Are there any others that I have missed?

**MR COMBER:** The requirement is actually for a full suite of provisions and so --

**MR COFFIN:** Just talk to those ones that you have already provided us.

**MR COMBER:** I think that covers it. The provision for the staging is already written, as is the NZTA position on the treatment for the intersection, but I would have to give that some thought. I think those are the ones at top of mind anyway.

**MR COFFIN:** Thank you

**THE COMMISSIONER:** Just a couple of questions, Mr Comber. I am in your statement dated 11 October at the end of paragraph 14 on page 5 where you note:

"The provision for equestrian lifestyle is no longer proposed [et cetera] consistent with maintaining the majority of the site in its existing pastoral rural character."

I just wanted to be clear; that could change at any time if there was another application or something. There is no particular protection around that existing pastoral rural character?

**MR COMBER:** No, there is not. Well only insofar as the provisions of the district plan are applied in the rural area, that is right, correct.

**THE COMMISSIONER:** So there is any number of rural land uses that could occur there.

**MR COMBER:** Yes.

**THE COMMISSIONER:** So now turning to your statement dated 2 December and I am in page 3 where you discuss the National Policy Statement urban development capacity. Then after the table for the definitions of short, medium and long-term, you note:

"The reality is that currently there is no short-term development capacity at Oākura."

I would be interested in your opinion in terms of the requirements of that National Policy Statement that it takes more of a district view as opposed to requiring short and medium-term provision in every urban area of a district. Is that how you interpret it?

**MR COMBER:** Yes, it is, because the councils are required to consider these matters across their jurisdictions and I guess it is not appropriate to put all the eggs in one basket, as it were. With the council reporting back to central government that it is about a district-wide approach that is required to be reported on.

**THE COMMISSIONER:** Therefore, if there was no short-term development capacity, that does not mean that situation would be

fatal to the council discharging its obligations under that policy statement. I just wanted to be clear on that.

**MR COMBER:** No, I guess it does not, but in terms of supply and demand, which is what local authorities are required to consider, they have to have particular proportions of land available and it would seem to me that in the case of Oākura it is quite clear in the council's strategic planning that Oākura has long been identified as an area for growth. Here we have an applicant who has taken those signals and is endeavouring to deliver on that. Of course, if this application is approved, that will mean that there is short-term service, property or land that will go into the general pool of the council under the NPS.

**THE COMMISSIONER:** No further questions, thank you.

Mr Muldowney.

**MR MULDOWNNEY:** Thank you, sir, that completes the evidence for the applicant.

**THE COMMISSIONER:** Thank you. So we will now move to hearing from submitters and particularly their experts. So, Mr Kensington and Mr Twigley, so who is leading off.

**MR TWIGLEY:** I will.

**THE COMMISSIONER:** Thank you, Mr Twigley, so if you can take us through your statement - it has been pre-circulated - and take us through those matters in particular you wish to bring to our attention.

**MR TWIGLEY:** Thank you, sir. So I will just give a summary of my last brief of evidence and also add some comments in response to the further report from the council and some of the further evidence from the applicant.

I start off by acknowledging that the applicant has made a number of improvements to the plan change, which I have summarised in my evidence and will not repeat those.

However, in my opinion, both the application and the plan change request fail to address the following concerns raised in my primary statement of evidence. I still consider that the applicant has failed to address the underlying and fundamental

concerns associated with the proposed removal of the consent notice and I believe that they are still approaching this matter as a consequential amendment.

In the last hearing we talked about the consent notice leaving the door open for consideration of the rezoning of that FUD area and, while that is true, any rezoning still needs to be justified in light of the purpose of that consent notice and justification for a change in circumstances, which renders that consent notice protection no longer necessary. So, in my opinion, I still do not believe that has been adequately justified.

Mr Kensington continues to have a number of landscape and visual impact concerns with the application and request and disagrees with Mr Bain that the revised scheme takes a 'first principles' approach and rather takes an 'adjusting down' approach. And I note Mr Evans, on behalf of the council, holds the same view and identifies several shortcomings, which result in insufficient and uncertain information, which has been a criticism of the plan change all the way through in my opinion.

So in my opinion the presence of the consent notice protecting rural character and amenity and the outstanding

landscape and the significance of the cultural landscape to iwi makes this a critical issue to resolve.

Another concern I have is that the plan change layout continues to suffer from the sole vehicle access point approach, continuing the theme of being poorly connected from urban Oākura, having multiple 'dead end' cul-de-sac road ends and subsequently a poor level of resilience in emergency situations.

No social impact assessment has been provided and I feel that, given the vast number of submissions, including those from the KCB and the Oākura School, that I agree with Mr Wesley that it is a risk to proceed without this information.

I consider CIA is a fundamental assessment for a plan change of this nature and I agree with Mr Wesley that proceeding with insufficient or uncertain information could result in significant adverse effects.

I am doubtful how effective it will be to bolt in cultural provisions at the back end of a plan change process when these considerations should have been used as a front-end first-principles approach for designing the plan change on what has been revealed to be a sensitive cultural landscape to iwi.

I have read the CIA this morning and that confirmed that the landscape is significant to iwi, a significant cultural landscape, I should say, and in my mind it raises more questions than it answers and will require substantial rework of the plan change request. I think the words used in the CIA is "substantial amendments will be required".

I would also question Mr Comber's evidence and his assertion that those cultural provisions can be drafted by 20 December. I will be kind and say that I feel that is unrealistic. That is going to involve a collaborative effort with iwi to be a meaningful exercise rather than Mr Comber drafting the provisions with some council input and then checking those with iwi. That needs to be a much more detailed exercise in my opinion.

I noted in my evidence that a full suite of amended planning provisions have not been provided with the amended scheme, so once again, in my opinion, the request suffers from an absence of the necessary detail for submitters and council to make a fully informed assessment which in turn creates uncertainty about what is proposed.

Mr Wesley has stated that, if the Commissioners are of the mind to approve the plan change, the plan provisions could then be determined. However, I question how such a process would allow for meaningful input from submitters on the provisions, bearing in mind that the provisions are the plan change.

The reduced size of the scheme does not change the fact that Oākura has enough undeveloped residentially zoned land to provide for its short and medium-term growth needs. So I agree with Mr Wesley's latest analysis on this issue. I would also add that the owners of FUD West, I am aware they are undertaking a master-planning exercise for their land. I have seen that master plan and it is comprehensive and they have made submissions on the proposed district plan, which shows their intent of developing that land in the future.

While NPDC have acknowledged that the available water supply can service the 144 lots, the revised scheme exceeds the proportional water supply allocation for FUD South by 44 lots, and that is calculated by Mr Comber.

And my last remaining concern is that no further information has been provided on ecological effects despite this

remaining a concern raised in the NPDC response to evidence report. I also note it was raised in the CIA.

So, to summarise, I continue to remain of the opinion that the status quo option would best achieve the purpose of the Act and would be the most appropriate method to achieve the objectives of the operative New Plymouth District Plan. That is due to the presence of the consent notice, due to the continues incomplete or uncertain information provided by the applicant, due to the absence of any projected demand for further rezoning of land for residential purposes in the short to medium-term, and due to the community's strong preference for growth to be focused away from Kaitake.

**THE COMMISSIONER:** Thank you. Mr Coffin?

**MR COFFIN:** At page 4, up the top there, (ii), you refer to the first-principles approach and the adjusting-down approach. In your opinion, what do you see as the key differences between the two?

**MR TWIGLEY:** The first-principles approach was really about starting from scratch, I think that was a lot of the evidence was about getting back to a fundamental first-principles

approach, working with the landscape and understanding the opportunities and the sensitivities that that landscape offered, rather than having an approach where that may have been based on a financial outcome, a yield outcome. We started with - was it - 399 lots and that felt very much was based on a yield argument and then it was how do we make that work within this landscape. So I see the first-principles approach being back to basics, working with the landscape, understanding the cultural elements of that landscape as well and building it up from there and understanding what the opportunities were.

**MR COFFIN:** In the next paragraph (iii) you mention the multiple dead-end cul-de-sac road ends, which have been called stub roads, and future-proofed transport access. Did you have an opinion around the use or non-use of those in an interim period until perhaps a future development might be proposed for the area?

**MR TWIGLEY:** Yes, I was sort of in two minds about them, to be honest, when I first saw them drawn as cul-de-sacs it obviously emphasises the fact that that lack of connection. But on the flipside when you see them drawn like they are on the board there, I think in terms of the community, the way they would look at that would be, "What's next?" in terms of what might

follow in terms of developing the rest of that land. So it creates a bit of uncertainty I think.

**MR COFFIN:** Just a few words at the end of that:

"...subsequently a poor level of resilience in emergency situations."

Are you talking about the one entry/one exit?

**MR TWIGLEY:** Yes.

**MR COFFIN:** That is all I have.

**THE COMMISSIONER:** Mr Twigley, turning to your paragraph 5, page 3, where you highlight in your view the current proposition fails to address the following concerns, and then one of those is the legal restriction on the property title in relation to the consent notice. What would you have expected to see in terms of any assessment in relation to that matter?

**MR TWIGLEY:** Well I would have expected to see a revisit of the Paddocks consent process and a re-examination of why that consent notice was promoted and ultimately put on that consent as a condition. Being involved in that process, that

application was a non-complying subdivision activity and it was not just non-complying, it was significantly non-complying. That consent notice was the major mitigation measure, which allowed that consent to be granted. So as soon as you start considering undoing that and the protection that it affords, you start getting into having to re-examine that rural resource that was that farm and issues like cumulative effects, which I do not think has been dealt with at all.

In my primary statement of evidence there is an appendix in there, which shows graphically what that cumulative effect is in terms of the pre-2010 situation where it was a dairy farm and then slowly develops, stage 1, stage 2, of The Paddocks, and now ultimately this next development, so you can really see how that rural character and amenity has eroded away cumulatively through time. So I do not think that has been assessed or dealt with; it is like the elephant in the room.

**THE COMMISSIONER:** In terms of social impact assessment, and you were here when Mr Grieve was here and his response to a question from Mr Coffin, and I am paraphrasing, he did not see the need for now such an assessment given the evidence and what we have heard from submitters. So I would just be interested in your

comment around that matter, given you felt that it was still appropriate for such an assessment to be undertaken?

**MR TWIGLEY:** Yes, so I do agree with Mr Grieve in one respect, is that, through the evidence of the submitters, we have heard a lot about what the issues are. But what we have not heard is what the solutions are and that would be the benefit of a social impact assessment I think is an independent expert coming in and identifying those issues and that would not be that hard to do given the evidence that we have had, but actually coming up with some measures of how we could avoid, remedy, mitigate, those issues and as well as go on and monitor those issues into the future, which is something that Mr Comber was trying to answer earlier.

**THE COMMISSIONER:** Notwithstanding the reduction in the size of the overall development, down to 144 lots, do you believe it is then still appropriate for that assessment to be undertaken?

**MR TWIGLEY:** Yes, well I mean I think it goes without saying that the reduction is going to help address some of those social impacts. But from what I can see a lot of those concerns around social impacts are still strongly held by the community, KCB, the Oākura School, and many of the submitters. Oākura is a

small place and the level and number of submissions and the way that those submissions were presented at the hearing in detail warrants the social impacts being taken very seriously and assessed robustly and ultimately with some measures in place that will ensure that those impacts are managed and monitored.

**THE COMMISSIONER:** We do not have anything further, so thanks, Mr Twigley.

Now, Mr Kensington, if you are happy I was going now, given the time, to take NZTA and then come back to you, so we will just have to juggle the schedule a wee bit. So once we have heard from NZTA we will come back to you.

New Zealand Transport Agency. Ms Standish.

**MS STANDISH:** Yes. Kia koutou, Commissioners, my name is Kelly Standish and I thank you for the opportunity to be heard today in support of the New Zealand Transport Agency' (several inaudible words) further evidence on proposed private plan change 48.

I am joined this afternoon by Ms Caron Greenough, who is a traffic engineer and senior associate with Beca Limited and the author of the peer review appended to NZTA's further evidence.

**THE COMMISSIONER:** Now, just before you go any further, we have been obviously circulated with your statement 15 November and also the 14 November peer review. So we have read those, so if you can take us through the matters you want highlighted as part of that as opposed to reading each paragraph.

**MS STANDISH:** Sure. So I will start with the capacity of the intersection. The service level of the intersection is expected to reduce as a result of the revised development, however the reduction is considered to remain within acceptable parameters for the efficient operation of the state highway. Mr Skerrett identifies that once all lots are developed the intersection would remain at a level of service A or B, which is acceptable in relation to the state highway network.

The vehicular safety, there remains uncertainty regarding the appropriate design for the intersection at Wairau Road and SH45 to ensure safety of vehicles. This is largely due to an apparent reliance on the relocation of the 50 km sign. In effect this is a speed reduction extending further outside of

Oākura township. As is explained in the evidence pre-circulated, the lowering of the speed limit is a lengthy complex and costly undertaking with no certainty that it can be achieved. Therefore alternative design is required to ensure speed calming at the intersection can be achieved.

Finally, as a result of the proposal, it is expected that increased pedestrian and cyclist activity will occur as people cross SH45 to access Oākura Beach. The speed environment is identified by Ms Greenough as a key concern in this regard and speed-calming measures have been identified as a means to reduce the safety risk to vulnerable state highway users.

Given the currently available information and the increased vulnerability of pedestrians and cyclists, a cautious approach to safety provisions in this regard should be taken. Should the Commissioners see fit to grant the plan change, the Transport Agency seeks that any treatment to improve pedestrian safety is in place prior to the development of any lots.

Just on the planning provisions, I will read this part out if that is okay, there was an additional point that I think I missed in the original evidence:

"While the Agency remains generally supportive of the proposed plan change, there remains a lack of certainty regarding the timing of any proposed upgrades, planning provisions to ensure these occur and occur prior to the adverse safety impacts to the state highway as sought through planning provisions."

I think I have described one option that is available regarding amending the wording of policy 23.9 so that it will signal the need for safety improvements at the intersection to plan users. In addition, in my evidence, I identified Rule Res 100, which could provide a pathway to consider appropriate design of the improvements prior to development.

It is noted that an additional matter of control may be required here to ensure consideration of the safe operation of the intersection for decision-makers at the time should the Commissioners choose to use that provision.

**THE COMMISSIONER:** Thank you. Do you intend to call your witness?

**MS STANDISH:** Yes.

**THE COMMISSIONER:** Mr Coffin?

**MR COFFIN:** I have a question related to the part that you were just talking about in terms of there is a package of safety treatments that could be employed, particularly we are talking about the intersection of SH45 and Wairau Road. Did you have a view around the appropriate timing? You may or may not have been here earlier this morning; we had evidence around a certain number of lots being a trigger.

**MS STANDISH:** We were not here this morning. It was discussed briefly during a meeting that we had with the applicant a number of weeks ago and at that point there was not sufficient information to make a determination around that. So if there is new information we could probably consider it.

**THE COMMISSIONER:** The question I have relates to the mechanisms in terms of the plan change and then subsequent consent processes. So you have suggested an amendment to the policy and then further on in terms of Res 100. So is the Agency then in agreement that the other matters related to any improvements can be adequately dealt with through subsequent consent processes and that what has been outlined here for amendments to the plan change satisfies the Agency in total of what needs to be in the plan change?

**MS STANDISH:** With respect to the operation of the state highway only, essentially yes, we are satisfied that that intersection can be treated effectively. That was discussed during those meetings that were held a couple of weeks ago.

I might just hand over to Ms Greenough now to perhaps discuss that a bit more.

**THE COMMISSIONER:** Ms Greenough.

**MS GREENOUGH:** I am not a planner, so I am an engineer really, so basically in the discussions we agreed that something could be put in place but we did not go into the details of what that would actually be. The principles were effectively narrowing up the intersection stuff to allow for pedestrians, to shorten the distance that pedestrians would have to cross particularly and also treatments that would reduce the speed of vehicles as they entered Oākura and approached the intersection.

In my opinion, the threshold needs to be moved further out so that vehicles are already doing 50 km an hour as they meet the intersection, but, as Ms Standish has explained, that is a complicated process and we just feel that there could be other

treatments that could be put in place to slow traffic before the signs, before the actual legal change.

**THE COMMISSIONER:** Given the change of speed limits is beyond the RMA process, and we have heard that it can be a complex and time-consuming process, if such a reduction did not occur, what implications would that have in terms of the Agency's view, both in terms of what is proposed for the plan change and then dealing with matters in subsequent consent processes?

**MS GREENOUGH:** If it is just that black and white then I believe that we have a problem. We need to get the speed limit down to make that intersection safer. I think I said in my evidence there was something like an increase of 35 per cent in risk if it was not reduced. However, in my opinion I believe there are mechanisms that can be put in place to reduce the speed limit, even if the sign itself is not moved, there are still treatments that can be used in advance of the signage to reduce the speed down. There are lots of principles out there; it is all about side friction and creating an environment that makes people understand that they need to slow down.

**THE COMMISSIONER:** Earlier today, in Mr Skerrett's evidence, he outlined - and I think it was Acacia Bay in Taupo - where there

was some pre-warning in terms of speed reductions. In your view, is that something that would be an alternative if the formal process to achieve a reduction is not achieved?

**MS GREENOUGH:** Yes, so what we are talking about is either legally changing the posted speed limit change. If that cannot be achieved, or in association with it, you need to put treatments like Mr Skerrett said, it is all about vertical features and rumble strips if you really had to go that far.

**THE COMMISSIONER:** So presumably that is something that the Agency, given it controls the state highway, not just the tarmac but up to the boundaries with private property, how is that achieved? Is that something that the Agency does on its own volition or is that something that there would be engagement with the applicant, et cetera?

**MS GREENOUGH:** I will hand that over to Ms Standish.

**MS STANDISH:** We would generally expect that it would be done in consultation with us, so you cannot just go on to the state highway and start making changes obviously. More often than not it happens at the resource consent process stage and very rarely are applicants not required to come and consult with us again at

that point, which is another reason why Res 100 appears to provide a pathway because the applicant, or whoever it is at the time, could approach us with an amended design and our engineers will then review it and give it the green light or not so that works could take place.

**THE COMMISSIONER:** Just taking that a bit further, so your definition of detailed design of vehicular and pedestrian road improvements on SH45 potentially would include the prior warning signs or any other suite of improvements?

**MS STANDISH:** Yes, it would need to include everything and it would need to satisfy the network and safety engineers that it was going to achieve what the plan sets out to achieve.

**THE COMMISSIONER:** Does that get beyond - given it is an RMA document - if it is looking at things wider than what can be imposed through an RMA process, are there any vires issues?

**MS STANDISH:** Is it wider if it is just the safe and efficient operation of the road? I see your point. We are talking about access to the state highway and that is outside of the RMA process for sure. But I think it is still important that the plan provides the pathway to ensure that that is achieved before

any development goes ahead regardless. But, yes, NZTA is one of those organisations that sort of has that level, I guess, of control that is a potential issue but a very unlikely one unless we were not approached with a good solution at the time.

**THE COMMISSIONER:** So if those amendments were made that you have outlined in paragraphs 14 and 15, do we take it that the Agency then would not object to the approval of the plan change just from a transport related perspective?

**MS STANDISH:** That is correct.

**THE COMMISSIONER:** We do not have anything further. So, thank you, both.

**MS GREENOUGH:** Thank you.

**MS STANDISH:** Thank you.

**THE COMMISSIONER:** We will welcome you back, Mr Kensington. We have your statement in front of us, so if you can take us through the points that you wish to highlight to us.

**MR KENSINGTON:** Of course. Good afternoon, Commissioners. A lot of what I have got in my statement from 15 November is very similar to what Mr Twigley has already covered this afternoon, so I won't dwell on and repeat matters that have been raised. But starting at paragraph 4, I just do acknowledge the improvements that have been made since the earlier scheme that we were assessing. So that is there for the record. I agree that some improvements have been made but at paragraph 5 that is where I highlight where, from a landscape and visual effects perspective, I still have remaining concerns with the reduced scheme that is before us today.

The first one there is just the consent notice, which Mr Twigley has already talked about. The second one is in terms of not starting from a clean slate, and Mr Twigley has again talked about that this afternoon. The third one being the vehicular access from Wairau Road, which is one of the key ones for me and it is a bit of a -- if I was looking at this opportunities and constraints analysis that we have been talking about to inform development, that is a fundamental error in my mind. Coming in from that one point of access crossing the key native ecosystem and esplanade, the public easement strip, access strip there, and then that sets up the rest of the development to follow from that fundamental error.

When I look at other parts of the Oākura settlement that have been developed over time, the settlement does not follow that same logic in terms of crossing a gully like that to gain access to other parts of land. Mostly the existing settlement respects those gully landforms and does not cross them with road access and comes in from alternative access points.

So that is a big one for me and I guess by following that logic we then set up the urban form that is of a different character to the existing character of the village.

Point 4 there also talks about that issue. Then number 5 there, I agree that we've got a better relationship with the Wairau Road urban development but we are ignoring the flood west land and what might happen over there and how this development on the south side of SH45 is going to integrate with the future urban development on the flood west land.

Number 6, this is how the proposed extent of urban land relates to the Paddocks subdivision in behind, and I acknowledge Mr Comber's analysis about the RLs and the slope of this bit of land. Certainly at RL 60 that is about where the hay paddock is, but also on the other side of the QEII Covenant land that is

about where those lower Paddocks' lots are. If we look on the screen in front of us we can see the relativity of those two at that similar kind of RL60 level, and so for me that is still getting up a bit too high for a density of the residential development that is being proposed, which is quite different to that within The Paddocks, which is that large lot residential zoning.

So, relative to the lower portion of the site, at SH45, which is about RL35, when we get up to RL60 we are a lot higher than that point but I do acknowledge that it is not an unachievable piece of land to develop if that was considered appropriate.

Point 7 there, in my opinion I do not think what has been proposed does achieve the strong ecological landscape connection of vegetation to achieve that mountains to the sea connection and, at point 8, I am of the opinion that the outlook from some of the residential properties within the Paddocks development, which currently has an outlook over the rural land, will be adversely affected by urban development in those views. Again, I went out there this morning and stood at the bottom of the Paddocks subdivision, which is on the screen there, and it is those properties in particular for me, where they currently have

a nice amenity through to the rural land on the other side of the QEII Covenant, and that is going to be an outlook towards a residential urban development, which is quite different to what they've got at the moment.

Lastly, my concern about the engineering devices within the waterways, that is just another erosion of the landscape qualities that will be a key aspect of what we are trying to achieve in terms of this landscape framework.

The rest of my evidence really just talks about agreeing with Ms McRae's summary, and for the record I also agree with Mr Evans' memo, which is in on 22 November. We are largely in alignment. And then paragraphs 8 through to 12, that is where I am just rebutting what Mr Bain has said in his evidence. I won't dwell on those.

Then the community concerns at 13, just reiterating those. And when we talked at the hearing in July it was the associated values I talked about as being important to a landscape assessment and those concerns are still in the mix. Importantly now we've got the cultural impact assessment, which we've only just received, and so I read that this morning and it is clear to me from my read of that cultural impact assessment - even

though it is only very brief - as Mr Twigley mentioned earlier, this site is part of a wider cultural landscape of significance and that has sensitivities associated with it.

Just drawing your attention in that cultural impact assessment to paragraphs 7.10 and 7.11, they for me are two very important sentences, which hit at the heart of what I think the cultural impact assessment is trying to say. Urban development in this landscape will degrade the cultural values. That is a pretty important statement. Landscape effects and the ability to avoid, remedy or mitigate the adverse effects of the proposal on the relationship mana whenua have with Kaitiaki is an issue that the CIA process to date has been unable to reach a conclusion on, therefore a precautionary approach must be taken in regards to these effects. I think they are pretty important statements in terms of an assessment of landscape effects when cultural values are put into the mix. That is probably enough for me in terms of my summary.

**THE COMMISSIONER:** Okay. Thanks, Mr Kensington. Mr Coffin.

**MR COFFIN:** I am just trying to read my notes here - I think it might have been late at night one night. At paragraph 15, you said:

"In my opinion, the adverse landscape and visual effects that will arise will be more than minor and unacceptable."

I was wondering if you had a view about, from your view, what would be less than minor and acceptable.

**MR KENSINGTON:** For me it would be firstly addressing that consent notice matter, the elephant in the room that Mr Twigley mentioned. Again, that is a biggie for me in terms of that protection of rural character. That is a fundamental concern that I have got, and so I would want some certainty around how that has been addressed and how that cumulative effects of development will maintain rural character.

Secondly, on top of that, I would want all of the remaining issues that I have outlined in my evidence - that we've run through this morning - not being issues any more, and I would like to see no crossing of the gullies, for example, with vehicle access and roads. There may well be an alternative solution that achieves that, and I would like to see the stronger connection of vegetation through the gullies really being not interrupted by road crossings, in much the same way as the existing village has been developed over time.

The other fundamental for me is that I would prefer - in order to get to that more than minor or acceptable level - that the urban development is focused more towards aligning with the future development on the western side of SH45, rather than going up to the RL60 as is currently proposed.

Probably, in a nutshell, that is the answer to the question. There may well be other detail matters but those are the fundamentals from my perspective.

**MR COFFIN:** Okay. A question that I had for Mr Bain this morning was around whether, in his view, the residential development that had been proposed for this plan change area would dominate the Kaitake hills. That was the second part of my question and I am not sure if you were here this morning to hear that.

**MR KENSINGTON:** Yes, I was.

**MR COFFIN:** In his view, it would not because not only just the height of it but just the size and scale of the Kaitake hills is central. This was an appropriate area because it was close to the Wairau existing residential development. Did you share his view or have a contrary view to that?

**MR KENSINGTON:** I have got a contrary view to that. Again, it goes back to looking at the Paddocks development and how there were bespoke controls placed on built development within those larger lots to control those very issues. The colour and materiality controls, design guidelines, heights of buildings, and just the size of the lots themselves. On the other hand, the proposal in front of us now, there are none of those controls. It is just the plan provisions which will allow two-storey buildings, I imagine, on a lot smaller lots. So we are going to be getting a higher density urban residential fabric that, as a whole, will be a lot denser and it is so far away from the rural that you can get compared to what you have got now.

Coming back to the question about: will that dominate the Kaitake as a landscape? It is going to have an effect on it. I wouldn't say it is going to dominate it but, in terms of the relationship that, when you are viewing the Kaitake Range from various places around the settlements, it is going to have an impact and an effect on it. It may not be a dominating effect but it will be an adverse effect in my mind.

Once you have gone from rural to urban there is no going back, kind of thing. Whereas with The Paddocks you have gone to urban but it is a larger lot with a lot more controls over it.

**MR COFFIN:** Thank you.

**THE COMMISSIONER:** I have a couple of questions, Mr Kensington, but I also have Mr Gladstone who wishes to depart at 4.30 pm and Mr Evans, so if I can just pause and come back to you. You are happy to stay there and I was going to take Mr Gladstone.

**MR GLADSTONE:** Mr Evans wants to leave at 4.00 pm?

**THE COMMISSIONER:** 4.30 pm.

**MR GLADSTONE:** 4.30 pm.

**THE COMMISSIONER:** And you want to leave at 4.30 pm also.

**MR GLADSTONE:** That is right.

**THE COMMISSIONER:** So we will take you now, Mr Gladstone.

**MR GLADSTONE:** Thank you. So I will just address the highlights of the document you will have seen. In Mr Skerrett's statement there is still a lack of information of pedestrian movements. I considered the large network of paths within the proposed plan change area may be of some slight benefit to keep fit enthusiasts and dog walkers, but are of no practical benefit for utility trips to and from utility destinations, like the school, shops or recreational areas within the village, like the beach.

Referring to the joint witness statement following the expert conferencing, experts agreed that the safety of vulnerable road users, which may be defined as pedestrians, cyclists, children and the mobility or vision impaired, needs to be considered as part of any solution. The proposals have evolved significantly of course since the expert conference, but a number of points made there are still relevant to the changed circumstances.

Under the heading "Measures proposed to avoid, remedy or mitigate effects" the joint witness statement from the expert conference proposed, among other things:

"... the provision of a shared pathway on the south side of SH45 from Donnelly Street and turning into upper Wairau Road and connecting to an improved upper Wairau Road at the development; [and] A pedestrian link between Wairau Road and Donnelly Street needs to be assessed if upgrading is

required (sic) and considered as a non-vehicular route, taking into account the needs of vulnerable road users."

Given the obvious unsuitability of the pedestrian link between Wairau Road and Donnelly Street for most cyclists, due to the gradient, and the mobility impaired, even more emphasis should be placed on the need for the provision of a shared pathway on the south side of SH45 as described in above. There is no mention of any proposal along those lines in Mr Skerrett's statement.

The New Zealand Government Policy Statement on Land Transport of 25 June 2018 should still be borne in mind, and may be of increasing relevance with the growing popularity of more sustainable modes of personal transport, such as e-scooters and e-cycles. At the time of his proposed presentation in the Oākura Village Hall, Mr McKie specifically mentioned these modes of transport as an ideal means of moving around the village.

The New Zealand Government Policy Statement also stresses resilience, and the reduction to a single access point to the road network, for a development, which including existing properties and other lots still to be developed on other parts of upper Wairau Road, would amount to over 300 properties, and, as I say, a single vehicular access is far from satisfactory.

In my view, the applicant has provided a minimalistic approach to mitigating the undesirable traffic and mobility consequences of his proposals, particularly for vulnerable and may I say active - which I think is a term we use for walkers and cyclists - road users.

While there must clearly be some low threshold of unit numbers at which traffic generation becomes insignificant, and a layout where a 'gateway' to further development is not explicitly created, it is my view that this proposal does not meet either of those criteria and should therefore be refused. Thank you.

**THE COMMISSIONER:** Okay. Thank you. Mr Coffin.

**MR COFFIN:** I just wondered did you have the benefit of hearing some of the evidence this morning.

**MR GLADSTONE:** I did not arrive until about 12.15 pm, sir.

**MR COFFIN:** I think you might have missed it. Yes. This morning we were asking questions around the package of treatment options for the intersection, which includes safety improvements

and the timing of those, and Mr Wasley was also asking questions around the normal funding arrangements and whether they would be done at the start or perhaps later on as part of a consent stage. I just wonder if you had a particular view around the particular issues that you have raised, particularly around vulnerable users and the safety treatment that might be applicable about the timing and whether there was a particular trigger that you thought was appropriate.

**MR GLADSTONE:** Well, as a retired person I am not perhaps fully up to speed with the legal provisions. All I would say is, whatever would be the practical solution, it would bring the provision ahead of the customers, if that makes sense.

**MR COFFIN:** Yes.

**THE COMMISSIONER:** So, just teasing that out a bit further, Mr Gladstone, if we recommended approval of the plan change, would you see the matters that you have highlighted being part of the plan change or some subsequent consent process, for example, an application for subdivision for stage 1. I am just giving that as an example.

**MR GLADSTONE:** I do not have an opinion on that but, again, I would just return to whatever method arrives at the correct practical solution of providing the necessary, for example, shared use cyclist/pedestrian route, as discussed at the expert conferencing, in plenty of time for the cyclists and pedestrians to use it.

**THE COMMISSIONER:** Okay. In terms of that timing, just picking up your earlier point, do you see that prior to any consent being granted to create lots and build houses, if consent was granted?

**MR GLADSTONE:** I would imagine so, yes.

**THE COMMISSIONER:** We do not have anything further, Mr Gladstone, so thank you.

**MR GLADSTONE:** Thank you.

**THE COMMISSIONER:** So, Mr Evans, we will move to you.

**MR EVANS:** Thank you, Commissioners. My memo, which is attached to the (overspeaking) --

**THE COMMISSIONER:** Yes.

**MR EVANS:** -- report, you probably read, but I will just highlight a couple of things.

I found the lack of analysis -- I will certainly acknowledge the revised scheme, in terms of the reduced scale intensity of the positive effects it has had on reduction of landscape and visual effects. I would like to acknowledge that at the outset. Even so, the level of analysis that one would expect of a plan change, both the landscape and visual matters, I found lacking.

We heard today from Mr Bain and also Mr Comber about addressing some of those matters. Things like Mr Comber's long sections simply showing the lie of the land, in terms of the Kaitake going down to the boundary down to Wairau Road, they are very helpful tools to help explain things but I certainly would have expected, in terms of the landscape framework plan, to have a lot more detail there identifying the visual catchment, aspects of ecology, landform analysis, all those sorts of things. One would expect at a plan change having a lot more detail than that.

I suppose where I have got to is that -- we've just lost it on the screen.

**THE COMMISSIONER:** It is about to come back.

**MR EVANS:** There has been heavy reliance - and we've heard it from Mr Bain's evidence, Mr Comber's evidence and right throughout the proposal - on the open space and planting network and the connections that provides. Yet we've not heard about how that is going to be achieved. We've heard about the subdivisions in stages but what about the open space framework? That to me is sort of a key to the whole development of the structure plan. I think it is something that would need to be addressed very early in the piece and limited at the outset and have it completed by stage 1, or perhaps it could be done in two stages. Simply to leave it and have bits of it done at each stage I think would be a mistake, given it is so essential to both the open space framework, the vegetation, the connections within that it is providing.

I suppose those are the points I wanted to highlight and I can answer any questions.

**THE COMMISSIONER:** Okay. Thank you. Mr Coffin.

**MR COFFIN:** I am just going to go backwards here, so just on page 3, night time lighting. My recollection is Mr Bain this morning has confirmed there have been no further assessments of the effects of lighting. Just in terms of: did you have a view or an opinion on what those effects might be or the scale aspects?

**MR EVANS:** It is hard to determine when nothing is provided in terms of the proposal, the evidence to explain that. I mean, Mr Bain referred several times to there is a high level of a certainty around effects, in terms of: it is going to be a residential development and the lighting effects. Well, that is fine to say that but you have got to substantiate it. You have got to provide the information. The applicant needs to provide the information.

At one point he also comments that in my memo I did not provide any evidence for it, but I do not think it is for me to do that. I highlighted the point that there has been no information other than a statement saying they will be contained. We heard a little bit more today about that. Mr Bain referred to the vegetation. Once again, the vegetation is

providing a key mitigation element. It is going to contain that so there will be more of a glow, I think he referred to.

**MR COFFIN:** Are you aware of any other residential developments along the West Coast of the North Island that would be in a similar context, where you have effects of the lighting in the evening?

**MR EVANS:** I think, lighting, no, I am not familiar with those but I am familiar with some of the Wairarapa developments where I have been working and the Hawkes Bay developments where lighting is often an issue in a relatively flat landscape or a flattish landscape. It is something that does need to be addressed, and you can provide a lot more analysis showing the lie of the land with some long sections and cross sections, identifying the viewing audience and the distances, and all those sorts of things, to be able to substantiate those sorts of comments.

**MR COFFIN:** You would have heard my questions earlier around the residential development, thinking of it as a plan change, a completed, filled out, resort, short subdivision and the potential for that (inaudible) size and bulk of a residential

development and how that may or may not dominate the Kaitake landscape. Did you have a particular view in that regard?

**MR EVANS:** Yes, I heard you ask that to Mr Kensington. Yes, I have a similar view. I wouldn't say it would dominate it. It would change it but it wouldn't dominate it. But once again it is the detail, I suppose, that needed to be provided to be able to determine the level of change and the level of effect.

**MR COFFIN:** Do you have a view around the Kaitake Range's sensitivity or its ability to absorb residential development?

**MR EVANS:** Well, the Range, to me this is pushing it as far as you would want to go where it is shown here in this revised scheme. I suppose at the southern end there - just looking at the layout - whilst there is some open space that wraps around the end, to mitigate even further some larger lots around the edge, similar to what has been on SH45 would help just tease out -- it would provide more opportunity for, I suppose, greater spacing of dwellings, more opportunities for planting on that southern edge of the development, rather than taking residential right up to that very edge. Without looking into, if you like, I suppose, where it often (several inaudible words).

**MR COFFIN:** The matter of the Paddocks subdivision consent condition around protected farm lots - you know protecting that rural character - did you have a view in that regard, from a landscape --

**MR EVANS:** Well, I think --

**MR COFFIN:** More than just the visual character, rural character in its widest sense.

**MR EVANS:** Sorry, the point is? Just repeat that again.

**MR COFFIN:** I was just wondering if you had a view, because we have been asking questions around the consent notice condition which relates to the rural character, and it was on the premise of a protected farm lot. I just wondered if you had a particular view of that.

**MR EVANS:** There is landscape change that would occur and I would have thought that whole -- especially those lots at the southern end of The Paddocks would have undertaken a lot greater analysis to help shape the form of the proposed plan change. I have seen nothing. There has been very little analysis of what is happening to The Paddocks itself. Those allotments on the

southern side, particularly on the lower part that look out over the area, I would have thought there would have been a -- it might have helped shape the form of the proposed land change.

**THE COMMISSIONER:** Mr Evans, in terms of your memorandum to Mr Wesley and on page 2 of that, under the landscape framework plan, and it is the second to last paragraph where you note landscape effects and visual effects are related but are different. Just dealing with landscape effects and visual effects, what would you have expected to see in terms of any assessment around those two matters?

**MR EVANS:** Well, just under the landscape effects you would be looking at the biophysical effects in terms of landform in terms of vegetation and on landscape character, under those groupings that relate to landscape effects.

In terms of the visual effects, well, they are complementary but you really need to do an analysis of what is a viewing audience, where is the viewing audience located and the nature of the effects on the different viewing audiences, because it is not one there are several. Everything has sort of been a bit lumped in together in my view. It needed much more structure in terms of the analysis and with the right sort of

documentation to, I suppose, substantiate the comments and what have you.

**THE COMMISSIONER:** The right sort of documentation. What --

**MR EVANS:** I think a lot more diagrammatic, long sections, a lot more information in terms of plans as well. For example, we've heard about crossing the access point, crossing that gully. That to me looks to be a major sort of a crossing. There is a point of it severing the gully but also just physically getting across that gully. How is that going to be handled? That is a crucial point in the whole subdivision.

**THE COMMISSIONER:** Just going back to landscape effects, you mentioned bio-; I did not pick up the rest of it, biophysical --

**MR EVANS:** Biophysical effects. That would be about landform and existing vegetation and ecology and landscape character.

**THE COMMISSIONER:** Just my last question, you comment under the heading of "Revised Structure Plan" in terms of associative values. What again would you have expected or what would you expect to see in terms of that analysis and discussion on associative values?

**MR EVANS:** Associative value is sometimes called shared and recognised values. We've heard a bit about the social impact assessment, the cultural impact assessment. They are all part of the associative values, so we'd have seen those woven in at the outset. They will be part of that analysis that I was referring to earlier and they would be determinants in terms of the overall layout of the proposed plan change.

**THE COMMISSIONER:** By that you mean the physical manifestations?

**MR EVANS:** Yes, identify what those values are. The associative values, define what they are and then how they influence and shape the proposal. I suppose, whilst it is implicit in the application and the work that Mr Bain has done in terms of constraints mapping, I mean it hasn't been clearly teased out like that; what is dictated and determined while the development is being shape.

**THE COMMISSIONER:** We do not have anything further, so thank you, Mr Evans.

**MR EVANS:** Right on 4.30 pm. That is very good. Thank you.

**THE COMMISSIONER:** Well, Mr Kensington, hopefully I will not ask you to pause again. Now, just going to your ... okay. So, in terms of your statement and under the heading of "Remaining Issues", section 5, and then you made a comment about the lack of integration of the proposal with FUD West. I am just interested if you can tease that out a wee bit more for us in terms of highlighting that issue.

**MR KENSINGTON:** Sure. I guess the structure plan, as it applies to the site and the operative district plan identification of a future urban area in that northern portion of the site, has that relationship more so with FUD West. Now, the triangle that has been drawn across connects through to provide that integration of future urban on both sides of the state highway to stitch together the future urban form. Whereas, what we've got now does not relate well to that future urban form. I guess it is me thinking well into the future. Once that FUD West land is developed how are these two sides of the road going to work together and be part of the future village, I guess.

The existing village has both sides of SH45 working together and in the future you would hope that both sides are working together as well. I guess the stub roads that we've been talking about sort of open that opportunity for that to

happen, but then we've got development well beyond what the FUD for the site anticipated by going up to that RL60 contour.

So that is kind of what I am saying is: is it better to develop the site so that it has more of a relationship with FUD West for the future? I guess that is the essence of the point.

Sorry, just to tease that out. That then brings in the whole question about what NZTA were just talking about in terms of the speed limit along that stretch of road. If that was a 50 km stretch of road, you might well be able to stitch both sides together, for example, more effectively.

**THE COMMISSIONER:** Given those comments, from your perspective, is there a need that there is more comprehensive structure planning in terms of Oākura and picking up the points that you have just made in terms of providing those connections?

**MR KENSINGTON:** Certainly, yes, that would be the next level of detail to go to. The structure planning, if we can call it that, for the proposal in front of us - and I said this in my primary statement - is very isolated too itself. It does not look at how it fits within the wider urban fabric of the village.

I hope that point was made clearly by other submitters in the July hearing, and the opportunity exists to do that further analysis and structure planning comprehensively rather than an ad hoc type development that we've got before us now.

**THE COMMISSIONER:** So, presumably that is about physical connections both for vehicles, people, cycles, that type of thing. What other aspects would you have expected to see if that type of exercise is undertaken?

**MR KENSINGTON:** Well, it is that landscape framework that Mr Evans was talking about. That would stitch across both sides of the state highway, as it does for the existing village where there are strong open space connections that cross the highway. From a landscape point of view, in addition to the urban form, that would be the strong thing that I would be looking for as well as the pedestrian and vehicle connections.

I guess you might get quite a different outcome by doing that exercise than what is currently before us.

**THE COMMISSIONER:** Just moving to a slightly different topic, you highlighted your concerns in terms of the proposed road

crossing the gully landform. You felt that set a different character to the rest of the village. What do you see as the main effects or implications in terms of the road crossing the gully?

**MR KENSINGTON:** It is primarily for users of the open space network and I think I said this in my primary statement, the amenity values of those people using that easement for access. At the moment it is a pleasant place to walk down, run down. It is part of that wider connection of people using the trails around the village. I went through there this morning and there were people walking their dogs, running through there and when they come through there, if this was implemented, it would be quite a different experience for them in terms of their amenity values that they are experiencing. We do not know the detail of how that road is to be constructed and what the level of earthworks and the formation of how it is going to cross the waterway. It could be an elegant bridge, for example, and it might be a very nice experience. I have not seen the detail and I imagine it won't be an elegant bridge crossing, more of a culvert crossing perhaps and quite a lot of earthworks in order to achieve that. Those earthworks may well have a landscape effect on the landform that creates that terracing of the stream

where the track goes through now. There is a lot of uncertainty there.

**THE COMMISSIONER:** So the concern you highlight in terms of a landscape perspective, but primarily the other concern is the potential for some type of physical barrier that will interrupt potentially pedestrian activity, et cetera?

**MR KENSINGTON:** And connectivity, yes, through what is now a natural experience walking beside the key native ecosystem area and through into the QEII covenant area.

**THE COMMISSIONER:** We do not have anything further. Thank you, Mr Kensington.

**MR KENSINGTON:** Thank you very much.

**THE COMMISSIONER:** Now we will move to the Kaitake Community Board. Mr Hislop. Please set up, Mr Hislop. Take a seat. We will just take a short five-minute adjournment and then we will reconvene and hear from you. Then we will hear from Oākura School, Mr Graeme Duff and then Mr Richard Shearer. Those are all of the submitters on my list. So, just checking, there is no one else who is expecting to be heard this afternoon? Then,

once we have heard from the submitters, we will then move to hear from Mr Wesley. So we will just take a short adjournment and reconvene at quarter to.

(A short adjournment)

**THE COMMISSIONER:** Okay, we will reconvene. Mr Hislop.

**MR HISLOP:** (Māori content) Good afternoon to you, guys. We meet again.

**THE COMMISSIONER:** Yes, and we have your statement in front of us, so if you would like to take us through that thank you.

**MR HISLOP:** Yes, I would just start off by first just explaining that Mike Pillette who sat with me at the hearing, the original hearing, stood down from the Community Board and decided not to be elected after 12 years' service, and so I am here on my own.

**THE COMMISSIONER:** Okay.

**MR HISLOP:** Just starting off, first of all, with the supplementary evidence submission on 13 November. I will take

most of it as read and I will just highlight a few points if I may.

**THE COMMISSIONER:** Yes, that is fine, thank you.

**MR HISLOP:** Point 5, I will start with. I will just make the point that Mr Bain states under his changes to the thing that the "environment are clearly maintained". We just point out that clearly we do not agree with that statement and the reasons why are listed there.

Moving down to 6, Mr Bain states that:

"If the FUD area west of SH45 is developed, the proposal will meet the community's desire that the majority of development will be on the western side of SH45."

Our response has been that it is clearly established the community wants all of the village's future urban growth to be on the seaward side of SH45, not the majority of it. There is no local support for any greenfield urban development on the southern side of SH45. Our substantive submission back in July would point to there.

Number 7, Mr Bain also states that in his opinion:

"The aspects of the reduced scheme, as described above, overtly address the key areas of submitters' concerns."

We unequivocally believe that is incorrect. Many of the key areas of submitters' concerns are not addressed and our points are there in our substantive submission.

I will just move on then down to -- I think the traffic area has been covered by other submitters today, so I do not think I need to go into that.

So I will just move on to number 10, stormwater effects from Mr Bunn there. I will just make the point quite clearly that the retention is within the boundaries of lot 29 and, really, the actual flow coming from there appears little different from the original proposal and does not address the current downstream effects.

As already pointed out, the confluence point of the Wairau Stream and the unnamed tributary is at a particularly vulnerable location, as is the balance of the Wairau Stream's path to the mouth. It is quite clear that the community expects any discharge of stormwater going forward should only be allowed when there is sufficient capacity within the local council

network. And my understanding is that that work has yet to be carried out.

I do not think I need to go into any more of that at all. Oh, just that last paragraph there. We are concerned that there is no mention of mitigation of biodiversity effects that will endanger wetland areas in the proposed retention pond locations. They appear to going to be bulldozed to make the bunds for them and so on, and I just point out that those areas are significant at both a district and regional level, as only 8 per cent of wetland gullies and things are left in Taranaki now and they are identified habitats for the Gecko and Spotless Crake.

Of course, remember that the gecko is site restricted. It does not have the ability to move from there if the environment does not suit it any longer to another place because that is just not how it works, so it is restricted to that site.

Planning, just moving on to planning and what Mr Comber had to say. I do not think I really need to read that out. I think that I will start with 14. Mr Comber continues:

"There also appears to be a disconnect between the provisions of the operative plan, the community aspirations as expressed through the community documents, and the

submitters' oft-repeated call to decline the subject application in its entirety."

In the KCB's opinion, this is a further attempt to discredit and downplay the very considerable disquiet the Oākura community has had about this application from the beginning. Submissions and evidence were based on the evidence in the original application.

That application and its subsequent extensions have been submitted before the final promulgation of the proposed district plan. Therefore, it is the KCB's view that a genuine solution from the applicant would be to lodge a new application under the proposed district plan in which the community's aspirations could be addressed appropriately.

I do not think I need to read 15. Number 16, Mr Comber states:

"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."

The KCB reiterates that this expansion - reduced or not - is not required in the immediate or medium term. As clearly stated by numerous submitters, neither is it a logical expansion of the village. The new plan, while reduced somewhat in scale, is

still a high-density urban development in an inappropriate location and contrary to the consent notice protecting this land from such development.

Number 17, Mr Comber states:

"... 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."

The KCB views this statement as supposition only. There is no evidence that any lot price would be at a level that provides access to affordable residential dwellings.

Cultural impact, I really do not need to go into that. I just have to say that, if we go back to the 2010 Paddocks hearing, I can remember sitting actually over where Mr Wesley was sitting at the time saying that, "We had to drag the applicant kicking and screaming to this table to address cultural issues". It seems this time the same thing has happened and I am pleased to see that some degree of progress has been made in that regard.

So I won't go into cultural bits and pieces at all, although we do support the proposal from Mr Zieltsjes, on behalf

of Ngāti Tāiri and Te Kāhui o Taranaki, for a comprehensive review. We believe that that should be done as a matter of course.

Social impacts. I do not think I need to really go through those at all. Number 22, Mr Comber states:

"The gap between the preferences and aspirations expressed in the non-statutory community planning documents and the evidence of residential submitters calls into question what the community actually desires in the way of growth."

Well, we think that that is an incoherent statement. The Kaitake community engagement project took place in Oākura, Okato and Omata over 36 months. During that time over 70 meetings took place and over 300 people contributed to the face-to-face conversations, and with written responses.

The overriding theme followed throughout the community engagement processes was to provide a high-level blueprint to lead and shape the future development and growth for the community. Residents in the Kaitake Community Board area did not want to halt progress. Communities wanted to enable and encourage progress, the progress that makes sense for current and future generations and progress that is enabled with us and by us, and not done to us or forced on us.

We also question his overuse of the term 'non-statutory' when referring to the reports arising from the community engagement undertaken. The KCB believes these reports have more validity than some of the consultation processes undertaken by Wairau Estate Ltd in respect of this plan change application and cannot be diminished by clever wordsmithing.

I do not think I need to read the rest of it. I think it is pretty straightforward, really. Except I do intend to make a few comments about point 24 regarding the establishment of a community development liaison group. And I will just go back to what Mr Comber said this morning, and I have got it here somewhere. I think it is on page 29, is it? Page 10. Page 10. I am sorry, I do not have the page, but he made the point that we were not neutral in this matter, and I just want to make it very clear to everybody here that the community board has a responsibility to represent and advocate on behalf of its community. It is not the intention - it has never been the intention - of the community board to have a personal preference for anything and then steer the community down that particular path. We do not do it that way. We have never done it that way. And it is not a position at all.

In fact, regarding this particular application, the community board took between six and eight months to reach a decision about where it stood. And the decision that it reached was brought about by the number of concerns and the number of people that contacted us. So we ended up being the representatives for those people, so that is how it came about. And I think that, just to consolidate what I have said, the opening statements on our substantive submission back in July, points 7 to 11 and 14, spell that out particularly clearly. As part of our opening statement, we have made that very clear that that is where we stood on this matter.

Right. Moving on from there. I will just reiterate what Mr Kensington said and Mr Twigley in point 26:

"Mr Comber makes much of the fact that the FUD West land will require to be rezoned from rural to residential ahead of any residential development. He assumes this means that the council is of the mind that the land will not be required for residential development for the life of the new district plan, i.e. ten years from the date it becomes operative. The KCB points out his first statement is inaccurate, as part of the FUD West land is already consented for residential development, and an access road, Cunningham Lane, is already in place. The second statement is particularly interesting, as this is the exact scenario for FUD south as well. NPDC has already established that the FUD south area will not be needed for residential development before a 10 to 30-year timeframe."

I think really that is all I need to say about that document. I am happy to answer any questions now. I will perhaps move to my other --

**THE COMMISSIONER:** Yes. If you can take us through your other statement tabled and then we will come back to any questions. Thank you.

**MR HISLOP:** Okay. The first two points -- sorry, the first four points are quite clear really that we support Mr Wesley's recommendations in his 19 August 2019 report. We do not support the recommendations that he made in his further evidence presented on 22 November.

Point 5:

"The KCB questions why the author has changed his stance from his previous 19 August 2019 response when few of the reasons given by him in that report have been adequately addressed."

Point 6:

"When he states, 'It is evident there is still a lack of information in two key areas, namely cultural impact assessment, traffic effects and landscape and visual impacts' [I actually count those as three, not two] he

disregards the obvious biodiversity threats as a key area to consider. He only states --"

And I will not read it. He states there, but there is a small statement about that, not very large. But I just want to point out that:

"This is a key area, and the KCB believes it is crucial for everyone to backfill their knowledge and understanding on the biodiversity threats posed by this development to the landscape, waterways and to the Kaitake Range in particular. There appears scant experience amongst many of the report writers on this issue. Is this a genuine case of not recognising the importance of what one doesn't know? We suspect so.

The applicant's expert, Mr Bevers, from his own report says he spent around three hours walking over the site. On one other occasion he went back at night to look for fish in streams, and he also attended a meeting to discuss stormwater retention. He did not carry out any invertebrate or lizard surveys. While making some other presumptive statements about cats, there was no on-location prof about the cats, he paid no attention to the very substantial biodiversity threats of rats and invasive plants to the Kaitake Range. Other than lay evidence, that is the only evidence presented in this regard."

Point 10: Just to finish, I will just say, "The applicant advertises his proposal to the public", and it is written there:

"As a staged, long-term urban development plan created by top local experts, emphasising environmental regeneration, modern lifestyles and community values. He states, after a lengthy period of detailed technical investigation and assessment, he has created a well-planned area of urban expansion with a high-quality environment, consistent with

the unique environmental and community values that is Oākura."

Well, we have got:

"A different, contrary view to that proposal and our stance remains unchanged. We stand by the evidence we have submitted and we urge the hearing Commission to reject this plan change in its entirety."

**THE COMMISSIONER:** Thank you, Mr Hislop. Mr Coffin.

**MR COFFIN:** Good afternoon. Just going to your supplementary evidence - this is on 13 November - at paragraph 5, it has been mentioned a number of times, the "mountains to sea" landscape connection that is so important to the community. Do not take offence to the questions. It is one of those dumb questions. I want you, in your words, to describe to me what you think the community means by "mountains to sea" connection.

**MR HISLOP:** You have got to take the history into consideration that that was something that surfaced during the consultation period for the Oākura structure plan, so that was back in 2005-2006. And it was very clear then that there were people living locally who valued the sea environment and the mountain environment, and they wanted connections for them for horses, for -- cyclists were not so big then, but certainly for

tramping. But also there was a deep concern about the amount of bird life especially that was being disadvantaged and we were losing a lot of it. So having some connections through from the ranges through to the village was important for the bird life.

Now, we managed -- before that particular period, we managed to get Matekai Park developed in the middle of the village, and it is a wintering-over spot for a lot of native species and they stay there over winter. But of course as spring comes on and so on, they tend to head back up into the range and onto the pouakais to feed on the flowering plants there as they begin to flower, and of course the higher up the range you go, the longer it takes for them to flower. And having some tracks from the seaward side, if you like, up to the mountains is crucial for that to happen.

**MR COFFIN:** So what I am hearing is the community value the sea.

**MR HISLOP:** Yes.

**MR COFFIN:** And activities associated with the sea, and mountains.

**MR HISLOP:** Yes.

**MR COFFIN:** So from a recreational point of view, so going and enjoying those resources, and you have mentioned bird corridors, ecological habitat and, more broadly, ecological corridors.

**MR HISLOP:** Yes.

**MR COFFIN:** So those are the things you encapsulate as mountains to the sea?

**MR HISLOP:** I am sorry, I am a bit deaf.

**MR COFFIN:** Those are the things that you encapsulate as mountains to the sea?

**MR HISLOP:** Yes.

**MR COFFIN:** Were there any other things?

**MR HISLOP:** Plus, of course, it is one of the blueprint things, if you like, from the district council itself, the mountain to sea connection. It is something that, at a high level, it is considered to be part of who we are.

**MR COFFIN:** Thank you. At paragraph 9, just under traffic and transport, and we have had the benefit of a few people to talk to us in New Zealand Transport Agency. You would have heard them today.

**MR HISLOP:** Yes.

**MR COFFIN:** Just at the end of that paragraph 9:

"We reference the wider traffic effects and safety of the more vulnerable road users."

And I was just wondering if you are able to just explain that a little bit further.

**MR HISLOP:** Yes, and appreciate the fact that we are not experts in this field at all. Two or three points came up. Just listening to the Transport Authority presenters today, the point that they made was that they are responsible for the highway, and really what the Kaitake Community Board is more on about is about the movement of people in and around the village. I mean, part of the problem is we are intersected by a major highway which never will be changed. That is going to be there forever. So working our way around that and coming up with solutions for things like that takes a lot of our time. And it does seem to

me that applicants, experts here, really, the only thing - I was listening to them before - said was, "Oh, well, there is a bit of a problem with parking in the village". Well, there is a heck of a lot more issues than just parking in the village. Getting kids to school is a major concern of ours, and I am sure you will hear from a school later on about that. But also the speed of vehicles along the highway. People are trying to get from A to B as quick as they can, and traffic -- we spend a lot of our time, the Kaitake Community Board, coming up and talking to transport people here and with NZTA to come up with traffic-calming measures, the best we can, under the circumstances. And the more traffic that is generated, the worse our problems happen to be.

**MR COFFIN:** Thank you. This is still on paragraph 10 but it is on page 3 and it is in the very last paragraph, where you talk about the habitats for gold-stripe gecko and spotless crake in 2010, and that is relating to your substantive submission.

**MR HISLOP:** Yes.

**MR COFFIN:** Is the concern there the introduction of the retention pond locations in ecological habitat? Is that the main concern?

**MR HISLOP:** There are two or three concerns really. One of our concerns was that there was meant to be an annual checking on the gold-stripe gecko and the spotless crake, and it is in our substantive submission. It was never done. It is going to start next year. It was never done. And when I hear people here saying, "Oh, well, of course that will happen as a matter of time down the track", it makes you wonder whether it actually will. "Oh, we will plant this and we will do that, and we will -- you know, we will stop -- we will not let people have cats" and all the rest of it. But when actually push comes to shove, is that actually going to happen?

The other point, and Mr Bevers goes into it in his ecological report. He says that the species aren't endangered, but in both cases neither of those species -- there is no population data about them, so there could be 1, there could be 3, there could be 30, there could be 330 or there could be 3,030. Nobody knows. So it is easy to say they are not endangered. They could very well be endangered.

**MR COFFIN:** Now, you did mention the community development liaison group.

**MR HISLOP:** Yes.

**MR COFFIN:** It is quite clear in your submission you would never support the establishment of such a group. If there was to be a community liaison arrangement, do you have a view about one that might be acceptable or one that potentially could work?

**MR HISLOP:** We have three of those groups set up now. We have one at Omata. We have one in Oākura. We have one in Okato. We have three. They are called focus groups. It is in our substantive thing. They are there now. We use them all the time. Regarding the proposed district plan, the focus groups have been working alongside community officers. We have had meeting after meeting about it. So, I mean, I think Mr Grieve has hit the nail on the head. It is nonsense.

But the point that I made to start with -- and I am sorry if I did sound a bit angry. The point is that the community board members have a role to play, and they take the principle of that role particularly seriously. I think it was many years ago that you used to get on the county council to say you got the road tar-sealed to outside your house. Those days are well gone.

**MR COFFIN:** I do not think I have got any other questions.

**THE COMMISSIONER:** Thank you. Mr Hislop, I have got one question and it relates to your paragraph 14 of your statement of 13 November.

**MR HISLOP:** Yes.

**THE COMMISSIONER:** And your last paragraph, which is:

"Therefore, it is KCB's view that a genuine solution from the applicant would be to lodge a new application under the proposed district in which the community's aspirations could be addressed appropriately."

What do you see being achieved by what you have outlined there, compared to where we currently are in terms of the process?

**MR HISLOP:** I think the people within this building probably will not talk about it, but it is pretty clear to everybody that the operative district plan, when it was first promulgated, it was discredited from the time it first started. It was probably a cut-and-paste exercise because it had to be done by a certain time and so on. And so the new operative -- sorry, the new proposed district scheme - and we are not there yet, obviously - certainly is a far better approach and it is certainly been

particularly well thought out. And, as I have said, we have worked quite closely with planning officers of that, and I take my hat off to them. They are doing a particularly good job. And I would imagine that any future applications for residential developments, regardless of the size and so on, they will be handled far more appropriately than they do under the operative district scheme.

**THE COMMISSIONER:** My pen has run out. We do not have anything further, so thank you, Mr Hislop.

**MR HISLOP:** Thank you.

**THE COMMISSIONER:** Now we will move to Oākura School, Mr Verić and Ms Hepworth. Welcome to you both. So we have your statement dated 12 November.

**MR VERIĆ:** Thank you.

**THE COMMISSIONER:** Do you have anything else you wish to table or is that the only statement you want to take us through?

**MR VERIĆ:** We would like to just highlight a couple of points from that and then also address some of the comments from this morning, if that is okay.

**THE COMMISSIONER:** That is fine.

**MR VERIĆ:** Thank you. Yes, kia ora. My name is Paul Verić, the elected member of the board of trustees. With me I have Lynne Hepworth.

I think, like Doug just outlined with the KCB, it is important to recognise that this is a board of trustees view. We, like the KCB, are elected to represent the 239 families at Oākura School, and our view has been formed as a result of surveying our parent community, and that formed the basis of our first submission and then also our subsequent submission dated 12 November, as you have just referred to now, Commissioner.

In terms of that submission on 12 November, really, in summary, we would just like to outline the four key points that we had, which was: lack of meaningful consultation with Oākura School, and I will elaborate on that in a minute; and lack of diligence, number 2, around key infrastructure and environmental requirements; 3, lack of alignment to existing and agreed plans,

strategies for managed growth, and the managed growth is really important and something I will allude to soon; and point 4, previous breaches of integrity by OFP. As I said, I will not read the full response, but I guess in summary we are against the submission -- against the proposal, sorry, and our position is unchanged as from our original submission.

If I can talk about some general comments after being party to some of the discussion this morning, and I think that really from our point of view the OFP's expert states that the revised plan is responding to the community by reducing its scale, and that the revised plan and that smaller scale is going to be acceptable. And I guess nothing that we heard this morning would convince us that the revised plan is a revised plan in scale. Certainly it seems like it is part 1 of a bigger master plan. I think, when questioned today, the excerpt landscape architect, Richard Bain, said that it would not be the end of the world from a visual impact perspective if it did grow bigger. And I think, you know, things like that do not give us confidence that it is categorically going to be a smaller proposition that was originally presented.

The road blunting explanation also did not give us any more confidence that the development would stop at its revised

number, and comments like, "Helping the council, should there be further development" - i.e. the words were the council would not be boxed in - certainly do not give us confidence around a scaled down version. And we believe that it is still set up with the original intent to have, you know, a significant development as we saw in the original proposal, or a wolf in sheep's clothing.

The traffic evidence from the applicant's traffic expert. We do not necessarily agree with the hypothesis, and I think, Commissioner, you called it the hypothesis this morning around the traffic numbers and the number of cars based on families and subsequent numbers of children that were calculated from that, and the numbers saying that there would have been conservatively 18 cars additional down Donnelly Street, and saying that that is actually a minor effect on the traffic. We do not think even 18 cars -- we do not necessarily agree with the numbers, as I have said, but even 18 cars during peak time is actually a significant effect. There are comparisons made around the number of children in The Paddocks versus in the new proposal, and it is quite hard to compare those, given the type of potential families that would purchase at The Paddocks compared to those with a much smaller lot size would be quite considerably different in our view.

Moving on to Mr Comber's report this morning and saying that if there are any negative social impacts, "I am sure they can be mitigated". For us, that is a really short sentence but with a very, very big promise to it. And surely meeting with groups and regular, meaningful consultation and presenting agreed solutions is the way to mitigate those social impacts. None of those things cost much more than time, and we really would have welcomed the opportunity to come and meet with us and understand our concerns prior to getting to this point of what needs to be done, in our view. Yes, the 400 submitters, that is the social impact, but I agree with Mr Twigley today that that alone doesn't constitute an SIA, "assessment" being the key missing word of that social impact.

There are also statements today in Mr Comber's addendum today, page 2, that there is a guaranteeing of the current organic farm to remain in its current form, and, with respect, a bit of déjà vu there. Sorry, Mr Commissioner, but we are stunned that that was said today, and it just reminds us how the applicant went back on their earlier undertakings and promised, when seeking approval for what we now know as The Paddocks, that the rural outlook and farmland in perpetuity was a key undertaking in that initial process. We are really stunned that

that was said today, and that further undertakings will be kept. And as we said in our first submission, the best indicator of future performance is past performance.

It was interesting to note that Mr Comber and Mr McKie visited the open day of the green school for a couple of hours and looked around to try and cater an understanding for the future families of the area, and that also there was consultation of a real estate agent and considered really important. For us, we feel it would have been great to have had a recent visit to the school that is next-door to the proposed development, but not the board nor the school representing 239 current families in the village have been consulted in recent times. Nothing mentioned or a record of consultation with the school in Mr Comber's statements today, because in the last two years there hasn't been a meeting with us. I am not sure that this revised proposal meets the community's concerns. I am not sure how it can meet the community's concerns without talking to us today, which is a big representative of the community.

Page 15 of his addendum today is a really important fact more so around our own integrity and our own submission, and Mr Comber I believe misrepresented us. We have never said no to growth. It is really offensive to have stated today and

potentially reported in the media that we want, and I quote, that our position is "no growth" or, also in his written words, "preserve the status quo". We would like the Commission to make note of our disdain to those comments. We are for managed growth in consultation with the community. We have always been. It is written in our submission. Oākura School is realistic, accepting of growth, and every single year we plan for managed growth within our school, as we have in previous years. We budget for it and we plan for it, and it is really important for us. We have highlighted our reasons previously why we do not agree with the statements around the Ministry of Education attending to growth that they are proposing, and we respect Mr Comber has been on the board of trustees, but the ad hoc growth - and it is the ad hoc growth that we are against, which we believe this is - is dangerous and simply not well catered for by the Ministry of Education, hence another reason why we are against it.

I guess, in summary of those points above in our submission on 12 November, we do not believe our concerns have been adequately addressed, nor does any of the information presented today change our view and our opposition to the proposal.

**THE COMMISSIONER:** Okay, thank you. Mr Coffin.

**MR COFFIN:** I did not have any questions, but it is probably a reflection of -- we had the benefit of your previous submission and we got to do a site visit, and I think you were quite open with us in terms of explaining the capacity and the capability issues at the school, so they are well understood, and your submission that you provided us again is clear and articulate of your position, so I did not have any specific questions. It is quite clear. Thank you.

**THE COMMISSIONER:** I am presuming you would have heard the comments of Mr Grieve around the social impact assessment and also Mr Twigley's response to questions around that. Obviously you will have heard Mr Comber's evidence today. I would just be interested in terms of just teasing that out a wee bit more for us in terms of (a) your reaction in terms of the lack of a social impact assessment and where you or the board of trustees sits on that matter at the present time.

**MR VERIĆ:** I think there are a few comments around that. Firstly, it was something that was requested by yourself to be undertaken, and I think that alone requires a social impact assessment to have been undertaken. I really sit with Mr Twigley in his view in that I agree with Mr Grieve around the

fact that 400 people submitting from the community is a very strong indication of the social viewpoints and the social feeling around this proposal. But, like Mr Twigley, I think it is the assessment of that impact and the proposed solutions that need to be thought through, and that should be happening well before we get to this point, not now or in retrospect.

**THE COMMISSIONER:** Just on such an assessment, what would the board have expected through such assessment? I just want to get a bit of a perspective from the school on that.

**MR VERIĆ:** I think part of any process is actually understanding other people's points of view, and I do not believe our viewpoint has been understood, based on the things that have been put forward. And you can never understand those viewpoints by guessing what the other party thinks. So, for us, meaningful consultation right throughout could have potentially helped steer something in a direction that would have been more palatable to us or would have at least given the opportunity for OFP to understand where the pressures are for our school and our school community, and how we plan and how we go about preparing for the future would have been, I think, really valuable to them.

**THE COMMISSIONER:** Just a final question. You made the comment regarding the concern about ad hoc growth. As you are aware, the proposal is a private plan change process, so to a degree there is a signalling of what is intended over a long period of time, given there is proposed staging. If you could just outline how you would see the alternative approach to what is proposed and why that would not be ad hoc growth, in your view.

**MR VERIĆ:** I think Doug outlined that in the process that he has talked about through the KCB and where we have focus group meetings, where there is consultative plans developed and blueprints for the community, that the community engage in from the beginning. And that is what has developed the high-level planning around what growth the community would like and what it is accepting. And so, for us, we believe that there is a very good plan in place, and this simply hasn't been part of that consultation but could have been and should be in the future.

**THE COMMISSIONER:** So that early community engagement is regarded by the school as being the fundamental difference in terms of --

**MR VERIĆ:** It is really important. Absolutely important.

**THE COMMISSIONER:** I do not have anything further, so thank you to you both.

Mr Graeme Duff. Welcome.

**MR DUFF:** Commissioners, before I start reading my brief statement I do remind you that I am a resident of the Paddocks, and I think that has some effect on what I have got to say.

"I presented a supplementary submission dated 13 November 2019 in response to the further evidence from the applicant and its advisors. For convenience, a copy of this supplementary submission is attached.

My ongoing concern is that nothing that affects the Oākura community has changed. It is recognised that the new proposal is a reduction in the number of sections from the original 400 to a probable 144. With this change has come material physical changes to the original application, and those changes so significant that one needs to ask the question as to whether the correct process would now be to decline the application. The proposal is now so different to the original. That is a matter that needs to be considered.

Putting that to one side, the proposed revised scheme does not address or change the major concerns expressed in my original submission and the supplementary submission or the concerns of the community as represented by the 470 original submitters. It does not address the landscape and visual impact, either the unacceptable damage that it will cause to the vista from SH45 to the national park, or the significant interruption that it would cause to the owners of the properties in the Paddocks subdivision, which, as I have said, I am one. I drive past the subject property almost daily, and the view from SH45 to the park is peaceful and rural attractive, and a welcome visual entry to the beauty of the Kaitake Ranges. As was the case for

an additional 400 houses, 144 houses would cause identical damage. The damage is not materially lessened by the reduction in the section numbers.

The assessment of the impact as far as landscape and visual is concerned has had repeated shortcomings during the entire private plan change process, and this was well covered and concluded by Mr Evans, the council's landscape and visual advisor, and by the further evidence of Boffa Miskell dated 22 November 2019. Nothing provided by Mr Bain answers my criticism of the effect on the view to the national park. Nothing will provide the owners of the Paddocks properties the rural outlook that they presently enjoy and were assured of as a result of the earlier Paddocks consent. 144 homes can't be, and I quote, 'tucked away'.

The supplementary submission from the applicant does nothing to address the fact that this subdivision is not required for the managed and wise development of Oākura over the next 30 years. There has been ample evidence presented that shows that between infill yield and that available from the west FUD would provide the required 247 additional dwellings in the next 30 years. I repeat, the sections from this proposed subdivision are unnecessary, unwelcome and not in the best interests of the welfare of Oākura in the future.

While the reduction in the number of sections has been used as the reason to do away with the traffic interchange at the intersection of Wairau Road and SH45, the suggestion as made in paragraph 20 of Mr Skerrett's further evidence that a crossing point is provided on SH45 immediately to the east of the intersection just defies common sense. I use the Wairau Road/SH45 intersection on numerous occasions daily, and it is difficult enough to exit upper Wairau Road, particularly the commonly used right-hand turn to the school, the village and further east. To propose a further obstruction to the flow of traffic from lower Wairau Road and upper Wairua Road is just not a realistic and workable suggestion.

The applicant's submissions and expert evidence have been notable by the shortcomings in a number of areas which are crucial. I have already mentioned the numerous shortcomings in the attempted assessment of the landscape and visual impact. In the Boffa Miskell report of 22

November 2019, further reference is made to incomplete evidence, including water supply, nighttime lighting effects, tangata whenua matters, the lack of a social impact report and the environmental impact. Token attention has been given by the applicant's experts to the stormwater issues and seem to arrive at a conclusion that hydraulic neutrality can be achieved. This is what was said in the earlier Paddocks hearing, and as a resident of The Paddocks, I can tell you that the engineers were wrong now and I suspect they are wrong now. We witness the problems in The Paddocks any time there is rainfall above normal. The council is directly involved currently in trying to remedy these stormwater matters, but their efforts are considerably hampered by the applicant's apparent refusal to attend to the matters that could assist with the problem.

The applicant has been given ample opportunity by the direction of this hearing and, in my view, has failed miserably to supply the information requested or information that would indicate that a subdivision on this land is required for any reason. As I have mentioned, there is ample land available for the next 30 years. Oākura does not need its residential accommodation to be further split by SH45. And for all the reasons well-canvassed by the opponents of this private plan change, it should be declined. The granting of this plan change and the rezoning adds nothing to Oākura township. The community has proven, over the last 100 years, it is capable of a planned, balanced and considered development and expansion. It is a township which has been able to manage its social infrastructure and doesn't require a new monitoring entity simply to accommodate the commercial aspirations of the applicant. Oākura has been well represented by the Kaitake Community Board, with no better illustration than the role that KCB has played in this hearing.

The original application should be declined and rezoning refused. The same should be done with the revised proposal and the land left in its present state, as was strongly indicated in the earlier Paddocks hearing."

**THE COMMISSIONER:** Thank you, Mr Duff. Mr Coffin.

**MR COFFIN:** At paragraph 4, Mr Duff, you talk about the rural outlook that you presently enjoy, and you may have heard us earlier asking questions around the consent notice and the protection of the farm outlook. And I just want you to explain to me more about the rural outlook. What is the rural outlook from your perspective?

**MR DUFF:** The rural outlook from my perspective and where our property is located in The Paddocks is an outlook across to the west. It picks up the farm and then it goes further to the Kaitake Golf Course, as far as Ahu Ahu Road and the ocean. But as far as the rural thing, it is that view all the way to the west from our home.

**MR COFFIN:** And you see that rural outlook as, from your perspective, one from your residential dwelling, or from other places? Just your dwelling?

**MR DUFF:** Do we see it?

**MR COFFIN:** Yes. Sorry, from your perspective, is the rural outlook confined to the view, the vista from your residential dwelling?

**MR DUFF:** No. I could not say that that is limited to that. We have a rural outlook to the north and we have it to the north-east as well.

**MR COFFIN:** You have mentioned that you are driving regularly down Wairau Road and turning right into the township. When you say it is difficult, can you explain to us what you mean by difficult?

**MR DUFF:** Yes --

**MR COFFIN:** Assuming that we had never, ever driven in a car before.

**MR DUFF:** I am sorry?

**MR COFFIN:** Assuming that we have never, ever driven in a car before.

**MR DUFF:** Right. Well, if one -- and I turn left, I turn right and I go straight ahead, because straight ahead takes me to the beach. But my -- 50 per cent to 60 per cent of my movement through an intersection would be turning right from upper Wairau Road, and you have got to acknowledge the right of ways that

SH45 has both from the east and the west, and a left-turning vehicle from lower Wairau Road also has right of way from a vehicle turning right from upper Wairau Road. So there are those considerations.

To put a crossing within 100 yards of that intersection just would create -- a controlled crossing would just create another major obstacle to the movement of traffic.

**MR COFFIN:** Just at paragraph 5 of your 15 November statement you gave us, right at the start there:

"Because the change has reduced the number of sections to 144 does not stop a 'climb further up the Kaitake slope'."

And you have put that in inverted commas. What are you talking about when you are talking about "climb further up the Kaitake slope"? Are you meaning further up the Kaitake slope within the property, or are you ...? Sorry, Mr Duff, 13 November.

**MR DUFF:** As I see it, all that has happened is that while I recognise that the total number of sections have reduced, is that the development has been picked up and put further south to -- because the whole development now moves 80 metres from SH45. That is what I was trying to say.

**MR COFFIN:** Okay. Thank you.

**THE COMMISSIONER:** Just one question, Mr Duff. In terms of the amended proposal and having regard to the Paddocks subdivision and the location of your property, what effects in your view are there in terms of landscape views, et cetera, from The Paddocks?

**MR DUFF:** The Paddocks have a very rural feeling to them. That rural feeling is created by the fact that the sections are a minimum of one acre, and that is complemented by the farm, the property we are talking about. That is a major contributor to the rural aspect of The Paddocks. We have farming on the far side of Wairua Road, in other words the eastern side, and we have the subject property on the western side.

**THE COMMISSIONER:** I do not have anything further, so thank you, Mr Duff.

**MR DUFF:** Thank you, Commissioners.

**THE COMMISSIONER:** We will turn to the final submitter presentation, Mr Shearer. Welcome.

**MR SHEARER:** Thank you.

**THE COMMISSIONER:** We have your statement dated 2 December.

**MR SHEARER:** Sure. So --

**THE COMMISSIONER:** If you can just hang on for a moment. I definitely have that one. We will share as you take us through. Thank you.

**MR SHEARER:** I am a 'sharer'. Commissioners, this statement represents 50 previous submitters named within the submission and is intended to reduce the repetition of evidence as per your directions. I will not read out the submission verbatim as it can be taken as read. I have these comments, however.

Our view is that the revised proposal from Oākura Farm Park does not change the fact that over 400 submitters strongly oppose further residential development in this rural land on the south side of SH45. Even at reduced scale, many of the negative effects remain, particularly increased traffic that must cross SH45 to access the beach, Oākura village or New Plymouth, which form almost all vehicle journeys from this side of SH45. This

is already a busy and dangerous crossing to make, particularly for children, cyclists, walkers and the elderly.

I was surprised to hear the NZTA tell me that something that would seem so simple to me as dotting a -- putting a new speed limit on a map, however, seems to be time-consuming -- a complicated, time-consuming and expensive process, so that gives me a major worry that we may never see a reduced limit. I looked at the Acacia Bay example that Mr Skerrett I think mentioned. This is already at 80 km an hour and is in a very different kind of environment, mainly a large -- mainly residential, on a very wide road. I do not think it is comparable to our 100 km an hour, coming to a 50 just at that -- about the point of the intersection we are talking about.

Further, as advised earlier in this hearing, the rural zoned land in question is not required to meet NPDC growth requirements. The overwhelming view of residents is that new residential development should occur on the seaward side of SH45 on land already zoned residential. This has the benefit of being accessed by extending existing walking and cycle track to the beach and other parts of Oākura village. It has connection to two major intersections, with SH45, as opposed to one, and the fact that the majority of the vehicle travel is turning left

onto SH45, so it doesn't have to make a crossing. Developing on the seaward side of 45 also has the additional benefit of eventually connecting the west, already developed area of Oākura to the centre by way of a new link road. This has flow-on benefits of reducing vehicular traffic along the beachfront, redundancy in emergency services access.

The people of Oākura have been actively involved in many previous village planning initiatives and have shown they are involved with development in the community. Development of the McKie land has never been supported by the community for a long period. This has not changed. Development on the Kaitake -- the Kaitake Ranges to us are something sacred, and you talked about the mountain to sea, but development on the ranges to us is like dotting houses on the mount of Mount Maunganui. Particularly so with the huge effect going into pest eradication and repopulation of native birds into the Kaitake Range, a project with unanimous community support. Building houses in an adjoining area to the Kaitake Range does not make sense.

Mr Coffin asked about the mountain to sea. Mountain to sea to us is exactly that. Oākura is the closest seaside village to the mountain national park, and by way of a couple of rivers is the focus of an intense pest eradication project because it has

these river boundaries, and bombarding that area with trapping and other techniques may provide a corridor for native birds to come right down into the village.

We acknowledge that the applicant has made changes to the original plan, but our opposition to development on this side of SH45 has not changed. I think it is worth noting that the currently in construction Cunningham residential/retail office development has not received negative community reaction due to it being consistent with all past plans, best listed in the KCB submission.

I object to Mr Comber's assertion stating no serious traffic effects. This just is not possible. He also talked about a 150-section trigger before NZTA or someone would carry out some possible work. That only needs six additional infill subdivisions on upper Wairau Road or Surrey Hill. That would happen very soon, and then we are effectively left with no future traffic plan and subject to the bureaucracy we heard about today, where it seems even difficult to change a number on a map.

Significant stress and cost to the community, including further costs to be prepared for this hearing today. We feel

this process favours the applicant and find it difficult to understand why the existing zoning can be changed by one individual, that this can permit such a large-scale change. Mr Twigley has referred to planning work being undertaken by the other major landholder on the preferred seaward side of SH45. While details are not known to us at this time, it is a fact that planning for development is under way. This is in addition to an already approved 40 approximate lot subdivision on this land.

The community feels that Mr McKie has had his bite with his Paddocks development. Our view, as known, is for future development to be on the seaward side. Further, we find it very frustrating and concerning that the proposal for this development seems to change each time the applicants appear. There is further new evidence even now. Mr Comber is offering new information to be provided by 20 December. Enough is enough. Mr Evans stated many times the lack of detail. If new evidence is provided on 20 December, do we have to go through this all again and re-adjourn and get our -- hire our experts again? This is a chance for us to get development right. If we allow development on this side of SH45 where the community strongly supports a rural outlook, then we have failed future generations.

I would like to thank the Commissioners and Julie, our experts and our submitters.

**THE COMMISSIONER:** Okay. Thank you, Mr Shearer. Mr Coffin.

**MR COFFIN:** Paragraph 5 on page 1. It is a short sentence where it says:

"We still consider the revised plan to be a high-density residential development unsuitable for the area of land where it is proposed."

Did you have a view about what type of development might be appropriate on that land?

**MR SHEARER:** No development.

**MR COFFIN:** Just turning over the page, the second paragraph down, there is a comment there around the no further evidence presented by the applicant as regards traffic impact on the wider area of Oākura village, namely Dixon Street and Butlers Lane, which is already a dangerous road intersection. I wonder if you could just remind me again what are the particular issues at those two streets.

**MR SHEARER:** Yes. Okay, so any -- there is already congestion at any of the crossroads over SH45 through the village. So they are Wairau Road, the one we are talking about, Hussey Street, which is the -- sorry. Donnelly Street, the school, and Dixon Street, which also goes over to the cemetery and the shop. So it is all of -- adding traffic or adding 144 houses or whatever, it is -- we do need to consider how we are going to manage this in the future. Of course, if the seaward side of SH45, you know, the same thing happens we have to analyse it then as well. How do we best plan for that increased traffic? But so far, as someone else said, we know the problems but we do not know the answers.

**THE COMMISSIONER:** So you are concerned that there is added traffic as a result of residential dwellings?

**MR SHEARER:** Yes.

**THE COMMISSIONER:** We do not have anything further, so thank you, Mr Shearer.

**MR SHEARER:** Thanks.

**THE COMMISSIONER:** So that completes the hearing of submitters who wished to be heard. We had also received further lay evidence from other submitters. We have been provided with that and certainly that will also be part of our consideration. In terms of this matter.

So I am just going to move to you in a moment, Mr Wesley. We will just take two or three minutes' adjournment and reconvene by that clock at 6 o'clock. Do you have a feel for the time that you require? I am just preparing or sorting out the remainder of the early evening.

**MR WESNEY:** I will take the two to three minutes to liaise with the two advisers still here from the council and my expectation will be that they will go first and just provide an initial response to you and then I will cover off some points. In terms of my notes, I have fairly comprehensive comments, and what I was thinking was to step through the report in terms of the principal matters in contention and just evaluate each one of those to give you an ultimate recommendation and conclusion before we wrap up because I am thinking, potentially, about half an hour of my time.

**THE COMMISSIONER:** That is fine and you have taken the words out of my mouth in terms of, at the conclusion of that, if you did not present it, we would have been asking for you in terms of now what your advice is to us on the type(?) and change(?) (inaudible), given what you have also heard today.

So we will adjourn for two or three minutes and then we will hear from you. Thank you.

(A short adjournment)

**THE COMMISSIONER:** Okay. We will reconvene. Mr Wesley?

**MR WESNEY:** Thank you, Commissioners. So with me are two council advisers from last time as well, Mr Doherty in terms of traffic and Mr Hall in terms of the three waters. So I just have a couple of opening comments and then I will hand over to Mr Hall to talk about the three waters and I expect to have questions of Mr Hall from yourselves then and then Mr Doherty will outline the traffic matters. Then I just have a couple of questions for the two of them based on what has been the theme of some of the points today.

In terms of just opening remarks from myself, I have found the evidence today from the applicant and the submitters helpful in a number of ways to clarify a number of points that were outstanding in the latest report that I have prepared and that was particularly in terms of the factors that have influenced the revised proposal put in by the applicant. As I have noted in the report and at the previous hearing, there are two matters to be evaluated, so that is the plan change request and the consent notice amendments, and that the same matters are to be evaluated for those two matters but that there are different tests under the RMA in terms of assessing those two matters. So, when I sum up at the end, I will refer to those tests and those two matters.

Then, lastly, just in terms of opening remarks, in assessing this evaluation, there have been comments from the applicant's experts and also from a couple of submitters' experts this afternoon as well in terms of how I have evaluated the proposal. From my point of view, the first overall consideration is the scale, form and extent of the subdivision and how that is depicted in the structure plan. To me, that is the big picture question that gets considered first and then, as part of the package, it is what are the effects that arise from that proposal and their scale and magnitude and what are the

measures to address those effects. So that is how I have looked at it and I will discuss those two points as I go through the principal matters in contention.

In terms of Mr Hall and three waters matters, to me, the two points or two questions that I have posed to Mr Hall today: has anything changed from what has been presented in the evidence today that has changed his assessment from the memorandum that was attached to the officer's report and then, secondly, a theme of your questions today has been around what matters need to be considered as part of the plan change and what matters can be considered as part of the subdivision consent. So I have asked Mr Hall to respond to those two points initially and then answer any questions from yourselves. Mr Hall?

**MR HALL:** Okay. Just on the first point, if anything has changed, with the applicant's new proposal for a staged development, we feel this does enable us to provide the water that is required for the proposed number of lots. It is really subject to it being a staged development and giving opportunity to reassess that water supply at that staged development happens. I just have to emphasise that the limitation still remains as the aquifer yield, which we have previously advised

is 2,506 cubic metres per day. Based on that, we calculate the maximum number of blocks we can provide currently for Oākura is 1,279 lots or thereabouts. That has been provided in previous evidence. There is a little bit of a rounding error. I think there is also a number out there of 1,277, but that is really there or thereabouts. This has really been calculated based on detailed assessment by an external expert and, as per our previous advice, it does not really matter where the development occurs so long as it is in a logical manner. Then, so long as we keep below that number, we will be able to provide the water. I think that addresses the first point.

On the second point in regards to matters to be covered now, I think that is essentially it. Everything else in terms of the detailed design will come as part of the resource consent process.

**MR WESNEY:** Okay. Thank you. We might go through both your witnesses and yourself and then we will come back in terms of any questions.

**MR HALL:** So, in regards to stormwater, I guess there are three things that have been clarified with further evidence. I will just touch on the first one: flooding of the Wairau Stream.

Based on the submitters' evidence and the modelling they have done, it is apparent that of course, yes, there are some capacity issues in the lower Wairau Stream. We believe that the submitters' evidence does demonstrate, though, that this development would not materially affect that. That is caused by existing development. This is subject to the submitters ensuring that the design is hydraulically neutral. We are satisfied with the process they have done that they have demonstrated that.

The second point that came out of the cultural impact assessment is around stormwater treatment. The ponds that are proposed by the applicant are themselves an effective form of treatment. It is noted, though, that there would be some refinement around the ponds' exact form, given that the proposal that they have put in their application was a pretty stock standard sediment control structure from the Waikato Regional Council, but that would be the sort of thing that would be done as part of detailed design.

Finally, with regard to erosion, we did have concerns about the effect of a prolonged peak. When the detention ponds are put in, they can spread the peak of a flood over a longer period of time, so we had put it to the applicant that we have some

concerns about the erosion that that could cause in the existing Wairau Stream. The applicant has provided a report from geotechnical experts Tonkin + Taylor and they have advised that while there are some increases in the duration of peaks, they do not pose a risk to the stability of the banks, so we are satisfied with that.

**MR WESNEY:** Mr Doherty, in terms of the traffic matters, the same questions.

**MR DOHERTY:** The traffic matters, the same questions. As you said, I just wanted to make a point of clarification, first of all, with my letter that I wrote on 22 November to Mr Wesney. On page 2 under the heading "Lack of space for a roundabout at the SH45/Wairau Road intersection", at the very end of that one paragraph, if you could replace the word "south-eastern" with the word "south-western"? I apologise for that.

In terms of anything that has changed, the reduced size of the application is the main change in terms of traffic generation. With regards to the concerns that I have and concerns that have been raised by the submitters, there is nothing further that is different to what I raised in my letter of 22 November. I have safety concerns at the intersection of

Wairau Road and SH45. I believe, in terms of capacity, the intersection has the capacity to cope with the increase in traffic. However, I have concerns around the safety of that intersection. In the wider context, as the traffic in the region grows, that safety concern will only increase over time.

I still have concerns relating to some of the other intersections in towards town - that is Dixon Street and Donnelley Street - and noting the concerns of the school around the volume of traffic up the road there. I note that Mr Skerrett had made a statement in his recent evidence around the number of vehicles that he thinks would attend or drop children off. I think that is quite simplistic. It also does not really take into account the interactions that that school traffic will have with the other traffic that is coming out of the development as well along the state highway.

I think the speed at the intersection of SH45 and Wairau Road is a strong influencer in the crash risk exposure. I think we have heard that today on a number of occasions around the speed and the way to reduce that. I think most concerns raised by submitters have been covered in the letter of 22 November.

With regard to the trigger point as to when you would want to intervene at that intersection, it is quite subjective as to when that would occur, so my 150 lots was based around the evidence that Mr Skerrett put in his 11 October - I think it was - supplementary evidence and I used that information. At that point there would be a crash risk exposure which would be similar to a roundabout and so I used that number, but it does not take into account the increase in volumes from other approaches to that intersection.

That is all from me. They were the main points that I had, no further that were different.

**THE COMMISSIONER:** Mr Wesley?

**MR WESNEY:** Thank you. As I said, I will take you through each matter of contention or main matter in contention. Also, just to comment, I agree with Mr Twigley's comments in the sense that we have a revised structure plan but we do not have a revised set of plan provisions, so through the evidence today there has been some clarification as to what those plan provisions could be but at this point we do not have that in front of us, so it is a little bit difficult. But I have used the bits of what has

been highlighted today in terms of the evaluation I will take you through now.

In terms of the first matter of contention, it is, to me, the overriding question in terms of the appropriateness of the rezoning or appropriateness of residential zoning of this part of the subject land, and the question is the scale, nature and extent of the rezoning appropriate. The combined evidence of Mr Bain and Mr Comber this morning helped clarify how the extent of that area had been defined, so the logic of the natural feature - being the tributary to the Wairau Stream - forming the eastern extent. I was puzzled by Mr Bain's evidence referring to the QEII covenant as setting the southern extent of the area. How far up the slope was a key question I was looking to find the answer to and, to me, Mr Comber's long section clarified that in terms of the inland area, as it was referred to in the 2006 Oākura Structure Plan. I am assuming it is no coincidence that the upper limit of the residential zoning in Mr Comber's evidence is the upper limit of the residential zoning. That was not directly stated, but that was my understanding of the evidence in response to questions and how Mr Comber elaborated on that point today. I did not find any evidence from Mr Bain outlining the contour as to how far up the slope was appropriate

in his view and that seemed to be Mr Kensington's response as well, trying to understand how far up was appropriate.

You would have heard from Mr Evans before he departed in terms of his uncertainty still in his mind around how the scale, form and extent of the residential area has been determined. In his view, there is still a lack of information to determine the appropriateness of it and also Mr Kensington in terms of the main access. I think, as I said in the original hearing back in July, there has been a conundrum here for the applicant to contend with. With the NZTA's policy position of not allowing new access of the state highway, that has focused their attention on a connection to the Upper Wairau Road. To me, NZTA's policy fails to take into consideration future urban form of Oākura where it has been signalled that, with the west FUD and the south FUD, there would be developments on either side of the state highway. So I find that a challenge for the applicant and for council and the community in this context where it has been signalled that there would be connections in the future to the state highway but NZTA's policy as it stands does not allow that to be looked at. But that is not to say that NZTA cannot vary from that policy, which it has done before around the country. It just requires a request to consider that and I

think they made that evident and they made that point back at the July hearing.

Another consideration from the overall appropriateness of the rezoning is the interface with the adjoining land and, as I have said in the response, that the interface with the rural land, particularly with the Greensill property further to the south, is now minimised to the point where I do not consider that to be an issue, so I consider that matter is resolved. Hearing today that the balance land of the applicant's site has to be retained as a dairy farm, to me, there could be potential if in the future those residential properties are developed and sold that you are then fully reliant on that proposed open space. It has to be the mitigation measure to avoid reverse sensitivity issues between the existing dairy farm to be retained and its operation and the future residents of that land. That aspect has not been commented on by the applicant as to how much of a potential there would be for that or the effectiveness of that open space between the applicant's dairy farm. But I would note in saying that that the main areas of intensive use on the applicant's dairy farm being around the milking shed and the effluent disposal area is the furthest distance from the proposed residential zoning and it is just the hay shed if that continues to be used as a hay shed - I am

unsure - where silage will be stored or bailage will be stored or the like. But I imagine if there were residents in that location in future that that dairy farm would modify their location where they would store such material.

The final consideration in terms of the overall extent is the land supply and there have been various numbers quoted both today and previously. I would just make the comment that this proposal will add to the supply of land in Oākura whether it is needed or not for the next 10 years, 20 years or further. To me, there are a number of unknowns and I accept the evidence from the applicant based on their more detailed evaluation of lot yields. That does provide more accuracy than what is in the desktop assessment that was done by the council in their business capacity assessment.

Commissioner, you asked Mr Comber earlier a question around if it would be a fatal flaw in terms of the National Policy Statement on Urban Development Capacity if this plan change was not granted and does that National Policy Statement require consideration of each settlement or is it a district-wide assessment? That capacity is a district-wide assessment, so it would not be a fatal flaw if it determined to reject this plan

change in terms of the council meeting its obligations under that National Policy Statement.

So the final point in terms of the overall extent of the development - and this is an unresolved matter - is the cultural impact assessment. We have heard evidence and we have read the cultural impact assessment and noted that there is an unresolved matter in terms of the buffer with Pahakahaka Pā in terms of the extent and how that is to be addressed, whether that would be through rezoning the area to open space as indicated by the concept on the screen or whether there is another way to address that.

Turning to parking, traffic and access, to me, the key point is we have heard evidence and I think NZTA were very clear in their evidence this afternoon that the traffic effects at the intersection can be managed. It is just about how and when those measures are implemented. There is a difficulty on this matter - and I will come to it on social impacts - where some of the measures are outside the jurisdiction of this plan change process, so it does create a dilemma as to how those measures are implemented or relied upon in determining this plan change and the associated consent notice amendment. In my view, there can be sufficient confidence incorporating provisions into the

plan change to address all those measures and that will be through a trigger, whether that is a number of dwellings or lots trigger or whether it is the number of traffic movements on Upper Wairau Road as another measure. I consider at each stage of the subdivision process and each application at each stage where the subdivision consents can be assessed and the appropriate measures, but I would seek that there is more specificity in the plan change as to what the matters are that are to be assessed at each stage and what are the conditions that are to be satisfied at each stage in terms of the works that need to be implemented before the next stage of development can proceed.

Turning to landscape and visual impacts, so Mr Evans gave you his summary of the evidence heard today and Mr Kensington, in terms of his summary as well, in a number of my notes, identified a number of issues from a landscape and visual perspective I consider still pose questions and challenges for the proposal.

The first one of those was the road crossing of the gully system. As Mr Kensington put it, it could be an elegant solution if there was a bridge - I think were his words - but if it is earthworks and with a culvert, then the nature of that

crossing and the effects on the gully system in terms of its performance as a recreation pathway or natural values and biodiversity values of that gully system are uncertain in terms of what the extent of those effects are and how they could be managed if they could be managed at all.

As I said earlier, in terms of the overall form of the development, Mr Kensington highlighted that the upper extent of the development is above or very close to the R level or contour line of 60 metres above sea level and noted that that is at a similar height to the Paddocks development where that had a lot lower density and particular controls around built form and development. I note Mr Evans in response to one of your questions around how it could be addressed talked about the potential option of having lower density at the southern end of the development if it was considered appropriate up to that elevation.

Then the third main matter was the outlook from the Paddocks subdivision. I note that the evidence - I think it was Mr Comber - contended that that was not a relevant consideration, particularly in terms of the consent notice. In my view, it is a relevant consideration. I concur with Mr Comber that the basis for the imposition and the consideration

and the Commissioner's report on the Paddocks proposal was to retain the rural character of the majority of the farm but, to me, inherent in that granting consent to a cluster-type development with lots concentrated in a particular location, those lots would have been reliant on the outlook over the rural land. So, in the request now to amend the consent notice, to me, the outlook from those properties is a relevant consideration, particularly for the consent notice amendment.

Then, lastly, in terms of landscape and visual impact, a matter that we have raised a few times is around the landscape framework plan and, as Mr Evans commented, the reliance that is placed by the applicant on the vegetation network, particularly around the perimeter of the rezoned area. The effectiveness of that screening is key to the visual and landscape impacts that the applicant's evidence is reliant upon being achieved. I still have questions in my mind as to the level of specificity of what that is. I consider that the plan change would need to include more detailed evidence and more information around what is that landscape plan and particularly that planting to confirm and demonstrate that that will be effectively achieved. So that is something I would expect the plan provisions to specify and, as I said back at the July hearing, that is through the experience of the council consents planners in New Plymouth. In

their recent experience with structure plans of this type in other parts of New Plymouth, they have found that the level of information in the district plan around the landscape and visual impacts and outcomes have not been sufficient to achieve the outcomes originally envisaged, so they have been seeking more specificity in the district plan to achieve the certainty that the outcomes that the evidence is based on.

In terms of the next section of the main points in contention and the noise, nothing further has been spoken about noise today, so I will make no further comment on that in terms of what is in the report.

In terms of the open space and reserves, there are two points that have arisen to date. One is around the future road connections across the open space network to the southern side of the property. I think Mr Twigley in his response to your question -- I concur with Mr Twigley's comments on that. I am in two minds about those future stub roads. On one hand, I think they are a helpful part of the structure plan in that they provide futureproofing to some degree if there was ever a proposal to develop land to the south, whether that is in 10 years', 20 years' or 30 years' time, by having a road reserve or some form of connection in place and provide some efficiency to

make provision for that now. The alternative, if there was no provision made, then to provide a connection in the future would require acquisition of residential property to create a road or two roads and then create a crossing of the open space network. So I consider, on one hand, it is advantageous to make that provision now. But secondly, on the counter perspective - and this is where I think the applicant misinterpreted what was in my report in terms of my concern about what the effects on the open space network would be - it is similar to Mr Kensington's point about the crossing of the proposed road to Wairau Road. It is the impact of that crossing on the future accessway, so whether it is pedestrians using that track if that was to be built as a road in the future. Would that be compromised by those future road links? Secondly, what would be developed on those future road links now if the plan change was granted and that open space network was developed? Mr Comber referred to the potential of it being a grassed area and that could provide an entrance into the open space network, which would be a logical choice. But if it was planted out to form the dense vegetation screening that Mr Bain referred to, then in time that mature vegetation would need to be cleared to provide for that connection. So, to me, there is just some detail there that needs to be clarified because, if the community valued that vegetation in the future and all of a sudden there was a road

proposed, then I can see, yes, some area for conflict to arise here, so it is just having clarity around what is the future both legally but also physically of those road links.

Then, in terms of the cultural impact report and the concept of potentially a change to the open space location, I accept is just a concept or preliminary concept that this time is sought. What I did not appreciate until the evidence today as well is that all the open space area that is proposed in the structure plan is proposed to be vested in the council. In discussions with council officers last week, there are some reservations about the extent of open space land to be vested in the council, particularly from a maintenance perspective, so that issue would arise if further land was proposed to be vested in council as open space to provide a buffer with Pahakahaka Pā. That would be a matter that would have to be worked through and I understand that the neighbourhood reserve may be (inaudible) proposed(?) and that would form part of the open space adjacent to the pā, but that is just an issue I have flagged for you now that there are potential concerns amongst council about the extent of open space reserve land proposed.

In terms of service infrastructure and stormwater, we have just heard from Mr Hall as to his view on the evidence that we

have heard today. In terms of water supply, in my view there is sufficient water supply available to service this land. To me, the reassurance in terms of who gets what in terms of the allocation that the staging proposal and applications enable a check, basically, that there will be sufficient water available to service the stage that is proposed at that time, which would consider what else is being developed in Oākura over the preceding period. So I consider the subdivision mechanism provides an adequate check to ensure water supply can be appropriately dealt with and similarly in terms of wastewater from our previous information.

In terms of stormwater, my understanding from a technical perspective is that there are solutions here. I think the outstanding matter is what is raised in the cultural impact assessment around the appropriateness of the stormwater management measures being located onto the gully systems and using a natural water body for stormwater purposes and modifying it in the form proposed. To me, in the absence of resolution of that point, that is a matter that still needs to be addressed.

Mr Hislop in his evidence referred to my latest report in terms of no additional ecological information. What Mr Hislop did not note - but it is covered in my report - is, while that

evidence has not come forward through this process, that with the reduced scale of the proposal I consider that reliance can be placed on information at the subdivision consent stage to assess those effects. But in saying that, I would note the cultural impact report in terms of its concern about environmental effects and effects on the aquatic values of the water bodies. That is a matter that they still seek to be worked through, so I consider that would be helpful to get that information now as part of the cultural impact assessment process.

So, in the next two, I will combine two sections here. One is the community infrastructure and then the social impacts. In terms of understanding what are the social impacts, I agree with both the applicant and the submitters. There seemed to be a consistent theme today that the social impacts are well understood in terms of through this process, through the number of submissions, and that we have a good understanding of what the impacts are and the scale and magnitude of those effects. What we do not have is the measures to manage those impacts. The applicant appears to be relying on the organic growth in some ways and that the community will just adjust and manage that sort of time. I understand the logic of that assessment to

a point, but there is no confidence or certainty that that would be the case based on the rate or scale of development.

Then the second measure is the community liaison group. As I said in the report, I consider and I have seen examples of that work well where the proponents of the proposal can actively influence the social impacts and make changes that would address the social impacts. In my view, the social impacts are not of a nature where the applicant or the developer can influence those things; for example, the provision of additional facilities at the school. There is no mechanism for the applicant to influence that change or, as we heard at the original hearing, around the Playcentre and other facilities and some emergency management facilities. There is a range of other community facilities that are beyond the applicant's ability to influence how they can respond to the social impacts that arise from additional population. To me, that is still an unresolved matter in terms of what measures can be incorporated into the plan to do that and it is reliant on measures outside the - district plan.

I have discussed environmental impacts further in terms of the stormwater so I think further to add there in similar terms on historic heritage, apart from cultural aspects, which I will

turn to now. So it was very helpful on Friday, a day before the hearing, to receive the cultural impact assessment and to read its findings. There was obviously a lot of time and effort both in terms of the applicant commissioning it and also the authors of that report to consider the full range of matters.

Interestingly, the matters that they have considered are the key matters in contention that I have effectively just taken you through. Either Mr Kensington or Mr Twigley - or it could have been even Mr Grieve earlier - in terms of the timeframe to resolve the matters or to complete the cultural impact assessment, I am unsure based on the timeframe it has taken between when the hearing was adjourned to this point whether there is sufficient time between now and 20 December to do that. The applicant may know more in terms of what undertaking they have from Ngāti Tāiri to complete the social impact assessment. But until that assessment is complete, in my view, there is uncertainty as to a number of the matters of concern both to the Oākura community and Ngāti Tāiri. So that is the overall step-by-step assessment of each of the matters in contention.

So, just to bring it to a conclusion and recommendation, firstly in terms of the relevant policy framework, you noted and you commented earlier, Commissioner, in terms of the proposed district plan being notified now and how much weight or

consideration should be given to that. In my view, you need to consider it as another matter as it has now been publicly notified and the submission period closed just over 10 days ago, so it has completed that first stage of the plan-making process.

In terms of how much weight, the objection policy framework is a relevant consideration and they have legal effect at this point, so in my view it is a relevant other matter you should be considering. As I have noted in the report of 22 December, the strategic directions in part 2 of the proposed district plan are the most relevant objectives that you should be considering. Whether that was a plan change at this point in the process or if it is a plan change to the proposed plan in the future, in my view, those strategic directions and the objectives within that section are the most relevant parts for determining the plan change.

As I have noted in the report and I have attached in appendix 2 of the report, the objectives from that section. There is objective 19 in that section, which deals directly with urban development or future urban development, which is similar to policy 23.1, which was the key policy I referred you to in the reply after the first hearing and a number of the matters are similar there. It is expressed in slightly different terms,

given it is a more contemporary writing style of the proposed plan, but I would note that the general matters align with the key matters of contention that I have just taken you through as well. So, while it is more contemporary and different, the matters you are considering for this plan change are very much the same.

So then, turning to overall conclusions, firstly on the plan change, as I summarised at the end of the response from the original hearing in terms of section 32, the evaluation there is to consider the costs and benefits of the options. To me, there is a third option at play now, so the primary two options evaluated in the original request from the applicant were the plan change as it was originally sought - to me, that has been amended to the revised proposal - so that is option 1; option 2 is retaining the operative plan as it is, which would be effectively rejecting the plan change request; and then option 3 is the proposed plan as notified.

When considering the benefits of the plan change request in the revised form, to me the primary one is the additional land supply that would be created by this proposal and meeting the needs both in the short term and long term of Oākura to meet

housing and that is in addition to what is currently provided for through infill or other residential areas in Oākura.

As we heard, there will be some social benefits from the additional population that would live in this area in terms of supporting local businesses and community facilities, and also it would bring local employment and economic benefits through an increased population.

The main costs are, to me, all the matters in contention, effectively, and they relate to the adverse effects of the proposal. The scale and magnitude of those effects to me are less than, obviously, what was in the original proposal and that is from the traffic effects, the landscape and visual, and then just the general appropriateness of the proposal in terms of the scale and associated social effects on the community in terms of the level of change that would arise.

If option 2, being the operative plan if this plan change was rejected, then the benefits would be reliance on the existing zoning and land supply within Oākura to meet both short and long term but noting there is provision with the future development areas at some time in the future if the council

determined there was a need to rezone land to provide housing, then that mechanism would be available.

The costs of not rezoning and reliance on the operative plan would be potentially higher property prices. That was a key point of the original section 32 evaluation in the applicant's evidence as one of the main costs of rejecting the plan change; and then the potential shortfall of available land for housing and then the associated lack of development, which may occur if it did not occur in other locations.

Then the third option in terms of the proposed plan: so, as I said in the report before you, the proposed plan retains the zoning of rural for this subject land with the FUD overlay. Different terminology is used but essentially the same overlap for future urban development is identified.

The Thurman land - so that is the 1.5-hectare property which provides the access to Wairau Road - is proposed to be rezoned from rural to residential in the proposed plan. The other addition is the access shown is proposed, a pedestrian access walkway along the Wairau tributary.

The other consideration from a broader perspective with the proposed plan is it does provide for more intensive subdivision and developments within Oākura, so that is through the addition of a medium-density area within the main centre of Oākura and slightly small lot sizes. That changes it from 700m<sup>2</sup> to 600m<sup>2</sup> minimum lot size, so it would provide for more infill capacity to some degree within Oākura.

But I would make the comment that the proposed plan, in terms of evaluating that option, that is as it is now at the time of notification and there is uncertainty as it goes through the submission and hearing process and a decision process what the actual outcome might be for Oākura. As the applicant said, they have made a submission seeking the revised proposal in terms of rezoning and Mr Twigley referred to a submission for the FUD West area and I am sure that there are submissions on other parts of Oākura and the residential provisions generally that apply across the whole district.

Based on the evidence submitted today, to me, there is less uncertainty now based on the information that is currently available for us. To me, there has been some clarity and confirmation particularly around the traffic matters and also

around the landscape and visual impact assessments and similarly in terms of the social impact, to me.

But there are still two key outstanding areas. One is the cultural impact assessment and its conclusion and the matters of unresolved points in there. Secondly, it is the social impact. I consider there will still be a degree of social impact, as demonstrated in the original hearing, even from this revised proposal, and, to me, it is in measures that would effectively address those impacts. I have some reservations about the effectiveness of that community liaison group. I note the applicant proposed it as a monitoring group and I think that is in recognition that that group and the developer or the applicant have limited ability to actually influence or change measures in response to whatever the group identifies it is reliant on, either other members of that group or the wider community, to address those impacts.

So then, in terms of the evaluation and the consent notice, you asked Mr Twigley in terms of how he would go about assessing that request. I concur with Mr Twigley in terms of how he would assess it, which is going back to the original purpose for why it was imposed in the first place. As I outlined in my original report, it was primarily there to protect the rural character of

that balance land. As I said earlier in going through the matters of contention, one of the key matters was the vista from the state highway looking up towards the Kaitake Range, but inherently as part of that it is also the outlook from the new lots that were created as part of that proposal in terms of their expectation to retain a rural outlook from those lots. To me, there has been a lack of evidence in terms of what the degree of change would be from those lots. You heard Mr Duff talk about it in response to a question about his outlook from visiting and revisiting the area this morning. To me, it is the principal lots and the Paddocks development that would be affected in terms of their rural outlook. That would be the properties in Pahakahaka Drive, their aspect, and particularly the ones lower down, their aspect looking northwest across the area that is proposed for rezoning, particularly the developments in stage one on the western side of the gully. I think that is the primary effect on those and the outlook there. What I am uncertain about, based on the evidence, is what impact the planted area in terms of the gully between those proposed lots and the Paddocks development and how much would they be screened or not. We have had evidence from the applicant looking up the vista from SH45. I am unsure whether similar planting is proposed across that gully and whether that would form some screening or not, or is it proposed to retain that

outlook in terms of the elevation change in terms of those two areas. Would the properties within The Paddocks see over the top of the dwellings in that residential area at a height of what the district plan allows for two or two-and-a-half-storey buildings.

So, to me, that is the key uncertainty in my mind in evaluating that consent notice. I think it does, in terms of the evidence from Mr Bain, achieve a substantial part of retaining the rural character for the majority of the outlook, particularly looking up from SH45, but from The Paddocks I am unsure.

In terms of an overall recommendation - and I know you want me to be definitive - so I have a list of --

**THE COMMISSIONER:** I think the term was wanting to know whether you fell one way or another.

**MR WESNEY:** I can fall one way. To me, I have a point of eight matters which I consider effectively align with the cultural impact assessment, from my reading of it, bar maybe two or three which are outside the scope of the cultural impact assessment.

So those matters outside the scope are the consent notice and that relates to two points: what I have just talked about in terms of the outlooks from the paddock, but also I am unclear from the applicant's evidence today, with the revised proposal, whether the balance land that is proposed to be retained is rural, whether the consent notice would be amended to continue to apply to that balance land or not or whether the consent notice would disappear in its totality in terms of its extent for that area. So that was the first point.

Then the second point was around the traffic effects and the trigger for when the upgraded improvements or measures to the state highway but also the crossing of the state highway and the shared pathway along the southern side of the state highway. When would they be implemented? Then the third point was around the social impacts.

So the other primary matters are all dealt with as unresolved matters in the cultural impact assessment, so the ecological biodiversity effects in the stormwater, the overall scale and extent of the proposal, the landscape framework plan and how that would be implemented, the pā site and relationship in terms of how that is addressed, and then the last matter - actually, sorry, I am not sure whether that is part of the

cultural impact assessment or this might not have been raised right at the start - in terms of the open space network and how that relates to the staging plan. I think, Mr Coffin, you asked that question of one of the applicant's experts earlier in terms of how that would be implemented and Mr Evans gave a view that he considered it should be done as either one or two stages overall and how that is reflected in the structure plan and, to me, the stages you would need to show of the open space network that is proposed. What would propose to be created as part of stage 1, stage 2 and stage 3? That is uncertain in terms of how the structure plan is currently depicted.

**MR COFFIN:** That was actually Mr Wasley.

**MR WESNEY:** It might have been Mr Wasley. Sorry.

So I consider there is merit in the proposal based on the evidence that has been put forward today, but that is with the rider that there is merit in terms of it will provide additional land for Oākura that would be needed sometime in the future. Subject to what comes through in the final cultural impact assessment, I think there are measures that can address all the impacts that have been identified. To me, there just needs to be a clarity around how they would all work in practice. When I

say that, I am talking about what the district plan framework would look like in terms of the provisions but also how measures outside the district plan can address some of the effects, which we know cannot be addressed in the district plan. So that is in terms of NZTA and the speed limit change but it is also in terms of the social impact.

So that concludes everything I had to respond to. I am happy to take questions.

**THE COMMISSIONER:** In terms of your outlining there is merit in the proposal, do we take it that is subject to the resolution of those matters that you have outlined?

**MR WESNEY:** Correct.

**THE COMMISSIONER:** What would you see the process in terms of the resolution of those matters? Are they matters that get considered in terms of the plan provisions that are submitted as part of the right of reply or are they also matters that are considered through a subsequent resource consent process if we were minded to recommend approval?

**MR WESNEY:** So I consider there are some key matters for the plan change still to be addressed and that is primarily in terms of the cultural impact where that is talking about the overall scale and form and extent of development and how that then is translated into the structure plan or reflected in the structure plan. To me, that needs to be resolved as part of determining the plan change, firstly.

Similarly, in terms of the plan provisions themselves, my expectation is that there would be more detail included in the district plan around triggers for the implementation of the traffic measures and also more specific details around the landscape framework, but those details need to be drafted in the plan provisions first and not relied upon at the subdivision stage.

**THE COMMISSIONER:** So are you suggesting some further process, Mr Wesney, or, given that this matter has been around for some time and there have been opportunities to address a number of the matters you have outlined?

**MR WESNEY:** Yes, and I am also aware of the duty to avoid unreasonable delay. It is an obligation on the council under the RMA with any process as well that has been going on a while.

The uncertainty in my mind is we don't know how long Ngāti Tāiri and its authors will take to resolve those matters. To me, there is a need for liaison to make sure that whatever is come up with is implementable in terms of the provisions.

**THE COMMISSIONER:** Mr Coffin?

**MR COFFIN:** In regards to particularly the landscape/visual effects matter, we have said that in the current (inaudible) and we have reiterated it now in terms of your view that the proposal has fewer effects as it was proposed originally because of the reduction in scale. But I just wonder if you were of the same view if there had not been an original proposal and you were just looking at the proposal that is in front of us with fresh eyes. Would you be of the same view?

**MR WESNEY:** For me, I go back to the comments from Mr Kensington. I think he referred to them as some fatal flaws in that. Sitting here today and hearing the evidence from the applicant, I have painted in my mind an opportunity constraints map based on the words that the applicant has put forward and also the long section. That is the type of information that I have been forming as to how I am regularly looking at this plan

on the screen depicting how the revised proposal stacks up on its merits and not considering the original proposal.

To me, as I said, there is merit in this and the key areas around landscape and visual in terms of that are, as Mr Kensington said, that connection across the Wairau Road and how that connection is formed across the gully and how far up the slope and then, thirdly, it is the effectiveness of the open space network to the south and how that forms basically the urban extent. The fifth issue is the future connection with development to the west.

Looking at all those things to be considered, to me, there is merit in the proposal in terms of as it stands in retaining some of the key views from SH45 up towards the Kaitake and from the wider context views. It definitely stacks up from that perspective. But then, as I have said, I am not sure what the impact is from the paddocks. So, considering that landscape and visual impact on its merits, those are still some of the key questions I am still asking about this revised proposal, putting aside what was originally proposed.

**MR COFFIN:** I remember misstating earlier when I was getting the social impact assessment and the cultural impact assessment

mixed up. Now I am not quite getting. There were five matters from the cultural impact assessment and I think I have heard four of them but I might have just misheard. Can you just quickly go through those again?

**MR WESNEY:** The first one was the overall scale and extent of the development. The next one was the pā site and how that is related to. I was uncertain in terms of the impact on the Kaitake Range. That might have been the additional one that I did not note earlier.

**MR COFFIN:** Could you just carry on with the others, just in case I end up with six?

**MR WESNEY:** Carry on the others just to confirm them? Okay: the landscape framework plan and then the ecological biodiversity values in terms of impact from stormwater measures, utilising the natural stream system to implement the stormwater system.

**MR COFFIN:** Just in regards to the social impacts, I take it from where you have landed that they would be challenging to manage the effects on social matters inside the plan and it would probably be more appropriate to have measures outside of

the plan. Have you got a particular view of what they might be, outside of the community liaison group?

**MR WESNEY:** No, and that is the conundrum. One example which we heard at the original hearing was from the school where the school talked about the organic growth that had happened in Oākura over time and the latest classrooms they developed and how that compromised some of the playing fields. That was a challenge for the school to make that decision to provide for additional classrooms to provide for that. To me, that is the challenge here. If the plan change was approved and there was an increase in population, so the school has highlighted that that conundrum would come up again for them. So that is, to me, just one of the examples of mechanisms for how that is addressed. Apart from how the school articulated it back at the original hearing and again actually today in terms of how they plan for the future, it is just that ongoing communication.

To me, in part, the community liaison group could assist with information sharing, so there was understanding across amongst all parties that, "We are about to proceed". The developer can say, "We have sold about half of our stage 2. We will be looking at proceeding based on potential sales in the next six months to proceed with stage 3 in the next two years",

and so that liaison group could be helpful in that regard to provide for that information sharing. But I do not necessarily see a group like that actually being needed for that to happen. To me, that could happen anyway.

**THE COMMISSIONER:** I have nothing further, so thank you, Mr Wesley. Mr Muldowney?

**MR MULDOWNEY:** Thank you, sir, and thank you to Mr Wesley for the hard work that has been put into the supplementary report and effectively delivering it on the fly, which is never easy. There is a lot to absorb in terms of what has been said in the last hour or so. I started the day on the basis that I wanted to close on 20 December and that we would close on the basis that we would put amended plan provisions to you contemporaneous with that, which would be the final version, and the applicant's recommended plan provisions.

Just picking up on Mr Wesley's comments, my concern is that we may need more time to satisfy him in particular in terms of the drafting. While I had some hope that we could get good progress in terms of particularly the cultural issues and picking up on the recommended changes in the cultural impact assessment and bringing those into the drafting, the concern I

have based on Mr Wesley's expectation is that, if there is to be more co-ordination with the authors of the CIA, that might not be able to land between now and 20 December. That is my worry.

So I think what I would like to do is, if I can, give the applicant team, say, 48 hours to communicate with the CIA authors and really take their pulse in terms of how much work and what we can expect to achieve over the next week or so on this front and then report back to you on whether or not 20 December is looking realistic. That seems the best I can offer as I sit here right now, having listened as I have over the last hour to what felt like probably a good dozen or so issues that are going to have to be captured in the drafting.

**THE COMMISSIONER:** Okay.

**MR MULDOWNNEY:** It may be achievable and I would like to think it is, but I think we need to test with the authors of the CIA whether that is possible.

**THE COMMISSIONER:** Okay. We will just take a short adjournment so Mr Coffin and I can confer.

(A short adjournment)

**THE COMMISSIONER:** Okay. We will reconvene. We are happy to provide the 48 hours, Mr Muldowney. I suppose one of our concerns is how much longer this process does carry on. I would like to make it clear that giving the 48 hours does not indicate one way or the other what we propose to do and then what the timeframes may be in terms of concluding this matter, receiving the right of reply and then us deliberating and then making a recommendation to the council. As a result of receiving your response in 48 hours, there will then be consideration and then whether we need to issue a further direction around this matter.

**MR MULDOWNNEY:** I am grateful for that, sir. The only other thing that I would flag now - and I do not know whether it is a potential avenue through this - is the option of issuing an interim decision where there could be a decision on the recommendation but it would be interim in the sense that it would be subject to fine-tuning any matters relating to some of those cultural issues. For example, the amended provisions or recommended provisions that are set out in the CIA are acceptable to the applicant, but the one area that has not yet been canvassed is the open-space treatment of the area adjacent to the pā site, so there needs to be some consideration of that.

Now, a question is, if that matter requires time, does that get in the way of an interim decision? Only you have the answer to that, but I just raise it as a potential way to keep momentum going while that issue takes its course. I am not a fan of interim decisions personally. I would rather have the certainty of a final decision. But I am just looking for avenues to keep the process moving.

**THE COMMISSIONER:** Likewise and neither am I and, in my long experience in acting as a Commissioner, I do not think I have ever issued one, Mr Muldowney. It also presupposes an interim decision involved a positive recommendation in terms of the plan change, so there are two parts --

**MR MULDOWNNEY:** It does. It assumes two things. It assumes a positive recommendation on the plan change and it also assumes that whatever the outcome of the further process relating to that outstanding cultural issue will not change your view. So there are some assumptions that are built into it and I acknowledge that.

**THE COMMISSIONER:** Okay. Well, I think, at this stage, we agree to the 48 hours. We will receive your response, consider that and then outline where to from here.

**MR MULDOWNNEY:** Thank you, sir.

**THE COMMISSIONER:** Okay. I think, on that note, unless there is anything else from you, Mr Muldowney, Mr Wesley? Well, I would just like to acknowledge all the parties, the presentations and responses that you have made today, and in terms of also your responses to the range of questions that have gone to all of the parties today. I would just like to acknowledge you, Julie, in terms of your efforts both in terms of the preparation and during the day.

(Adjourned to a date to be fixed)