

**Before the New Plymouth District Council**

**Independent Hearing Commissioners**

**PPC18/00048**

**Under** the Resource Management Act 1991 (**RMA**)

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

**And**

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

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**Statement of Further Evidence of Peter Kensington  
(Landscape and Visual Effects)**

on behalf of:

Matthew Peacock; Richard Shearer; Steven Looney; and Wayne Looker

**15 November 2019**

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1. My name is Peter Kensington. I hold the qualifications and I have the experience which is described in my Primary Statement of Evidence dated 25 June 2019. I confirm that I have continued to comply with the Environment Court's Code of Conduct for Expert Witnesses in preparing this Statement of Further Evidence.
  
2. I have read and I will respond to the following relevant material which, amongst other material, has been produced since the hearing for these matters was adjourned on 26 July 2019:
  - The report titled '*Response to Evidence Presented at Hearing – Proposed Private Plan Change 48: Wairau Road, Oakura Rezoning*', prepared for the New Plymouth District Council, by Boffa Miskell Limited (Anna Stevens and Hamish Wesney), dated 19 August 2019, which includes (within Appendix 3) a '*Landscape and Visual Summary and conclusions*' statement, prepared by the council's consultant landscape architect, Emma McRae, dated 8 August 2019 ("**McRae summary**");
  
  - Direction on further evidence '*Private Plan Change 48: Wairau Road, Oakura Rezoning*' from Commissioner Bill Wasley, dated 6 September 2019 ("**Commissioner's directions**"); and
  
  - The statements of further evidence prepared on behalf of Oakura Farm Park Limited, dated 11 October 2019, of:
    - Richard Bain ("**Bain further evidence**");
  
    - Alan Doy;
  
    - Luke Bunn;
  
    - Andrew Skerrett; and
  
    - Colin Comber.
  
3. This statement of further evidence responds to the Commissioner's directions, primarily focussing on the relevant matters which have been set out in the McRae summary and the Bain further evidence.

### Improvements

4. From a landscape and visual effects perspective, I acknowledge that some attempt has been made to improve the outcome, primarily by:
  - i. Reducing the extent of land that is proposed to be rezoned;
  - ii. Utilising an existing watercourse / gully landscape feature as a natural urban / rural edge at the south-western extent;
  - iii. Removing the proposed “*rural lifestyle*” and business zones;
  - iv. Removal of the proposed underpass beneath SH45, removal of the proposed roundabout at SH45 / Wairau Road and removal of the proposed acoustic bund adjacent SH45; and
  - v. Positive provision of internal pedestrian / cycle access, planting and “*open space*” – noting that these proposed open space areas primarily consist of vegetated gullies.

### Remaining issues

5. Having said the above, it is my opinion that both the application and the request remain inappropriate for the following reasons:
  - i. No recognition or attempt has been made to address the underlying and fundamental concerns associated with the proposed removal of the consent notice – including in relation to the purpose of that legal restriction on the property title which protects rural character;
  - ii. Rather than starting from a ‘*clean slate*’ and/or taking a wider contextual approach to integration of potential future urban land use on the site, the revised extent and layout has become somewhat of a compromised outcome which follows a similar design concept<sup>1</sup> to that previously proposed;

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<sup>1</sup> Which, in my opinion, has the same basic flaws as the previous design, including, for example, no integration with the existing and/or planned Oākura urban area to the north-west of SH45.

- iii. The proposed vehicular access to the proposed new urban area remains as a single road access via Wairau Road, with no change to the adverse effects<sup>2</sup> on amenity values that will result from the scale of civil engineering works required to achieve this access; which also severs the existing public access esplanade strip and the Key Native Ecosystem area that relates to the contiguous McKie QEII Covenant;
- iv. The underlying design concept for the proposal appears to provide for future urban expansion to the south-west, with suggestions of road connections to the balance of the site, which are to be located over and which will sever the existing natural features on the site; including those which are being promoted as a strong urban / rural boundary natural feature; potentially blighting this balance area of rural land if that rural block became compromised (because of the property size and configuration) so that it was not capable of continuing to function as a rural land use activity;
- v. While the revised extent and layout seeks to keep a close relationship with the existing Wairau Road urban development (on the north-eastern side of the Wairau Stream tributary), this ignores any potential relationship and physical / visual integration with anticipated future urban land on the north-western side of SH45 and, in my opinion, it is still out of sync with the Oākura Structure Plan;
- vi. The proposed extent of urban development (which would have a higher density than *'The Paddocks'* residential area) is still proposed to extend to an elevated part of the Oākura landscape which will result in an inappropriate outcome;
- vii. While the landscape has informed part of the proposed revised extent and layout, in my opinion, it still does not

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<sup>2</sup> As outlined in my Primary Statement of Evidence and in the McRae summary, paragraph 1.27.

achieve a strong landscape framework or create an outcome that will achieve a strong '*mountains to the sea*' connection;

viii. The previously identified adverse visual effects that will be experienced by people viewing the landscape change from proximate private properties, including people viewing the outlook from within '*The Paddocks*' properties, remain; and

ix. The proposed provisions still provide for civil engineering / stormwater management devices (including five detention ponds) within the proposed open space stream channels.

6. In addition to the above residual concerns, I provide the following responses to the McRae summary and the Bain further evidence.

#### McRae summary

7. I acknowledge Ms McRae's advice<sup>3</sup> that a change in character (from rural to urban) may be acceptable in this location if development can demonstrate that it will be able to integrate seamlessly between the existing built edge of Oākura, the Outstanding Landscape and the wider rural landscape of the ring plain. It remains my opinion however, that the proposal before us does not achieve this outcome.

#### Bain further evidence

8. Mr Bain suggests<sup>4</sup> that he has approached the redesigned structure plan from a "*first principles*" perspective, rather than simply "*adjusting down*" the original scheme. From my review of the revised extent and layout however, while some improvements have been achieved, I fail to see how the revised scheme is not simply an adjusting down.

9. The overlay drawing (Appendix B to Mr Doy's further evidence) clearly illustrates to me that the revised extent and layout is essentially similar to the previously proposed Stages 1-3, with an

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<sup>3</sup> McRae summary, paragraph 1.21.

<sup>4</sup> Bain further evidence, paragraph 2.

adjustment to the previous Stages 8-9, 11 (in part) and 12, over a similar extent of area. I acknowledge that the previous Stages 4-7, 10-11 (in part) and 13-15 have been deleted; however, in my opinion the proposed design indicates a clear future intent and provides an opportunity for these deleted previous stages to be added later.

10. It is Mr Bain's opinion<sup>5</sup> that future urban development on the site will be "*tucked below*" *'The Paddocks'* residential area and therefore does not "*climb further up the Kaitake slope*". With respect, I disagree with this assertion and consider that the extent of proposed higher density urban development (relative to the lower density of *'The Paddocks'* residential area) will be located at such an elevation so as to result in an inappropriate outcome which adversely affects the landscape.
11. I acknowledge that there will be an improved outcome when viewed from parts of SH45 and that some views towards the Kaitake Range will be retained, as illustrated in Mr Bain's "*Kaitake Vista*"<sup>6</sup> and described in his further evidence<sup>7</sup>. However, in my opinion, there are other existing representative public views towards the Kaitake Range which will still be adversely affected by the urban expansion<sup>8</sup>.
12. Mr Bain is of the opinion that the adverse effects on the existing views from *'The Paddocks'* properties will be reduced, however he has not produced any analysis of factual information to support this assertion. In my mind, while the adverse effects may well be reduced for some of these viewers, there will likely be no reduction for others.

### Community concerns

13. As I have previously highlighted, in my assessment of the proposal's landscape and visual effects, I suggest that it is important to be cognisant of the considerable amount of community opposition to the

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<sup>5</sup> Bain further evidence, paragraph 6.

<sup>6</sup> Bain further evidence, Appendix A montage.

<sup>7</sup> Bain further evidence, paragraphs 7-8.

<sup>8</sup> Including from my representative public viewpoints 2 and 3.

proposed rezoning. This is in terms of the adverse effects on people's clear appreciation of and association with the site's relationship with the Kaitake Range Outstanding Landscape, which typifies the essence of the Oākura and Taranaki rural landscape and which contributes to a localised sense of place. In that regard, I am conscious that many local Oākura people have remaining concerns.

### Conclusion

14. Acknowledging that the extent of land proposed to be rezoned from rural to urban is now less than previously sought (which by inference will result in less adverse effects), it remains my opinion that:
  - i. The application by Oakura Farm Park Limited to vary or cancel Condition 4 of Consent Notice Instrument No.9696907.4 on Lot 29 DP 497629 should be refused; and
  - ii. The request by Oakura Farm Park Limited to rezone land at Wairau Road, Oākura, under Proposed Private Plan Change 48 to the New Plymouth District Plan, should be declined;
15. In my opinion, the adverse landscape and visual effects that will arise (should the application be granted and the request approved) will be more than minor<sup>9</sup> and unacceptable. I suggest that the above determinations (keeping the status quo) would better achieve the purpose of the RMA and better give effect to the relevant statutory provisions which relate to the protection of rural character and the landscape through the avoidance of adverse landscape and visual effects arising from inappropriate subdivision and development<sup>10</sup>.

**Peter Kensington**

15 November 2019



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<sup>9</sup> As per the scale of effects 'significance' set out at paragraph 10 of the 'Plan Change 48 Wairau Estate Landscape and Visual Effects, Expert Joint Witness Statement', dated 10 July 2019.

<sup>10</sup> In other words, keeping the land rural would be more appropriate. However, an alternative use of the land (as open space, for example) may produce a more sustainable management outcome.