

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

**IN THE MATTER** of the Resource Management Act 1991

**AND**

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

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**MEMORANDUM OF COUNSEL FOR OAKURA FARM PARK LIIMITED**

**Dated 31 July 2019**

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May it please the Commissioners;

## **INTRODUCTION**

1. The hearing of Private Plan Change 48 (PC48) was adjourned on 26 July 2019 pending any further procedural directions which would issue after the filing of a memorandum on behalf of the applicant addressing the appropriate next steps.
2. At the conclusion of the hearing on 26 July 2019 Commissioner Wasley directed the applicant to file a memorandum addressing those procedural issues by 5pm 31 July 2019. This memorandum is filed in accordance with that direction.

## **CURRENT POSITION**

3. The final presentation of evidence at the hearing was from the S42A authors, Hamish Wesley and Anna Stevens, and their supporting technical witnesses.
4. The original s42A recommendation set out in the report dated 31 May 2019 was that PC48 be approved in part, subject to an overall lot yield limit of 167 lots being imposed.<sup>1</sup>
5. The supplementary s42A report dated 19 July, released on the last working day prior to the hearing commencing, reinforced the recommended lot yield of 167 lots, but given the state of conflicting and unresolved traffic issues, did not make any final recommendation.<sup>2</sup>

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<sup>1</sup> S42A report dated 31 May 2019; paras 15.1-15.8

<sup>2</sup> S42A report dated 19 July 2019; paras 5.1-5.7

6. The evidence presented by the s42A authors at the conclusion of the hearing identified the following areas where the technical position or expert evidence remained unresolved;
  - a) Landscape and visual effects;
  - b) Traffic and transport network safety and efficiency;
  - c) Stormwater effects.
7. Further uncertainty was identified regarding the potential need for a Cultural Impacts Assessment, and a Social Impacts Assessment.
8. The commissioners directed that the s42A authors present their position, as set out verbally at the hearing, in writing, within 14 days of the hearing being adjourned.
9. The commissioners also sought a memorandum from counsel for the applicant addressing the proposed timetable for any further procedural matters which might arise as a consequence of the s42A reporting. Counsel indicated that the provision of further evidence was likely to be necessary to address parts of the evidence presented by the s42A authors and supporting technical witness presentations. In particular, evidence would likely be necessary to address the s42A authors' recommended reduced scale and intensity of development.
10. The applicant considers it essential to the fair and proper resolution of these outstanding evidential matters that it be given the opportunity to respond to the issues raised in the s42A report and where necessary, present further technical evidence to address the concerns raised.
11. Accordingly, the following further timetable directions are sought on behalf of the applicant.

## PROPOSED TIMETABLE

12. The applicant seeks the following further timetabling directions:
  - a) The written transcript of the s42A evidence presented on the afternoon of 26 July 2019 be published on the Council website by 9 August;
  - b) The s42A authors file and serve a written report, with accompanying reports from the supporting technical witnesses, which summarises their evidence presented on 26 July 2019 by 16 August;
  - c) The applicant file and serve any further evidence addressing traffic, stormwater, landscape, cultural, and social effects, including as those matters may relate to the recommended reduced scale and yield recommended in the original s42A report, by 13 September;
  - d) Any party may file and serve expert evidence strictly in reply to that further evidence presented by the applicant by 18 October;
  - e) The s42A authors to file and serve any further supplementary report addressing that further evidence by 1 November;
  - f) The applicant to file and serve closing submissions by 22 November;
  - g) The commissioners to close the hearing into PC48 upon receipt of the applicants closing submissions.

Dated 31 July 2019

A handwritten signature in black ink, appearing to read 'L F Muldowney', is centered on a light gray rectangular background.

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L F Muldowney  
Counsel for the appellant