

**BEFORE THE INDEPENDENT HEARINGS COMMISSIONER APPOINTED BY
NEW PLYMOUTH DISTRICT COUNCIL**

UNDER the Resource Management Act
1991

IN THE MATTER of an application under section
88 of the Act by Devon 5
Investments Limited for consent
to develop five comprehensive
townhouses and subdivide land
at 1-5/196 Mangorei Road, New
Plymouth

**STATEMENT OF EVIDENCE OF REEVE ANTON BARNETT ON BEHALF OF
DEVON 5 INVESTMENTS LIMITED /THE APPLICANT**

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INTRODUCTION AND BACKGROUND

1. My name is Reeve Anton Barnett. I am providing evidence on behalf of the Barnett family development company, being Devon 5 Investments Limited. I am authorised to act in this capacity.
2. I am one of the directors of Devon 5 Investments Limited (Devon 5 Investments). I work in New Plymouth, as a property manager and manage my family's interests, of which Devon 5 Investments is one.
3. I was raised in New Plymouth and have spent a significant part of my life living here. I have a passion for the region of Taranaki and enjoy the lifestyle that it provides. I want to make sure that the region grows by utilising the assets and environment we have.
4. The Barnett family are of the view that the proposed development will enhance the immediate and greater environment. The proposed development meets our personal benchmark being; that the development be of a standard that our name and reputation is not compromised in the future.
5. Merrilands Properties 1981 Limited (Merrilands Properties) has owned the property since the 1980's, being 50% of the subject site. Bryce Barnett (my father) is a common director with Merrilands Properties and Devon 5 Investments.

BACKGROUND AND THE DECISION TO APPLY FOR CONSENT

6. The subject site is adjacent to a commercial area, being a café/bar and suburban shopping centre. The site displays commercial

characteristics and access is only gained via a Right of Way shared with the Merrilands Shopping Centre and Stumble Inn.

7. The current site can be described as a green wasteland, with no maintenance over numerous years.
8. The current condition of the site and the immediate environment allows the site a higher and better use.
9. The subject site is 1300sqm and comprises of two lots, with 650sqm from Naki Café Limited (Naki Café) and 650sqm from Merrilands Properties.
10. The director from Naki Café and I were put in touch through a mutual contact in late 2016 to undertake a feasibility study on the land. BTW Company Limited (BTW) was engaged to assist with the process.
11. Both original vendors have looked at developing the site over the years. An example is in December 2014; Stumble Inn had engaged Opus regarding a landuse proposal with the subject site.
12. The land has stayed vacant in its current condition for many years because of the challenges of the site. The proposal had to overcome the following challenges (some of which are also discussed in Glenn Brebner's evidence):
 - a. Access – the site does not have direct street access and is therefore reliant on use of existing Right of Way on adjoining sites; service access is required through privately owned sites to connect to NPDC reticulation;

- b. Fill material – the site has 8m of uncompacted fill material which presents a challenge when engineering building foundations;
 - c. Stormwater disposal – NPDC’s requirement that the site is hydraulically neutral in terms of stormwater disposal requires engineered onsite flood event attenuation to be developed;
 - d. Onsite parking – NPDC’s requirement for two onsite parking spaces for each dwelling requires substantial space (formed to all weather standard) to access these parks;
 - e. Onsite Manoeuvring – access to parking spaces is challenging considering the steepness of the site and the turning circle standards that must be accommodated;
 - f. Slope with regard to building bulk and location – the project architects have developed the townhouses to generally comply with maximum height standards, there are minor non-compliances with daylighting. The sloping site creates challenges in fully complying with District Plan bulk and location permitted activity standards;
 - g. Soil contamination – soil sampling has confirmed that there is one ‘hot spot’ of soil that contains asbestos fibres on the site. This soil contamination requires management plans to ensure that the human health of construction workers and future residential owners is not at risk.
13. All the challenges of the site have been addressed to be contained on site and mitigated to not have any adverse effect to the neighbouring properties. This process has not been rushed and involved many professionals who are experts in their own field.
14. Both Merrilands Properties and Naki Café have shown a positive attitude toward the proposal to proceed.

15. There has been a lot of time spent between all the engaged professional experts to make sure the proposal adequately addressed the potential adverse environmental effects. Richard Bain from Blue Marble was engaged late 2017, before Resource Consent application was submitted, to provide independent expert advice on the potential visual and landscape effects on neighbouring receptors i.e. owners and occupiers. Visual effects on the submitters in opposition were assessed by him as 'low adverse'.
16. New Zealand has experienced urbanisation in large scale in recent times. New Plymouth is no exception to this, as is evidenced within Bell Block, New Plymouth.
17. Urbanisation force cities to keep expanding their city limit, requiring heavy investment in infrastructure. Ultimately, this is a cost borne by the rate payer. Under the National Policy Statement of Urban Development Capacity 2016 (NPSUDC), there are housing demand requirements that NPDC must adhere to. This policy assumes that New Plymouth requires 387 houses per annum for the next 5 years. This would equate to approximately 155,000sqm of land required to meet the policy, assuming a Residential A zoning.
18. The proposed development concept is critical in, and will assist with, achieving the numbers set out by the NPSUDC in a sustainable manner in my opinion. As also noted in paragraph 9.15 of the officer's report, New Plymouth has been upgraded to a high growth area from a medium-growth urban area. This further supports my proposed development from a policy perspective.

19. The proposed development concept also limits greenfield urban sprawl, protects rural productive land and intensifies urban areas that are suitable for intensive development.
20. Merrilands is a suburb with the infrastructure already established, therefore is logical to develop in an area like this from a rate payer and council perspective.
21. The subject site is transport friendly. Its proximity to public transport routes is suitable for a range of ages. The location is immediate to the Merrilands Shopping Centre medical facilities for the elderly and those in need, as well as schools and kindergartens. The New Plymouth District Council has recently installed a bus shelter on Nevada Drive next to the Merrilands Shopping Centre due to the public demand for the bus route that services the area. The location is ideal for the reduction in the need for use of private transportation.
22. New Zealand has an ageing population with New Plymouth being no exception. New Plymouth is predicted to have one of the highest aged population in the country in the next 10 years.
23. The design is elderly friendly, with respect to the floor layout and inclusion of a lift.
24. There is a need toward higher density housing. Higher density housing has both positive social and economic benefits. I, along with our independent consultants, have applied this logic during the development of this proposal.

25. People's living requirements are evolving. We have observed that there has been a shift in demand for 'lock and leave' residential townhouses.
26. The proposed development creates a living environment that is low maintenance without losing any benefits of stand-a-lone housing. This will allow future owners to experience life on their terms and not be bound by their property ownership.
27. I agree with the officer's comments at paragraph 8.4 of her report where she states, "*The proposed townhouses would likely be most attractive for either young professionals, or older retired people. This area of the market specifically requires low maintenance outdoor areas*".
28. That statement aligns with my vision of the proposed development being most attractive to either young professionals, or older retired people.

CONSULTATION WITH NEIGHBOURS / SUBMITTERS CONCERNS

29. Devon 5 Investments' land use and subdivision resource consent application was prepared by BTW – with management of technical reporting and planning assessment led by Jeremy Brophy.
30. All the adjoining property owners were consulted during the resource consent process. The following neighbours provided their unconditional written approval:
 - 51A Nevada Drive – Ngaraiti and Rangikotuku Rukuwai;

- 194 Mangorei Road – Mervyn Julian;
 - Stumble Inn Café – Naki Café Limited;
 - Merrilands Shopping Centre – Merrilands Properties 1981 Limited.
31. The Stumble Inn Café (Naki Café) is supportive of the proposed development and believes that it will have a positive impact on the local environment. There has been a huge amount of collaboration between both parties (i.e. Devon 5 Investments and Stumble Inn Café).
32. Mervyn Julian is supportive of the proposed site as he believes it will appreciate the value of his property.
33. Despite several attempts to consult and collaborate with James Finalyson and Alina Leigh, both personally and via their solicitor, Tim Coleman, Billings, regrettably we have not been able to reach a mutually acceptable outcome. We were left with no option but to proceed with the due process afforded by the Resource Management Act 1991 to follow the limited notified process, including attendance at a Council pre-hearing and hearing.
34. Campbell Mattson, Managing Director of Location Homes, first met with James and Alina in July 2017. Devon 5 Investments had provided proxy to Campbell as I was out of the country during this time. The meeting was to provide information and plans of the proposal to the neighbours and receive their feedback. Campbell Mattson has stated that this was a positive meeting, as provided in his letter/statement dated 6 August 2018 to me to me attached as **Appendix 1**.

35. Post meeting, Tim Coleman emailed Campbell Mattson the requests from his clients, James and Alina. These stipulated conditions to be met that could allow James and Alina to provide consent. Campbell Mattson and Devon 5 investments provided genuine attempts to appease and accept these terms. An email chain is provided by Campbell Mattson in Appendix 1 showing a willingness to work with the neighbours.
36. Tim Coleman is listed as one of the three owners on the title of 192A Mangorei Road, therefore was treated as a party who had authority to act on behalf of the owners.
37. One condition provided by Tim Coleman on 4 August 2018 was for the existing trees along the joint boundary to be removed and replanted with a fast-growing screening tree. Upon calling Alina Leigh to ask for permission for an arborist to gain access to their property to quote this job, I was met with hostility. Alina stated that she had not authorized Tim Coleman to communicate with any conditions.
38. I consulted with Mr Naus from Big Jims Garden Centre regarding the best tree for this situation, I was advised a variety of magnolia. This was to address the neighbours condition, as there was a willingness to work with them.
39. On the 8 August 2017, we received correspondence from Tim Coleman stating that they would not provide consent to the development. This was the last communication that was received from Tim Coleman.

40. As communication was through Tim Coleman, Devon 5 Investments appointed its solicitor, Scott Chamberlain, RMY Legal, the contact point responsible for the communication with the neighbor and representatives moving forward regarding the proposed development. Scott Chamberlain has provided his communication with Tim Coleman in this matter in a memorandum to me dated 30 August 2018 attached as **Appendix 2**.
41. In the submission received from James Finlayson and Alina Leigh dated 31 May 2018, point 11 states, “... *the consultation undertaken by the Applicant and its representative has been inadequate and insincere.*” I strongly disagree with this statement, as our genuine attempts to consult were met with silence from the submitters as is recorded in my evidence (see Appendices 1 and 2).
42. Furthermore, it states “... *the concerns that they have expressed to the Applicant have not been genuinely considered, acknowledged or addressed by the Applicant.*” I strongly disagree with this, as shown with our last correspondence with the submitters and Tim Coleman being August 2017, where we had agreed to their requests. This was the last communication that was received from the submitter and representatives.

OFFICER’S REPORT

43. I have read the Officer’s Report and confirm that the applicant supports the recommendations made, and is satisfied with, and accepts, the suggested consent conditions subject to the comments

in the expert evidence called for the applicant. I would like to thank the Officer for preparing the report.

CONCLUSION

44. I, the applicant and Barnett family are of the view that the proposed development will enhance the immediate and greater environment - and will generate positive social and economic benefits - while adequately and appropriately addressing any potential adverse environmental effects.

REEVE ANTON BARNETT

5 September 2018

APPENDIX 1

Statement/Letter dated 6 August 2018 and accompanying emails
from Campbell Matson, Location Homes

APPENDIX 2

Memorandum from Scott Chamberlain, RMY Legal

dated 30 August 2018