

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

**Statement of Further Evidence of Cameron Twigley
(Planning)**

on behalf of:

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

15 November 2019

INTRODUCTION

1. My name is Cameron Twigley. 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 ('**NPDC Response to Evidence Report**')
 - Direction on further evidence '*Private Plan Change 48: Wairau Road, Oakura Rezoning*' from Commissioner Bill Wasley, dated 6 September 2019; and
 - The statements of further evidence prepared on behalf of Oakura Farm Park Limited, dated 11 October 2019, of:
 - Richard Bain;
 - Alan Doy;
 - Luke Bunn;
 - Andrew Skerrett; and
 - Colin Comber ("**Comber Further Evidence**").
3. This statement of further evidence responds to the Commissioner's directions, focussing on the additional evidence submitted by the applicant.

CHANGES MADE TO THE PLAN CHANGE REQUEST

4. Like Mr Kensington, I acknowledge attempts have been made in the revised plan change request ('the request') to address concerns raised by submitters and the Council. This has resulted in a number of improvements being:
 - 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, business zones and the Residential D high-density area;
 - iv. Removal of the proposed underpass beneath SH45 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.

5. However, the application and request fail to address the following concerns raised in my primary statement of evidence.
 - i. As noted by Mr Kensington, 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 and the justification for a change in circumstances. The applicant is still approaching this matter as a consequential amendment in my opinion;

- ii. I note that 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 ¹;
- iii. The plan change layout continues to suffer from the sole vehicle access point approach, continuing the theme of being disconnected from urban Oakura, having multiple 'dead end' cul-de-sac road ends and subsequently a poor level of resilience in emergency situations;
- iv. No social impact assessment (SIA) or cultural impact assessment (CIA) has been provided with the request;
- v. Additional overlay provisions have been added to the plan change request to address staging, but no amended planning provisions have been provided to address the many changes made to the scheme. Significant rework of the policies, methods of implementation, reasons, definitions, rules and planning maps is required yet none of this detail has been provided. Once again, 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;
- vi. The reduced size of the scheme does not change the fact that Oakura has enough undeveloped residentially zoned land to provide for its short and medium-term growth needs;
- vii. The revised scheme exceeds the proportional water supply allocation for FUD South by 44 lots; and

¹ Paragraph 5 and 8, Peter Kensington Statement of Further Evidence 15/11/2019

viii. No further information has been provided on ecological effects despite this remaining a concern raised in the NPDC Response to Evidence Report.

SOCIAL IMPACT ASSESSMENT

6. It is clear from reading the NPDC Response to Evidence Report that the reason a SIA has been requested is due to the constant theme that came through in the submissions on the potential social impacts that the development could have on the village, its occupants and people's enjoyment of Oakura². While I acknowledge the reduced size of the scheme, I consider it is likely many of the concerns related to social impacts of the request will remain.
7. The Comber further evidence has cited other plan change requests or consent applications in the District that have not required SIA's in an attempt to justify a position that an SIA should not have to be provided. I am familiar with two of the examples quoted being the Bluehaven Commercial development and the Green School. Both applications were limited notified resource consent processes where all identified affected parties have provided their written approval.
8. I note that Plan Change PPC18/00049 at Johnston Street. Waitara received 18 submissions, PLC10/00025 at Cowling Road/Tukapa Street/Frankley Road received 15 submissions, PLC09/00020 Area Q Rezoning received 29 submissions and PLC09/00015 FUD overlay received 25 submissions.
9. In this case the request has received 396 submissions in opposition and many of the submitters articulated their concerns related to social impacts in detail at the hearing including the Oakura Primary School

² Paragraph 4.97, NPDC Response to Evidence Report 19/08/2019

and the Kaitake Community Board. I do not consider it helpful to compare the request to the cases above as the request has a very different set of circumstances.

10. The Comber further evidence contends there is a disconnect between the aspirations expressed within the Oakura community documents and the submissions made by the community at the hearing. I had the benefit of attending the hearing and listening to many of the submissions from the community. The clear message I heard was the community wants managed growth and that there was a clear preference for FUD West to be the next growth area due to it being away from the Kaitake Range and being more logically connected to the village. I note that the priority for FUD West was also captured in the Oakura Structure Plan 2006, as referred to in my Primary Statement of Evidence. At no point did I hear that the community did not expect changes within Oakura as insinuated by Mr Comber³.
11. Mr Comber's assertion that the spatial extent of the request is now nearly aligned with FUD South therefore the request now has to be in alignment with community aspirations will no doubt be tested in the further evidence of the submitters. I note that this assertion will also be tested through submissions on the Proposed District Plan which close on 22 November 2019.
12. I agree with the NPDC Response to Evidence Report that in terms of section 32 (2)(c) RMA, the risk of acting (in the form of approving the plan change) with insufficient or uncertain information about social impacts could result in significant effects which have not been avoided, remedied or mitigated.

CULTURAL IMPACT ASSESSMENT

³ Paragraph 49, Further Statement of Evidence of Mr Colin Comber 11/10/2019

13. It is recorded in the evidence of Ms Puna Wano-Bryant that at the prehearing meeting held on 29th January 2019 it was pointed out to the applicant that a CIA was not included in the request⁴. It is also recorded that the applicant had undertaken to prepare a CIA⁵
14. In my opinion, given the strong policy position within Taiao Taiora relating to not supporting residential subdivision and development within proximity of Taranaki Mounga, and the equally strong submission made by Taranaki Iwi opposing the request, it is unlikely that a CIA will endorse the request.
15. As pointed out by Ms Wano-Bryant, the lack of a CIA has left a gap in the request⁶. In my experience CIA's are a pre-requisite for any plan change request of this nature and one of the first assessments that would typically be commissioned. They are not an assessment to be undertaken at the backend of a process.
16. I agree with NPDC Response to Evidence Report that in terms of section 32 (2)(c) RMA the risk of acting (in the form of approving the plan change) with insufficient or uncertain information about cultural matters could result in significant effects which have not been avoided, remedied or mitigated.

WATER SUPPLY

17. I accept the Comber further evidence calculation of the proportional allocation of water supply between FUD West and FUD South based on the survey work of Mr Doy and Mr Kiss⁷.

⁴ Paragraph 12, Evidence of Ms Puna Wano-Bryant 25/07/2019

⁵ Paragraph 13, Evidence of Ms Puna Wano-Bryant 25/07/2019

⁶ Paragraph 14, Evidence of Ms Puna Wano-Bryant 25/07/2019

⁷ Paragraph 75, Statement of Further Evidence of Mr Colin Comber 11/10/2019

18. I note that Mr Comber has calculated water supply for 100 lots being allocated to FUD South. Therefore, the request in its revised form exceeds this allocation by 44 lots.
19. Mr Comber's argument to justify the additional allocation is that FUD West will not be developed in the near future and that the constraint on water supply has to be seen as being of a temporary nature.
20. In my opinion, it is speculative to say with any confidence when FUD West will be rezoned and developed. The same argument put forward by Mr Comber for FUD West could have equally applied to FUD South i.e. that the land is identified for future growth and would not be rezoned in the near future. However, here we are considering a private plan change request for rezoning of FUD South well in advance of any projected need for the land to be rezoned. This could equally be the case in the future for FUD West. I am aware that the owners of FUD West are currently undertaking a master planning exercise for their land which includes revisiting the existing subdivision consent referred to in the Comber further evidence.
21. In my opinion, it is also speculative to say whether the constraint on water supply is temporary in nature. The uncertainties around future water supply for Oakura are clearly outlined in the right of reply report of the NPDC Infrastructure Group – Three Waters and the report emphasises the need to take a precautionary approach and act with a degree of conservatism due to a number of risk factors⁸.

TRAFFIC

22. The original plan change request document dated 15th March 2018 presented a 'FUD Area only' option with a yield of approximately 120 lots which is akin to what is now proposed. It was stated that "*..the associated increase in traffic numbers would be unlikely to justify the*

⁸ Page 5, Infrastructure Group – Three Waters, Report – Plan Change 49. Right of Reply 09/08/2019

roundabout and pedestrian underpass proposed with a larger development. Thus, traffic inefficiencies (traffic delays and increased probability of crashes) could be expected at the Wairau Road-SH45 intersection and increase risk for pedestrians crossing SH45 'on-grade' in the vicinity of the Wairau Rd intersection".⁹ It was also stated that "a roundabout and pedestrian underpass will not be justified/affordable".¹⁰

23. I note from the further evidence of Mr Skerrett that a roundabout and pedestrian underpass are no longer proposed and that no capacity improvements to the SH45 / Wairau Rd intersection will be required. Mr Skerrett states that NZTA will have to implement speed calming measures on SH45 but it is unclear what NZTA's view on this is.
24. Without the opinion of the other key stakeholders involved in traffic matters (i.e. NZTA and NPDC) it is not possible to draw any conclusions on whether the revised request will result in a safe and efficient road transportation network.

ECOLOGICAL IMPACTS

25. In my primary statement of evidence, I raised concerns about the impact of domestic cats and rats resulting from the request on the environmental initiatives being undertaken on the Kaitake Ranges. The NPDC Response to Evidence Report also raised concerns and considered that additional information on methods to manage the effects from cats and other pests be further evaluated¹¹. To date no further evidence or information on this matter has been provided.

CONCLUSION

⁹ Page 26, Request for Private Plan Change Request and Application to Vary Consent Notice for Oakura Farm Park Ltd 15/03/2018

¹⁰ Page 29, Request for Private Plan Change Request and Application to Vary Consent Notice for Oakura Farm Park Ltd 15/03/2018

¹¹ Paragraph 4.89, NPDC Response to Evidence Report 19/08/2019

26. There still remains uncertainty on the adverse effects of the application and request particularly in relation to social, cultural, traffic, and ecological effects. Uncertainty is also created by the lack of updated plan provisions for the amended scheme. Relying on the evidence of Mr Kensington there will continue to be unacceptable adverse landscape and amenity effects despite the changes to the scheme. The proposed number of lots significantly exceeds the available water supply based on the proportional allocation approach between FUD West and FUD South.

27. I continue to remain of the opinion that the status quo option would best achieve the purpose of the Act, particularly in light of the absence of any projected demand for further rezoning of land for residential purposes in the short to medium term and due to the presence of the consent notice, and would be the most appropriate method to achieve the objectives of the Operative New Plymouth District Plan.

28. Acknowledging the changes that have been made, and for all the reasons stated earlier in my evidence, 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.

Cameron Twigley

15 November 2019

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