

**UNDER THE RESOURCE MANAGEMENT ACT 1991**

**IN THE MATTER OF** an application for resource consent by **FONTERRA FARM SOURCE** to establish and operate a rural supply store and undertake a two Lot subdivision at 2475 South Road, Okato.

***Council Ref:*** LUC18/47378 and SUB18/47165

**STATEMENT OF EVIDENCE OF ERROL NEWLANDS  
Livingstone Building New Zealand Limited (Livingstone)  
ON BEHALF OF FONTERRA FARM SOURCE**

**28 March 2019**

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## **INTRODUCTION**

### **Experience**

Good Morning Mr Commissioner, Ladies & Gentlemen,

1. My name is Errol Newlands and I appear today as the representative of Livingstone Building New Zealand Limited (Livingstone) where I hold the role of Business Development and Compliance Manager.
2. I have been employed by Livingstone for 6 years and 10 months in this capacity, prior to which I was employed by the New Zealand Fire Service for 20 years. From 2001 – 2010 I was also an elected Councillor with the Waipa District Council.
3. During my time with Council I held a number of roles relevant to today's discussions including 9 years as a member of the Policy Committee and 9 years as a member of the Regulatory Committee (3 years as Deputy Chair) during which time I sat on more than 135 Resource Management Act (RMA) Hearings as well as a myriad of Liquor Licencing and other Regulatory matters.

### **ROLE**

4. It is as a consequence of these previous roles and experiences gained that I now support our client Fonterra Farm Source (Farm Source), on a wide range of development and re-development projects throughout New Zealand. Key focus areas of my work for Farm Source are project feasibility, site selection and Consenting. This work includes consultation with New Zealand Transport Agency (NZTA) and District Council staff, assisted by a team of experts in their respective fields.

### **SCOPE OF EVIDENCE**

5. The broad purpose of my submission is to outline our Company history with this and other similar RMA projects, the rationale behind the advice we have provided our client and the processes we have undertaken prior to today's hearing in relation to site selection, consultation and recommendations to my Client.
6. I will also demonstrate our collaboratively successful approach with other new developments and re-developments throughout New Zealand, specifically within the past 5 years (for relevance).
7. Livingstone has carried out developments in the vast majority of the 67 Territorial Authorities within New Zealand and if we exclude the Chatham Islands we have worked in the balance 66 at some stage as well as the Pacific Islands.
8. We have a number of clients who operate Nationally and we include Fonterra Farm Source, McDonald's Restaurants as Key National Clients while for others

like Metlifecare and the Ministry of Education we carry out a significant number of projects in North Island locations.

## EVIDENCE

9. Through my experience it is clear that whilst New Zealand has 1 RMA, there are 67 varying interpretations of it at a Local Authority level. There are also a vast numbers of Planners, either Consultant or Local Authority employed, who have varying interpretations of District Plan documents, many Elected Member Commissioners at each Council with a range of views and pressures as well as hundreds of Independent Commissioners who also have professional opinions and interpretations.
10. It surprises me that having completing developments for Farm Source the length and breadth of New Zealand in recent years, we find ourselves at our first ever Hearing – and of all places in the New Plymouth District which has one of the most permissive District Plans in the land, because of it's 'effects-based' regime.
11. Our previous developments for Farm Source have all required a Land Use Consent (LUC), so the process is not new to us. However, previously these LUC's have been granted under delegated authority so a hearing for these developments is certainly new territory.
12. Farm Source developments completed in recent years include Kaitaia (Far North District Council), Ngatea (Hauraki Plains District Council), Inglewood (New Plymouth District Council), Te Awamutu & Cambridge (Waipa District Council), Stratford (Stratford District Council), Kaponga (South Taranaki District Council), Winton & Otautau (Southland District Council), Rotorua (Rotorua Lakes Council), Fielding (Manawatu District Council) and Dannivirke (Taranua District Council). They have all been granted LUC and completed without recourse to an RMA hearing.
13. Additionally, we have Waverley (South Taranaki District Council – LUC granted and awaiting construction) and Otorohanga (Otorohanga District Council – LUC currently being processed and due for completion next financial year) and Okato which we are hopeful of resolving today.
14. I should note for accuracy that these previous developments have been carried out in a variety of settings and zones including commercial, residential and rural. Many sites were on boundaries between zones which added further complexity to the consenting process. Several were also greenfield developments very similar to this application eg Stratford Farm Source.
15. The many Local Authorities that we have dealt with throughout New Zealand have recognised that while some aspects of the proposals have not met all of the requirements of their District Plans, the fundamental objectives of these Plans are acknowledged and the developments have added to the social and economic wellbeing of the communities in which they have been undertaken.

16. The activity generated by these developments has been accepted as having little or no adverse effect on the surrounding environment and in every instance they have gone on to become and continue to be valued assets within the surrounding community.
17. Where the developments have been in rural areas with similarity to Okato they have brought local employment, increased shareholder (farmer) efficiency and convenience while playing a significant role in affirming a sense of community in these locations - Stratford which opened in February is a great local example of this.
18. Most significantly in my opinion, they have brought a modern, attractive hub to these small provincial towns that has provided a signal to others that New Zealand's largest company believes this is a location with a future.
19. Our approach to site selection is quite simple – location, size and access.
20. Farm Source set the location parameters based on their supply area catchment, in this case between Oakura and Pungarehu, on the State Highway for convenience and visibility.
21. Site size is generally 3,500m<sup>2</sup> – 4,500m<sup>2</sup> (the size of the store and associated yard depends on the supplier catchment area) and the vehicle access arrangements.
22. Access requirements are basically driven by safety: in the rural zone we prefer to be on a corner site with side road access. While in towns the access arrangement is constrained by available space and site safety for traffic maneuvering into, through and off the site. Drive through for heavy vehicles is highly desirable.
23. For Okato we identified all sites that met our fundamental requirements.
24. We considered existing and available commercial sites in town, whether developed or greenfield. These were all eliminated due to site size being inadequate, New Zealand Transport Agency (NZTA) opposition or the existing development not being conducive to Farm Source needs.
25. For rural greenfields options we looked at every corner site between Oakura and Pungarehu to identify any that might fit the initial criteria. Most didn't – soil suitability, traffic restrictions, access options and Lot sizes were generally the issues and these sites were eliminated without further detailed consideration.
26. Any sites that met our initial selection criteria progressed to a feasibility stage beginning with NZTA consultation to get their early recommendations –these usually received a “no” or at best a “maybe”.

27. When we received a “maybe” from NZTA the next step was a planning assessment with BTW Company Limited (BTW) to identify the development issues and options – this eliminated most sites due to the unlikelihood of receiving NZTA or Council support for a wide variety of reasons.
28. If the site was still a “maybe” we then looked at high level traffic assessments, soil reports and development budgets to determine if the proposal was commercially viable.
29. After investigations over a period of more than 12 months we were then quite literally at a cross roads – the Kaihihi Road cross roads. Either side of the road, a corner site, both with manageable issues, both acceptable to NZTA subject to design and both with an owner interested in selling a suitably sized parcel of land.
30. Following the completion of our due diligence assessment Farm Source selected the subject site based on recommendations from Livingstone and BTW as well as the results of consultation with New Plymouth District Council (NPDC) and NZTA.
31. A consultation period was then undertaken, taking a lead from Council advice on potentially affected parties. During this time potentially affected landowners were met, with the exception for Mrs Vivian Martin who was not identified by Council as an affected party (at that point), and the name on the record of title had not been helpful in identifying the owner as it states ‘Parawai’.
32. Later, Council added to this list of affected parties to include Mrs Martin and Stephen Looney (16 Kaihihi Road) as being affected and consultation with them has since been undertaken.
33. Of the potentially affected parties only James Dinnis (12 Kaihihi Road) and Robert and June Dinnis (8 Kaihihi Road) have submitted in opposition and you will hear more from our team of technical experts in regard to the concerns of the submitters.
34. One of the ironies of the RMA, as in the case of the submitters, is that it has allowed ‘townies’ to move to, and reside in the rural environment through subdivision of rural land for residential purposes. Approval of the Dinnis subdivision in 2011 now considers them affected persons when further subdivision is proposed for an activity that is 100% focused on the livelihood, operation and support of rural activities and their community.
35. I was encouraged when I first met with Robert and June Dinnis (James’s parents) and our discussion ended with their enthusiastic support of the proposal and their absolute confidence that their son James, when he returned from holiday would also be supportive. I was basically asked to “wait for James to come back and call in and collect the paperwork”.

36. As in all things, we are entitled to change our minds and James had changed that of his parents by the time I returned to collect the affected persons paperwork a few days later. Robert and June were no longer happy to sign it.
37. I then visited James Dinnis and was left in no doubt that he was going to oppose the Land Use Consent application, citing generally that the proposed development would negatively impact on the safety of traffic in the area and specifically that many pedestrians used Upper Kaihihi Road as a walking loop and more traffic would make it unsafe for them.
38. I had no further contact with either of the Dinnis residents until Monday 25<sup>th</sup> March when James returned a phone call and I advised him my client wanted to provide some information relevant to my evidence that potentially affects him.
39. These photos were provided via email on Tuesday 26<sup>th</sup> March on the direction of my client who wished James to have the opportunity to be aware prior to the Hearing that they would be presented and commented on (photo's for circulation of a B-Train parked on the wrong side of the road at Mr Dinnis property)
40. Noting the safety concerns of James Dinnis, I was surprised to discover that he operates a home based manufacturing business from his property, and that this business received and/or dispatched goods via heavy vehicles that could not be catered for within his site.
41. Further investigation identified that while James Dinnis expressed serious concerns for road safety on Upper Kaihihi Road, these concerns do not appear to extend to how he operates his own business – as shown.
42. The expert evidence that will be presented today confirms that there are no significant adverse effects on the transport network as a result of the proposed Farm Source development. I'm not sure that a Traffic Assessment of Mr Dinnis business activities would result in the same outcome.
43. In addition, I have been advised that it is likely that James Dinnis's manufacturing business requires a land use resource consent to assess the suitability of this loading/unloading activity that occurs on the live Upper Kaihihi Road carriageway. We are not aware of any resource consent that would otherwise allow this activity to occur but the processing planner should confirm this.
44. I also note that the reason Council considered the Dinnis' as an affected parties was due to potential visual impact from their property. It transpires that a consent notice exists on 12 Upper Kaihihi Road to maintain and enhance existing vegetation in perpetuity, therefore over time the Dinnis' own planting will become thicker and provide a greater degree of visual screening.

## **SUMMARY**

45. It is my opinion that our collective evidence and submissions make it clear that the development of a Farm Source site in Okato as proposed is consistent with the views and aspirations of many Councils throughout New Zealand and the many and varied interpretations of the RMA, including that of NPDC who support this application.
46. The development proposal also clearly demonstrates social and economic benefit to the local Okato community. Farm Source investing significantly in the local community sends a strong and compelling message of confidence in the locale.
47. There are no substantiated traffic concerns related to this development. It is noted that residents would like a lower speed limit on the State Highway (and personally I agree with them), although it is not an issue to be resolved in this forum, it is a matter for NZTA and NPDC consideration.
48. NZTA have provided their written approval, Council recommends that the land use consent be approved and I hope that the information provided by our team today supports an affirmative decision from you sir.

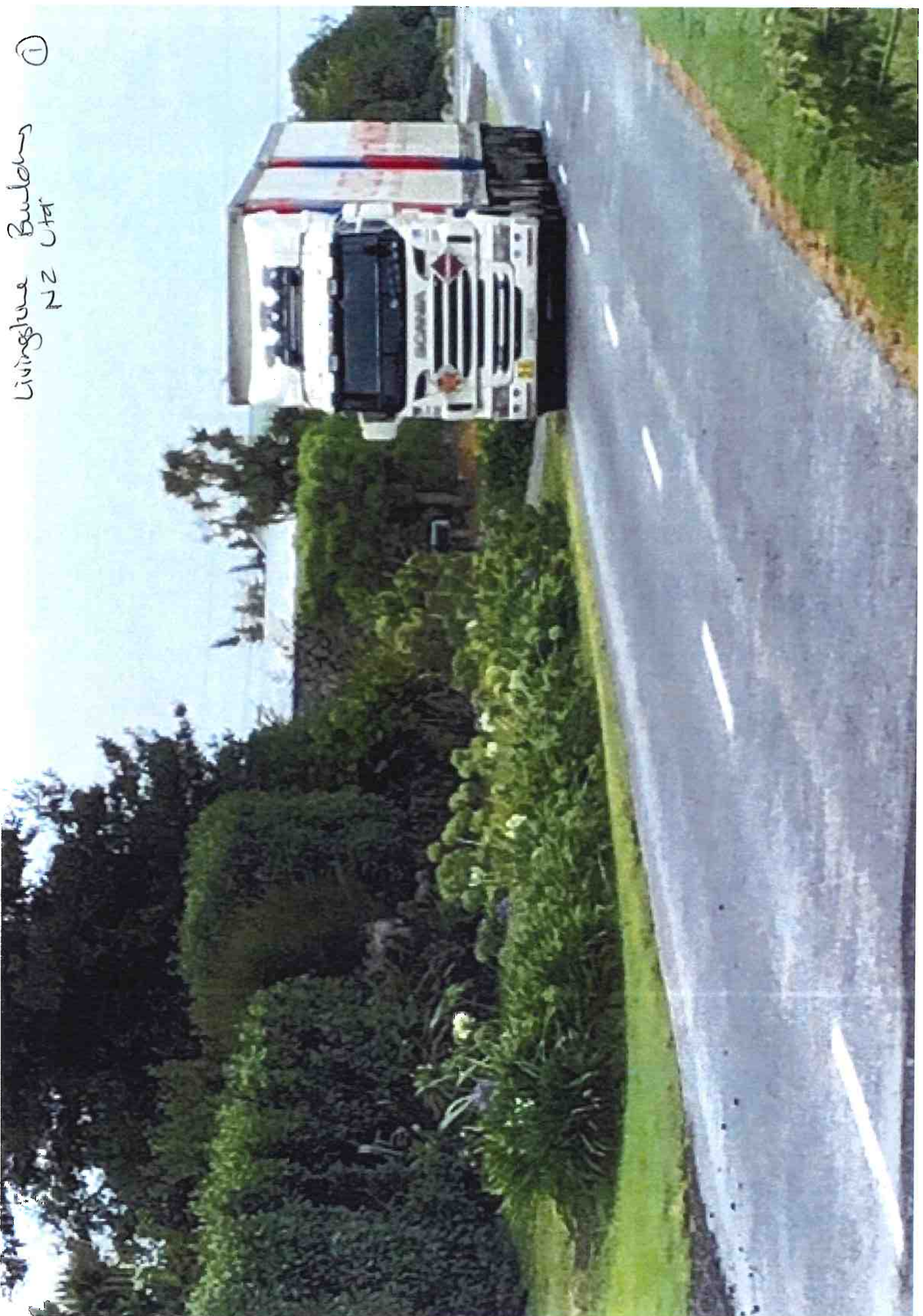
Thank you.

**ERROL NEWLANDS**

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