

Before Independent Hearing Commissioners in Tauranga

In the Matter of of the Resource Mangement Act 1991

and

In the Matter of **Plan Change 92 to the Western Bay of Plenty DsitRICT Plan**

Submission By Michael and Sandy Smith

Statement of Evidence of
Richard Newton Coles

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Qualifications and Experience

1. My full name is Richard Newton Coles. I am a Director and Planner for Momentum Planning and Design Limited, a company I established in January 2016.
2. I have held a number of planning roles for various District and City Councils including Western Bay of Plenty District Council. I have also worked for a wide range of private and public sector clients since commencing work as a planning consultant in 2000. I have experience as a resource management consultant/planner for 30 years, primarily in the Bay of Plenty, and also across a number of other regions including Auckland, Waikato and Central North Island.
3. I have been involved in the design and consenting of several large-scale developments at Omokoroa including the Omokoroa Town Centre, the Omokoroa Village commercial area adjacent to Fresh Choice, the Kaimai Views subdivision and the Puna Rua subdivision on Prole Road. All these developments have required consents from both the District and Regional Council.
4. I hold a degree of Bachelor of Resource and Environmental Planning from Massey University 1993 and I am a full member of the New Zealand Planning Institute (NZPI).

Code of Conduct

5. I have read the Code of Conduct for Expert Witnesses issued by the Environment Court in 2014. I confirm that my evidence and professional engagement and involvement with this resource consent application is in accordance with the Code of Conduct and my duties and obligations as a professional witness. With specific regard to my evidence, the matters which I address are within my area of expertise and I have not omitted any material facts that might alter or detract from the professional opinions that I express.

Format of evidence

6. I have formatted this evidence as best I can to the S42A report format titles so you can identify the reporting planner's recommendation, the submission points and discussion in each of the S42A report chapters.

Section 42A report - Section 16 Rural Residential Topic 1 – Minimum Lot Size

Michael and Sandy Smith requested a smaller minimum lot size to enable better use of the land resource, particularly land that has a gentle contour. They own approximately 9.5ha of land at 467 B and 467 E Omokoroa Road. The smaller minimum lot size provides for more intensive rural residential development. The proposed rule amendments in 16.4.2 and 16.6.4 are acceptable and provide the relief sought by the submission.

Section 42A report – Section – Ecological and Landscape Features Topic 1 - Significant Ecological Feature U14/135 Mangawhai Bay Inlet

The submission sought to correct some mapping errors with respect to ecological feature U14/135. The reason for the correction is that the planning framework is progressively strengthening the protection of ecological features and in particular wetlands. Therefore, the accurate mapping of the feature is highly important to ensure the rules are applied correctly and do not affect potential rural residential land suitable for development. Three small areas on the Smith's farm have been identified as being grazing land or an existing farm track as per the highlighted areas below. These areas should not be included in the U14/135 ecological feature. The map below (Figure 1B) shows the correction that is sought – to exclude the beige areas from U14/135.

It is noted also that the ponds to the northern part of U14/135 are manmade ponds. This is acknowledged by Nautilus Contractors in the discussion under Section 7 – Structure Plans (Page 48 of that chapter of the S42A Report).

Figure 1B: Primary areas of ecological significance

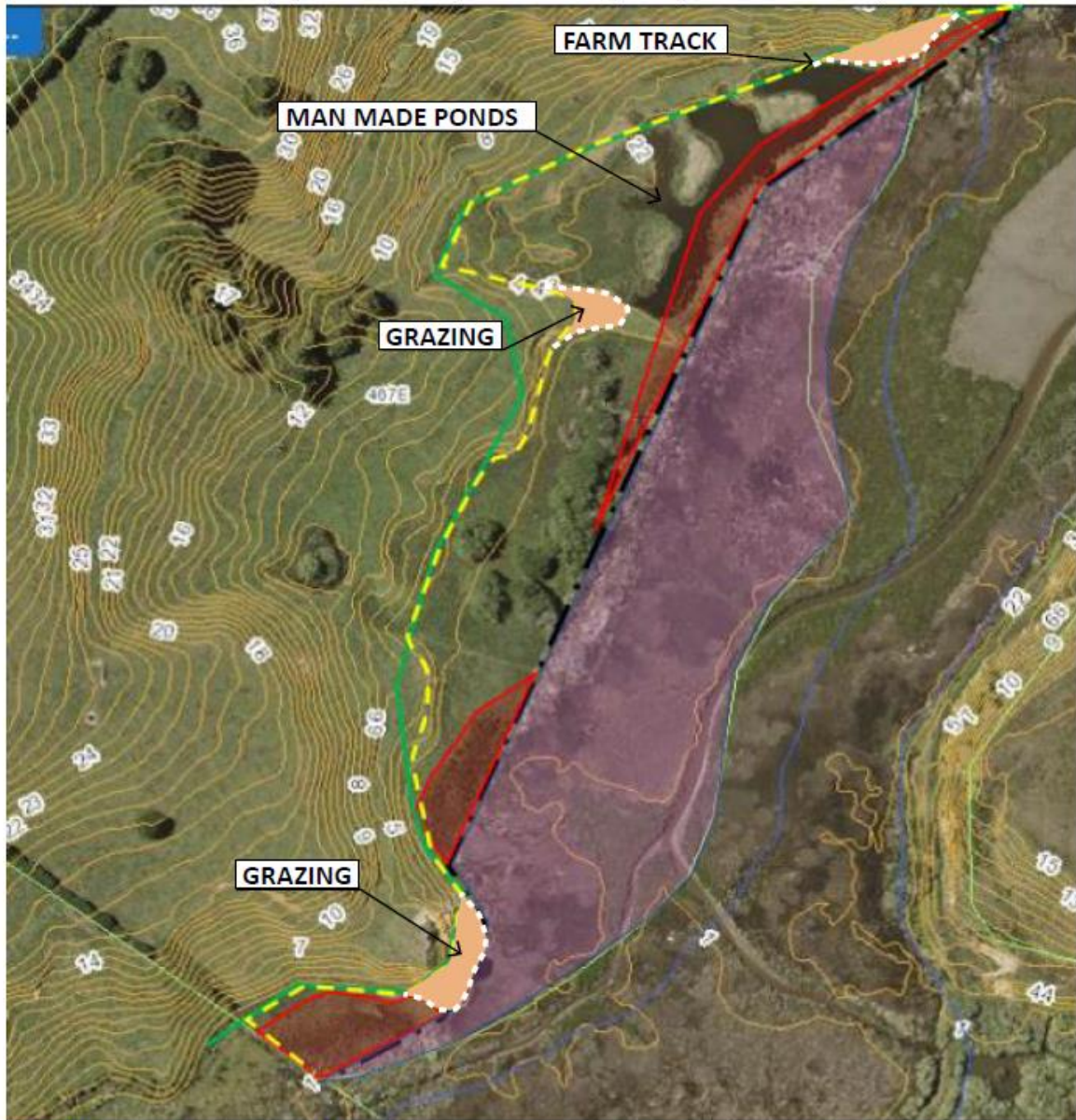


Plate 1 - (Photo Image 2021-2022) Primary areas of ecological significance as advised by Bryan Norton

LEGEND

- Existing Ecological Feature line per District Plan.
- Existing Covenant Area, being predominantly saltwater & brackish wetland.
- Existing stockproof fence on landward margin of the DOC Covenant Area
- Saline/brackish wetland landward of Covenant Area (prior to pond and raised-ground formation (the natural state of the two southern sites coloured red have remained generally unaffected by earthworks).
- Landward extent of the physical Ecological Feature, being the extent of all wetlands (incl. salt, brackish & freshwater).

Section 42A report – Section 7 – Structure Plans

Topic 2 – Omokoroa Roding

Submission Point 50.2 sought to ensure that the structure plan road O-03-2.1 is extended to connect to 467E Omokoroa Road. This has been confirmed by the recommendation to Topic 2 and is supported.

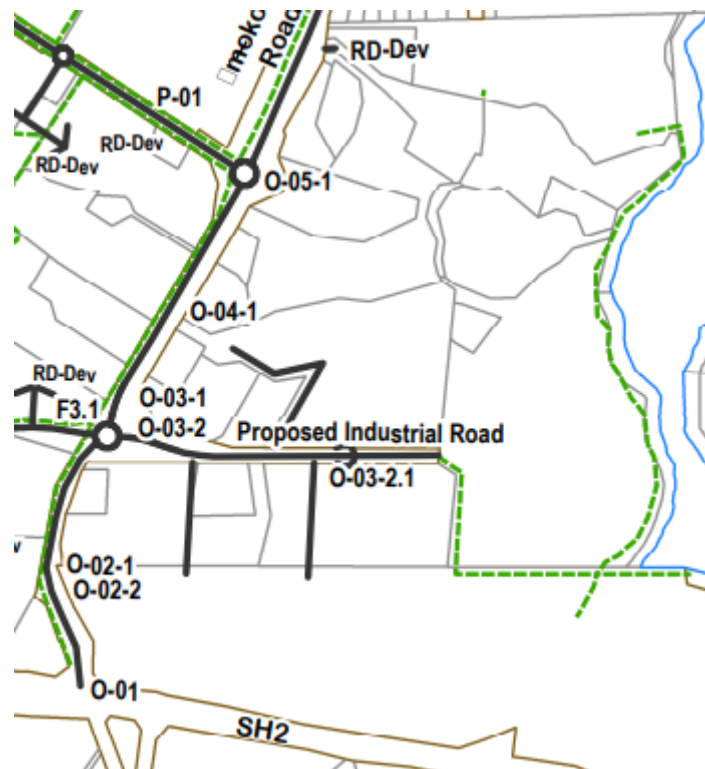


Figure 1 - Extract from Structure Plan

Topic 4 – Ōmokoroa Walkways/Cycleways

The relocation of the cycleway on the structure plan has not been mapped but referred to as aligning with structure plan road O-03-2.1. The future development of the Smith's land will be for lifestyle lots and will have a cul de sac head within the subdivision. Access is constrained and it is likely that only a narrow road formation may be necessary to serve the subdivision. Establishing a cycle thoroughfare through the subdivision may not be appropriate or may add substantial costs to the development of internal access road. An alternate alignment maybe to follow the stormwater reserve that Council already has designated, and which connects to O-0.3-2.1. This would maintain the residential amenity values when future Rural Residential

subdivision is developed on the Smith's property and avoid expensive capital works to create a wider road on the steeper portion of their land.

Section 42A report – Section 8 – Natural Hazards and Planning Maps

Topic 5 – Flood Maps Omokoroa

The submission sought to remove isolated flood mapping on the Smith's property and the recommendation has been to accept the submission and remove the flooding annotation. This is supported.

Richard Coles
25 August 2023