

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF a Notice of Requirement for a Designation Pursuant to Section 168A of the Resource Management Act 1991 (RMA) to designate land for an active reserve at Ōmokoroa

STATEMENT OF EVIDENCE OF CHRIS TAYLOR

Introduction

1. My name is Chris Taylor. I am a director of TDD Limited. My Wife Antoinette and I own Lot 1 DPS 61801 which is a 1.0 ha property located at 474 Ōmokoroa Road. There are two dwellings on the land, and we live on the site.
2. We also operate a storage business from the site known as Ōmokoroa Self Storage. We have operated the storage business for approximately 16 years. Our storage business was established by way of a resource consent granted in 2006. The resource consent is limited in its duration and expires in 2026.
3. Our land is zoned residential (MDRZ) under Plan Change 92, and we have supported this zoning through a separate submission on the plan change.
4. Back in 2006, we applied for a landuse consent for a storage business on the site. There was significant demand for this kind of facility due to urban intensification in Omokoroa that had commenced. We have operated a highly successful and well-run business on the site over the past 20 years. The Council

recommended decline of the consent at that time the land was tagged in strategic plans for future residential use.

5. We accepted the limited 20 year term to our consent included as a condition of the granted consent following a notified resource consent hearing as our intention was always to develop our land for residential purposes once it was rezoned residential. At page 9 the Committee's Consent decision stated:

The committee noted that by limiting the life of the consent could allow the facility operation to be revisited in the future. Whilst the imposition of review conditions could be imposed to deal with any effects that may arise from the operation of the facility, it was determined by the Committee that a ceiling be placed on the activity such that at the predetermined time, the applicant would need to reapply and the assessment at that time could have regard to the operative and/or proposed Plan requirements in place at that time and that of other strategic and policy documentation.

6. For 15 years from 2006 until 2021, at no stage did the Council contact us to discuss purchase of our land for open space reserve land.
7. However, in 2021 we received correspondence from the Council that they would like to acquire our land for the purpose of an active reserve. We attended an open day and also contacted the Council on a number of occasions to find out more about their plans for our land. We were particularly interested in finding out about the timing of the active reserve development, and how this would affect our future at 474 Ōmokoroa Road and our long-term plans for residential development of the site. In particular, we were concerned about how it would affect our storage business. Decommissioning of the storage sheds would affect numerous locals who are lessees of the sheds and rely heavily on them.
8. Since we became aware of the proposed designation over our land, we have made numerous efforts to consult and engage with the Council.
9. Following notification of Plan Change 92, and the Notice of Requirement, at our request, we met with Council staff on 8th March 2023 to discuss the designation and how the designation would impact on our future. We met in

good faith and spoke with the Council about our situation and our desire to work collaboratively with the Council so that they could acquire our land through agreement. We discussed options such as the Council purchasing our land outright, and alternatives such as the relocation of our business to land owned by the Council in the Industrial Zone at Ōmokoroa.

10. It was agreed that we could progress an outcome with the Council with a view to the Council producing a voluntary compensation agreement under the Public Works Act. After our first meeting I was initially comfortable that we would reach an agreement to provide certainty for us and to ensure that our reasonable costs were covered under the Public Works Act process.
11. Council staff asked us to provide them with financial information relating to our business and its operations to help them with their valuation of our land and business. We provided this confidential information to Council staff on 4th May 2023.
12. The Council obtained a valuation for our land. I understand that they have this, but we have never been provided us with a copy.
13. We engaged both an RMA lawyer and our planner to provide us help and guide us through the process. Our lawyer asked Council to put in place a PWA process in regard to mutual exchange of valuations, and for Council to agree to pay for our reasonable costs to engage professional consultants. The Council advised my lawyer and planner that it would not do so until it had decided what it was doing with our land, stating on 30 May 2023:

Before Council proceeds any further, we need to finalise our planning and strategy for the land we need to acquire, noting there are a number of properties Council needs to acquire. The funding/budgeting for the acquisitions also needs to be approved. Council is working through these issues as quickly as we can, but until this planning is finalised, it is too early for us to be entering into negotiations to acquire the land from Mr Taylor.

We will confirm matters such as costs etc in due course, as well as any valuation process to be used. We confirm that any commercially sensitive information provided to us (such as financial and valuation reports) will be kept confidential, provided we may disclose these to our professional advisers (who will also keep such information confidential). We will come back to you once we are in a position to progress the purchase.

14. Despite several follow-ups, my lawyer could not find out anything from Council about their decision around PWA process or acquisition timing or strategy. We received only vague references around the finalising of the acquisition strategy and timing.
15. I received no advice from Council as to what the Council plans were for payment of a valuation, or advice.
16. As to Council's lack of advice on timing of acquisition of our land we have not been able to make any plans about our business or provide any advice to our customers about what is happening.
17. On 18th August 2023 we finally received an email after constantly pressing the Council for a response. The Council stated that:

“Council has concluded that since development of the land is not immediately required, Council intends to formally commence the acquisition process of your land between 2026 and 2028”.

18. A further comment in the email said:

“Council will however consider any other proposal you may have ahead of the 2026 – 2028 timeline option which may include an earlier acquisition and lease back option, subject to a successful Plan Change 92 implementation and active reserve designation”.

19. I feel that our efforts to engage with the Council have been a waste of time and that Council has no real intention to proceed with a voluntary purchase of our land on suitable terms.

20. The process has created significant stress and concern for us for the following reasons:
 - i. Despite asking on numerous occasions what the plan was for the development of our site, we have never been given any masterplans or plans which show the need for, or the purpose of, the reserve. Just last week we received a plan by email which shows a masterplan for the reserve. However, I understand that this is a “concept” plan only and has not been through any formal Council approval process. I believe that there is no Council adopted reserve masterplan developed for the site which shows the need for our land to be used.

 - ii. We now have a designation over our land with no certainty of when the Council will proceed with the purchase of the land and the creation of the active reserve. The designation sterilises our ability to do anything further with our land. For example, once our land use consent expires, we may wish to apply for a new consent to extend the consent. It is unclear based on the vague timing provided if this would be contrary to the designations purpose of a reserve. If Council objected on that basis, we would be unable to create any income from our land. This outcome for us is completely unfair and unjust, particularly given that we have always said to the Council that we would work with them on a collaborative basis in relation to the purchase of our land.

21. With no certainty on the timing of the designation, no confirmed plan for the site nor the purchase of the land so that it can be developed for a reserve, we have no choice but to oppose the designation. We will also need to apply to extend our business through another fixed term consent to allow us to continue to operate our business on the site, rather than let our economic

livelihood be wound down and have to wait out until Council takes another 20 years to sort its funding for purchase and development of our land for active reserves. Councils strategy and need for this land should have been confirmed before a Notice of Requirement was imposed over our land.

22. I have read the Officers report in relation to the Notice of Requirement and the actual potential effects on us have not been assessed at all. In particular, there is no assessment on the social and economic effects on us of the designation.
23. In our submission we set out a number of matters which we requested be addressed by the Council. These include:
 - i) The Council consults with TDD Limited in relation to the timing and process for the acquisition of our land.
 - ii) That a masterplan be prepared that shows the need for our land.
 - iii) That certainty is provided in relation to timeframes that will enable our investment decisions to be made in relation to the continued operation of our storage business.
 - iv) That the Council commences the process of land acquisition and discussions with us.
24. We feel the consultation we have attempted has been a wasted effort and none of the other matters have been addressed through this process.

25. The current Notice of Requirement effectively sterilises our land and does not enable us to continue with our existing business creating significant stress, hardship, uncertainty for us.

26. I request that the Notice of Requirement be declined.

Chris Taylor

Director – TDD Limited

22 August 2023