

Hearing Opening Statement

# Hearing 23: Rangitahi Peninsula

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## Introduction

1. Good morning Chair and Commissioners. My name is Chloe Trenouth, and I am the s42A reporting planner for the Rangitahi Peninsula topic. I am also the author of rebuttal evidence relating to those provisions. My qualifications and experience are set out in the s42A report at page 4. I also confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it when preparing this report.
2. The Rangitahi Peninsula Zone is identified as a Specific Zone in Chapter 9 of the PWDP, with specific objectives and policies in Section 9.3 and a set of plan provisions in Chapter 28. It is a standalone zone that does not apply anywhere else in the District. There are also some Rangitahi-specific definitions in Chapter 13 Definitions.
3. The Rangitahi Peninsula Zone was originally included in the Operative Waikato District Plan – Waikato Section as a private plan change (PC12) to enable a comprehensively-planned and designed residential neighbourhood with capacity for 500 dwellings. The operative provisions have been effectively rolled over into the PWDP.
4. Rangitahi Peninsula is located on the Raglan harbour with a total area of 117 hectares, southwest of the existing Raglan township at the southern end of Opotoru Road. Resource consents have been granted for Precincts A (March 2017), B and D (April 2018) and parts of the area are currently being developed. A causeway and bridge to provide access to the Rangitahi Peninsula from Opotoru Road, and roads and services have been constructed for the first stage of development.
5. The topic of Rangitahi Peninsula received 47 original submission points and 11 further submission points. Almost half of the submission points were from Rangitahi Limited, which is the landowner/developer.
6. Submissions by Rangitahi Limited generally seek minor amendments to provide consistency with operative provisions, additional clarity, and flexibility, including where subdivision consents have been approved. Evidence was lodged on behalf of the submitter by Mr Ben Inger (Planning) and Ian Clark (Transportation Planning). Substantial agreement has been reached on these provisions as set out in the submitter's highlights package, and key matters are discussed below. There are no outstanding matters of contention relating to the submission by Rangitahi Limited.
7. Other submissions cover a wide range of issues - mostly individual submission points seeking retention of, or minor amendment to, specific provisions. Letters were tabled as evidence on behalf of the following submitters:
  - a Ministry of Education disagrees with recommendations of the s42A report; and
  - b Fire and Emergency NZ supports recommendations of the s42A report.
8. The focus of my opening statement is on providing an overview of the key matters and any points of contention that remain relating to these Rangitahi Peninsula provisions.

## Key matters

### Secondary access

9. The PWDP includes Policy 9.3.5.4 requiring a secondary access to the Rangitahi Peninsula, and corresponding rules for subdivision as a restricted discretionary activity (Rule 28.4.1(a)(v)) for general subdivision, or a controlled activity (Rule 28.4.2(a)(vi)) for boundary adjustments. When rolling these provisions into the PWDP they were amended to provide greater certainty regarding the timing of providing a permanent secondary access.
10. Rangitahi Limited submitted that the requirement in Policy 9.3.5.4 to construct a permanent secondary access prior to development of any of the remaining precincts was too onerous and that it should be required prior to completion of Precincts F or G. An interim secondary access has already been constructed and is required as a condition of resource consent.
11. Advice from the transport team at the Council regarding secondary access was that the secondary access needs to be retained as an alternative access for emergency vehicles in the event that the bridge is not accessible. There is no evidence that a permanent secondary access is required.
12. I support the further amendments to Policy 9.3.5.4 and Rules 28.4.1(a)(v) and 28.4.2(a)(vi) as set out in Attachment I to Mr Inger's highlights package as opposed to those recommended in my rebuttal report because they provide greater certainty. I consider the amended provisions ensure that alternative access is available in the very unlikely event that it is needed.

### Significant Natural Areas

13. Significant Natural Areas are mapped throughout the Rangitahi Peninsula and vegetation clearance is addressed by Policy 9.3.3.7 and Rules 28.2.4.1, 28.2.8 and 28.4.5. The entire peninsula is within the coastal environment and is therefore subject to the New Zealand Coastal Policy Statement.
14. Recommended amendments to these provisions provide for very limited permitted vegetation clearance as a permitted activity and include guidance within the policy to support minor adverse effects associated with construction and maintenance of roads, infrastructure, walkways and cycleways that are consistent with the approved Rangitahi Peninsula Structure Plan. These provisions are agreed.
15. Mr Inger has sought some minor amendments to the mapping of Significant Natural Areas in Precinct A to address inconsistencies where there is no vegetation because the area is road or recently created lots. I support these amendments if the Significant Natural Area maps are to be retained.

### Subdivision variances

16. Variances to elements of the approved structure plan are identified in the subdivision provisions, Rule 28.4.1(a)(v) for general subdivision and Rule 28.4.2(a)(vi) for boundary adjustments as a restricted discretionary and controlled activity respectively. While the intention of the variances was to provide some flexibility in implementing the structure plan, in practice they are uncertain and difficult to assess.
17. Recommended amendments remove all the variances apart from one, which relates to the number of dwellings identified on the Neighbourhood Outcomes Plan and allowing for up to 10% increase. These provisions are agreed.

## Remaining Matters of Contention

18. There is only one matter in contention remaining on the Rangitahi Peninsula topic, which relates to the submission by the Ministry of Education [781.20] that seeks the identification of educational facilities as a restricted discretionary activity in Rule 28.1.3. This is because as an activity not listed in any of the tables educational facilities becomes a non-complying activity under Rule 28.1.5 NCI.
19. I address this matter in my s42A report (section 11) and recommend that the submission be rejected on the basis that schools are not anticipated in the Rangitahi Peninsula, Childcare facilities are provided for as a controlled activity in Rule 28.1.2, and the Ministry of Education can utilise its designation powers if required.
20. The Ministry of Education tabled a letter in response to the s42A report disagreeing with the recommendation and requests that the Panel reconsider the notified default non-complying activity status. The Ministry of Education also indicates acceptance of a discretionary activity status should this be more acceptable.
21. I note from the letter that the Ministry of Education accepts that it may be unlikely for an educational facility (such as a primary school) to be established at Rangitahi but that a non-complying activity constrains the community providing it should be needed in the future. I acknowledge that Hearing 10 Residential recommends that educational facilities are identified as a restricted discretionary activity in the Residential Zone (Hearing 10 s42A report, Topic 19). However, I disagree with the submitter that the default non-complying activity constrains the community because the designation powers are available if required.
22. If the Panel supports the inclusion of educational facilities as an activity, either as a restricted discretionary activity or discretionary activity, than I consider there would also need to be a policy to support this.

## Summary

23. Overall, the recommended amendments to Chapter 9 Objectives and Policies, and Chapter 28 Rules for the Rangitahi Peninsula are agreed. There is only one issue in contention relating to educational facilities. This concludes my opening summary of the Rangitahi Peninsula topic. I look forward to hearing evidence presented by submitters over the course of these two days of hearing and welcome any questions that the Panel may have.