

**BEFORE INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY THE WAIKATO DISTRICT COUNCIL**

IN THE MATTER of the Resource Management Act 1991
(**RMA**)

AND

IN THE MATTER of the Proposed Waikato District Plan

BETWEEN **RANGITAHİ LIMITED**

Submitter [No. 343]

AND

WAIKATO DISTRICT COUNCIL

Local Authority

**SUMMARY STATEMENT OF EVIDENCE OF
BEN MAXWELL INGER FOR RANGITAHİ LIMITED**

2 December 2020

Solicitors on Record

BURTON PARTNERS
SOLICITOR — TONY NICHOLSON

PO Box 8889, Symonds Street, Auckland 1150, DX CP24147
P 09 300 3775 F 09 300 3770 E jeremy.carr@burtonpartners.nz

Counsel

Dr R A MAKGILL
BARRISTER

PO Box 77-037, Mt Albert, Auckland 1350
P 09 815 6750 E robert@robertmakgill.com

INTRODUCTION

1. My name is Ben Maxwell Inger. I provided evidence in chief, dated 16 November 2020, on planning matters related to Rangitahi Ltd's submission on the Proposed Waikato District Plan (**PWDP**).
2. My experience and qualifications are set out in that statement of evidence. I have changed roles since my statement of evidence was filed and I am now Senior Planner and Director at Monocle. I repeat my acknowledgement and acceptance of the Code of Conduct.

SUMMARY OF EVIDENCE

3. I summarise my evidence as follows:

Background

- (a) The Rangitahi Peninsula is subject to a comprehensive structure plan. The structure plan and related provisions were introduced into the Operative Waikato District Plan (**OWDP**) through a private plan change (Plan Change 12) which was made operative in 2015. The plan change involved rezoning the land from Rural Zone to Rangitahi Living Zone.
- (b) Resource consents have been granted to date for Precincts A, B and D, totalling 271 residential lots, which is approximately half the number of lots envisaged in the Rangitahi Structure Plan. Titles for the first stages of development within Precincts A and B were issued in June 2020 and the first houses are currently being built. Construction of civil works for Precinct D is underway.
- (c) There are some key changes in the PWDP compared to the OWDP. They include a more self-contained framework for the Rangitahi Peninsula Zone in the PWDP, that the Comprehensive Development Plan (**CDP**) land use approach from the OWDP has not carried through into the PWDP, an elevation of the activity status for general subdivision which meets standards from Controlled to Restricted Discretionary Activity, removal of rules limiting affected parties for certain development to Tainui Hapuu only, and the introduction of Significant Natural Areas (**SNAs**).

Key Matters

- (d) My evidence is structured based on 12 submission topics. I consider the topics of Secondary Access, Significant Natural Areas and Subdivision Variance in Relation to the Structure Plan to be key matters. I characterise the matters dealt with under the other topic headings as 'tidy up' changes.

Secondary Access

- (e) I have reviewed the Section 42A rebuttal evidence prepared by Ms Trenouth and the only matter that I do not agree with in the PWDP provisions which she has attached relates to the Secondary Access. Ms Trenouth and I have continued to discuss this matter since then and we have reached an agreed position on it (refer to the amended provisions in **Attachment 1**).
- (f) The amended Secondary Access provisions clearly reflect that the purpose of the Secondary Access is twofold; to provide an alternative route for heavy construction vehicles associated with subdivision civil construction and to provide an alternative route for emergency vehicles in the unlikely scenario that they require access to the Rangitahi Peninsula while the primary access via the new bridge and upgraded Oporuru Road is closed for any reason.
- (g) While providing secondary access to the Rangitahi Peninsula for construction vehicles is relatively straightforward, providing secondary access through the peninsula for emergency vehicles while subdivision civil construction is occurring is complex. This is because the development of the Rangitahi Peninsula is occurring from north to south and necessitates bulk earthworks to construct future precincts and the Spine Road.
- (h) The recent photograph in **Attachment 2** is taken from the end of the completed section of the Spine Road looking south over the Precinct D earthworks area. Providing a secondary access for emergency vehicles through this area at the current time is not practically possible. It will only become possible to have a secondary access for use by emergency vehicles when the Spine Road has been extended to the

southern boundary of the Rangitahi Structure Plan area. From that point onwards the Spine Road could be connected to the existing metalled access track to Benseman Road and an easement could be created over it.

- (i) The amended Secondary Access provisions which I have proposed require that the Secondary Access must be provided for heavy vehicles associated with subdivision civil construction from the beginning of development. The Secondary Access for emergency vehicles and an associated easement is required following construction of the Spine Road to the southern boundary of the Rangitahi Structure Plan area.

Significant Natural Areas

- (j) I recommend changes to the Rangitahi specific PWDP provisions relating to ecological and habitat values and SNAs, including amendments to Policy 9.3.3.7 and to Rules 28.2.4.1, 28.2.8 and 28.4.5. The changes recognise that short term, minor and localised impacts associated with specific activities are unlikely to have significant adverse effects and that mitigation or offset is appropriate for these activities if avoidance cannot be achieved. I also recommend changes to a mapped SNA in Precinct A to better reflect the existing land uses.

Subdivision Variance in Relation to the Structure Plan

- (k) Now that general subdivision is a Restricted Discretionary Activity in the PWDP, I consider that variance from the Rangitahi Structure Plan should be assessed through assessment criteria and policies, rather than through prescriptive variance standards. As an exception, I recommend that the number of dwellings illustrated for each Precinct on the Neighbourhood Outcomes Plan should be a specific subdivision standard, with retention of the current approach of a 10% allowable increase. Tight control through variation standards for the road locations and the development precinct areas and boundaries is less critical in my view and these matters can be considered in a less

prescriptive way. I recommend changes to Rules 28.4.1 and 28.4.2 accordingly.

Summary

- (l) I support the PWDP provisions which are appended to the Section 42A rebuttal evidence, except the Secondary Access provisions in Policy 9.3.5.4 and Rules 28.4.1 and 28.4.2. The alternative Secondary Access provisions which I support are included in **Attachment 1**. I understand Ms Trenouth agrees with these amended provisions.

Dated this 2nd day of December 2020



Ben Inger

Attachment 1

S42A (including rebuttal evidence) recommended changes in red and blue.

Rangitahi changes in green.

Tracked change version:

9.3.5.4 Policy – Secondary access

- (a) From the beginning of development of the Rangitahi Peninsula Structure Plan Area ~~up to completion of the permanent secondary access, an interim alternative a secondary access~~ shall be provided to Benseman Road a usable standard for use by heavy vehicles associated with subdivision civil construction.
- (b) Following construction of the Spine Road to the southern boundary of the Rangitahi Peninsula Structure Plan Area, an easement shall be created as well as being to ensure that the secondary access to Benseman Road is available on an ongoing basis for emergencies at any time ~~where~~ when the primary access may be closed.

Clean version:

9.3.5.4 Policy – Secondary access

- (a) From the beginning of development of the Rangitahi Peninsula Structure Plan Area, a secondary access shall be provided to Benseman Road for use by heavy vehicles associated with subdivision civil construction.
- (b) Following construction of the Spine Road to the southern boundary of the Rangitahi Peninsula Structure Plan Area, an easement shall be created to ensure that the secondary access to Benseman Road is available on an ongoing basis for emergencies at any time when the primary access may be closed.

Rule 28.4.1 – Subdivision – General

- (a) Subdivision must comply with the following conditions:
 - (i) Subdivision must be ~~in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), within an upper range of 10% of the Dwellings Illustrated including the density ranges specified therein~~ for each neighbourhood in the Neighbourhood Outcomes Plans – Rangitahi Peninsula Structure Plan (Appendix 8); and
 - ~~(ii) Compliance with the following variances will be determined to be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8) (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan):~~
 - ~~(i) Development Precinct areas (hectares) – variance up to and including 10%;~~
 - ~~(ii) Development Precinct boundaries – variance up to and including 100m;~~
 - ~~(iii) Development Precinct densities – variance up to and including 10% from the upper and lower end of the range specified;~~
 - ~~(iv) Collector Road locations – variance up to and including 50m movement outside of the road reserve;~~
 - ~~(v) Secondary access location – any variance and up to and including 30% variance in length; and~~
 - (iii) Environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) (including, but not limited to, restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycle ways shown on the Indicative Movement Network Plan) have been implemented to the extent required;
 - (iv) The primary access to the Rangitahi Peninsula Structure Plan Area by way of an upgraded Opororu Road (inclusive of the Opororu Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and

- ~~(v) There must be secondary legal access for all road users emergency vehicles when the Oporuru Road connection is not available for any reason. A metalled access route protected by easement is sufficient for this purpose.~~
- (vi) Council shall consider Tainui Hapuu as an affected party and require that its written approval be obtained or that notice be served on a limited notified basis.
- ~~(vii) Proposed lots must be able to connect to public-reticulated water supply.~~
- (b) Council's discretion is restricted to the following matters:
 - (i) Extent to which subdivision is consistent with the Rangitahi Peninsula Structure Plan (Appendix 8), including the Development Precinct areas, boundaries, density ranges, and road locations.
 - (ii) Extent of variation in allotment sizes from provisions of the Rangitahi Peninsula Structure Plan (Appendix 8);
 - (iii) Matters referred to in Chapter 14 Infrastructure and Energy;
 - (iv) Amenity and streetscape;
 - (v) Vehicle and pedestrian networks;
 - (vi) Implementation of environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8).
 - ~~(vii) Provision of infrastructure, including water supply for firefighting purposes.~~
 - ~~(viii) Effects on archaeological sites and cultural values.~~
 - ~~(ix) Secondary access is maintained to a suitable standard, being a metalled track, for heavy vehicles associated with subdivision civil construction.~~
 - ~~(x) Easements for emergency vehicles to use the secondary access following construction of the Spine Road shown on Plan 4 – Rangitahi Structure Plan (Appendix 8) to the southern boundary of the Rangitahi Structure Plan Area.~~

Rule 28.4.3 – Subdivision – Boundary Adjustments

- (a) Proposed lots must comply with the following conditions:
 - ~~(a) Subdivision must be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), an upper range of 10% of the Dwellings Illustrated including the density ranges specified therein for each neighbourhood in the Neighbourhood Outcomes Plans – Rangitahi Peninsula Structure Plan (Appendix 8); and~~
 - ~~(ii) Compliance with the following variances will be determined to be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8) (the base figures and locations are as stated or shown in the Neighbourhood Outcome Plans that form part of the Rangitahi Peninsula Structure Plan):~~
 - ~~(i) Development Precinct areas (hectares) – variance up to and including 10%;~~
 - ~~(ii) Development Precinct boundaries – variance up to and including 100m;~~
 - ~~(iii) Development Precinct densities – variance up to and including 10% from the upper and lower end of the range specified;~~
 - ~~(iv) Collector Road locations – variance up to and including 50m movement outside of the road reserve;~~
 - ~~(v) Secondary access location – any variance and up to and including 30% variance in length; and~~
 - (i) Environmental improvements required by the Rangitahi Peninsula Structure Plan (Appendix 8) (including, but not limited to, restoration planting shown on the Indicative Open Space Framework Plan and provision of walkways and cycle ways shown on the Indicative Movement Network Plan) have been implemented to the extent required; or
 - (ii) The requisite environmental improvements are proposed to be implemented as a condition of subdivision consent to be completed or bonded prior to the issue of a section 224(c) certificate for the subdivision; and
 - (iii) The primary access to the Rangitahi Peninsula Structure Plan Area by way of an upgraded Oporuru Road (inclusive of the Oporuru Road/Wainui Road intersection and the bridge/causeway at each end) has been formed; and
 - ~~(iv) Provision is made for a secondary legal access for all road users emergency vehicles when the Oporuru Road connection is not available for any reason. A metalled access route protected by easement is sufficient for this purpose.~~
- (b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation.
- (c) Control is reserved over:
 - (i) Purpose of the boundary adjustment;

- (ii) Effects on existing buildings.
- (iii) [Extent to which subdivision is consistent with the Rangitahi Peninsula Structure Plan \(Appendix 8\), including the Development Precinct areas, boundaries, density ranges, and road locations.](#)

Attachment 2



Photo taken on 27 November 2020 from the end of the Spine Road (Rangitahi Road) within Precinct A looking south over the Precinct D earthworks area.