

**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 **RANGITAHU LIMITED**

Submitter [No. 343]

AND **WAIKATO DISTRICT COUNCIL**

Local Authority

**STATEMENT OF EVIDENCE OF
BEN MAXWELL INGER FOR RANGITAHU LIMITED**

HEARING 27D – COASTAL HAZARDS

(PLANNING)

Dated: 16 April 2021

Solicitors on Record

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INTRODUCTION

1. My name is Ben Maxwell Inger.
2. I am a Senior Planner and Director at Monocle, in Hamilton. I hold the qualifications of Bachelor of Planning (Honours) from the University of Auckland. I am a Full Member of the New Zealand Planning Institute.
3. I am a Senior Planner with 15 years' experience. Over this time, I have been employed in private consultancies working for both private and public sector clients, including developers and local authorities in the Waikato region. My experience includes preparation of plan changes and submissions and planning evidence related to proposed district plans as well as preparation and processing of resource consent applications for residential, commercial and infrastructure projects. I am a current member of Hamilton City Council's Urban Design Panel.
4. I led the preparation of the applications for the Rangitahi Precinct B and D resource consents in 2017. The land use and subdivision consents were granted in April 2018 for a total of 175 residential lots, as well as recreation reserves, walking and cycle connections, roads to vest and farm lot ecological enhancement. I am currently preparing the resource consent applications for Rangitahi Precinct C. These applications, which are for approximately 60 lots, are likely to be lodged with Waikato District Council (**WDC**) in late April/early May this year.
5. I have been retained by Rangitahi Limited to prepare a statement of evidence on its submission on the Proposed Waikato District Plan (**PWDP**) for the Natural Hazards hearing. I have previously prepared evidence for Rangitahi on the PWDP for Hearing 23 (Rangitahi) and Hearing 25 (Rezoning).
6. I visit Raglan regularly and I am familiar with the township and with the Rangitahi Peninsula and surrounding environment. I have visited the Rangitahi site on numerous occasions over the past 2-3 years.
7. In preparing this evidence I have read the following documents:
 - (a) Rangitahi's submission and further submission on the pWDP, which I was involved in preparing;

- (b) Mr Ken Read's statement of geotechnical evidence on behalf of Rangitahi;
- (c) The s. 32 report; and
- (d) The Council s. 42A reports on Coastal Hazards and Objectives, Policies and General Submissions.

CODE OF CONDUCT

- 3. I have read the Environment Court Code of Conduct for expert witnesses and agree to comply with it.
- 4. I confirm that the topics and opinions addressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

BACKGROUND

Rangitahi Structure Plan

- 8. Rangitahi is a predominantly residential community which is being developed on the Rangitahi Peninsula in the south-western area of Raglan. Rangitahi Ltd has recently completed significant upgrades to Oporu Road and the construction of a new bridge over an inlet of the Whaingaroa Harbour to provide access to the peninsula. 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.
- 9. 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.
- 10. The Rangitahi Structure Plan enables an environmentally sensitive approach to development in accordance with landscape management, urban design and structure planning best practice. It responds to the site's setting, the environment and Raglan's special character. The Structure Plan includes

seven development precincts (Precincts A-G), rural balance lots for farming and an extensive network of reserves and walkways.

11. The coastal margins of the Rangitahi Peninsula are surrounded by a coastal marginal strip which is held by the Crown and managed by the Department of Conservation.

Resource Consents Granted for Rangitahi under the Operative District Plan

12. Resource consents have been granted to date for Precincts A, B and D, totalling 271 residential lots. Resource consent applications will be lodged shortly for approximately 60 further lots in Precinct C.
13. The general approach for consenting activities at Rangitahi under the OWDP requires that a Comprehensive Development Plan (**CDP**) must be approved through a land use consent prior to subdivision and development of each of the precincts occurring. The approach which was taken for Precincts A, B and D, and which is also being taken for Precinct C, involved applying for the CDP land use consents concurrently with the subdivision consents for each precinct.
14. Although the CDP land use consents authorise residential activities on the residential lots within the consented areas, the CDP land use consent decisions for Precincts A, B and D include advice notes (and conditions in the case of the Precinct A land use consent only) which explain that all land uses on individual lots must comply with the standards of the Waikato District Plan or else other resource consents may be required. Accordingly, development on individual lots within Precincts A, B and D remains subject to any relevant District Plan rules.
15. CDP land use consent is a Controlled Activity under the OWDP¹, provided specific standards are met, including that development must be closely similar to the Rangitahi Structure Plan. The resource consent applications for Precincts A, B and D were assessed as Controlled Activities on the basis they were closely similar to the Rangitahi Structure Plan.

¹

OWDP Rule 21C.10.1

16. The OWDP requires precinct specific assessments of coastal hazards as part of the CDP land use consents prior to any development occurring. Chapter 19.9A in the OWDP sets out information requirements that must be addressed in applications for a CDP land use consent. The information requirements include the following in relation to coastal hazards:
 - (f) *Topographical analysis of the structure plan area identifying geomorphological features and slope analysis including an assessment of the coastal cliffs.*
 - (u) *Coastal hazard assessment.*
17. The Assessment of Environmental Effects reports for Precincts A, B and D identified that these coastal matters were addressed in the Geotechnical Assessments prepared by CMW Geosciences. No further assessments relating to coastal hazards were requested by WDC during the processing of the resource consent applications.
18. The CDP land use consents for Precinct A, B and D include conditions requiring that a detailed Earthworks Management Plan must be prepared for approval by WDC prior to earthworks commencing and requiring that a Geotechnical Completion Report (**GCR**) must be prepared by a geotechnical engineer to the satisfaction of WDC following earthworks being completed. The GCR must include any specific designs/requirements necessary for construction of residential buildings on each lot, roads and public wastewater and stormwater infrastructure. Specific designs/requirements necessary for construction of residential buildings may be subject to consent notices on affected titles under s. 221 RMA. As an example, a copy of the consent notice document for the Precinct A subdivision is included in **Annexure 3**.
19. Mr Read's evidence confirms that coastal hazards were considered as part of Plan Change 12 and that for Precincts A, B and D the geotechnical design requirements for 'specific design zones' will ensure that development is resilient to geotechnical risks associated with coastal hazards, including the potential geotechnical effects of climate change. For Precinct D he notes that the recommendations in the s. 42A Report could be taken into account in the yet to be completed GCR when designating final 'specific design zones'.

PROPOSED WAIKATO DISTRICT PLAN

20. The pWDP takes a different approach to management of coastal hazards than the OWDP by including overlays within the planning maps for areas which are potentially at risk from coastal erosion and inundation. Land use and subdivision activities within the overlay areas are subject to specific consenting requirements.
21. The provisions for coastal hazards are predominantly contained in Chapter 15 – Natural Hazards and Climate Change and the planning maps. The provisions include coastal sensitivity areas where land is potentially vulnerable to either coastal erosion or coastal inundation over a 100-year period to 2120, assuming a sea level rise of 1.0 metre, and high-risk areas for land where there is currently significant risk from either coastal inundation or coastal erosion. Objectives and policies generally seek to assess and manage risk to people, property and infrastructure in the coastal sensitivity areas and to reduce and avoid risk to people, property and infrastructure in the high-risk areas.
22. The subdivision rules for the Rangitahi Peninsula Zone in Rule 28.4.1 also list *“avoidance and/or mitigation of natural hazards risk, including liquefaction risk if present (refer to Chapter 15)”* as a matter of discretion for subdivision as a Restricted Discretionary Activity.

Planning Maps – Summary of Overlays for Rangitahi

23. The plans in **Annexure 1** of my evidence show the relationship between WDC’s recommended coastal hazard overlays², lots at Rangitahi where titles have issued (Precincts A and B), lots which are subject to approved resource consents and are under construction (Precinct D) and the Structure Plan development layout for the remaining future precincts (Precincts C, E, F and G). The following matters are noted:
 - (a) The High Risk Coastal Hazard (Inundation) Area and the Coastal Sensitivity Area (Inundation) are largely, but not entirely, confined to the coastal marginal strip. The overlays extend beyond the coastal

² The overlays which are shown on the plan include WDC’s recommended changes to the High Risk Coastal Hazard (Erosion) Area which are contained in the Section 42A Report on Coastal Hazards. No changes were recommended in the Section 42A Report to the Coastal Sensitivity Area (Erosion).

marginal strip into the Rangitahi site in very small, localised areas only. The overlays do not affect any residential lots which have been granted consents or issued titles within Precincts A, B and D.

- (b) The changes which are recommended to the High Risk Coastal Hazard (Erosion) Area in the s. 42A Report mean that all but two of the residential lots within Precincts A, B and D would now be entirely unaffected by this overlay. The overlay does not affect the likely building platform on the two residential lots within Precinct D which are partially affected. The overlay affects both the coastal marginal strip and small, localised areas within the Rangitahi site.
 - (c) Approximately 25 lots within Precincts A, B and D are partially affected by the Coastal Sensitivity Area (Erosion).
24. It is likely that some of the approximately 25 residential lots within Precincts A, B and D which are partially within the Coastal Sensitivity Area (Erosion) will require dwellings, and potentially accessory buildings, to be built within areas of the site affected by the overlay.
25. I am satisfied that there is likely to be, at worst, only minimal encroachment of residential lots and roads into the Coastal Sensitivity Area (Erosion) for future Precincts at Rangitahi.
26. I also consider it likely that future Precincts at Rangitahi can be laid out and subdivided to avoid the creation of residential lots and roads within the High Risk Coastal Hazard (Erosion) Area, the High Risk Coastal Hazard (Inundation) Area and the Coastal Sensitivity Area (Inundation). However, rural balance lots created through subdivision will be partially affected by the overlays. Reserves and utility lots may need to be sited wholly or partially within areas affected by the overlays.

Chapter 15 – Key Land Use Rules for Rangitahi

27. It is likely that land use consents would be required under Rule 15.7.2 RD1 for development on at least some of the approximately 25 residential lots within Precincts A, B and D that are partially affected by the Coastal Sensitivity Area (Erosion).
28. A new dwelling, an extension to an existing dwelling of more than 15m² in area, and accessory building with a floor within the Coastal Sensitivity Area

(Erosion) would all require resource consent as a Restricted Discretionary Activity under Rule 15.7.2 RD1. An application made under Rule 15.7.2 RD1 would need to be accompanied by a site-specific coastal hazard risk assessment to consider coastal risk, including the effects of climate change to 2120. Matters of discretion also include the ability to manage coastal hazard risk through building materials, structural or design work, engineering solutions or other appropriate mitigation measures, including the ability to relocate the building.

29. With regard to the High Risk Coastal Hazard (Erosion) Area, the amendments to the mapping that are recommended in the s. 42A Report would address issues raised in Rangitahi's submission regarding building within that overlay. That is because it is no longer likely that there would be a need for construction of buildings within the High Risk Coastal Hazard (Erosion) Area at Rangitahi.

Chapter 15 – Key Subdivision Rules for Rangitahi

30. Subdivision to create one or more additional vacant lots (other than a utility allotment, access allotment or reserve allotment) within the Coastal Sensitivity Area (Erosion) or within the Coastal Sensitivity Area (Inundation) would require resource consent as a Discretionary Activity under Rules 15.7.3 D2 and 15.8.3 D2 respectively³.
31. Subdivision to create one or more additional vacant lots (other than a utility allotment, access allotment or reserve allotment) within the High Risk Coastal Hazard (Erosion) Area or within the High Risk Coastal Hazard (Inundation) Area would require resource consent as either a Discretionary Activity under Rules 15.9.2 D7 and 15.10.2 D6 respectively or as a Non-Complying Activity under Rules 15.9.3 NC2 and 15.10.3 NC2 respectively. The Non-Complying Activity status would apply if the proposed vacant lots did not have a complying building platform outside of the overlays.
32. It is likely that most future subdivision within the Rangitahi Peninsula Zone would require resource consent as a Discretionary Activity under some or all of Rules 15.7.3 D2, 15.8.3 D2, 15.9.2 D7 and 15.10.2 D6. The nature of the

³ It is noted that the Section 42A Report recommends amalgamating the rules for the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Inundation)

Rangitahi Peninsula is such that subdivision is typically likely to involve sites partially affected by one or more of the overlays. Most future subdivision at Rangitahi is likely to be capable of being undertaken in a manner that avoids creation of residential lots within the areas affected by the overlays. Nevertheless, even if the overlays were confined to large rural balance lot(s) a Discretionary Activity status for subdivision would still apply in most instances. That is despite rural balance lots typically being large and containing ample area for complying building platforms.

33. A Discretionary Activity status could therefore essentially become a default activity status for subdivision in the Rangitahi Peninsula Zone. This compares to the Restricted Discretionary Activity status under the PWDP provisions in Chapter 28 for the Rangitahi Peninsula Zone.

RECOMMENDED CHANGES

34. The changes which I recommend to the PWDP are included in full in **Annexure 2** and explained below.

Rule 15.7.1 – Buildings in the Coastal Sensitivity Area (Erosion)

35. I recommend changes to Rule 15.7.1 to allow construction of new buildings and additions to existing buildings as Permitted Activities in the Coastal Sensitivity Area (Erosion) on a lot in the Rangitahi Peninsula Zone which was created by a subdivision consent granted prior to the date of decisions on the PWDP. This would cover the approximately 25 residential lots that are subject to the Coastal Sensitivity Area (Erosion) overlay in Precincts A, B and D.
36. This change reflects that the lots have already been subject to consideration of coastal hazards through the subdivision and land use consent processes under the OWDP and the confirmation in Mr Read's evidence that the geotechnical design requirements for 'specific design zones' will ensure that development is resilient to geotechnical risks associated with coastal hazards, including the potential geotechnical effects of climate change.
37. I recommend an activity specific condition for these Permitted Activities to require that buildings must comply with any consent notice for the lot requiring specific building design. Although this would be a legal requirement

irrespective of whether it is listed as an activity specific condition, its inclusion reinforces the rationale for the rule and the purpose of the consent notices.

38. This change would avoid uncertainty for owners and prospective purchasers of lots within Precincts A, B and D and it would avoid unnecessary costs and time associated with additional consent processes. Extensive analysis has already been undertaken with respect to development in coastally sensitive areas of the Rangitahi Peninsula through previous resource consent applications.

Rules 15.7.2 and 15.8.2 – Subdivision in the Coastal Sensitivity Area (Erosion) and in the Coastal Sensitivity Area (Inundation)

39. I recommend changes to Rules 15.7.2 and 15.8.2 to make subdivision a Restricted Discretionary Activity where additional vacant lots are partially or entirely within the Coastal Sensitivity Area (Erosion) and within the Coastal Sensitivity Area (Inundation) rather than the Discretionary Activity status under the notified PWDP. This change would apply District-wide for all zones.
40. A Restricted Discretionary Activity status is consistent with the activity status for subdivision in the Rangitahi Peninsula Zone (Rule 28.4.1) and for subdivision in other zones under the PWDP. The risk-management approach that is required for these overlay areas can be appropriately addressed through the specific assessment criteria that I have recommended. The criteria are more detailed than the natural hazards assessment criterion for subdivision in the zone chapters of the PWDP⁴.
41. My recommended changes would mean that subdivision which creates additional vacant lots which are not affected at all by the overlays would not require resource consent under Rules 15.7.2 and 15.8.2.
42. Consequential changes are required to delete Rule 15.7.3 D2 and Rule 15.8.3 D2.

⁴ For example, the criterion for “avoidance and/or mitigation of natural hazards risk, including liquefaction risk if present (refer to Chapter 15)” in Rule 28.4.1 RD1(b)(vi) for the Rangitahi Peninsula Zone

Rules 15.9.1A and 15.10.1A – Subdivision in the High Risk Coastal Hazard (Erosion) Area and in the High Risk Coastal Hazard (Inundation) Area

43. I recommend new rules to make subdivision a Restricted Discretionary Activity within the High Risk Coastal Hazard (Erosion) Area and within the High Risk Coastal Hazard (Inundation) Area, rather than a Discretionary Activity, where subdivision creates additional vacant lots which are partially within areas affected by the overlays and each lot contains a net site area of more than 5 hectares which is capable of containing a complying building platform entirely outside the overlays. This change would apply District-wide for all zones.
44. The reference to 5 hectares is so that vacant rural sized lots which are only partially affected by the overlays (likely including rural balance lots at Rangitahi) would not result in a full Discretionary Activity status for subdivision. This recognises the very low risk from coastal hazards in those situations. I have suggested an assessment criterion for Restricted Discretionary Activities which requires that an application must demonstrate that a complying building platform is provided outside of the areas affected by the overlays.
45. All other subdivision in the high-risk areas proposing lots smaller than 5 hectares which are partially or entirely affected by the overlays would be either a Discretionary or Non-Complying Activity.
46. I note that the notified PWDP rule also includes subdivision of vacant lots which are located entirely outside the high risk areas as Discretionary Activities. I do not understand why subdivision of vacant lots which are not affected by the high risk overlays should require resource consent at all because those lots would present no hazard risks. I have deleted this within my recommended changes.
47. Consequential changes are required to amend Rules 15.9.2 and 15.9.3 and Rules 15.10.2 and 15.10.3.

HIGHER ORDER POLICY FRAMEWORK

48. I generally support the approach in the PWDP for the mapping and management of coastal hazards, including differentiation of coastal sensitive

areas which require a risk management approach from areas which are at high risk from coastal erosion and inundation.

49. I consider that the approach for coastal hazards in the PWDP is broadly consistent with the NZ Coastal Policy Statement, including Policy 24 (Identification of coastal hazards) and Policy 25 (Subdivision, use and development in areas of coastal hazard risk).
50. I also consider the approach for coastal hazards in the PWDP is broadly consistent with the Waikato Regional Policy Statement, including Objective 3.22 (Natural Hazards) and the associated Policies 13.1 to 13.3.
51. The changes that I have recommended are consistent with the higher order policy framework because:
 - (a) The Permitted Activity land use rules for building in the Coastal Sensitivity Area (Erosion) in the Rangitahi Peninsula Zone would ensure that building occurs in a way that responds to geotechnical risks from coastal hazards, including climate change.
 - (b) The Restricted Discretionary Activity status and associated criteria for subdivision in the Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Inundation) adopts a risk management approach.
 - (c) The changes that I have recommended to the rules for subdivision in the High Risk Coastal Hazard (Erosion) Area and within the High Risk Coastal Hazard (Inundation) Area seek to avoid the creation of vacant lots within the overlays, while recognising the very low risk from coastal hazards associated with subdivision of vacant rural sized lots containing complying building platforms located outside of the overlays.

ISSUES RAISED IN SECTION 42A REPORT

52. I have considered issues raised in the s. 42A Report on Coastal Hazards in the preparation of the recommended changes in **Annexure 2**. I comment on issues raised where relevant below.
53. The s. 42A Report recommends changes to the mapped High Risk Coastal Hazard (Erosion) Area for the Rangitahi Peninsula. Those recommended mapping changes, which reduce the affected areas of the Rangitahi site,

address the issues raised in Rangitahi's submission regarding building within the High Risk Coastal Hazard (Erosion) Area because the overlay will no longer affect building platforms on residential lots.

54. The s. 42A Report recommends rejecting Rangitahi's submission point to make provision for the construction of a new building or additions to a building within the Coastal Sensitivity Area (Erosion) a Permitted Activity. The report expresses concern that this change would apply District-wide. The changes that I am now recommending would apply to the Rangitahi Peninsula Zone only and specifically for lots created by subdivision consents granted under the OWDP. Mr Read's evidence confirms that the geotechnical design requirements for 'specific design zones' will ensure that development is resilient to geotechnical risks associated with coastal hazards, including the potential geotechnical effects of climate change.
55. The s. 42A Report recommends rejecting Rangitahi's submission point to make subdivision in the Coastal Sensitivity Area (Erosion) in the Rangitahi Peninsula Zone a Restricted Discretionary Activity. The Report sets out that a Restricted Discretionary Activity may be appropriate for coastal sensitivity areas and invites further evidence on this point, including proposed assessment criteria. The changes that I propose in **Annexure 2** would apply to all coastal sensitivity areas and include assessment criteria.
56. The s. 42A Report recommends rejecting Rangitahi's submission to make subdivision in the High Risk Coastal Hazard (Erosion) Area in the Rangitahi Peninsula Zone a Restricted Discretionary Activity. The changes that I propose in **Annexure 2** would apply District-wide in all high risk areas but the Restricted Discretionary Activity status would be limited to subdivision where vacant lots are more than 5 hectares and capable of containing a complying building platform entirely outside the overlays.

CONCLUSION

57. In summary, I conclude that:
 - (a) The changes recommended in the Section 42A Report to the mapped extent of the High Risk Coastal Hazard (Erosion) Area address concerns in Rangitahi's submission regarding the impact of that overlay

in terms of building on lots which have been granted resource consent under the OWDP.

- (b) A Permitted Activity standard for building in the Coastal Sensitivity Area (Erosion) in the Rangitahi Peninsula Zone is appropriate because the lots have already been subject to consideration of coastal hazards through the subdivision and land use consent processes under the OWDP.
- (c) Changes to subdivision rules are appropriate to make subdivision in the coastal sensitivity overlay areas a Restricted Discretionary Activity, to make subdivision of rural sized lots which are only partially affected by the high risk overlay areas a Restricted Discretionary Activity and to delete the Discretionary Activity status for subdivision of vacant lots which are located entirely outside the high risk areas.
- (d) The changes that I recommend to the rules in Chapter 15 are consistent with the objectives and policies in the PWDP and the higher order documents, whilst also ensuring a more efficient and effective approach for development and subdivision.

Dated this 16th day of April 2021



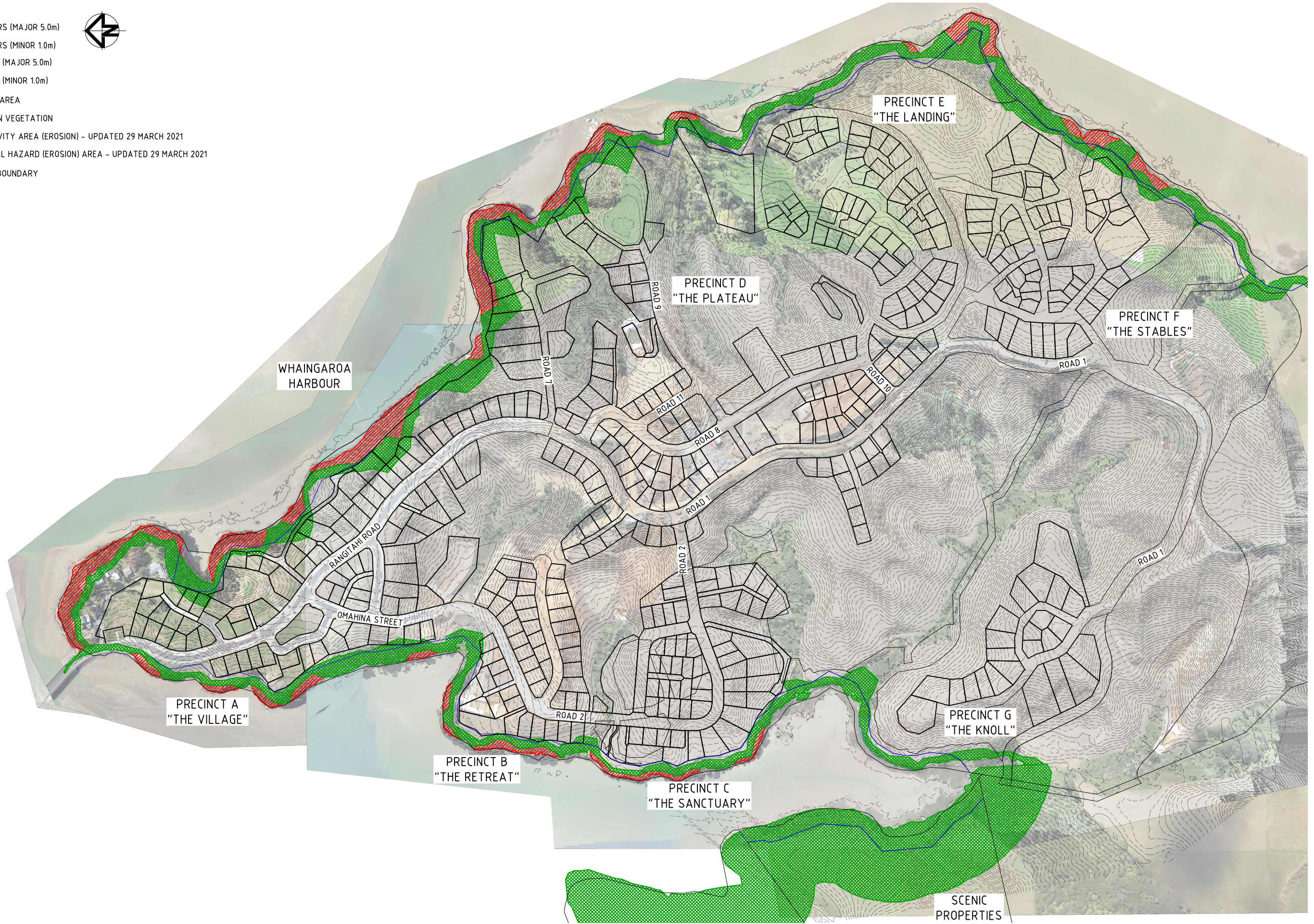
Ben Inger

Annexure 1

Rangitahi Hazard Overlay Plans

LEGEND:

- 39.0— EXISTING CONTOURS (MAJOR 5.0m)
- - -39.1- - - EXISTING CONTOURS (MINOR 1.0m)
- 39.0— DESIGN CONTOURS (MAJOR 5.0m)
- - -39.1- - - DESIGN CONTOURS (MINOR 1.0m)
- ARCHAEOLOGICAL AREA
- EXISTING RIPARIAN VEGETATION
- COASTAL SENSITIVITY AREA (EROSION) - UPDATED 29 MARCH 2021
- HIGH RISK COASTAL HAZARD (EROSION) AREA - UPDATED 29 MARCH 2021
- MARGINAL STRIP BOUNDARY



J:\WE714\RANGITAHI\Coastal Hazards_SIP Files\CAD\WE714 - RANGITAHI PRECINCTS COASTAL HAZARD PLANS.dwg | Tab: 150 | by: ANDREWYER | at: 10/04/2021 @ 4:13 pm

This drawing is confidential and shall only be used for the purposes of this project.

No.	BY	DATE	DESCRIPTION	APPD
B	AD	13/04/2021	MARCH 2021 UPDATE TO HRCHEA AND CSAE	
A	DM	03/09/2020	ORIGINAL ISSUE	

SCALE (AT ORIGINAL SHEET SIZE)

SHEET SIZE **A1**

SCALE 1:2500

NOTES

DESIGNED	HV	CHECKED	
DRAWN	DM	CHECKED	
APPROVED	HV	DATE	02/02/20

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CLIENT *Rangitahi*
 Raglan, NZ

PROJECT **RANGITAHI RAGLAN**

PROPOSED DISTRICT PLAN HAZARD OVERLAYS
 (INCORPORATING s42A RECOMMENDED CHANGES)
 COASTAL EROSION AREAS

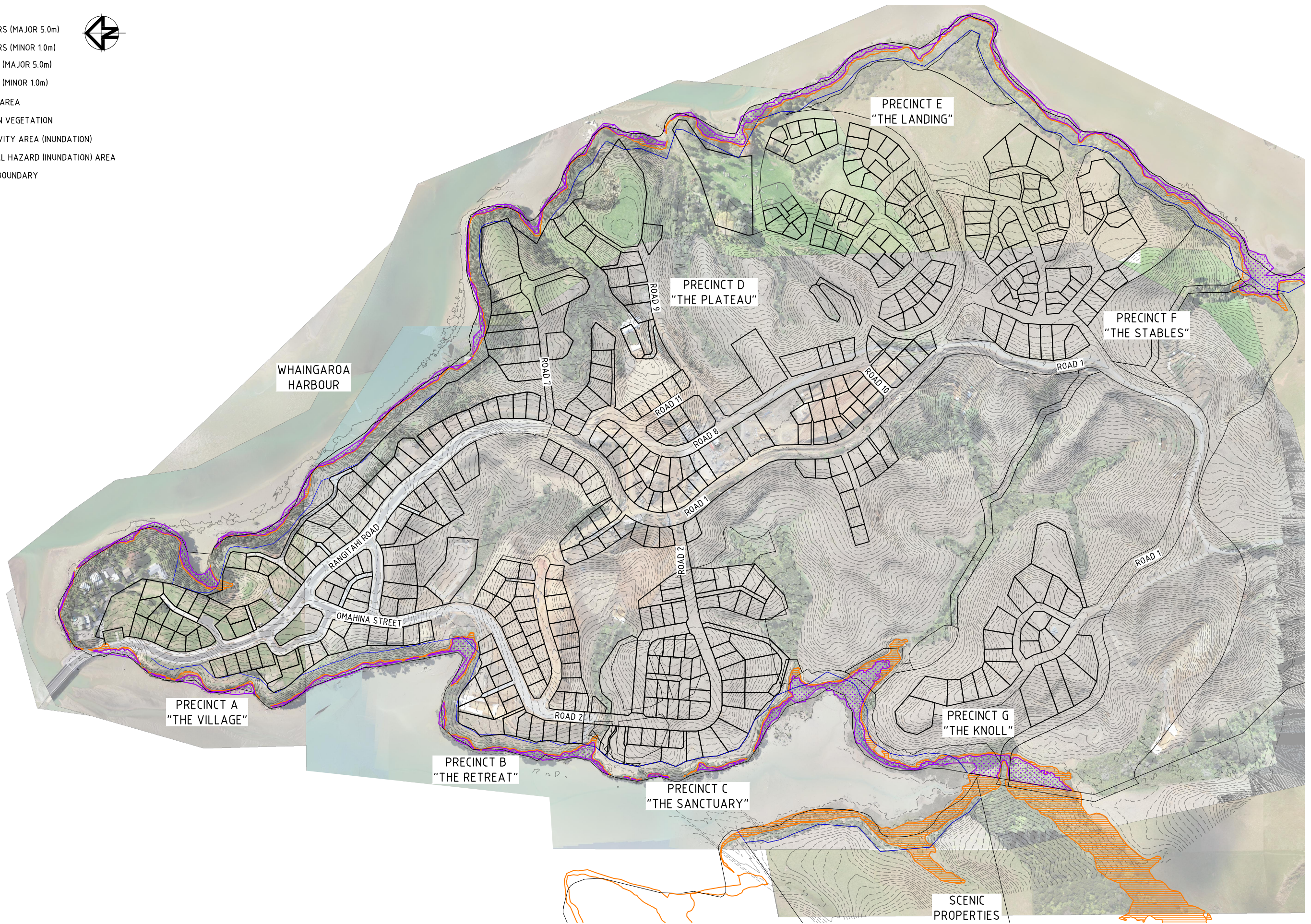
Status **FOR INFORMATION**

DRAWING NUMBER **WE1741-08-150**

Rev. **B**

LEGEND:

- 39.0 — EXISTING CONTOURS (MAJOR 5.0m)
- - - 39.1 - - - EXISTING CONTOURS (MINOR 1.0m)
- 39.0 — DESIGN CONTOURS (MAJOR 5.0m)
- - - 39.1 - - - DESIGN CONTOURS (MINOR 1.0m)
- ARCHAEOLOGICAL AREA
- EXISTING RIPARIAN VEGETATION
- COASTAL SENSITIVITY AREA (INUNDATION)
- HIGH RISK COASTAL HAZARD (INUNDATION) AREA
- MARGINAL STRIP BOUNDARY



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This drawing is confidential and shall only be used for the purposes of this project.

No.	BY	DATE	DESCRIPTION	APPD
B	AD	13/04/2021	MARCH 2021 UPDATE TO HRCHEA AND CSAE	
A	DM	03/09/2020	ORIGINAL ISSUE	

SCALE (AT ORIGINAL SHEET SIZE)

SHEET SIZE **A1**

SCALE 0 50 100 1:2500

NOTES

DESIGNED	HV	CHECKED	
DRAWN	DM	CHECKED	
APPROVED	HV	DATE	02/02/20

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PROJECT **RANGITAHI RAGLAN**

PROPOSED DISTRICT PLAN HAZARD OVERLAYS
 (INCORPORATING s42A RECOMMENDED CHANGES)
 COASTAL INUNDATION AREAS

Status **FOR INFORMATION**

DRAWING NUMBER **WE1741-08-151**

Rev. **B**

Annexure 2

Recommended Changes to PWDP

15.7 Coastal Sensitivity Area (Erosion) and Coastal Sensitivity Area (Open Coast)

15.7.1 Permitted Activities

Activity		Activity-specific conditions
P5	Construction of a new building or additions to existing buildings in the Rangitahi Peninsula Zone on a certificate of title which was created by subdivision consent granted prior to [date this rule becomes operative]	<ol style="list-style-type: none"> 1. Compliance with the requirements of any consent notice for the certificate of title pursuant to s221 RMA requiring specific building design.

15.7.2 Restricted Discretionary Activities

Activity		Matters of Discretion
RDI	Construction of a new building or additions to an existing building not provided for in Rule 15.7.1 P1-P3 and P5 and not listed in Rule 15.7.3 DI.	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 1. The ability to manage coastal hazard risk through appropriate building materials, structural or design work, engineering solutions or other appropriate mitigation measures, including the ability to relocate the building; 2. The application of mitigation through natural features and buffers where appropriate; 3. The ability to impose time limits or triggers to determine when the building and services to be removed or relocated; 4. The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment; 5. Suitability of the site for the proposed use, including the provision for servicing such as access, wastewater, stormwater, and water supply; 6. Adverse effects to people and property and overall vulnerability from the establishment of the new building or additions to an existing building and any mitigation measures to reduce risk; 7. Whether there is any suitable alternative location for the activity to locate within the site; 8. Coastal Sensitivity Area (Open Coast) only - the setting of minimum floor levels in areas subject to inundation.

RD2	<p>(1) <u>Any subdivision which creates one or more additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast).</u></p> <p>(2) <u>Rule 15.7.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 1. <u>Whether the vacant lot(s) is capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast); or</u> 2. <u>Where the vacant lot(s) is not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Erosion) or the Coastal Sensitivity Area (Open Coast):</u> <ol style="list-style-type: none"> (i) <u>The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</u> (ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such as access, wastewater, stormwater, and water supply;</u> (iii) <u>Adverse effects to people and property and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</u> (iv) <u>Coastal Sensitivity Area (Open Coast) only - the setting of minimum floor levels in areas subject to inundation.</u>
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15.7.3 Discretionary Activities

D2	<p><u>Subdivision to create one or more additional vacant lot(s) other than a utility allotment, access allotment or subdivision creating a reserve allotment.</u></p>
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15.8 Coastal Sensitivity Area (Inundation)

15.8.2 Restricted Discretionary Activities

RD2	<p>(1) <u>Any subdivision which creates one or more additional vacant lot(s) where the additional vacant lot(s) are located partially or entirely within the Coastal Sensitivity Area (Inundation).</u></p> <p>(2) <u>Rule 15.8.2 RD2(1) does not apply to subdivision for a utility allotment, access allotment or</u></p>	<p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 1. <u>Whether the vacant lot(s) is capable of containing a complying building platform entirely outside the Coastal Sensitivity Area (Inundation); or</u> 2. <u>Where the vacant lot(s) is not capable of containing a complying building platform entirely outside of the Coastal Sensitivity Area (Inundation):</u> <ol style="list-style-type: none"> (i) <u>The degree to which coastal hazard risk, including the effects of climate change over a period to 2120, has been assessed in a site specific coastal hazard risk assessment;</u> (ii) <u>Suitability of the vacant lot for the likely future uses, including the provision for servicing such</u>
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	<p><u>subdivision creating a reserve allotment.</u></p>	<p><u>as access, wastewater, stormwater, and water supply;</u></p> <p>(iii) <u>Adverse effects to people and property and overall vulnerability from the likely future uses, including any mitigation measures to reduce risk;</u></p> <p>(iv) <u>The setting of minimum floor levels in areas subject to inundation.</u></p>
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15.8.3 Discretionary Activities

D2	<p>Subdivision to create one or more additional vacant lot(s) other than a <u>utility allotment</u>, <u>access allotment</u> or <u>subdivision creating a reserve allotment</u>.</p>
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15.9 High Risk Hazard (Erosion) Area

15.9.1A Restricted Discretionary Activities

RDI	<p>(1) <u>Any subdivision which creates one or more additional vacant lot(s) where the additional vacant lot(s) are located partially within the High Risk Hazard (Erosion) Area and each additional lot(s) contains a net site area more than 5 hectares capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</u></p> <p>(2) <u>Rule 15.9.1A RDI(1) does not apply to subdivision for a <u>utility allotment</u>, <u>access allotment</u> or <u>subdivision to create a reserve allotment</u>.</u></p>	<p>Discretion is restricted to:</p> <p>I. <u>Whether the vacant lot(s) is capable of containing a complying building platform entirely outside the High Risk Hazard (Erosion) Area.</u></p>
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15.9.2 Discretionary Activities

D7	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where:</p> <p>1. The additional vacant lot(s) are located entirely outside the <u>High Risk Hazard (Erosion) Area</u>; or</p> <p><u>1. The additional lot(s) are partially within the <u>High Risk Hazard (Erosion) Area</u> and each additional lot(s) contains a net site area <u>less than 5 hectares</u> capable of containing a complying building platform entirely outside the <u>High Risk Hazard (Erosion) Area</u>.</u></p> <p>(2) Rule 15.9.2 D7(1) does not apply to subdivision for a <u>utility allotment</u>, <u>access allotment</u> or <u>subdivision to create a reserve allotment</u>.</p>
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15.9.3 Non-Complying Activities

NC2	<p>I. Subdivision to create one or more additional lot(s) that does not comply with <u>Rule 15.9.1A RDI</u> or <u>Rule 15.9.2 D7</u>.</p>
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	<p>2. Rule 15.9.3 NC2(1) does not apply to subdivision for a <u>utility</u> allotment, access allotment or subdivision to create a reserve allotment <u>or subdivision which creates additional vacant lot(s) which are located entirely outside of the High Risk Hazard (Erosion) Area.</u></p>
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15.10 High Risk Coastal Hazard (Inundation) Area

15.10.1A Restricted Discretionary Activities

<p><u>RDI</u></p>	<p>(1) <u>Any subdivision which creates one or more additional vacant lot(s) where the additional vacant lot(s) are located partially within the High Risk Coastal Hazard (Inundation) Area and each additional lot(s) contains a net site area more than 5 hectares capable of containing a complying building platform entirely outside the High Risk Coastal Hazard (Inundation) Area.</u></p> <p>(2) <u>Rule 15.10.1A RD(1) does not apply to subdivision for a utility allotment, access allotment or subdivision to create a reserve allotment.</u></p>	<p>Discretion is restricted to:</p> <p>I. <u>Whether the vacant lot(s) is capable of containing a complying building platform entirely outside the High Risk Hazard (Inundation) Area.</u></p>
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15.10.2 Discretionary Activities

<p>D6</p>	<p>(1) Any subdivision which creates one or more additional vacant lot(s) where: 1. The additional vacant lot(s) are located entirely outside the High Risk Coastal Hazard (Inundation) Area; or 2. The additional lot(s) are partially within the High Risk Coastal Hazard (Inundation) Area and each additional lot(s) contains a net site area less than 5 hectares capable of containing a complying building platform entirely outside the High Risk Coastal Hazard (Inundation) Area.</p> <p>(2) Rule 15.10.2 D6(1) does not apply to subdivision for a <u>utility</u> allotment, access allotment or subdivision to create a reserve allotment.</p>
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15.10.3 Non-Complying Activities

<p>NC2</p>	<p>1. Subdivision to create one or more additional lot(s) that does not comply with <u>Rule 15.10.1A RDI or Rule 15.10.2 D6.</u></p> <p>2. Rule 15.10.3 NC2(1) does not apply to subdivision for a <u>utility</u> allotment, access allotment or subdivision to create a reserve allotment <u>or subdivision which creates additional vacant lot(s) which are located entirely outside of the High Risk Hazard (Erosion) Area.</u></p>
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Annexure 3

Rangitahi Precinct A Consent Notice

**CONSENT NOTICE PURSUANT TO
SECTION 221
RESOURCE MANAGEMENT ACT 1991**



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The Registrar General of Land
South Auckland Land Registry

IN THE MATTER

of a Consent Notice pursuant to Section 221 of the
Resource Management Act 1991 ("the Act")

and

IN THE MATTER

of a subdivision Consent pursuant to Sections 104,
108, 220, and 221 of the Act

I, TONY GRANT WHITTAKER Chief Operating Officer of the WAIKATO DISTRICT COUNCIL, hereby certify that the Waikato District Council has granted its consent to the subdivision shown on Deposited Plan 545763, (and being the land described in the First Schedule), subject to certain conditions, including the requirement that the Owner (as defined in the Act) comply on a continuing basis with the conditions set out in the Second Schedule and that this Notice be registered against the Records of Title for Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 101, 102, 103, 104 and 105 on Deposited Plan 545763.

First Schedule

An estate in fee simple in all that parcel of land containing 117.0300 hectares more or less being Allotment 249 Parish of Karioi comprised in Record of Title SA44C/740.

Second Schedule

In respect of Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 102, 103, 104 and 105

1. The Owners of Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 102, 103, 104 and 105 shall, at the time of application for building consent, undertake foundation design and stormwater management in accordance with the restrictions and recommendations identified in the Geotechnical Completion Report prepared by CMW Geosciences Limited dated 8 May 2020, reference number HAM2018-0005AJ, Revision 3, unless an alternative report for proposed foundation works, undertaken by a suitably qualified and experienced Geotechnical Engineer, is approved in writing by the Council.



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A copy of the Geotechnical Completion Report can be obtained from the Waikato District Council.

2. In particular, but not limited to, the Owners of the Lots specified in clauses 2(a), 2(b), 2(c), 2(d), 2(e) and 2(f) shall comply with the specific restrictions and recommendations identified in the Geotechnical Completion Report and the Statement of Professional Opinion as to Suitability of Land for Building Development at Appendix A of the Geotechnical Completion Report (the Statement of Professional Opinion”) set out below:

Specific Design Zone (Slope) Areas

- (a) No building construction and no earthworks (i.e. cut or fills of any depth) including long term landscaping works, shall take place on any Lot that contains a Specific Design Zone (Slope) area. This restriction is to apply to Lots 20, 21, 22, 23, 54, 63, 68, 69, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93 and 94 as shown on Drawing 03 to the Geotechnical Completion Report titled “*Retaining Walls, Subsoil Drains and Specific Design Zones Plan*”, unless endorsed by a Chartered Professional Engineer experienced in geomechanics and familiar with the contents of the Geotechnical Completion Report, in accordance with the restrictions and recommendations in clause 3(b) of the Statement of Professional Opinion and the Geotechnical Completion Report. Any endorsement must be approved in writing by the Council.

Specific Design Zone (Retaining) Areas and Palisade Walls

- (b) No building construction and no earthworks (i.e. cut or fills) shall take place on any Lot that contains a Specific Design Zone (Retaining) area. This restriction is to apply to Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 28, 29, 30, 31, 38, 49, 50, 51, 52, 68, 69, 71, 91, 92, 93, 94 and 97 as shown on Drawing 03 to the Geotechnical Completion Report titled “*Retaining Walls, Subsoil Drains and Specific Design Zones Plan*”, that exceed the design limits on the retaining walls set out in clause 3(c) of the Statement of Professional Opinion to protect the functioning of the retaining walls, unless endorsed by a Chartered Professional Engineer experienced in geomechanics and familiar with the contents of the Geotechnical Completion Report who considers the stability implications of the earthworks and/or building proposals on the retaining walls, in accordance with the restrictions and recommendations in clause 3(c) of the Statement of Professional Opinion and the Geotechnical Completion Report. Any endorsement must be approved in writing by the Council.
- (c) Foundations design for any buildings on Lot 94 shall not clash with the Palisade wall buried within this Lot, in accordance with the recommendations in clause 3(d) of the Statement of Professional Opinion and the Geotechnical Completion Report.



Specific Design Zone (Service Lane) Areas

- (d) No building development shall take place within the 45 degree zone of influence of drain inverts on Lots 12, 13, 15, 16, 17, 18, 19, 22, 23, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 40, 48, 49, 50, 51, 52, 56, 60, 61, 62, 64, 65, 67, 68, 69, 70 and 97 shown as the Specific Design Zone (Service Lane) Areas on Drawing 03 to the Geotechnical Completion Report titled "*Retaining Walls, Subsoil Drains and Specific Design Zones Plan*", unless endorsed by specific design and by construction inspections undertaken by a Chartered Professional Engineer experienced in geomechanics to ensure that lateral stability and differential settlement issues are addressed and that building loads are transferred beyond the influence of the pipe and trench backfill, in accordance with the restrictions and recommendations in Clause 3(h) of the Statement of Professional Opinion and the Geotechnical Completion Report. Any building development within the 45 degree zone of influence must be approved in writing by the Council.

Geotechnical Site Investigation

- (e) Further geotechnical site investigation shall be required to confirm the soil bearing capacity for foundations on Lot 72. This Lot has a localised low strength zone at 1.6m and whilst the overlying soils have a geotechnical ultimate bearing capacity of 300 kPa, further geotechnical site investigation is required to confirm soil bearing capacity for foundations, in accordance with the recommendations in clause 3(g) of the Statement of Professional Opinion and the Geotechnical Completion Report. Any report following further geotechnical site investigation must be approved in writing by the Council.

Subsoil Counterfort Drains and Shear Key Drainage

- (f) The function of the subsoil counterfort drains and shear key drainage installed beneath Lots 48, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 71, 72, 73, 74, 75, 91, 92, 93, 95, 96, 104 and 105 as shown on Drawing 03 to the Geotechnical Completion Report titled "*Retaining Walls, Subsoil Drains and Specific Design Zones Plan*", must not be impaired by any building development or landscaping works on these Lots. Any bored or driven piles must be positioned to avoid damaging the drains. Where any subsoil drain is intercepted by building works, it must be reinstated under the direction of a Chartered Professional Engineer to ensure the integrity of the subsoil drainage system in accordance with restrictions and recommendations in clause 3(e) of the Statement of Professional Opinion and the Geotechnical Completion Report to the satisfaction of the Council.



In respect of Lot 101

3. The Owner of Lot 101 shall, at the time of application for building consent, undertake foundation design and stormwater management in accordance with the restrictions and recommendations identified in the Geotechnical Report for Lot 101 Building Development and Statement of Professional Opinion as to the Suitability of Land for Building Development prepared by CMW Geosciences Limited at Appendix G of the Geotechnical Completion Report prepared by CMW Geosciences Limited dated 8 May 2020, reference number HAM2018-0005A], Revision 3 (“the Statement of Professional Opinion and Geotechnical Completion Report at Appendix G”), unless an alternative report for proposed foundation works, undertaken by a suitably qualified and experienced Geotechnical Engineer, is approved in writing by the Council. A copy of the Statement of Professional Opinion and Geotechnical Completion Report at Appendix G can be obtained from the Waikato District Council.

In particular, but not limited to, the Owners of the Lot 101 shall comply with the following specific restrictions and recommendations identified in the Statement of Professional Opinion and Geotechnical Completion Report at Appendix G set out below:

Specific Site Investigation and Design of Foundation

- (a) If for any reason higher geotechnical bearing capacities are required for foundations than the geotechnical ultimate bearing capacity set out in clause 3(a) of the Statement of Professional Opinion and Geotechnical Completion Report at Appendix G, further specific site investigation and design of foundation shall be carried out prior to an application for building consent. Any further specific site investigation and foundation design report must be approved in writing by the Council.

Zone of Influence of Invert Drains

- (b) No building development shall take place within the 45 degree zone of influence of drain inverts unless endorsed by specific design and by construction inspections undertaken by a Chartered Professional Engineer experienced in geomechanics to ensure that lateral stability and differential settlement issues are addressed and that building loads are transferred beyond the influence of the pipe and trench backfill in accordance with the restrictions and recommendations in clause 3(b) of the Statement of Professional and Geotechnical Completion Report at Appendix G. Any building development within the 45 degree zone of influence must be approved in writing by the Council.



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In respect of Lots 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 59, 60, 62, 64, 65, 66, 68, 69, 71, 91, 92, 93, 94, 95, 96 and 104

- 4. At the time of application for building consent, the Owners of Lots 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 45, 46, 47, 48, 49, 50, 51, 52, 53, 56, 59, 60, 62, 64, 65, 66, 68, 69, 71, 91, 92, 93, 94, 95, 96 and 104 must install private wastewater pumps ("the wastewater pumps") for these Lots at the Owners sole cost. The detailed design of the wastewater pumps, including the requirements for the ongoing servicing (at the Owners sole cost) of the wastewater pumps, must be approved by the Council prior to installation of the wastewater pumps.

General Condition

- 5. The Owners shall pay the Council's costs and disbursements in respect of the preparation, execution, registration and enforcement of this Notice and the Council's conditions set out in this Notice and any variation or cancellation of them.

DATED at Hamilton this 11th day of May 2020

SIGNED for the **WAIKATO DISTRICT COUNCIL** by Tony Grant Whittaker under delegated authority)
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Tony Grant Whittaker
Chief Operating Officer
SUB0108/17.02