

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Hearing Submissions and Further Submissions on the Proposed Waikato District
Plan (Stage 1)

**MEMORANDUM BY COUNCIL TO HEARING COMMISSIONERS RELATING TO RANGITAHU
PENINSULA PROVISIONS
21 December 2020**

May it please the Hearing Commissioners:

1. The purpose of this memorandum is to present the revised version of the recommended provisions associated with Rangitahi Peninsula, following the hearing on 7 December 2020. This is in response to questions raised by the Commissioners and evidence provided by the submitter Rangitahi Ltd. The provisions appended to this memorandum are the result of collaboration between the reporting officer Chloe Trenouth on behalf of the Council, and Ben Inger on behalf of submitter Rangitahi Ltd and represent an agreed position.

2. The amendments address the matters set out below

Clarity of provisions

3. Rule 28.4.1 RDI (a)(i) is recommended to be amended in response to the Panel's concerns that the provision should be able to be understood on clearly and without ambiguity. The rule needs to refer to the Neighbourhood Outcomes Plan in the Rangitahi Structure Plan to provide certainty.

Secondary Access

4. The Panel questioned whether Policy 9.3.5.4 Secondary access was required and whether the assessment criteria for restricted discretionary activity subdivision could be relied upon instead.

(a) Policy 9.3.5.4 is recommended to be deleted and a new clause (d) added to Policy 9.3.5.3 Primary access to establish the requirement for use of the Primary access by heavy vehicles associated with subdivision civil construction to be avoided.

(b) Rule 28.4.1 RDI General Subdivision is amended to require alternative access for purpose of heavy vehicles associated with subdivision civil construction. A corresponding matter of discretion is recommended to be included.

(c) The requirement for Secondary access to be provided for emergency vehicles is recommended for deletion on the basis of Mr Clark's evidence (which concludes that the resilience benefits are minor) and the practical difficulties in providing it until the final stages of development. This does not preclude informal arrangements to be made between the landowner and emergency services.

Significant Natural Areas

5. The Panel questioned whether Significant Natural Areas (SNAs) were required to be identified within the Rangitahi Peninsula given the area is being urbanised, the area is subject to a structure plan and that SNAs are usually located in rural areas. The Operative District Plan has no rules protecting vegetation removal, but it contains objectives and policies which seek maintenance and enhancement of natural values and ecosystems. It also contains plans, which form part of the Rangitahi Structure Plan, identifying existing and proposed native vegetation areas (Plan 3) and landscape restoration areas (Plan 1). The objectives and policies and the Structure Plan have been carried over from the operative plan into the proposed plan.

6. The approach that is recommended is to remove mapped SNAs from the Rangitahi Peninsula zone entirely and amend Rule 28.4.1 General Subdivision to include as a matter of discretion the need to identify areas of significant native vegetation for protection at the time of subdivision. This matter of discretion is an amendment to the existing criterion (vi) which requires environmental improvements to be implemented. This is consistent with the approach which has been taken for resource consents under the operative plan for subdivision and development on the Rangitahi Peninsula. Previous resource consent applications have included ecological assessments and Environmental Management Plans (EMPs). Conditions have been imposed to require the EMPs to be implemented.
7. It is recommended that Policy 9.3.3.7 be amended to insert a new clause (d) to reflect the avoidance directive of Policy 11(a) of the NZCPS in relation to the clearance of indigenous species that are listed as threatened or at risk. It is noted that this is likely to be impractical in terms of clearing kanuka and manuka and is recommended as a holding place until this issue can be resolved by the closing statement for Hearing 21A SNAs.
8. It is recommended that SNAs be retained as identified on the district plan maps on the coastal margins, subject to groundtruthing by the Council as part of SNA workstream. It would be helpful if Rangitahi Peninsula could provide any ecological assessments that have been undertaken as part of the previous plan change process or more recent subdivision consents. The existing and proposed native vegetation and landscape restoration areas are outside the coastal margins which are identified on the Rangitahi Structure Plan. It is also noted that the Rangitahi Peninsula zone currently applies along parts of the coastal edge only, with other parts being in the Rural zone – it is recommended that the zoning be tidied up so that the coastal margin is entirely within the Rural zone. Therefore no SNA provisions are required in the Rangitahi Peninsula Zone, and instead the SNA provisions in the Rural Zone will apply.

Dated at Ngaruawahia this 21st day of December 2020



Carolyn Wratt
Principal Planner