

IN THE MATTER OF: The Resource Management Act 1991
AND

IN THE MATTER OF: A private plan change request by Hareb Investments Limited to change the Operative District Plan to enable the rezoning of 11.34 hectares of land from rural to residential, Waitara.

**PRE-HEARING REPORT PURSUANT TO SCHEDULE 1 CLAUSE 8AA (5) OF
THE RESOURCE MANAGEMENT ACT 1991**

RESIDENTS

Independent Facilitator:
Callum Williamson

28 September 2020

NEW PLYMOUTH DISTRICT COUNCIL

PRE-HEARING MEETING REPORT

Introduction

1. A pre-hearing meeting was called by New Plymouth District Council (“NPDC”) with regard to the private plan change request made by Hareb Investments Limited to change the Operative District Plan to enable a zoning change from the current Rural Environment Area (with Future Urban Development Overlay) to Residential A Environment Area and Open Space zonings on the southern side of Waitara.

Meeting held

2. The meeting was held on 17 September 2020 at the North Taranaki Sport and Recreation Centre, Waitara, commencing at 5:30pm. The meeting concluded at 7:30pm.
3. This report has been prepared in accordance with the requirements of Schedule 1 Clause 8AA (5) of the Resource Management Act 1991, which is set out below:
 - (5) *The chairperson of the meeting must, as soon as practicable after the end of the meeting, prepare a report that—*
 - (a) *must identify the matters that are agreed between the local authority and the submitters and those that are not; and*
 - (b) *may identify—*
 - (i) *the nature of the evidence that must be called at the hearing by the persons who made submissions:*
 - (ii) *the order in which that evidence is to be heard:*
 - (iii) *a proposed timetable for the hearing; but*
 - (c) *does not include evidence that was presented at the meeting on a without prejudice basis.*

Attendees

4. The following people attended the meeting:

Facilitator: Callum Williamson

Note taker: Charles Horrell

Attendees for the Council (“NPDC”):

Hamish Wesney, Consultant Reporting Officer

Charles Horrell, Consultant Reporting Officer

Attendees for Hareb Investments Ltd (“the Applicant”):

Matt Hareb, Developer/ Applicant, Hareb Investments Ltd

Kathryn Hooper, Planning Consultant (Landpro)

Submitters (“the Residents”):

Anne and Brett MacDonald

Jo Limmer

Julie Weston

Theresa and Simon Wilcox

Marilyn Cadle

Kathleen Weston

Interested parties:

Wayne and Lynda Dougan (observing)

Meeting format and agenda

5. Prior to the meeting, New Plymouth District Council circulated a proposed agenda, a copy of which is attached as Appendix A. I have set out the meeting format below:
 - i) Introductions
 - ii) Proposed agenda
 - iii) Council outlined:
 - a. statutory requirements and process
 - iv) Hareb Investments Ltd outlined:
 - a. Background and reason for the private plan change request
 - v) Submitters outlined their issues with the proposal
 - vi) Discussion on each issue
 - vii) Next steps.

Background

6. Below NPDC and I set out some of the factual matters relating to this private plan change request and which set the scene for the pre-hearing meeting.
7. The subject site (2 Johnston Street, Waitara), is a 11.34-hectare ("ha") section of land situated on the corner of Raleigh and Johnston Streets on southern border of Waitara. The site is zoned Rural Environment Area and is identified in the Future Urban Development Overlay of the Operative New Plymouth District Plan. There is currently a waterway that flows the centre of the site from the southern extent.
8. The proposal would entail a zoning change for the whole of the site from Rural Environment Area (with Future Urban Development overlay) to Residential A Environment Area and Open Space B zonings. The proposal would also introduce a Structure Plan and new provisions to manage subdivision and development for this land.
9. The structure plan for the rezoning indicates approximately 110 lots with differing sizes from 350-1000m² would be created by changing the current Rural Environment Zoning to Residential A Environment Area. In addition, approximately 1.54 ha of land being the current extent of the waterway and its riparian margins would form a reserve and be zoned as Open Space B. The waterway is to be developed and would also be utilised for stormwater retention from the subdivision.
10. These areas have been captured under the proposed Structure Plan. Associated changes to the rules, policies and maps under the Operative District Plan are also proposed in the plan change request.
11. The site has been used as a diary support block by a local farmer, for maize cropping and pastoral farming. Prior to this, the site was used for market gardening.
12. A number of submissions were received on the proposed plan change, some in support, others in opposition. For those submissions in opposition concerns raised included potential impact on traffic safety and roading, loss of rural amenity, reverse sensitivity, service capacity effects and loss of ecological values.
13. This pre-hearing meeting focuses primarily on the concerns raised by the local residents who have submitted.

14. By way of context for matters relating to traffic and roading, the site sits adjacent to Raleigh Street which connects to State Highway 3 ("SH3") and is used as an alternative entrance to Waitara. The current speed restriction on Raleigh Street is 80 km/hr and there have been proposed plans by NZTA to make safety changes to SH3 which may result in closure of the entrance to Raleigh Street from SH3 or influence the volume of traffic using this road. The development would require regular access to Raleigh Street for the majority of the lots within the subdivision either via the two main entrances or directly from houses which would front Raleigh Street. Concerns raised relate primarily to the increase in traffic to an already utilised section of roading, particularly prior to any changes to SH3. While the Applicant proposes to align the development with the changes to SH3, there is currently no confirmation on plans and timing.

Issues

15. The meeting participants identified and discussed following main issues:

- i) Traffic and Roding
- ii) Loss of rural character/amenity and reverse sensitivity;
- iii) Service (stormwater and wastewater) capacity issues;
- iv) Creation of Reserve/Open Space;
- v) Structure plan.

i) Traffic and Roding

16. It had been intended that NZTA would be attending this pre-hearing meeting via video conferencing; however, due to issues in relation to the IT facilities at the pre-hearing meeting venue, NZTA were unable to join online. Therefore, it was noted that a separate pre-hearing meeting will be held between NZTA, the Applicant and NPDC the following day (18 September).

17. The Residents expressed frustration that NZTA were unable to attend the pre-hearing meeting as there is an inability to discuss issues directly with NZTA and for an update on the State Highway works to be provided to the local residents. Concern raised by the residents that they would not be privy to conversations with NZTA which would influence their views.

18. The changes to SH3 and associated traffic movements on Raleigh Street were identified as the key concern of the local residents of the Plan Change. There is current concern over the volume of traffic that use Raleigh Street as an entrance to Waitara and the safety risk it poses. Additional traffic generated from the development would exasperate this risk.

19. NPDC and Applicant acknowledged concerns and noted that questions from Residents can be raised to NZTA at the separate pre-hearing meeting and that a report would be provided detailing their response. An additional meeting between residents and NZTA would also be suggested.

20. Residents raised that the 80 kilometre per hour ("km/hr") speed limit on Raleigh Street already causes observed effects, particularly when turning onto rural roads (e.g. Johnston Street and Borthwick Street). It was suggested that these effects would be better managed by decreasing the speed limit, introducing wider shoulders and turning bays.

21. Applicant agreed that the current speed limit is too high and that it should be reduced to 50 km/hr. NPDC advised that this speed limit change was a separate process, though this subdivision/development could be a trigger for this change – Council’s traffic advisor is currently considering this matter. In addition, it was noted that the development of residential dwellings along Raleigh Street would in itself reduce speed limits through the perception of being in an urban area. Applicant acknowledged that the development is dependant on the NZTA upgrades and would be better placed once plans and dates are confirmed. Applicant confirmed that they are happy to consider options around road safety on Raleigh Street including turning bays or the design of the structure plan (changing the entrances – with alternative entrance on Johnston Street).
22. Concerns raised by Residents that the Applicant is required to pay for upgrades to the roads as part of the development which should be upgraded at an earlier date and be the responsibility of the NPDC.
23. NPDC noted that roading is a common interest between both the Applicant and NPDC. It is not uncommon for a development like this to trigger changes and upgrades to roading (bring issues to NPDC’s attention). Where changes and/or upgrades to existing roading is required for a development, there is the possibility of cost sharing. There will be a discussion with the Applicant around this to ensure an equitable outcome.
24. Residents requested that a footpath be designed on Raleigh Street (only one side of the road – west side). This footpath would provide for greater amenity and access.
25. Applicant agreed to consider applicability of a footpath on subdivision (west) side of Raleigh Street.
26. Residents raised concerns over additional traffic on Johnston Street which is already very narrow and formed as a rural road. This traffic would be generated by the houses that front Johnston Street which would have direct access to the street. Residents also questioned whether there is the ability to widen Johnston Street and have footpaths.
27. Applicant advised that there could be the option to have internal accessways via the subdivision roads for the Johnston Street frontage houses and/or Raleigh Street houses; however, this change would mean that there would be fences backing on to the street which would have a greater amenity effect. The Applicant would consider this further and the trade-off of traffic vs landscape and amenity effects.
28. Applicant confirmed that there is the ability to widen Johnston Street and create footpaths. This will be considered further. It was noted that this may have a flow on effect being the generation of greater volumes of stormwater.

ii) Loss of Rural Character/Amenity and Reverse Sensitivity

29. It is noted that agenda itemised out reverse sensitivity from rural character and amenity; however, due to its similarities, it was discussed at the same time.
30. The Residents raised a number of concerns over reverse sensitivity. Residents raised that the activities undertaken directly adjacent to the site are typical of a rural area and were worried for future complaints, such as loss of views from new shelterbelts, smoke from burn offs, and odour from animals. Particular concern was raised by Residents located on Raleigh Street about the smaller lots on the Raleigh Street frontage (proposed for 600 m² compared to 1000m² for the Johnston Street frontage properties).

It was questioned whether the Applicant would consider larger lots both generally and on Raleigh Street frontage.

31. The Applicant noted that there are a number of options for mitigation of reverse sensitivity, but what seems to be the most effective in this scenario would be placing “no complaints” covenants on the sections. While these covenants may not be particularly enforceable and effective in practice, they do provide the insight to potential buyers and the expectation that rural activities will occur in the area. The Applicant confirmed that they would consider this further. The Applicant also acknowledged the sizes of the sections and advised that they would consider options for increasing sizes of lots on Raleigh Street frontage to manage reverse sensitivity. Currently there is no plans on reviewing the overall lot sizes for the development.
32. NPDC noted that separation of activities and screening can be an effective way of managing reverse sensitivity. However, these approaches had currently been discounted by the Applicant due to inefficient use of land and the effect on amenity and character with the perception of a “gated community”. A question was raised to the Residents whether they would prefer screening to manage reverse sensitivity but incur the effect that comes with it, or manage reverse sensitivity by other means. This is also relevant to the traffic effect associated with Johnston Street and Raleigh Street frontage houses and the potential for back fences as an alternative (see paragraph 27). The consensus from the Residents is that their preference is that there is no requirement for screening for properties backing onto the streets or adjoining rural areas, subject to both reverse sensitivity and traffic being effectively managed via alternative means.
33. Residents raised concerns over potential loss of views, in particularly ocean views to the north and west of the site.
34. Applicant advised that concerns over loss of views can be mitigated/avoided through setting standards for housing to ensure they do not block views (e.g. houses in the northern boundary are restricted to one story).
35. Residents raised concern over lack of fences to contain dogs from escaping onto Raleigh Street or Johnston Street. This poses a potential safety issue.
36. Applicant will consider fencing for ensuring safety, notwithstanding matters noted in paragraphs 27 and 33.
37. A number of Residents raised that they currently have conditions on their titles that specify that fences are their responsibility (e.g. not joint with neighbour). Concerns raised that future neighbours may look to seek shared cost for maintaining fencing if they are not subject to the same clause.
38. Applicant confirmed that clauses for fence responsibility can be included on lots that will sit alongside current properties.

iii) Service Capacity issues

39. Residents raised concern over the potential issues of the capacity of stormwater. Concerns over discharge overflows to the coast from existing stormwater and the potential for increases to these overflows from the additional inputs.
40. The Applicant explained the proposal for online stormwater retention in the current waterway on the site and noted that stormwater system has been designed to achieve hydraulic neutrality. Applicant advised that overflow issues into coast are unlikely to be

exasperated given the system will achieve hydraulic neutrality and may even reduce stormwater issues downstream.

41. NPDC noted that the Council engineers are currently in the process of reviewing the proposal and will confirm if there is likely to be any potential issues for stormwater capacity. At this stage, no further update can be provided.
42. Question raised by Residents whether there will be the ability for current residents to have access to reticulated wastewater with additional lines going in.
43. Applicant confirmed that there would be the ability for residents to access reticulated wastewater and the system will be extended to their boundaries if requested.

iv) Creation of Reserve/Open Space

44. Residents did not raise any immediate concern over loss of ecological values associated with the development and creation of open space.
45. Applicant noted that it is anticipated that the reserve would continue to be developed following the completion of the development with potential for the reserve to align with other current reserves in Waitara forming a linked network.
46. A Resident raised question whether the riparian areas would be fenced for safety reasons (around water margins).
47. Applicant advised that there is currently no plans to fence the margins of the waterways, however the safety risk of this will be assessed further at a later stage.

v) Structure Plan

48. Residents questioned whether there could be changes to the accessways to move from two road entrances on Raleigh Street to one on Raleigh Street and another road entrance on Johnston Street. The preference for this was varied for the Residents with the Johnston Street Residents supporting the current design for road entrances.
49. Applicant noted that they have looked at alternative accessways including an access from Johnston Street and it was identified that the current roading arrangement is optimal in terms of other potential effects. The Applicant will consider this further and provide confirmation.
50. Concerns raised by a Resident over the smaller inner lots proposed (350 m²). It was noted that lots in Waitara and New Plymouth are already small and there is greater demand for larger lots.
51. Applicant noted that the development is catered towards all potential buyers including those that would like to have smaller lots and less maintenance. This is also a requirement of national direction through the National Policy Statement for Urban Development.
52. Question raised by Residents over proposed trees on structure plan on the Raleigh Street frontage. It was noted that there has been an inability for current residents to plant trees on Johnston Street.
53. Applicant noted that tree design in structure plan is an indicative design and will be considered further at the subdivision stage.

54. Applicant explained the proposed staging of the development with initial staging focusing on northern parts of the site. This will mitigate potential effects on traffic, and it is planned to ensure that the timing of completion aligns with roading and SH3 changes.

Summary

55. The main concerns of the Residents are around traffic and roading, localised amenity effects and reverse sensitivity.
56. Many of the concerns in relation to traffic and roading will be dependent on confirmation from NZTA on plans and timing for the SH3 safety upgrades.
57. Largely, Residents do not have concerns over the service capacity provided hydraulic neutrality is achieved.
58. The Applicant has identified a number of options to mitigate and manage effects on Residents which will be considered further.

Next Steps/ Actions

59. I thanked everyone for their participation. NPDC discussed the action points and explained the next steps in the process. NPDC enquired whether there were any issues that people wished to not be included in the pre-hearing meeting report, on a without prejudice basis. Participants all agreed that all matters discussed could be included.
60. NPDC noted that there were further actions required of the Applicant based on the matters discussed as outlined above.

The action points from the meeting were:

- NDPC and the Applicant: Raise questions and concerns of the Residents to NZTA at the separate pre-hearing meeting. The NZTA pre-hearing meeting report will be distributed to the Residents.
- Applicant: To consider options for establishing footpaths on Raleigh and Johnston Street.
- Applicant: To consider options for upgrading roading on Raleigh Street and Johnston Street to widen the roading and introduce shoulders and turning lanes.
- Applicant: To consider measures for managing reverse sensitivity including increasing lot sizes on Raleigh Street and/or requiring “no complaints” covenants.
- Applicant: To consider the requirement for specific standards for housing on north and west facing sections to protect current views for residents.
- Applicant: To consider the requirement for fencing for safety reasons.
- Applicant: To consider fence responsibilities for sections bordering existing neighbours (on titles).

Documents tabled

61. The following documents were tabled in the meeting:
- Structure Plan dated 24 September 2018 prepared by Bluemarble (Drawing No. GA6.0, Rev 00) – earlier version of Appendix A1 in Plan Change documentation

- Landscape Plan dated 24 September 2018 prepared by Bluemarble (Drawing No. GA5.0, Rev 00) – earlier version of Appendix H2 in Plan Change documentation

Callum Williamson