

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**

NZTA

18 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 18 September 2020 at the New Plymouth District Council Office, New Plymouth and via video conferencing (Microsoft Teams), commencing at 1:00pm. The meeting concluded at 1:30pm.
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:

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)

Submitter (“NZTA”):

Natasha Reid, New Zealand Transport Authority (via Microsoft Teams)

5. The meeting was self-facilitated and this record was prepared by NPDC representatives.

Meeting format and agenda

6. The meeting commenced with confirmation of the agenda being:
 - i) Introductions
 - ii) Any update from NZTA and questions raised by Residents
 - iii) NZTA submission
 - iv) Points of agreement
 - v) Next steps

Background

7. The factual matters relating to this private plan change request and which set the scene for the pre-hearing meeting are outlined below.
8. 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.
9. 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.
10. The structure plan for the rezoning indicates approximately 110 lots with differing sizes from 350m² to 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.
11. 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.
12. 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.
13. 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.
14. This pre-hearing meeting focuses primarily on the concerns raised by the NZTA in their submission.
15. By way of context for matters relating to the NZTA submission, 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 traffic safety prior to any changes occurring to SH3.

16. A separate pre-hearing meeting was held the night prior (17 September) with the Local Residents who have submitted to the Plan Change with concerns. NZTA were planning to attend this meeting; however, were unable to due to IT issues to enable video conferencing at the pre-hearing meeting venue. A number of questions were raised by the Residents in relation to the current status of NZTA's planned works for SH3.

Update from NZTA and Questions

17. NPDC provided an update on the previous pre-hearing meeting and noted that a number of questions had been raised for NZTA. These questions are also relevant for both the Applicant and NPDC. These questions are:

- i) Are there any updates on the proposed works for SH3?
- ii) Is there potential for the closure of Nelson Street?
- iii) What is the timing for the reduction in the speed limit on SH3 from 100 km/hr to 80km/hr?
- iv) Residents would like to meet with NZTA for face-to-face update and questions.

18. NZTA responded to each of these questions and the responses are provided below.

i) Update

19. It is likely that two roundabouts are to be introduced on SH3 at the intersections with Princess Street, Tate Road and Airport Drive. Currently geotechnical assessments are being completed and it is expected that construction to commence in 2021-2022, subject to funding being confirmed. The works associated with Princess Street are half designed and construction is expected to commence in late summer (2020) or early 2021.

ii) Nelson Street Closure

20. Unable to confirm at the meeting whether there are still any plans for the closure of Nelson Street, as it is dependent on funding being made available.

iii) Speed Reduction on SH3

21. Unable to confirm at the meeting on the timing of the speed limit reduction. Part of the wider project for addressing safety issues on this section of highway.

iv) Meeting with the Residents

22. There is a community liaison person at NZTA for the New Plymouth-Waitara upgrade project who would be most appropriate to provide face-to-face update with residents. This may be best undertaken as wider consultation with Waitara generally rather than specifically for this plan change. NZTA to advise approach and timing for further engagement following internal discussions with communications team.

NZTA Submission

23. NZTA discussed their submission generally and noted that the main concern raised is the timing of the development and the potential traffic safety issues. Relief currently sought is that a non-complying activity status is applied to the subdivision which will ensure a strict assessment by NPDC and will introduce the 'gateway test'. This is seen to be the most effect method of managing current concerns as it would ensure that the development does not occur out of sequence with NZTA's plans and will ensure traffic safety is appropriately managed.

24. Applicant noted that intention is to align the development with NZTA's planned changes and noted that staging of works is now proposed with the structure plan split into

sections. With this staging, a small number of sections could commence at an earlier date and the other sections could then align with the NZTA upgrades.

25. The Applicant suggested that with the proposed staging, activity statuses could be assigned to reflect the risk and ensure that it does align with NZTA upgrades. The initial stages could be a controlled activity which would enable commence of work and the latter stages a discretionary activity with specific standards that must be met, this may also require a supplementary traffic impact assessment. This approach would be as an alternative to the requested relief of NZTA that the overall activity status be non-complying.
26. NZTA agreed in principle that if there is sufficient provision to ensure traffic safety and alignment with the upgrades, a lesser activity status and the staging/dual activity status proposed may be appropriate.

Summary/Points of Agreement

27. An update on NZTA's proposed works on SH3 was provided, however further confirmations on specific aspects will need to be provided following internal discussions.
28. NZTA are happy to meet with the residents of Waitara, both those who have submitted to this plan change and residents generally, to provide an update on proposed works to SH3. This update may be best undertaken as part of wider consultation with the community.
29. The Applicant has proposed a dual activity status of Controlled and Discretionary to be applied to the staging of the development with additional standards that must be met, as an alternative a non-complying activity status. NZTA agree in principle and will consider this once further details are provided.

Next Steps/ Actions

30. 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.
31. NPDC noted that there were further actions required of NZTA and the Applicant based on the matters discussed as outlined above.

The action points from the meeting were:

- NZTA: Confirm if there is potential for Nelson Street closure.
- NZTA: Confirm timing for SH3 speed reduction.
- NZTA: Confirm potential for consultation with Residents and whether this is specific to the plan change or as wider consultation with Waitara.
- Applicant: To provide further details of dual activity status approach to NZTA.