

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL

**I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

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

AND

IN THE MATTER of an appeal under clause 14(1) of the First
Schedule of the Act

BETWEEN

RANGITAHİ LIMITED

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL FOR RANGITAHİ LIMITED

Dated: 1 March 2022

Solicitors on Record

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TO: The Registrar
Environment Court
Auckland

1. Rangitahi Limited (**Rangitahi**) appeals part of Waikato District Council's (**WDC**) decision on the Proposed Waikato District Plan (**PWDP**).
2. Rangitahi received notice of the decision on the PWDP on 17 January 2022.
3. The decision was made by an Independent Hearing Panel of the WDC.
4. Rangitahi made a submission (**343**) and a further submission (**1208**) on the PWDP.¹
5. Rangitahi's appeal is not brought for trade competition purposes under s. 308D of the Act.

PARTS OF THE DECISION APPEALED

Rangitahi Peninsula Zone

6. Rangitahi owns land introduced into the Operative Waikato District Plan by Plan Change 12. The PWDP carried over the Rangitahi Peninsula Zone (**RPZ**). The RPZ enables approximately 550 residential lots and a variety of other uses (such as commercial and community uses).
7. Rangitahi's appeals to those parts of WDC's decision on the RPZ² set out under **annexure A**. In summary, these include:
 - (a) The definitions for "Rangitahi commercial activity" and "Rangitahi integrated development" and the absence of a definition for "Rangitahi comprehensive residential development"; and
 - (b) Minor errors in relation to wording, planning maps, numbering and cross-referencing.

¹ Attached as **annexure C**.

² Decision Report 27: Rangitahi Peninsula Zone attached under **annexure D**.

Te Hutewai

8. Rangitahi appeals those parts of WDC's decision related to rezoning the land known as the Te Hutewai Growth Area from a Rural Zone to General Residential Zone (**Te Hutewai**).³
9. Rangitahi's original submission (**343**) sought that residential zoning of Future Growth Areas within Raglan should be subject to appropriate objectives, policies, and rules. Its further submission sought that residential zoning for all Raglan Growth Areas should be subject to a structure plan determining the location and extent of any residential zoning (**1208**).
10. WDC's decision relied on the submission⁴ and evidence of The Koning Family Trust and M Koning (**Koning**) who sought residential zoning of Te Hutewai based on the Koning's draft Te Hutewai Structure Plan.⁵ However, the decision version of the PWDP does not include any reference to the Te Hutewai Structure Plan.
11. Rangitahi's appeal in respect of Te Hutewai concerns those parts of WDC's decision set out under **annexure B**. In summary, this includes the failure to include in the PWDP:
 - (a) A structure plan map for Te Hutewai;
 - (b) Appropriate objectives, policies, and rules detailing how the outcomes of the structure plan should be achieved, including:
 - i. A roading hierarchy for Te Hutewai;
 - ii. Integrated management between Te Hutewai and surrounding residential and future growth areas;
 - iii. Indicative locations for a small neighbourhood centre and amenity such as reserves; and
 - iv. A mixture of dwelling typologies.

³ Decision Report 28A: Zoning – Raglan attached under **annexure D**.

⁴ Submission (**658**).

⁵ Attached as **annexure E**.

REASONS FOR THE APPEAL

Rangitahi Peninsula Zone

12. The general reasons for the appeal against the RPZ decision are that the relief sought is required to:
 - (a) Achieve the sustainable management purpose of the Act:
 - (b) Give adequate effect to the National Policy Statement on Urban Development 2020.
 - (c) Enable the residential, commercial, and community activities anticipated under the provisions of the RPZ; and
 - (d) Achieve consistency with the objectives, policies, and rules of the RPZ.
13. Without limiting the generality of the reasons in paras. 12(a) to (d), the specific reasons for the appeal and the relief sought by Rangitahi are set out in **annexure A**.
14. The errors identified in annexure A (and referred to in para. 7(b)) are included to ensure their correction remains within scope if there is any uncertainty as to the applicability of clause 16(2) of Schedule 1 of the Act including WDC's power to "*make an amendment ... where such an alteration is of minor effect, or ... correct any minor errors.*"

Te Hutewai

15. The reasons for the appeal against the decision on Te Hutewai are that:
 - (a) A Structure Plan for Te Hutewai should be included in the PWDP because the decision to approve the residential zoning of Te Hutewai relied on the Koning's draft Structure Plan.
 - (b) The PWDP will not give adequate effect to the National Policy Statement on Urban Development 2020 in the absence of a Structure Plan for Te Hutewai and associated objectives, policies, and rules.
 - (c) As the PWDP stands, the residential zoning for Te Hutewai will not appropriately or adequately integrate land use and

infrastructure/planning, including without limitation, roading, three waters, neighbourhood centres, and recreation reserves.

- (d) The adverse effects of the activities to be enabled by the General Residential Zone for Te Hutewai will not be adequately or appropriately avoided, remedied, or mitigated.
- (e) A Structure Plan for the General Residential Zone for Te Hutewai, including amendments to the Koning's draft Structure Plan map and planning provisions, is required to address the above matters and ensure that the PWDP achieves the purpose of the Act.
- (f) Without limiting the generality of the reasons in paras. 15(a) to (e), the specific reasons for the appeal and the relief sought by Rangitahi are set out in **annexure B**.

RELIEF SOUGHT

- 16. Rangitahi seeks the following relief:
 - (a) The relief set out in **annexures A and B**;
 - (b) Any alternative relief of like effect; and
 - (c) Such further or consequential relief as may be necessary to address the issues raised in this appeal.

ANNEXURES

- 17. Rangitahi attaches the following documents to this notice:
 - (a) A copy of the specific reasons for the appeal and the relief sought by Rangitahi in respect of the RPZ (**annexure A**).
 - (b) A copy of the specific reasons for the appeal and the relief sought by Rangitahi in respect of Te Hutewai (**annexure B**).
 - (c) A copy of Rangitahi's submission and further submission (**annexure C**).

- (d) A copy of the relevant Decisions: “Decision Report 27: Rangitahi Peninsula Zone” and “Decision Report 28A: Zoning – Raglan” (**annexure D**).
- (e) A copy of Koning’s draft Te Hutewai Structure Plan (**annexure E**).
- (f) A list of names and addresses of persons to be served with a copy of this notice (**annexure F**).

Dated this 1st day of March 2022



M J Doesburg

Solicitor on record for Rangitahi Limited

Address for service of Appellant:

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Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

ANNEXURE A

Reasons for the appeal and the relief sought – RPZ

RELIEF AND REASONS: RANGITAHU PENINSULA ZONE

| Item | Relief | Reasons |
|---------------------------------|---|--|
| 1. Interpretation – Definitions | <p>1. Delete the definition for ‘Rangitahi commercial activity’.</p> <p>2. Delete the definition for ‘Rangitahi integrated development’ and replace it with a new definition for ‘Rangitahi comprehensive residential development’ as follows:</p> <p><i>“Rangitahi comprehensive residential development – means multi-unit development in the locations shown on Development Outcomes Plan 5 of the Rangitahi Peninsula Structure Plan, comprising multiple residential units or buildings, being attached or detached, which are planned and designed in an integrated and comprehensive manner, and achieve compatibility between all buildings on a single site or multiple sites. It may include:</i></p> <p style="margin-left: 20px;">(a) an apartment building; (b) a duplex; (c) Terraced housing; (d) Town houses; or (e) Retirement villages;</p> <p><i>It excludes:</i></p> | <p>1. The Definitions in the PWDP refer to two specific terms, ‘Rangitahi commercial activity’ and ‘Rangitahi integrated development’, which are not referred to in the provisions for the RPZ.</p> <p>2. The RPZ provisions instead refer to ‘Commercial activity (including health facilities)’ and ‘Rangitahi comprehensive residential development’. ‘Commercial activity’ and ‘health facility’ are already defined in the PWDP but ‘Rangitahi comprehensive residential development’ is not defined.</p> <p>3. The requested wording for the definition of ‘Rangitahi comprehensive residential development’ is consistent with activities which are envisaged in the Rangitahi Structure Plan for the comprehensive residential development lots that are shown on Plan 5.</p> <p>4. The changes are necessary for consistency between the rules for the RPZ and the Definitions.</p> |

| Item | Relief | Reasons |
|------------------------|---|---|
| | <p>(f) <i>Papakainga housing development;</i> or (g) <i>Papakainga building.</i>"</p> | |
| <p>2. Minor errors</p> | <ol style="list-style-type: none"> 1. Make corrections to numbering errors in Policies RPZ-P2, RPZ-P6, RPZ-P16 and Rule RPZ-S10. 2. Make corrections to cross-referencing errors in RPZ-R4, RPZ-R5 and RPZ-R11, as follows: <ol style="list-style-type: none"> a. Amend RPZ-R4(2) and (3) to refer to RPZ-R4(1) and (2). b. Amend RPZ-R5(2) and (3) to refer to RPZ-R5(1) and (2). c. Amend RPZ-R11(1)(a) to refer to RPZ-R4 and RPZ-R5. 3. Make corrections to EW-R58(a) so that it refers to "standards" rather than "conditions standards". 4. Make corrections to SUB-R134 so that (a) refers to "standards" rather than "conditions standards" and so that (v) refers to "boundary adjustment" rather than "boundary relocation". 5. Amend the shading for the RPZ on the planning maps so that it can be distinguished from the adjoining FUZ – Future Urban Zone. | <ol style="list-style-type: none"> 1. The amendments will correct minor errors which will improve the administration and interpretation of the PWDP. |

ANNEXURE B

Reasons for the appeal and the relief sought – Te Hutewai

RELIEF AND REASONS: TE HUTEWAI

| Item | Relief | Reasons |
|-------------------------------------|--|--|
| <p>1. Te Hutewai Structure Plan</p> | <p>1. Include a Structure Plan for the General Residential Zone for Te Hutewai as an appendix in the PWDP.</p> | <p>1. Reasons for the inclusion of a Structure Plan in the PDP:</p> <p>(a) Decision Report 28A states at para. 4.8 that:</p> <p><i>“The submitters filed a structure plan that had been developed for the site (called the Te Hutewai Structure Plan) to inform the location of developable land and guide development.”</i></p> <p>(b) Decision Report 28A states at para. 5.4 that:</p> <p><i>“... a broad structure plan has been developed as part of the evidence package which outlines key features of the development including transport linkages, significant natural areas to be retired and protected, no-build areas due to geotechnical constraints and areas suitable for residential development.”</i></p> <p>(c) Decision Report 28A states at para. 5.11 that:</p> <p><i>“...We support the inclusion of the Te Hutewai Structure Plan</i></p> |

| Item | Relief | Reasons |
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| | | <p><i>in the PDP as this provides a broad framework to guide development. It answers the need for a wider spatial plan in that it is specific to the area and informs how development on the site is to proceed ... We also considered Mr Inger's suggestion that a bespoke zone is more appropriate (following a Schedule 1 process to live zone the sites from Future Urban Zone) but consider that the structure plan will do most of the heavy lifting to ensure development is reflective of the location and attributes of the site, and the Residential Zone will suffice."</i></p> <p>(d) The inclusion of a Structure Plan for Te Hutewai in the PWDP was sought through the evidence of the Koning Family Trust.</p> <p>(e) Structure planning is an important tool for achieving consistency with Policies SUB-P4, SUB-P5, SUB-P8, SUB-P13, GRZ-P17, AINF-P10 and AINF-P35 of the PWDP.\</p> <p>(f) Policy SUB-P20 anticipates structure plans being incorporated into the District Plan for urban growth areas.</p> |

| Item | Relief | Reasons |
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| <p>2. Te Hutewai Structure Plan</p> | <p>1. Make the following changes to the draft Te Hutewai Structure Plan which was filed with evidence prepared by the Koning Family Trust:</p> <ul style="list-style-type: none"> (a) Identify the roading hierarchy for the Structure Plan area, key roads where the location is important and other roads where the location is indicative on the Structure Plan map. (b) Provide better integration (roads and infrastructure) with adjoining future growth areas which are identified in Waikato 2070 and the Future Proof Strategy Consultation Draft (2021), including: <ul style="list-style-type: none"> i. Additional vehicle connections to the Raglan Land Company Ltd land south of the Structure Plan area. ii. A more direct collector road vehicular connection to Wainui Reserve and Wainui Beach following the alignment which is shown in Waikato 2070. | <p>1. Reasons for the requested changes to the draft Te Hutewai Structure Plan:</p> <ul style="list-style-type: none"> (a) Better clarity is needed regarding key development outcomes. (b) Better integration is needed between the Te Hutewai Structure Plan area and adjoining future growth areas which have been identified as 'Residential Activity Zones' by WDC in Waikato 2070 and as 'Urban Enablement Areas' by the Future Proof Implementation Committee in the Future Proof Strategy Consultation Draft (2021). (c) To achieve a well-functioning urban environment. (d) The changes will achieve better alignment with the elements that structure plans for urban growth areas are required to address under Policy SUB-P20. (e) Subdivision assessment criteria for the General Residential Zone require the provision of neighbourhood parks, reserves and neighbourhood centres to |

| Item | Relief | Reasons |
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| | <p>iii. A more direct collector road vehicular connection to the potential future link road between Te Hutewai Road and Rangitahi Peninsula following the alignment which is shown in Waikato 2070 and described in the draft Structure Plan text.</p> <p>(c) Identify an indicative location for a small neighbourhood centre to provide for the daily retail and service needs of the community within a walkable catchment.</p> <p>(d) Identify indicative location(s) for recreation reserve(s) to provide for community, active and passive recreation needs.</p> <p>(e) Provide for a mixture of dwelling typologies, including indicative locations for multi-unit residential development, to enable housing choice and to achieve suitable overall density for the Structure Plan area.</p> <p>(f) Remove character areas, ecological corridors and no build areas outside of the Structure Plan area (i.e.,</p> | <p>be consistent with any relevant structure plan that is included in the district plan. The draft Te Hutewai Structure Plan needs to clearly identify these features.</p> <p>(f) Some of the draft Te Hutewai Structure Plan text would be more appropriately included within policies, rules and assessment criteria.</p> <p>(g) Some of the draft Te Hutewai Structure Plan text is inappropriate for inclusion in a Structure Plan. An example is the following sentence under the heading "Amenity Character":</p> <p><i>"At the same time, this area is relatively well sheltered by the surrounding landforms, which in my opinion results in a higher degree of pleasantness (and therefore perception of amenity)."</i></p> |

| Item | Relief | Reasons |
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| | <p>outside of the General Residential Zone for Te Hutewai).</p> <p>(g) Amend and consolidate the text that forms the draft Te Hutewai Structure Plan, including that any structure plan wording is appropriately connected to the changes sought to the below Chapters (Nos. 3. to 5).</p> | |
| <p>3. Subdivision (SUB – Subdivision)</p> | <ol style="list-style-type: none"> 1. Insert a new subdivision policy for the Te Hutewai Structure Plan area. 2. Insert new rules and assessment criteria that are aligned with the outcomes identified in the Te Hutewai Structure Plan, including: <ol style="list-style-type: none"> (a) A new rule and assessment criteria for multi-unit residential development in the Te Hutewai Structure Plan area. | <ol style="list-style-type: none"> 1. The draft Te Hutewai Structure Plan contains a lot of text explaining the planned outcomes. While some of the text could be retained in the Structure Plan, the key planned outcomes would be most appropriately included in a new policy. 2. The subdivision rules should be aligned with the outcomes identified in the Structure Plan. There are no subdivision rules for multi-unit residential development in the General Residential Zone. This is a type of residential land use that should be enabled within the Te Hutewai Structure Plan area to provide a diversity of housing types in suitable locations, such as near a neighbourhood centre or adjacent to |

| Item | Relief | Reasons |
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| | | recreation reserves, and to achieve a well-functioning urban environment. |
| 4. General Residential Zone (GRZ – General Residential Zone) | <p>1. Insert new policies, rules and assessment criteria that are aligned with the outcomes identified in the Te Hutewai Structure Plan, including:</p> <ul style="list-style-type: none"> (a) A new policy for the Te Hutewai Structure Plan area related to building setbacks and landscaping buffers adjacent to the waste transfer site. (b) New rules and assessment criteria related to building setbacks and landscaping buffers adjacent to the waste transfer site. (c) A new rule and assessment criteria for multi-unit residential development in the Te Hutewai Structure Plan area. (d) Amend Rule GRZ-R7 to include specific standards for a neighbourhood centre within the Te Hutewai Structure Plan area. The standards could be similar to standards for the Rangitahi Peninsula Zone which control the type of activities and gross floor area. | <p>1. The draft Te Hutewai Structure Plan text and map refers to a 5m landscaping strip and a 50m building setback from the boundary of the waste transfer site.</p> <p>2. There are no rules for multi-unit residential development in the General Residential Zone. This is a type of residential land use that should be enabled within the Te Hutewai Structure Plan area to provide a diversity of housing types in suitable locations, such as near a neighbourhood centre or adjacent to recreation reserves, and to achieve a well-functioning urban environment.</p> |

| Item | Relief | Reasons |
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| <p>5. Transportation (TRPT – Transportation)</p> | <p>1. Insert a new rule requiring that an Integrated Transport Assessment must be prepared to accompany any application for residential development or subdivision in the Te Hutewai Structure Plan area and outlining the matters that it must address, including (but not limited to):</p> <ul style="list-style-type: none"> (a) The capacity of the one-way Wainui Road bridge and any upgrades required; (b) Other upgrades required to the surrounding road network; (c) Road connections to future growth areas in accordance with the Te Hutewai Structure Plan; and (d) Sequencing of development to ensure that subdivision is well connected to existing urban areas. | <p>1. The draft Te Hutewai Structure Plan text sets out that an Integrated Transport Assessment should be prepared prior to development to confirm what (if any) infrastructure upgrades are necessary to accommodate growth in traffic volumes.</p> <p>2. Decision Report 28A states at para. 5.7 that:</p> <p style="padding-left: 40px;"><i>We understand from Ms Baloyi and Mr Clark that the one-lane bridge will become a pinch-point at some point in the future and will require upgrading, although the experts differed in their estimation of the timing of this becoming a significant issue. We consider that an integrated transport assessment should be an important part of any subdivision consent application as this will allow the details of the transport network to be considered.</i></p> <p>3. Provision of road connections to future growth areas and sequencing of development are important matters for an Integrated Transport Assessment to consider to ensure that</p> |

| Item | Relief | Reasons |
|------|--------|--|
| | | development will be well connected and integrated. |

ANNEXURE C

Rangitahi's submission and further submission

Submission

ON A PUBLICLY NOTIFIED PROPOSED POLICY STATEMENT OR PLAN



Under Clause 6 of the First Schedule to the Resource Management Act 1991

TO Waikato District Council
SUBMISSION ON Proposed Waikato District Plan
NAME OF SUBMITTER Rangitahi Limited

I could not gain an advantage in trade competition through this submission.

This is a submission by Rangitahi Limited (the Submitter) on the Proposed Waikato District Plan (Proposed Plan), notified on 18 July 2018.

SUBMISSION IN SUPPORT SUBJECT TO THE FOLLOWING

1. The specific provisions of the proposal that my submission relates to are:

- Chapter 4: Urban Environment (Objectives and Policies);
- Chapter 9.3: Rangitahi Peninsula (Objectives and Policies);
- Chapter 13: Definitions;
- Chapter 14: Infrastructure and Energy (Rules);
- Chapter 28: Rangitahi Peninsula Zone (Rules); and
- Future Growth Area for Raglan.

2. Background to Submission

Rangitahi Ltd is part of a group of companies associated with members of the Peacocke family, who have lived and farmed in Raglan for over 30 years. Also in this group of companies is the Raglan Land Company Ltd and Scenic Properties Ltd which own various land holdings in and around Raglan. The directors of Rangitahi Ltd have completed a 17 lot rural-residential subdivision, called Te Ahiawa, which is located off Wainui Road. More recently Rangitahi Ltd has begun development of a large residential development on the Rangitahi Peninsula in Raglan West, which is being marketed as 'Rangitahi' (www.rangitahi.co.nz).

Rangitahi is a comprehensively planned and designed residential neighbourhood with capacity to accommodate approximately 550 new dwellings. Planning for the Rangitahi development was embedded into the Operative Waikato District Plan through Plan Change 12 (PC12) which was made operative in January 2016. The site has a residential zoning and a structure plan is included in the district plan which guides the development layout and consenting processes.

The structure plan has a strong focus on delivering good urban design outcomes which align with the existing character and natural environment in and around Raglan. The total Rangitahi site is approximately 117 hectares, although the structure plan is based on seven predominantly residential precincts which will be developed around rural land uses. The benefits of this approach are that it will enable land which is marginal for residential development (predominantly due to topography) to be retained in rural land uses and, while the density of each of the residential precincts is consistent with the Future Proof strategy, overall it will maintain the typically low intensity of development which is characteristic of Raglan.

The first resource consents for the subdivision and development of Rangitahi were approved by Waikato District Council (Council) in March 2017. The Precinct A consents approve the subdivision of the first 96 residential lots. Work currently underway on-site, includes construction of a new causeway and bridge to provide access to the peninsula, bulk earthworks and civil construction for Precinct A and trunk infrastructure, including bulk water and wastewater mains.

Pre-sales of the residential lots in Precinct A have been very strong. All of the lots have been sold and a number of registrations have been taken for subsequent stages of development. Of the lots which have been sold in Precinct A over half have been purchased by families who intend to live permanently in Raglan.

Resource consent applications for Precincts B and D were granted in April 2018 for a further 175 lots, including five large lots within Precinct D for future integrated developments which will be centred around a community recreation reserve. The integrated developments are likely to include terraced housing, apartments, mixed use developments with small scale commercial activities like a café and potentially a child care facility. Rangitahi Ltd intends to continue developing these subsequent stages to meet the strong demand for residential lots that has been experienced.

3. My submission is:

Chapter 4: Urban Environment (Objectives and Policies)

4.1.3 Policy - Location of Development

The Submitter supports the planned and sustainable growth intent of subclause (b). However, while the indicative urban limits on Map 1 of the Future Proof Strategy identify growth to the west of Raglan, the strategy identifies (under section 6.4) that:

“These limits, which are shown on Maps 1 and 2, are still indicative and will remain so until further development analysis, for example structure planning, has been completed”; and

“The indicative urban limits will not necessarily prevent changes to these limits if further development analysis determines such changes to be appropriate”.

Accordingly, the Submitter seeks that subclause (b) is amended to clarify the indicative nature of the Future Proof Strategy urban limits.

4.1.18 Policy – Raglan

The Submitter supports the inclusion of subclause (iii), which confirms that the Rangitahi Structure Plan area is the only area that provides for the medium term future growth in Raglan. While there are some areas of Residential Zoned land around the Raglan township that are yet to be developed, the areas are relatively small in relation to the Rangitahi Structure Plan area. Given the strong demand that has been experienced for lots at Rangitahi, the Submitter agrees that the Rangitahi Structure Plan area will only provide for short to medium term future growth and considers that a medium to long term future growth area also needs to be identified and planned for through the Proposed Plan.

The medium to long term future growth area should be included in Policy 4.1.18.

Chapter 9.3: Rangitahi Peninsula (Objectives and Policies)

9.3.1.1 Policy – Development

The Submitter supports the inclusion of subclause (b) to clearly identify that some variations to the Rangitahi Structure Plan designs are anticipated by the District Plan to respond to development constraints identified through further investigations.

Given some of the potential constraints may relate to poor ground or soil conditions, the Submitter seeks the addition of ‘physical’ characteristics to the policy.

9.3.2 Objective – Non-Residential Activities

Objective 15B.3.10 of the Operative Plan requires non-residential activities to contribute to village character without causing significant adverse traffic effects. Objective 9.3.2 of the Proposed Plan does not include the reference to 'significant adverse' traffic effects.

The Submitter seeks that the policy is re-worded to refer to significant adverse traffic effects.

9.3.2.1(b) Policies – Commercial Activities

Subclause (b)(i) covers two separate matters relating to active ground-floor business activities and frontages and residential activities above ground floor. The policy should be split accordingly.

The Submitter agrees with the intent of the policy insofar as providing active ground-floor business activities is generally a good urban design approach for mixed use developments. However, the total area of commercial activity permitted at Rangitahi under the Proposed Plan is limited and in some circumstances it may not be possible for the entire ground floor level of mixed use developments at Rangitahi to accommodate business activities because of these limitations. Good urban design outcomes can also be achieved for mixed use developments with some residential activities at ground floor level.

The Submitter seeks greater flexibility within the policy in this respect.

9.3.3.5 Policy – Environmental Improvement

Objective 9.3.3 of the Proposed Plan seeks to maintain and enhance the natural features of the Rangitahi Peninsula. However, policy 9.3.3.5 goes further than this in seeking net environmental gain for gullies and streams.

The Submitter seeks that Policy 9.3.3.5(b) be deleted, as it is not consistent with the objective, the Rangitahi Structure Plan is an established urban zone, and the maintenance and enhancement of gully systems and stream margins is already sought by Policy 9.3.3.5(a).

9.3.3.7(b) Policy – Ecological and Habitat Values

Policy 9.3.3.7 fails to recognise that there will be some unavoidable minor and localised loss of indigenous vegetation and habitat required to give effect to the established zoning and the Rangitahi Structure Plan. This means that it would not be possible for all activities to achieve consistency with Policy 9.3.3.7(b) which requires that the loss of significant indigenous vegetation and significant habitat of indigenous fauna should be avoided.

The Submitter seeks changes to Policy 9.3.3.7 to adopt the same approach as in Policy 15B.3.23 of the Operative Plan, which seeks:

“The loss of significant indigenous vegetation and significant habitat of indigenous fauna should be avoided. Short term, minor or localised degradation effects should be mitigated if they cannot be practically avoided”.

9.3.5.4 Policy – Secondary Access

Policy 9.3.5.4 appears to contain a list level error. Subclause 9.3.5.4(a)(i) should be 9.3.5.4(b), subclause 9.3.5.4(a)(ii) should be 9.3.5.4(b)(i) and subclause 9.3.5.4(a)(iii) should be 9.3.5.4(b)(ii).

The Submitter understands that Council is seeking greater certainty as to the timing of the permanent secondary access. However, the construction of the access will be a significant cost to the Submitter, and should be undertaken to mitigate effects on the safe and efficient operation of the primary access and surrounding road network.

Accordingly, in addition to the corrections above, the Submitter seeks that the Policy be amended to require the permanent secondary access to be constructed prior to the completion of Precincts F or G.

Chapter 13: Definitions

Child Care Facility, Rangitahi Commercial Activity, Community Activity

The Submitter supports the inclusion of a definition for child care facility. However, the definitions for Rangitahi commercial activity and community activity are broad and need to be updated to specifically exclude child care facilities so there is no confusion, particularly to make it clear that the maximum floor area limits for those activities are not relevant to child care facilities.

Rangitahi Integrated Development

The Submitter supports the inclusion of a definition for Rangitahi Integrated Development, but seeks flexibility to allow for changes between Development Outcomes Plan 5 of the Rangitahi Peninsula Structure Plan and approved subdivision consents for the relevant precincts.

Accordingly, the Submitter seeks the addition of 'or an approved subdivision' to the above definition.

Chapter 28: Rangitahi Peninsula Zone

28.1.1 – Specific Activities – Permitted Activities

Permitted activity conditions (a) and (b) of Rule 28.1.1 of the Proposed Plan are very similar with respect to both conditions requiring activities to be in accordance with the Rangitahi Peninsula Structure Plan.

Condition (b) is superfluous and should be deleted.

In addition, conditions (a) and (b) do not reflect that changes to activity locations may occur through the subdivision process for each precinct. The subdivision standards in the Proposed Plan provide some flexibility for variations to the precinct areas.

Accordingly, the Submitter seeks that the permitted activity conditions in Rule 28.1.1 refer to the location of residential activities being in accordance with the Rangitahi Peninsula Structure Plan or any approved subdivision.

28.1.3 – Specific Activities - Restricted Discretionary Activities

The format of Rule 28.1.3 RD1 of the Proposed Plan does not make sense in the current form.

The submitter seeks that it be changed so that it is clear that (b) is a subset of (a).

28.2.4.2 – Earthworks – Maaori Sites and Maaori Areas of Significance

The Submitter seeks that rule 28.2.4.2 is deleted as there are no Maaori sites or areas of significance within the Rangitahi Structure Plan area identified on Proposed Plan maps 23 (Raglan Coast) and 23.3 (Raglan West).

28.2.4.3 – Earthworks - Significant Natural Areas

The Rangitahi Structure Plan area includes planned roads which cross Significant Natural Areas that are identified under the Proposed Plan. It will therefore be necessary for earthworks to be undertaken in some of the Significant Natural Areas in order to give effect to the Structure Plan.

Accordingly, Rule 28.2.4.3 P1 should be amended to make provision for earthworks associated with construction of roads that are in general accordance with the Rangitahi Structure Plan.

28.2.6.3 – Signs – Heritage items and Maaori Sites of Significance

The Submitter seeks that rule 28.2.6.3 is deleted as there are no heritage items or Maaori sites of significance within the Rangitahi Structure Plan area identified on Proposed Plan maps 23 (Raglan Coast) and 23.3 (Raglan West).

28.2.8 – Indigenous Vegetation Clearance Inside a Significant Natural Area

Reference to Schedule 30.5 (Urban Allotment Significant Natural Areas), Maaori Freehold Land or Maaori Customary Land should be deleted from Rule 28.2.8, as they do not relate to the Rangitahi Structure Plan area.

The Rangitahi Structure Plan area includes planned roads which cross Significant Natural Areas that are identified under the Proposed Plan. It will therefore be necessary for earthworks to be undertaken in some of the Significant Natural Areas in order to give effect to the Structure Plan.

Accordingly, Rule 28.2.8 P1 should be amended to make provision for indigenous vegetation clearance associated with construction of roads that are in general accordance with the Rangitahi Structure Plan.

28.3.1 – Dwellings

Rule 28.3.1 should be amended to exclude lots in the locations shown on Development Outcomes Plan 5 in Appendix 8 which are likely to include multi-unit developments (Rangitahi Integrated Developments).

28.3.5 – Accessory Buildings

The Submitter seeks changes to Rule 28.3.6 P1(b) to make it clear that the gross floor area standards apply to individual buildings on a site rather than the total floor area of all accessory buildings.

28.4.1 and 28.4.2 – Subdivision – General and Boundary Adjustments

The Rangitahi Structure Plan was originally investigated and designed at a level suitable for structure planning and plan change purposes. Resource consent phases for each Precinct necessitate further investigations and more detailed design which has the potential to result in changes to respond to any development constraints or opportunities that may be identified. Examples include poor ground conditions which might be identified through additional geotechnical investigations, changes to accommodate stormwater treatment/attenuation, minimisation of effects on ecologically sensitive areas, or changes to roading layouts in response to factors such as soil conditions or topography. In some cases, if the identified constraints cannot be avoided then there could be significant costs to the developer and future lot owners and/or potentially greater effects on the environment than alternative options.

The variances allowed for as a Restricted Discretionary Activity under Rule 28.4.1 and as a Controlled Activity under Rule 28.4.2 do not provide enough flexibility to respond to some of the issues that may arise. The existing provisions create the potential that resource consents may be required as a Discretionary Activity due to the extent of variances proposed, despite potentially having good reasons for the changes, such as reduced environmental effects or improved suitability of lots.

The Submitter seeks deletion of the variance standards in Rules 28.4.1 and 28.4.2. The matters of discretion in Rule 28.4.1 would remain, including the extent to which the subdivision is consistent with the Rangitahi Structure Plan. A similar matter of control could be added to Rule 28.4.2.

28.4.4 – Subdivision – Title Boundaries – Contaminated Land

The Submitter seeks the removal of Rule 28.4.4 as the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) requires the appropriate identification, assessment and if necessary remediation of contaminants contained in soil to make the land safe for human use prior to development.

28.4.5 – Subdivision – Title Boundaries – Significant Natural Areas and Maaori Sites of Significance

The Submitter seeks that rule 28.2.4.2(a)(ii) and (b)(ii) are deleted as there are no Maaori sites of significance within the Rangitahi Structure Plan area identified on Proposed Plan maps 23 (Raglan Coast) and 23.3 (Raglan West).

Future Growth Area for Raglan

The recent Future Proof decisions included changes to the growth strategy in response to Rangitahi Ltd's submission to identify Raglan as a location for growth emphasis and to recognise that "residential growth is expected to occur due to coastal lifestyle, proximity to Hamilton and technological and transport improvements"¹. Map 1 of the Future Proof Strategy identifies an indicative urban limit growth area to the west of Raglan. The decisions also confirmed that the urban limits are only "indicative" and that changes to them should not be precluded if further analysis determines such changes to be appropriate².

The land which is proposed to be zoned for residential development in Raglan under the Proposed Plan is insufficient to meet Raglan's medium to long-term supply needs. The Submitter considers that a medium to long term growth area needs to be identified for Raglan in the Proposed Plan. The most appropriate location for future growth is in Raglan West – linking the Rangitahi Peninsula to Te Hutewai Road (near the Raglan Golf Course) and through to Wainui Road near the completed Te Ahiawa subdivision. This area is located within close proximity to existing water and wastewater bulk infrastructure. It also creates the potential for good transport linkages and urban form, which in turn would enhance Raglan's resilience to disruptions from hazards or other unforeseen events. Planning for this future growth now is sensible and prudent.

The Constraints and Opportunities Map in Attachment 1 shows the area that the Submitter seeks to be included within the future growth area. It also identifies the Indicative Urban Limit in Future Proof and highlights the constraints with undeveloped land within that area which will significantly limit its future development for urban purposes. The constraints include reserve land, Maori Freehold Land, the Raglan Golf Course, the Raglan Wastewater Treatment Plant and an associated 300m buffer area.

The Proposed Plan should make provision for the future growth area through appropriate objectives, policies, rules and zoning. The zoning approach could be a 'live zoning' which could be subject to suitable pre-requisite growth and infrastructure requirements.

4. I seek the following decision from the local authority:

- a) That the changes to the Proposed Plan sought in Section 3 of this submission are made; and
- b) Such other additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of the Submitter.

5. I wish to be heard in support of my submission.

¹ Future Proof Growth Strategy, Chapter 6.2

² Future Proof Growth Strategy, Chapter 6.4

6. If others make a similar submission I will consider presenting a joint case with them at a hearing.



Signature:

(Signature of submitter or person authorised to sign on behalf of submitter)

Date: 8 October 2018

(A signature is not required if you make your submission by electronic means.)

Address for Service of Submitter:

Rangitahi Limited
C/- Harrison Grierson Consultants Limited
London State Building
Level 2, 678 Victoria Street
HAMILTON 3204

Telephone: 07 925 7000

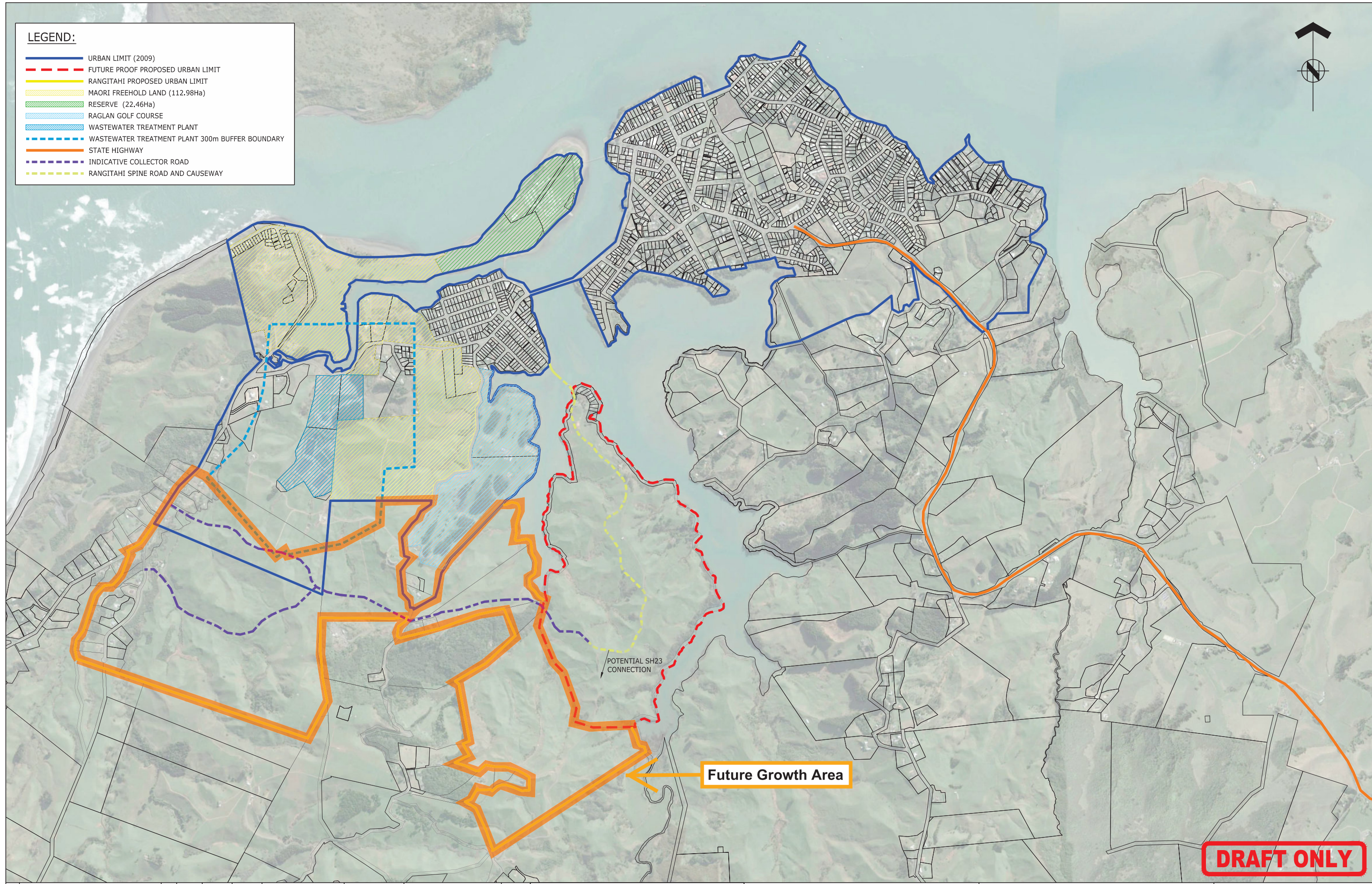
Facsimile/email: m.briggs@harrisingrierson.com

Contact Person: Michael Briggs / Ben Inger

Document1

LEGEND:

- URBAN LIMIT (2009)
- - - FUTURE PROOF PROPOSED URBAN LIMIT
- RANGITAHU PROPOSED URBAN LIMIT
- MAORI FREEHOLD LAND (112.98Ha)
- RESERVE (22.46Ha)
- RAGLAN GOLF COURSE
- WASTEWATER TREATMENT PLANT
- WASTEWATER TREATMENT PLANT 300m BUFFER BOUNDARY
- STATE HIGHWAY
- INDICATIVE COLLECTOR ROAD
- RANGITAHU SPINE ROAD AND CAUSEWAY



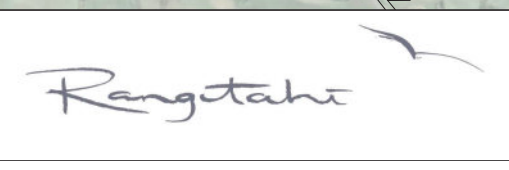
Future Growth Area

DRAFT ONLY

| | | | |
|-------------|-------------|---------|--------------|
| ORIGINATOR: | DATE: | SIGNED: | PLOT BY: |
| HLB | 18.07.17 | | HLB |
| DRAWN: | DATE: | SIGNED: | PLOT DATE: |
| HLB | 18.07.17 | | 21.07.17 |
| CHECKED: | DATE: | SIGNED: | SURVEY BY: |
| STW | | | |
| APPROVED: | DATE: | SIGNED: | SURVEY DATE: |
| DGN | | | |
| 1 | PRELIMINARY | HLB | 18.07.17 |
| REF | REVISIONS | BY | DATE |

ASSOCIATION OF CONSULTING ENGINEERS NEW ZEALAND
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TITLE:
**RANGITAHU LTD
 FUTURE PROOF SUBMISSION
 CONSTRAINTS AND OPPORTUNITIES MAP**

| | | |
|---------------|----------------|---------------------|
| ISSUE STATUS: | PRELIMINARY | |
| PROJECT No: | 1620-142172-01 | SCALE: 1:10000 - A1 |
| DRAWING No: | 142172-01-001 | 1:20000 - A3 |
| REV | 1 | A1 |

Further Submission Form

In support of, or in opposition to,
 submission/s on notified:

Proposed Waikato District Plan – Stage 1

Clause 8 of Schedule 1, Resource Management Act 1991

ECM Project: DPRPh5-04
 ECM #
 FS #
 Customer #
 Property #



Closing date for further submissions: 9am on Monday 27 May 2019

To submit electronically please go to: www.waikatodistrict.govt.nz/pdp

| 1. Further Submitter details: (mandatory information) | |
|---|---|
| Full name of individual/organisation making further submission: | Rangitahi Limited |
| Contact person (if different from above) | C/- Michael Briggs, Harrison Grierson (Agent) |
| Email address for service | M.Briggs@harrisingrierson.com |
| Postal address for service | PO Box 1114 |
| | Hamilton Postcode: 3204 |
| Preferred method of contact | <input checked="" type="checkbox"/> Email <input type="checkbox"/> Post |
| Phone numbers | Daytime: |
| | Mobile: 027 635 4030 |
| Correspondence to | <input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Contact person <input type="checkbox"/> Both |

| 2. Eligibility to make a further submission (for information on this section go to RMA Schedule 1, clause 8) |
|---|
| I am: |
| <input type="checkbox"/> A person representing a relevant aspect of the public interest; <i>In this case, also specify below the grounds for saying that you come within this category; or</i> |
| <input checked="" type="checkbox"/> A person who has an interest in the proposal greater than the interest that the general public has. <i>In this case, also specify below the grounds for saying that you come within this category; or</i> |
| My reasons for selecting the category ticked above are: |
| The Submitter owns residential and rural properties to the south and west of Raglan which are subject and adjacent to submissions seeking rule changes and future urban development. The Submitter has a significant interest in the outcomes of those submissions. |

| 3. Request to be heard at a hearing |
|--|
| <input checked="" type="checkbox"/> Yes, I wish to be heard at the hearing in support of my further submission; or |
| <input type="checkbox"/> No, I do not wish to be heard at the hearing in support of my further submission |

| 4. Joint submission |
|---|
| If others make a similar submission, I will consider presenting a joint case with them at the hearing |
| <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |

5. Checklist for further submission being made

- I have filled in the table on the next page with details of my further submission.
- I have added 7 further pages/sheets that form part of my further submission.
- I understand that I am responsible for serving a copy of my further submission on the original submitter(s) within 5 working days after it is served on Council.

6. Signature of further submitter *(a signature is not required if you make your submission by electronic means)*

Signature of further submitter (or person authorised to sign on their behalf)

Signature: Michael Briggs (Agent) Date: 15 July 2019
(type name if submitting electronically)

7. Return this form no later than 9am Monday 27 May 2019 by:

- Delivery to any Waikato District Council office or library
- Post to Waikato District Council, Private Bag 544, Ngaruawahia 3742
- Email to districtplan@waidc.govt.nz

8. Important notes to person making a further submission:

A. Content of further submission

A further submission must be limited to a matter in support of, or in opposition to, an original submission.

A further submission cannot introduce new matters that were not raised in original submissions.

Please note that your further submission (or part of your further submission) may be struck out if the authority is satisfied that at least one of the following applies to the further submission (or part of the further submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the further submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

B. Serving a copy of your further submission

A copy of your further submission must be served on the original submitter within 5 working days after it is served on Council.

C. Privacy Information

Council will make all further submissions, including name and contact details, publicly available on Council's website. Personal information will also be used for the administration of the submission process and will be made public.

RANGITAHİ LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

1. This further submission is made on behalf of Rangitahi Ltd. Rangitahi Ltd is part of a group of companies associated with members of the Peacocke family, who have lived and farmed in Raglan for over 30 years. Also in this group of companies is the Raglan Land Company Ltd and Scenic Properties Ltd which own various land holdings in and around Raglan. The directors of Rangitahi Ltd have completed a 17 lot rural-residential subdivision, called Te Ahiawa, which is located off Wainui Road. More recently Rangitahi Ltd has begun development of a large residential development on the Rangitahi Peninsula in Raglan West, which is being marketed as 'Rangitahi' (www.rangitahi.co.nz).
2. The specific submissions on the Proposed Waikato District Plan that this further submission relates to are set out in the table below.

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
|---|-------------------------------|---------------------------|----------------------------------|-------------------|--|--|
| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| Whaingaroa Raglan Affordable Housing Project | C/- Fiona McNabb | 310 | 310.5 | Oppose in part | <p><u>Relief sought by original Submitter:</u> Amend Policy 4.1.18 (iii)- Raglan to read as follows: Rangitahi is the only area that will provides for the medium term future growth and is above the multiple median of affordability for Raglan. <u>Developments that propose affordable housing to cater for the quartiles below the multiple median and that are developed in a manner than connects to the existing town and maintains and enhances the natural environment will be considered as preferred options for additional green fields development.</u></p> <p><u>Further Submitter's reasons for opposition in part:</u> The wording of the policy should reflect decisions on growth areas around Raglan. If growth areas are zoned Residential (as requested in the submission by Rangitahi Ltd) then potential policy wording is as follows: (iii) Rangitahi and other Residential Zone areas within and around Raglan are the only locations for residential is the only area that provides for the medium term growth and is are developed in a manner that connects to the existing town and maintains and enhances the natural environment.</p> | I seek that the submission point be disallowed in part, except that changes to the wording of the Policy be made to reflect decisions on growth areas around Raglan. |

RANGITAHU LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
|---|-------------------------------|---------------------------|----------------------------------|-------------------|--|---|
| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| Hamilton City Council | C/- Lance Vervoort | 535 | 535.5 | Support | <p><u>Relief sought by original Submitter:</u></p> <p>Amend Section 1.12.1 Strategic direction, to provide an understanding of the location and forms of development that are sought and how the district will accommodate the growth projected in the National Policy Statement - Urban Development Capacity.</p> <p><u>Further Submitter's reasons for support:</u></p> <p>The Proposed Plan should confirm how and where growth is anticipated to accommodate the projections of the National Policy Statement - Urban Development Capacity.</p> | I seek that the whole of the submission point be allowed. |
| Hamilton City Council | C/- Lance Vervoort | 535 | 535.40 | Support | <p><u>Relief sought by original Submitter:</u></p> <p>Retain Section 1.5.2 Planning for urban growth and development.</p> <p><u>Further Submitter's reasons for support:</u></p> <p>The growth of Raglan should be consistent with Future Proof and the Waikato Regional Policy Statement, including the outcomes of the Future Proof (Stage 2) review.</p> | I seek that the whole of the submission point be allowed. |
| Lynne Adrienne | | 546 | 546.7 | Oppose | <p><u>Relief sought by original Submitter:</u></p> <p>Add the requirement for Council to take into account advice received from the Raglan Community Board in any future growth and development decisions made by council and decision-making be devolved to the Community Board.</p> <p><u>Further Submitter's reasons for opposition:</u></p> <p>Although the Raglan Community Board is an important local representative body, it would be inappropriate to include provisions in the Proposed District Plan which devolve decision making to the Community Board or which require that Council to must take into</p> | I seek that the whole of the submission point be disallowed. |

RANGITAHİ LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
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| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| | | | | | account advice from the Raglan Community Board on development and growth decisions. | |
| Koning Family Trust and Martin Koning | | 658 | 658.2 | Support in part | <p><u>Relief sought by original Submitter:</u></p> <p>Amend Policy 4.1.18(iii) Raglan, as follows:</p> <p>(iii) Rangitahi and other areas around the Raglan urban area are the primary locations for <u>is the only area that provides for the medium term growth and is are developed in a manner that connects to the existing town and maintains and enhances the natural environment.</u></p> <p><u>Further Submitter's reasons for support in part:</u></p> <p>The wording of the policy should reflect decisions on growth areas around Raglan. If growth areas are zoned Residential (as requested in the submission by Rangitahi Ltd) then potential policy wording is as follows:</p> <p>(iii) Rangitahi and other Residential Zone areas within and around Raglan are the only locations for residential <u>is the only area that provides for the medium term growth and is are developed in a manner that connects to the existing town and maintains and enhances the natural environment.</u></p> | I seek that the submission point be allowed in part, except that changes to the wording of the Policy be made to reflect decisions on growth areas around Raglan. |
| Koning Family Trust and Martin Koning | | 658 | 658.3 | Support in part | <p><u>Relief sought by original Submitter:</u></p> <p>Amend the zoning of the properties at 339 Wainui Road, 145 Te Hutewai Road and 151 Te Hutewai Road (CFR 216110, SA27B/621 and 406847) from Rural Zone to Residential Zone.</p> <p><u>Further Submitter's reasons for support in part:</u></p> <p>The submission by Rangitahi Ltd identifies a 'Future Growth Area' in Raglan West for the provision of medium to long term growth of Raglan. The 'Future Growth Area' includes the land that is the subject of the rezoning request by the Koning Family Trust and Martin Koning, as well as other land. Factors such as residential demand, developable density,</p> | I seek that the part of the submission point that seeks additional Residential zoning of land in Raglan West be allowed but that the location and extent of the zoning should be determined following structure planning of the entire Future Growth Area. |

RANGITAHI LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
|--|--------------------------------------|----------------------------------|---|--------------------------|--|--|
| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| | | | | | transport connectivity and infrastructure servicing (amongst others) should be considered in determining the exact area to be rezoned and the staging and sequencing of development within the 'Future Growth Area'. This should be the subject of a structure planning exercise for the 'Future Growth Area'. | |
| Federated Farmers of New Zealand | | 680 | 680.254 | Oppose | <p><u>Relief sought by original Submitter:</u></p> <p>Delete the definition of "Landscape Restoration Area" in Chapter 13 Definitions.</p> <p><u>Further Submitter's reasons for opposition:</u></p> <p>The definition clearly restricts the areas to the Rangitahi Peninsula Zone and identifies the intent of the areas under the Rangitahi Structure Plan.</p> | I seek that the whole of the submission point be disallowed. |
| Whaingaroa Environmental Defence Incorporated Society | C/- John Lawson | 780 | 780.17 | Oppose | <p><u>Relief sought by original Submitter:</u></p> <p>Amend Policy 4.1.18 Raglan, as follows:</p> <p>(a) Raglan is developed to ensure:</p> <p>(ii) <u>A variety of housing densities is provided for and adequate housing reserved for low cost rentals and purchases by permanent residents;</u></p> <p><u>Further Submitter's reasons for opposition:</u></p> <p>It is inappropriate and impractical to seek developments to reserve housing for low cost rentals and permanent residents. The requested change is not the most appropriate way to achieve objective 4.1.7.</p> | I seek that the whole of the submission point be disallowed. |
| Whaingaroa Environmental Defence Incorporated Society | C/- John Lawson | 780 | 780.30 | Oppose | <p><u>Relief sought by original Submitter:</u></p> <p>Amend the Proposed District Plan to require consents requiring exemption from plan rules to be automatically publicly notified, whether the rule is on genetically modified organisms or not.</p> | I seek that the whole of the submission point be disallowed. |

RANGITAHİ LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
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| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| | | | | | <p><u>Further Submitter's reasons for opposition:</u></p> <p>Section 95A of the RMA establishes the effects-based steps that a consent authority must follow to determine whether to publicly notify an application for a resource consent. A rule requiring all resource consents within Raglan to be publicly notified would result in significant costs and delays to applicants and is not necessary or appropriate.</p> | |
| Ministry of Education | | 781 | 781.6 | Support | <p><u>Relief sought by original Submitter:</u></p> <p>Add a new policy to Chapter 9: Specific Zones that provides for education facilities in Specific Zones as follows:</p> <p><u>Policy - Education Facilities and Specific Zones</u></p> <p><u>Allow activities which are compatible with the role, function and predominant character of Specific Zones, while managing the effects of the activities on the environment in the following zones:</u></p> <p><u>(iii) Rangitahi Peninsula</u></p> <p><u>Further Submitter's reasons for support:</u></p> <p>Education facilities consistent with the role, function and character of the Rangitahi Peninsula Zone should be provided for if their effects are appropriately managed.</p> | I seek that the whole of the submission point be allowed. |
| Ministry of Education | | 781 | 781.20 | Support | <p><u>Relief sought by original Submitter:</u></p> <p>Add a new rule for education facilities to Rule 28.1.3 Specific Activities - Restricted Discretionary Activities as follows:</p> <p><u>Activity</u></p> <p><u>RD4 Education Facilities</u></p> <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>The extent to which the location, bulk, scale and built form of building(s) impacts on natural, ecological, landscape and/or historic heritage values.</u></p> | I seek that the whole of the submission point be allowed. |

RANGITAHİ LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
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| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| | | | | | <p>b. <u>The extent to which the activity may adversely impact on the transport network.</u></p> <p>c. <u>Ability to soften the visual impact of buildings from adjoining residential properties.</u></p> <p>d. <u>The extent to which the activity may adversely impact on the streetscape.</u></p> <p><u>The extent to which the activity may adversely impact on the noise environment</u></p> <p><u>Further Submitter's reasons for support:</u></p> <p>Restricting discretion on Education Facilities to the above matters will enable Council to ensure that such activities are consistent with the role, function and character of the Rangitahi Peninsula Zone and that their effects are appropriately managed.</p> | |

RANGITAHİ LIMITED FURTHER SUBMISSION ON THE PROPOSED WAIKATO DISTRICT PLAN

| THE SPECIFIC SUBMISSION(S) ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1) THAT THIS FURTHER SUBMISSION RELATES TO: | | | | | | |
|---|-------------------------------|---------------------------|----------------------------------|-------------------|---|---|
| NAME OF ORIGINAL SUBMITTER | ADDRESS OF ORIGINAL SUBMITTER | ORIGINAL SUBMITTER NUMBER | ORIGINAL SUBMISSION POINT NUMBER | SUPPORT OR OPPOSE | REASONS FOR MY SUPPORT OR OPPOSITION ARE | I SEEK THAT THE WHOLE (OR PART [DESCRIBE PART] OF THE SUBMISSION BE ALLOWED (OR DISALLOWED) |
| Raglan Community Board | C/- Bob MacLeod | 824 | 824.8 | Oppose in part | <p><u>Relief sought by original Submitter:</u> Delete Policy 4.1.18(iii) and replace with the following: <u>Rangitahi will provide for medium term growth above the multiple median of affordability for Raglan. Developments that propose affordable housing to cater for the quartiles below the multiple median and that are developed in a manner that connects to the existing town and maintains and enhances the natural environment will be considered as preferred options for additional green fields development.</u></p> <p><u>Further Submitter's reasons for opposition in part:</u> The wording of the policy should reflect decisions on growth areas around Raglan. If growth areas are zoned Residential (as requested in the submission by Rangitahi Ltd) then potential policy wording is as follows: (iii) <u>Rangitahi and other Residential Zone areas within and around Raglan are the only locations for residential is the only area that provides for the medium term growth and is are developed in a manner that connects to the existing town and maintains and enhances the natural environment.</u></p> | I seek that the submission point be disallowed in part, except that changes to the wording of the Policy be made to reflect decisions on growth areas around Raglan |
| John Lawson | | 825 | 825.21 | Oppose | <p><u>Relief sought by original Submitter:</u> Amend the Proposed District Plan to require housing for the elderly is required in all new developments, not just Te Kauwhata (e.g. Policy 4.1.12(b)(i) Te Kauwhata).</p> <p><u>Further Submitter's reasons for opposition:</u> Housing affordability will be assisted by increasing the number of houses in Raglan and providing a range of housing options.</p> | I seek that whole of the submission point be disallowed. |

ANNEXURE D

The relevant decisions:

**“Decision Report 27: Rangitahi Peninsula Zone” and
“Decision Report 28A: Zoning – Raglan”**

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 27: Rangitahi Peninsula Zone

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Mr Dynes Fulton

Mr Weo Maag

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Glossary of terms

| | |
|---------|--------------------------------|
| Council | Waikato District Council |
| PDP | Proposed Waikato District Plan |

1 Introduction

- 1.1 Hearing 23 related to all the submissions received by the Waikato District Council (Council) on the provisions of the Rangitahi Peninsula Zone, a specific zone in the Proposed Waikato District Plan (PDP). The objective and policies relating to the Rangitahi Peninsula Zone are set out in Chapter 9 (Specific Zones) of the PDP. The rules for the Rangitahi Peninsula Zone are set out in Chapter 28 of the PDP.
- 1.2 Rangitahi Peninsula is located on the Raglan harbour, southwest of the existing Raglan township at the southern end of Oporoturu Road. With a total area of 117 hectares, parts of the peninsula have been subdivided and are currently under development. At the time of writing this decision, the roads, services, a causeway and a bridge have been constructed to provide access to the peninsula from Oporoturu Road for the first stage of development.¹

2 Hearings Arrangement

- 2.1 Hearing 23 was held on 7 December 2020 via Zoom. All of the relevant information pertaining to this hearing (i.e., Section 42A Report and evidence) is contained on the Council's website.
- 2.2 We heard from the following submitters on the matter of the Rangitahi Peninsula Zone provisions:

| | |
|---|--|
| Council | Chloe Trenouth (author of Section 42A Report) |
| Rangitahi Limited | Brianna Parkinson, legal counsel Ben Inger, Planner Ian Clark, Traffic |
| Ministry of Education (tabled) | Alec Duncan, Planner |
| Fire and Emergency New Zealand (tabled) | Alec Duncan, Planner |

3 Overview of issues raised in Submissions

- 3.1 In the section 42A report, Ms Trenouth set out the full list of submissions on the provisions of the Rangitahi Peninsula Zone. She stated that Council received 12 submissions and 11 further submissions on this topic.² Most of the submissions were from Rangitahi Ltd, being the owner and developer of the subject area. Ms Trenouth stated that the submissions from Rangitahi Ltd generally sought minor amendments to provide consistency with Operative Plan provisions, additional clarity, and flexibility, including where subdivision consents have been approved.³ Ms Trenouth stated that the other submitters sought the retention of, or minor amendments to specific provisions.

¹ Paragraph 12 of the Section 42A Report, dated 2 November 2020.

² Paragraphs 29 of the Section 42A Report, dated 2 November 2020.

³ Paragraph 30 of Section 42A Report, dated 2 November 2020.

- 3.2 In brief, Ms Trenouth provided the following background information relevant to the Rangitahi Peninsula Zone:⁴
- a) The Rangitahi Structure Plan was introduced into the Operative District Plan to recognise and protect particular attributes of Raglan and its seaside character, coastal and other environmental elements specific to the Rangitahi Peninsula.
 - b) The PDP largely rolls over the Rangitahi Structure Plan provisions in the Operative Plan. Ms Trenouth stated that additional plan provisions are proposed to address the fact that a Comprehensive Development Plan process previously relied upon is ultra vires, and therefore is not an appropriate method to implement the structure plan.
 - c) Rangitahi Peninsula Zone enables approximately 500 residential lots and a variety of other uses (such as commercial and community uses). Rangitahi Peninsula Zone includes seven precincts.

4 Overview of Evidence

- 4.1 Ben Inger presented planning evidence on behalf of Rangitahi Ltd. His evidence was focused on the following key matters: Significant Natural Areas, Secondary Road Access, and subdivision variance in relation to the structure plan. Each of these matters are discussed below.
- 4.2 Mr Inger stated that the Rangitahi Peninsula Zone provisions in the PDP require the provision of a “Secondary Access” to and from the Rangitahi Peninsula as an alternative route to the “Primary Access”, which is via Oporuru Road and a new bridge.⁵ Mr Inger stated that the PDP provisions requiring a Secondary Road Access are confusing and differ significantly from the Operative Plan Provisions. He proposed amended provisions in his evidence, which were supported by Ms Trenouth. Mr Inger stated that the amended Secondary Access provisions require that the Secondary Access must be provided for heavy vehicles associated with subdivision construction from the beginning of development. He further stated that a Secondary Access for emergency vehicles and an associated easement are required following construction of the spine road to the southern boundary of the Rangitahi Structure Plan area.⁶
- 4.3 Mr David Clark presented transportation planning evidence on behalf of Rangitahi Ltd. He stated that the need for Secondary Access to service the Rangitahi Peninsula is not clear, particularly that the primary access, via a new bridge connection to the pre-existing section of Oporuru Road, has been fully established. He stated that the Secondary Access is not required for capacity reasons, rather it appears to have been recommended solely for reasons of resilience. He concluded that the resilience benefits of a secondary road access are likely to be minor in this case.⁷

⁴ Section 2.2 of Section 42A Report, dated 2 November 2020.

⁵ Paragraph 82 of Statement of Evidence of Mr Inger, dated 16 November 2020.

⁶ Paragraph 3(i) of Summary Statement of Evidence of Mr Inger, dated 2 December 2020.

⁷ Paragraph 3 of Summary Statement of Mr Clark, dated 2 December 2020.

- 4.4 With respect to the matter of subdivision variances, Ms Trenouth explained that variances to elements of the approved Structure Plan area are provided for in the subdivision provisions. While the intent of the variances was to provide some flexibility in implementing the Structure Plan, in practice they are uncertain and difficult to assess. Ms Trenouth recommended amendments to remove all variances apart from one, which relates to the number of dwellings identified in the Neighbourhood Outcomes Plan and allows for an increase of up to 10%.⁸ Mr Inger agreed with Ms Trenouth's proposed changes.
- 4.5 Mr Inger also recommended changes to provisions specific to the Rangitahi Peninsula Zone relating to ecological and habitat values as well as Significant Natural Areas. He stated that the changes recognise that short term, minor and localised impacts associated with specific activities are unlikely to have significant adverse effects. Mr Inger then considered that mitigation or offset were appropriate measures for those activities if avoidance cannot be achieved. He also recommended changes to the mapped Significant Natural Areas to better reflect the existing land uses.⁹
- 4.6 With respect to the above, Ms Trenouth recommended amendments to provide for very limited vegetation clearance as a permitted activity and to include guidance within the ecological policy to support minor adverse effects associated with the construction and maintenance of roads, infrastructure, walkways and cycleways which are consistent with the approved Rangitahi Peninsula Structure Plan¹⁰. Ms Trenouth also supported the amendments to the mapping of the Significant Natural Areas in Precinct A to address inconsistencies where there is no vegetation, either because the area is a road or a recently created lot.¹¹
- 4.7 On 21 December 2020, we received a Memorandum by Council recording that following the hearing, Ms Trenouth and Mr Inger (on behalf of Rangitahi Ltd), had reached an agreed position on the provisions that should apply to the Rangitahi Peninsula Zone. The revised provisions were provided to us.
- 4.8 On behalf of the Ministry of Education, Ms Alec Duncan opposed the non-complying default activity status for educational facilities in the Rangitahi Peninsula Zone. Mr Duncan stated that the Ministry of Education sought a restricted discretionary activity status for educational facilities in the Rangitahi Peninsula Zone, but would accept a discretionary activity status should we consider this to be more acceptable. Ms Duncan stated that the Ministry of Education considers that the majority of educational facilities (including community education, early childhood education, tertiary education institutions, work skills training) are located within residential areas like Rangitahi Peninsula and are considered essential social infrastructure to support such areas.
- 4.9 On behalf of Fire and Emergency New Zealand, Ms Alec Duncan confirmed that Ms Trenouth's recommendations on the submission from Fire and Emergency New Zealand were supported.

⁸ Paragraph 16 of Hearing Opening Statement of Ms Trenouth, dated 7 December 2020.

⁹ Paragraph 3(J) of Summary Statement of Evidence of Mr Inger, dated 2 December 2020.

¹⁰ Paragraph 14 of Hearing Opening Statement of Ms Trenouth, dated 7 December 2020.

¹¹ Paragraph 15 of Hearing Opening Statement of Ms Trenouth, dated 7 December 2020.

5 Panel's Decision and Reasons

- 5.1 We acknowledge that the Rangitahi Peninsula has been subject to a comprehensive structure planning process. We were informed that resource consents have been granted for 271 residential units, which is approximately half the number of lots envisaged in the Rangitahi Structure Plan.¹² In light of this, we consider that it is important to ensure that the PDP provisions continue to provide for the implementation of the Rangitahi Structure Plan. We accept that bespoke provisions, in the form of Rangitahi Peninsula Zone, are necessary to implement the comprehensive outcomes imbedded in the Rangitahi Peninsula Structure Plan.
- 5.2 We acknowledge the willingness of the parties, in particular the Council and Rangitahi Ltd, to work together to reach an agreement on the Rangitahi Peninsula Zone provisions following the hearing. We have included the agreed package of provisions between these parties into the PDP, with some refinements. We consider those provisions are appropriate to manage use and development on the Rangitahi Peninsula.
- 5.3 With respect to the Secondary Access matter, we questioned in the hearing whether Policy 9.3.5.4 Secondary Access was required and whether assessment criteria for restricted discretionary activity subdivision could be relied upon instead. In this regard, we note that the agreed package of provisions deletes the requirement for secondary access except to the extent alternative access is to be provided for heavy vehicles involved in subdivision construction work instead of using Oporuru Road and for emergency vehicles when Oporuru Road is closed. We accept Mr Clark's evidence that the resilience benefits of requiring a Secondary Road access are minor. The amendments to the Rangitahi Peninsula Zone provisions include the following key matters:
- a) Policy 9.3.5.4 of the PDP as notified is deleted. A new clause (d) is added to Policy 9.3.5.3 Primary Access to establish the requirement for the use of the Primary access by heavy vehicles to be limited to circumstances where the secondary road is not accessible.
 - b) Rule 28.4.1 RD1 General Subdivision has been amended to require alternative access for the purpose of heavy vehicles associated with subdivision civil construction.
- 5.4 With respect to the Significant Natural Areas, we questioned during the hearing whether Significant Natural Areas were required to be identified in the Rangitahi Peninsula given the area is being urbanised, the area is subject to a structure plan and that the Significant Natural Areas are usually located in rural areas. A decision on the extent of the Significant Natural Areas has been made in Decision Report 9: Significant Natural Areas, where some of the areas have been deleted. For the remaining areas, the provisions of the new ECO – Ecosystems and indigenous biodiversity chapter will be applicable.

¹² Paragraph 1 of Statement of Evidence of Mr Inger, dated 16 November 2020.

- 5.5 A change has also been made to Ecology Policy 9.3.37 to require avoidance of adverse effects on listed threatened or at risk species in order to give effect to the direction in the New Zealand Coastal Policy Statement.
- 5.6 With respect to the submission from Ministry of Education, we accept Ms Trenouth's evidence that educational facilities should be a non-complying activity in the Rangitahi Peninsula Zone, as the Rangitahi Structure Plan does not identify provisions for educational facilities and is not an appropriate location for educational facilities generally, as it only has access via Opoturu Road. We accept that it is appropriate to enable the establishment of childcare facilities within the Rangitahi Peninsula Zone, as a controlled activity, as it is an important social infrastructure for the local community.

6 Conclusion

- 6.1 We accept and/or reject the section 42A Report and the evidence filed by the submitters for the reasons given in this Decision, collectively forming the section 32AA assessment.
- 6.2 Overall, we are satisfied that the Rangitahi Peninsula Zone provisions as amended (and attached in **Attachments 1 and 2**) will provide a suitable framework for managing subdivision, use and development on the Peninsula.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

Attachment I: Amendments to Chapter 9.3

9.3 Rangitahi Peninsula

9.3.1 Objective – Development

Development of the peninsula is of a character and scale that reflects its harbour setting and is compatible with Raglan's seaside village character.

9.3.1.1 Policy – Development

- (a) Development should be consistent with the Rangitahi Peninsula Structure Plan
- (b) Enable some flexibility in the subdivision layout to respond to natural characteristics in a manner that retains the overall concept design.
- (c) Development has the following characteristics:
 - (i) Residential development within each precinct is in accordance with densities in the Rangitahi Structure Plan;
 - (ii) Lower-density residential development is located to maintain rural and coastal natural values;
 - (iii) The Balance Lot (Farm Management) is retained for rural uses and structures;
 - (iv) A sense of place that reflects village scale, coastal environment and its role in part as a holiday destination;
 - (v) Maintains a physical and visual connection to the existing Raglan settlement,
 - (vi) Maintains a visual connection to Mt Karioi;
 - (vii) Provides walking and cycling access to the coast;
 - (viii) Public open space is integrated within the village layout;
 - (ix) Small-scale / local-level businesses are enabled in appropriate locations.

9.3.1.2 Policy – Residential development

- (a) Residential development should adopt building forms and attributes that support the seaside village character, including:
 - (i) Creation of distinct neighbourhoods based on landscape character;
 - (ii) A low-speed, pedestrian-friendly road network;
 - (iii) A highly-connected network of pedestrian, cycle and bridle ways,
 - (iv) A range of building forms and intensity;
 - (v) Concentration of more intensive building forms around amenity areas and settlement nodes, and a predominance of freestanding dwellings;
 - (vi) Orientation of dwellings to utilise passive solar gain and maximise outlook towards the coast;
 - (vii) Establishing building platforms that minimise earthworks;
 - (viii) Design of buildings support good street outlook / surveillance for safety.

9.3.1.3 Policy – Staged, integrated infrastructure

- (a) Provision of infrastructure works should be staged, integrated and maintained to achieve efficient provision and operation of infrastructure without:
 - (i) Inhibiting planned timing of residential development;
 - (ii) Relying on future capacity increases or parallel systems.

9.3.1.4 Policy - Activities

- (a) Subdivision, use and development should be located and designed to provide a variety of living environments with recreational opportunities in close proximity.

9.3.2 Objective – Non-residential activities

- (a) Non-residential activities contribute to village character without significant adverse effects on the role, amenity, commercial and social function of the Raglan town centre or significant adverse effects on traffic.

9.3.2.1 Policies – Commercial activities

- (a) Commercial activities are managed to ensure that:
- (i) They are in locations consistent with the Rangitahi Peninsula Structure Plan;
 - (ii) Activities will meet local needs;
 - (iii) Traffic impacts are managed;
 - (iv) Adverse effects on the role, amenity, commercial and social function of the Raglan town centre are minimised;
 - (v) They are designed and located to contribute to village character;
 - (vi) They are at a scale that retains the overall residential character of the Peninsula.
- (b) Mixed-use developments should be located and designed to:
- (i) Provide active ground-floor business activities and frontages to public spaces at ground level. ~~Provide residential activities that are above ground floor with adequate amenity;~~
 - (ii) Enable commercial activities that are compatible with residential uses;
 - (iii) Retain residential character and amenity.
 - (iv) Provide residential activities that are above ground floor with adequate amenity.

9.3.2.2 Policy - Community facilities

- (a) Community facilities should:
- (i) Be designed and located to be compatible with residential activities;
 - (ii) Provide a service or function to the local neighbourhood;
 - (iii) Be of an appropriate scale and function; and
 - (iv) Not detract from the vitality of the Raglan town centre.

9.3.3 Objective - Natural features

- (a) Natural features of the Rangitahi Peninsula including landscape, ecology, habitat and the coastal environment are maintained and enhanced.

9.3.3.1 Policy – Green spaces

- (a) In addition to the existing public coastal reserve, a range of green buffers between urban development and the coast shall be provided.

9.3.3.2 Policy – Coastal margins

- (a) Coastal strip and buffer areas, as shown on the Rangitahi Peninsula Structure Plan, shall be planted with appropriately-sourced, locally appropriate indigenous coastal species to maintain and enhance the natural values of the coastal environment.

9.3.3.3 Policy – Stormwater management

- (a) Stormwater management systems shall be designed to minimise the erosion potential and rate of run-off into the coastal marine area.

9.3.3.4 Policy - Stock exclusion

- (a) Stock should be excluded from steep slopes and gully systems to the extent compatible with maintaining a sustainable farming operation in the Balance Lot (Farm Management).

9.3.3.5 Policy – Environmental improvement

- (a) Gully systems and stream margins should be planted and managed to maintain and enhance natural ecosystems, contribute to land stability and restore habitat for indigenous flora and fauna.
- (b) Planting and management of gully systems and stream margins will result in net environmental gain.

9.3.3.6 Policy – Landscape values

- (a) Planting on steep slopes should be encouraged and designed to protect and enhance the landscape values on the peninsula.
- (b) Landscape planting along streets and public open spaces should incorporate species to contribute to habitat for indigenous fauna.
- (c) Landscaping shall be designed to incorporate ecological and habitat linkages, where appropriate.

9.3.3.7 Policy – Ecological and habitat values

- (a) The significant ecological and habitat values of the Rangitahi Peninsula are maintained and enhanced.
- (b) The loss of significant indigenous vegetation and significant habitat of indigenous fauna should be avoided.
- (c) Short term, minor or localised degradation effects for the construction and maintenance of roads, infrastructure, walkways and cycleways in accordance with the Rangitahi Structure Plan should be mitigated or offset if they cannot practicably be avoided.
- (d) Avoid adverse effects on indigenous species that are listed as threatened or at risk in the New Zealand Threat Classification System lists.

9.3.4 Objective - Heritage

- (a) Cultural and historic heritage on the Rangitahi Peninsula is retained.

9.3.4.1 Policies – Cultural and historic sites of significance

- (a) The cultural and historic heritage significance of Rangitahi Peninsula should be recognised and maintained through:
 - (i) Publications and other forms of communication to interpret natural, cultural and historic heritage and/or the use of story board signs,
 - (ii) Registration of archaeological sites with the New Zealand Archaeological Association (NZAA), and
 - (iii) Consultation with Tainui Hapuu.

9.3.4.2 Policy – Heritage protection

- (a) Development on Rangitahi Peninsula shall provide for the protection of historic heritage, including archaeological sites and areas and sites of significance to Tainui Hapuu.

9.3.5 Objective – Transport network

- (a) An integrated transport network that provides access to and within the Rangitahi Peninsula for vehicles, walking and cycling.

9.3.5.1 Policies - Integrated transport network

- (a) An integrated transport network shall be designed and implemented for the peninsula that:
 - (i) Establishes a road hierarchy that differentiates between collector roads and local roads,
 - (ii) Utilises engineering standards and geometric designs for local roads appropriate to village character, low-speed and low-volume usage,
 - (iii) Applies low-impact urban design techniques,
 - (iv) Prioritises pedestrian and cycle routes,
 - (v) Provides options for effective public transport.

9.3.5.2 Policy – Transport network design

- (a) The peninsula transport network should be located and designed to contribute towards development of the seaside village character of the Rangitahi Peninsula residential development including:
 - (i) A high degree of connectivity within the village,
 - (ii) Convenient and high-amenity walking and cycling routes within and between each development area, public open spaces and the coastal area,
 - (iii) Consistency with the Structure Plan road and indicative walkway network,
 - (iv) Design and traffic management features to achieve low vehicle speeds,
 - (v) Minimising the number of access points on roads,

- (vi) Designing road alignments with regard to natural contours to minimise earthworks.

9.3.5.3 Policies – Primary access

- (a) Primary access to the Rangitahi Peninsula Structure Plan Area shall be maintained via:
 - (i) An upgraded Oporuru Road (inclusive of the bridge/causeway) to ensure that traffic generated by development in the Rangitahi Peninsula Structure Plan Area is safely and efficiently accommodated, and
 - (ii) An upgraded intersection of Oporuru Road with Wainui Road to ensure its safe and efficient operation.
- (b) The upgraded Oporuru Road shall:
 - (i) Achieve efficient access to the Raglan town centre,
 - (ii) Enable convenient connections for pedestrians and cyclists to the village centre in Development Precinct A and the network of pedestrian and cycling routes as shown on the Rangitahi Peninsula Structure Plan, and
 - (iii) Encourage walking to the beach and Raglan town centre.
- (c) Design and construction of the access, including any Oporuru Road upgrade shall:
 - (i) Provide for continued access to adjoining properties to appropriate access and road performance standards,
 - (ii) Use best-practice mitigation techniques to manage construction effects such as (but not limited to) sediment movement, dust and noise.
- (d) Heavy vehicles shall use the Primary Access within the Rangitahi Peninsula in the alternative that the secondary road is not accessible.

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 access shall be provided to a usable standard for use at any time where the primary access may be closed:
 - ~~(i) A permanent secondary access must be constructed;~~
 - ~~(ii) Prior to development of any of the Precincts E, F or G; and~~
 - ~~(iii) In accordance with access and road performance standards suitable for its secondary function.~~~~

9.3.5.5 Policy – Open space and coastal access

- (a) Public access to open space and the coastal environment within the Rangitahi Peninsula Structure Plan Area shall be provided by walkways/ cycle ways/bridleways in a way that:
 - (i) Provides convenient and practical connections to the Rangitahi Peninsula residential areas,
 - (ii) Enables connections to walkways/cycle ways/bridleways in the greater Raglan area,
 - (iii) Avoids significant adverse effects on ecological values,
 - (iv) Provides for access to the coastal marine area whilst avoiding significant adverse effects on the natural environmental character of the coastal environment.

9.3.6 Objective - Emergency services

Recognise the essential support role of emergency services training and management activities and their important contribution to the health, safety and wellbeing of people.

9.3.6.1 Policy - Emergency services facilities and activities

Enable the development, operation and maintenance of emergency services training and management facilities and activities within the zone.

Attachment 2: Amendments to Chapter 28

Chapter 28: RPZ – Rangitahi Peninsula Zone

- (1) The rules that apply to activities in the RPZ – Rangitahi Peninsula zone are contained in **Rule 28.1** Land Use – Activities, **Rule 28.2** Land Use – Effects and **Rule 28.3** Land Use – Building.
- (2) The activity status tables and standards in the following chapters also apply to activities in the RPZ – Rangitahi Peninsula zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards (Placeholder).
- (3) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity
 - (d) RD Restricted discretionary activity
 - (e) D Discretionary activity
 - (f) NC Non-complying activity
- (4) The rules providing for subdivision in the RPZ – Rangitahi Peninsula Zone are contained in **Rule 28.4** and the relevant rules in 14 Infrastructure and Energy; and 15 Natural Hazards and Climate Change (Placeholder).

28.1 Land Use – Activities

- (1) The following activities are permitted activities if they comply with all of the:
 - (a) Land Use - Effects rules in **Rule 28.2** (except for P7);
 - (b) Land Use – Building rules in **Rule 28.3** (except for P7);
 - (c) Activity specific ~~conditions~~ standards.

28.1.1 Specific Activities – Permitted Activities

(I) The activities listed below are permitted activities.

| Activity | | Conditions Standards |
|----------|---|---|
| P1 | Residential activity This includes occupation of a single residential unit for short term rental. | (a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; |
| P2 | A temporary event | (a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and (c) The event occurs no more than 3 times per calendar year; and (d) It operates between 7.30am to 8:30pm Monday to Sunday; and (e) Temporary structures are: (f) Erected no more than 2 days before the event occurs; and (g) Removed no more than 3 days after the end of the event; and (h) The site is returned to its original condition no more than 3 days after the end of the event; and (i) There is no direct site access from a national route or regional arterial road. |
| P3 | A home occupation business | (a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and (c) It is wholly contained within a building ; and (d) The storage of materials or machinery associated with the home occupation business are wholly contained within a building ; and (e) No more than 2 people who are not permanent residents of the site are employed at any one time; and (f) There is no unloading and loading of vehicles or the receiving of customers or deliveries before 7:30am or after 7:00pm on any day; and (g) There is no operation of machinery before 7:30am or after 9pm on any day. |
| P4 | A homestay | (a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and (c) Provides accommodation for no more than 4 temporary residents. |
| P5 | A community activity facility | (a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and (b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and (c) The total gross floor area does not exceed a total of 200m ² within the whole of the Rangitahi Peninsula Structure Plan Area (Appendix 8). |

| | | |
|-----|--|--|
| P6 | Rangitahi commercial activity (including health facilities) | <p>(a) An activity that is in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8); and</p> <p>(b) Is located within Plan 1 Structure Plan Area - Development Precincts shown on the Rangitahi Peninsula Structure Plan (Appendix 8) or any approved subdivision; and</p> <p>(c) The total gross floor area does not exceed a total of 400m² gross floor area within the whole of the Rangitahi Peninsula Structure Plan Area (Appendix 8); and</p> <p>(d) Gross floor area of each individual premise does not exceed 100m².</p> |
| P7 | Agricultural or horticultural activities | <p>(a) Located within Balance Lot (Farm Management) on Plan 2 in the Rangitahi Peninsula Structure Plan Area (Appendix 8);</p> <p>(b) Comply with Land Use – Effects standards for the GRZ – General Rural Zone (Rule 22.2);</p> <p>(c) Comply with Land Use - Buildings standards for the GRZ – General Rural Zone (Rule 22.3)</p> |
| P8 | Emergency services training and management activities | Nil. |
| P9 | Additions and alterations to an existing emergency service facility | Nil. |
| P10 | Construction or alteration of a building for a sensitive land use | <p>(i) It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</p> <p>(ii) It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</p> |
| P11 | Construction or demolition of, or alteration or addition to, a building or structure | Nil. |

28.1.2 Controlled Activities

(1) The activities listed below are controlled activities.

| Activity | Conditions-Matters of Control |
|---|--|
| <p>C1</p> <p>(a) Child care facilities are a controlled activity if the following conditions are met:</p> <p>(i) Land Use- Effects in Rule 28.2; and</p> <p>(ii) Land Use – Building in Rule 28.3; and</p> <p>(iii) The site is located within the potential mixed use, potential commercial or potential tourism locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8).</p> | <p>(a) Council reserves its control over the following matters:</p> <p>(i) Consistency with the Rangitahi Peninsula Structure Plan;</p> <p>(ii) Character and amenity of development within the Rangitahi Peninsula Structure Plan.</p> <p>(iii) Traffic impacts on the safety and efficiency of the road network.</p> |

28.1.3 Specific Activities - Restricted Discretionary Activities

- (1) The activities listed below are restricted discretionary activities.
- (2) Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in the following table.

| Activity | | Matters of Discretion |
|----------|---|--|
| RD1 | <p>(a) Any activity that does not comply with a condition for standard of Rule 28.1.1(P5) or Rule 28.1.1 (P6) is a restricted discretionary activity provided that:</p> <ol style="list-style-type: none"> (i) For a community activity facility, the total gross floor area within the Rangitahi Peninsula Structure Plan Area does not exceed 300m² within the whole of the Structure Plan Area. (ii) For Rangitahi commercial activity (including health facilities): <ol style="list-style-type: none"> (i) A. The total gross floor area does not exceed 600m² within any of the seven neighbourhoods shown on the Rangitahi Peninsula Structure Plan (Appendix 8), or (ii) B. The total gross floor area does not exceed 1000m² within the whole of the Structure Plan Area. | <p>(a) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) Effects on the role, function, and vitality, of the Raglan town centre; (ii) Traffic impacts on the safety and efficiency of the road network; (iii) Consistency with the Rangitahi Peninsula Structure Plan (Appendix 8); (iv) Character and amenity of development within the Rangitahi Peninsula Structure Plan (Appendix 8). |
| RD2 | <p>(a) A Rangitahi Comprehensive Residential Development that meets the following conditions standards:</p> <ol style="list-style-type: none"> (i) The Land Use – Effects in Rule 28.2; and (ii) The Land Use – Building in Rule 28.3; and <ol style="list-style-type: none"> A. Rule 28.3.3 (Building height) does not apply; and B. Rule 28.3.7 (Living court Outdoor living space) does not apply; and (iii) The site is located within the Comprehensive Residential Development locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8) or approved subdivision consent; and (iv) Construction or alteration of a building does not exceed 11m height measured from the natural ground level immediately below that part of the structure; and (v) A detailed site plan is provided that identifies proposed title boundaries for each residential unit and any common areas (including access and services), ensuring that a freehold (fee simple) or unit title subdivision could occur in accordance with Appendix 8 - Rangitahi Peninsula Structure Plan; and (vi) The residential unit is designed and constructed to comply with Table 14 - Internal Sound Levels in Appendix 1 (Acoustic Insulation); and | <p>(a) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) Adequacy of the information provided to address matters specified, and outcomes sought, within the Multi-Unit Design Guide (Appendix 3.4); (ii) The extent to which the development contributes to and engages with adjacent streets and public open space; (iii) The extent to which the access, car parking and garaging is integrated into the development in a way that is safe for pedestrians and cyclists; (iv) The extent to which the development incorporates environmental efficiency measures such as passive solar principles; (v) Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, outdoor living court orientation, site design and layout; (vi) The extent to which staging is necessary to ensure that development is carried out in a coordinated and timely manner; |

| | <p>(vii) A communal service court area is provided; and</p> <p>(viii) Outdoor living courts <u>spaces</u> are provided to meet the following minimum requirements for each residential unit:</p> <table border="1" data-bbox="375 383 936 618"> <thead> <tr> <th>Duplex Dwelling</th> <th>Living Court Space Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>30m²</td> <td>4m</td> </tr> <tr> <td>2 bedroom</td> <td>40m²</td> <td>4m</td> </tr> <tr> <td>3 bedroom</td> <td>40m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" data-bbox="375 660 936 992"> <thead> <tr> <th>Apartment Building Ground Level Residential Unit</th> <th>Living Court Space Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>20m²</td> <td>4m</td> </tr> <tr> <td>2 bedroom</td> <td>30m²</td> <td>4m</td> </tr> <tr> <td>3 bedroom</td> <td>30m²</td> <td>4m</td> </tr> </tbody> </table> <table border="1" data-bbox="375 1034 936 1361"> <thead> <tr> <th>Apartment Building Upper Level Residential Unit</th> <th>Living Court Space Area</th> <th>Minimum Dimension</th> </tr> </thead> <tbody> <tr> <td>Studio unit or 1 bedroom</td> <td>10m²</td> <td>2m</td> </tr> <tr> <td>2 bedroom</td> <td>15m²</td> <td>2m</td> </tr> <tr> <td>3 bedroom</td> <td>15m²</td> <td>2m</td> </tr> </tbody> </table> | Duplex Dwelling | Living Court Space Area | Minimum Dimension | Studio unit or 1 bedroom | 30m ² | 4m | 2 bedroom | 40m ² | 4m | 3 bedroom | 40m ² | 4m | Apartment Building Ground Level Residential Unit | Living Court Space Area | Minimum Dimension | Studio unit or 1 bedroom | 20m ² | 4m | 2 bedroom | 30m ² | 4m | 3 bedroom | 30m ² | 4m | Apartment Building Upper Level Residential Unit | Living Court Space Area | Minimum Dimension | Studio unit or 1 bedroom | 10m ² | 2m | 2 bedroom | 15m ² | 2m | 3 bedroom | 15m ² | 2m | <p>(vii) Avoidance or mitigation of natural hazards;</p> <p>(viii) The safety and efficiency of roads due to traffic associated with the development;</p> <p>(ix) Geotechnical stability for building;</p> <p>(x) Consistency with (Appendix 8) Rangitahi Peninsula Structure Plan.</p> |
|--|--|---|-------------------------|-------------------|--------------------------|------------------|----|-----------|------------------|----|-----------|------------------|----|--|-------------------------|-------------------|--------------------------|------------------|----|-----------|------------------|----|-----------|------------------|----|---|-------------------------|-------------------|--------------------------|------------------|----|-----------|------------------|----|-----------|------------------|----|---|
| Duplex Dwelling | Living Court Space Area | Minimum Dimension | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Studio unit or 1 bedroom | 30m ² | 4m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 bedroom | 40m ² | 4m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 bedroom | 40m ² | 4m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Apartment Building Ground Level Residential Unit | Living Court Space Area | Minimum Dimension | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Studio unit or 1 bedroom | 20m ² | 4m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 bedroom | 30m ² | 4m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 bedroom | 30m ² | 4m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Apartment Building Upper Level Residential Unit | Living Court Space Area | Minimum Dimension | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Studio unit or 1 bedroom | 10m ² | 2m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 bedroom | 15m ² | 2m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 bedroom | 15m ² | 2m | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| RD3 | <p>(a) Any mixed use activity comprising of a comprehensive residential development and a Rangitahi commercial activity (including health facilities) or a community facility is a restricted discretionary activity and shall meet the conditions standards in Rules 28.1.1 P5-P6 and 28.1.3 RD1 and RD2;</p> <p>(b) Mixed use activities provided for under Rule RD3(a) are exempt from the requirements of Rule 28.3.6 (Accessory buildings)</p> | <p>Council's discretion is restricted to the matters of discretion of Rules 28.1.3 RD1 (a) and RD2 (a).</p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| RD4 | <p><u>Construction or alteration of a building for a sensitive land use that does not comply with 28.1.1 P10</u></p> | <p><u>Council's discretion shall be restricted to the following matters:</u></p> <p>a. <u>Effects on the amenity values of the site;</u></p> <p>b. <u>The risk of electrical hazards affecting the safety of people;</u></p> <p>c. <u>The risk of damage to property;</u></p> <p><u>and</u></p> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| | | <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u> |
| RD5 | <u>Construction of emergency service facilities</u> | <p><u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> (a) <u>Effects on amenity of the locality.</u> (b) <u>Effects on character.</u> (c) <u>Road efficiency and safety.</u> (d) <u>Building design.</u> (e) <u>Site layout and design; and</u> (f) <u>Privacy on other sites.</u> |

28.1.4 Specific Activities - Discretionary Activities

(1) The activities listed below are discretionary activities.

| | |
|----|---|
| D1 | Any activity that does not comply with one or more conditions standards for a permitted activity Rule 28.1.1 P1-P4, or P7 or P6, or a controlled activity Rule 28.1.2 (a) unless a lesser activity status under the Land Use Effects Rule 28.2 or Land Use Building Rules 28.3 has been identified. |
| D2 | Child care facilities outside of potential mixed use, potential commercial or potential tourism locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8). |
| D3 | Any activity that does not comply with Rule 28.1.3 RD1, RD2 or RD3. |

28.1.5 Non-Complying Activities

(1) The activities listed below are non-complying activities.

| | |
|-----|--|
| NCI | Any activity that is not listed as Prohibited, Permitted or Restricted Discretionary or Discretionary. |
|-----|--|

28.2 Land Use – Effects

28.2.1 Noise

- (1) **Rule 28.2.1** and **Rule 28.2.2** provide the permitted noise levels for noise generated by land use activities.
- (2) **Rule 28.2.2** Noise – General provides permitted noise levels across the entire **RPZ – Rangitahi Peninsula Zone**.
- (3) **Rule 28.2.3** Noise – Construction provides for permitted noise levels during construction activities.

28.2.1.2 Noise – general

| | |
|----|---|
| P1 | Farming noise , and noise generated by emergency generators and emergency sirens. |
| P2 | <p>(a) Noise measured within any other site must not exceed:</p> <ul style="list-style-type: none"> (i) 50dB $L_{Aeq}(15min)$ (L_{Aeq}), 7am to 7pm, every day, and (ii) 45dB $L_{Aeq}(15min)$ (L_{Aeq}), 7pm to 10pm, every day, and (iii) 40dB $L_{Aeq}(15min)$ (L_{Aeq}), 10pm to 7am the following day, and (iv) 65dB (L_{AFmax}), 10pm to 7am the following day. |

| | |
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| | (b) Noise levels must be measured in accordance with the requirements of NZS 6801:2008 "Acoustics - Measurement of Environmental Sound" ; |
| | (c) Noise levels must be assessed in accordance with the requirements of NZS 6802:2008 "Acoustic- Environmental noise" ; |
| DI | Noise generated by any activity that does not comply with Rule 28.2.1.2 P1 and P2 |

28.2.1.3 Construction noise

| | |
|-----|--|
| PI | (a) Noise generated from a construction site must meet the levels in NZS 6803:1999 (Acoustics - Construction Noise) ; and (b) Construction noise must be measured and assessed in accordance with the requirements of NZS6803:1999 'Acoustics – Construction Noise' . |
| RD1 | (a) Construction noise that does not comply with Rule 28.2.1.3 P1 . (b) Council's discretion is restricted to the following: (i) Effects on amenity values; (ii) Hours of construction; (iii) Noise levels and days; (iv) Timing and duration; (v) Methods of construction. |

28.2.3 Glare and artificial light spill

| | |
|-----|--|
| PI | (a) Illumination from glare and light spill must not exceed 10 lux measured horizontally and vertically at any other site. (b) Rule 28.2.3 P1 does not apply to streetlights, navigation lights, traffic signals or from vehicles or equipment used in farming activities. |
| RD1 | (a) Illumination from glare and light spill that does not comply with Rule 28.2.3 P1 . (b) Council's discretion is restricted to the following: (i) Effects on amenity values; (ii) Light spill levels on other sites; (iii) Road safety; (iv) Duration and frequency; (v) Location and orientation of the light source; (vi) Mitigation measures. |

28.2.4 Earthworks

- (1) **Rules 28.2.4.1 to 28.2.4.3** provide for permitted levels for earthworks generated by land use activities within the **RPZ – Rangitahi Peninsula Zone**.
- (2) There are specific standards within rules:
- (3) **Rule 28.2.4.1 Earthworks – General**;
- ~~(4) **Rule 28.2.4.2 Earthworks – Maaori Sites of Significance**;~~
- ~~(5) **Rule 28.2.4.3 Earthworks – Significant Natural Areas**~~

28.2.4.1 Earthworks – General

| | |
|----|--|
| PI | (a) Earthworks within a site must meet all of the following conditions standards : (i) Be located more than 1.5m from a public sewer, open drain, overland flow path or other service pipe; (ii) Not exceed a volume of more than 250m ³ and an area of more than 1,000m ² within a site ; (iii) The height of the resulting cut, filled areas or fill batter face in stable ground, not including any surcharge, does not exceed 2m, with a maximum slope of 1:2 (1 vertical to 2 horizontal); (iv) Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks ; |
|----|--|

| | |
|-----|---|
| | <ul style="list-style-type: none"> (v) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; (vi) Do not divert or change the nature of natural water flows, water bodies or established drainage paths; (vii) Do not result in the site being unable to be serviced by gravity sewers. |
| P2 | <ul style="list-style-type: none"> (a) The importation of fill material to a site must meet the following conditions <u>standards</u>, in addition to the conditions <u>standards</u> in Rule 28.2.4 P1: <ul style="list-style-type: none"> (i) Does not exceed a total volume of 500m³ per site and a depth of 1m; (ii) Is fit for compaction; (iii) The height of the resulting batter face in stable ground must not exceed 1.5m with a maximum slope of 1:2 (1m vertical to 2m horizontal); (iv) Does not restrict the ability for land to drain; (v) Is not located within 1.5m of public sewers, utility services or manholes; (vi) The sediment from fill material is retained on the site. |
| RD1 | <ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 28.2.4.1 P1 or P2. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Amenity values and landscape effects; (ii) Volume, extent and depth of earthworks; (iii) Nature of fill material; (iv) Contamination of fill material; (v) Location of the earthworks to waterways, significant indigenous vegetation and habitat; (vi) Compaction of the fill material; (vii) Volume and depth of fill material; (viii) Geotechnical stability; (ix) Flood risk, including natural water flows and established drainage paths (x) Land instability, erosion and sedimentation; (xi) Proximity to underground services and service connections; (xii) Traffic movements to and from the site; (xiii) Consistency with the Rangitahi Peninsula Structure Plan. |

28.2.4.2 Earthworks – Maaori Sites and Maaori Areas of Significance

| | |
|-----|--|
| RD1 | <ul style="list-style-type: none"> (a) Earthworks within a Maaori Site of Significance as identified in Schedule 30.3 (Maaori Site of Significance) and shown on the planning maps. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values. |
| RD2 | <ul style="list-style-type: none"> (a) Earthworks within a Maaori area of significance as identified in Schedule 30.4 (Maaori Area of Significance) and shown on the planning maps. (b) Council's discretion shall be restricted to the following matters: <ul style="list-style-type: none"> (i) location of activity in relation to the site; (ii) effects on heritage and cultural values. |

28.2.4.3 Earthworks – Significant Natural Areas

| | |
|-----|--|
| P1 | <ul style="list-style-type: none"> (a) Earthworks for the maintenance of existing tracks, fences or drains within an identified Significant Natural Area and must meet all of the following conditions: <ul style="list-style-type: none"> (i) Maximum volume of 50m³ in a single consecutive 12 month period; (ii) Maximum area of 250m² in a single consecutive 12 month period; and (iii) Not include importing any fill material. |
| RD1 | <ul style="list-style-type: none"> (a) Earthworks that do not comply with Rule 16.2.4.3 P1. |

| | |
|----|---|
| | <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) The location of earthworks in relation to waterways, significant indigenous vegetation or habitat;</p> <p>(ii) The protection of adverse effects on the Significant Natural Area values.</p> |
| D1 | Earthworks within an identified Significant Natural Area not provided for in Rule 28.2.4.3 P1 or RD1 |

28.2.5 Hazardous substances

The provisions notified under this heading are addressed in Decision Report 11: Hazardous Substances and Contaminated Land

28.2.6 Signs

- (1) Rule 28.2.6.1 Signs – general provides permitted standards for any sign, including real estate signs, across the entire RPZ – Rangitahi Peninsula Zone.
- (2) Rule 28.2.6.2 Signs – effects on traffic apply specific standards for signs that are directed at road users.
- ~~(3) Rule 28.2.6.3 Signs – Heritage items and Maaori Sites of Significance provides permitted standards for signs that are attached to a heritage item or a Maaori Site of significance that are listed in Schedule No. 2. (Maaori Sites of Significance).~~

28.2.6.1 Signs - General

| | |
|-----|---|
| P1 | <p>(a) A sign visible from a public place must comply with all of the following conditions standards:</p> <p>(i) It is the only sign on the site;</p> <p>(ii) It is wholly contained on the site;</p> <p>(iii) It does not exceed 0.25m²;</p> <p>(iv) The sign height does not exceed 2m;</p> <p>(v) It is not illuminated;</p> <p>(vi) It does not contain any moving parts, fluorescent, flashing or revolving lights or reflective materials;</p> <p>(vii) It relates to:</p> <p>A. Goods or services available on the site; or</p> <p>B. It is a property name sign; or</p> <p>C. It is a public information sign erected by a public authority; or</p> <p>D. It is a temporary sign on display for no more than 3 months.</p> |
| P2 | <p>(a) A real estate 'for sale' sign relating to the site on which it is located must not:</p> <p>(i) Have more than 3 signs per site; and</p> <p>(ii) Be illuminated; and</p> <p>(iii) Contain any moving parts, fluorescent, flashing or revolving lights or reflective materials; and</p> <p>(iv) Project into or over road reserve.</p> |
| P3 | Official sign |
| P4 | Signs that are located within a building or that are not visible from a road or adjoining site. |
| RD1 | <p>(a) A sign that does not comply with Rule 28.2.6.1 P1 or P2.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity values;</p> <p>(ii) Character of the locality;</p> <p>(iii) Effects on traffic safety;</p> <p>(iv) Glare and artificial light spill;</p> <p>(v) Content, colour and location of the sign.</p> |

28.2.6.2 Signs – effects on traffic

| | |
|----|---|
| PI | <p>(a) Any sign directed at road users must:</p> <ul style="list-style-type: none"> (i) Not imitate the content, colour or appearance of any traffic control sign; and (ii) Not obstruct sight lines of drivers turning into or out of a site entrance and intersections; and (iii) Contain maximum 40 characters and 6 symbols; and (iv) Have lettering that is at least 150mm high; and (v) Where the sign directs traffic to a site entrance, the sign must be at least 130m from the entrance. |
| DI | Any sign that does not comply with Rule 28.2.6.2 PI . |

28.2.6.3 Signs – Heritage items and Maaori Sites of Significance

| | |
|-----|---|
| PI | <p>(a) A sign for the purpose of identification and interpretation attached to:</p> <ul style="list-style-type: none"> (i) A Maaori Site of Significance listed in Schedule 30.3 (Maaori Site of Significance). |
| RD1 | <p>(a) Any sign that does not comply with Rule 28.2.6.3 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on cultural values of any Maaori Site of Significance. |

28.2.7 Outdoor storage

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|-----|---|
| PI | <p>(a) Outdoor storage of goods or materials must:</p> <ul style="list-style-type: none"> (i) Be associated with the commercial activity operating from the site; and (ii) Not encroach on required parking or loading areas; and (iii) Be fully screened from view by closed board 1.8m high fencing or landscaping from any: <ul style="list-style-type: none"> A. Public road; and B. Public reserve; and C. Adjoining site in another zone. |
| RD1 | <p>(a) Outdoor storage of goods or materials that do not comply with Rule 28.2.7 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Visual amenity; (ii) Effects on loading and parking areas; (iii) Size and location of storage area; (iv) Measures to mitigate adverse effects. |

28.2.8 Indigenous vegetation clearance inside a Significant Natural Area

| | |
|----|---|
| PI | <p>(a) Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas)</p> <ul style="list-style-type: none"> (i) Removing vegetation that endangers human life or existing buildings or structures; or (ii) Conservation fencing to exclude stock or pests; or (iii) Maintaining existing farm drains; or (iv) Maintaining existing tracks and fences; or (v) Gathering plants in accordance with Maaori customs and values; or |
| P2 | <p>Removing of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per single consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</p> |
| P3 | <p>(a) Indigenous vegetation clearance for building, access, parking and manoeuvring areas in a Significant Natural Area outside the coastal environment identified on the planning maps or in</p> |

| | |
|----|--|
| | <p>Schedule 30.5 (Urban Allotment Significant Natural Areas) must comply with all of the following conditions:</p> <p>(i) There is no alternative development area on the site outside the Significant Natural Area; and</p> <p>(ii) The total indigenous vegetation clearance does not exceed 250m²;</p> <p>(iii) The vegetation clearance is at least 10m from a natural waterbody;</p> |
| P4 | <p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) where:</p> <p>(i) There is no alternative development area on the site outside the Significant Natural Area;</p> <p>(ii) The following total areas are not exceeded:</p> <p style="padding-left: 40px;">A. 1500m² for a Marae complex, including areas associated with access parking and manoeuvring; and</p> <p style="padding-left: 40px;">B. 500m² per dwelling, including areas associated with access parking and manoeuvring; and</p> <p style="padding-left: 40px;">C. 500m² for a papakainga building including areas associated with access parking and manoeuvring.</p> |
| P5 | <p>(a) On Maaori Freehold Land or Maaori Customary Land, indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) for the following purposes:</p> <p>(i) Removing vegetation that endangers human life or existing buildings or structures; or</p> <p>(ii) Conservation fencing to exclude stock or pests; or</p> <p>(iii) Maintaining existing farm drains; or</p> <p>(iv) Maintaining existing tracks and fences; or</p> <p>(v) Gathering plants in accordance with Maaori customs and values.</p> |
| P6 | <p>Removing of up to 5m³ of manuka and/or kanuka outside of the Coastal Environment per consecutive 12 month period per property for domestic firewood purposes and arts or crafts provided the removal will not directly result in the death, destruction or irreparable damage of any other tree, bush or plant</p> |
| P7 | <p>The trimming or pruning of indigenous vegetation in a Significant Natural Area which will not directly result in the death, destruction, or irreparable damage of the vegetation</p> |
| P8 | <p>Vegetation clearance of non indigenous species in a Significant Natural Area</p> |
| P9 | <p>Vegetation clearance outside a Significant Natural Area</p> |
| D1 | <p>Indigenous vegetation clearance in a Significant Natural Area identified on the planning maps or in Schedule 30.5 (Urban Allotment Significant Natural Areas) that does not comply with Rule 21.2.8 P1, P2, P3, P4, P5 and P6.</p> |
| D2 | <p>Indigenous vegetation clearance in a Significant Natural Area other than for the purposes listed in P1 or P7.</p> |
| D3 | <p>Indigenous vegetation clearance within a Significant Natural Area within the coastal environment</p> |

28.3 Land Use – Building

28.3.1 – Dwellings Residential units

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|----|--|
| P1 | <p>One dwelling residential unit within a lot, excluding Rangitahi Comprehensive Residential Development in locations shown in Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8) or an approved subdivision consent.</p> |
| D1 | <p>A dwelling residential unit that does not comply with Rule 28.3.1 P1.</p> |

28.3.2 Minor dwelling residential units

| | |
|----|---|
| PI | (a) One minor dwelling residential unit not exceeding 70m ² gross floor area contained within a CFR where: <ul style="list-style-type: none"> (i) The net site area is 900m² or more; and (ii) The site does not contain a comprehensive development. |
| DI | A minor dwelling residential unit that does not comply with Rule 28.3.2. PI |

28.3.3 Building height

| | |
|-----|---|
| PI | (a) The height of a building measured from the natural ground level immediately below that part of the structure must not exceed 7.5m. (b) Chimneys not exceeding 1m in width and finials shall not exceed a maximum height of 9.5m measured from the natural ground level immediately below the structure; (c) Rule 28.3.3 PI(a) does not apply to Comprehensive Development Lots shown on Plan 5 of the Rangitahi Peninsula Structure Plan (Appendix 8), where the height of buildings must not exceed 11m. |
| RD1 | (a) A building that does not comply with Rule 28.3.3 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Design and location of building; (ii) Building dominance effects; (iii) Admission of daylight and sunlight to the site and other sites; (iv) Privacy on other sites; (v) Amenity values of the locality; (vi) Consistency with the Rangitahi Peninsula Structure Plan (Appendix 8). |

28.3.4 Daylight admission Height in Relation to Boundary

| | |
|-----|---|
| PI | (a) A building or structure must not protrude through a height control plane rising at an angle of 37-45° commencing at an elevation of 2.5m above ground level at every point of the site boundary . (b) Rule 28.3.4 PI (a) does not apply to party walls located along site boundaries. (c) Rule 28.3.4 PI (a) does not apply to sites in Precinct A and D that are indicated as having a zero setback in the Rangitahi Peninsula Structure Plan (Appendix 8). |
| RD1 | (a) A building that does not comply with Rule 28.3.4 PI. (b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> (i) Height of building; (ii) Design and location of building; (iii) Admission of daylight and sunlight to the site and other sites; (iv) Privacy on other sites; (v) Amenity values of the locality; (vi) Consistency with the Rangitahi Peninsula Structure Plan (Appendix 8). |

28.3.5 Building coverage

| | |
|----|---|
| PI | The total building coverage must not exceed 40% of the site . Rule 28.3.5.1 does not apply: <ul style="list-style-type: none"> a) <u>To a structure that is not a building; or</u> b) <u>To eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u> |
| DI | A building that does not comply with Rule 28.3.5 PI. |

28.3.5A Impervious surfaces

| | |
|----|---|
| PI | The impervious surface of a site must not exceed 70%. |
|----|---|

| | |
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| RDI | <p>(a) Impervious surfaces that do not comply with Rule 28.3.5A P1</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Site design, layout and amenity; (ii) The risk of flooding, nuisance or damage to the site or other buildings and sites. |
|-----|--|

28.3.6 Accessory buildings

| | |
|----|---|
| P1 | <p>(a) The gross floor area of all accessory buildings on a residential site must not exceed 70m²; or</p> <p>(b) Where the accessory building is located outside the Development Precincts defined in the Rangitahi Peninsula Structure Plan (Appendix 8) the gross floor area of the accessory building must not exceed either:</p> <ul style="list-style-type: none"> (iii) 400m² on a site having an area of at least 2ha; or (iv) 250m² on a site less than 2ha. |
| DI | An accessory building that does not comply with one of the conditions in Rule 28.3.6 P1 |

28.3.7 Living court Outdoor living area

| | |
|----|---|
| P1 | <p>(a) An outdoor living area living court must be provided for each dwelling residential unit that meets all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the dwelling residential unit; (ii) It is located between 45 degrees northeast through north to 90 degrees west of the dwelling residential unit measured from the southernmost part of the dwelling residential unit; (iii) It is readily accessible from a living area of the dwelling residential unit and either: <ul style="list-style-type: none"> A. On the ground floor of the dwelling residential unit, the outdoor living area living court must have a minimum area of 80m² capable of containing a circle of 6m diameter; or B. Above ground floor of the dwelling residential unit, the outdoor living area living court must be located on a balcony capable of containing at least 15m² and a circle with a diameter of at least 2.4m. |
| P2 | <p>(a) An outdoor living area living court must be provided for each minor dwelling residential unit that meets all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) It is for the exclusive use of the occupants of the minor dwelling residential unit; (ii) It is located between 45 degrees northeast through north to 90 degrees west of the minor dwelling residential unit measured from the southernmost part of the minor dwelling residential unit; (iii) It is readily accessible from a living area of the minor dwelling residential unit and either: <ul style="list-style-type: none"> A. On the ground floor of the minor dwelling residential unit, the outdoor living area living court must have a minimum of 40m² capable of containing a circle of 6m diameter; or B. Above ground floor of the minor dwelling residential unit, the outdoor living area living court must be located on a balcony capable of containing at least 15m² and a circle with a diameter of at least 2.4m. |
| DI | An outdoor living area living court that does not comply with Rule 28.3.7 P1 or P2. |

28.3.8 Service court

| | |
|----|--|
| P1 | <p>(a) A service court must be provided for each dwelling residential unit with the following dimensions</p> <ul style="list-style-type: none"> (i) Minimum area of 15m²; and (ii) Contains a circle of at least 3m diameter. |
| DI | A service court that does not comply with Rule 28.3.8 P1. |

28.3.9 Building Setbacks

- (1) Rules 28.3.9.1 to 28.3.9.3 provide the permitted building setback distances for buildings from site boundaries, specific land use activities and environmental features.

- (2) Rule 28.3.9.1 provides permitted building setback distances from all boundaries on any site within the RPZ – Rangitahi Peninsula Zone. Different setback distances are applied based on the type of building and the boundary.
- (3) Rule 28.3.9.2 Dwelling Sensitive land use setback – wastewater treatment plant provides standards for dwellings sensitive land uses near the wastewater treatment plant.
- (4) Rule 28.3.9.3 Building setback – Water bodies including lake, wetland, river and coast.

28.3.9.1 Building setbacks – all boundaries

| | |
|-----|--|
| PI | <p>(a) A building must be set back a minimum of:</p> <ol style="list-style-type: none"> (i) 3m from the road boundary; (ii) 13m from the line of an indicative road; (iii) 1.5m from every boundary other than a road boundary, including vehicle access to another site. <p>(b) A non-habitable building can be set back less than 1.5m from a boundary if it complies with all of the following conditions standards:</p> <ol style="list-style-type: none"> (i) The total length of all buildings within 1.5m of the boundary does not exceed 6m; (ii) It does not have any windows or doors on the side of the building facing the boundary; (iii) No part of the building within the setback extends over the site boundary. <p>(c) Rule 28.3.9.1 PI (a) does not apply to the lots identified in the Precinct A or D in the Rangitahi Peninsula Structure Plan (Appendix 8) as having a zero setback.</p> <p>(d) Rule 28.3.9.1 PI (b) do not apply to party walls or lease plan boundaries within Comprehensive Development Lots in Appendix 8.</p> <p>(e) Rule 28.3.9.1 PI (a) does not apply to a structure which is not a building.</p> |
| RDI | <p>(a) A building that does not comply with Rule 28.3.9.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) Road network safety and efficiency; (ii) Reverse sensitivity effects; (iii) Adverse effects on amenity; (iv) Streetscape; (v) Potential to mitigate adverse effects; (vi) Daylight admission to adjoining properties; (vii) Effects on privacy at adjoining sites. |

28.3.9.2 Dwelling Sensitive land use setback – wastewater treatment plant

| | |
|-----|---|
| PI | (a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: (i) 300m from the oxidation ponds that are part of a wastewater treatment facility on another site ; or (ii) 30m from a wastewater treatment facility where the treatment process is fully enclosed. (iii) <u>Rule 28.3.9.2 PI does not apply to a structure which is not a building.</u> |
| RD1 | (a) Any building for a sensitive land use that does not comply with Rule 28.3.9.2 PI . (b) Discretion is restricted to: (i) Adverse effects of odour; (ii) Potential to mitigate adverse effects. |

28.3.9.3 Building setback – water bodies

| | |
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| PI | Any building must be setback a minimum of 23m from mean high water springs . <u>Rule 28.3.9.3 PI does not apply to a structure which is not a building.</u> |
| DI | Any building that does not comply with Rule 28.3.9.3 PI . |

28.4 Subdivision

- (1) **Rules 28.4.1 to 28.4.9** provide for subdivision density and design and apply across the **RPZ – Rangitahi Peninsula Zone**.
- (2) The following rules apply to specific areas or activities:
 - (a) **Rule 28.4.1** - subdivision general sets out the lot sizes which are to be consistent with the Rangitahi Peninsula Structure Plan (**Appendix 8**)
 - (b) **Rule 28.4.2** - subdivision boundary adjustments
 - (c) **Rule 28.4.3** - subdivision amendments and updates to cross lease flats plans
 - (d) **Rule 28.4.4** - subdivision title boundaries contaminated land, **Significant Amenity Landscape, intensive farming activities, aggregate extraction areas.**
 - (e) **Rule 28.4.5** – subdivision title boundaries **Significant Natural Areas, and Maaori Sites of Significance.**
 - (f) **Rule 28.4.6** – subdivision building platform **Rule 28.4.7** – subdivision road frontage
 - (g) **Rule 28.4.8** -subdivision esplanade reserves and esplanade strips
 - (h) **Rule 28.4.9** - subdivision of land containing mapped off-road walkways

28.4.1 Subdivision – General

| | |
|-----|---|
| RD1 | (a) Subdivision must comply with the following <u>conditions standards</u> : (i) Subdivision must be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), including the density ranges specified therein for each neighbourhood in the Neighbourhood Outcomes Plans. <u>The number of residential units within a precinct is consistent with the Neighbourhood Outcomes Plans in the Rangitahi Structure Plan (Appendix 8) allowing for an increase of up to 10%; and</u> (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; |
|-----|---|

| | |
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| | <ul style="list-style-type: none"> (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 a secondary legal. An alternative access is maintained for all road users heavy vehicles associated with subdivision civil construction. A metalled access route 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) <u>Proposed lots must be able to connect to public-reticulated water supply.</u> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (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) including identification of areas of significant native vegetation for protection. (vii) <u>Provision of infrastructure, including water supply for firefighting purposes.</u> (viii) <u>Effects on archaeological sites and cultural values.</u> (ix) Secondary access is maintained to a suitable standard, being a metalled track, for heavy vehicles associated with subdivision civil construction. Extent to which alternative access is maintained to a suitable standard for construction vehicles. |
| DI | <p>Subdivision that does not comply with one or more conditions in Rule 28.4.1 RDI.</p> |

28.4.2 Subdivision - Boundary adjustments

| | |
|----|--|
| CI | <p>(a) Proposed lots must comply with the following conditions standards:</p> <ul style="list-style-type: none"> (i) Subdivision must be in accordance with the Rangitahi Peninsula Structure Plan (Appendix 8), including the density ranges specified therein for each neighbourhood in the Neighbourhood Outcomes Plans. The number of residential units within a precinct is consistent with the Neighbourhood Outcomes Plans in the Rangitahi Structure Plan (Appendix 8) allowing for an increase of up to 10%; 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): <ul style="list-style-type: none"> (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; |
|----|--|

| | |
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| | <p>(v) Secondary access location – any variance and up to and including 30% variance in length; and</p> <p>(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; or</p> <p>(iv) 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</p> <p>(v) 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</p> <p>(vi) Provision is made for a secondary legal access for all road users – emergency vehicles when the Opororu Road connection is not available for any reason. A metalled access route protected by easement is sufficient for this purpose.</p> <p>(b) Proposed lots must not generate any additional building infringements to those which legally existed prior to the boundary relocation.</p> <p>(c) Control is reserved over:</p> <p>(i) Purpose of the boundary adjustment;</p> <p>(ii) Effects on existing buildings.</p> <p>(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.</p> |
| DI | Boundary adjustment that does not comply with Rule 28.4.2 CI |

28.4.3 Subdivision - Amendments and updates to flats plans

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|----|--|
| CI | <p>(a) An amendment or update to a flats plan of a unit title where the:</p> <p>(b) amendment or update must identify additions or alterations to buildings, accessory buildings and areas for exclusive use by an owner or owners.</p> <p>(c) Council's control is reserved over the following matters:</p> <p>(i) Purpose of the amendment or update to the flats plan;</p> <p>(ii) Effects on existing buildings;</p> <p>(iii) Site layout and design of cross lease or flats plan;</p> <p>(iv) Compliance with permitted building rules where the amendment is to convert a cross lease title to fee simple.</p> |
| DI | Any amendment or update to a cross lease flats plan that does not comply with Rule 28.4.3. |

28.4.4 Subdivision – Title boundaries – contaminated land

| | |
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| RD1 | <p>(a) Subdivision of any lot containing any contaminated land must not divide the area of contaminated land;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Amenity values and character;</p> <p>(ii) Effects on contaminated land.</p> |
| DI | Subdivision that does not comply with Rule 28.4.4 RD1. |

28.4.5 Subdivision – Title boundaries – Significant Natural Areas and Maori Sites of Significance

| | |
|-----|--|
| RD1 | <p>(a) The boundaries of every proposed lot must not divide any of the following:</p> <p>(i) Significant Natural Area;</p> <p>(ii) A Maori Site of Significance as listed in Schedule 30.3.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on Significant Natural Areas;</p> <p>(ii) Effects on Maori Sites of Significance.</p> |
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| NCID+ | -Subdivision that does not comply with Rule 28.4.5 RDI. |
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28.4.6 Subdivision - building platform

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| RD1 | <p>(a) Every proposed lot, other than and access or utility allotment, must be capable of containing a building platform that meets all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) Has, exclusive of boundary setbacks, a circle with a diameter of at least 18m or a rectangle of at least 200m² with a minimum dimension of 12m, except that this condition shall not apply to Comprehensive Residential Development Lots; (ii) Has an average gradient not steeper than 1:8; (iii) Has vehicular access in accordance with Rule 14.12.1.1 Infrastructure and Energy Chapter; (iv) Is geo-technically stable; (v) Is not subject to inundation in a 2% AEP storm or flood event; <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for subsequent buildings; (ii) Geotechnical suitability for building; (iii) Likely location of future buildings and their potential effects on the environment; (iv) Avoidance or mitigation of natural hazards; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events. |
| DI | Subdivision that does not comply with one or more condition in Rule 28.4.6 RDI . |

28.4.7 Subdivision – Road Frontage

| | |
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| RD1 | <p>(a) Every proposed lot with a road boundary other than access allotment or utility allotment or a proposed lot containing a ROW or access leg must either:</p> <ul style="list-style-type: none"> (i) Provide a width along the road boundary of at least 20m; or (ii) Comply with the Rangitahi Peninsula Structure Plan (Appendix 8). <p>(b) Council's discretion is reserved over the following matters:</p> <ul style="list-style-type: none"> (i) Road efficiency and safety; (ii) Amenity and streetscape; (iii) Extent to which it complies with the Rangitahi Peninsula Structure Plan (Appendix 8). |
| DI | Subdivision that does not comply with Rule 28.4.7 RDI . |

28.4.8 Subdivision - Esplanade reserves and esplanade strips

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| RD1 | <p>(a) Subdivision must create an esplanade reserve or strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) from every proposed CFR:</p> <ul style="list-style-type: none"> (i) Less than 4ha and within 20m of any: <ul style="list-style-type: none"> A. mean high water springs; (ii) 4ha or more and within 20m of any: <ul style="list-style-type: none"> A. mean high water springs; B. a water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) The type of esplanade provided - reserve or strip; (ii) Width of the esplanade reserve or strip; (iii) Provision of legal access to the esplanade reserve or strip; (iv) Matters provided for in an instrument creating an esplanade strip or access strip; (v) Works required prior to vesting any reserve in the council, including pest plant control, boundary fencing and the removal of structures and debris; (vi) Costs and benefits of acquiring the land. |
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| DI | Subdivision that does not comply with Rule 28.4.8 RDI. |
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28.4.9 Subdivision of land containing mapped off-road walkways

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| RD1 | <p>(a) Subdivision of land where walkways are shown as Reserve – Pedestrian Way on Plan 2 Indicative Land-use Plan on the Rangitahi Peninsula Structure Plan Area (Appendix 8) must comply with all of the following conditions standards:</p> <ul style="list-style-type: none"> (i) The walkway is at least 3 metres wide; (ii) The walkway is designed and constructed for shared pedestrian and cycle use; (iii) The walkway is generally in accordance with the walkway route shown on the planning maps; (iv) The walkway is shown on the plan of subdivision and vested in the Council. <p>(b) Once the walkway has been acquired, or an alternative walkway has been acquired, Rule 28.4.9 RDI (a) no longer applies.</p> <p>(c) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Alignment of the walkway; (ii) Drainage in relation to the walkway; (iii) Standard of design and construction of the walkway; (iv) Land stability; (v) Amenity matters including batter slopes; (vi) Connection to reserves. |
| DI | Subdivision that does not comply with Rule 28.4.9 RDI. |

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 28A: Zoning - Raglan

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

Ms Jan Sedgwick

Ms Janet Gibb

Mr Weo Maag

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1 Introduction

- 1.1 While Hearing 25 related to zoning, this Decision report addresses all submissions received by the Waikato District Council (Council) specifically on the zoning of Raglan in the Proposed Waikato District Plan (PDP). This report should be read along with the overarching Hearing 25 Rezoning Extents report, which sets out the statutory matters and key principles relating to all submissions on zoning.
- 1.2 Raglan is one of the smaller towns in Waikato District, with a population of around 4,300 people,¹ which increases substantially during the summer months. The town is primarily zoned under the Operative Waikato District Plan as the Residential Zone, with Business Town Centre Zone in the main commercial centre. There are sporadic small areas of Business Zone that cover existing businesses not located within the town centre, for example around the wharf, petrol station and garage on Main Road. Only one industrial zoned site (of 2,130m²) is located within Raglan. Industrial land serving the catchment is provided some way south out of the township at the Nau Mai Business Park off SH23.
- 1.3 The most significant growth area in Raglan is the Rangitahi Peninsula, which was zoned as residential in 2015 via Plan Change 12 to the Operative Waikato District Plan. It is now in the early stages of development, with the first stage sold and under construction. It is expected to accommodate at least 500-550 dwellings once completed. It has its own specific Rangitahi Peninsula Zone in the operative and proposed plans, and its zone provisions were specifically heard at Hearing 23.

2 Hearing Arrangement

- 2.1 The hearing was held on Tuesday 1 June 2021 via Zoom. All of the relevant information pertaining to this hearing (i.e., section 42A report, legal submissions and evidence) is contained on Council's website.
- 2.2 We heard from the following parties regarding their submissions on the zoning in Raglan:

| Submitter organisation | Attendee at the hearing |
|--------------------------|---|
| Council | Emily Buckingham (author of the section 42A report) |
| Waikato Regional Council | Miffy Foley |
| Ellmers Development Ltd | Hannah Julia |

¹ Waikato District Spatial Distribution Model, Waikato District Council, 2020. The 2021 population estimate for the Raglan 'town/village', which includes Raglan and adjacent urban land in Whale Bay statistical unit.

| | |
|---------------------|--|
| Brett Beamsley | In person |
| Bernard Brown | In person |
| Lizbeth Hughes | In person |
| Rangitahi Limited | Dr Robert Makgill – legal counsel Brianna Parkinson – legal counsel Dr Doug Fairgray - geospatial economics James Lunday- urban design Rachel de Lambert - landscape Ray O’Callaghan - infrastructure Ian Clark - traffic planning Ben Inger - planning Angeline Greensill - Tainui Hapū |
| Koning Family Trust | Phil Laing – legal counsel Martin Koning - corporate Aidan Vaughan Kirkby-McLeod - planning Dr Mark Bellingham – ecology Sian Keith – archaeology Nigel Mather – site contamination Ken Read – geotechnical Josh Hunt – visual amenity and landscape values Rhulani Baloyi – transportation Constantinos Fokianos – three waters infrastructure |

| | |
|---|---|
| | Fraser Colegrave – economics |
| Tainui o Tainui | Angeline Greensill |
| Kāinga Ora (presented at the hearing on 24 June 2021) | Alex Devine – legal counsel Douglas Allan – legal counsel Brendan Liggett - corporate Phil Stickney - planning Cam Wallace – urban design John Parlane - transport Phil Osborne - economics |

- 3 Strategic direction for Raglan** Ms Buckingham helpfully set out the strategic direction for Raglan as set out in various documents. Raglan is within the Future Proof area on Map 6C of the Waikato Regional Policy Statement (RPS). Policy 6.14 of the RPS states that new urban development within Raglan shall occur within the Urban Limits indicated on Map 6.2. The RPS states that new residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1. Table 6-1 states that a residential population of 5,200 was anticipated for Raglan and Whaingaroa by 2061. Raglan is identified as a growth management area in Future Proof 2017 and is one of the six towns that 80% of the Waikato District’s growth is to be accommodated within.² We note the level of anticipated growth in both Future Proof 2009 and 2017 is considerably less than Dr Davey’s more recent predictions in the section 42A report for the Hearing 25 Zoning Extents Framework Report (the Framework Report), which we discuss below. Future Proof 2017 also set indicative urban limits for Raglan which included Rangitahi Peninsula and some greenfield land in Raglan West as shown below.

² Section 42A report H25 Zone Extents - Raglan, Emily Buckingham, Paragraph 50, 14 April 2021.

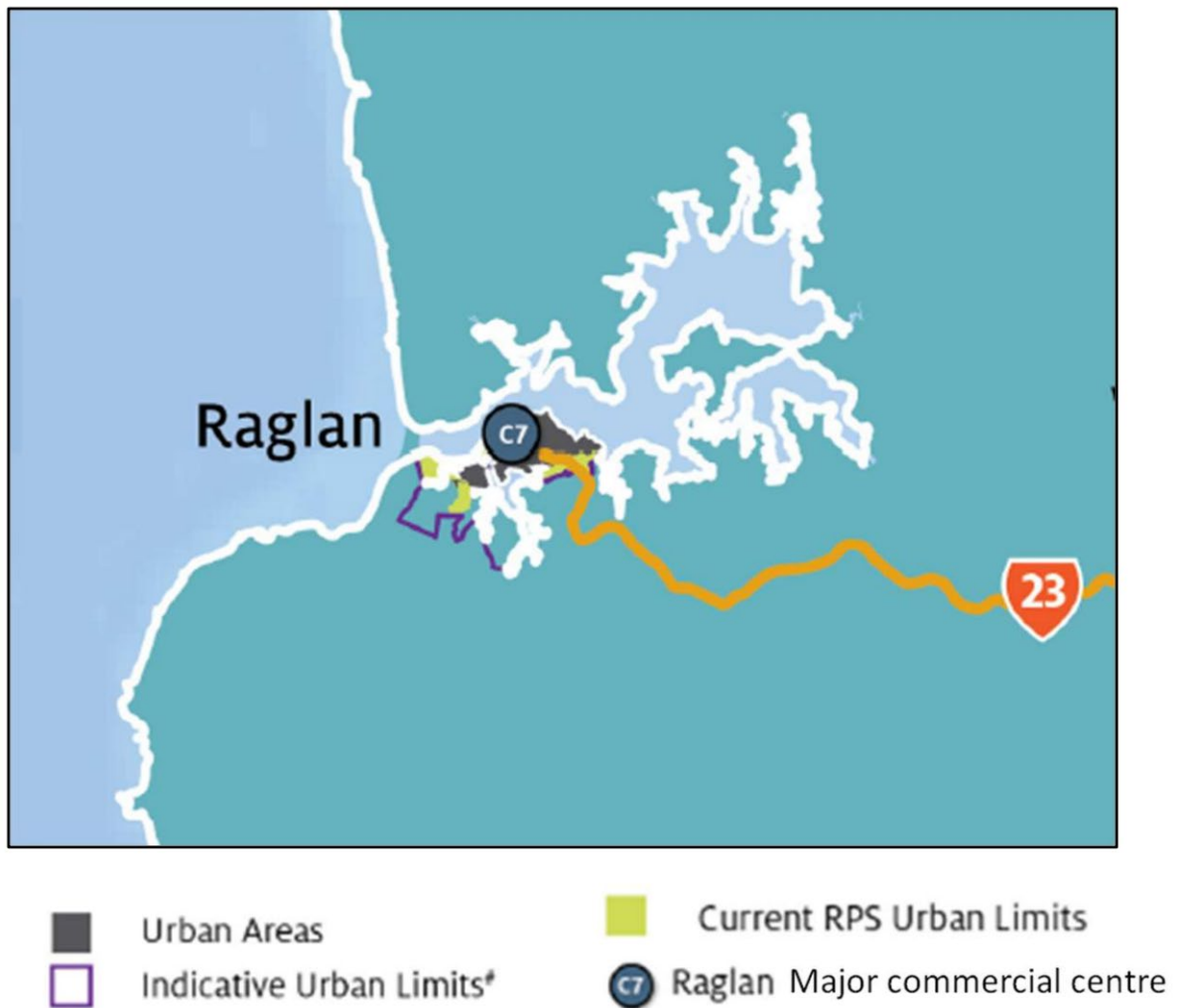


Figure 2: Future Proof 2017 indicative urban limit line

3.2 More recently, Waikato 2070 indicated growth areas for Raglan as shown below.

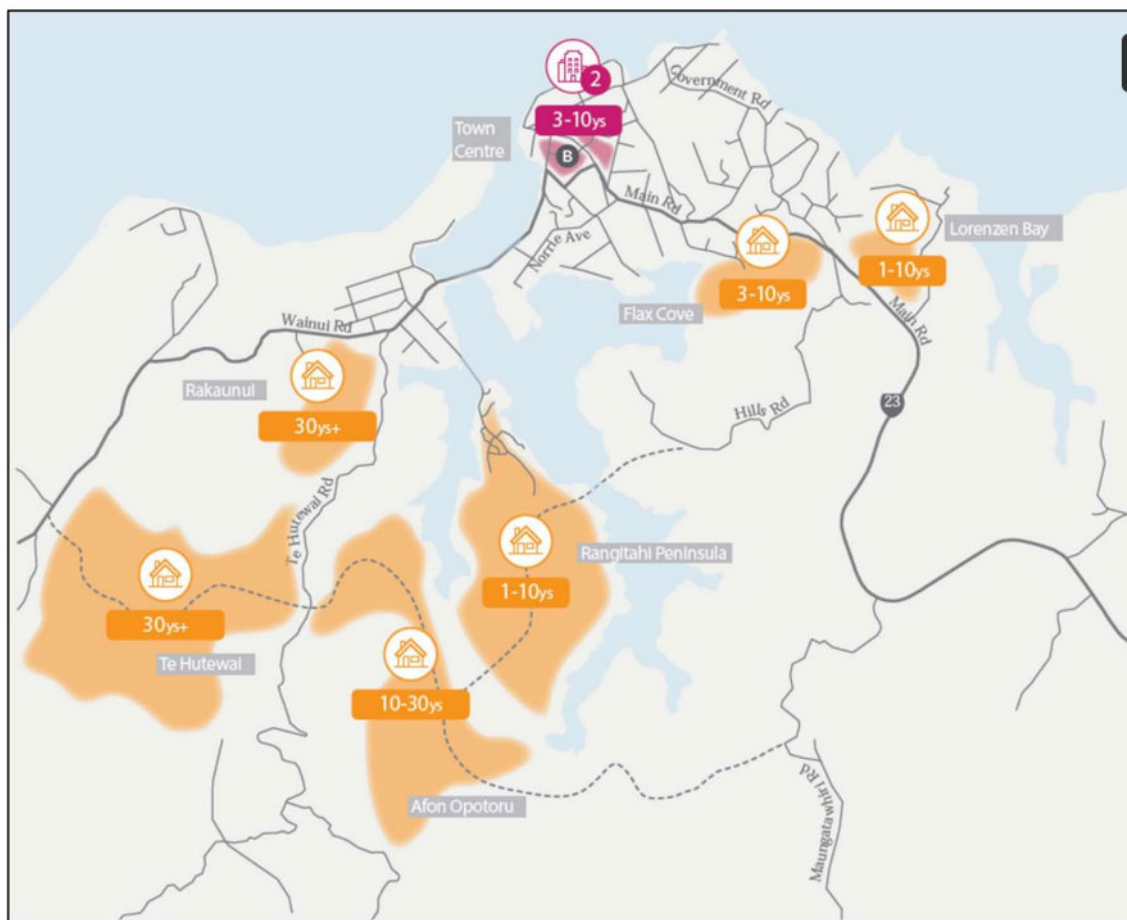


Figure 3: Future Proof 2017 indicative urban limit line

3.3 In the Framework Report, Dr Mark Davey estimated the likely growth for Raglan based upon the National Policy Statement for Urban Development (NPS-UD) demand (a medium projection of +20%) against the total dwelling supply. While we appreciate that the numbers are not likely to be precise as they are estimations based on a number of assumptions, it does give us an indication of the quantum of likely growth. These projections indicate that Raglan is not currently meeting the requirement to provide sufficient development capacity for housing to meet demand under Policy 2 and clause 3.2 of the NPS-UD and there is likely to be a shortfall in all timeframes.

4 Overview of issues raised in submissions

4.1 In the section 42A report, Ms Buckingham set out the full list of submissions received by Council concerning the zoning at Raglan. The submissions related to the following geographic areas:

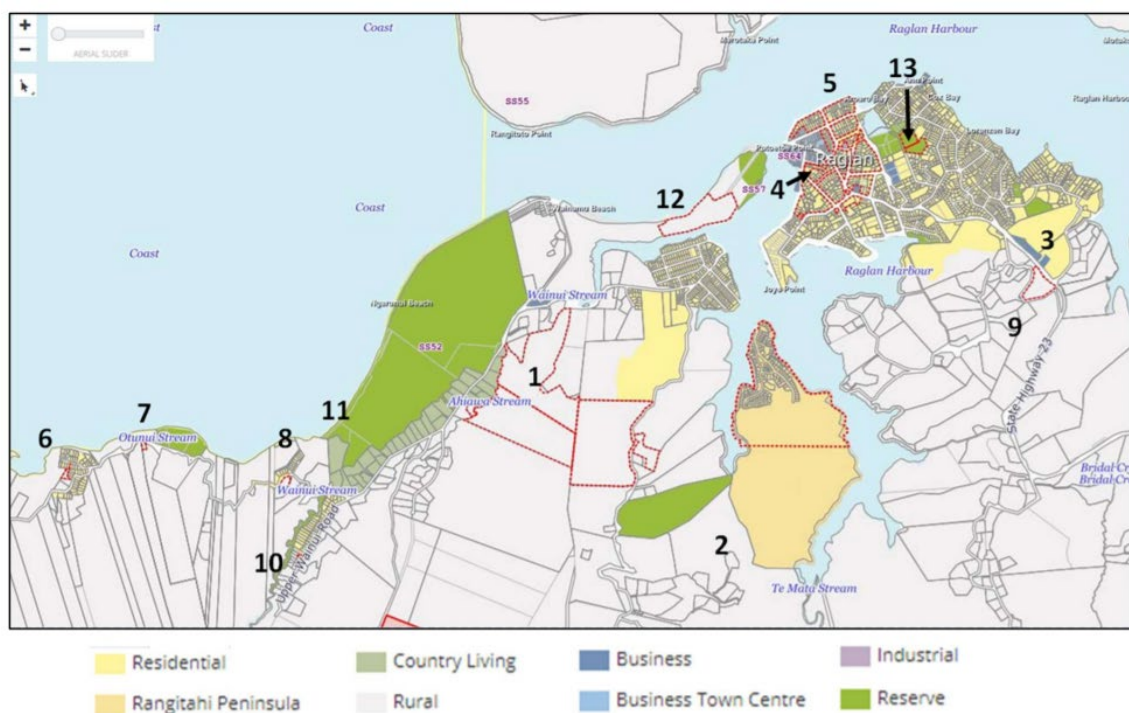


Figure 4: Spatial location of submissions seeking rezoning

| Map notation | Submitter | Notified Zone | Zone sought |
|--------------|---|-------------------------------------|----------------------------|
| 1 | Koning Family Trust and Martin Koning [658.3] | Rural | Residential |
| 2 | Rangitahi Limited [343.24] | Rural | Future Urban |
| 3 | McCracken Surveyors Ltd [943.33] | Residential | Business |
| 4 | Chris Rayner [414.2 and 6] | Residential (with business overlay) | Business |
| 5 | Kāinga Ora [749.154] | Residential | Medium Density Residential |
| 6 | Lizbeth Hughes [301.1] | Rural | Residential |

| Map notation | Submitter | Notified Zone | Zone sought |
|--------------|-------------------------|----------------|----------------|
| 7 | Bernard Brown [669.4] | Rural | Residential |
| 8 | Stuart Cummings [774.2] | Rural | Residential |
| 9 | LG Enterprises [866.1] | Rural | Country Living |
| 10 | Brett Beamsley [16.1] | Rural | Residential |
| 11 | Mark Mathers [232.2] | Country Living | Country Living |
| 12 | Aaron Mooar [245.1] | Rural | Reserve |
| 13 | Aaron Mooar [245.6] | Reserve | Not specified |

Overview of submissions and evidence

Koning

4.2 Mr Phil Laing presented legal submissions on behalf of Koning Family Trust and Martin Koning, whose submission sought rezoning of the site at 339 Wainui Road, 145 Te Hutewai Road and 151 Te Hutewai Road (“Koning land”). Mr Laing clarified the layout of the 90 hectares as being:

- (a) 60 hectares proposed for residential zoning, development and use;
- (b) 4 hectares that is geotechnically unsuitable for housing. This is the area that is planned to be planted in native vegetation with cycleways and walkways as part of the residential development; and
- (c) A setback area from the Wastewater Treatment Plant, being 26 hectares, which is to be grazed with young stock and is not to be used for residential development. Mr Laing clarified that this area of land is not proposed for rezoning.



Figure 5 the Koning land is outlined in blue, with the extent of rezoning sought identified in red.

4.3 Mr Laing outlined the reasons for rezoning of the site as follows:

- (a) There is a need for zoning of further residential land at Raglan to meet the short, medium and long term demands for residential growth;
- (b) There is a need for greater competition and choice in the Residential land market for ongoing growth at Raglan;
- (c) The Koning land is the most appropriate location and the only available location for an additional substantial supply of Residential land in the short and medium term;
- (d) The proposed change of zoning for the Koning land to Residential will not cause any servicing or infrastructure issue that does not already exist;
- (e) Where there is uncertainty about the timing of upgrades/expansions to Raglan's residential infrastructure, the most appropriate approach is to rezone the Koning land to Residential and thus enable additional residential land to become available without the need for a further Schedule 1 process under the Resource Management Act 1991 (RMA); and
- (f) The combination of a proposed structure plan, existing District Plan provisions and proposed additional District Plan provisions will provide for an orderly and well-managed residential development of the Koning land.

- 4.4 Mr Laing outlined what he considered to be the legal requirements for consideration of a plan change under Schedule 1 of the RMA. He considered that the most recent statement of the legal requirements is held in the decision of *Colonial Vineyard Limited v Marlborough District Council*.³ He suggested key issues of relevance to the Koning land include the NPS-UD, RPS, settled objectives in the Operative District Plan and the PDP for residential growth at Raglan, then addressed the proposed rezoning against each of the higher-order planning instruments. He considered that one of the significant advantages of rezoning the Koning land for residential uses is that it will produce a competing residential land supply and ensure a competitive residential land market in accordance with Objective 2 and Policy 1(d) of the NPS-UD.⁴ In addition, he considered that the site can provide significant residential development capacity. He disagreed with the contention by other submitters that a further Schedule 1 process should be undertaken to first to provide a broader spatial planning process, as he considered such a process is unlikely to provide material assistance in developing the Koning land.⁵
- 4.5 Mr Aidan Kirkby-McLeod prepared planning evidence on behalf of the Koning Family Trust and Martin Koning. Mr Kirkby-McLeod's evidence described the Koning land and some of the surrounding land uses such as the Raglan Golf Course to the northeast and Council's wastewater treatment plant to the north. He next described the submitter's proposed structure plan for the Koning land as included in his evidence and some of the guiding principles utilised in developing it. Based upon that structure plan, he estimated a yield of 300 – 400 residential allotments on the Koning land (equating to average lot sizes of 560m² – 800m²).
- 4.6 Mr Kirkby-McLeod then assessed the proposed rezoning against various planning documents.⁶ He concluded that rezoning the Koning land to Residential Zone would align with the relevant objectives and policies as notified in the PDP, as it will provide for growth in a manner that enables a compact form of urban development around an existing town centre. He considered that rezoning would also align with the objectives and policies of higher-order planning documents, as it will result in growth consistent with the strategic direction adopted in the RPS, Future Proof and Waikato 2070.
- 4.7 Mr Kirkby-McLeod considered that the proposed rezoning of the Koning land will also result in the PDP giving better effect to the objectives of the NPS-UD by catering for growth and providing for a competitive housing market. He further assessed the proposal against Part 2 of the RMA and concluded that it achieves the purpose of the RMA as set out in section 5. His reasons were that the proposal provided for growth and development in the Raglan area to cater for the needs of current and future generations, whilst also ensuring the protection and enhancement of the natural and physical resources. In particular, he considered the proposal will provide for efficient use of the

³ *Colonial Vineyard Limited v Marlborough District Council* [2014] NZEnvC 55 at [17 – 18].

⁴ Legal submissions for the Koning Family Trust and M Koning, Paragraph 16, dated 12 May 2021.

⁵ Legal submissions for the Koning Family Trust and M Koning, Paragraph 43, dated 12 May 2021.

⁶ Evidence in Chief of Aiden Kirkby-McLeod for the Koning Family Trust and M Koning, Paragraph 100, dated 17 February 2021.

land for residential purposes without extensive loss of rural production land in a location that is well placed to accommodate population growth of Raglan.⁷

- 4.8 The submitters filed a structure plan that had been developed for the site (called the Te Hutewai Structure Plan) to inform the location of developable land and guide development. Mr Kirkby-McLeod explored how the structure plan might be incorporated in the PDP and suggested that it could be inserted in the PDP in Appendix 13. He also suggested including new text in the introduction of Chapter 16 Residential Zone to refer to the Te Hutewai Structure Plan Area in Appendix 13, which would also require any subdivision or development undertaken in this location to be in accordance with that same structure plan.
- 4.9 Mr Kirkby-McLeod responded to the reasons provided by Ms Buckingham for recommending Future Urban Zone in her section 42A report. He considered that coupled with the resource consent process, “live zoning” of the site will provide Council with the flexibility to enable development to occur in response to demand, while retaining discretion to refuse applications that cannot demonstrate an adequate level of infrastructure provision. In contrast, he observed that zoning the land Future Urban Zone will necessitate a further plan change process, with the time and cost associated with that process to achieve an outcome that is likely to be reasonably similar to live zoning.⁸ He considered that Residential Zoning is more appropriate for the following reasons:
- (a) The submitter can enter into a developer agreement to ‘bridge’ any gap in infrastructure required to service the development and thus satisfy Objective 6 and Clause 3.5 of the NPS-UD, which relate to the provision of infrastructure to service development capacity;
 - (b) There is a shortage of residential land in the Raglan market;
 - (c) The proposal would also enable greater competitiveness in the Raglan market;
 - (d) Sufficient infrastructure either is or will be in place to accommodate development on the Koning land in the short, medium or long-term, and that viable alternatives exist to address any gaps that may exist should development precede the long-term transportation infrastructure being in place;
 - (e) The submitter is willing and prepared to work with Council to ensure that the potential for connectivity with the wider area is retained or improved;
 - (f) Additional text is included in the draft version of the Te Hutewai Structure Plan to provide stronger guidance on providing for connections with Raglan;
 - (g) Measures to reduce the potential for reverse sensitivity effects to occur at the interface of the Koning land and the neighbouring Xtreme Zero Waste site, including conditions for five-metre-wide landscaping strips and 50-metre-wide setbacks for residential dwellings; and

⁷ Evidence in Chief of Aiden Kirkby-McLeod for the Koning Family Trust and M Koning, Paragraph 107, dated 17 February 2021.

⁸ Rebuttal evidence of Aiden Kirkby-McLeod for the Koning Family Trust and M Koning, Paragraphs 10-11, dated 3 May 2021.

- (h) Additional text has been added to the draft Te Hutewai Structure Plan regarding cultural effects, which the submitter is continuing to engage with mana whenua on.

4.10 Mr Joshua Hunt prepared landscape and visual evidence on behalf of Koning Family Trust and M Koning, which summarised the conclusions of the Landscape and Visual Effects Assessment he undertook in February 2021. He concluded that the potential adverse effects arising from this proposal on landscape and visual matters range from very low to moderate, as the proposed rezoning of this site to residential will clearly alter the present landscape. He helpfully summarised the key reasons for supporting this application in relation to landscape and visual effects as follows:⁹

- (a) The site is well screened from the wider area by the natural landform;
- (b) The site is directly adjacent to residential zoning, which will provide for urban development in the immediately surrounding rural landscape;
- (c) The majority of the site is already within an 'Indicative Urban Limit' which seeks to provide a more compact urban form;
- (d) The proposal will provide vehicle and pedestrian connectivity by linking Wainui Rd and Te Hutewai Rd (and possibly even then connecting up across to the southern end of the Rangitahi Peninsula development);
- (e) The site is naturally backdropped by landforms with greater elevation and development on this site will not compromise the appreciation of the Mt Karioi Outstanding Natural Landscape further south; and
- (f) The site does not contain any areas of High, Very High or Outstanding Natural Character, nor does it have any identified Significant Natural Areas.

4.11 Mr Hunt prepared rebuttal evidence which agreed in principle that a spatial plan for Raglan would be ideal. However, as the Koning land is held by a single family and has existing constraints around its perimeter, Mr Hunt considered that rezoning of the Koning land to residential would not compromise development in the wider area and there was no need to wait for a higher-level spatial plan. Given the concerns raised by Council's solid waste team regarding reverse sensitivity from the Xtreme Zero Waste site, Mr Hunt supported the 50-metre setback from the boundary to any proposed dwelling, along with a densely planted boundary treatment.

4.12 Mr Ken Read addressed geotechnical issues on behalf of the Koning Family Trust and M Koning and outlined his findings from both desk-top assessments and site investigations. While various parts of the site have geotechnical challenges, we heard from Mr Read that engineering measures can remediate those risks to medium and low

⁹ Evidence in Chief of Joshua Hunt for the Koning Family Trust and M Koning, Paragraph 12, dated 17 February 2021.

residual risk.¹⁰ We heard that the investigation also identified a previously unrecognised constraint where limestone bedrock has formed open voids beneath one part of the site, creating a risk of sinkholes. Mr Read considered that if the hazard of sinkholes cannot be remediated to appropriate risk levels, then these areas are not appropriate for development and should be excluded from the proposed residential subdivision development. He considered that with the exception of the 'High Hazard Slope Instability' area, the level of engineering required is similar to that regularly undertaken in the wider Raglan area and of a similar level to that adopted in nearby sites.

- 4.13 Mr Nigel Mather undertook a preliminary site investigation of potential contamination of the site, as well as limited sampling to determine the presence of cadmium from superphosphate application. The shallow soil sampling indicated that concentrations of cadmium in soils across the proposed residential zone are below the National Environment Standard for assessing and managing contaminants in soil to protect human health for rural residential land use (25% produce consumption).¹¹ He considered that while there is the potential for lead and asbestos to be present around existing buildings and rubbish pits, soils across the residential rezoning area of the site are suitable for reuse on the site from the perspective of risk to human health.
- 4.14 Ms Rhulani Baloyi prepared detailed evidence on transport matters associated with the Koning site and outlined the upgrades she considered to be necessary. She explained how the transport network had been designed at a concept level to demonstrate how the site could be serviced. The proposed transport network included a collector road with several accesses off Wainui Road and Te Hutewai Road providing good connectivity between the proposed residential lots and the two Council-managed roads.
- 4.15 Ms Baloyi addressed the upgrading of the one-lane bridge currently at Wainui Road and disagreed with Ms Buckingham that the upgrade is necessary to precede development. Ms Baloyi considered that an alternative solution, such as installing traffic signals on the approaches to the bridge, can be implemented in the interim to mitigate the present capacity and safety effects observed at the bridge, should the planned upgrade works to the bridge not be concluded by 2024 as per the 2018 Long Term Plan. Ms Baloyi agreed with Ms Buckingham that an Integrated Transport Assessment and/or transport upgrade thresholds should be included within the planning provisions to ensure that the Koning proposal does not compromise the operation of transport infrastructure. Ms Baloyi stated her support for rezoning from a traffic and transportation perspective, provided that the transportation infrastructure proposed as part of the proposal and the identified mitigation measures will be implemented.

¹⁰ Evidence in Chief of Ken Read for the Koning Family Trust and M Koning, Paragraph 17, dated 17 February 2021.

¹¹ Evidence in Chief of Nigel Mather for the Koning Family Trust and M Koning, Paragraphs 29-30, dated 17 February 2021.

- 4.16 Ms Baloyi also prepared rebuttal evidence to address the transport matters raised in Ms Buckingham's section 42A report and the peer review undertaken by Mr Fourie on behalf of Council. In his peer review, Mr Fourie noted that there are significantly different findings with regards to a traffic signal control the one-way bridge compared with the evidence of Ian Clark for Rangitahi Limited. Ms Baloyi identified several reasons for the overall inconsistencies, including different assessment years, different levels of development within Raglan West and different assessment periods and baseline traffic demand projections.
- 4.17 Ms Buckingham also raised concerns that the early development of the Koning land would compromise the achievement of a direct connection to Wainui Road and the continuation of the east-west link to the east towards the Rangitahi South future growth area. Ms Baloyi noted that connections through to private properties to the north, south and east have been identified on the updated draft Te Hutewai Structure Plan to ensure that the potential to integrate with the wider development is not lost. Ms Baloyi considered the exact locations of intersections are most appropriately addressed through the consent process.
- 4.18 Ms Sian Keith provided evidence addressing archaeological values that may be present and could be affected by the proposed rezoning of the Koning land. She described the three visible archaeological sites within the rezoning area which are recorded on the New Zealand Archaeological Association (NZAA) database. Two of the sites represent (as a minimum) shellfish processing and/or consumption areas (middens) and the third represents crop storage (pit site). All three sites are related to pre-European Māori activity. She acknowledged that there may be additional sites present which are concealed by topsoil and would require invasive techniques to identify. Ms Keith considered that the settlement patterns were likely to be focused immediately on the harbour edge and hills overlooking the sea and watercourses. As the site for rezoning is set back some 300 metres from this environment as well as on subsoils which are not favourable for cultivation nor known to be the focus of settlement, it is less likely for any archaeological sites to be present.¹²
- 4.19 Ms Keith then made the following recommendations:
- (a) An archaeological authority be applied for in relation to future earthworks to allow for the investigation and recording of the two shell midden sites to mitigate their modification or destruction during any future earthworks;
 - (b) The archaeological authority and associated investigations should also focus on testing an additional six areas identified as being of potential archaeological interest; and

¹² Evidence in Chief of Sian Keith for the Koning Family Trust and M Koning, Paragraph 14, dated 17 February 2021.

- (c) The pit site (R14/459) be preserved within any future plans to subdivide the land due to its apparent good preservation, and because it is a good representative sample of a series of these archaeological features.

4.20 Mr Fraser Colegrave assessed Raglan's dwelling supply and demand in his evidence. He considered that feasible dwelling capacity was far less than the projected demand over all timeframes. He further considered that there is likely to be a significant, pent-up demand for living in Raglan which is not able to be satisfied due to a lack of supply. He considered that the solution to this issue is bring more land and dwellings to the market in a timely manner and that rezoning of the Koning site will help satisfy that need. Mr Colegrave identified the economic benefits of the rezoning as:¹³

- (a) Boosting land and dwelling supply to help meet growth in demand over time;
- (b) Creating local competition in the residential land market, which is critical for improving economic efficiency, reducing land prices, and improving housing affordability which will help the Council to meet its requirements under the NPS-UD;
- (c) The site is directly adjacent to key infrastructure assets and will be relatively easy to service;
- (d) The need to rezone land well ahead of time due to the significant lead times associated with preparing it for construction;
- (e) Zoning more land than is required for growth will enable the market to be more responsive to demand over time and help dwellings to be gradually more affordable;
- (f) More affordable homes equates to more disposable income; and
- (g) Development of the land creates jobs and economic activity.

4.21 Mr Colegrave provided rebuttal evidence which reflected on the Framework Report: Supplementary Evidence.¹⁴ Mr Colegrave expressed concerns that Dr Davey's supplementary report indicated (contrary to all previous analysis) that Raglan is in a position where the likely dwelling supply is several times higher than the projected demand. Mr Colegrave considered that the reason of this discrepancy is that Raglan's housing market has faced insurmountable supply constraints. As a result, recent growth has reflected a lack of opportunity and is thus an unreliable and inappropriate indicator of future demand.¹⁵

4.22 In his rebuttal evidence, Mr Colegrave re-calculated that the likely realisable supply in Raglan will be nearly an additional 600 dwellings over the next 15 years. This number

¹³ Evidence in Chief of Fraser Colegrave for the Koning Family Trust and M Koning, Paragraphs 52-59, dated 17 February 2021.

¹⁴ Section 42A report for Hearing 25: Framework Report: Supplementary Evidence, Dr Mark Davey, dated 28 April 2021.

¹⁵ Rebuttal Evidence of Fraser Colegrave on behalf of Koning Family Trust and M Koning, Paragraph 23, dated 17 May 2021.

is far less than his earlier revised projections of demand which were approximately 1,400 dwellings over 15 years. Mr Colegrave stated that the reduced realisable supply strongly confirms his conclusion that additional areas for residential land development need to be identified and zoned immediately.

4.23 Mr Colegrave addressed the evidence of Dr Fairgray (who provided evidence on behalf of Rangitahi Limited) and considered Dr Fairgray understated the extent of future demand and overstated the future supply.¹⁶ Mr Colegrave further considered that Dr Fairgray had overlooked the benefits of increased competition in the local land market.

4.24 Mr Constantinos Fokianos addressed the three waters servicing options and constraints for development of the Koning land. He did not consider there to be any significant technical barriers to achieving appropriate outcomes in relation to the servicing of the site for wastewater, water supply and stormwater. He recommended three actions are taken during the detailed design phase of development:

- (a) Detailed hydraulic modelling of Ahiawa Stream, in both its existing and proposed conditions to delineate the flood limits of the stream and the available area for residential development;
- (b) Further investigation on the flooding conditions (if any) downstream of the proposed development, including modelling of the existing streams down to their discharge to Wainui stream. Tidal influences should also be included in the model to assess the existing flood risk and the effects of the proposed development; and
- (c) Design of appropriate measures to positively support fish passage and habitat enhancement within the stream.

4.25 Mr Fokianos responded via rebuttal evidence to the peer review of infrastructure matters undertaken by Beca on behalf of Council. He clarified that the option of buffering wastewater storage was an interim solution and in the long-term that wastewater from the development would be able to be accommodated by the planned upgrades to the wastewater treatment plant. In terms of water supply, Mr Fokianos considered there to be the potential for development on the Koning land to be appropriately serviced with water supply without compromising the existing town supply. Turning to stormwater, he clarified that the low impact design referred in his report is a combination of on-lot, on-road and other treatment and attenuation devices. He considered that a treatment chain could allow small lot sizes to exercise partly on-lot treatment while linked to other devices and layouts located within the nondevelopable parts of the Te Hutewai Structure Plan Area. He considered these additional devices could supplement the treatment and/or attenuation needs of the development.

4.26 Mr Mark Bellingham described the Koning land as not having any significant natural areas with its indigenous vegetation covering about 1% (0.65ha) of the total area

¹⁶ Rebuttal Evidence of Fraser Colegrave on behalf of Koning Family Trust and M Koning, paragraphs 51-52, dated 17 May 2021.

proposed for residential zoning. He described the vegetation as confined to a small wetland and indigenous planting along catchment 2. He described the birdlife on the site as predominantly introduced birds with some native bird species. He considered that although indigenous bird habitat on the site is very low quality, it could be enhanced with more riparian planting along stream courses as part of a development plan. He observed that no native reptiles were found on-site, although copper skink was located in low numbers under exotic vegetation near the treatment pond area in 2018. Mr Bellingham considered further reptile surveys would be needed at the resource consent stage for subdivision to confirm the presence (or not) of reptiles, as well as the suitability of potential habitat and possible translocation within the site.

- 4.27 A bat survey was undertaken over 11 nights in November 2020 but detected only one bat pass. Mr Bellingham considered that the Ahiawa Stream corridor is a possible flightpath for bats, but this is not proposed for development and is predominantly exotic tree vegetation. He considered that Ahiawa Stream is likely to be a migratory corridor for a range of native fish species that have been recorded upstream, including species of conservation concern. As such, he considered that any access over this stream will need to be designed in a way that will not impact on fish passage.

Ellmers Development Limited

- 4.28 Mr Philip Barrett prepared evidence on behalf of Ellmers Development Limited which addressed the request to enlarge the Business Zone on Greenslade Road and State Highway 23 from the current area of approximately 1.94 hectares to include an additional 5,730 square metres which was previously zoned as New Residential. The total proposed Business Zone area would therefore be 2.512 hectares.
- 4.29 Mr Barrett considered that the current Business Zone land is topographically challenging and costly to establish a suitable platform for the purpose of a Business Zone, currently being a combination of a steep hill and two gullies adjacent to State Highway 23. He explained that significant earthworks are required to level the site to grade, thus providing internal access via the proposed road to the north of the Business Zone and a south-eastern access to State Highway 23.¹⁷ Changes to the roading layout on the subdivision plans through the removal of a roundabout and alternative access arrangements would facilitate a larger business area, which Mr Barrett considered would be better utilised as a Business Zone.

Rangitahi Limited

- 4.30 Dr Robert Makgill presented legal submissions which addressed the matters raised in the submissions and further submissions of Rangitahi Limited (Rangitahi). Rangitahi sought a Future Urban Zone over approximately 51 hectares to the south of the Rangitahi Peninsula Zone. It further sought an additional clause within Policy 4.1.18 to

¹⁷ Evidence in Chief of Philip Barrett on behalf of Ellmers Development Limited, Paragraph 10, dated 16 February 2021.

require future growth and structure planning for growth areas to be guided by an overarching Spatial Plan for Raglan in consultation with tāngata whenua, the local community and other stakeholders. The policy specified that the structure plan was to be prepared by 2023. The focus of Dr Magkill's legal submissions was less on the zoning of Rangitahi's property (possibly due to the section 42A report author recommending the site be zoned as Future Urban Zone), and more on the policy amendments sought and the need for a structure plan to precede growth.

4.31 Dr Makgill then outlined the background to Rangitahi's development, including the creation of a structure plan and insertion of that into the Operative District Plan. He considered that a spatial plan for future growth is the best way to ensure an environmentally sensitive approach to development which is responsive to Raglan's special character and also facilitates integrated planning for infrastructure to service development.¹⁸ He considered that the advantages of an over-arching spatial plan are:

- (a) A policy and method that will assist Council to achieve the integrated management of the effects of the development of land, to plan for sufficient development capacity to meet the expected demands in respect of supply of land for housing and business, and to control the effects of urban growth on the special character of Raglan; and
- (b) Will achieve the purpose of the RMA by promoting the sustainable management of land and housing, while avoiding the effects of growth on the special character of Raglan.¹⁹

4.32 Dr Magkill clarified that Rangitahi's submission with regards to the Koning submission does not constitute trade competition, and considered that a policy providing for integrated growth planning does not come within the prohibition of s74(3) of the RMA. He considered that the additional policy sought by Rangitahi would apply equally to all future growth areas and does not purport to regulate competition between landowners.²⁰ He considered that the Raglan-wide Spatial Plan would take account of any land zoned for urban uses and ensure that future growth was integrated with those existing zones. He considered that a spatial plan is consistent with the policy directives of the NPS-UD for responsive, long-term planning for growth capacity and better integrated infrastructure planning and the RPS.²¹

4.33 Mr David Peacocke is the Director of Rangitahi Limited and presented corporate evidence which provided the background to the Rangitahi Peninsula development including the principles that informed the development of the Rangitahi Structure Plan. He observed that Waikato 2070 has identified two future residential growth areas centred in Raglan West: Afon Oporu and Te Hutewai. Mr Peacocke's companies have significant landholdings in both these areas and he therefore stated his strong interest

¹⁸ Legal submissions for Rangitahi Limited, Paragraph 15, dated 22 May 2021.

¹⁹ Legal submissions for Rangitahi Limited, Paragraph 46, dated 22 May 2021.

²⁰ Legal submissions for Rangitahi Limited, Paragraph 30, dated 22 May 2021.

²¹ Legal submissions for Rangitahi Limited, Paragraphs 56 and 61, dated 22 May 2021.

in ensuring that future development is well planned. He considered that the two growth areas have challenges due to topographical constraints. He expressed support for Council's proposed Future Urban Zone approach for future growth areas and sought the Future Urban Zone for land to the south of Rangitahi Peninsula.²²

4.34 Mr James Lunday presented evidence on urban design for Rangitahi and focused on a number of issues. He identified what he considered to be the important elements that make up the existing and future character of Raglan. He considered that Rangitahi South and Raglan West are suitable locations for future growth based on the existing urban form by taking into account the proximity of those areas to the beaches west of the town.

4.35 He spoke of the importance of a strong spatial planning approach to Raglan and expressed concern that a reliance on generic planning rules designed for more conventional suburban development places the unique character of Raglan in danger from infill housing and suburban sprawl. Mr Lunday supported development of a high-level spatial plan by Council to establish the overarching approach to the growth of the town, and set out a number of matters which a spatial plan would address.²³ Mr Lunday expressed support for Future Urban Zone on the southern area of the Rangitahi Peninsula, including the southern part of the Rangitahi Peninsula Zone, and considered that the proposed Future Urban Zone could contribute further available land for quality, place-based urban growth in Raglan.²⁴

4.36 Ms Angeline Greensill filed evidence in support of Rangitahi, particularly supporting a comprehensive planned approach to the growth of Whaingaroa / Raglan. Ms Greensill helpfully outlined the key concerns which should be addressed by a structure plan including:

- (a) Connections to the Tāngata Whenua chapter;
- (b) Recognition of papakāinga on multiple-owned Māori freehold land, and provisions of infrastructure to support their development;
- (c) A commitment to upgrade infrastructure prior to further residential zoning, particularly wastewater; and
- (d) Effects of residential development on sites of cultural significance and Raglan character.²⁵

4.37 Ms Greensill appeared at the hearing and spoke to her evidence on behalf of her hapū whose lands are affected by development in Raglan, including Te Hutewai which includes the Koning land. She expressed support for a structure plan process for managing the growth of Raglan, as this would enable mana whenua to exercise

²² Statement of David Peacocke for Rangitahi Limited, Paragraphs 26-27, dated 17 February 2021.

²³ Summary Statement of Evidence of James Lunday for Rangitahi Limited, Paragraph (j), dated 21 May 2021.

²⁴ Evidence in Chief of James Lunday for Rangitahi Limited, Paragraph 47, dated 17 February 2021.

²⁵ Statement of Evidence of Angeline Greensill in support of Rangitahi Limited, Paragraph 5, dated 17 February 2021.

kaitiakitanga, protect cultural values and realise aspirations for their own land. She emphasised the importance of spatially recognising cultural values prior to zoning. She considered that this needs to include identifying areas of cultural values, rather than just archaeological sites.

- 4.38 Ms Greensill also expressed concern about the difficulty of designing a culturally appropriate wastewater treatment plant. She considered that consultation needs to be early and meaningful, noting that this was an integral part of the Rangitahi planning and development. While she initially expressed concern that Koning had not consulted with tāngata whenua, she subsequently confirmed that Mr Chris Dawson had contacted her on behalf of Koning in February 2021. She considered that the whole of the Rakaunui block is close enough to town for housing development and outlined plans for papakāinga housing.
- 4.39 Mr Ben Inger presented planning evidence on behalf of Rangitahi and outlined the principles and background of the Rangitahi Structure Plan. Mr Inger's evidence broadly addressed the appropriateness of Future Urban Zone for both the Rangitahi site and the Koning land. Mr Inger drew on the growth and demand evidence of Dr Fairgray and concluded that prior to mid-2030 there will be a need for more land to be 'live zoned' and serviced to meet demand. He considered that beginning to plan for this long-term growth now is a sensible approach.²⁶
- 4.40 Mr Inger identified the infrastructure constraints to development including wastewater, water supply and the one-way bridge across the Whaingaroa Inlet which separates Raglan West from Raglan East. Mr Inger also discussed the character of Raglan and considered a spatial planning exercise could determine specific areas which should be protected from development due to environmental or cultural values, opportunities for landscape and ecological enhancement, and a co-ordinated plan for future infrastructure and community facilities provision.²⁷ He considered that structure planning for growth areas in Raglan should be guided by a Council-led spatial plan to establish a long-term plan for the growth of Raglan as a whole, whilst also ensuring Raglan's special character is maintained and enhanced.
- 4.41 Mr Inger discussed the advantages of enabling additional development of the southern part of the Rangitahi Peninsula Zone in future and agreed with Ms Buckingham that a Future Urban Zone is appropriate. He considered that Future Urban Zone is consistent with Waikato 2070, the guiding principles in Future Proof and the NPS-UD because it addresses the long-term planning period. Development will be guided by a structure plan which would be prepared prior to 'live zoning'. He considered this approach allows for a responsive and strategic approach, including sufficient lead time to plan for future development with the benefit of confidence that rezoning to a 'live zone' is an anticipated outcome. He further considered that the process will ensure iwi, hapū and other

²⁶ Evidence in Chief of Ben Inger for Rangitahi Limited, Paragraph 24, dated 17 February 2021.

²⁷ Evidence in Chief of Ben Inger for Rangitahi Limited, Paragraph 43, dated 17 February 2021.

stakeholders can be involved in planning through effective consultation that is early and meaningful.²⁸ He estimated the yield as approximately 350-450 dwellings based on a density range of 12-15 dwellings per hectare and considered this would be sufficient to address the long-term demand for housing in Raglan to at least 2040.²⁹

4.42 Mr Inger also addressed what he perceived to be a gap in the PDP in terms of guiding future growth. He outlined some suggested amendments to the following parts of the PDP:

- (a) Replacing sections 1.10.1.1 (Waikato District Development Strategy 2015) and 1.10.1.2 (Waikato District Economic Development Strategy 2015) with a new section 1.10.1.1 (Waikato 2070 Growth and Economic Development Strategy);
- (b) Amending Policy 4.1.18 Raglan to make reference to long-term growth and structure planning;
- (c) Inclusion of objectives, policies and rules for the Future Urban Zone.

4.43 Dr Makgill subsequently clarified that Mr Inger's revised wording addresses the Commissioners' concerns in relation to the earlier version of Policy 4.1.18(b) by:

- (a) Removing the possibility that the policy might be interpreted as placing Council in a position where it would ultra vires with the district plan if a spatial plan is not prepared by deleting the requirement to have a spatial plan by 2023; and
- (b) Making it clear that the preparation of a spatial plan is a policy consideration when preparing a structure plan for Raglan under the district plan.³⁰

4.44 Dr Makgill also drew attention to Mr Inger's reconsideration of the need for a Future Development Strategy, and his reassessment that this is a discretionary action under the NPS-UD rather than mandatory.³¹

4.45 Mr Inger prepared rebuttal evidence reiterating that he supported a spatial plan should be prepared by Council to establish a long-term plan for the growth of Raglan as a whole, whilst also ensuring that Raglan's special character is maintained and enhanced. He considered that a Raglan-wide spatial plan should be progressed ahead of live zoning of land in the identified Growth Areas and that this approach should be applied to the entire Afon Opotoru and Te Hutewai areas.

4.46 Mr Inger also considered that in conjunction with spatial planning, a special purpose zone for Raglan was a better option to adopting generic district-wide residential zoning and provisions. He considered that the special purpose zone could include objectives, policies and rules which specifically address the outcomes sought through spatial planning and structure plans for individual growth areas specific to Raglan.

²⁸ Evidence in Chief of Ben Inger for Rangitahi Limited, Paragraph 74, dated 17 February 2021.

²⁹ Evidence in Chief of Ben Inger for Rangitahi Limited, Paragraph 55, dated 17 February 2021.

³⁰ Legal submissions for Rangitahi Limited, Paragraph 4, dated 4 June 2021.

³¹ Legal submissions for Rangitahi Limited, Paragraph 5, dated 4 June 2021.

4.47 Ms Rachel de Lambert presented landscape evidence on behalf of Rangitahi which outlined the special character and qualities of Raglan. Ms de Lambert considered that an appropriate form of future growth for Raglan is one that supports rather than detracts from the character of the settlement. She emphasised the need for a comprehensive planned approach that avoids ad-hoc or incremental growth which, through a process of 'death by a thousand cuts', leads to the loss of the very qualities, relationships and characteristics that are distinctive to Raglan and valued.

4.48 Ms de Lambert also considered that future growth should respond to the location-specific characteristics of Raglan and not apply generic, district-wide approaches which promote an urban intensification model more appropriate to cities, larger urban centres, or other rural communities and growth centres across the Waikato.³² She explained the high-level structure planning exercise that has been undertaken which identified areas suitable for development, those to be retired and how the new area for development might integrate with the Rangitahi Peninsula Structure Plan.

³² Evidence in Chief of Rachel de Lambert for Rangitahi Limited, Paragraph 15, dated 17 February 2021.



Figure 6 High-level plan of development for Rangitahi

4.49 Ms de Lambert considered that the Future Urban Zone in Rangitahi South will further contribute available land for quality, place-based, urban growth in Raglan. Its location adjacent to the existing Rangitahi Structure Plan area will enable a continuous urban form and very good access to open space and neighbourhood facilities.³³

³³ Evidence in Chief of Rachel de Lambert for Rangitahi Limited, Paragraph 46, dated 17 February 2021.

- 4.50 Mr Ray O'Callaghan provided civil engineering evidence for Rangitahi and addressed the various infrastructure required to support development around the base of Rangitahi Peninsula. He considered that the existing wastewater treatment and disposal system at Raglan can deal with future growth over the next 10 years. This infrastructure can be expanded, when required, to meet the increased flows from future growth in the Raglan area beyond this timeframe, including the proposed Future Urban Zone in the Afon Oporu growth cell.
- 4.51 In terms of water supply, Mr O'Callaghan considered this network can also be expanded to meet the increased water demand from future growth and an additional reservoir can be developed when required. He observed that the wastewater and water supply systems are located in west Raglan and there are operational and economic advantages in focussing future growth in the west. He considered that stormwater collection and disposal is not influenced by future growth due to the proximity of developed areas to the coastal discharges. Mr O'Callaghan supported structure planning to integrate infrastructure solutions across different landholdings, the timing of a new bridge to facilitate further development in the west and to achieve an efficient and effective development process.³⁴
- 4.52 Dr Doug Fairgray presented economic evidence on behalf of Rangitahi and focused primarily on growth projections for Raglan. Dr Fairgray concluded that there will be demand in Raglan for 520-620 dwellings in 2020-2030 and an additional 690-1,010 dwellings in 2030-2050, with 1,210-1,630 dwellings between 2020-2050. This is larger than the Future Proof Sub-Regional Growth Strategy (2017) of 386 households in 2016-2025, 122 households in 2026-2035 and -82 households in 2036-2045.³⁵ Dr Fairgray's capacity analysis confirmed there is sufficient existing land supply for the next 10 years within existing urban zoned areas of Raglan under the notified PDP to meet the projected demand, but there is insufficient zoned land to meet the total long-term demand of 1,210-1,630 dwellings to 2050. This is likely to result in a shortfall in the mid-2030s based on the high-growth scenario, or the mid to late-2040s for the medium growth scenario.
- 4.53 Mr Ian Clark presented transport evidence on behalf of Rangitahi. He outlined the significant investment in the transport network that has already been undertaken by Rangitahi, although noted that the spine road is still being constructed. He considered that upgrades of the Wainui bridge will be necessary soon after 2030, accepting that the timing depends on the rate of development. He considers that the existing road access through the Rangitahi Peninsula is suitable for access to the proposed Future Urban Zone in Rangitahi South and would assist rather than preclude opportunities for the future road links to the west and east that are identified conceptually in Waikato 2070. Mr Clark supported Rangitahi's submissions to increase the number of dwellings in the

³⁴ Evidence in Chief of Raymond O'Callaghan for Rangitahi Limited, Paragraph 60, dated 17 February 2021.

³⁵ Evidence in Chief of Dr Doug Fairgray for Rangitahi Limited, Pararaphs 40-41, dated 17 February 2021.

Rangitahi Structure Plan area, as this would make use of the existing roading investment, without causing additional or new bottlenecks.³⁶

- 4.54 Mr Clark prepared rebuttal evidence and addressed the reasons for the difference in the traffic generation figures between Ms Baloyi and himself. He reiterated that an increase in capacity of the one-lane bridge will be required soon after 2030 due to his predicted increase in traffic volumes, even without rezoning any additional land. He considered that the addition of signal controls to the one lane bridge would be likely to increase delays. Taking account of the draft Long Term Plan's timeline for upgrading the bridge, Mr Clark considered that Future Urban Zone is the most appropriate zoning for Rangitahi South and Raglan West.

Kāinga Ora

- 4.55 Kāinga Ora presented evidence on the Medium Density Residential Zone (MDRZ) and addressed Raglan in terms of the geographical application of the zone. Of particular relevance to Raglan, Mr Phil Stickney addressed the recommendation of Ms Buckingham in her section 42A report to:

- (a) Reduce the extent of MDRZ in Raglan;
- (b) Reduce the maximum height of MDRZ to 7.5 metres in order to retain the character provided by low buildings; and
- (c) Include an additional matter of discretion for new medium density development requiring an assessment against the 'special character' values of Raglan.

- 4.56 Given the residential shortfall and significant population growth anticipated for Raglan, Mr Stickney considered that reducing the extent of MDRZ is a suboptimal planning outcome. He noted that there is currently no residential zoning that provides suitable development standards to deliver a greater range of housing typologies and densities within Raglan. He expressed his concerns that the special character matters will have the effect of further constraining housing supply without substantive analysis, and in particular, that they would limit the development of housing within a pared back MDRZ.³⁷

- 4.57 He considered that "pulling back" the extent of the MDRZ, in combination with lowering the permissible maximum height limit to 7.5 metres, will have the effect of further constraining the provision of more intensive housing. He observed that a 7.5-metre maximum height limits development to two storeys, which means that MDRZ will not be possible on steeper slopes due to the way height is measured in the PDP. He questioned how a reduced height limit will meaningfully contribute to the management of special character, given that the proposed objectives and policies are broad and are not

³⁶ Evidence in Chief of Ian Clark for Rangitahi Limited, Paragraph 72, dated 17 February 2021.

³⁷ Rebuttal Evidence of Philip Stickney on behalf of Kāinga Ora-Homes and Communities, Paragraph 10.5, dated 3 May 2021.

buttressed by any landscape overlays or similar controls in the PDP.³⁸ He pointed out that the NPS-UD anticipates a change in amenity and urban character, and that any provisions protecting the character in Raglan needs to be based on more substantive analysis and mapping.

- 4.58 Mr Cam Wallace had undertaken detailed analysis of each of the towns and villages in the Waikato District where he considered MDRZ was appropriate, including Raglan. We found Mr Wallace's spatial analysis very helpful.

Waikato Regional Council

- 4.59 Ms Miffy Foley prepared evidence on behalf of WRC that addressed submissions seeking rezoning in Raglan, amongst other areas. She noted that the Framework Report indicates a shortfall of dwelling supply at Raglan, but also indicated that there is no certainty of water and wastewater provision at this time to service any further development. Ms Foley considered that areas outside of those identified in the Future Proof Strategy would be best considered through the Future Proof Strategy update.

- 4.60 However, Ms Foley was not opposed to zoning land for future urban growth in Raglan as the Future Urban Zone. This was made on the basis that there are provisions requiring spatial planning be undertaken for Raglan prior to any future plan change to up-zone land for urban development. Consequently, she supported the rezoning of Rangitahi's land as the Future Urban Zone but opposed the rezoning of the Koning land as Residential. She considered that if the Koning land were to be rezoned, then Future Urban Zone would be the more appropriate zoning category.

Private landowners

- 4.61 Ms Lizbeth Hughes attended the hearing and described her property at 17 Calvert Road, Raglan, which she sought be rezoned as the Residential Zone. Ms Hughes expressed concerns about the Significant Natural Areas on her site, but as this report is focused on zoning matters, we have addressed the Significant Natural Areas in another decision report. Ms Hughes showed us maps of her property and we note that the majority of the site does appear to be covered in vegetation. Of particular concern to Ms Hughes was the inability to construct a granny flat (minor dwelling) on her property.

- 4.62 Mr Bernard Brown attended the hearing and spoke of the constraints to extending his home at 759 Wainui Road, Raglan, due to the Rural Zone setback rules and inability to build a minor dwelling on his property. He explained that his property is 2020 square metres but only 30 metres wide, which makes it challenging to comply with the setback

³⁸ Rebuttal Evidence of Philip Stickney on behalf of Kāinga Ora-Homes and Communities, Paragraph 10.9, dated 3 May 2021.

requirements of the Rural Zone. He explained the difficulties in obtaining a resource consent due to the need to obtain the neighbour's consent and the adjoining sites being Māori land in multiple ownership. Mr Brown considered that Ms Buckingham in her section 42A report did not acknowledge the existing enclave of papakāinga housing surrounding the eastern and southern margins of his property. He also opposed the removal of the Coastal Zone from the PDP (which is in the Operative District Plan).

- 4.63 Mr Brett Beamsley attended the hearing and spoke about his property at 64 Upper Wainui Road and the remaining smaller sections along Upper Wainui Road, which he sought be rezoned from Rural Zone to Living Zone. He considered that his site in particular was appropriate for Residential Zoning as it was already serviced for reticulated water and wastewater and was adjoining the existing Residential Zone.

5 Panel Decisions

- 5.1 We note that 15 primary submission points were received on the zoning of Raglan and these were considered in a comprehensive section 42A report, rebuttal and closing statement prepared by Ms Buckingham.

Koning land

- 5.2 The submissions from Koning Family Trust and Martin Koning sought a live zone of Residential Zone for the site at 339 Wainui Road, 145 Te Hutewai Road and 151 Te Hutewai Road. We heard from Ms Foley on behalf of WRC and the experts representing Rangitahi, all of whom supported rezoning of the site, but considered Future Urban Zone to be more appropriate than Residential.
- 5.3 The Koning land is generally agreed as being suitable for residential development (subject to servicing) so the key question for us is whether the site should be live zoned or Future Urban Zone. Having heard the evidence, we consider that the Residential Zone is appropriate for the Koning land.
- 5.4 We agree with Mr Kirkby-McLeod that little is to be gained by zoning the site as Future Urban Zone as sought by Rangitahi and WRC, especially given that a broad structure plan has been developed as part of the evidence package which also outlines key features of the development including transport linkages, significant natural areas to be retired and protected, no-build areas due to geotechnical constraints and areas suitable for residential development. It seems to us that many of the reservations Ms Buckingham set out in her section 42A report as reasons not to live zone have been addressed by the experts representing Koning, such as the setback from the solid waste transfer station, transport connectivity and the servicing for three waters.
- 5.5 Based on the evidence before us, we consider there are no technical reasons why this area cannot be developed for residential activities. As set out in the evidence of Dr Bellingham, there is no ecological reason for the land not to be developed for residential purposes and rezoning has the potential to result in benefits through the protection and enhancement of existing ecological features. While residential development will result in a moderate landscape effect, we understand from Mr Hunt that the site is not visually

prominent as it is well-contained by existing landforms and positioned on the lower to mid-slopes of Mt Karioi, so the viewing audience will be relatively limited.

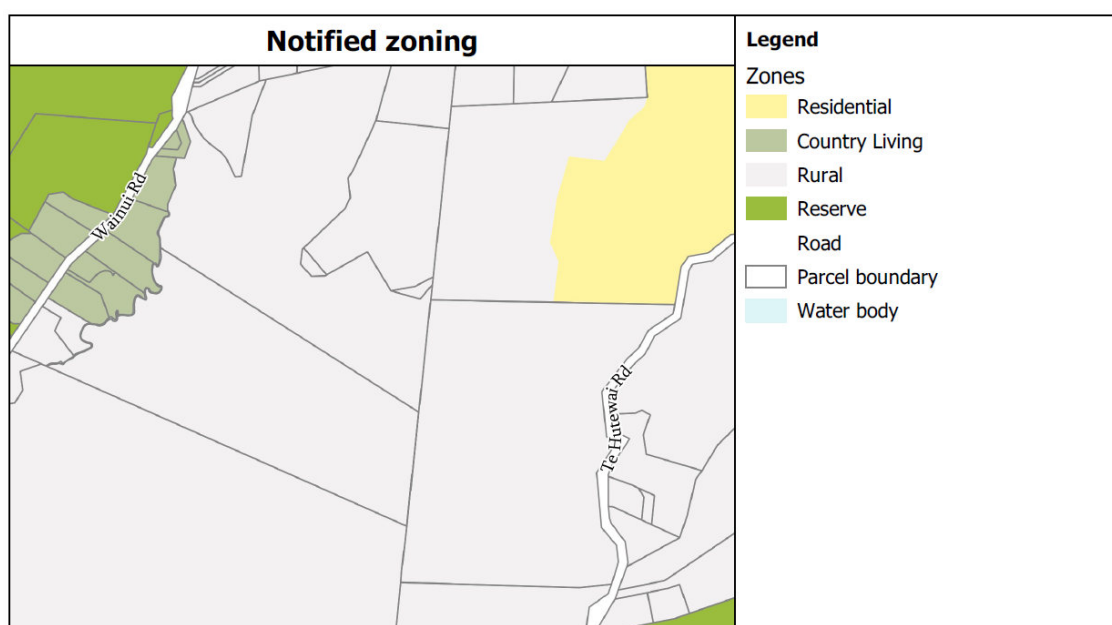
- 5.6 The site does not contain any outstanding natural features or landscapes and is located directly adjacent to existing Residential Zone land. Mr Read identified a large 'High Hazard Slope Instability' area that is located on the eastern side of Te Hutewai Road, therefore he consequently recommended avoiding development in this location. We were satisfied that the majority of the residual land can be developed for residential purposes, subject to good engineering practice. We are satisfied that the pit site can be preserved and that there are appropriate accidental discovery protocols in place to address the uncovering of any unknown archaeological sites.
- 5.7 We understand from Ms Baloyi and Mr Clark that the one-lane bridge will become a pinch-point at some point in the future and will require upgrading, although the experts differed in their estimation of the timing of this becoming a significant issue. We consider that an integrated transport assessment should be an important part of any subdivision consent application as this will allow the details of the transport network to be considered. We agree with Mr Fokianos that options exist to connect development to existing water and wastewater infrastructure in the area, subject to confirmation of capacity available in those services. Should capacity be limited, there are options to manage water supply and wastewater discharge within the site. Although servicing for water and wastewater is not yet available for the site, we consider that the PDP provisions in the infrastructure chapter are robust enough to ensure that development does not proceed prior to solutions for water and wastewater servicing being available.
- 5.8 Based on Mr Mather's evidence, we are satisfied that the concentrations of contaminants identified on the site do not pose a risk to residential land use, and that the change in activity can be considered a permitted activity under the Resource Management (National Environmental Standards for Assessing and Managing Contamination in Soils to Protect Human Health) Regulations.
- 5.9 We agree with Mr Colegrave that releasing the Koning land for residential development will enable housing choice, but perhaps more importantly will help create a competitive market in Raglan in accordance with Objective 2 of the NPS-UD. In terms of the other objectives and policies of the NPS-UD, we agree with Mr Kirkby-McLeod that rezoning the Koning land for residential development gives effect to the NPS-UD, such as:
- (a) Contributing to a well-functioning urban environment (Objective 1 of the NPS-UD) and as described in Policy 1;
 - (b) Enabling more people to live in an area that is near to a centre with many employment opportunities and has higher than average demand for housing (Objective 3);
 - (c) Responding to the changing needs of people, communities and future generations (Objective 4). The proposed rezoning of the land from rural to residential purposes aligns with the direction in the Future Proof and Waikato 2070 strategies; and

- (d) Resulting in development that is integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and
- (e) Responsive to a proposal that will significantly contribute to the housing market (Objective 6).

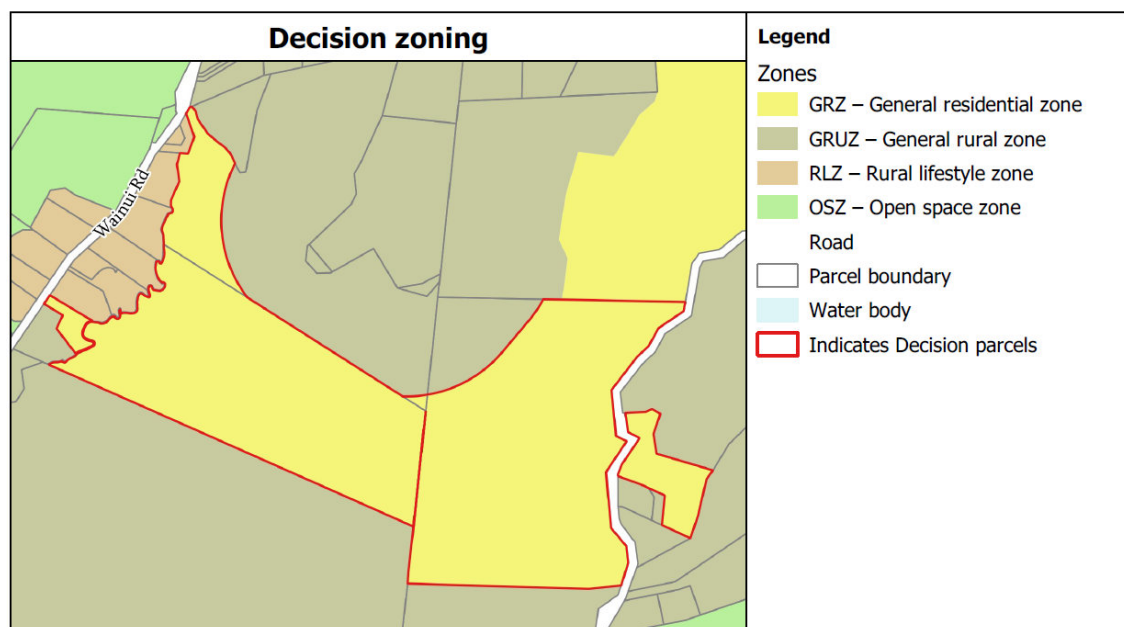
5.10 We agree with the analysis of Mr Kirkby-McLeod that the development gives effect to the RPS as set out in his rebuttal evidence. We note that most (but not all) of the Koning land is signalled for development in both Future Proof 2017 and Waikato 2070.

5.11 Mr Kirkby-McLeod suggested inclusion of the Te Hutewai Structure Plan in the PDP as an appendix, with text included in the introduction of Chapter 16 Residential requiring development to be in accordance with the structure plan. We support the inclusion of the Te Hutewai Structure Plan in the PDP as this provides a broad framework to guide development. It answers the need for a wider spatial plan in that it is specific to the area and informs how development on the site is to proceed in the same way as Rangitahi is being developed without a spatial plan. We also considered Mr Inger's suggestion that a bespoke zone is more appropriate (following a Schedule 1 process to live zone the sites from Future Urban Zone) but consider that the structure plan will do most of the heavy lifting to ensure development is reflective of the location and attributes of the site, and the Residential Zone will suffice.

5.12 Having considered the evidence and the direction of the higher-order planning documents we accept the submission from Koning Family Trust and Martin Koning: we consider the Koning land is most appropriately zoned Residential Zone. We agree with the section 32AA evaluation undertaken by Mr Kirkby-McLeod and that Residential Zone is the most appropriate way to meet the objectives in the PDP. We amend the PDP maps as follows:



Notified



Decision

Rangitahi South

5.13 Rangitahi Limited sought to amend the PDP to include an additional growth area for Raglan West, linking the Rangitahi Peninsula to Te Hutewai Road (near the Raglan Golf Course) and through to Wainui Road near the completed Te Ahiawa subdivision. The submission sought the addition of objectives, policies, rules and zoning to enable future growth of Raglan. When the PDP was notified, there was no Future Urban Zone and this concept was introduced partway through the hearing process in response to submissions.³⁹ Not surprisingly, Mr Inger's evidence for Rangitahi supported the application of the new Future Urban Zone to the southern portion of Rangitahi Peninsula, which was supported by Ms Foley on behalf of WRC. Mr Inger considered the Future Urban Zone better suited to Rangitahi South based on the criteria outlined in Mr Clease's report, and we agree that Future Urban Zone is appropriate for this area.

5.14 We consider that there is demand for additional growth of Raglan (although Mr Colegrave and Dr Fairgray differed in their estimation of the likely scale of population growth) and the eventual development of the Rangitahi South area will provide a logical extension to the existing Rangitahi Peninsula development. We consider there are clear access advantages in enabling development of the southern portion of Rangitahi Peninsula, with the future extension of the spine road and links east and west. We understand from Mr O'Callaghan and Mr Clark that infrastructure is suitable for servicing

³⁹ Hearing 25: Zone Extents – Future Urban Zone and Residential Medium Density Zone, Jonathan Clease, dated 26 January 2021.

future growth in Rangitahi South with necessary extensions, and while there may be challenges such as needing to increase the capacity of the wastewater treatment plant and additional storage for water supply, these can be solved with time and funding.

5.15 We agree with Mr Inger that the rezoning of Rangitahi South will assist in giving effect to the NPS-UD in terms of achieving well-functioning urban environments. As a minimum, well-functioning urban environments must:

- a) Have or enable a variety of homes;
- b) Have or enable a variety of sites that are suitable for different business sectors;
- c) Have good accessibility between housing, jobs, community services, natural spaces, and open spaces;
- d) Support the competitive operation of land and development markets;
- e) Support reductions in greenhouse gas emissions; and
- f) Be resilient to likely current and future effects of climate change.

5.16 The Future Urban Zone can address all these matters and a comprehensively planned approach will ensure that it would be part of a well-functioning urban environment within Raglan. Future Urban Zone for this site sequentially integrates with the completion of development of the live zoned Rangitahi Peninsula zone and our decision to live zone the Koning land to create an orderly pattern of development, but without creating a scenario whereby a range of areas are competing for infrastructure funding.

5.17 The Future Urban Zone also gives effect to the NPS-UD because it addresses the long-term planning period. It enables decisions for the urban environment to be better integrated with infrastructure planning. It also allows for a responsive and strategic approach, including sufficient lead time to plan for future development with the benefit of confidence that rezoning to a live zone is an anticipated outcome.

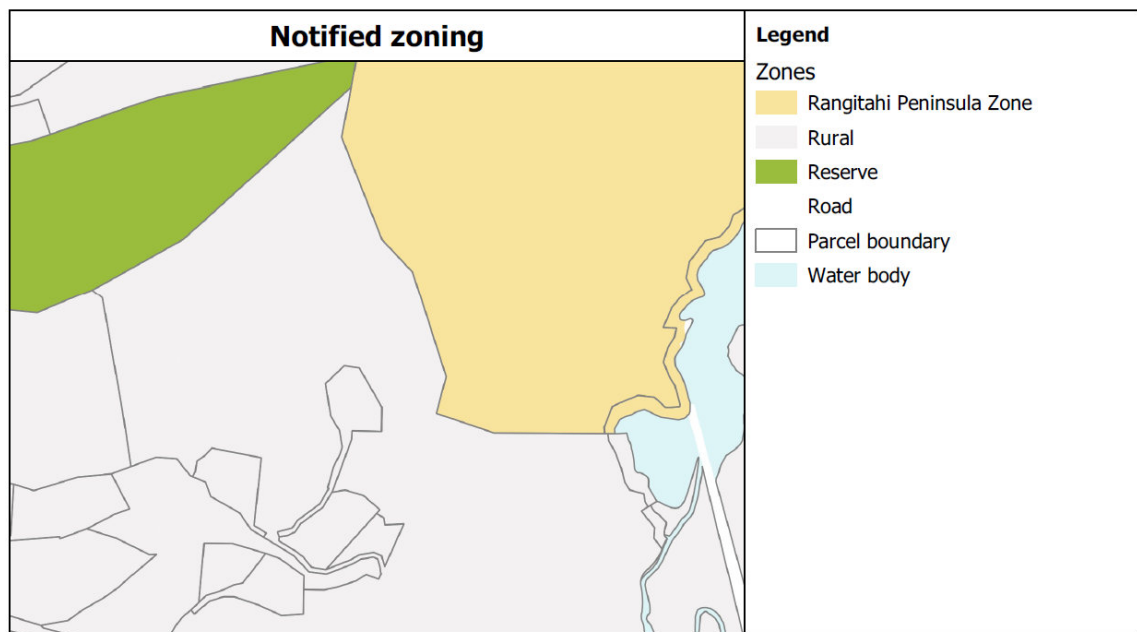
5.18 The Future Urban Zone can also enable development to be planned in such a way to give effect to the New Zealand Coastal Policy Statement, given the coastal location of Rangitahi. We heard from Mr Inger that there are some sensitivities related to the coastal environment, including areas of significant natural values, areas of coastal hazards around the harbour margins and the potential for cultural heritage sites, which means that some parts of the Future Urban Zone are likely to be inappropriate for development.

5.19 We agree with Mr Inger that the application of Future Urban Zone to Rangitahi South accords with the development principles in Section 6A of the RPS. We appreciate that some of the development principles address detailed matters which will need to be considered at structure planning stage and will be important matters for a future plan change for 'live zoning' to address. We note that Waikato 2070 identified the Afon Oporu growth area for residential growth which adjoins the Rangitahi Peninsula and has a development timeframe of 10-30 years, therefore zoning Rangitahi South is aligned with this document.

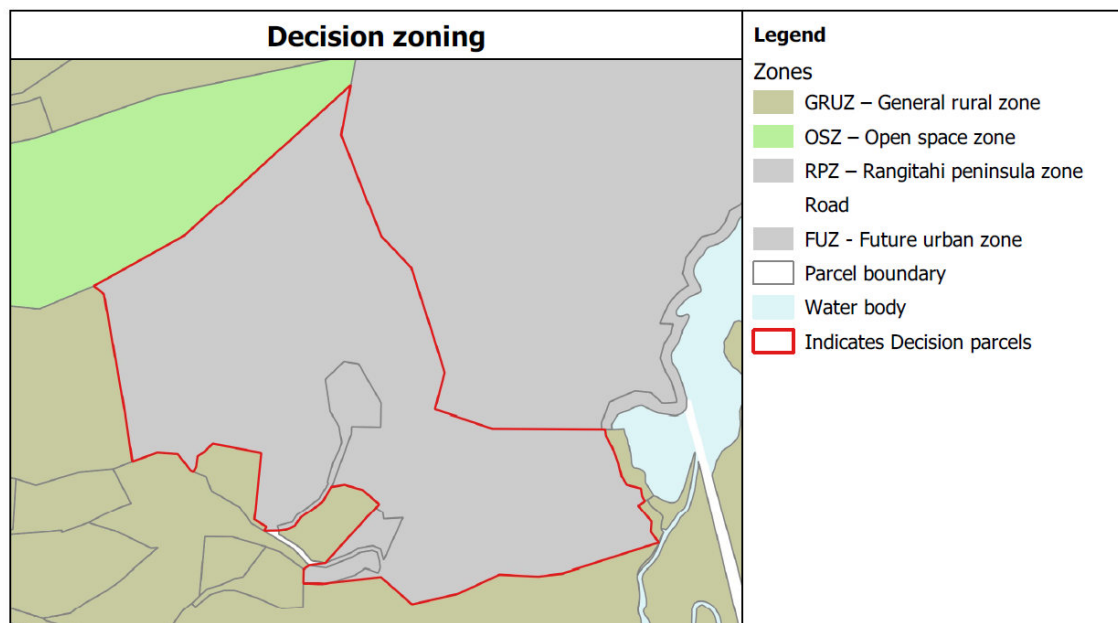
5.20 While we appreciate Mr Inger's view that a spatial plan should be undertaken for the whole of Raglan, we are aware of the time delays and challenging nature of such a process, given the wide range of often conflicting views of the community (which was

evidenced in Hearing 16 on Raglan). There are other options that will achieve the same outcome such as comprehensive structure plans and specific policies that seek to maintain the special character of Raglan and require future development to reflect that character. Therefore, we disagree with adding reference to a spatial plan for Raglan in the PDP policies. We note for completeness that Policy 4.1.18 has been deleted in our separate Decision Report 5: Strategic Directions.

- 5.21 Having considered the evidence and the direction of the higher-order planning documents, we accept the submission from Rangitahi Limited, and consider the Rangitahi South site is most appropriately zoned Future Urban Zone. We agree with the section 32AA evaluation undertaken by Mr Inger and that Future Urban Zone is the most appropriate way to meet the objectives in the PDP. The PDP maps should be amended as follows:



Notified



Decision

Bankart Street

5.22 Chris Rayner sought that the Raglan Business Zone be extended over the properties on Bankart Street and Wainui Road. He also suggested consideration is given to rezoning 4 Stewart Street. The reasons provided by his submission are that 12 Wainui Road and 4 Stewart Street are both very large sections in close proximity to the town centre and are also well located for future commercial development. We did not receive any evidence from Mr Rayner and are thus more persuaded by the analysis of Ms Buckingham who recommended rejecting the submission in her section 42A report.

5.23 Ms Buckingham's recommendation was on the basis that 12 Wainui Street has been recently redeveloped with terraced housing, and that the Bankart/Wainui overlay sufficiently enables commercial activities for the time being while protecting adjacent residential properties. These properties were also the subject of the submission from Kāinga Ora seeking the MDRZ. We undertook a site visit to look at the characteristics of the sites and consider that the management approach for these sites as notified in the PDP to be the most appropriate treatment for the southern edge of the town. We therefore reject the submission from Chris Rayner.



Medium Density Residential Zone (MDRZ)

5.24 Kāinga Ora sought the introduction of a new MDRZ and identified Raglan as being suitable. Having considered the submission, evidence and section 42A report's recommendations, we consider that MDRZ is appropriate in Raglan, given the growth projections and demand for accommodation in Raglan. We are mindful of the submissions from Whaingaroa Raglan Affordable Housing Project who presented evidence at earlier hearings and emphasised the need for the PDP to enable affordable housing, particularly in Raglan. Given the desirability of Raglan, we are unsure whether MDRZ will create truly affordable housing in this town, but in any event MDRZ will enable more housing stock, provide lifestyle choice, and give better effect to the NPS-UD. The intensification policies (Policy 3 and 4) in the NPS-UD seek to improve land flexibility in existing urban boundaries through enabling and providing for higher density development in appropriate locations. Having decided that MDRZ is appropriate in Raglan, the key questions we are faced with are:

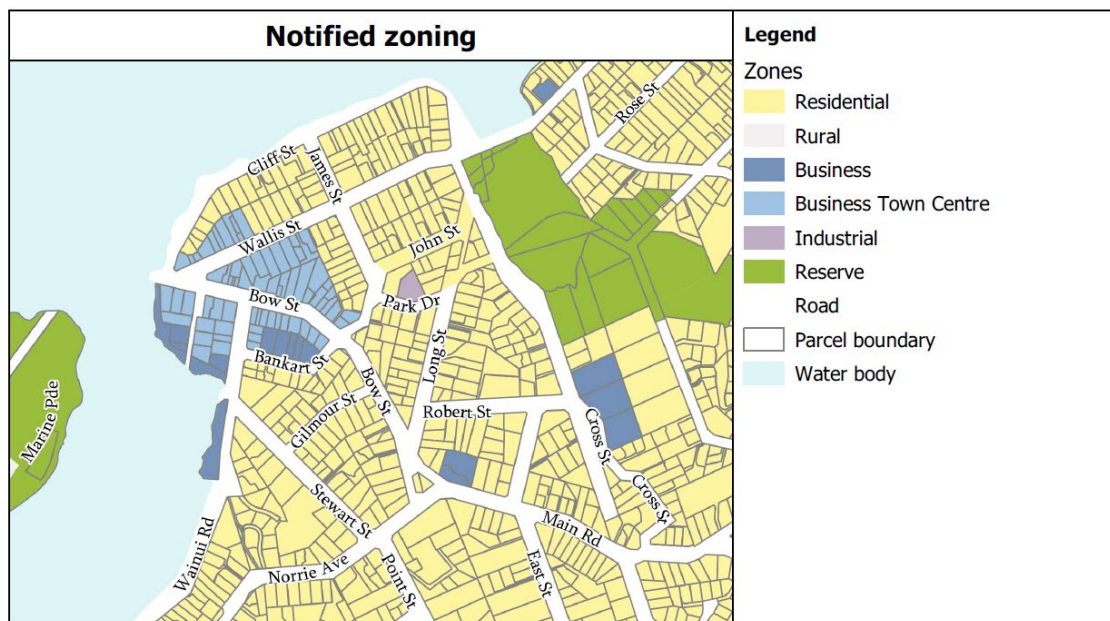
- (a) What is the most appropriate extent and location of MDRZ; and
- (b) Does Raglan warrant the inclusion of any particular limitations on MDRZ to make resulting development "fit" within the character of Raglan?

5.25 We agree with Ms Buckingham that there is a risk that placing MDRZ over the future town centre expansion area shown in Waikato 2070 (an area of approximately 44,000m²) would potentially foreclose commercial redevelopment opportunities for these sites in the 3 to 10-year timeframe identified for development of this area.⁴⁰

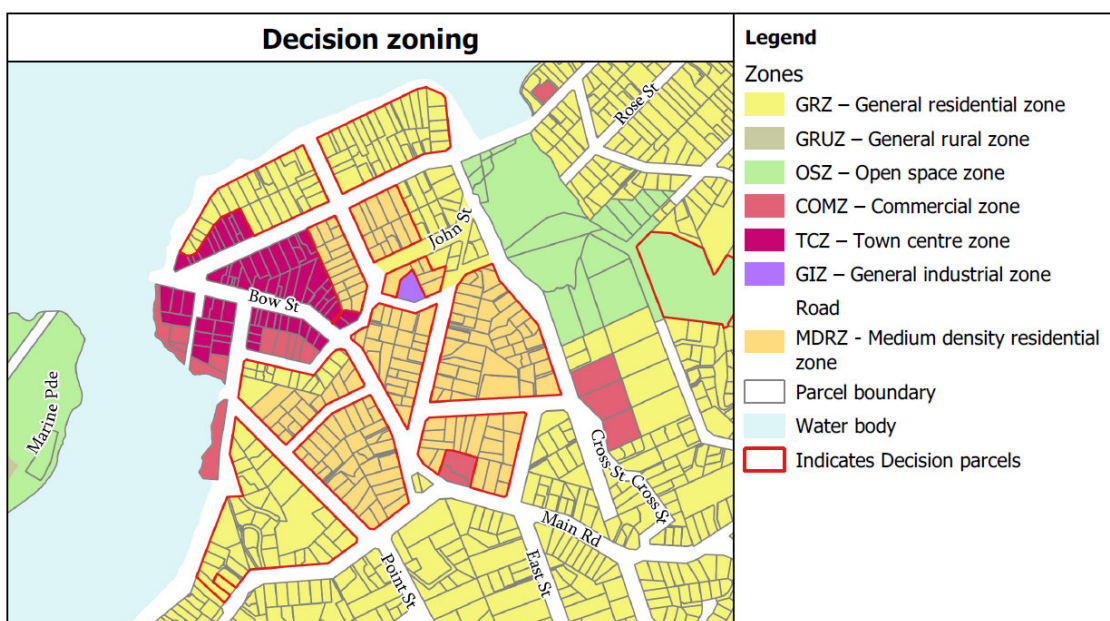
⁴⁰ Hearing 25: Zone Extents Raglan, Emily Buckingham, Paragraph 195, dated 14 April 2021.

- 5.26 Turning to the character of Raglan (which was a key issue canvassed in Hearing 16 on Raglan), submitters involved in Hearing 16 were largely in opposition to increased residential density around the town centre. They felt that larger buildings should be discouraged in favour of detached single level dwellings, although there was support for enabling affordable housing and tiny houses. We are aware that single storey detached dwellings are somewhat inconsistent with the outcome of development enabled by MDRZ. We are also aware that the NPS-UD contemplates a change in amenity of urban environments over time in response to the diverse and changing needs of people, communities, and future generations (Objective 4 and Policy 6(b)). Kāinga Ora's MDRZ provisions would allow up to three residential dwellings per site as a permitted activity, whereas the intention of the Raglan special character provisions arising out of Hearing 16 was that all medium density proposals would require consent and be subject to the assessment criteria.
- 5.27 We agree with Ms Buckingham that this issue can be addressed in a variety of ways, such as retaining the Residential Zone rules which have multi-unit development as a restricted discretionary activity, or by amending the MDRZ rules to better suit Raglan. We agree with Ms Buckingham that aspects of the MDRZ proposed by Kāinga Ora will be beneficial by promoting infill, affordable housing, and places for smaller houses; including permitting three dwellings per site and the reduced subdivision vacant lot size of 200m².⁴¹ Consequently, Ms Buckingham recommended reducing the maximum height for MDRZ in Raglan to 7.5m instead of 11m as sought by Kāinga Ora and we agree this is appropriate.
- 5.28 We have concerns also about MDRZ being on the water's edge to the north of the town between Cliff Street and Wallis Street because of the sub-optimal access from Cliff Street, the importance of the character of the Raglan coastal edge and the coastal hazards that exist.
- 5.29 We undertook a site visit to look at the characteristics and current level of development of the sites in the triangle created by Wainui Road, Stewart Street and Norrie Avenue. We consider these are prime sites which contribute significantly to the character of Raglan given their prominent coastal edge setting, and therefore do not consider MDRZ to be the most appropriate zone.
- 5.30 We agree with the section 32AA evaluation undertaken by Mr Stickney and as further modified by Ms Buckingham and that MDRZ for these sites is the most appropriate way to meet the objectives in the PDP. We therefore accept in part the submission from Kāinga Ora in respect of Raglan, and amend the planning maps in the following way:

⁴¹ Hearing 25: Zone Extents Raglan, Emily Buckingham, Paragraph 202, dated 14 April 2021.



Notified

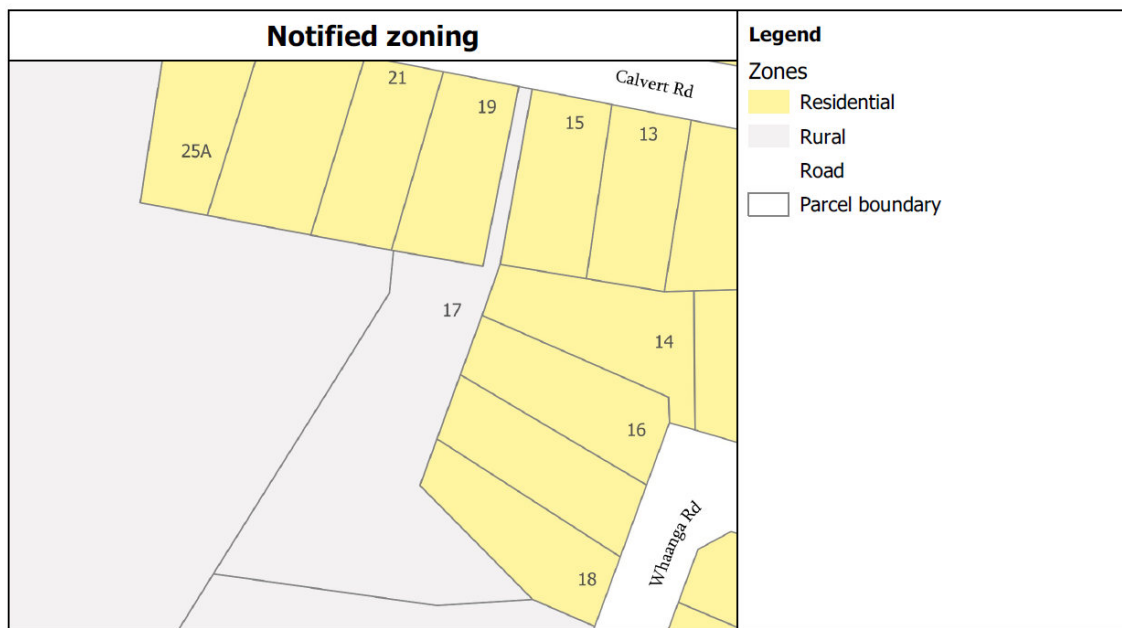


Decision

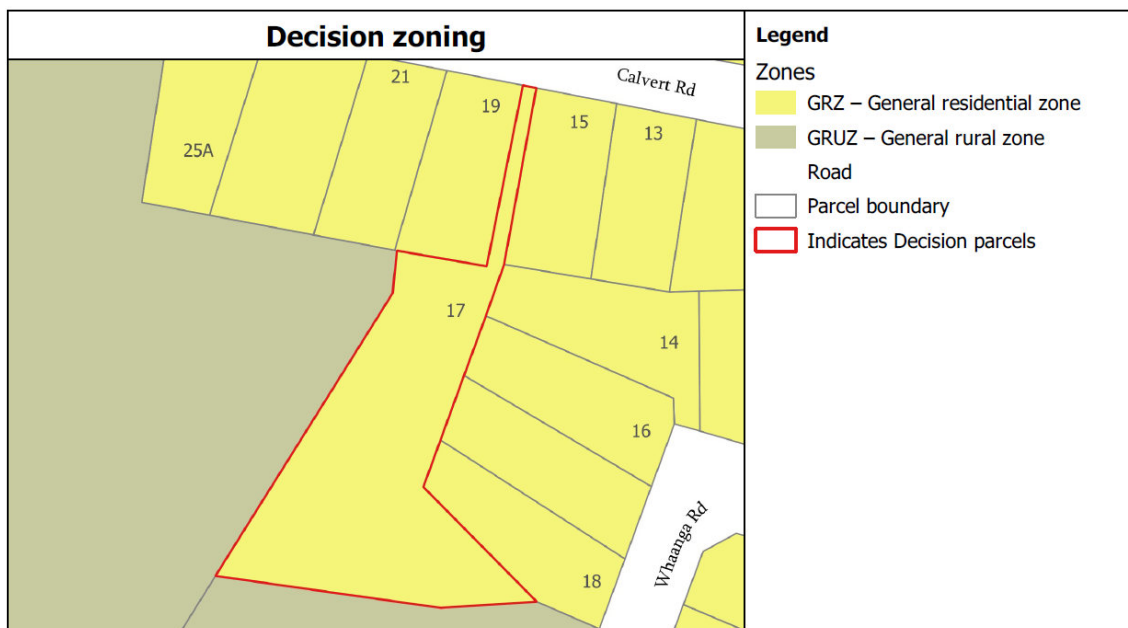
Calvert Road

5.31 We considered the site at 17 Calvert Road, which Ms Hughes sought be rezoned as Residential Zone. When we looked at the aerial photos with Ms Hughes at the hearing, we saw how much of the site is covered by vegetation and also that the site is immediately adjoining the existing Residential Zone on three boundaries. We understand the difficulty of trying to comply with the Rural Zone setbacks on such a long narrow site. We consider extending the Residential Zone to include Ms Hughes' site is

a logical pattern of zoning, given the Residential zoning of the adjoining sites. We understand Ms Hughes' desire to build a minor dwelling and encourage her to look at the rules for the Residential Zone which enable a minor dwelling as a permitted activity. Having considered Ms Hughes' presentation to us, we consider the zoning of this site to Residential Zone is the most appropriate way to achieve the objectives of the PDP (as required by section 32AA of the RMA). We accept the submission from Ms Hughes and rezone the property at 17 Calvert Road as follows:



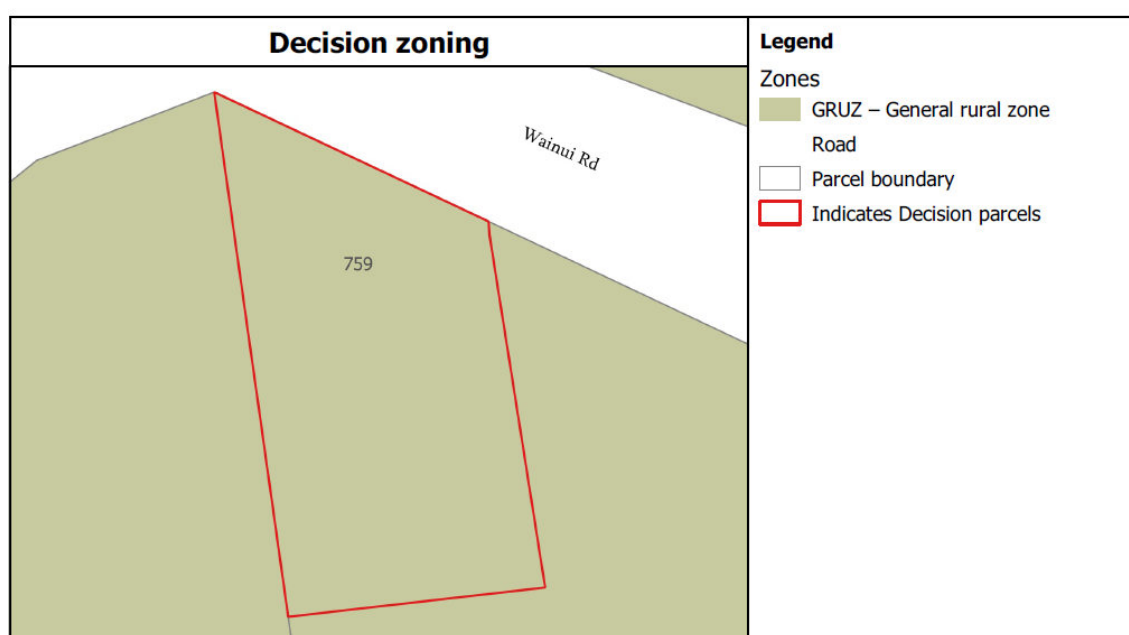
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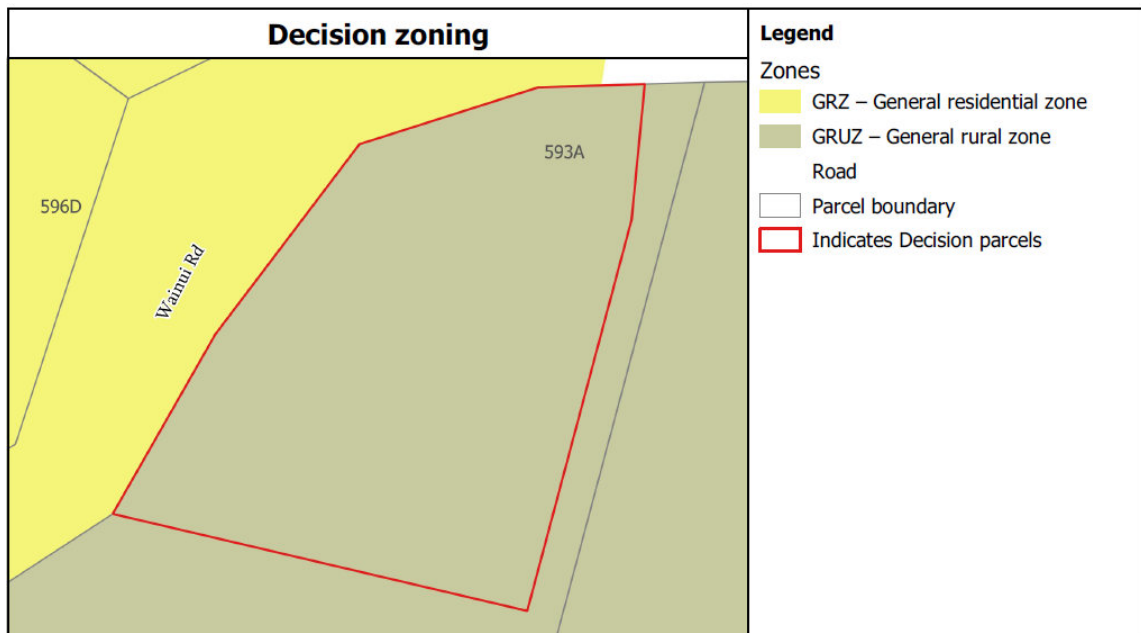
Decision

Wainui Road

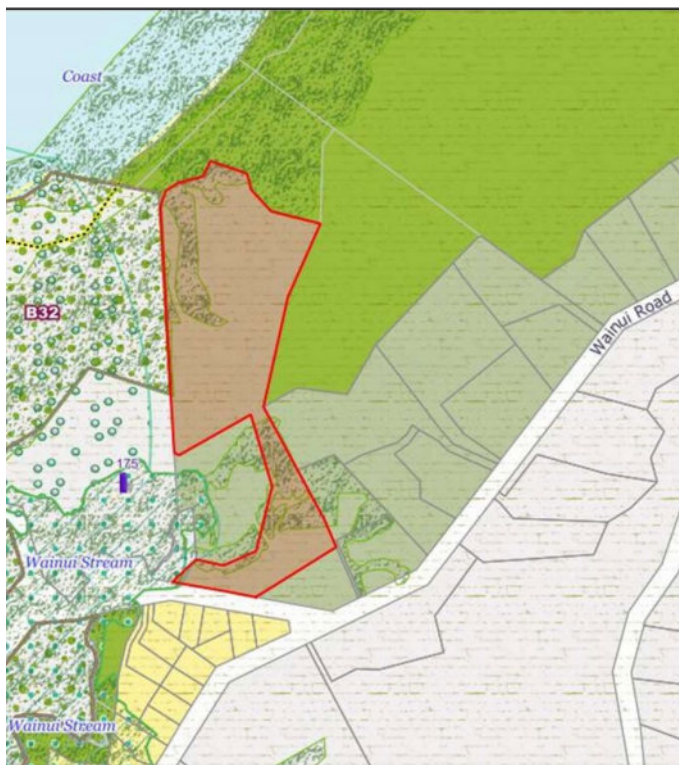
5.32 We have sympathy for Mr Brown who sought to rezone his property at 759 Wainui Road, particularly given the size and shape of the site and the inability to meet the large setbacks of the Rural Zone. However, we agree with Ms Buckingham that the site is isolated from any other urban zoned site and any rezoning would constitute a spot zoning, this being contrary to both good planning practice and the directions in the higher- order statutory documents. We accordingly reject the submission from Mr Brown and the site retains its current Rural Zone, which means any infringement of the setbacks for the Rural Zone will necessitate a resource consent application:



5.33 Mr Stuart Cummings sought to amend the zoning of the property at 593A Wainui Road, the other properties on the driveway and the adjacent properties in Earl's Place, or between the subject property and Raglan Township, from Rural Zone to Country Living Zone (or a similar zone). The submitter's reasons are that the land was previously zoned Coastal but is now proposed as Rural, as there is nothing about the property and surrounding properties which is rural in nature. We are aware that the Residential Zone adjoins the site on the northern boundary but are unsure of the genesis of this pocket of residential properties. In the absence of any evidence, we reject the submission as it is contrary to good planning practice to encourage isolated residential lots some distance from the urban area of Raglan and would be contrary to the NPS-UD and RPS.

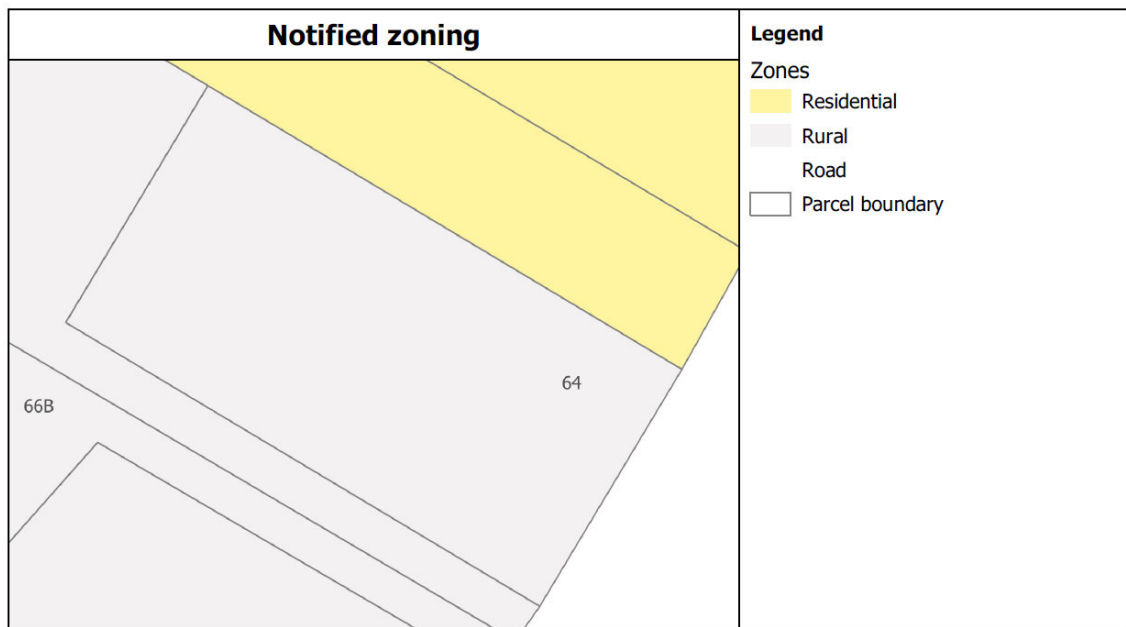


5.34 Mr Mark Mathers sought to retain the proposed Country Living Zone for 536 Wainui Road, and we agree that this is an appropriate zone for the site given it is contiguous with the other Country Living Zone along Wainui Road. We therefore accept Mr Mathers' submission and consider Country Living Zone to be the most appropriate way to achieve the objectives in the PDP (as required by section 32AA of the RMA).

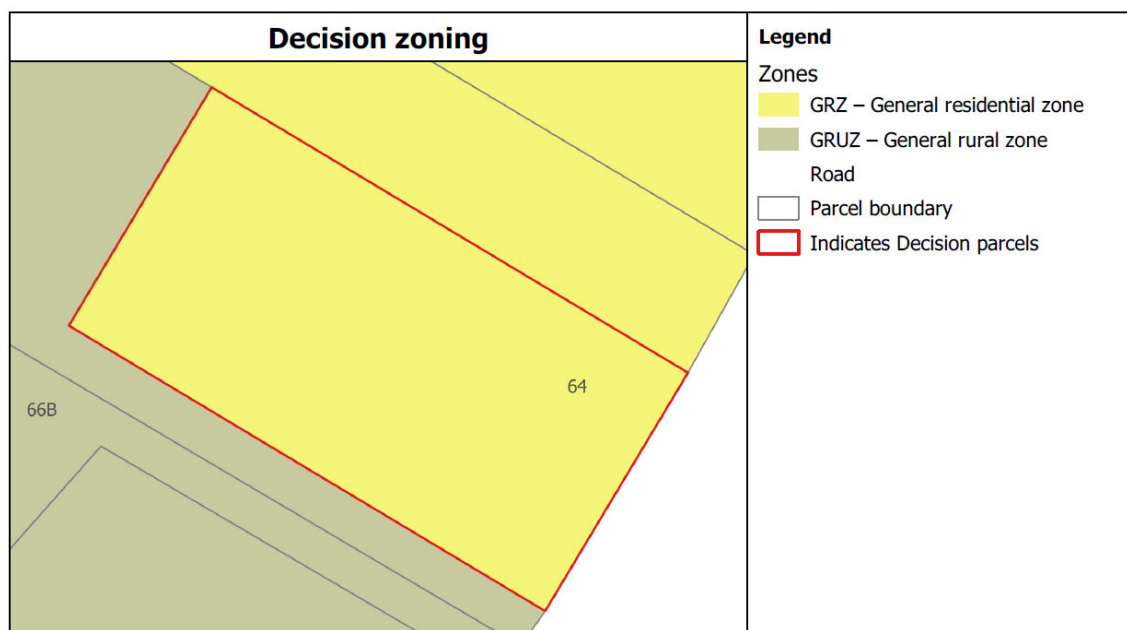


Upper Wainui Road

5.35 We considered the request and evidence of Mr Beamsley who sought to rezone his site at 64 Upper Wainui Road and the remaining smaller sections along Upper Wainui Road from Rural Zone to Living Zone. We consider Mr Beamsley's site is distinct from those south of his site due to his site already having water and wastewater servicing. It seems to us that Mr Beamsley's site is similar in character to the sites between 2-62 Upper Wainui Road, and we therefore consider that Mr Beamsley's site is more appropriately zoned as Residential. We accept in part his submission on the basis that we do not consider any other sites on Upper Wainui Road should be rezoned. We consider the Residential Zone for Mr Beamsley's site to be the most appropriate way to achieve the objectives in the PDP (as required by section 32AA of the RMA).



Notified



Decision

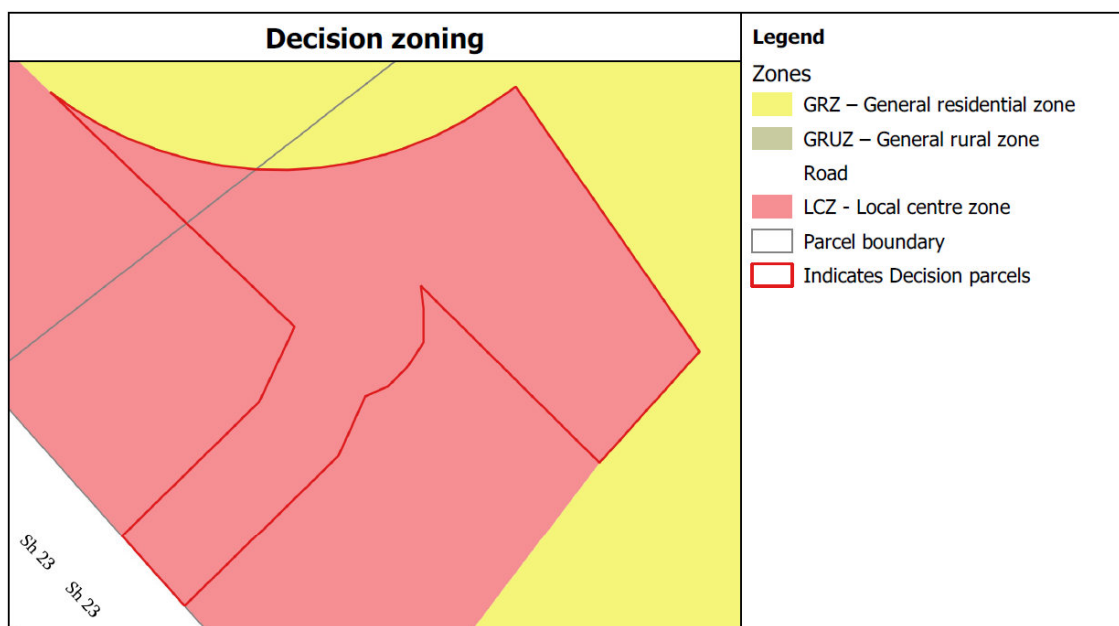
State Highway 23, Lorenzen Bay

5.36 McCracken Surveyors Ltd (on behalf of Ellmers Development Ltd) sought to rearrange and extend the business zoned area sandwiched between State Highway 23 and Moonlight Bay Drive. We agree that this is a logical extension of the Business Zoning, given the alteration of roading layout through the subdivision consent. We understand this amendment will result in an additional 5,730 square metres of Business Zone to what is currently zoned (1.94 hectares). It was apparent to us that the detailed layout of this area has progressed since the structure plan in 2006 and the road layout is now to be amended, as well as some of the business land potentially needing to be put aside for kumara pit protection (2,250 square metres). The original submission also sought a change to a Business Zone for an area to the north of the existing business zone and new roundabout but we understand this part of the submission is no longer being pursued.

5.37 We accept the submission from McCracken Surveyors Ltd (on behalf of Ellmers Development Ltd) in so far as it relates to the land outlined below. We consider the extension of the Business Zone will result in a far more logical zoning layout and enable cohesive development. We also accept the section 32AA evaluation undertaken by Ms Buckingham on this submission and make the following amendments to the PDP maps:



Notified

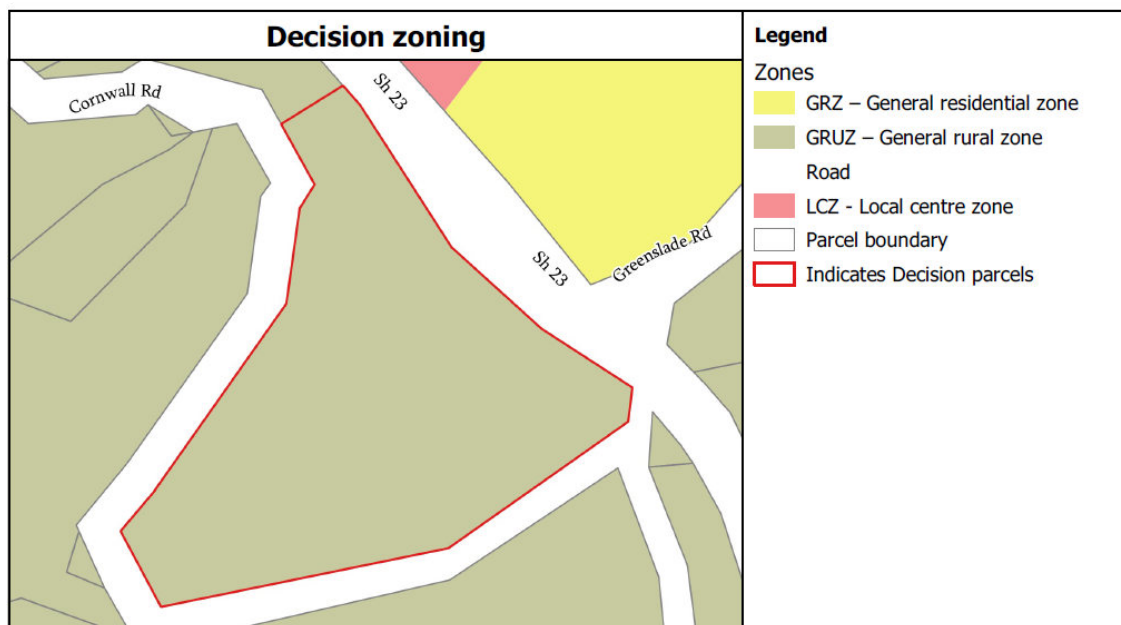


Decision

5.38 LG Enterprises sought to amend the zoning of the property at 4337 State Highway 23, Raglan from Rural Zone to Country Living Zone, with the aim to create a lower density subdivision. We agree with Ms Buckingham’s assessment that there is no Country Living Zone in the vicinity and the requested rezoning would constitute spot zoning.⁴² We note that the site is outside the Future Proof 2017 indicative urban limits and urban expansion

⁴² Hearing 25: Zone Extents Raglan, Emily Buckingham, Paragraph 236, dated 14 April 2021.

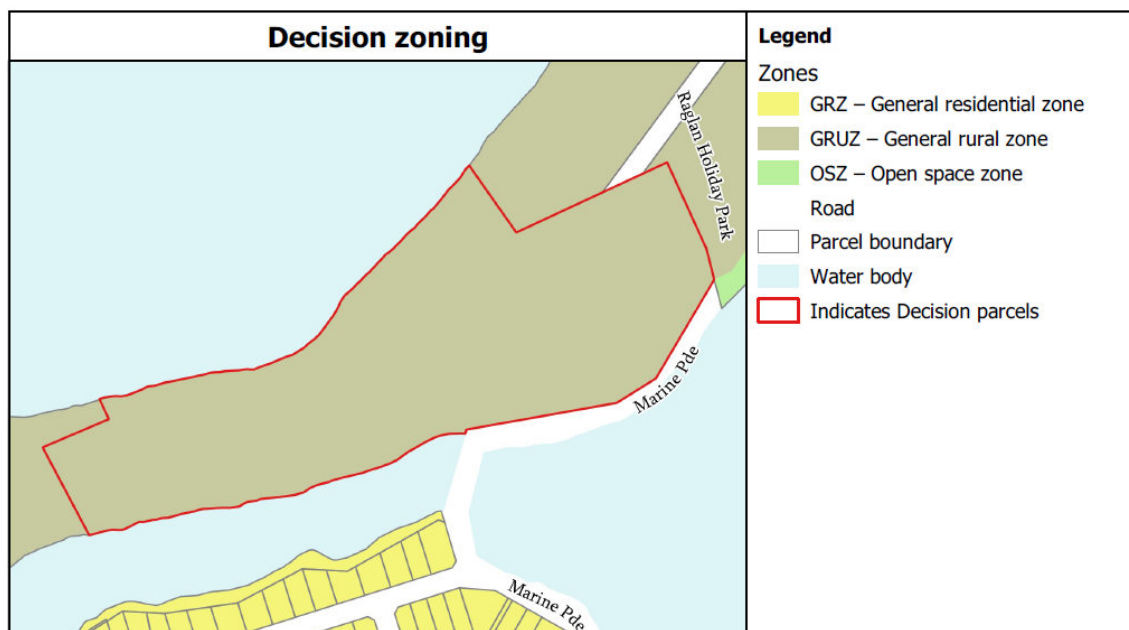
is not identified in this direction in Waikato 2070. In the absence of any supporting evidence, we reject the submission and the site retains its Rural Zone.



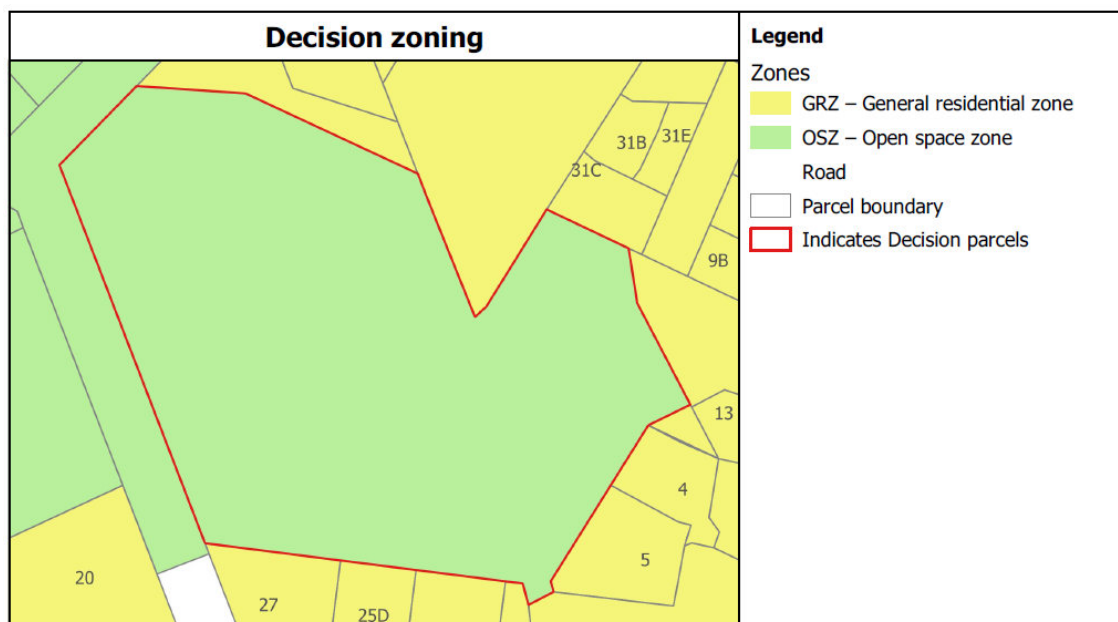
Reserves and Recreation

5.39 Mr Aaron Mooar sought to amend the zoning of Raglan Aerodrome from Rural to Reserve Zone. The reason provided in the submission was to allow it to be used for sports activities, as it is dry during winter, while other sites in Raglan are underwater and unusable. We agree with Ms Buckingham that this site is unsuitable for a recreational reserve, based on the advice of Council as the property owner.⁴³ In the absence of any evidence from Mr Mooar, we reject his submission.

⁴³ Hearing 25: Zone Extents Raglan, Emily Buckingham, Paragraph 248, dated 14 April 2021.



5.40 Mr Mooar also sought to amend the zoning of a Reserve-zoned property at Primrose Street to allow for development of a planted stormwater filtration system. We agree with Ms Buckingham that a reserve zone is not needed to enable stormwater treatment facilities including filtration, wetlands and ponds, as these are permitted activities throughout the district regardless of zone (as specified in Chapter 14 Infrastructure and Energy).⁴⁴ In the absence of any evidence from Mr Mooar, we reject his submission.



⁴⁴ Hearing 25: Zone Extents Raglan, Emily Buckingham, Paragraph 250, dated 14 April 2021.

Broad rezoning requests

- 5.41 Ms Vera van der Voorden sought to amend the zoning in Raglan to decentralise Raglan growth and support the movement of growth away from stress points by allowing the development of villages in the rural areas. We consider that this approach would be contrary to the strategic growth directions in the RPS and NPS-UD, and therefore reject the submission from Ms van der Voorden.
- 5.42 Ms Gabrielle Parson, on behalf of Raglan Naturally, sought to amend the zoning of areas that are hidden from main roads and close to town (such as behind the sewage ponds) to an Industrial Zone, to provide opportunities for industry close to Raglan. Her reasons are that Raglan needs industrial land, and Nau Mai Industrial Park is too far out of town and too prominent. We are aware that the Nau Mai plan change resulted in 8.42 hectares of industrial land which was considered adequate to service expected future demand, and this is included in the proposed plan. We agree with Ms Buckingham that the change of zone sought in the submission would fail to give effect to RPS Policy 6.14 which limits new industrial growth to strategic growth nodes.⁴⁵ We note Raglan is not one of the identified industrial strategic growth nodes. Without further supporting information from Ms Parson, we reject the submission.

6 Conclusion

- 6.1 We accept and/or reject the section 42A report and the evidence filed by the submitters, for the reasons outlined above, collectively forming the section 32AA assessment informing this Decision.
- 6.2 Overall, we are satisfied that the zoning pattern in Raglan (including the activities and development enabled by those zones) will provide a suitable framework for managing growth within Raglan for the lifespan of the PDP.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

⁴⁵ Section 42A report H25 Zone Extent – Raglan, Emily Buckingham, Paragraph 179, dated 14 April 2021.

ANNEXURE E

Koning's draft Te Hutewai Structure Plan

TE HUTEWAI STRUCTURE PLAN

INTRODUCTION

The intention of the Te Hutewai Structure Plan is to ensure an appropriate urban, cultural, ecological and landscape response to the site development. This will inform the location of developable land (free from geotechnical constraints), protection of on-site heritage features (e.g. archaeological sites), provision of vehicle/bicycle/pedestrian connectivity (both within and beyond the site), and that will enhance the existing ecological and open space values of the area. This is to be undertaken in a manner that promotes urban expansion, while enhancing community interaction and elevating the unique identity of this coastal area.

The Structure Plan is conceptual (e.g. specific street and housing typologies have not been detailed or arranged), however it does provide clarity as to the intended development future of this location.

The Structure Plan Area consists of approximately 63ha. The intention is to provide a yield of up to 400 dwellings, with individual lot sizes anticipated to be sought down to the minimum size of the Residential Zone standard of 450m².

PLANNING FRAMEWORK

The Structure Plan area is primarily located west of Te Hutewai Rd (Rural Zone), with a small portion located to the east of Te Hutewai Rd. The north-eastern boundary of the site abuts the existing extent of the Residential Zone (although not yet developed), while the remainder of the northern boundary and the entirety of the southern site boundary are adjacent to the Rural Zone. There is also a stretch of six Country Living Zone properties which share the western boundary with the Structure Plan Area.

While the District Plan Zoning does influence the intensity of coastal lifestyle development that has extended out along Wainui Rd (west of the Riria Kereopa Memorial Drive intersection), it is clear that the areas character is a response to the underlying landform pattern, rather than the zoning. For example, the development contained along Wainui Rd, Upper Wainui Road, Te Ahiawa Rd and Earls Place has a unifying character, despite being located across four separate zones.

CULTURAL

There has been extensive Māori occupation within the surrounding landscape and recognition of the cultural value is necessary, with a number of important cultural sites in the surrounding area. The historic heritage sites have been identified on the Te Hutewai Structure Plan.

Large areas of land surrounding the Structure Plan Area are within Māori ownership. Of particular note are the Poihakena Marae and Te Kopua Whānau Camp, which are positioned approximately 1km north of the submission site at the harbour's edge. Furthermore, the land directly abutting the north-eastern boundary of the Structure Plan Area is within Māori ownership.

ARCHAEOLOGICAL

The Archaeological Assessment for the Structure Plan Area (carried out by Sian Keith¹) contains pertinent information in relation to influencing development of this land and states that;

The study area landscape is set back c.300m from the more favourable coastal locations. Based on current information, it is thought that these locations are less likely to have been the focus of permanent pre-European settlement. There are no known pa sites, kainga, or urupā within the project footprint which could be affected by the proposed zone change.

Three sites have been recorded, two represent (as a minimum) shell fish processing and/or consumption areas (middens) and the third crop storage (pit site). Such site types are some of the most common types of pre-European archaeological evidence. Additional sites may be present but not currently visible. The proposal is likely to see some modification to one or more of these recorded sites. Intrusive archaeological investigations (i.e. test trenching) can be the only way to confidently determine the presence/ absence of archaeological sites, and the extent of archaeological activity.

No evidence has been gathered to date to suggest that there are sites of exceptional archaeological value located within the zone change proposal. Of the sites identified, the pit storage site is currently thought to be in good condition and would be worth preservation within any future subdivision plans. The remaining sites, and areas of interest, should be investigated in advance of any future development.

Development Actions

The necessary actions prior to or during subdivision include:

- undertaking consultation with tangata whenua to obtain feedback regarding the residential development of the Structure Plan area,
- developing a method of preserving the existing storage pit site, and
- conducting a programme of subsurface investigations prior to any bulk earthworks for the two identified midden sites and the six other sites of interest identified within the Structure Plan Area.

ECOLOGICAL

Structure Plan Area Attributes

Key ecological functions of the Structure Plan Area focus on the streams within the Area, being their hydraulic function, biogeochemical function and habitat provision function.

The historic vegetation cover is predominantly kahikatea-pukatea-tawa forest and this information, in conjunction with the identified plants on-site, could be used to influence future native restoration across portions of the Structure Plan Area. There is also the opportunity to link ecological values of the Structure Plan Area to the identified Significant Natural Area that is positioned to the south on the neighbouring property.

It has been identified that the existing vegetation corridors on-site provide only lower quality habitat for native skinks and geckos and improving this habitat should be considered as part of the sites

¹ Archaeological Assessment: Koning Family Trust, Raglan. Section 11.2, Pg. 34.

comprehensive development. The on-site waterways and wetlands also contribute to the habitat for native birds and fish.

Development Actions

Development is to incorporate the following ecological preservation and enhancement actions:

- Indigenous vegetation to be retained. Avoid the removal of existing indigenous riparian vegetation other than where absolutely necessary for the construction of road crossings. Crossing design should reflect this approach and be positioned where vegetation is most sparse.
- Trees to be retained - Retain the two rimu trees situated alongside the stream catchment east of the Rural 2 Character Area (R2). Incorporate the retention of these trees within any development design.
- Stream reach to be retained – All stream reaches within the site will need to be retained and will require incorporation into any development design.
- Wetlands to be retained – All native natural wetlands within the site will need to be retained and may result in a reduction of land available for development.
- The Ahiawa Stream – The Ahiawa stream is likely to be a significant migratory corridor for At Risk and Threatened native fish species. As such any access over this stream will need to be designed in a way that will not impact fish passage.
- Large exotic trees within the identified areas have potential to act as bat roosting sites. Specific assessment will be required to determine the significance of these trees to bats, prior to any management recommendations being made.
- Retention of lizard foraging habitat - There is moderate quality lizard foraging habitat with many continuous edges of vegetation, namely the riparian and bankside plantings. This ties in with previous considerations to retain indigenous vegetation wherever possible.
- Due to copper skinks being observed just north of the assessment area (approx. 60 metres), it is likely that there are native lizard populations on site. Should further assessments confirm this presence, appropriate mitigation measures would be required to mitigate potential impacts on species protected under the Wildlife Act 1953. This would likely include relocation of animals and enhancement of retained habitat.

Management Plan

Prior to implementation of the development, the following matters are to be addressed in a Management Plan:

- Restoration of all existing intermittent streams, permanent streams and wetland areas through pest plant control, pest animal control and native infill planting. This would see the development of an Ecological Management Plan (EMP) for the retention and improvement of existing ecological features on site.
- Further protection of existing watercourses via 10-metre buffer planting around the edge of all intermittent streams, permanent streams, and wetland areas. This will further improve ecological value of the areas for similar reasons to those stated in the first opportunity above. If stock are not to be excluded from the proposed Lots as part of the consent process, these planting areas will require permanent, ungated stock-proof fencing installed outside the dripline of the new plantings.
- Completion of native revegetation along the bank situated at the eastern end of the site.
- An opportunity exists to daylight the main stream channel east of the Rural 2 (R2) Character Area (remove pipes and drains) and restore them to a more natural stream system via planting of riparian zones similar to that suggested in the second opportunity, as well as in-stream habitat creation.

- If bats are confirmed present on site and, specifically, found to be utilising the predicted western riparian corridor, its enhancement along with the retention of mature exotic trees could improve this commuting route for bats.
- It is expected that a current lack of site-wide pest control is restricting the current lizard population on site. The implementation of a pest management plan, as well as the revegetation mentioned in the first opportunity, will provide additional benefit by way of improving lizard habitat and protection from predators.

GEOTECHNICAL CONTEXT

The underlying geology of the Structure Plan Area is primarily a result of historic volcanic activity of the now extinct Mt Karioi volcano and other nearby volcanic activity. This has produced a predominant ridgeline trend where the ridgeline orientation descends in elevation via a radial pattern centered on Mt Karioi. This pattern, also found across the Structure Plan Area, is highlighted by the series of ridgeline/gully fingers which run parallel with the adjacent alignment of the Ahiawa Stream and Wainui/Te Hutewai Roads. The volcanic materials are underlain by mudstone and limestone bedrock.

Geotechnical investigations have determined the extent of a high geotechnical hazard (slope stability), including a subsurface void within the limestone 15m below ground and extending to a possible depth of 45m beneath the largest High Geotechnical Hazard area along with expected soft ground areas and also areas of only low geotechnical hazard, and intermediate hazard areas which can be remediated. Overall, the land outside of that particular High Geotechnical Hazard is appropriate for residential development provided that further geotechnical work is undertaken during the detailed design, construction and certification phases.

CONNECTIVITY

The following outcomes shall be central considerations in designing all transportation and connection features at the time of subdivision:

- creates safe, attractive and secure pathways and links between centres, landmarks and neighbourhoods
- facilitates green networks that link public and private open space
- places a high priority on walking, cycling and public transport
- anticipates travel demands and provides a sustainable choice of integrated transport modes
- improves accessibility to public services and facilities
- treats streets and other thoroughfares as positive spaces with multiple functions
- provides formal and informal opportunities for social and cultural interaction
- facilitates access to services and efficient movement of goods and people
- provides environments that encourage people to become more physically active.

The ability to provide for appropriate connections, both internally and externally of the site, will become a key factor when assessing the landscape character of the Structure Plan Area and the overall benefit that can be provided through the rezoning of this land. The wider context is important for developing interaction with existing vehicle, pedestrian, cycling and other recreational (e.g. horse trails) routes, which expose connectivity benefits for the community as a whole.

The following key opportunities to improve connectivity shall be given priority:

- a) Providing an east-west connection to other development areas and facilities.

- b) At the south-western extent of Raglan’s urban form, three key access roads (Wainui Rd, Te Hutewai Rd and Opotoru Rd) all divert south in a disconnected manner. This disconnect is a result of the existing roading pattern conforming to the ridgeline landform pattern of the surrounding area. By utilising the Structure Plan Area, a link could be provided between the southern extent of the Rangitahi Peninsula development (Opotoru Rd) through to Ngarunui Beach.

Development Actions

Development within the Structure Plan Area shall ensure the following:

- The connection of the main east-west collector road within the Structure Plan Area onto Te Hutewai Road in the R4 area shall be located having regard to the potential for a future connection to a road extending eastwards of Te Hutewai Road and connecting to the Rangitahi Structure Plan area. In order to achieve such a connection, the location of the connection point onto Te Hutewai Road may need to be positioned as far south as possible to align with the indicative route identified in Waikato 2070, subject to safety and environmental considerations.
- Development within the “A1” area shall ensure provision is made for connection to future development to the north, unless otherwise agreed to with the Waikato District Council.
- Development within the “R1” area shall ensure provision is made for road connectivity to future development on the adjoining land to the south.

The location of all connections to the wider transportation network shall be confirmed with Waikato District Council.

INFRASTRUCTURE

Development within the Structure Plan Area will require the provision of infrastructure to service the land. Council have indicated timeframes in the Long Term Plan for some of these infrastructural requirements. Where the timing of delivery for this infrastructure does not align with the proposed staging of development within the Structural Plan Area, then there may be the opportunity for the infrastructure to be privately funded, subject to a Developer Agreement being in place between the private party and Council.

Development Actions

Transportation

Prior to subdivision and development of the Structure Plan Area, an Integrated Transportation Assessment (ITA) shall be prepared to confirm what (if any) infrastructure upgrades are necessary to accommodate growth in traffic volumes arising from that development. This shall include, but not be limited to:

- Capacity constraints at the Wainui Road one-lane bridge; the status of planned upgrades to this bridge; and the extent to which alternative solutions such as traffic control devices (traffic lights) could be implemented at this bridge to accommodate the increase in traffic volumes while maintaining the safe operation of the transportation network
- The need to undertake upgrades at the following intersections as a result of increases to traffic volumes:
 - Bow Street and Norrie Avenue
 - State Highway 23 and Te Pahu Road

Wastewater

Prior to subdivision and development of the Structure Plan Area, a report prepared by a suitably qualified and experienced person shall be submitted with any resource consent application which confirms the ability for that development to connect to and be serviced by the Council's wastewater infrastructure.

Water

Prior to subdivision and development of the Structure Plan Area, a report prepared by a suitably qualified and experienced person shall be submitted with any resource consent application which confirms the ability for that development to connect to and be serviced by the Council's water infrastructure, and/or the provision of additional infrastructure, including water storage volume, may be necessary to service that development.

Stormwater

Prior to subdivision and development of the Structure Plan Area, a Stormwater Management Plan (SMP) shall be prepared to provide a strategic and integrated approach to stormwater management in the Structure Plan Area. This SMP shall provide the framework for the low impact stormwater management to be established in order to service urban development within the Structure Plan Area to avoid and minimise effects on the downstream environments.

CHARACTER PRECINCTS

The areas surrounding and including the Structure Plan Area can be grouped into four high level character precincts including; urban, amenity, coastal and rural.

Urban Character

The Raglan settlement forms the bulk of this character area. The density is typical of a small New Zealand settlement, with a central business hub (around Bow Street) and residential development spreading outward. The residential development pattern is consistent with the sequence of historic quarter acre sections which have, over time, been further subdivided. This character area contains a range of public amenities such as the Town Hall, School, Museum, shops and restaurants/cafes and components such as formed roads, roadside parking, curb and channel edges, mown berms, street signs, power poles, lampposts and footpaths, are all common commonplace within this character area.

It is also noted that it appears the streetscape has retained a degree of openness throughout the Raglan urban area through the use of a 30m wide road reserve in many locations, as opposed to a standard 20m road reserve.

Amenity Character

This Amenity character area comprises the Rangitahi Peninsula and the open slopes around the northern end of Te Hutewai Road (including the Golf Course) and has an interesting juxtaposition of expansiveness and containment. The degree of expansiveness is due to the gradual rise of the landform extending up toward Mt Karioi, which affords views across the series of creeks which connect to the Whaingaroa (Raglan) Harbour. At the same time, this area is relatively well sheltered by the surrounding landforms, which in my opinion results in a higher degree of pleasantness (and therefore perception of amenity). This location does not experience the same brutal exposure to the ocean that occurs on the nearby coastal character area. This character area includes the land in the north eastern corner of Structure Plan Area as well as the dwelling located at 142 Te Hutewai Rd.

Coastal Character

This Coastal character area wraps along the coastline and into the harbour. This includes the first ridgeline running parallel with the waters edge and the associated lifestyle development accessed along the Wainui Rd spine. Public access throughout this character area is extensive, both overland and along the series of beaches. From the elevated positions overlooking the coast, there is a high degree of exposure and wildness which defines this coastal setting.

Proximity to the beach is a key factor of the existing level of development. This character area extends into the western side of the Structure Plan Area.

Rural Character

This Rural character area is the productive landscape extending south from the harbour. It includes the three designation sites of wastewater (M52), landfill/refuse transfer (M50) and reservoir/water treatment (M90). The landform characteristics are similar to the surrounding areas, however the enclosure from ridgelines and the dominant land use define this area. It forms the central portion of the submission site and merges with the adjacent productive land to the south.

The intricate pattern of incised gullies extending down toward the coastline is a prominent characteristic of the surrounding landform and will inevitably require future development of the Structure Plan Area site to replicate existing development patterns.

CHARACTER RESPONSE

In all situations, the development areas across the site are intended to respond to the site conditions and topography. Additionally, each of the three identified character areas are intended to have a distinct typology which references the overarching character of the surrounding environment. The Structure Plan provides for the following character components as an indication of how development of each character area could be implemented.

Coastal Character Area (C1 & C2)

This area most readily responds to the development that has occurred along the Wainui Rd extent. A design response could include; wide open berms, stormwater running into swales (e.g. no curb/channel), informal native coastal planting along the roadside, limited street lighting and readily available links to the coastal walking network immediately west of the site.

Rural Character Area (R1, R2, R3 & R4)

This area is adjacent to the rural productive landscape further to the south. It is backdropped by an east-west running spur yet retains views north due to the topography. A key component of this character area is the retention of open space. This could be achieved through; the strategic positioning of lots and roads to allow for expansive views, a simple mown road verge, informal planting configuration, building setbacks from the road reserve, reduced levels of street lighting, natural drainage solutions through open swales and open gullies, clustering of development on plateaus, utilisation of valleys to provide a degree of development separation, connection to wider trails and a consistency of rural fencing styles.

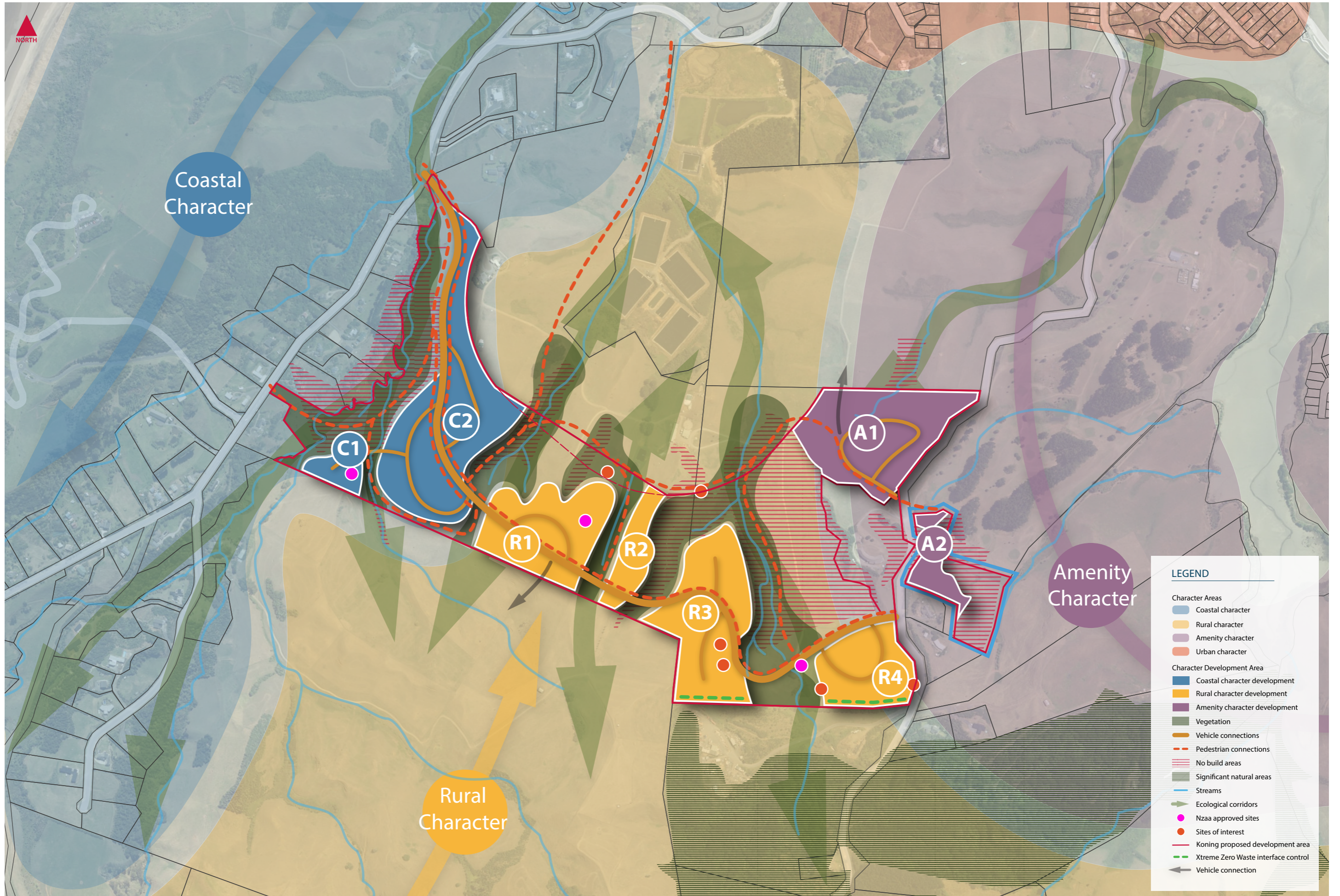
Amenity Character Area (A1 & A2)

The area is visually connected to the open space amenity afforded by the golf course and estuary inlet beyond. This is the most typical urban response to residential development across the site. It is anticipated that it could include; a highly manicured road verge, a formalised planting arrangement, defined street trees, street lighting, curb and channel formed road, individual fencing styles, and footpaths on each side of a relatively confined carriageway.

INTERFACE CONTROL WITH XTREME ZERO WASTE SITE

Any subdivision and development within the Structure Plan Area adjacent to the boundary with 186 Te Hutewai Road (the “Xtreme Zero Waste” site, legally described as Section 10 SO 442742) shall incorporate the following:

- A five metre wide landscaping strip within the Structure Plan Area immediately adjoining the boundary, which shall be planted and maintained to establish a visually impermeable screen of planting along the common boundary; and
- A 50 metre setback for any residential dwelling within the Structure Plan Area from the boundary.



LEGEND

| Character Areas | |
|---|-------------------------------------|
| ■ | Coastal character |
| ■ | Rural character |
| ■ | Amenity character |
| ■ | Urban character |
| Character Development Area | |
| ■ | Coastal character development |
| ■ | Rural character development |
| ■ | Amenity character development |
| ■ | Vegetation |
| — | Vehicle connections |
| - - - | Pedestrian connections |
| ▨ | No build areas |
| ▨ | Significant natural areas |
| — | Streams |
| → | Ecological corridors |
| ● | Nzaa approved sites |
| ● | Sites of interest |
| — | Koning proposed development area |
| - - - | Xtreme Zero Waste interface control |
| → | Vehicle connection |

Te Hutewai Structure Plan

Scale 1:7,500 @ A3

ANNEXURE F

List of names and addresses of persons to be served

LIST OF SUBMITTERS TO BE SERVED WITH THIS APPEAL

| Submission number | Submitter | Address | Email |
|--------------------------|--|---|--------------------------------------|
| 658 FS1329 | Koning Family Trust and Martin Koning | Samuel Foster PO Box 9041 Hamilton 3240 | sfoster.bbo.co.nz |
| FS1387 | Mercury NZ Limited | PO Box 445 Hamilton 3240 | fraser.graafhuis@mercury.co.nz |
| FS1276 | Whaingaroa Environmental Defence Inc Society | 51 Cliff Street Raglan 3225 | johnragla@gmail.com |
| FS1277 | Waikato Regional Council | Lisette Balsom Private Bag 3038 Waikato Mail Centre Hamilton 3240 | lisette.balsom@waikatoregion.govt.nz |
| 378 | Fire and Emergency New Zealand | Alec Duncan PO Box 448 Hamilton 3240 | alec.duncan@beca.com |