

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 19: Raglan

17 January 2022

Commissioners

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

Ms Linda Te Aho

Mr Weo Maag

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- c) Raglan Navigation Beacons (see separate decision);
- d) Beach access for horses;
- e) Miscellaneous matters; and
- f) Amendments to correct drafting errors.²

Overview of submissions

1.7 The key themes of the submissions were:

- a) Raglan special character - submitters considered that Raglan has a special character and sought inclusion of provisions in the PDP to protect that special character;
- b) Built environment – these submissions related to Raglan’s character and focused on higher-density building forms, the Raglan Community Plan and housing options in Raglan;
- c) Raglan Town Centre – these submissions also related to Raglan’s character but the submitters advocated for more or fewer development controls to manage town centre character;
- d) Beach access for horses - submissions sought access for horses to Ngarunui Beach and the removal of horse restriction signs on the access track; and
- e) Miscellaneous matters - submitters referenced issues including holiday accommodation, roading standards, view protection, notification of applications, support for Raglan Naturally and changes to planning maps’ notations.

Overview of Evidence

- 1.8 Mr Phil Stickney for Kāinga Ora highlighted the National Policy Statement on Urban Development Capacity 2016 and the Waikato Regional Policy Statement, which he argued envisage growth and change over time, whilst promoting the efficient use of land and infrastructure. He sought that these higher-order documents to inform Council’s assessment of other submissions seeking to protect the status quo.
- 1.9 Mr Stickney also submitted that the Raglan Town Centre Character Statement be deleted and replaced by a suite of provisions (drawn from the Character Statements) which could guide the future form of Raglan Town Centre.
- 1.10 Mr John Lawson for Whaingaroa Environmental Defence Society advocated for Raglan’s special character to be recognised and protected in the PDP. He said Raglan has a seaside village character which is valued by residents and visitors and adds to the economic prosperity of Raglan. He gave examples of out of character developments on Wainui Road and in Lorenzen Bay, as types of undesirable development that the PDP should control. Mr Lawson also supported submissions asking for a bed tax to address the lack of affordable housing.
- 1.11 Ms Gabrielle Parson for Raglan Naturally spoke about the community planning work already undertaken for Raglan. Ms Parson said that the community is concerned about

² Section 42A report, Summer Salmon, para 18.

1.18 It is not feasible to develop a structure plan in the current process, nor do we have the jurisdiction to direct Council to promote a structure plan through a plan change. Accordingly, we reject the submissions seeking this particular relief. However, we do see value in the Council developing a structure plan for Raglan in the future. We consider that a structure plan could be an effective way to reconcile character with growth and other competing considerations. Raglan character which is indirectly linked to the structure plan issue is considered separately later in this decision.

Notification of resource consent applications

1.19 Notification of all resource consents was requested by 14 submitters, with 13 further submitters supporting and nine opposing. Section 77D of the Resource Management Act 1991 (RMA) enables district plans to specify activities for which applications must be notified, but the PDP does not do this, leaving the decision to notify an application to the step-by-step process under sections 95-95G of the RMA. The section 42A report rejected these submissions as unreasonable, inefficient and imposing significant costs on developments, in turn impacting on social, economic and cultural wellbeing and potentially reducing the expansion of the housing stock.³ We agree and reject the submissions for those reasons.

Holiday accommodation

1.20 Nine submissions sought to restrict short-term accommodation through various means.⁴ We understand that the underlying concern of the submitters is that short-term holiday letting of houses reduces the supply of long-term rentals, worsening the housing shortage and increasing rents in Raglan.

1.21 We heard similar submissions on the Residential Zone (Hearing 10) and rejected them, as they do not raise issues within the scope of the RMA.⁵ We reject the submissions in this hearing for the same reason. In our view, short and long-term residential activities' effects on the environment which are controllable under the RMA are largely the same. There is no basis to further control holiday accommodation in the PDP.

1.22 We also reject submissions proposing a bed tax (or targeted rates) on short-term rentals because rating or collection of a bed tax is not a function nor policy of the PDP.⁶

Walkways, cycleways and bridleways

1.23 One submitter⁷ asked for additional routes for walkways, cycleways, and bridleways to be added to the Planning Maps to fully implement the Waikato District Council Trail Strategy 2016. Another submitter expressed opposition to a trail shown at Cox Bay.⁸ We heard other submissions on the indicative trails in Hearing 22 Infrastructure and have decided to delete all indicative trails shown on the planning maps, for reasons

³ Section 42A report para 75

⁴ Seven listed in the section 42A report section 8, two in section 9

⁵ See discussion in Hearing 10 section 42A report, para 414-5

⁶ Section 42A report, para 114

⁷ Jade Hyslop [435.10]

⁸ Kearvell Family Trust [867.1]

given in that decision. Reference to the trails strategy will be retained in the PDP in the policies of the Open Space zone chapter.

Raglan Naturally

1.24 One submitter asked for the PDP to adopt guiding principles from the “Raglan Naturally” community plan for all future decisions on development of Raglan.⁹ We heard other references to Raglan Naturally from those who gave evidence at the hearing, and we accept that this community plan has significance and value to Raglan communities. However, we consider that it has not been developed through an RMA lens and it cannot be incorporated into the PDP directly. We received no evidence as to any specific provisions that might be turned into plan provisions. For these reasons, we reject the submission.

Beach access for horses

1.25 Seven submissions sought access for horses to Ngarunui Beach and the removal of horse restriction signs on the access track.¹⁰ The section 42A report recommended that these be rejected because access for animals, including horses, on any area of a reserve is regulated by Council’s Reserves and Beaches Bylaw 2016 and not the PDP. We agree that this is not a district plan matter and reject these submissions.

Franchise signs

1.26 One submitter asked for policies to discourage and prevent the use of widely used franchise signs and symbols to maintain Raglan’s image of freedom from mass development. The Council’s rebuttal evidence recommended that this submission be rejected and also noted that the PDP does not control the establishment of franchises, so it would be inappropriate to control their signage.¹¹ We reject the submission for the same reason.

Miscellaneous

1.27 Requests for changes to Planning Map zone shadings to improve clarity are accepted in part, to the extent that this will be addressed by implementing standardised shading from the National Planning Standards. A submission asking for changes to existing roads (including changes to and revoking part of State Highway 23), road standards and speed limits, is rejected as outside the scope of the PDP. Several other submissions did not seek a decision, so they are rejected for reasons of uncertainty.

1.28 Affordable housing was raised in the submissions which supported the Whaingaroa Raglan Affordable Housing Project and they advocated for the PDP to enable affordable housing.¹² The Whaingaroa Raglan Affordable Housing Project submissions were heard in Hearing 10 Residential Zone, and our decisions and reasons are stated in our Residential Zone decisions. The supporting submissions included in the Raglan

⁹ Lynne Adrienne [546.2]; www.raglannaturally.co.nz

¹⁰ Anita Seddon [170.1], Ella Stewart [485.1], Jocelyn Stewart [488.1], Sven Seddon [534.1], John Loe [630.1], Amanda Church [632.1], Kristel Lendfield [803.1]

¹¹ Rebuttal Evidence, Summer Salmon 25 May 2020, section 3.2.

¹² Bob MacLeod [822.7] and Raglan Community Board [824.1 and 824.2], supporting Whaingaroa Raglan Affordable Housing Project [310] in Hearing H10 Residential Zone.

- 1.34 The final report received by us from the post-hearing process records the meetings which were held with submitters Gabrielle Parson (Raglan Community Board, Raglan Naturally); John Lawson (Whaingaroa Environmental Defence); Aaron Mooar; Phil Stickney (consultant for Kāinga Ora), along with Council staff and landscaping consultant Brad Coombs.¹⁵
- 1.35 The report states that the participants saw that the special character of Raglan was due to topography and the informal (and eclectic) mix of architectural styles of existing buildings, which are mainly single houses with low density and relatively small scale. They saw character protection as a broad objective that might drive controls on building mix, typologies, scale and density, affordable housing and view protection.
- 1.36 The report recommended some new plan provisions, leaving out matters the parties did not agree on and matters where implementation through district plan provisions did not seem feasible. Matters not agreed on were:
- a) a location for medium density development;
 - b) rules requiring the protection of defined viewshafts;
 - c) affordable housing; and
 - d) provisions to ensure a diversity of building designs and styles.

Our decision

- 1.37 We accept that Raglan has a special character that can be protected to some extent in the PDP. The main elements of this were identified in the Isthmus report. The post-hearing process gave us limited assistance. It was inconclusive on some relevant points, leaving gaps that can only be filled through further plan development, and we suggest that Council investigate this matter in the future via a plan change process. Some submitters called for a structure plan for Raglan (which could recognise and protect character) and we are supportive of Council developing a structure plan for Raglan in the future.
- 1.38 We have decided to add an objective, policies and some rule amendments to the PDP to address aspects of character for which we have sufficient evidence. These new provisions apply to the Raglan urban area, defined as the Business, Business Town Centre and Residential Zones in Raglan township, excluding Rangitahi Peninsula. We considered it unnecessary to create a “Raglan Special Character Area” and reject the submissions calling for that.¹⁶
- 1.39 The objective and policies are summarised below and set out in full in **Attachment 1**. We based these on the draft provisions recommended in the post-hearing report, with changes reflecting the overall evidence and drafting improvements.
- 1.40 The new objective reads:

¹⁵ Response to the Minute from the Hearings Panel (December 2020): available on council website, under Hearing 16 / Response to Panels Direction

¹⁶ Jasmine Hunter [253.1], Georgina Roy [258.1], Denise Overend-Clarke [270.1], Andrew Standley [283.1], Chris Aitchison [284.1], Danielle Hart [413.1], Monica de la Cruz Carballo [427.1], Yannis Petzold [430.1]

Objective 4.8.1: Raglan Urban Area

The key characteristics and attributes that define or support the character of Raglan Urban Area are maintained.

Policy on Raglan character

- 1.41 Two new policies implement Objective 4.8.1 to address Raglan character and view protection.
- 1.42 The first new policy calls for management of development to ensure that listed key characteristics and attributes of the Raglan urban area are not compromised.
- 1.43 We have not attempted to define Raglan's special character comprehensively but have identified elements that were clear from the evidence. The new policy takes the characteristics from the Isthmus Raglan Character Study:
- a) The visual and physical relationship between the township and the harbour, the coast and Mount Karioi;
 - b) The outward-facing nature of the underlying landforms;
 - c) The arrangement and layout of the township across peninsulas connected by causeways and bridges;
 - d) The sinuous tree-lined coastal edge formed by the peninsulas;
 - e) The scale of development in Raglan township which provides a sense of openness within the settlement; and
 - f) The informal character of the settlement pattern.

Policy on views

- 1.44 The PDP as notified included some view protection. Policy 4.2.2(a)(ii) is to ensure that residential development in the Residential Zone promotes views and vistas from public spaces of the hinterland beyond; and Policy 4.5.14 (Business Town Centre Zone) is to maintain some views towards Raglan Harbour. Other policies in Chapter 4 support maximising views, view sharing, and recognise views of natural features in several urban zones.
- 1.45 We have decided to add a new, Policy 4.8.3 – Public Views, to augment the existing policies by listing “locally important viewshafts” and defining six views in Raglan to be protected. These listed views are described in words but are not mapped, as mapping requires additional field work and public engagement beyond the current process. The listed views are to be maintained to the extent practicable, recognising that there will be value judgements in the application of these provisions. The views are to the harbour, coast and/or Mount Karioi over the Raglan Urban Area from:
- a) State Highway 23;
 - b) Main Road, Bow Street and Norrie Avenue;
 - c) South and west views from Bow Street between Norrie Avenue and Bankart Street;
 - d) Raglan Town Centre; and
 - e) Wainui Road between the Bryant Reserve and the Bible Crusade Camp.

- 1.46 Submissions also asked for rules to protect these views from various zones.¹⁷ Further submitters opposed all those submissions. These were heard in Hearings 9, 10 and 16, and in each case the section 42A report author recommended rejecting the submissions, largely because there was not enough detail in the submissions as to the location of the proposed viewshafts, the level and means of protection, or the wording for the applicable rules.¹⁸ These gaps were not filled by evidence at the hearings.
- 1.47 Rules controlling views must precisely describe the extent and location of the relevant views. Clarity is important to the landowners affected by and also to Council staff implementing the rules. The evidence in this hearing from Mr and Mrs Wheeler illustrates how the burden of view protection can fall heavily on individual landowners.
- 1.48 The section 42A report author concluded that there was not enough information to support the submissions asking for rules on views and recommended that they be rejected.¹⁹ We consider that there is sufficient basis to add some matters of discretion, to enable effects on views to be assessed in resource consents, and to that extent the submissions are accepted in part.

Matters of discretion

- 1.49 To support the new policies on character and views, we have decided to add matters of discretion applicable to resource consent applications for new buildings that are restricted discretionary activities. In the General Residential Zone, restricted discretionary rules apply to any buildings that contravene the permitted setbacks, coverage and the height control plane. Buildings that contravene other standards are discretionary activities, automatically assessed by reference to policies.
- 1.50 The matters of discretion require consideration of effects on the matters covered in the policies, as well as the appearance, scale, form, massing, materials, setbacks, relationship to the street, and effects on views. The full text is set out in **Attachment 1**.

Medium density

- 1.51 The location of medium density development is addressed in a separate decision.²⁰ In defining that zone, we considered the character evidence we heard in this hearing. Accordingly, the land rezoned for medium density is at least a block back from the harbourside, and we have included a two-storey height restriction on Raglan medium-density development. We reject a submission in the Raglan hearing calling for an area of high-density development near the cement silos, as this is too far away from the town centre shops, community facilities and public transport.

Raglan Town Centre

- 1.52 Eleven submissions were made about the Raglan Town Centre, mainly focusing on the character of that area. Eight called for changes to Policy 4.5.14, which shapes

¹⁷ Submissions from Whaingaroa Environmental Defence [780.3, 780.2, 780.5], John Lawson [825.3], Jade Hyslop [435.6, 435.7, 435.8], Raglan Naturally [831.68, 831.90, 831.91] and Susan Hall [788.5, 788.7, 788.8]

¹⁸ H9 s42A report section 74; H10 s42A report section 37; H16 section 42A report, para 170.

¹⁹ Section 42A report, para 170.

²⁰ Decision 28A Rezoning – Raglan

development in the town centre and adopts the Raglan Town Centre Character Statement set out in PDP Appendix 10.1.

- 1.53 Kāinga Ora sought to remove reference to the town character statement. Instead, this submission sought to include in Policy 4.5.14 the desired outcomes sought from the relevant town character statement. Mr Stickney said in his evidence that this would avoid duplication for an applicant having to address assessment criteria, character statements (and urban design guidelines) as well as relevant objectives and policies. In his view, developing robust statutory assessment criteria that govern new buildings, drawn from the urban design guidelines and the character statements, would represent a clearer and more concise structure for the PDP provisions.
- 1.54 The section 42A report recommended that the submission be accepted, saying that this will make the PDP more user-friendly and strengthen the policy. Amendments to Policy 4.5.14 were recommended accordingly. We agree that it is better to consolidate the key outcomes in the policy. This simpler and more direct approach will strengthen the PDP regarding the Raglan town centre character. We accept the submission and recommended amendments.
- 1.55 Kāinga Ora made similar submissions in respect of the other town centres in the district, which were heard in Hearing 3 on Strategic Objectives.²¹ Our decision is similar for all the town centres.
- 1.56 Attachment 1 contains our amendments to Policy 4.5.14. The new text no longer refers to the Raglan Town Centre Character Statement. Instead, the text of the policy now includes the key points from that statement. The Raglan Town Centre Character Statement is deleted from the PDP, as it is no longer referenced in the provisions.
- 1.57 One submission, seeking changes to the character statement, has become redundant, as the character statement is now to be deleted from the PDP. However, we would have rejected the submission in any case, for the reason given in the section 42A report, being that the statement already recognised the characteristics expressed in the submission.²²
- 1.58 Five submissions on Raglan Town Centre either oppose or seek to delete that part of Policy 4.5.14 that imposes an obligation for new buildings on street corners to be two-storied. The section 42A report rejected these submissions, saying that corner sites are ideal for mixed-use developments, provide an opportunity to define the street corner and reinforce the adjacent public space through their overall form and façade. We agree, and reject the submissions for those reasons, making no change to the two-storey policy. Also, we note that the Raglan Town Centre Character Statement as notified supported corner buildings more than two storeys.²³ By deleting the character statement as discussed above, we have removed that inconsistency.

²¹ Section 42A report for Hearing 3, para 176, 185, 197, 209, 224.

²² Section 42A report, para 85-88

²³ Appendix 10.1, Ragan Town Centre Character Statement, para 1.3, 2nd to last bullet: "2 or more storeys."

- 1.59 We also reject a submission calling for three-storey buildings to be permitted generally in the town centre, as we consider that the current 10m permitted height control (equivalent to two storeys in a commercial context) best fits the character of the area. For the same reason, we reject a submission calling for notification of all developments over one storey, which we interpret as a call for the permitted activity height limit to be changed to one storey. We reject the call for inflexible notification in that submission for the reasons given in the discussion on notification earlier in this decision.
- 1.60 Other submissions on the town centre, calling for the plan to encourage the provision of a youth hub, art space and conference venue, and to discourage widely used franchise signs, are outside the scope of the district plan and are accordingly rejected. Submissions calling for retention of Policy 4.5.14 generally, or parts of it, are accepted, subject to the amendments discussed.

Built environment

- 1.61 The built environment outside the town centre attracted eleven submissions. Some of the issues raised in those submissions overlap with the Raglan character submissions as well as other matters which we have discussed above.
- 1.62 Seven submissions specifically mentioned a recent multi-unit dwelling development on the corner of Wainui Road and Stewart Street, calling for that kind of development to be avoided in future. In evidence, we heard criticism of that development as being out of character because of its bulk, which made it highly visible from many directions and was too close to the harbour.
- 1.63 The section 42A report described the Wainui Road-Stewart Street development as 11 three-bedroom apartments within three separate blocks, 7.45m high. The author noted that consent had been obtained in 2018 for an average net site area of 128m² per dwelling where 300m² was the standard. The submissions were recommended to be rejected, because the development had been assessed and considered to meet the tests under the RMA.²⁴
- 1.64 It is not our role to evaluate the design nor assessment and consenting process for that development. However, we did view the property and consider that the development is generally unremarkable. We note that its height is within the Residential Zone permitted activity standard of 7.5m and buildings of the same height are common in Raglan. The buildings are set back from the harbour by the width of the road plus some open space, and the apparent bulk has been moderated with open spaces between the three groups of attached dwellings.
- 1.65 While the development may appear bulkier than the submitters have been used to, we do not agree that this building style should be avoided. We consider that two-storey attached dwellings will become more common in future. These are clearly enabled in the PDP: Objective 4.1.1 calls for sustainable and efficient communities, contemplating growth; Objective 4.2.16 calls for a range of housing options and higher density near town centres; Policy 4.1.16 provides for Raglan to be developed to ensure infill and

²⁴ Section 42A report para 132-5 (minor infringements of other standards also noted.)

- 1.73 Overall, we are satisfied that the Raglan planning provisions as amended will provide a suitable framework for maintaining the coastal character of Raglan while allowing for future development including the provision of housing choices.
- 1.74 The final planning provisions specific to Raglan forming part of Chapters 4 and 13 of the PDP are set out and attached as **Attachment 1**.

For the Hearings Panel



Dr Phil Mitchell, Chair

Dated: 17 January 2022

