

SECTION 42A REPORT

Rebuttal Evidence

Hearing 25: Zone Extents Raglan

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I Introduction

I.1 Background

1. My full name is Emily Chee Win Buckingham. I am a consultant planner, contracted to Waikato District Council to provide s42A reporting on submissions received that seek a change of zone for Raglan in the Proposed Waikato District Plan (PWDP).
2. I am the writer of the original s42A report for Hearing 25: Zone Extents – Raglan.
3. I have not repeated the information contained in section I.1 to I.4 of that s42A report for Hearing 25: Zone Extents – Raglan, and request that the Hearings Panel take this as read.

2 Purpose of the report

4. The purpose of this report is to consider the rebuttal evidence filed by submitters.
5. Rebuttal evidence relating to Raglan zoning was filed by the following submitters within the timeframes outlined in the directions from the Hearings Panel:

Submitter	Submission Number
Rangitahi Limited: <ul style="list-style-type: none"> – Ben Inger (Planning) – Ian Clark (Transport) 	343.24 / FS/208.6
Koning Family Trust and Martin Koning (Koning): <ul style="list-style-type: none"> – Aidan Kirkby-McLeod (Planning) – Rhulani Baloyi (Transport) – Joshua Hunt (Landscape and Visual) 	658.3 / FS/329.3; .28
Kāinga Ora: <ul style="list-style-type: none"> – Phil Stickney (Planning) – Cam Wallace (Urban Design) 	749.154

6. The focus of my rebuttal s42A report is on the rebuttal evidence received on Raglan zoning. It should be noted that I have not provided rebuttal commentary on all evidence, particularly where either the submitter agrees with the position reached in the s42A report, or where I have a difference in view and there is little more to add. I have reviewed all the rebuttal evidence. I respond to the points where I consider it is necessary to clarify an aspect of my earlier s42A report, or where I am persuaded to change my recommendation. In all other cases I respectfully disagree with the evidence, and affirm the recommendations and reasoning in my s42A report.

3 Consideration of evidence received

3.1 Matters addressed by this report

7. The main topics addressed by this report cover:

- a. Further information / amendments to Koning proposal
 - b. Medium Density Residential Zone
 - c. Miscellaneous
8. I have not recommended any further changes to plan text. I have made one additional mapping amendment recommendation.

4 Further information / Amendments to Koning Proposal

4.1 Analysis

9. Koning's rebuttal evidence includes a revised Te Hutewai Structure Plan, which addresses some of the concerns raised in my original s42A report. The structure plan comprises a map and eight pages of text including 'Development Actions' that shall occur. It is sought to be incorporated as an appendix to the District Plan, and be applied by way of a rule in the Residential Zone chapter requiring that (in addition to the zone rules), any subdivision or development shall be in accordance with the structure plan.
10. Koning's rebuttal evidence also addresses a letter I was provided with from the Waikato District Council's solid waste team (attached in Appendix 2) outlining concerns with the Koning proposal in relation to the location of the Raglan Resource Recovery Centre and closed landfill on the site (designation M50).
11. I have reassessed the amended Koning proposal against the Waikato Regional Policy Statement (WRPS) Section 6A Development principles, replacing the assessment of those principles in my original s42A report. This is contained in Table 1 below.

Table 1: Key development principles assessment of Koning amended submission

New development should:	Comments
(d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;	<p>The Koning structure plan text has been amended to require an Integrated Transport Assessment (ITA) for any subdivision and development to confirm what infrastructure upgrades are necessary.¹ I support this requirement.</p> <p>Ms Baloyi disagrees with my earlier statement that double laning of the Wainui Bridge is a necessary precursor to developing the Koning land.² I have reviewed the rebuttal evidence provided by the transport experts for both Rangitahi and Koning on the expected performance of the Wainui Road bridge. Both experts find that double laning of the bridge is not required until at least 2030. I therefore</p>

¹ Te Hutewai Structure Plan (3 May 2021 version) as attached to Koning rebuttal evidence, Infrastructure Development Action, page 5

² Rebuttal evidence of Ms Baloyi for Koning, para 7.

	<p>amend my view in para 130 (2nd bullet point) of my original s42A report that the Wainui bridge needs to be double laned prior to occupation of dwellings in the Koning area. I now consider that requiring an ITA to assess the capacity of the Wainui Bridge, as per the amended Koning proposal, would be sufficient.</p>
<p>e) connect well with existing and planned development and infrastructure;</p>	<p>Additions have been made to the Koning structure plan which include development actions to ensure connections to adjoining areas. I support this text. I acknowledge that the exact locations of connections on the structure plan shown are indicative, but I still consider it would be preferable to position the main east-west collector road intersection with Te Hutewai Road further south on the structure plan map as well.</p>
<p>f) identify water requirements necessary to support development and ensure the availability of the volumes required;</p>	<p>Amendments have been made to the Koning structure plan to require a report confirming the ability for development to be serviced by water to be submitted with any resource consent application. In my view, this still does not ensure appropriate water supply can be provided at the time of the zoning decision being made.</p>
<p>m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);</p>	<p>A requirement for a Stormwater Management Plan to be prepared prior to subdivision and development has been added to the Koning structure plan. I consider that this still does not demonstrate the avoidance of adverse effects on natural hydrological characteristics in the context of a decision on zoning. A mechanism is also missing to ensure the Stormwater Management Plan is then implemented.</p>
<p>o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;</p>	<p>An interface control has been added to the Koning structure plan requiring a 5m wide landscaping strip along the boundary with the waste transfer station, and dwellings to be setback by 50m from the boundary. There is no expert evidence justifying the width of this setback, and preliminary comments from Council's solid waste team via email indicate that 50m is considered insufficient.</p>
<p>q) consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua</p>	<p>Mana Whenua consultation is still in process and any feedback has yet to be addressed. The minor amendments made to the structure plan do not change my assessment of this principle.</p>

connections within an area should be considered;	
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12. In summary, my original concerns in respect of RPS Section 6A development principles (d) and (e) have now been addressed. However (as mentioned in paragraph 126 of my original s42A report) these key requirements for the development of the Koning land should sit in the body of the plan as rules/matters of discretion, rather than in the structure plan. There are eight pages of text in the draft structure plan, which creates complexity when assessing whether a proposal is 'in accordance' with it. This means activity status could be difficult to determine, and I am in doubt as to the 'vires' of the proposed rule for subdivision and development to be in accordance with the structure plan (particularly the text part). It also does not provide sufficient assurance that the relevant WRPS policies will be given effect to by the district plan.
13. As a result, my view is that the amended Koning proposal is more consistent with the development principles, but still not entirely consistent, and overall does not give effect to WRPS Policies 6.1 and 6.14.
14. I also had concerns relating to the integration of the proposed residential growth with the provision of required infrastructure. I previously assessed that a developer commitment would be required to fund and provide the required infrastructure extensions and additional water storage for the development if NPS-UD Objective 6, WRPS Objective 3.12(c) and (d), and WRPS Policy 6.3 were to be given effect to.
15. No developer commitment has been made in the rebuttal planning evidence/amended structure plan to funding and providing the required infrastructure. The ability to enter into a developer agreement is expected to be addressed in Koning's legal submissions.³ The structure plan states there 'may be the opportunity' to privately fund the required infrastructure where Council's planned timing of delivery does not align with timing of development, subject to a developer agreement being in place.⁴
16. I have reviewed the recently released draft 2021-2031 Long Term Plan (LTP) for evidence of proposed public funding of the required infrastructure. The draft LTP contains additional Raglan water supply infrastructure in the list of projects - second reservoir at Hills Road (2023-2027) and reticulation/network extensions (2021-2041).⁵ However, there are no further details of the specifics of these projects. My understanding is that the projects within this draft LTP are intended to cater for Raglan's growth as planned for in Waikato 2070, which had the timing of Te Hutewai growth cell at 30 years+. Therefore, I am of the view that the draft 2021-2031 LTP does not identify any funding for water servicing of the Koning land.
17. I also note from the draft LTP that the timing of the Raglan Wastewater Treatment Plant upgrade, also required for the development, now looks to be staged between 2021 and 2027 (compared to the entire upgrade being in 2023/2024 in the 2018 LTP). However, I have been advised by Watercare that the plant can still take growth flows in the interim, so I have not changed my view that treatment capacity is likely to be available for wastewater generated from the development.
18. New trunk wastewater infrastructure would be required to service the Koning land; a reasonably large-scale project that is also not included in the draft LTP. The latest amended

³ Rebuttal evidence of Mr Kirkby-McLeod for Koning, para 13

⁴ Te Hutewai Structure Plan (3 May 2021 version) as attached to Koning rebuttal evidence, Infrastructure section, page 5

⁵ Draft 2021-2031 Long Term Plan, draft Capital Projects List

version of the Koning structure plan requires a report confirming the ability for development to be serviced by wastewater to be submitted with any resource consent application.⁶

19. I am still concerned that live residential zoning ahead of the required water and wastewater infrastructure being in place or funded risks creating an unreasonable expectation that development can occur immediately. It may also result in ad hoc piecemeal development, rather than a comprehensive development, that take up any latent capacity in the existing network. It would be highly misaligned with the Council's planned servicing timeframe of 30+ years. Development contributions for the infrastructure cannot be taken if the infrastructure is not listed in the LTP, so without an alternative funding solution there could be pressure upon the Council / Watercare to redirect funds that are allocated to other committed projects in order to service the Koning land.
20. Overall, in my view, there remains insufficient assurance that the funding and delivery of required infrastructure to service the Koning land is adequately co-ordinated with the timing of the live residential zoning being sought. I still consider the land is not 'infrastructure-ready' under the NPS-UD definition. I continue to consider that the amended proposal does not give effect to NPS-UD Objective 6, WRPS Objective 3.12(c) and (d), and WRPS Policy 6.3.

4.2 Recommendations

21. I have not changed my overall position on the Koning submission and continue to recommend that the Hearings Panel:
 - a. **Accept in part** Koning [658.3] to the extent that the land subject to the submission be rezoned to Future Urban Zone rather than Residential Zone.

5 Medium Density Residential Zone

5.1 Analysis

22. Mr Stickney and Mr Wallace for Kāinga Ora disagree with my recommendation to limit the Medium Density Residential Zone (MDRZ) height in Raglan to 7.5m on the basis that it will overly restrict medium density residential development. They state that, particularly on sloping sites, it will not enable more intensive two storey townhouse/terrace dwelling typologies to be developed.
23. My recommendations are made on the basis of the Panel being minded to incorporate special character provisions for Raglan. My recommendations are to retain the Residential Zone heights throughout Raglan as per the notified plan. These were the starting point for the special character discussions that took place for Hearing 16, and an underlying assumption for the special character provisions that were developed.
24. I continue to support the application of a 7.5m height limit. If the height measurement method in the District Plan definitions should change to enable use of average height as mentioned by Mr Wallace,⁷ I do not see any reason why this could not be applied to Raglan.

⁶ Te Hutewai Structure Plan (3 May 2021 version) as attached to Koning rebuttal evidence, Infrastructure section Development Action, page 6

⁷ Mr Wallace rebuttal evidence on behalf of Kāinga Ora, para 8.4

25. I accept that this height limit will discourage certain typologies of intensive residential development, but I still consider it will enable a greater density of dwellings than the general Residential Zone that was notified.
26. In relation to paragraphs 10.6 and 10.7 of Mr Stickney's rebuttal, I clarify that I have relied upon the analysis undertaken for Waikato 2070 to establish the future need for additional business land adjoining the existing Raglan town centre. This is the most recent growth planning document. I also confirm that the revised spatial extent of my recommended Medium density Residential Zone has been incorporated into Dr Davey's capacity report dated 28th April 2021.

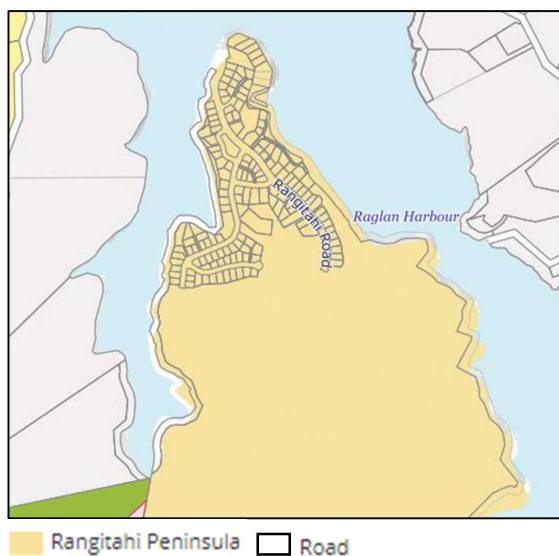
5.2 Recommendations

27. I have not changed my previous recommendation to **accept in part** Kāinga Ora [749.154] to the extent that a reduced area at Raglan be rezoned MDRZ, and the MDRZ provisions that apply to Raglan be modified so that proposals are assessed against the special character criteria and a maximum 7.5m height limit applies.

6 Miscellaneous

6.1 Analysis

28. I have been made aware of a mapping error applying to the Rangitahi Peninsula, where the coastal strip along the western side (Property number 2022205) is partially zoned as 'Road' (see Figure 1, left). This is not a road and should be zoned Rangitahi Peninsula Zone like the rest of the peninsula, as per the operative Waikato District Plan maps (Figure 1, right).
29. **Waikato District Council** in its submission [697] expressly sought to amend mapping and zoning errors not specifically identified in Table 1 of the submission, and therefore I consider that the Panel has scope to amend the mapping error.

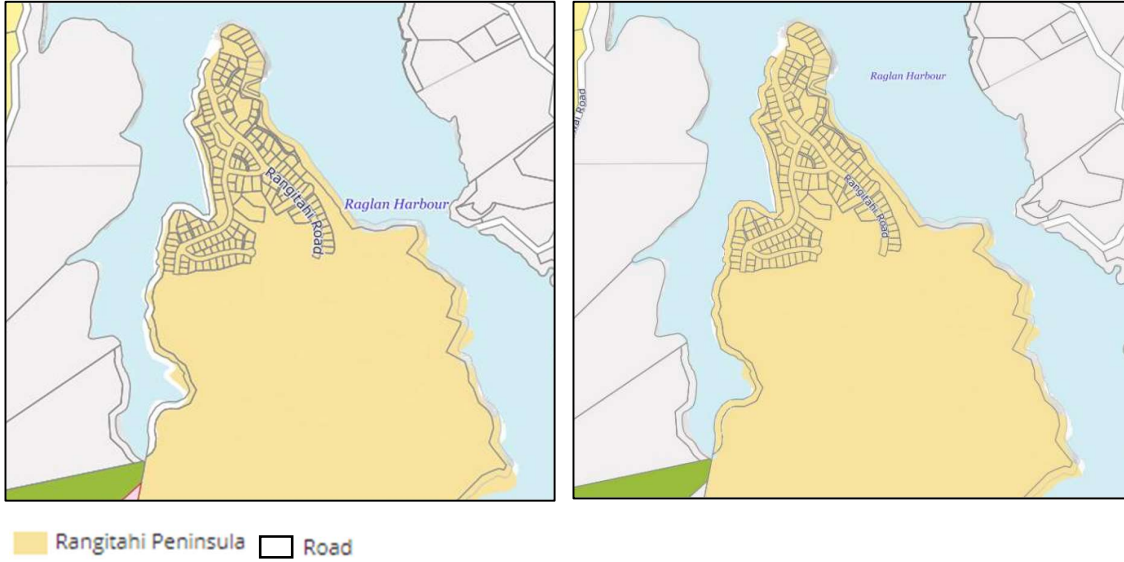


6.2 Recommendations

30. I recommend property 2022205 be rezoned from Road to Rangitahi Peninsula Zone to fix a mapping error as sought by Waikato District Council [697].

6.3 Recommended amendments

31. The following amendments are recommended to the maps:



As notified

As recommended⁸

6.4 s32AA Evaluation

32. The recommendation is to fix an error and therefore no s32AA evaluation is necessary.

⁸ Waikato District Council [697]

Appendix I: Letter from Waikato District Council Solid Waste team