

# **SECTION 42A REPORT**

Report on submissions and further submissions on the  
Proposed Waikato District Plan

## **Hearing 25: Zone Extents Raglan**

Report prepared by: Emily Buckingham

Date: 14 April 2021



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**List of submitters and further submitters addressed in this report**

<b>Original Submitter</b>	<b>Submission number</b>	<b>Further Submitter</b>	<b>Submission number</b>
Brett Beamsley	16.1	Avondale Trust	FS1325.2
Bernard Brown	669.4	Bernard Brown Family Trust	FS1040.4
Stuart Cummings	774.2	Fire and Emergency New Zealand	FS1114.17
Lizbeth Hughes	301.1	Koning Family Trust and Martin Koning	FS1329.3; .28
Kāinga Ora	749.154	Mercury NZ Limited	FS1386.13; 1386.93; 1386.13; 1386.232; 1386.249; 1386.337; 1386.1580
Koning Family Trust and Martin Koning	658.3	Rangitahi Limited	FS1208.6
LG Enterprises	866.1	Waikato Regional Council	FS1277.114; .121; .153
Mark Mathers	232.2	Stewart Webster	FS1218.1
McCracken Surveyors Limited	943.33	Whaingaroa Environmental Defence Inc. Society	FS1276.2; 1276.35; 1276.144; 1276.146; 1276.152; 1276.169; 1276.272
Aaron Mooar	245.1 245.6		
Gabrielle Parson on behalf of Raglan Naturally	831.50		
Rangitahi Limited	343.24		
Chris Rayner	414.2 414.6		
Vera van der Voorden	802.9		

**Please refer to Appendix I to see where each submission point is addressed within this report.**

# I Introduction

## I.1 Qualifications and experience

1. My full name is Emily Chee Win Buckingham. I am a Senior Consultant Planner at Hill Young Cooper Ltd. I have been employed at Hill Young Cooper as a planning consultant for over 10 years.
2. I hold the qualification of Bachelor of Planning (Hons) from the University of Auckland and am a full member of the New Zealand Planning Institute.
3. My experience relevant to this hearing includes being the section 42A reporting planner on the Green Infrastructure Zone and Kumeu Precinct topics for the Proposed Auckland Unitary Plan (2015). I was also involved in residential rezoning recommendations for the Proposed Auckland Unitary Plan in relation to floodplains. I have recently assisted my colleagues as section 42A reporting planners on the Infrastructure and Ohinewai topics for the Proposed Waikato District Plan. I am currently the section 42A planner for Drury West future urban area plan change 51 in Auckland.

## I.2 Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
5. I am authorised to give this evidence on the Council's behalf to the hearings commissioners.

## I.3 Conflict of Interest

6. I, as well as other Hill Young Cooper Ltd staff, have had no prior involvement in the preparation of the Proposed Waikato District Plan (PWDP) or any submissions on the PWDP. Since earlier this year, I have resided in Te Mata near Raglan, but I do not personally know any of the submitters, and there are no rezoning submissions in the vicinity of Te Mata. I confirm that I have no real or perceived conflict of interest.

## I.4 Preparation of this report

7. I am the author of this section 42A report.
8. The scope of this report is the evaluation and recommendations on submissions and further submissions received that seek a change of zone for Raglan.
9. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
10. In preparing this report I rely on expert advice sought from Roger Seyb and Skip Fourie of Beca on three waters infrastructure and transport matters, and Brad Coombs of Isthmus in relation to the special character of Raglan. I have read the Framework Report by Dr Mark Davey, and the Future Urban Zone and Residential Medium Density Zone Report by Mr Jonathan Cleese, which I refer to within my report. I have also relied on the public documentation associated with PWDP Hearing 16 – Raglan.

## 2 Scope of Report

### 2.1 Matters addressed by this report

11. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). This report considers submissions that were received by the Council in relation to the zoning of Raglan in the PWDP.

### 2.2 Overview of Raglan

12. Raglan is a small west-coast harbour town located approximately 43km west of Hamilton, in the western reaches of the Waikato District. The primary access road in to Raglan is State Highway 23 (SH23) which is the main transport connection between Raglan and the closest city of Hamilton.
13. Raglan's population is currently around 4,300 people.<sup>1</sup> This grows in the peak summer months due to a large number of holiday homes and short-term rental properties that are not occupied all year round.
14. The Census population data for the Raglan statistical unit (comprising the township area, not including Whale Bay, Rangitahi or surrounding country living areas) shows a slow population increase between 2006 and 2013 averaging 0.5% per year, with an increased rate of growth between 2013 and 2018 averaging 4% per year (or about 115 more people each year). An annual population growth rate of over 1% per year is projected for Raglan over the next ten years.<sup>2</sup>

#### 2.2.1 District planning overview

15. As shown on the map in Figure 1, below, the township is primarily zoned as residential. No substantial changes have been made to its zoning through the PWDP compared to the Operative Waikato District Plan; no new growth areas have been added.
16. At the entrance to the town, either side of SH23, are two residential growth areas known as Flax Cove and Lorenzen Bay. These remain largely undeveloped. Lorenzen Bay also has an area of business zone adjoining SH23, originating from the Lorenzen Bay structure plan. Going further into Raglan, there is residential zoning on either side of SH23 / Main Road until Main Road turns into Bow Street and the town centre is reached, located at the edge of Raglan Harbour.
17. The town centre is proposed to be zoned Business Town Centre Zone. Additionally, there are sporadic small areas of Business Zone that cover existing businesses not located within the town centre (e.g. around Raglan Wharf, BP and garage on Main Road).
18. West of the town centre on Wainui Road and crossing the one-lane Wainui bridge, is another smaller residential zoned area. To the south of this area down Oporu Road is another bridge (two way) crossing the harbour to the Rangitahi Peninsula development area. Further west along Wainui Road, and the coast, are Ngarunui Beach, Manu Bay and Whale Bay. All of these coastal areas feature small pockets of residential zone surrounded by rural zone, and are also subject to various natural environment / coastal overlays under the PWDP.
19. The Rangitahi Peninsula was live 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

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

<sup>2</sup> Ibid.

once completed. It has its own specific Rangitahi Peninsula Zone in the operative and proposed plans, and the zone provisions were the subject of Hearing 23 on the PWDP.

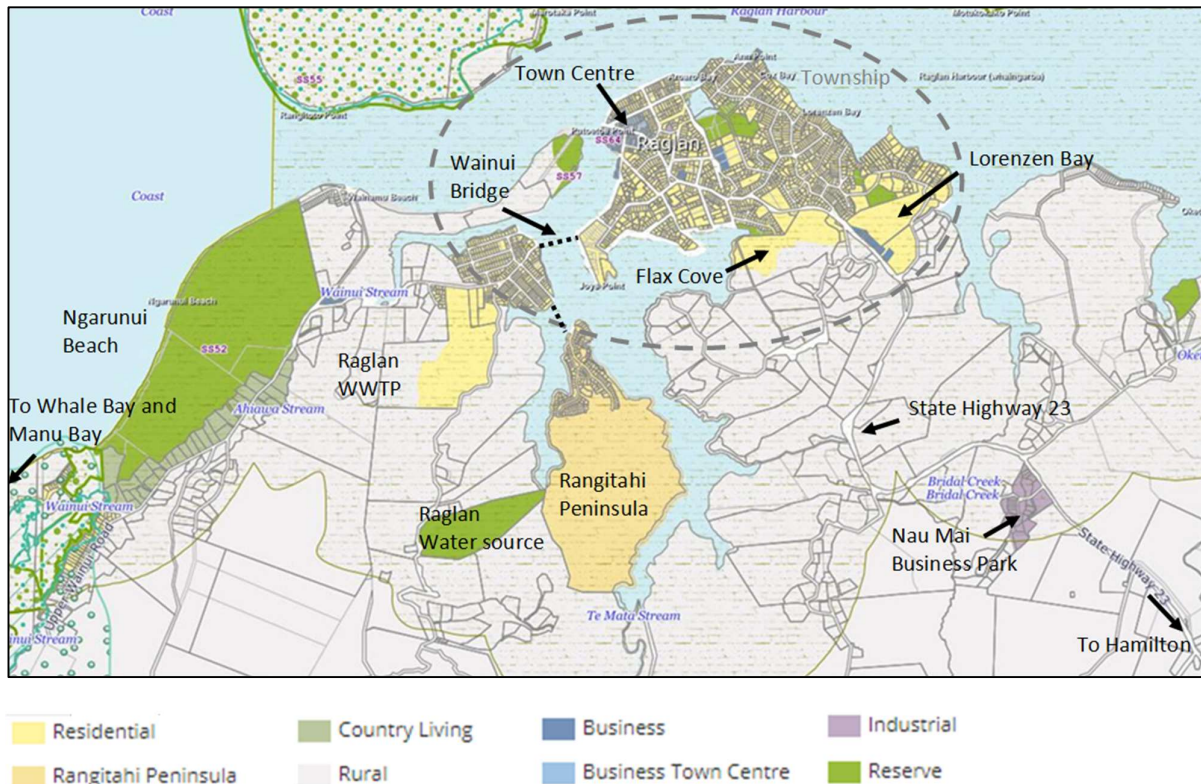


Figure 1: Annotated PWDP zoning map for Raglan area

20. Another relatively recent plan change was Plan Change 14 (Raglan Re-Zone) in 2016. This applied a Business Overlay over Bankart Street to residential zoned properties directly adjacent to the existing town centre. This allows the properties to be used for business activities, subject to amenity controls.
21. Only one industrial zoned site (of 2,130m<sup>2</sup>) is provided within Raglan. Industrial land serving the catchment is provided some way south out of the township, at the Nau Mai Business Park off SH23.
22. Due to its harbour location, the majority of Raglan township and surrounding residential development is within the coastal environment mapped in the WRPS and PWDP, and the New Zealand Coastal Policy Statement applies. Coastal sensitivity areas (inundation, erosion) have also been mapped all around the Raglan coast under Stage 2 of the PWDP.

### 2.2.2 Infrastructure overview

23. Water supply for Raglan is sourced from a spring in upper Omahina Creek, east of Te Hutewai Road (labelled 'water source' on Figure 1, above). The current consented take is 3,100m<sup>3</sup>/day, expiring in 2034. Submitter 658 refers to 2014 data that identifies that the peak daily demand has exceeded this limit at times, although average daily demand is lower (at 1,555m<sup>3</sup>/day for December 2014).<sup>3</sup> An increase to consented limits and/or additional water supply storage would be required to service any significant growth. Mr Seyb's three waters peer reviews

<sup>3</sup> EIC of Mr Fokianos for Koning [658.3], para 7.

(Appendix 3) note a potential risk that the consented volume of water take could be reduced at the time of the renewal of this consent in 2034.

24. Raglan's Wastewater Treatment Plant (WWTP) is located on the western side of the Wainui inlet, off Wainui Road (labelled on Figure 1, above). The existing consent limit for treated wastewater discharge is 2,600m<sup>3</sup>/day. This has not been exceeded in the last 5 years, and submitter evidence for submitter 343 states that there is reasonable residual capacity in terms of flow.<sup>4</sup> The resource consent for the WWTP expired in 2020 and interim consenting arrangements are in place,<sup>5</sup> with a longer-term consent renewal currently in process. Watercare Waikato has advised that discharge volumes to be sought in the longer-term application are anticipated to cater for the projected Raglan population in Waikato 2070.<sup>6</sup> However, at this time, Mr Seyb identifies some residual uncertainty about the long-term consenting and capacity of the WWTP (Appendix 3).
25. More stringent environmental outcomes for the treated discharge are expected to be required through the longer term WWTP consent renewal process than those that currently apply. Waikato's 2018-28 Long Term Plan (LTP) allocated \$15.6m towards upgrading the Raglan wastewater treatment system with the design and construction expected in 2023-24. The preferred treatment option will be decided on this year. It is currently uncertain whether this will involve land-based discharge or continuation of a marine discharge. I expect that any upgrade will need to be designed so as to meet the required environmental outcomes. With the upgrade in place post 2024, I understand there will be adequate wastewater treatment capacity to service the projected growth in Waikato 2070. Once the preferred option has been confirmed, I expect that the next LTP will adjust the funding allocation accordingly.
26. Annual funding has been allocated for Raglan stormwater reticulation extensions through the 2018-2028 LTP (approx. \$370k per year). This is to address existing localised seasonal flooding issues. I am not aware of any other wider capacity constraints currently identified for Raglan's urban stormwater network.
27. In terms of road transport, SH23 is the key route in and out of Raglan. It is not frequently serviced by public transport, with five bus services currently operating in each direction to and from Hamilton each day.
28. The one lane Wainui Bridge and footpath between the town centre and western area/beaches is near the end of its life and requires replacement or upgrading. \$7.6 million has been budgeted in the 2018-2028 LTP, with design and construction set down for 2023-26. A two-lane bridge is the preferred option, but a decision on the form of the upgrade is to be confirmed this year.
29. Raglan Area School on Norrie Avenue is the only school in the township and takes Years 1-13, with a current roll of around 570. Te Mata and Te Uku area schools (Years 1-8) primarily service rural catchments further out of town. Some students also travel to Hamilton for schooling. There are three Early Childhood Education centres serving the township.
30. Other social infrastructure in Raglan includes a library, medical centre, part-time dentist, rest home, churches, sports clubs, two gyms, reserves, a large playground and skate park.

<sup>4</sup> EIC of Mr O'Callaghan for Rangitahi [343.24], para 28.

<sup>5</sup> I understand there is a short-term consent in place to continue the discharge while long term options are investigated and consulted on - <https://www.waikatodistrict.govt.nz/services-facilities/water/wastewater/raglan-wastewater-discharge-consent>

<sup>6</sup> Attachment E to Three Waters Report, attached to EIC of Mr Fokianos for Koning [658.3].

## 2.3 Overview of submissions

31. A total of 15 submission points were made relating to zones at Raglan from 14 individual submitters. Additionally, the Kāinga Ora submission seeking medium density rezoning in a number of towns applies to land within Raglan.
32. Generally submissions seek site-specific residential “up-zoning”, with one seeking retention of the notified zone. Two submissions seek to rezone large areas of rural land to allow for future urban residential use. A few submissions relate to business land location.
33. Figure 2 and Table 1, below, give an overview of what land the submissions relate to, where this was specified in the submissions. Site specific maps for each submission are also included in section 4 of this report.

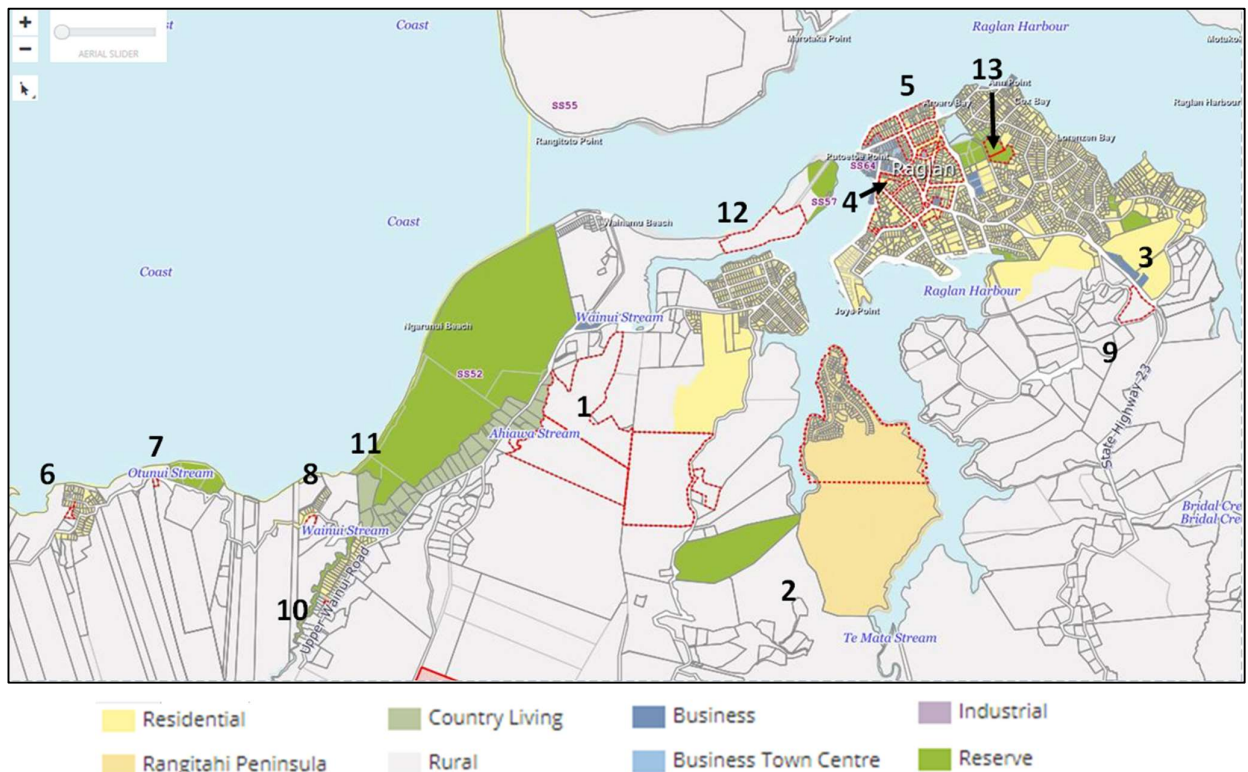


Figure 2: Raglan submissions map

Table 1: Raglan submissions table

	Submission	Notified zone	Zone sought
1	658.3	Rural	Residential
2	343.24	Rural	Future Urban
3	943.33	Residential	Business
4	414.2	Residential (with Business Overlay)	Business
5	749.154	Residential	Medium Density Residential
6	301.1	Rural	Residential
7	669.4	Rural	Residential
8	774.2	Rural	Residential
9	866.1	Rural	Country Living
10	16.1	Rural	Residential
11	232.2	Country Living	Country Living



12	245.1	Rural	Reserve
13	245.6	Reserve	Not specified

34. There were 23 further submission points from 10 different further submitters. I address the further submissions together with the primary submissions they relate to.

## 2.4 Structure of this report

35. I have structured this report to reflect the types of submissions received. The report contains these sections:

- 4 Large scale Rural to Urban Rezoning
- 5 Business / Industry Rezoning
- 6 Medium Density Residential Rezoning
- 7 Small scale Rural / Countryside Living Rezoning
- 8 General and Miscellaneous
- Appendix 1: Table of submission points
- Appendix 2: Recommended amendments
- Appendix 3: Technical reports

## 2.5 Procedural matters

36. Late evidence from Angeline Greensill on behalf of Tainui Hapū in support of Rangitahi [343.24] was received on 15 March 2021. This was accepted by the Panel.
37. I have not met with any submitters or gone onto any sites. I have viewed sites to the extent possible from the surrounding roads.

# 3 Statutory framework

38. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.

## 3.1 National Policy Statement for Urban Development

39. As set out in the Framework Report, Waikato District Council is a Tier I local authority, and as such is required under the National Policy Statement on Urban Development 2020 (NPS-UD) to provide a specified amount of sufficient development capacity across the district.
40. As per the figures in Appendix 9 of the Framework report from the housing capacity model (2020), there are 2,088 existing households in Raglan and under the NPS-UD requirements there are projected deficits in Raglan's housing supply in the short, medium and long term. The figures are summarised in Table 2 below:

Table 2: Raglan NPS-UD projections from the Framework Report

	NPS-UD (medium +20%)	demand projection	Total dwelling supply	Under/Over NPS-UD demand
Short term (2020-2023)	3,499		2,974	-525
Medium term (2023-2030)	3,841		3,173	-668
Long term (2030-2050)	4,880		3,504	-1,376
Beyond 2050	5,282		3,939	-1,343

41. The above figures assume full development of all the Waikato 2070 growth cells in the indicated timeframes, although only high-level estimates have been done for the dwelling capacity of those cells.
42. The figures 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. As set out in the Framework Report, proposals for increasing development capacity should be favoured through the PWDP process if they are within the bounds of the other relevant policy framework.<sup>7</sup>
43. In my view Raglan does not currently meet the definition of 'urban environment' in the NPS-UD. While Waikato 2070 identifies a possible future population of 12,500 people for Raglan, this is for a 50-year timeframe well outside of the life of the PWDP. According to the latest population projections of the *Waikato District Spatial Distribution Model*,<sup>8</sup> the Raglan town/village urban area is projected to reach only 5,000 people by the year 2038, and by 2061 that population will still be just under 6,000 (or 7,500 if neighbouring Whale Bay is included i.e. coastal development areas to the west). Raglan is therefore not expected to have its own 'housing and labour market of at least 10,000 people' any time soon. As per the 2018 Census Travel to Work data,<sup>9</sup> less than 35% of Raglan's workers commute to work outside of Raglan, and only about 20% of workers travel into the Hamilton urban core, so Raglan does not primarily function as part of the Hamilton housing and labour market. In the longer term, I acknowledge that Raglan is likely to become an urban environment.

### 3.2 New Zealand Coastal Policy Statement

44. As Raglan is within the coastal environment, the New Zealand Coastal Policy Statement (NZCPS) applies. This does not necessarily preclude any of the rezoning requests, which are located outside any outstanding natural areas or outstanding natural landscape overlays (with the exception of one small submission site partially within an outstanding natural landscape). Effects on the coastal environment will need to be assessed for any future plan change and development applications. I do not consider the NZCPS any further in my analysis of submissions.

### 3.3 Waikato Regional Policy Statement

45. The WRPS contains strategic growth objectives and sets urban limits for growth. It provides some flexibility to the urban limits with an ability to consider alternative growth areas, and it anticipates changes to land use zoning. Objective 3.12, Policies 6.1 (including methods 6.1.7

<sup>7</sup> Hearing 25 Framework report by Dr Mark Davey, 19 January 2021, para 7g.

<sup>8</sup> Waikato District Council. (2020). *Waikato District Spatial Distribution Model* figures for Raglan 'town/village' unit

<sup>9</sup> Attachment I to the EIC of Mr Parlane for Kainga Ora [749.149], p

and 6.1.8), 6.2, 6.3 and 6.14, and the principles in section 6A are particularly relevant to these rezoning requests, as summarised below:

- Objective 3.12 is that the development of the built environment occurs in an integrated and planned manner;
  - Policy 6.1 is that the development of the built environment has regard to the principles in section 6A, addresses potential cumulative adverse effects and is based on sufficient information to allow assessment of potential long-term effects;
  - Policy 6.2 addresses how development in the coastal environment should occur;
  - Policy 6.3 is to ensure co-ordination of growth and infrastructure provision;
  - Policy 6.14 is that new development shall occur within the Urban Limits in accordance with the timing in Table 6-1, and alternatives can only be considered if consistent with the Future Proof land use pattern principles.
46. Raglan is within the Future Proof area on Map 6C of the WRPS. Policy 6.14 of the WRPS states that new urban development within Raglan shall occur within the Urban Limits indicated on Map 6.2. The WRPS 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 – which states that for Raglan and Whaingaroa a residential population of 5,200 was anticipated by 2061.
47. The population numbers in the WRPS are sourced from Future Proof 2009 and are lower than more recent population projections discussed above. The Framework Report notes that the land use patterns and projections in Chapter 6 of the WRPS have become outdated. WRPS Policy 6.14 contains a process and principles to consider alternative approaches / growth areas. This has been applied in the analysis of specific submissions in section 4 below.
48. WRPS Policy 6.15 promotes a compact urban environment. An average gross density target of 12-15 households per hectare for greenfield development applies to Raglan, as per Policy 6.15 of the WRPS.
49. I have also referred to WRPS Objective 3.21 and Policy 12.3 in relation to amenity outcomes sought for the region, and Policy 6.16 in relation to business land provision for commercial development:
- Objective 3.21 is that the qualities and characteristics of areas and features valued for their contribution to amenity are maintained or enhanced;
  - Policy 12.3 is to maintain and enhance areas of amenity value;
  - Policy 6.16 is to provide for varying levels of commercial development to meet the wider community's social and economic needs, primarily through consolidation in existing centres.

### 3.4 Future Proof 2017

50. Raglan is 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. In Section 6.2 of Future Proof 2017, the key features of Raglan's settlement pattern are noted to be:
- *Seaside settlement that maintains the established desirable character of the Raglan coastal environment.*

- *Destination town.*
  - *High number of holiday houses.*
  - *Residential growth is expected to occur due to coastal lifestyle, proximity to Hamilton and technological and transport improvements.*
  - *Better public transport and improved opportunities for walking and cycling.*
51. According to the residential growth projections in section 7 of Future Proof 2017, Raglan would not have any deficit in housing supply in the short, medium or long term as any demand was projected to be met by supply in the Rangitahi Peninsula development. A demand for 508 additional households was projected up until 2035, and then after that 82 fewer homes between 2036 and 2045.
52. As noted in the Framework Report, more recent growth projections show higher population growth, and the PWDP does not provide enough development land under the NPS-UD requirements.<sup>10</sup> Considering the most recent population growth rates, the population growth projections from Future Proof 2017 for Raglan (including a negative growth rate after 2035) are out of date.
53. Future Proof 2017 set indicative urban limits for Raglan which included Rangitahi Peninsula and some greenfields land in Raglan West. These are shown on Figure 3 below. In my assessment in section 4, I have taken into account that the location of these urban limits is no longer likely to accommodate the required residential supply and projected level of growth into the future.

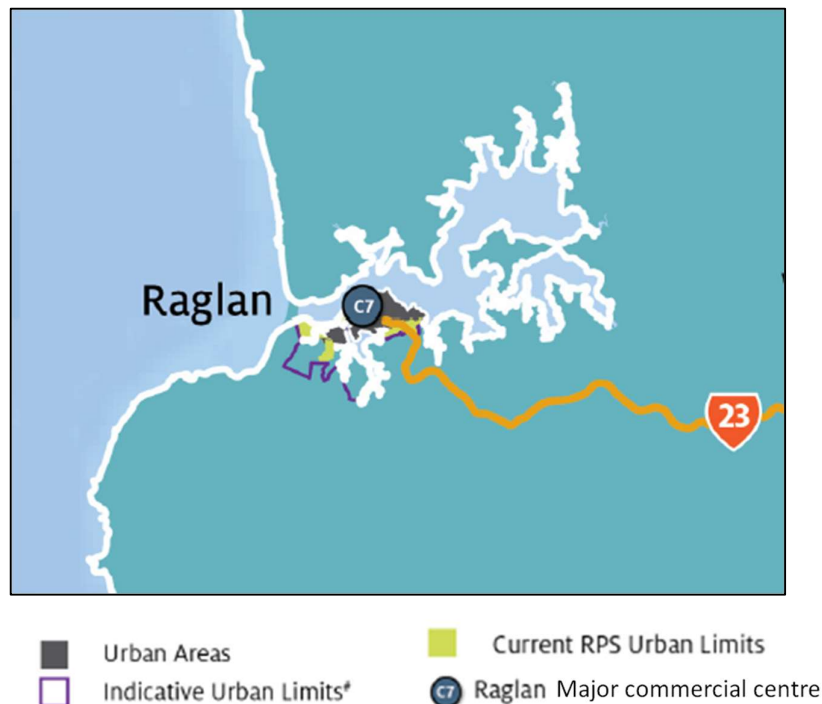


Figure 3: Future Proof 2017 indicative urban limit line

<sup>10</sup> Framework Report by Dr Mark Davey, para 92.

### 3.5 Waikato 2070

54. Waikato 2070 was adopted in 2020 after the PWDP was notified. A stated intention of Waikato 2070 is to help deliver the Future Proof Strategy. It is the most recent strategic growth planning document for Raglan. The Waikato 2070 map for Raglan is shown below in Figure 4.

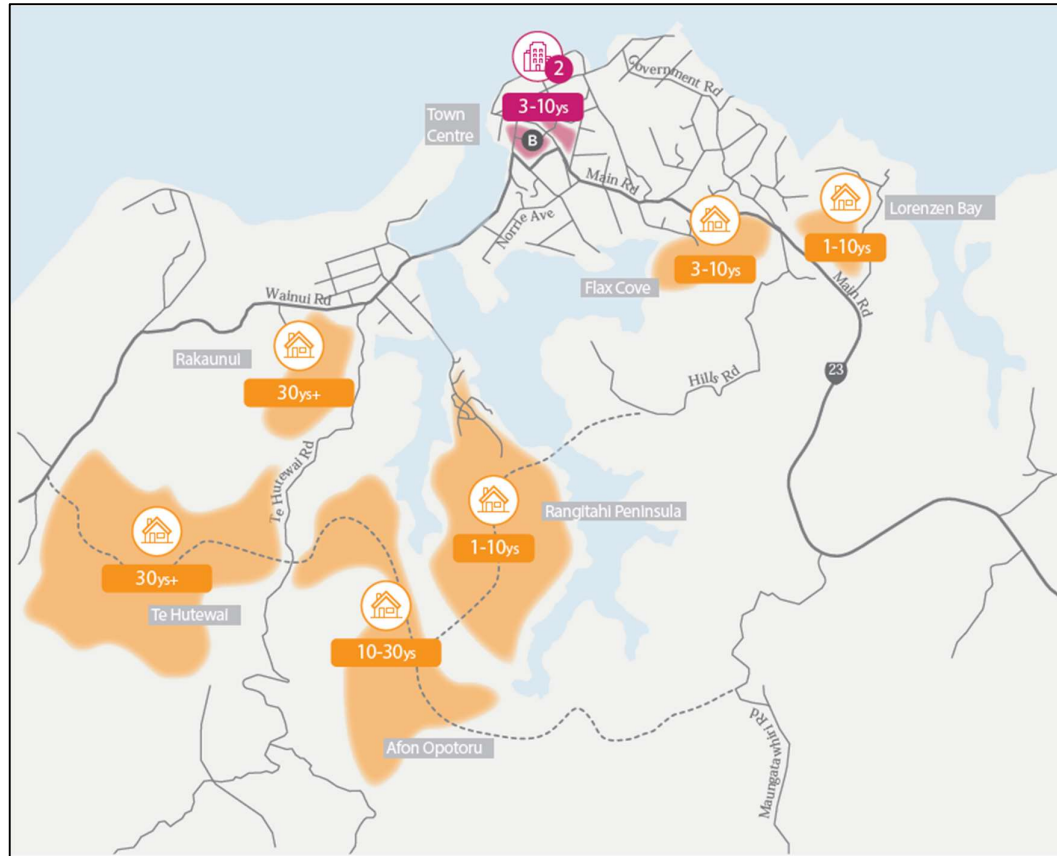


Figure 4: Waikato 2070 Raglan Development Plan

55. Raglan's current population is estimated in Waikato 2070 to be at 4,000 and possible future population estimated at 12,500 by 2070. Six residential growth cells are shown. Of these, Lorenzen Bay, Flax Cove and Rangitahi Peninsula are all 'live zoned' residential and expected to be developed within the next ten years.
56. Rakaunui growth cell, adjacent to Wainui Road west of the Wainui bridge, is also live zoned. However the development timeframe is expected to be over 30 years, as this is Māori freehold land and is in multiple ownership with the landowners not expected to develop in the short-medium term.
57. There are two growth cells from Waikato 2070 that are not zoned for residential development in the PWDP. Afon Oporuru (10-30 years) and Te Hutewai (30+ years) were not previously identified in Future Proof 2017. These are located to the south-west of the existing township on currently rural land.
58. The theoretical dwelling capacity of all of the undeveloped growth cells combined is estimated at about 2,000 dwellings.<sup>11</sup>

<sup>11</sup> Appendix 8 of the Framework report estimates dwelling capacity of each cell.

59. Waikato 2070 also shows the town centre expanding to the south over the next 3-10 years over existing residential development, and generally being two storey with mixed business and residential uses.

### 3.6 Iwi planning documents

60. There are no directions specific to Raglan/Whāingaroa within Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao, however the land use planning section is particularly relevant to greenfields rezoning considerations. This articulates Waikato-Tainui aspirations for new development and growth areas to enhance the environment and create positive outcomes. The application of the Waikato-Tainui Environmental Plan would also need to be addressed at resource consent stage for the large scale rezonings sought.
61. Raglan is not within the Waikato river catchment or Ngāti Maniapoto's rohe.

### 3.7 Proposed District Plan policy direction

62. The Framework Report covers the general policy direction of the PWDP. Raglan is one of six main existing towns referred to where growth and housing options are to be provided for. Raglan has a business town centre zone which is to be supported and enhanced as the primary commercial and mixed use centre for the town. It is not an identified industrial growth node.
63. The specific direction given for Raglan in Policy 4.1.18 of the PWDP is:
- (a) *Raglan is developed to ensure:*
    - (i) *Infill and redevelopment of existing sites occurs;*
    - (ii) *A variety of housing densities is provided for;*
    - (iii) *Rangitahi is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and*
    - (iv) *There are connections between the town centre, the Papahua Reserve and Raglan Wharf.*
64. Some amendments to this policy were recommended by the reporting planner in PWDP Hearing 3, Strategic Objectives, including two new sub-clauses:
- (a) *Raglan is developed to ensure:*
    - (i) *Infill and redevelopment of existing sites occurs;*
    - (ii) *A variety of housing densities is provided for;*
    - (iii) *The built form and character reflects its harbour setting and is compatible with its seaside village character;*
    - (iv) *Protection of the coastal margins and environment;*
    - (v) *Rangitahi is the only area that provides for the medium to long term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and*
    - (vi) *There are good quality walking and cycling connections between the town centre, the Papahua Reserve and Raglan Wharf.*
65. The subclause referring to Rangitahi would need to be amended if any other greenfield areas are decided to be rezoned. The reasons the reporting planner gave for the Rangitahi subclause

amendment were that Rangitahi Peninsula is the only new growth area within the indicative urban growth limits in the WRPS, and no analysis of the suitability of other areas for urban development had been undertaken. The recommendation was made prior to the gazetting of the NPS-UD.

66. Policy 4.5.14 addresses Raglan Town Centre, guiding the nature of any development within this zone. Appendix 16.5 to the PWDP is the Raglan Town Centre Character Statement (although I note that there are submissions seeking this be deleted, which the s42A reporting planner in Hearing 16 was not opposed to in principle).<sup>12</sup>
67. PWDP Hearing 16 was held in June 2020 to address submissions specifically relating to Raglan. This included many submissions declaring that Raglan has a special character and seeking plan provisions to protect that special character. A Raglan Character Study was undertaken in response to submissions, and concluded that specific characteristics and attributes contributed to the special character of Raglan and its surrounds. Relevant to the rezoning submissions, these included:
  - *The strong visual and physical relationship between the township and the harbour, the coast and Mt Karioi.*
  - *The human scale of development in Raglan township which provides a sense of openness within the settlement.*
  - *The relaxed and informal character of the settlement developed over years through limited development pressure and the laid-back community and residents.*
68. Following the Hearing 16, Council was directed to prepare a scoping report on how the proposed plan might be amended to better reflect the special character of the urban areas of Raglan, in collaboration with submitters. This report was completed in December 2020,<sup>13</sup> and recommends that any new buildings in the Raglan Special Character Area (comprising all business, business town centre and residential zones excluding Rangitahi) that require a restricted discretionary consent be assessed for effects on character.
69. The recommended new objective 4.8.1.1 is:
 

*The key characteristics and attributes that define, contribute to, or support the Raglan Special Character Area are not compromised by incompatible development.*
70. Recommended new policy 4.8.2.2 is:
 

*(a) Manage development on sites to ensure the following key characteristics & attributes that define, contribute to, or support the Raglan Special Character Area are not compromised by incompatible development:*

  - i. The strong visual and physical relationship between the township and the harbour, the coast and Mount Karioi.*
  - ii. The outward facing nature of the underlying landforms.*
  - iii. The arrangement and layout of the township across peninsulas connected by causeways and bridges.*

<sup>12</sup> Rebuttal evidence for Hearing 16 by Summer Salmon on behalf of Waikato District Council.

<sup>13</sup> Memorandum to the Hearings Panel from Summer Salmon, WDC, dated 18 December 2020, titled: "Hearing 16: Raglan – Response to the Minute from the Hearings Panel dated 12 August". Appendix E contains the recommended amendments to the PWDP.

iv. The sinuous tree-lined coastal edge formed by the peninsulas, providing extensive access to the harbour within the township.

v. The human scale of development in Raglan township which provides a sense of openness within the settlement.

vi. The 'bowl' like topography in which both Raglan township and Whaangaroa are set, with rising landform to the north, east and west separating the catchment from other parts of the Waikato District.

vii. The relaxed and informal character of the settlement developed over years through limited development pressure and the laid-back community and residents.

71. The recommended matters of discretion for new buildings within the Raglan Special Character Area are:

(a) the effects on the streetscape and special character context;

(b) the building and its effects on Raglan character; including its design, quality, purpose and amenities including matters of appearance, scale, form, massing, materials, setbacks and the relationship to the street; and

(c) the effects on landscape;

(d) permitted activity conditions not complied with and matters of control.

72. I now turn to the assessment of the submissions within the above statutory framework.

## 4 Large scale Rural to Urban Rezonings

### 4.1 Submissions

73. This section addresses two submissions relating to large areas of land to the west of Raglan's existing urban area which are currently zoned Rural. The submissions seek rezoning to allow future urban development of these areas.

Submission point	Submitter	Decision requested
343.24	Rangitahi Limited	Amend the Proposed District Plan 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 (see submission for map) AND Add objectives, policies, rules and zoning to enable future growth of Raglan. AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in this submission.
FS1329.3	Koning Family Trust and Martin Koning	Support 343.24
FS1276.169	Whaingaroa Environmental Defence Inc. Society	Oppose 343.24
FS1277.114	Waikato Regional Council	Oppose 343.24



658.3	Koning Family Trust and Martin Koning	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 (see maps included with the submission). AND Any further relief and/or amendments as necessary to support the relief sought in the submission.
FSI 208.6	Rangitahi Limited	Not Stated 658.3
FSI 329.28	Koning Family Trust and Martin Koning	Support 658.3
FSI 387.93	Mercury NZ Limited	Oppose 658.3
FSI 276.144	Whaingaroa Environmental Defence Inc. Society	Oppose 658.3
FSI 277.121	Waikato Regional Council	Oppose 658.3

## 4.2 Analysis

74. **Rangitahi Limited [343.24]** sought a large additional growth area for Raglan West over existing rural land. The submitter has provided planning, landowner, cultural, economic, transport, urban design, landscape and civil engineering evidence to support its request. The evidence identifies a reduced area from the 'Future Growth Area' shown in its original submission, and now seeks a Future Urban Zone (FUZ).
75. The amended area is located directly southwest of the Rangitahi Peninsula Zone, and is shown outlined in orange on Figure 5, below.<sup>14</sup> I refer to this area as Rangitahi South in my report. It is my understanding that any rezoning of the remainder of the Future Growth Area outlined in its submission is not being pursued by the submitter through the PWDP process. At a high level, the submitter indicates that the Rangitahi South area could yield 350-450 dwellings.<sup>15</sup> The land area is 51.2 hectares and the indicative potential development area is 24 hectares.
76. The reasons for Rangitahi's submission [343.24] include that Raglan is expected to experience population growth due to lifestyle, proximity to Hamilton and technological and transport improvements, and the residential zoned land under the PWDP is insufficient to meet Raglan's medium to long-term supply needs. According to the submitter's economic evidence, there will be a shortfall in Raglan's residential supply by around 2040 and there is a need to identify and plan for suitable growth land.

<sup>14</sup> A full scale image is included in Annexure A to Mr Inger's Planning EIC [343.24].

<sup>15</sup> Mr Inger's Planning EIC [343.24], Annexure B, pg 6.

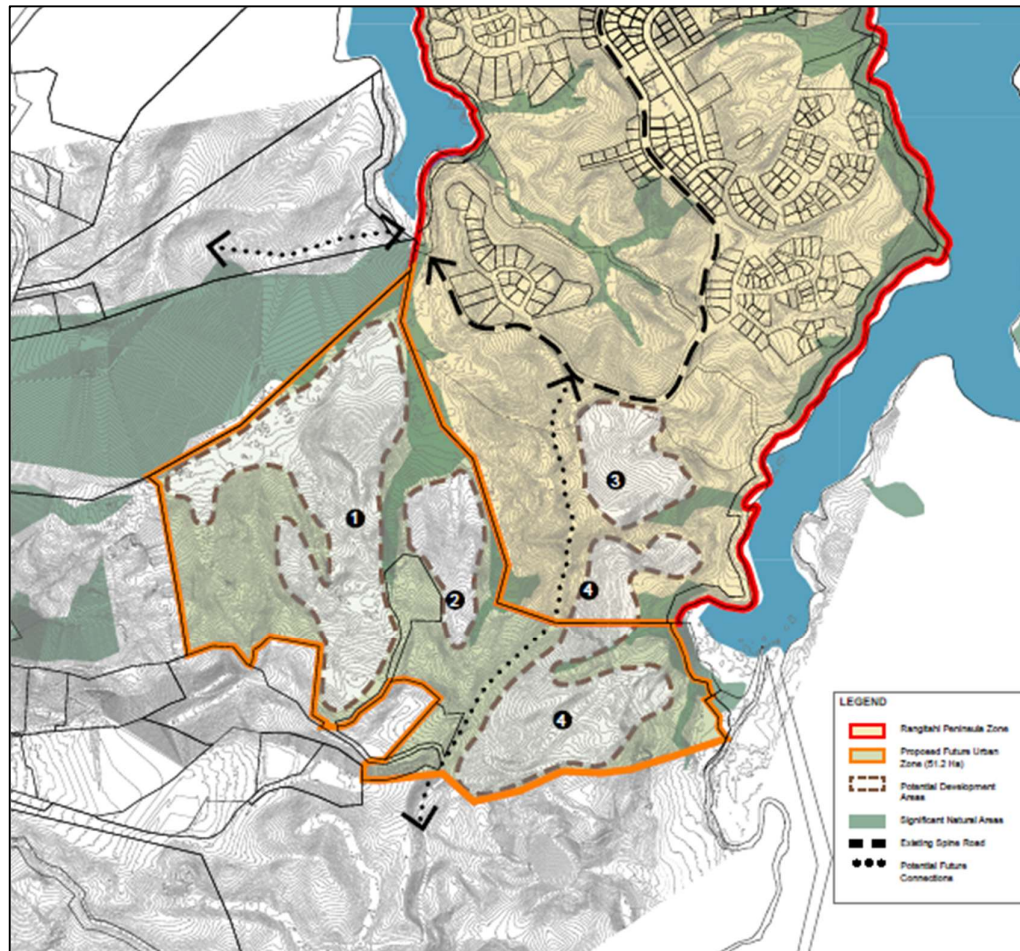


Figure 5: Rangitahi South Future Urban Zone sought by #343

77. **Koning Family Trust and Martin Koning [658.3]** (“Koning”) seeks a ‘live’ residential zoning over existing rural land in Raglan West at 339 Wainui Road, 145 Te Hutewai Road and 151 Te Hutewai Road. The area where rezoning is sought is outlined in red on Figure 6, below (with the blue line showing property boundaries), and is approximately 63 hectares in size. The zone extent sought provides a setback from property boundaries to achieve the PWDP requirement of at least 300m setback for residential development from the wastewater treatment plant oxidation ponds (proposed rule 16.3.9.2).



Figure 6: Koning submission area – rezoning to residential sought by #658 outlined in red

78. Koning's submission [658.3] stated that there is a shortfall in residential capacity compared to projected demand in Raglan and Ngārunui Beach over the short, medium and long term, and that it is necessary to anticipate this projected growth and provide an opportunity to accommodate the projected demand for housing.
79. Koning has provided planning, transportation, three waters, landscape and visual, geotechnical, ecology, contamination, archaeology and economic evidence to support its request, and a draft structure plan (see Figure 7 below for the map from the structure plan). On the basis of this structure plan, the yield of the area is estimated at around 300-400 dwellings from a potential development area of 30 hectares.



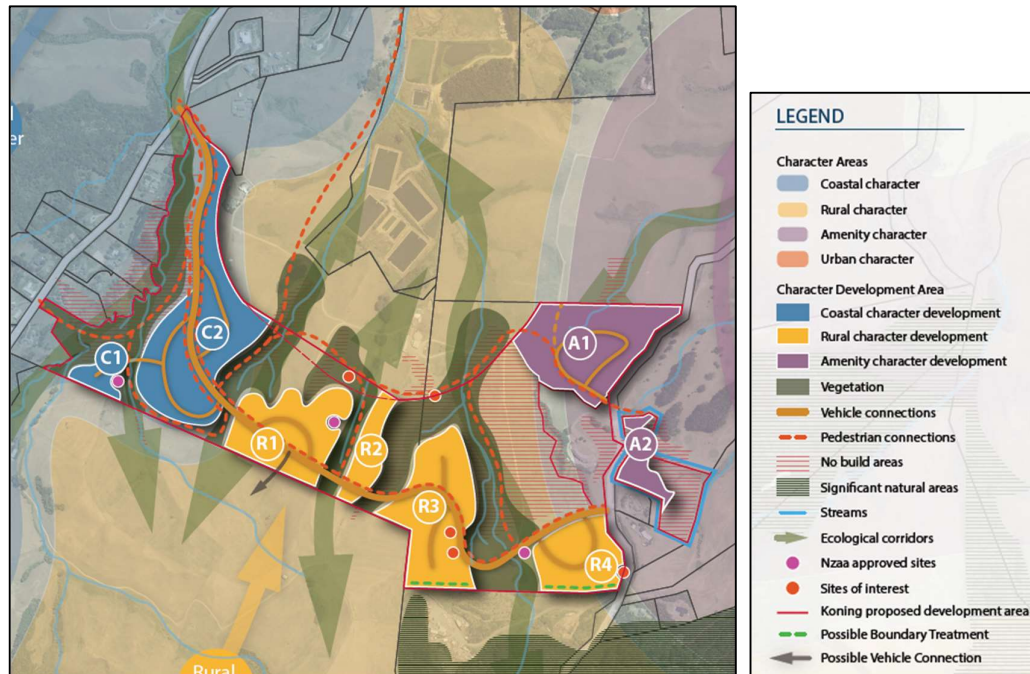


Figure 7: Koning draft structure plan map excerpt from Mr Kirkby-MacLeod's EIC

80. Both submissions were opposed by *FSI 276 Whaingaroa Environmental Defence Inc. Society* on the basis that further studies and a structure plan are needed to show development is workable before live zoning, and *FSI 277 Waikato Regional Council* on the basis of concerns around infrastructure provision and the need for consideration of matters such as high class soils, hazards, landscapes and indigenous biodiversity.
81. Further submitter evidence by *FSI 277.114 Waikato Regional Council* supports in part the FUZ sought for Rangitahi South with inclusion of provisions requiring spatial planning for Raglan. *FSI 277.121 Waikato Regional Council* continues to oppose in part the Koning submission, as it is only partially within the urban limits, has a 30+ year timeframe in Waikato 2070, and infrastructure is uncertain at this stage.
82. Planning evidence for *FSI 208.6 Rangitahi* is that the live residential zoning sought by Koning should not proceed prior to spatial planning of the wider growth area.
83. The two submission areas of Rangitahi South and Koning are both in a similar context in Raglan West, so I have analysed them in tandem below, with differences identified.
84. The following mapped features/constraints affect the subject sites:
  - a. There are some Significant Natural Areas (SNAs) within the Rangitahi South area; these do not cover a large proportion of the submission area and as these are subject to rules in the PWDP, the effects on these can be considered when consents are applied for.
  - b. Both the Koning and Rangitahi South land is subject to the coastal environment overlay, meaning the NZCPS applies, as mentioned earlier.
  - c. A small area of Rangitahi South is shown as subject to coastal inundation on the PWDP Stage 2 maps.

- d. No geotechnical risks are shown to affect either the Koning or Rangitahi South land. However, a detailed geotechnical assessment has now been done for the Koning land that does identify some medium and high risk areas. The most significant of these risk areas are avoided through the structure plan map (see 'No Build areas' on Figure 7 above), while remediation is required for the remaining risk areas.
  - e. A contamination assessment has been submitted in evidence by Koning stating that there is no evidence to suggest any widespread or significant contamination on the site that would preclude a zone change.
  - f. An ecological assessment has identified one wetland on the Koning site. Five streams traverse the Koning site, with a sixth major stream bounding the site to the east. The structure plan map (Figure 7 above) sets the wetland and stream corridors aside from development and utilises the corridors for planting and pedestrian walkways. The structure plan also requires existing indigenous vegetation be retained, and an ecological management plan be prepared, prior to development to address restoration opportunities and protect bat and lizard habitat.
  - g. An archaeological assessment for the Koning site has identified three visible archaeological sites and an additional six areas of potential archaeological interest. These are all marked on the structure plan map (Figure 7 above), except for area of interest 'Area B – Clearing'. The structure plan requires consultation with tangata whenua, a method of preserving one of the sites, and subsurface investigations prior to earthworks for the other two sites and five areas of interest. I seek clarification on whether the sixth site has been intentionally left out.
  - h. Both sites do not appear to feature any high-class soils.
  - i. Raglan's Wastewater Treatment Plant (Designation M52) is located directly to the north of the Koning land and A 300m setback from oxidation ponds for residential activity applies under rule 16.3.9.2 of the PWDP.
  - j. A reserve containing Raglan's water supply spring (designation M90) is on the eastern side of Te Hutewai Road, which is to the south-east of the Koning land and directly north of Rangitahi South.
  - k. Raglan's refuse transfer station (designation M50) is located directly to the south of the Koning land. The structure plan identifies a 'possible boundary treatment' along the shared boundary, but no setback from the refuse transfer station.
85. Figure 8 below illustrates the location of PWDP overlays for SNAs, coastal inundation and designations in relation to the two sites.

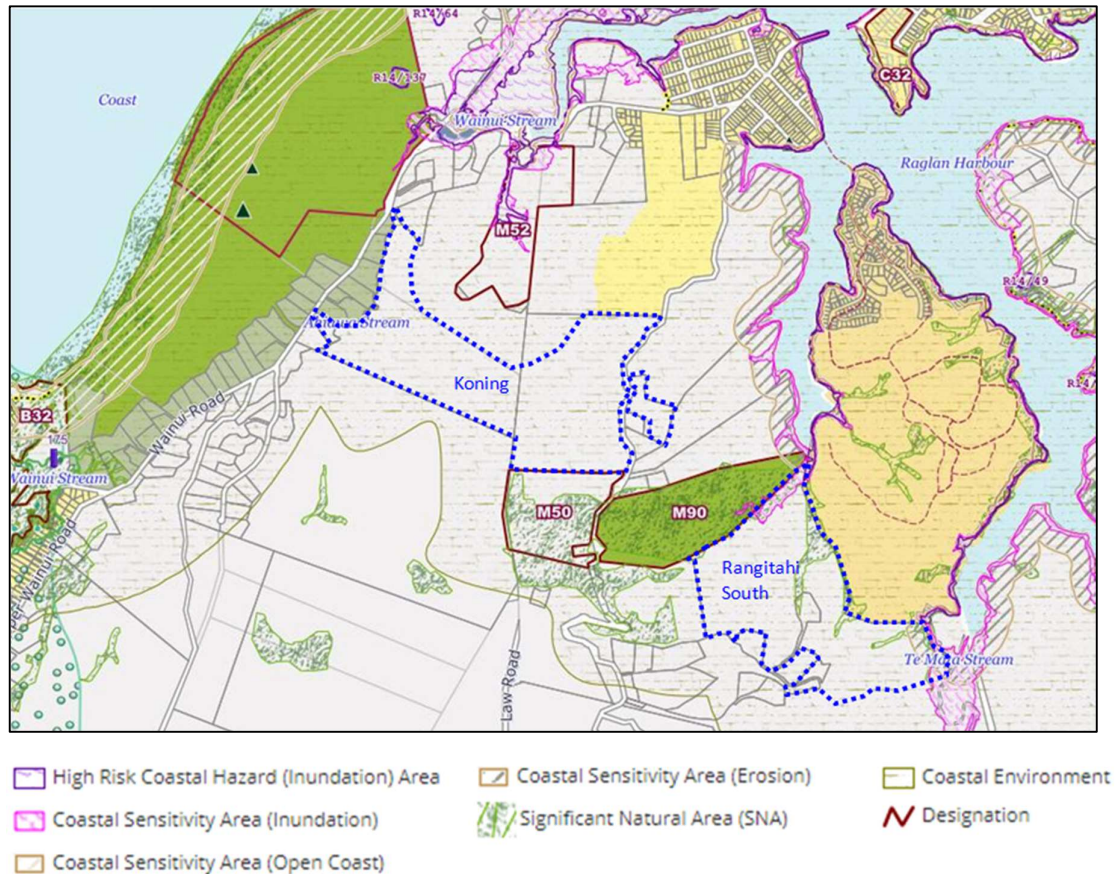


Figure 8: PWDP Overlays applying to Raglan west

### Infrastructure servicing

86. The current infrastructure servicing situation for Raglan is set out in section 2.2.2 above. The proposed western growth area is not serviced by any reticulated infrastructure, and no area upgrades/extensions are currently programmed or funded in the 2018-28 LTP. As per the Framework Report, investigations into servicing are to be undertaken by Watercare, and Council's approach is that any growth-related infrastructure provision should be funded by the developer.
87. The engineering evidence received is that the western growth area can feasibly be serviced by wastewater. Wastewater network extensions are required and are achievable given the proximity of existing infrastructure, including the WWTP itself and the trunk mains in Rangitahi Peninsula.<sup>16</sup> However, the WWTP consent is being renewed and improved environmental outcomes will be required. Mr Seyb's three waters peer review (Appendix 3) has identified some uncertainty about the long-term consenting and capacity of the WWTP which will not be addressed until the consent is renewed. I expect that wastewater discharges from the sites could not be accepted by the WWTP until 2024 at the earliest, once it is upgraded.
88. For water supply, an increase to Raglan's township supply consented limits and/or additional water supply storage would be required to service any significant growth. No detailed investigations or planning for such upgrades has occurred to date. As another storage reservoir is not currently planned for servicing the wider township, one option would

<sup>16</sup> EICs of Mr Fokianos for Koning [658.3] and Mr O'Callaghan for Rangitahi [343.24].

potentially be for Koning to provide a new storage reservoir specifically serving its land. Mr Seyb's peer review (Appendix 3) has identified some uncertainties that additional water storage is feasible from a network supply perspective, with more information required. He has also noted that the town water supply take is a high percentage of the spring's flow, which may need to be reduced when the consent is renewed in 2034.

89. The preliminary assessment in the evidence received from Koning is that it is feasible to manage stormwater generated on the site without exacerbating upstream or downstream flooding and erosion or deteriorating water quality. However no detailed stormwater management plan has been prepared for either site. Mr Seyb's peer review of the evidence (Appendix 3) is that the proposed approach is acceptable, provided sufficient space is left within each lot for stormwater management. Mr Seyb recommends that larger minimum lot sizes and lower impervious area limits are adopted than what apply under the standard Residential Zone provisions.
90. Both sites rely upon the Wainui bridge for their onwads transport connection to Raglan township and SH23. Koning's transport evidence states that the bridge will be at capacity before 2024, even without the rezoning,<sup>17</sup> while Rangitahi's transport evidence states the operation of the bridge will be at an unacceptable level of service soon after 2030 (accounting for growth in accordance with Waikato 2070 timing).<sup>18</sup> Mr Fourie's transport peer reviews (Appendix 3) note that clarification is required on the reasons for these significantly different findings. As stated in section 2.2 above, the upgrade of the bridge is programmed for 2023-26, so this is a potential constraint to development of these sites in the short-term.
91. No evidence was received in relation to social infrastructure provision, however as a general principle, schooling capacity and increased open space would be needed to service population growth.

### **Economic effects**

92. The general economic benefits of providing additional residential land supply are covered in the evidence in chief (EIC) of Mr Colegrave for Koning, summarised below:
  - It responds to the need/demand for dwellings;
  - Additional residential supply could assist to slow land and dwelling price inflation;
  - More competing land owners that can bring supply to the market could lead to more competitive prices being offered;
  - Lower prices / more affordable housing has flow on impacts on increasing the money available for local household spending;
  - Employment will be created from construction of new dwellings, and there will be local spending by that workforce.
93. Mr Colegrave's evidence (para 62) estimates that construction of 350 dwellings over ten years would boost regional GDP by \$60 million (including flow on effects), provide full time employment for 730 people-years, and create \$30 million of household incomes.
94. The economic evidence for Rangitahi is mainly focused on supply and demand matters, and is addressed in the NPS-UD assessment below.

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<sup>17</sup> EIC of Ms Baloyi [658.3], para 41.

<sup>18</sup> EIC of Mr Clark [343.24], para 52.

### **Landscape, Visual and Character effects**

95. The Rangitahi and Koning proposals will result in a significant, though largely anticipated, landscape change from rural to urban land. Koning's landscape EIC by Mr Hunt assesses landscape and visual effects from the proposal to be low to moderate, following the implementation of the development pattern and character areas shown on the structure plan.
96. Rangitahi South's landscape architecture evidence in reply (EIR) by Ms de Lambert [FS/208.6] raises concerns about the potential adverse landscape and visual effects associated with the Koning land being structure planned in isolation of surrounding areas, and the straight-line boundaries defining the character areas.
97. Straight line edges are apparent from some of the viewpoints in Koning's visualisations, which show a simple outline of the full submission area. The majority of straight-line boundaries are adjacent to the land to the south which is also part of the Te Hutewai growth cell, so there is some apparent benefit to this in terms of integrating the areas in future.
98. Ms de Lambert is also concerned that the application of residential zone provisions to the site is likely to lead to generic suburban development. From my reading of the evidence, Ms de Lambert does not raise matters that would necessarily preclude the rezoning request, with this issue phrased as a missed opportunity.<sup>19</sup>
99. Mr Kirkby MacLeod's EIC (para 28) states that lot sizes for the Koning proposal are likely to range between 560-800m<sup>2</sup> and standard Residential zone bulk and location controls are proposed. In my view, Koning's draft structure plan map illustrates a sensitive approach to development within the existing landscape, with clusters of housing occurring outside of existing vegetated areas and ecological corridors, and different characters applied to different areas.
100. The different character responses set out in the structure plan primarily relate to roading design and cross sections (rather than lot pattern or buildings). I have not been provided with any evidence to the effect that there is a need for specific building character provisions for the Koning land in order to mitigate adverse amenity effects or give effect to higher order policy documents.

#### **4.2.1 Statutory Assessment**

##### **NPS-UD**

101. In section 3.1 above, I set out Council's projections that Raglan has a shortfall in residential supply over the short, medium and long terms. Economic evidence by Dr Fairgray on behalf of Rangitahi is of the view that those supply deficits are somewhat overstated, and that a supply shortfall will be reached around the year 2040. Economic evidence by Mr Colegrave on behalf of Koning supports the position that there is an immediate shortfall. I have also reviewed Waikato Regional Council's further submitter planning evidence of Ms Foley [FS/277.114 and .121] stating that on a district level, short- and medium-term residential supply is sufficient, and future plan changes can meet longer term supply requirements following the review of Future Proof and the WRPS.
102. Having considered the evidence received, while the numbers and timing are not agreed, I am of the view that there is generally shown to be a residential supply issue for Raglan. The zoning of additional residential land would assist to increase 'plan-enabled' capacity. However, the land in question does not currently meet the definition of 'infrastructure-ready' in the short, medium or long term, as infrastructure is not in place or funded. Therefore, at the moment, the Rangitahi South and Koning land cannot contribute to the development capacity

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<sup>19</sup> EIR of Ms de Lambert, para 17.



requirements of the NPS-UD Policy 2 and clause 3.2 for the short term. However, rezoning the land would identify medium to long term supply.

103. I consider that the Koning and Rangitahi South land could generally contribute to a well-functioning urban environment as set out in NPS-UD Policy 1, as they would enable a variety of homes with good accessibility to the town centre and the existing urban environment (subject to Wainui bridge upgrade), while avoiding areas subject to mapped coastal inundation hazards.
104. Zoning Rangitahi South as FUZ would allow time for integration of the urban development of the area with infrastructure planning and funding, consistent with NPS-UD Objective 6. On the other hand, live zoning the Koning land is not integrated with current infrastructure planning, as this area was not planned to be serviced for 30+ years. I understand a developer agreement could address earlier funding. However, without such an agreement, I consider the relief sought by Koning would not give effect to Objective 6 and clause 3.5 of the NPS-UD.
105. In terms of the competitive land and development markets sought by Objective 2 and supporting the operation of those markets in Policy 1(d) of the NPS-UD, there are currently live residential zoned areas available for development at Rangitahi Peninsula, Flax Cove and Lorenzen Bay which are not in the same ownership. However, adding the Koning land as a live zone would further support the competitive operation of land and development markets. Therefore this policy would be given effect to.
106. Under the NPS-UD Policy 8, decisions are to be responsive to out of sequence plan changes that would supply significant development capacity. Though it is not a 'plan change' as such, I do not consider the Koning proposal meets the definition of 'development capacity', as adequate development infrastructure is not yet provided. I have however had regard to the development capacity that would be provided by the proposal in future.
107. Overall, I assess that the zone change sought in Rangitahi's submission [343.24] assists in giving effect to the NPS-UD because it contributes to the medium-long term supply and requires a future plan change and structure plan to determine infrastructure servicing. Because Koning's submission seeks live zoning, I consider that it would only give effect to the NPS-UD if provisions/arrangements are in place to secure a well-functioning urban environment (Objective 1) and the funding and delivery of required infrastructure (Objective 6).

#### **NPS-FM**

108. I consider the Koning structure plan at a high level gives effect to the National Policy Statement on Freshwater Management 2020 (NPS-FM), as it sets aside identified wetlands and stream corridors from development and minimises stream crossings. The NPS-FM will be implemented at future development stages and, in the case of Rangitahi South, can be considered at structure planning stage.

#### **WRPS**

109. The planning EICs on behalf of Koning and Rangitahi have assessed the proposed rezonings against the relevant WRPS policies.
110. I agree with the assessment provided by Mr Inger for Rangitahi,<sup>20</sup> including that the WRPS allows the 'alternative land release' in the form of Future Urban zoning for Rangitahi South, and that many of the detailed matters in section 6A of the WRPS would need to be considered at structure planning stage before a live zoning is applied.

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<sup>20</sup> Mr Inger's EIC [343.24], paras 78-87.

111. With regards to Mr Kirkby-MacLeod's WRPS assessment for Koning, I set out my key areas of concern and difference below.
112. Under WRPS Objective 3.12(c), (d) and Policy 6.3, and the criteria for alternative land release in 6.14.3(a), the proposed timing of the live zoning requested by Koning is not co-ordinated with the provision of infrastructure because the required water and wastewater infrastructure is not currently funded or programmed at all. I accept that the infrastructure could largely be funded and implemented independently by the developer, without compromising infrastructure provision to other areas. Wastewater reticulation would likely need to connect to an upgraded line along Wainui Road installed at the developer's cost, or a new line installed directly to the WWTP through land under Koning's control.
113. The proposal also relies on the Raglan WWTP upgrade occurring, which is not yet consented and works are not planned until 2023-24. I expect that if the Koning land was to be live zoned as part of the PWDP process, sections are unlikely to come to market and dwellings be occupied for at least 2 years.<sup>21</sup> On that basis, if the WWTP upgrade proceeds on the current schedule it will probably have been completed by the time any dwelling is occupied. The timing of the live zoning may therefore be adequately co-ordinated with this key infrastructure requirement. I also note that the PWDP subdivision rules require connection of sites to the reticulated network or otherwise subdivision is discretionary. This would provide a mechanism to link subdivision applications with the WWTP upgrade.
114. Both proposals are likely to achieve the 12-15 households per hectare average gross density target under WRPS Policy 6.15 for the identified development areas, i.e. after the more sensitive and constrained land is set aside from development.
115. I provide comments with respect to the key development principles in WRPS Section 6A in Table 3 below.

*Table 3: Key development principles assessment of Koning 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>There is a chance (if developed immediately) that the proposal could result in Wainui bridge reaching an unacceptable level of service earlier than its upgrade which is planned in 2024, primarily through construction traffic as it is unlikely that dwellings would be occupied much earlier than this. Additionally, it is not yet confirmed that the upgrade will include double lanes, and current upgrades address existing traffic constraints only. The transport assessment also identifies two intersection upgrades required as a direct result of the proposal, and I am unconvinced that these would be triggered under the PWDP Rule 14.12.1.4(P4) when development occurs. It is my interpretation that this rule is not triggered by subdivision as an "activity generating over 100 vehicle movements per day" and is a site-specific traffic generation rule.</p> <p>I consider that a requirement for an Integrated Transport Assessment and/or transport upgrade thresholds would need to be included within planning provisions in order to ensure the</p>

<sup>21</sup> The 3 waters report attached to the evidence of Mr Fokianos states the anticipated timeframe for development is to start construction in 2024 and for 140-250 dwellings by 2034.

	Koning proposal does not compromise the operation of transport infrastructure.
e) connect well with existing and planned development and infrastructure;	<p>No detailed planning has been done for future transport links in the western growth area, but the road network illustrated on the structure plan (Figure 7) includes an east-west connection between Wainui and Te Hutewai Roads, roughly as shown on Waikato 2070. The location of the Waikato 2070 connection to Wainui Road (Figure 4) is more direct, but requires land not owned by Koning. I note that Koning's transport assessment has found the structure plan roading location to provide good connectivity and that the sightlines of the proposed Wainui Road intersection location are suitable.</p> <p>The location of the Te Hutewai Road intersection for the east-west connection (called intersection 4) does not appear ideally located for this road to continue to the east, as it is not opposite one of the 'major landholdings' that have development aspirations within the future growth area and form part of the adjoining Afon Opotoru growth cell. Mr Fourie's transport peer review (Appendix 3) seeks that this matter is further addressed by the submitter.</p> <p>I therefore have some concerns that the early development of the Koning land, including the east-west connection on the structure plan, would compromise any achievement of the more direct connection to Wainui Road, and may compromise the continuation of the east-west link to the east and Rangitahi South. In general, the effective integration of transport infrastructure across the western growth area is potentially reduced if the Koning submission land is rezoned ahead of spatial planning for the whole area.</p> <p>On the draft structure plan, a 'possible' road connection is shown to the south. I consider this should be a requirement rather than possible, in order to ensure a connection to the remainder of the Te Hutewai growth cell is preserved and help meet development principle (e).</p>
f) identify water requirements necessary to support development and ensure the availability of the volumes required;	As discussed above, the availability of the volumes of water required to support development is not currently ensured. Certainty is needed that additional water storage is available and will be provided.
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	Low impact on-site stormwater practices are proposed to address stormwater quality and quantity, and said to be technically achievable, but no requirement for these has been specified in the structure plan and no detailed stormwater management plan has been prepared for development to be in accordance with. Further flood modelling is also required. In order to progress a low impact design approach, Mr Seyb has recommended larger minimum lot sizes and lower impervious area limits be applied (see Appendix 3). Therefore it has not

including through methods such as low impact urban design and development (LIUDD);	yet been demonstrated that adverse effects on natural hydrological characteristics will be avoided as far as practicable.
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;	I have no evidence on whether a greater set back from the waste transfer station is required or alternative measure to manage reverse sensitivity (in addition to the 'possible boundary treatment' indicated on the structure plan, which contains no details on implementation). The separation distance from the proposed residential zone to the nearest existing building at the transfer station is around 80m, with the sites sharing a boundary. Although the transfer station is obliged to manage offensive odour onsite, there are still potential noise and odour reverse sensitivity effects that may be experienced by future adjacent residents. There is also a historic landfill on the site.
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 connections within an area should be considered;	Mana Whenua consultation is still in process and any feedback has yet to be addressed.

116. I accept that some of the development principles would be met, including in relation to compact urban form, biodiversity outcomes and supporting the existing urban area of Raglan. However, overall, I do not consider the Koning proposal to be consistent with the development principles in the WRPS. Therefore the change of zone sought in the submission does not give effect to WRPS Policy 6.1 or Policy 6.14 because it does not meet the criteria for alternative land release under method 6.14.3. Further information and revisions may be able to resolve some of these matters. In the absence of this, I consider that rezoning the Koning land to FUZ rather than Residential zone would be consistent with the WRPS development principles, as the outstanding matters could be addressed with time.

117. Consequently, I also consider that insufficient information has been provided by the submitter under WRPS 6.1.8 b), c), g) and i) in particular to demonstrate that the zone change sought in the submission is appropriate for this site.

#### **Future Proof 2017**

118. The Koning land is partially within the Future Proof 2017 indicative urban limits, while Rangitahi South is not.

119. The future settlement pattern represented by these two submissions is around the existing town of Raglan, with a westwards growth direction. I consider that the land subject to the submissions is about as contiguous with the existing residential zoned area as practical, considering that the 300m WWTP setback and golf course eliminates some other contiguous land from consideration for urban expansion. I also note that adjoining residential zoned land

off Wainui Road in multiple Māori ownership is not expected to be developed in the medium-long term. This reduces the level of visual contiguity able to be achieved, with the Koning land potentially being isolated from any other land developed to an urban residential intensity.

120. I assess that the proposals are both generally consistent with the settlement and growth pattern principles of Future Proof 2017, with the Koning submission being more consistent with the current location of the indicative urban limits.

### **Waikato 2070**

121. The submissions are both within an indicated growth area in Waikato 2070. Rangitahi South is part of the Afon Opotoru growth cell (10-30 years). Koning's land is within the Te Hutewai growth cell (30 years+). The timing of the live zoning sought by Koning is not consistent with Waikato 2070, while Rangitahi South is.
122. I have noted that while the submission areas represent only part of their respective growth cells, their estimated yields (between 300-450 dwellings) both roughly equal or exceed the projected capacity for the entire cell in Appendix 8 of the Framework Report (Table 4).

*Table 4: Growth cell yields*

<b>Growth cell</b>	<b>Estimated dwelling yield in Appendix 8</b>	<b>Estimated yield for submission area only, as per evidence</b>
Afon Opotoru	383	300-400
Te Hutewai	335	350-450

123. Should the growth cells in fact yield more dwellings than estimated in Appendix 8, the supply shortfalls identified in Appendix 9 of the Framework Report will not be as high and this will assist with giving effect to the development capacity requirements of the NPS-UD.

### **4.2.2 Planning Provisions**

124. There are a number of potential adverse effects of the rezoning sought by Koning that the technical evidence has identified. Site-specific mitigation measures have also been recommended to address these effects.
125. The site-specific matters are proposed to be addressed by way of inserting a rule in the residential zone chapter requiring development and subdivision to be in accordance with the Te Hutewai Structure Plan (as well as the standard residential zone rules). The Te Hutewai Structure Plan is attached to Koning's planning EIC, and as well as a structure plan map it includes five pages of text. This approach is generally in line with the recommendations in Mr Cleese's report for live zoning a site with a structure plan in place.<sup>22</sup>
126. Under the proposed structure plan (attached to Mr Kirkby-MacLeod's EIC) I consider there would be a reasonable degree of assessment and judgement by processing planners as to whether a development would be in accordance with the structure plan, and this creates some doubt about the *vires* of the rule. I consider that should the area be live zoned, at a minimum, the text should be amended to strongly specify key requirements, including the connectivity and transport outcomes/actions. I support the text that provides clear outcomes to assess a development against, such as the ecological 'Development Actions' and 'Management Plan'. I would prefer the key structure plan outcomes to be specifically referred to in the main body

<sup>22</sup> Hearing 25 FUZ and MDHZ s42A report, Jonathan Cleese, 26 January 2021, paras 104-105.

of the district plan, for example using a Te Hutewai-specific objective/policy and permitted activity standards.

127. I consider the rule proposed by Mr Kirkby-MacLeod requiring development to be in accordance with the structure plan map would sufficiently ensure the areas with high geotechnical constraints are avoided; ecological corridors are avoided; and the archaeological sites are taken account of.
128. Under the plan format of the National Planning Standards, I consider this area would likely suit being a 'Development Area' rather than a Precinct because, on the basis of the effects identified by the evidence, there is no need for ongoing modified plan provisions once development has been completed.

#### 4.2.3 Conclusion

129. I conclude that the FUZ sought by Rangitahi [343.24] assists in giving effect to the NPS-UD and WRPS policies relating to growth and infrastructure, and has had regard to the Future Proof settlement pattern and Waikato 2070. The submission is consistent with the purpose of the FUZ set out in Mr Cleese's report. The evidence provided by the submitter has been demonstrated that the land is suitable for urbanisation in principle, and future structure planning can suitably address specific effects on the environment and the integration of infrastructure. Therefore, I recommend accepting the submission in relation to the Rangitahi South land.
130. From the evidence received, I conclude that the Koning land is suitable for residential zoning in principle and has had regard to the Future Proof settlement pattern and Waikato 2070 (except for the timing). A number of amendments and further information would be needed to ensure the zoning gives effect to the NPS-UD and WRPS and to ensure the effects on the environment are adequately managed:
  - In the absence of Council plans to fund the infrastructure for this area for 30+ years, a developer commitment to funding and providing the required infrastructure extensions and additional water storage is required in order to meet requirements for the co-ordination of land use and infrastructure provision.
  - Infrastructure provisions / triggers should also be provided within the plan specifying requirements before any development can occur, including in relation to LTP programmed upgrades that are yet to occur. These requirements are that additional water storage or alternative acceptable on-site water source needs to be provided to service the growth area, the WWTP upgrade is to be completed, and the Wainui bridge is to be double laned prior to any occupation of dwellings.
  - An Integrated Transport Assessment should be required for any subdivision and the need for upgrade of Bow Street / Norrie Avenue intersection, SH23 / Te Pahu Road intersection and any other intersection assessed at this time.
  - The connectivity of the indicative road network to integrate with surrounding future development areas needs to be further considered. The wording of the connectivity provisions of the structure plan should be strengthened to ensure essential elements are provided.
  - Provisions should be added to address cultural effects arising from iwi consultation, if necessary.
  - I consider it important for a comprehensive approach to be taken to stormwater design across the subject land which would not necessarily be achieved through staged subdivision consents under the PWDP Residential Zone rules. As Mr Seyb identifies,

the Residential Zone rules may not appropriately reflect the lot sizes and coverages required to implement the submitter's proposed low impact design approach. In my experience, it is standard for a Stormwater Management Plan to be prepared in advance of large scale rezonings and development then required to be in accordance with this. I would support such a requirement applying to this site.

- More information is needed on the proposed measure/s to address reverse sensitivity at the waste transfer station interface. A 'possible boundary treatment' currently shown on the structure plan is insufficient to be able to be applied by planners during the subdivision process. A greater setback may be required.
  - Clarification is required on why the sixth area of archaeological interest is not currently marked on the structure plan.
131. If these matters are unable to be addressed before or at the hearing, I consider the land is more appropriately zoned as Future Urban Zone, and that is my recommendation in this report. This is consistent with Mr Clease's report stating that live zoning is not appropriate when roading and three waters trunk infrastructure required to service growth is not yet available, and has not been demonstrated to be made available within a ten-year timeframe.<sup>23</sup>
132. Whether the Koning land is FUZ or Residential zone, I consider a consequential amendment should be made to PWDP Policy 4.1.18 to recognise that other areas besides Rangitahi Peninsula should accommodate future medium- and long-term growth. Mr Inger has also sought an addition to Policy 4.1.18 to require spatial planning be undertaken for Raglan to guide the development of future growth areas, supported in particular by the Rangitahi landscape, urban design and cultural evidence. I agree that spatial planning is a good idea and would assist with resolving the wider integration issues identified for the Koning proposal. However, my assessment of these rezoning requests, above, has not led to me making any recommendation to this effect, as I find that the Koning proposal does not necessarily rely on spatial planning having taken place.
133. Mr Inger's evidence made on behalf of submission [343.24] also seeks changes to PWDP Chapter 1 replacing the sections relating to Waikato District and Economic Development Strategies 2015 with a section on Waikato 2070. I have not made any recommendations on these changes as they are wider matters, not specified in the original Rangitahi submission and are not directly consequential changes to the rezoning sought.

### 4.3 Recommendations

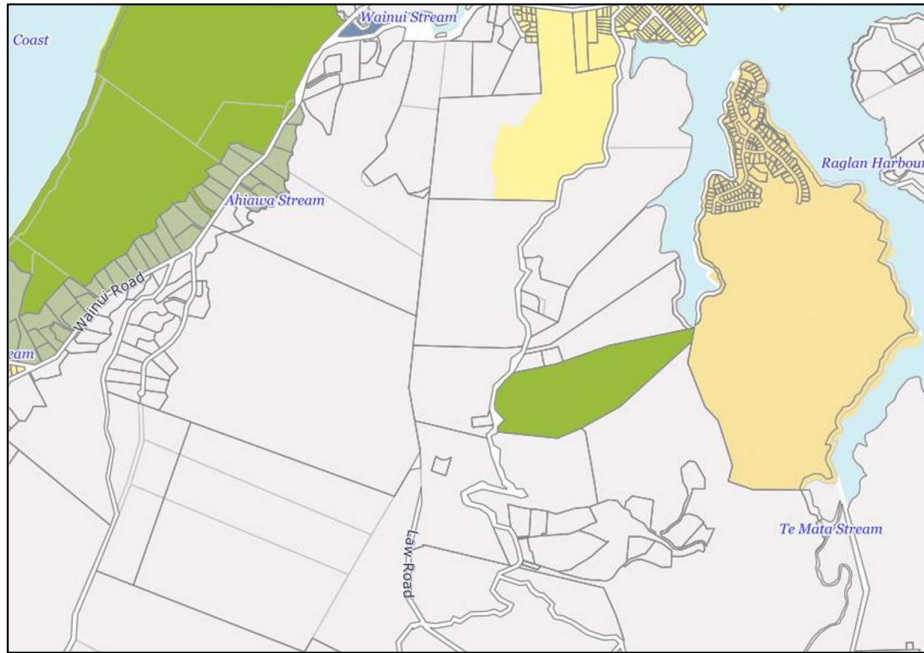
134. For the reasons above I recommend that the Hearings Panel:
- (a) **Accept in part** Rangitahi [343.24] to the extent that the Rangitahi South area be rezoned Future Urban Zone as per evidence and Figure 9 below; *accept in part* FS1329.3 Koning Family Trust and Martin Koning; FS1276.169 Whaingaroa Environmental Defence Inc. Society; FS1277.114 Waikato Regional Council
  - (b) **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; *accept in part* FS1208.6 Rangitahi Limited; FS1329.28 Koning Family Trust and Martin Koning; FS1387.93 Mercury NZ Limited for Mercury D; FS1276.144 Whaingaroa Environmental Defence Inc. Society; FS1277.121 Waikato Regional Council.

### 4.4 Recommended amendments

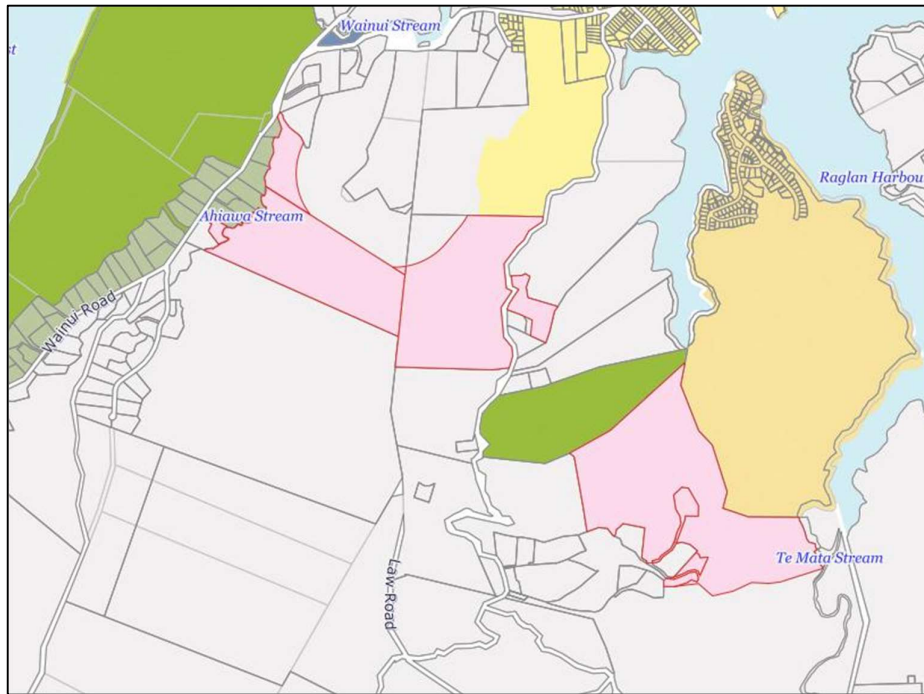
135. The following amendments are recommended:

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<sup>23</sup> Hearing 25 FUZ and MDHZ s42A report, Jonathan Clease, 26 January 2021, para 129.



As notified



As recommended<sup>24</sup>

- |   |  |
|---|--|
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #8ebf42; border: 1px solid black; margin-right: 5px;"></span> Country Living | <span style="display: inline-block; width: 15px; height: 10px; background-color: #fde725; border: 1px solid black; margin-right: 5px;"></span> Residential |
| <span style="display: inline-block; width: 15px; height: 10px; background-color: #f8a4a4; border: 1px solid black; margin-right: 5px;"></span> Future Urban   | <span style="display: inline-block; width: 15px; height: 10px; background-color: #f0f0f0; border: 1px solid black; margin-right: 5px;"></span> Rural       |

Figure 9: Future Urban Rezoning Recommendation

<sup>24</sup> Rangitahi [343.24]; Koning [658.3]



136. Amend Policy 4.1.18 as follows:

4.1.18 Policy – Raglan

(a) Raglan is developed to ensure:

(i) Infill and redevelopment of existing sites occurs;

(ii) A variety of housing densities is provided for;

(iii) The built form and character reflects its harbour setting and is compatible with its seaside village character;

(iv) Protection of the coastal margins and environment;

~~(iii)~~ (v) Rangitahi and the Residential zoned areas are ~~is~~ the only areas that provides for ~~the short to~~ medium term future growth;<sup>25</sup>

(vi) Long term growth is to be provided for in the Future Urban Zones. These areas are to be planned and ~~is~~ developed in a manner that connects to the existing town and maintains and enhances the natural environment and Raglan's special character; and<sup>26</sup>

~~(iv)~~ (vii) There are good quality walking and cycling connections between the town centre, the Papahua Reserve and Raglan Wharf.

137. The blue changes, above, relate to matters canvassed for Hearing 3 Strategic Objectives and reflect the reporting planner's recommendations for that hearing, while the red changes are additional changes consequential to the recommendations in this report.

#### 4.5 Section 32AA evaluation

##### Rangitahi South

138. Annexure B to Mr Inger's EIC contains a thorough s32AA assessment of the Rangitahi South rezoning proposal (in combination with other wording changes sought to the PWDP). I adopt this assessment in my evidence in relation to the zoning change and the changes to Policy 4.1.18 that I have supported, and provide a brief assessment below.

##### *Appropriateness of achieving the objectives*

139. A FUZ zone is an appropriate method to give effect to the need to provide sufficient development capacity to meet future demand, and indicates that the future development of the Rangitahi South land implements the PWDP strategic and urban environment objectives for new growth areas.

##### *Other reasonably-practicable options*

140. The options include:

- Do nothing / status quo (retain Rural zone).

I consider that sufficient information has been provided in the evidence to demonstrate this land is suitable in principle for an urban zoning;

- Future Urban zone (as sought and recommended).

<sup>25</sup> Rangitahi [343.24]

<sup>26</sup> Rangitahi [343.24]

My analysis above sets out the reasons why I support a FUZ, with future structure planning to manage effects, which will assist the Council to meet future residential demand.

- Change to a Residential zone.

I consider that there is insufficient information and provision of infrastructure to support a change to a residential zone at this time.

*Effectiveness and efficiency*

141. The FUZ is an effective way to ensure future residential development is co-ordinated with infrastructure provision and environmental effects are addressed prior to urban zoning. FUZ would require future planning and would enable a spatial structure plan to consider the wider growth area, enabling greater integration.

*Costs and benefits*

142. The benefits of the FUZ are that it gives certainty to the developer that this area can be urbanised in future. It allows the developer to carry out the required investigations on the site and address environmental effects through future structure planning. It also promotes integration of the site with surrounding future development areas.

*Risk of acting or not acting*

143. As recognised by the submitter, there is currently insufficient information on infrastructure provision and environmental effects to support a change to a Residential Zone.

*Decision about most appropriate option*

144. For the reasons above, a FUZ applying to the Rangitahi South land is considered to be the most appropriate way to achieve the strategic and infrastructure objectives of the PWDP, and give effect to the NPS-UD and the WRPS.

Koning land

145. Appendix 2 to Mr Kirkby-MacLeod's EIC also contains a s32AA assessment in support of a change from Rural to Residential zone for the Koning land. I am recommending a change from Rural to FUZ, so I have provided my own s32AA assessment focussing on the points that have led to a different recommendation.

*Appropriateness of achieving the objectives*

146. PWDP Strategic objectives 1.5.1(b), 1.12.3(c), 1.5.4(c), 1.12.8(b)(iii) and objective 4.1.2(a) refer to the settlement / growth pattern being compact, focused around existing towns and consistent with Future Proof. A FUZ zone is an appropriate method to implement those objectives, by signalling that while partially outside the Future Proof 2017 indicative urban limits, the development of the Koning land is largely consistent with these objectives.
147. A FUZ zone gives better effect to the NPS-UD Objective 6 and WRPS Policy 6.3 and better implements PWDP Objective 6.4.1 and Policies 6.4.2 and 6.4.3 seeking that adequate infrastructure is provided for, and integrated with, subdivision, use and development, compared to a live residential zone. It also better implements Policy 4.1.8 seeking to ensure effective integration within and between new developments and existing areas.
148. A FUZ zone gives time to address Tangata Whenua objectives in PWDP Chapter 2 and how they may apply to this land.

*Other reasonably-practicable options*

149. The options include:

- Do nothing / status quo (retain Rural zone).

I consider that sufficient information has been provided in the evidence to demonstrate this land is suitable in principle for an urban zoning;

- Residential zone (as requested by submitter).

My analysis above sets out the reasons why I cannot support a residential zone at this time, as there is insufficient integration between the sought residential zone and infrastructure provision, and some information on environmental effects is missing.

- Future Urban zone (as recommended).

My analysis above sets out the reasons why I support a FUZ at this time, as it will ensure future residential development is co-ordinated with infrastructure provision and all environmental effects are addressed prior to urban zoning.

*Effectiveness and efficiency*

150. The FUZ is an effective way to ensure future residential development is co-ordinated with infrastructure provision and environmental effects are addressed prior to urban zoning. It would be more efficient to live zone the land now instead of through a future plan change process if all the required information was provided and all effects on the environment addressed, but in my view they have not been. FUZ would require future planning and would enable a spatial structure plan to consider the wider growth area, enabling greater integration.

*Costs and benefits*

151. The economic benefits identified of increased residential supply will be delayed under a FUZ, and realised at a later date. If Raglan has a short-term residential supply issue, this will continue. The submitter will potentially incur the costs of a future private plan change. The FUZ zone provisions as proposed by Mr Cleese also restrict some of the activities that could be usually undertaken in a Rural zone.

152. The benefits of the FUZ are that it allows for outstanding issues to be addressed which will enable remaining environmental, social and cultural effects to be better considered. It also promotes better integration of the site with surrounding future development areas and ensures integration with the provision of infrastructure.

*Risk of acting or not acting*

153. There is insufficient information on infrastructure funding and some of the environmental effects to support the Residential Zone.

154. Live residential zoning without the required infrastructure in place or funded can create an unreasonable expectation that development can occur immediately. Live residential zoning with the submitter's current proposed provisions carries a risk of adverse environmental effects.

155. A FUZ does not have these same risks.

*Decision about most appropriate option*

156. For the reasons above, a FUZ applying to the Koning land is considered to be the most appropriate way to give effect to NPS-UD Objective 6, and achieve the strategic and infrastructure objectives of the PWDP, and give effect to the NPS-UD and the WRPS.

## 5 Business / Industrial Rezoning

### 5.1 Submissions

157. This section addresses submissions concerned with the location of business and industrial zones in the Raglan area. Four submissions were received in relation to this topic:

Submission point	Submitter	Decision requested
414.2	Chris Rayner	Amend the Raglan Business Zone to include all of Bankart Street and 8, 10 and 12 Wainui Road, with possible consideration given to 4 Stewart Street.
<i>FS1114.17</i>	<i>Fire and Emergency New Zealand</i>	<i>Support</i>
414.6	Chris Rayner	No specific decision is sought, but the submitter questions why there is a large area of land on State Highway 23 just after Lorenzen Bay Road that is now marked to be rezoned Business.
831.50	Gabrielle Parson on behalf of Raglan Naturally	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.
943.33	McCracken Surveys Limited	Amend the zoning at the properties in Raglan on the north-eastern side of the intersection with Hills Road and State Highway 23 Raglan, from Residential Zone to Business Zone, as shown on the plans attached to the original submission and labelled "Proposed Business Zone and Indicative Road Layout – Submission".
<i>FS1218.1</i>	<i>Stewart Webster</i>	<i>Support</i>
<i>FS1325.2</i>	<i>Avondale Trust</i>	<i>Support</i>
<i>FS1387.1580</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>

### 5.2 Analysis

158. **Chris Rayner [414.2]** seeks that the Raglan Business Zone (understood to be referring to the Business Town Centre Zone in Raglan) is extended over the properties on Bankart Street and Wainui Road shown outlined in red on Figure 10 below. He also suggests consideration is given to rezoning 4 Stewart Street.
159. The submitter reasons that 12 Wainui Rd and 4 Stewart St are both very large sections very close to the town centre and are well located for future commercial development. The submitter also considers that intensive residential development is not suited to these properties due to the noise of the emergency services siren from the nearby fire and ambulance station. *FS1114.17 Fire and Emergency New Zealand* agrees that the land is better suited for business activity as opposed to residential activity.



Figure 10: Bankart Street and Wainui Road Business Overlay

160. As previously discussed in section 2, the Business Overlay was implemented through Plan Change 14 to the Operative District Plan in 2016 and retains a residential underlying zone. Many of the subject properties were (and still are) used for non-residential uses. The business overlay provisions have been rolled over in the PWDP. The site at 4 Stewart Street is not included in the business overlay.
161. The reason at the time for not fully rezoning sites to business was due to feedback from the community, who favoured retaining the current zoning but allowing a mechanism for future business development and use. A mechanism was also supported to ensure adverse effects on the directly adjoining residential zoned properties to the rear were controlled, so the overlay acts to ensure buildings are residential in scale and business opening hours are limited.
162. Since the submission was received, 12 Wainui Street has been redeveloped with terraced housing.
163. The subject land is within the area shown on Waikato 2070 for expansion of the town centre in a 3-10 year timeframe.
164. Although I agree this land has been identified as suitable for future commercial development, I consider that the Bankart/Wainui overlay from the recent plan change sufficiently enables such activities for the time being as it enables redevelopment while protecting adjacent residential properties (business activities are not currently enabled on 4 Stewart Street, which is a result of the overlay boundaries applied by Plan Change 14).
165. I consider that a town centre plan and a subsequent separate plan change is the appropriate process to comprehensively consider the future town centre zone boundaries to reflect the Raglan Development Plan in Waikato 2070. This is likely to include Town Centre zone being applied beyond Bankart Street. That wider rezoning is beyond the scope of this submission.

Without being able to consider the town centre comprehensively I do not support rezoning specific sites. I therefore consider the notified zones to be the most appropriate to achieve the integrated and master-planned approach to growth sought by the PWDP strategic objectives.

166. **Chris Rayner [414.6]** has also submitted in relation to an area of Business Zone on SH23 just south-east after Lorenzen Bay Road. He states this Business Zone is larger than any newly zoned business land in the town centre and he opposes a satellite strip of shops out of town, due to impacts on the Town Centre Zone as a community focal point.
167. The area of land referred to along SH23 was zoned Business in the operative plan as a result of the 2006 Lorenzen Bay Structure Plan process. The area of Business zone shown on the proposed plan is the same as that on the Operative District Plan. It has not yet been developed, but is intended to service the future residential growth in Lorenzen Bay as well as wider Raglan. This area is discussed in more detail in response to McCracken Surveyors' submission below.
168. **McCracken Surveyors [943.33]** (on behalf of client Ellmers Development Ltd) seeks to rearrange and extend this business zoned area as shown in Figure 11 below. The reason is 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 (2,250m<sup>2</sup>).

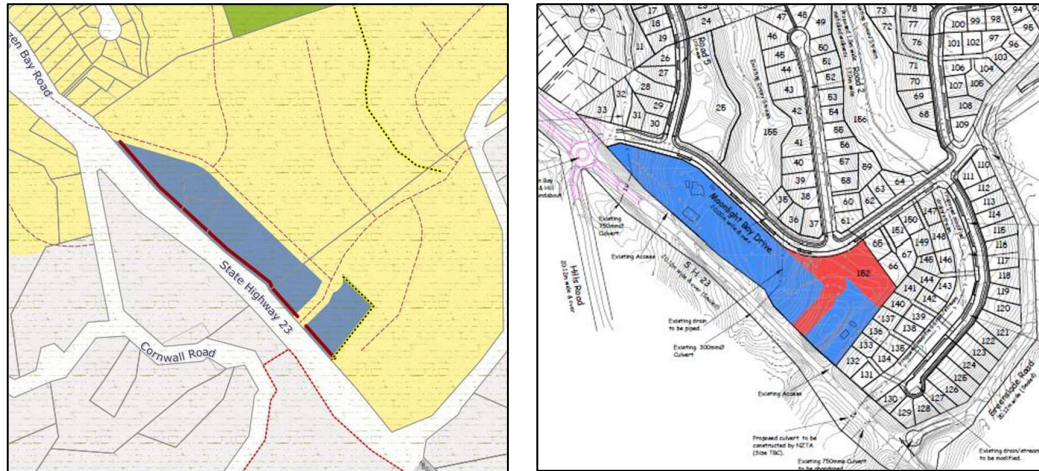


Figure 11: Lorenzen Bay Business zone existing zoning map (left, blue area) and map showing proposed additional zoning area in red (right) from evidence

169. Through subdivision processing for this greenfields area, Council has supported a new roundabout access near the intersection of SH23, Hills Road and Lorenzen Bay Road and the removal of the indicative south-eastern road entrance to the structure plan area. McCracken Surveyors proposes a rearrangement of the south-eastern end of the Business Zone, to better match the roading layout for the subdivision application currently being processed by Council. This would result in an additional 5,730m<sup>2</sup> of Business Zone to what is currently zoned (1.94ha).<sup>27</sup> The submitter cites limited Business Zone land in Raglan.
170. 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. However, from the rezoning map included in

<sup>27</sup> EIC of Mr Barrett for Ellmers Development Limited [943.33], para 7.

planning evidence by Mr Barrett on behalf of Ellmers Development [943.33], I understand this part of the rezoning is not being pursued.

171. The submission is supported by *FS/218.1 Stewart Webster* and *FS/325.2 Avondale Trust* who are also concerned with a lack of Business land in Raglan.
172. This area has been live zoned for some time and accounted for within infrastructure planning. The existing structure plan and latest subdivision plans have given detailed thought towards the logical roading connections within the area. The need for business land in this location was previously confirmed through the structure plan process, although this was over 10 years ago. There is no other vacant business zoned land within Raglan.
173. In the Business Development Capacity Assessment 2017 there is sufficient supply of commercial, retail or industrial land in the Raglan ward. When adding a margin over and above demand, the amount of industrial and retail demand is getting close to supply.<sup>28</sup> The Framework Report notes that land use demand for employment zones has changed since the 2017 report, and additional employment land (particularly industrial) is required within the District. Therefore, I agree with Mr Barrett that the increase in business land will likely have an economic benefit.
174. The submission seeks a relatively modest scale of amendment to an existing urban zone, and the land is not within any special areas/overlays under the PWDP. I do not consider that the submission to change the zone reduces the PWDP giving effect to higher order policy documents including the NPS-UD and WRPS, due to its scale and location.
175. The retention of a residential zone where the road was previously anticipated, but no longer supported, would amount to an illogical outcome. I note the planning evidence of Mr Barrett (para 15) that the shape of the revised road curve does not lend itself to residential lots on the directly adjoining land. The proposed extension of the Business Zone boundary appears to be more efficient to me in light of the proposed road layout, as it will extend to where the road curve finishes. Consideration of the subdivision application and final road layout is well advanced as a consent application was lodged in 2018, and Waikato District Council's roading team is in support of the intersection location and removal of the second intersection. NPS-FM issues are the main reason the consent is currently on hold, but the land subject to the submission is located away from the streams and wetlands that could necessitate an adjustment to roading.
176. Therefore, I support the amended rezoning proposal in Mr Barrett's evidence as it reflects the likely detailed design of the subdivision, on the basis of the latest information available.
177. **Gabrielle Parson on behalf of Raglan Naturally [831.50]** seeks 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.
178. As I noted earlier, no industrial land shortage was identified for Raglan in 2017. In 2016, Plan Change 14's rezoning resulted in 8.42ha of industrial land at Nau Mai Business Park which was considered adequate to service expected future demand, and this is included in the proposed plan. More recently, however, it has been established that more industrial land is required for the Waikato district as a whole (see para 173 above).

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<sup>28</sup> Figures 7.23 and 7.24, Market Economics Business Development Capacity Assessment 2017 for Future Proof partners.



179. I consider that the change of zone sought in the submission would fail to give effect to VRPS Policy 6.14 which limits new industrial growth to strategic growth nodes, and is generally inconsistent with PWDP Policy 4.1.6(b), as Raglan is not one of the identified industrial strategic growth nodes. Not enough specific information on location or any evidence was provided by the submitter for me to carry out a detailed analysis against VRPS policies for alternative land release. On that basis I recommend the submission be rejected.

### 5.3 Recommendations

180. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** Chris Rayner [414.2];
  - (b) **Reject** Chris Rayner [414.6] on the basis that no specific relief was sought and the business zone is to be retained;
  - (c) **Accept in part** McCracken Surveyors [943.33] to the extent that the south-eastern business rezoning supported by the evidence is accepted as shown on Figure 12 below;
  - (d) **Reject** Gabrielle Parson on behalf of Raglan Naturally [831.50].

### 5.4 Recommended amendments

181. The following amendments are recommended:

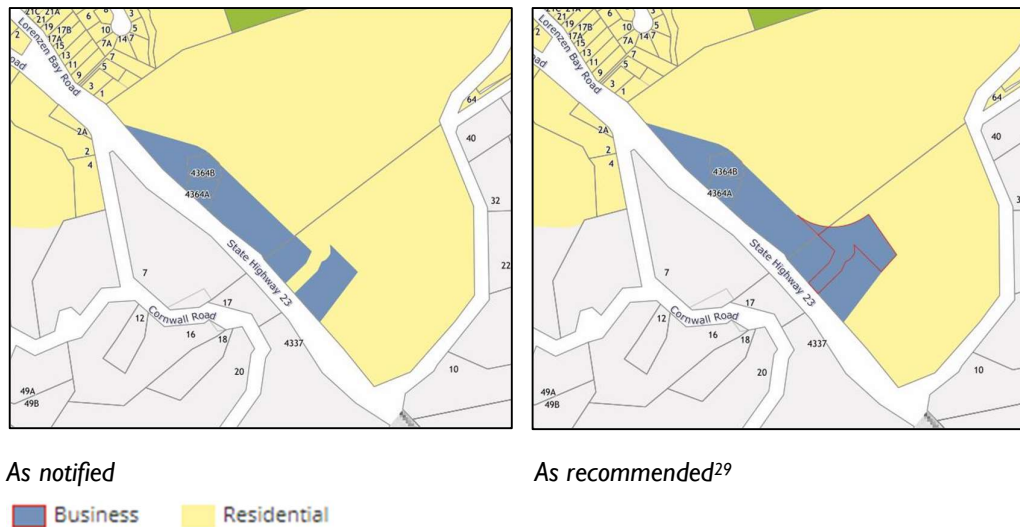


Figure 12: Business rezoning recommendation

### 5.5 Section 32AA evaluation

182. Mr Barrett has provided a s32AA assessment of the proposed change attached to his evidence. I utilise some of this assessment below.

#### *Other reasonably-practicable options*

183. The options include:

- Do nothing / status quo (retain residential zone).

<sup>29</sup> McCracken Surveyors [943.33]



I consider that the existing residential zone, in particular the strip around the indicative road, is no longer appropriate given the removal of the south-eastern intersection.

- Business zone boundary adjustment (as sought and recommended).

My analysis above sets out the reasons why I support this adjustment, which reflects the latest subdivision application and the removal of the south-eastern intersection.

*Effectiveness and efficiency*

184. The recommended zone change implements the existing Business Zone objectives as well as higher order growth strategy outcomes.

*Costs and benefits*

185. Mr Barrett states that all development/infrastructure costs associated with the subdivision will remain with the developer. The benefit is a Business Zone better able to provide for future growth and avoid ad hoc and unconventional boundaries in favour of more rational and pragmatic zone boundaries less likely to result in reverse sensitivity.

*Risk of acting or not acting*

186. The risk of acting to rezone now is that the roading layout may still slightly change through the processing of the subdivision application. However, there is enough information that there is a high probability that the south-eastern entrance into the subdivision area will be removed, and the existing zoning pattern is therefore no longer appropriate.

*Decision about most appropriate option*

187. For the reasons above, amendments to the extent of the Business Zone are considered to be the most appropriate way to give effect to the WRPS and implement the strategic and business zone objectives of the PWDP.

## 6 Medium Density Residential Zone

### 6.1 Submissions

188. This section addresses a submission seeking a medium density residential zone (MDRZ) be applied in Raglan. This is part of **Kāinga Ora's** submission point **[749.154]**.

### 6.2 Analysis

189. Kāinga Ora has provided planning, economic, transport and urban design evidence in support of its request. Through this evidence, the area sought to be MDRZ has been refined from that shown in the original submission to the light orange sites on Figure 13 below. This is based on a ground truthed, logic checked walkable catchment of 400m from the Business Town Centre zone “reflective of the settlement’s location outside of the strategic growth corridor which extends between Auckland and Hamilton. As such, Raglan has reduced accessibility to a wider range of employment opportunities to support a larger population than the other centres”.<sup>30</sup>
190. A further submission particularly relevant to Raglan was made by *FS1276.152 Whaingaroa Environmental Defence Inc. Society* in opposition, seeking retention of the valued existing low-density character of Raglan.

<sup>30</sup> MDRZ Extent Methodology Report (Appendix 5 to EIC of Mr Stickney), pg 19.



Figure 13: Location of Raglan MDRZ sought by Kāinga Ora (light orange)

191. Mr Cleese for Waikato District Council has prepared a report recommending Kāinga Ora's submission be accepted in part and a MDRZ be included in the PWDP, and will be reporting on the specific provisions in his "Thematic Issues – 16 April" s42A report. The physical extent of the MDRZ proposed within Raglan is to be checked at a town centre-specific level as part of this report.

#### 6.2.1 Statutory Assessment

192. As per the National Planning Standard, a medium density residential zone is to apply to "Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities." I generally accept Kāinga Ora's evidence on the statutory direction from the NPS-UD and WRPS that intensification of housing is required in key locations, supporting the need for a MDRZ. I note that both Kāinga Ora and Mr Cleese have stated in principle that this zone should apply to Raglan. I also note that PWDP Policy 4.1.18 Raglan is that infill and redevelopment of existing sites occurs, and a variety of housing densities is provided for.
193. As discussed earlier in section 3.5 of this report, Waikato 2070 shows the Raglan town centre expanding to the south in the next 3-10 years, over land which is subject to the Kāinga Ora submission. The rezoning of this area is anticipated to occur through a plan change following the preparation of a town centre plan, as per the Implementation process set out in Waikato 2070. The area includes the Bankart / Wainui Business Overlay area discussed earlier in section 5 of this report.
194. The planned town centre expansion gives effect to NPS-UD and WRPS policies about town centres and business land that need to be considered alongside those supporting residential intensification. These include:

- NPS-UD Objective 1 and Policy 1 is that well-functioning urban environments enable people to provide for social, cultural and economic wellbeing, enabling a variety of sites suitable for different business sectors;
  - NPS-UD Objective 3 is that more businesses and community services be located in or near centres, and areas with high demand, as well as enabling more people to live in these areas;
  - NPS-UD clause 3.3 requires sufficient development capacity to be provided for business land;
  - WRPS Objective 3.12 and Policy 6.16 is that a level of commercial development is provided that meets the community's needs primarily through consolidating such activities in existing commercial centres; and that the role of sub-regional commercial centres is maintained and enhanced.
195. Therefore, I do not support a change of zone to MDRZ over the future town centre expansion area shown in Waikato 2070 (an area of approximately 44,000m<sup>2</sup>), as short-term redevelopment of these sites to medium density housing would potentially foreclose commercial redevelopment opportunities for these sites in the 3-10 year timeframe sought. However, when Council looks to expand the town centre zone through a future plan change, the appropriate location of MDRZ around the expanded centre should also be considered.
196. In relation to the remainder of MDRZ sought, I note that Waikato 2070 did not show any intensification/medium density development in Raglan township, unlike many of the other Waikato towns. I earlier noted my position that Raglan is not an 'urban environment' under the definition of the NPS-UD, meaning the NPS-UD does not require any specific building heights in the Raglan context. I acknowledge that as a result of Raglan's desirable attributes and residential supply issues, there is likely to be some demand for medium density housing. For example, an 11-unit terraced housing development on the corner of Stewart Street and Wainui Road has sold over half of the houses before completion, at the time of drafting this report.
197. I have also reviewed the section 42A report for PWDP Hearing 16 Raglan which addressed a number of submissions in opposition to multi storey development in Raglan on the basis of effects on its special character. Through this process, Raglan was found to have a special character, and post-hearing Council was directed to prepare plan provisions protecting this, in consultation with submitters.
198. Policy support for this approach is found in WRPS Objective 3.21: "*The qualities and characteristics of areas and features, valued for their contribution to amenity, are maintained or enhanced*" and Policy 12.3 is to maintain and enhance areas of amenity value. WRPS Policy 6.1 also requires development of the built environment to have regard to the existing built environment, and address potential cumulative effects.
199. Council's recommended plan provisions following Hearing 16 (December 2020 version) to protect Raglan's special character do not refer specifically to what density is appropriate. They refer to maintaining a human scale of development, and a relaxed and informal character. Buildings that require resource consent are to be assessed for matters including appearance, scale, form, and massing.
200. It was recorded that submitters apart from Kāinga Ora were in opposition to increased residential density around the town centre, and felt that larger buildings than detached single level dwellings should be discouraged. The matter of appropriate location for medium density

housing remained in contention, and no amended zoning provisions were recommended. However, it was also recorded that there was general support for enabling affordable housing and tiny houses.

201. I consider that an increased density of dwellings is not necessarily inconsistent with the position reached on Raglan's special character, depending on design and placement. However, Kāinga Ora's proposed MDRZ provisions allow up to three residential dwellings per site as a permitted activity, whereas the intention of the December 2020 Raglan special character provisions was that all medium density proposals would require consent and be subject to the assessment criteria. A Raglan-specific modification to the MDRZ provisions would be required to carry this intention through.
202. Alternatively, the status quo (notified) approach where medium density can be authorised on a site-by-site basis in the general Residential zone could be retained for Raglan. However I consider this would create uncertainty as to the appropriateness of medium density development. Aspects of the MDRZ proposed by Kāinga Ora appear beneficial in promoting infill, affordable housing and places for smaller houses; including permitting three dwellings per site and the reduced subdivision lot size of 200m<sup>2</sup>. I therefore see merit in applying a MDRZ at Raglan now.
203. I consider that it is inappropriate to apply the 11m building height limit in Kāinga Ora's submitted MDRZ provisions to Raglan, in light of Raglan's special character having been established to include a human scale of development, and my understanding that building height forms an important part of the local submitters' view of Raglan's character.
204. An 11m height for residential activity is generally incompatible with the achievement of the December 2020 recommended Raglan special character objective and policy. Although these provisions are not within the notified PWDP, I consider the issue of development needing to keep within character to be justified under the WRPS provisions around amenity values (Objective 3.21, Policies 6.1 and 12.3).
205. I have discussed this approach with Brad Coombs, Landscape Architect and author of the Raglan Character Study, and he agreed with my position. He further added that the particular special character identified at Raglan focuses on the relationship between the settlement and the coastal edge. In his view, properties adjacent to the coastal edge of Cliff Street and Wainui Road should therefore be protected from both increased heights and increased density. With a more nuanced approach considering property characteristics (elevation, topography, aspect, connectivity and parcel size etc), Mr Coombs stated that some MDRZ could potentially be incorporated in the remainder of Raglan's township, but that the broad-brush approach promoted by Kāinga Ora could potentially adversely affect the special character of Raglan across a wide area of the settlement. I therefore do not support the MDRZ applying to the blocks of land adjoining Cliff Street and Wainui Road.
206. Should the Panel be minded to incorporate the Raglan special character provisions, including the protection of a 'human scale' of development, within the PWDP, I recommend that either:
  - the application of the MDRZ be fully deferred from Raglan, or
  - the MDRZ as it applies to Raglan be amended to draw it back from the coastal edge and include a precinct or additional rules which apply a lower 7.5m height limit (as per the notified height limit), and ensure the special character assessment criteria apply to new medium density developments.

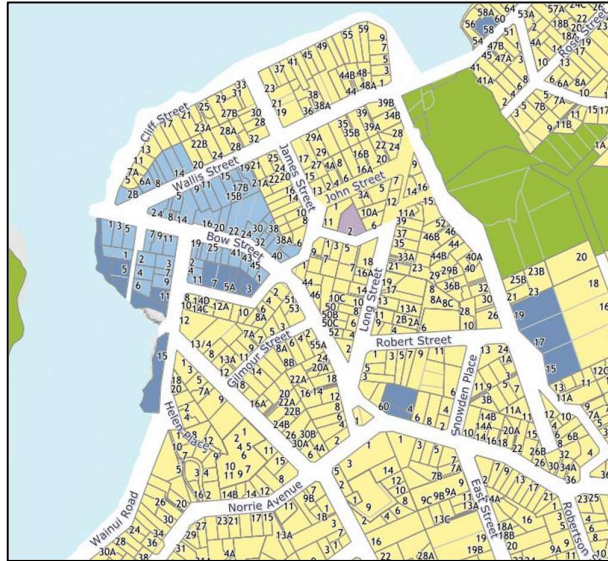
### 6.3 Recommendations

207. For the reasons above I recommend that the Hearings Panel:

- (a) **Accept in part** Kāinga Ora [749.154] to the extent that a reduced area at Raglan be rezoned MDRZ as shown on Figure 14 below, and the MDRZ provisions that apply to Raglan be modified so that proposals are assessed against the special character criteria and a 7.5m height limit applies; *accept in part* FS1276.152 Whaingaroa Environmental Defence Inc. Society.

#### 6.4 Recommended amendments

208. The following amendments are recommended:



As notified



As recommended<sup>31</sup>

Medium Density Residential
  Residential
  Business
  Business Town Centre

Figure 14: Medium Density Residential rezoning recommendation

<sup>31</sup> Kāinga Ora [749.154]

209. Consequentially I recommend that the Bankart Street and Wainui Road overlay provisions within the MDRZ chapter submitted by Kāinga Ora not be included in the MDRZ zone chapter, as I am not recommending this area be zoned MDRZ. These are currently found in 4.2A.5, 16A.1.2 (P10), 16A.2.2, and 16A.3.6 (P3).
210. I have not recommended specific wording amendments to the MDRZ chapter submitted by Kāinga Ora in this report, but have conveyed my recommendations to Mr Cleese who will consider appropriate provisions in his “Thematic Issues – 16 April” s42A report.

## 6.5 Section 32AA evaluation

211. The evidence from Kāinga Ora provides a comprehensive analysis of options under section 32AA.<sup>32</sup> I am recommending a modified extent of MDRZ rezoning and potential amendments to provisions, so I have provided my own s32AA assessment focusing on the points that have led to a different recommendation.

### *Appropriateness of achieving the objectives*

212. An increase in residential density around the Raglan main centre and allowing infill development gives effect to the NPS-UD development capacity and housing affordability objectives. It is appropriate to implement PWDP Objective 4.1.2 and Policy 4.1.18(a)(i). However, PWDP Objective 4.1.7 is that development in the residential zones reflects the existing character of towns. A further objective 4.8.1.1 is proposed in the December 2020 Raglan special character report: “*The key characteristics and attributes that define, contribute to, or support the Raglan Special Character Area are not compromised by incompatible development*”.
213. I have concluded that modifications to the proposed location, building height and design assessment criteria for the MDRZ as applied to Raglan are appropriate to implement the PWDP objectives around the character of towns and of Raglan in particular.
214. Protection of the town centre expansion area identified on Waikato 2070 for future business and town centre use is appropriate to achieve PWDP Objective 4.5.12 seeking town centres are maintained, enhanced and promoted as a community focal point, serving the needs of the community.

### *Other reasonably-practicable options*

215. The other options include:
- Do nothing / status quo (retain Residential zone). I see merit in aspects of the MDRZ applying to Raglan to promote infill, provision of affordable housing and places for smaller homes.
  - Standard MDRZ zone within a 400m catchment of the town centre (as requested by submitter). As discussed above, I consider it inappropriate to include town centre expansion area and coastal edge areas within the MDRZ.
  - Modified extent of MDRZ to exclude town centre expansion area. I support this modification to promote enhancement of the role of the existing commercial centre.
  - Modified provisions of MDRZ to recognise Raglan’s special character. I support this modification to protect the special character identified.

### *Effectiveness and efficiency*

<sup>32</sup> Annexure I to Planning EIC of Mr Stickney [749.154].

- 216. The town centre expansion planned to enhance the town's ability to serve the community's needs will be able to occur more efficiently if less recent redevelopment and investment has been enabled on the expansion land. The relevant objectives supporting the ongoing enhancement of existing town centres will be achieved more effectively.
- 217. Having custom Raglan MDRZ provisions would be more effective at achieving the amenity and character-based objectives identified through Hearing 16.

*Costs and benefits*

- 218. There will be some longer-term economic benefits to the town centre from not foreclosing options to infill and consolidate the town's commercial environment in the 44,000m<sup>2</sup> town centre expansion area.
- 219. A modified MDRZ or the status quo residential zone better provides for the retention of Raglan's special character, but has economic costs in reducing redevelopment potential and future dwelling capacity for the town. Less infill development is likely to increase the requirement for greenfields expansion.
- 220. A modified MDRZ would still allow for two storey infill development, and the creation of smaller sections which could accommodate more affordable housing and tiny homes, better than the standard Residential Zone. With the special character assessment criteria applying, the effects on Raglan's character would be adequately considered.

*Risk of acting or not acting*

- 221. There is sufficient information to understand that to proceed with the MDRZ rezoning as proposed carries a risk of eroding and losing the special character of Raglan that has been identified as needing protection.

*Decision about most appropriate option*

- 222. For the reasons above, the amendment to the extent of rezoning sought by Kāinga Ora and amendments to the submitted MDRZ provisions as they apply to Raglan are considered to be the most appropriate way to achieve PWDP Objectives 4.5.12, 4.1.7 and proposed new Objective 4.8.1.1.

## 7 Small scale Rural / Country Living Rezoning

### 7.1 Submissions

- 223. This section addresses submissions focusing on the zoning of a single site, generally seeking rezoning of that site from Rural to a Country Living or Residential zone. Some of the submissions also expanded the rezoning sought to neighbouring properties.
- 224. Six submission points were received relating to small scale rural rezonings. One of these submissions sought to retain the proposed zoning.
- 225. These submissions were made:



Submission point	Submitter	Decision requested
<b>16.1</b>	<b>Brett Beamsley</b>	Amend the zoning for 64 Upper Wainui Road, Raglan and the remaining smaller sections along Upper Wainui Road from Rural Zone to Living Zone.
<i>FS1386.13</i>	<i>Mercury NZ Limited</i>	<i>Oppose 16.1</i>
<b>232.2</b>	<b>Mark Mathers</b>	Retain the proposed Country Living Zone for the property at 536 Wainui Road, Raglan.
<i>FS1386.232</i>	<i>Mercury NZ Limited</i>	<i>Oppose 232.2</i>
<b>301.1</b>	<b>Lizbeth Hughes</b>	Amend the zoning of the property at 17 Calvert Road, Raglan from Rural Zone to Residential Zone.
<i>FS1276.2</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose 301.1</i>
<i>FS1386.337</i>	<i>Mercury NZ Limited</i>	<i>Oppose 301.1</i>
<b>669.4</b>	<b>Bernard Brown</b>	Amend the Rural zoning of the property located at 759 Wainui Road, Raglan (Property Number 1013542) to reflect the use of the property, e.g. Residential.
<i>FS1040.4</i>	<i>Bernard Brown Family Trust</i>	<i>Support 669.4</i>
<i>FS1276.146</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Oppose 669.4</i>
<i>FS1387.131</i>	<i>Mercury NZ Limited</i>	<i>Oppose 669.4</i>
<b>774.2</b>	<b>Stuart Cummings</b>	Amend the zoning of the property at 593A Wainui Road, Raglan, 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.
<b>866.1</b>	<b>LG Enterprises</b>	Amend the zoning of the property at 4337 State Highway 23, Raglan from Rural Zone to Country Living Zone.

## 7.2 Analysis

226. No evidence was received in support of any of the above submissions.
227. **Lisbeth Hughes [301.1]** seeks to amend the zoning of the property at 17 Calvert Road, Whale Bay from Rural Zone to Residential Zone, and submits that it has always been used for residential purposes (see Figure 15 below). This submission is opposed by *FS1276.2 Whaingaroa Environmental Defence Inc. Society* as the area is important in the visual and natural linkage of Mt Karioi to the sea.

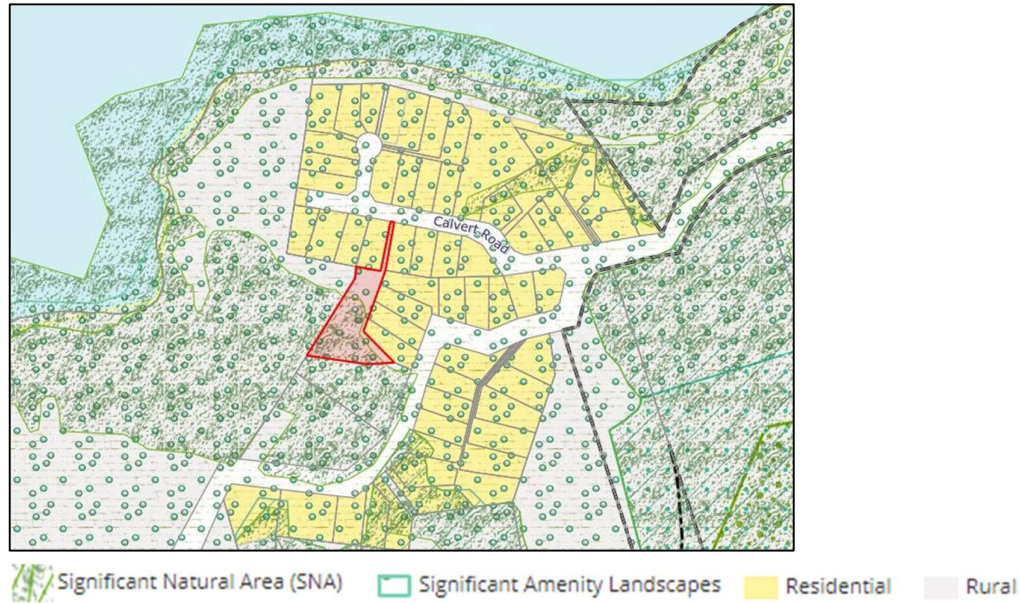


Figure 15: 17 Calvert Road, Whale Bay – residential rezoning sought by 301.1

228. This subject site is mostly within a Significant Natural Area (SNA), with an existing dwelling outside of the SNA. The rural zone is not incompatible with residential activity (being a permitted activity in this zone) and allows the existing residential use of the site to continue, while discouraging further development from occurring within the SNA. I consider the requested rezoning to be unnecessary and inconsistent with the SNA classification.
229. **Bernard Brown [669.4 and FS1040.4]** seeks to amend the Rural zoning of 759 Wainui Road, Raglan to reflect the residential use of the property, e.g. to Residential zone (Figure 16 below). The submitter considers that the Rural Zone rules are overly onerous for their smaller sized property. The property is also serviced by reticulated wastewater. The submission is opposed by *FS1276.146 Whaingaroa Environmental Defence Inc. Society*, as zoning does not affect existing uses.
230. I agree with the further submitter that no zone changes are required to enable the existing residential use of the property. I acknowledge that resource consent would be required if a replacement dwelling was proposed, due to the 25m separation distance required from neighbouring rural sites under PWDP Rule 22.3.7.1 (PI). However, this is in accordance with proposed plan provisions intended to manage the reverse sensitivity effects within the rural zone. This site is isolated from any other urban zoned site and the relief sought would constitute a spot zoning. For these reasons I do not support the request.

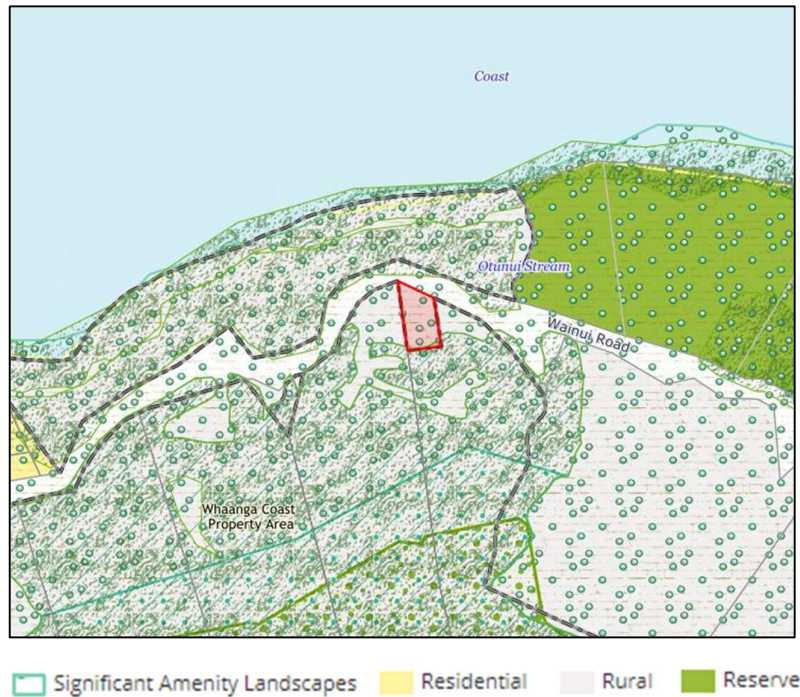


Figure 16: 759 Wainui Road – residential rezoning sought by 669.4 and FS1040.4

231. **Stuart Cummings [774.2]** seeks 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 (see Figure 17 below). The submitter's reasons are that the land used to be zoned Coastal but is now proposed as Rural, and there is nothing about the property and surrounding properties that is rural in nature.

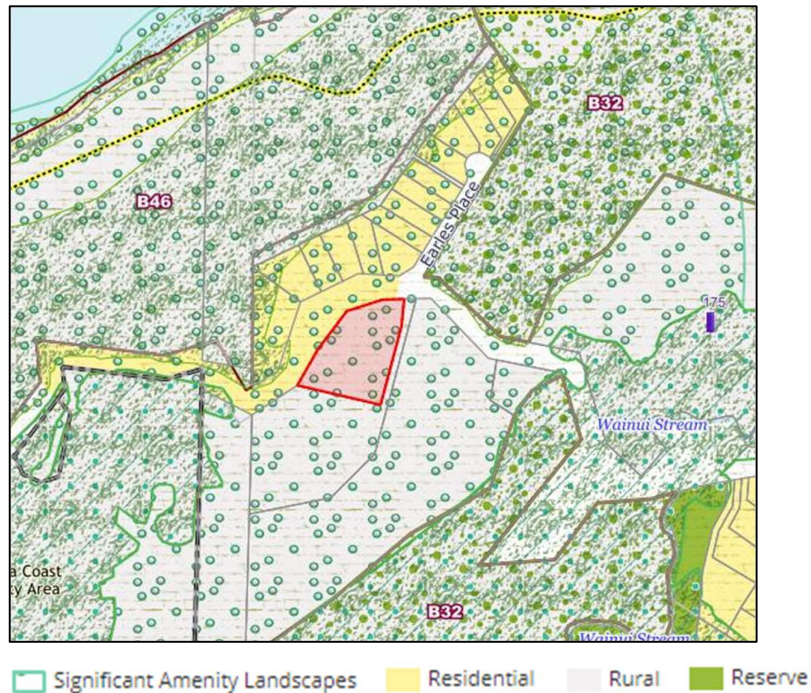


Figure 17: 593A Wainui Road – country living rezoning sought by 774.2



232. The Rural Zone is the closest equivalent to the previous Coastal Zone, that applies under the Operative Waikato District Plan to the property, and is consistent with the zoning of surrounding land on the same side of Wainui Road. The rural zone seeks to allow and protect farming and agriculture activities while maintaining a rural character and amenity, which includes permitting some residential dwellings. No Country Living Zone is in the vicinity, and the requested rezoning would constitute a spot zoning. The Framework report has also generally directed there be no more Country Living Zone.
233. I have considered the merits of applying an alternative residential zone. The subject property is 5,000m<sup>2</sup>, significantly larger than the nearby Residential zoned properties on the other side of the road and if zoned residential, would be subdividable to add additional dwellings. From my earlier policy analysis, there is no policy direction supporting residential expansion this far from the Raglan township.
234. For these reasons, I do not support rezoning this site Country Living or an alternative urban zone.
235. **LG Enterprises [866.1]** seeks 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 (see red site on Figure 18 below). The submitter states the property is not suitable for productive rural activities and is close to the existing Raglan village.

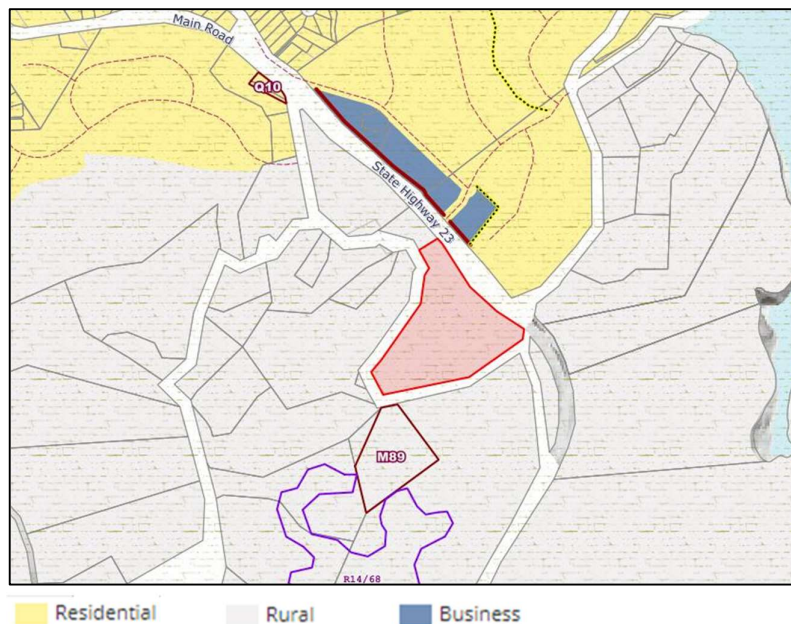


Figure 18: 4337 State Highway 23 – countryside living rezoning sought by 866.1

236. No Country Living Zone is in the vicinity, and the requested rezoning would constitute a spot zoning. The guidance in the Framework report is that generally there be no more Country Living Zone, because this zone does not make the most efficient use of scarce land resources.<sup>33</sup> While this site is near the existing Raglan urban township, it is outside the Future Proof 2017 indicative urban limits and no more urban expansion is planned in this direction in Waikato 2070 so it does not give effect to the WRPS growth policies e.g. Policy 6.14 and the development principles. I therefore do not support this request.
237. **Brett Beamsley [16.1]** seeks to amend the zoning for 64 Upper Wainui Road, Raglan and the remaining smaller sections along Upper Wainui Road from Rural Zone to Living Zone (see

<sup>33</sup> Framework Report by Dr Mark Davey, paras 257-258

Figure 19 below). The submitter states that properties along the northern side of Upper Wainui Road change for no apparent reason from Living to Coastal, while property sizes do not change – and that this is an inequality in zoning.

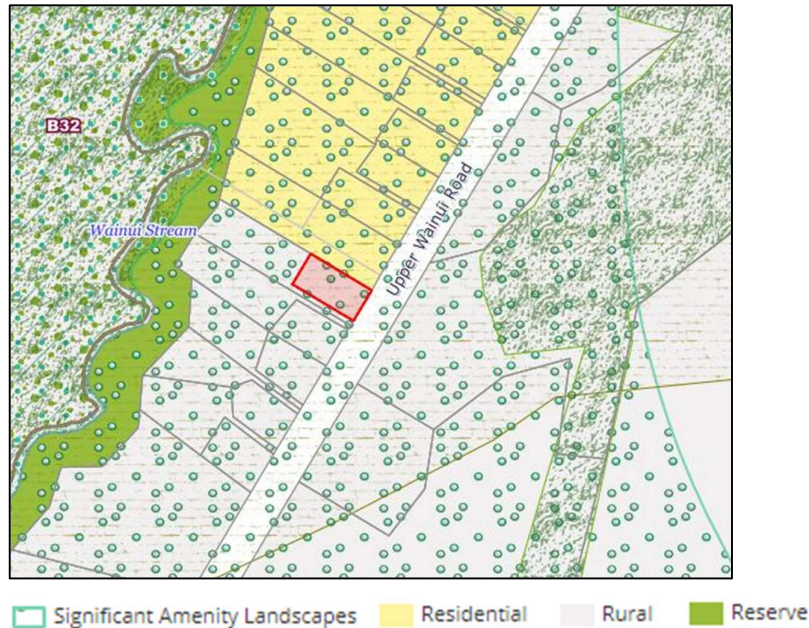


Figure 19: 64 Upper Wainui Road – residential rezoning sought by 16.1

238. The subject property directly adjoins a residential zone. I agree that between 64 and 74A/74B Upper Wainui Road there is no noticeable difference in the nature and character of existing development and lot sizes to the properties at 6 to 62 Upper Wainui Road. The main difference I can discern is that according to Council's GIS, wastewater servicing only extends to 64 Upper Wainui Road (see Figure 20). I note that this wastewater line connects to a pipeline along Wainui Road, which is the same line that Watercare advised Koning was at capacity.<sup>34</sup>

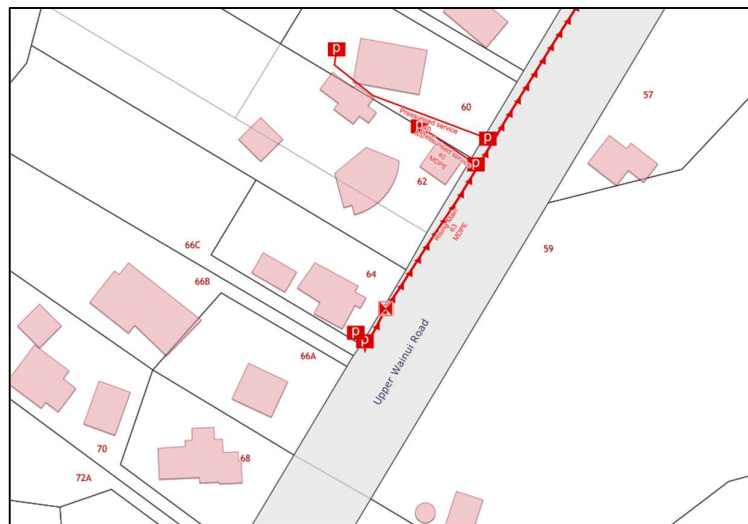


Figure 20: Upper Wainui Road wastewater servicing location

<sup>34</sup> Appendix E to the Three Waters Report attached to Mr Fokianos' EIC for Koning [658.3].

239. As some of the properties beyond 64 Upper Wainui Road would be subdividable under the Residential Zone rules and it appears there is no capacity in the wastewater network to accept further discharges, I do not support extending the Residential Zone further down Upper Wainui Road and increasing the development potential of these sites.
240. **Mark Mathers [232.2]** seeks to retain the proposed Country Living Zone for 536 Wainui Road (see Figure 21 below). No reasons were provided.

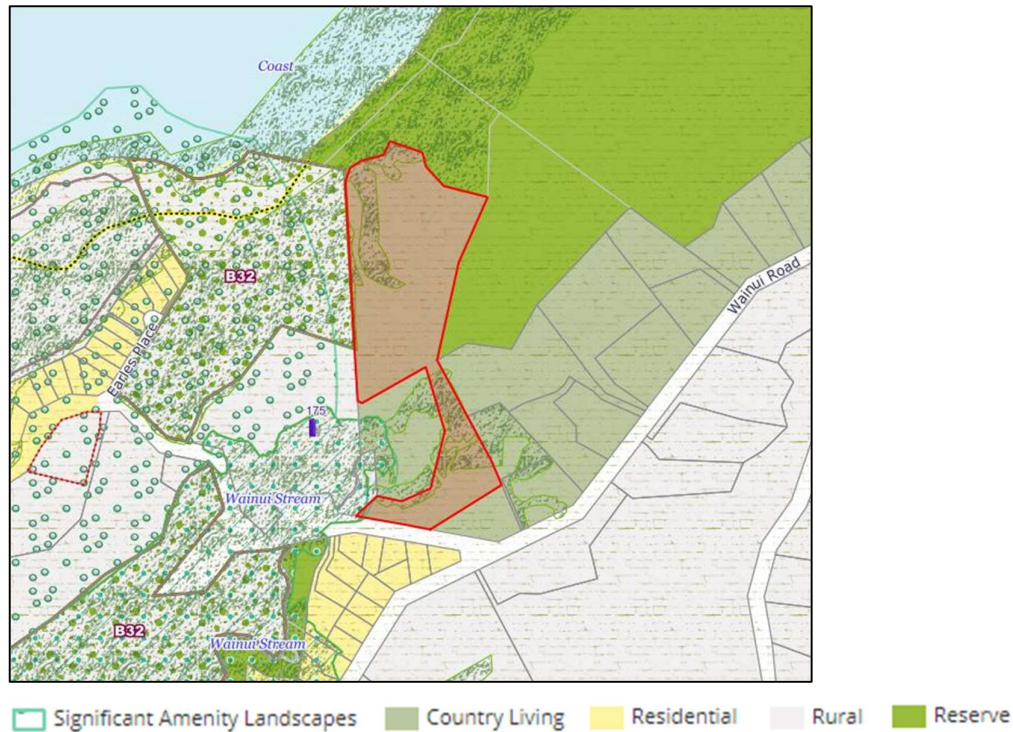


Figure 21: 536 Wainui Road – retain Country Living sought by 232.2

241. I consider that the notified zoning should be retained as the PWDP Stage 2 provisions relating to Coastal Sensitivity Areas can suitably manage the natural hazards concerns raised in the further submission of *FS1386.232 Mercury NZ Limited*, and no other further submissions were received in opposition.

### 7.3 Recommendations

242. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** Lisbeth Hughes [301.1]; accept *FS1276.2 Whaingaroa Environmental Defence Inc. Society*; *FS1386.337 Mercury NZ Limited*
  - (b) **Reject** Bernard Brown [669.4]; *FS1040.4 Bernard Brown Family Trust*; accept *FS1276.146 Whaingaroa Environmental Defence Inc. Society*; *FS1387.131 Mercury NZ Limited*
  - (c) **Reject** Stuart Cummings [774.2]
  - (d) **Reject** LG Enterprises [866.1]
  - (e) **Reject** Brett Beamsley [16.1]; accept *FS1386.13 Mercury NZ Limited*
  - (f) **Accept** Mark Mathers [232.2]; reject *FS1386.232 Mercury NZ Limited*.

## 7.4 Recommended amendments

243. No amendments are recommended.

# 8 General and Miscellaneous

## 8.1 Submissions

244. This section addresses three miscellaneous submissions not coming under the previous topics.

Submission point	Submitter	Decision requested
<b>245.1</b>	<b>Aaron Mooar</b>	Amend the zoning of Raglan Aerodrome (Designation M51) from Rural Zone to Reserve Zone.
<i>FS1276.35</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support 245.1</i>
<i>FS1386.249</i>	<i>Mercury NZ Limited</i>	<i>Oppose 245.1</i>
<b>245.6</b>	<b>Aaron Mooar</b>	Amend the zoning of property 2008178 (Primrose Street, Raglan) currently zoned Recreational in the Operative District Plan to allow for development of a planted stormwater filtration system.
<i>FS1276.272</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support 245.6</i>
<b>802.9</b>	<b>Vera van der Voorden</b>	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.
<i>FS1277.153</i>	<i>Waikato Regional Council</i>	<i>Oppose 802.9</i>

## 8.2 Analysis

245. No evidence was provided in support of any of these submissions.

246. **Aaron Mooar [245.1]** seeks to amend the zoning of Raglan Aerodrome from Rural to Reserve Zone. The reason is to allow it to be used for sports activities, as it is dry during winter, while other sites are underwater and unusable. The submitter states the issues around double use of this site can be managed through council issuing a 'notam' to alert aircraft not to land during recreational uses (as happens currently). The submitter notes resource consents have previously been granted to use the aerodrome for public events.

247. *FS1276.35 Whaingaroa Environmental Defence Inc. Society* supports the submission because of noise and danger from aircraft and a shortage of sports fields.

248. This property is designated by Waikato District Council (M51) for Local Purposes (Aerodrome) Reserve. Michelle Smart, Senior Property Officer at Waikato District Council has advised that Council has a firm preference that the existing rural zoning be retained, and opposes a reserve zone being applied. As Council is the administering owner of the airfield land, I accept that this land is unsuitable as a recreational reserve.

249. **Aaron Mooar [245.6]** also seeks to amend the zoning of a Reserve-zoned property at Primrose Street (see Figure 22 below) to allow for development of a planted stormwater



filtration system. The zone sought is not specified. *FS1276.272 Whaingaroa Environmental Defence Inc. Society* supports the submission, as a planted stormwater filtration system was planned a decade ago but nothing has been done to clean the increasing amount of water pollution from vehicles.

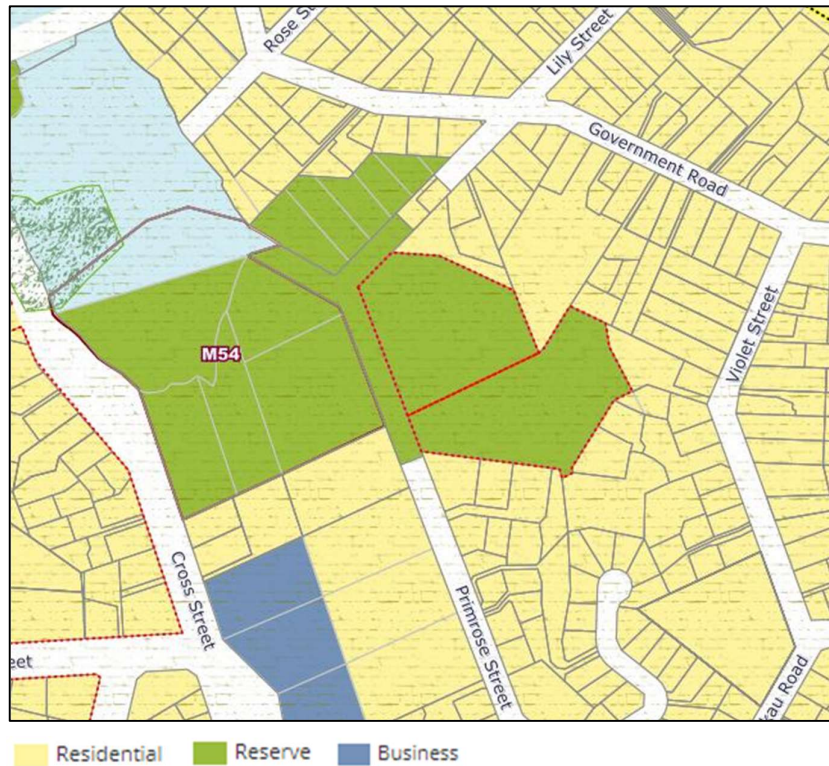


Figure 22: Primrose Street proposed stormwater filtration site sought by 245.6

250. Stormwater filtration activities are not controlled by zone rules but by the Infrastructure rules in Chapter 14, which cover the whole district. PWDP Rule 14.11.1.8 P7 and P8 allow stormwater treatment facilities including filtration, wetlands and ponds as permitted activities throughout the district regardless of zone. I therefore consider the sought rezoning is ineffective at achieving the outcome sought by the submitter. The district plan does not determine whether or not a stormwater filtration system will be installed on this land; rather it would be a Council decision as manager of the land.
251. **Vera van der Voorden [802.9]** seeks 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. The submitter gives the example of Te Uku, which is sited along SH23, being a suitable location for growth due to flat land and existing school and store.
252. Decentralisation of growth is generally inconsistent with the principles for growth set out in the Framework report and the policies of the WRPS and PWDP that promote the Future Proof land use pattern (WRPS Policy 6.14, PWDP Objectives 4.1.2 and 4.1.3). Future Proof 2017 identifies that 20% of growth in the District will be accommodated in rural areas including villages. The focus is to consolidate growth in and around existing towns. To decentralise growth, as sought by the submitter, would be contrary to the WRPS and Future Proof. I understand the merits of a specific rezoning proposal at Te Uku are being assessed in detail in the separate s42A report for “Rest of District”.

### 8.3 Recommendations

253. For the reasons above I recommend that the Hearings Panel:
- (a) **Reject** Aaron Mooar [245.1]; *FS/276.35 Whaingaroa Environmental Defence Inc. Society; accept FS/386.249 Mercury NZ Limited for Mercury C*
  - (b) **Reject** Aaron Mooar [245.6]; *FS/276.272 Whaingaroa Environmental Defence Inc. Society*
  - (c) **Reject** Vera van der Voorden [802.9]; *accept FS/277.153 Waikato Regional Council.*

### 8.4 Recommended amendments

254. No amendments are recommended.

## 9 Conclusion

255. The major change I have recommended is to rezone two large blocks in Raglan west to Future Urban Zone, in light of land being required for expected future residential growth, and the location generally being identified as appropriate for such growth. In my view, a live residential zone is inappropriate for this land until matters around the lack of infrastructure servicing, integration with the wider growth area, and certain environmental effects are resolved. The recommended rezoning is shown in Figure 9 and Appendix 2. I have also recommended a change to the wording of Policy 4.1.18 to recognise that Rangitahi Peninsula should not be the only location to accommodate medium to long term growth in Raglan.
256. The rezoning of this land from Rural to FUZ gives effect to the NPS-UD, in particular Objective 6, and WRPS Policy 6.3 requiring the integration of urban development with infrastructure planning and funding decisions. The FUZ gives effect to WRPS Policies 6.1 and 6.14 by requiring the criteria for alternative land release to be met and further regard to be had to the development principles before land can be rezoned as an urban zone. It is consistent with the Future Proof 2017 principles, and implements PWDP objectives 4.1.2, 4.1.3, 6.4.1 and Policies 4.1.8, 6.4.2 and 6.4.3.
257. I have also recommended the application of Kāinga Ora's MDRZ be amended in its extent and application in Raglan in order to allow for town centre expansion and to address the special character elements previously established as being present for the town. That recommended rezoning is shown in Figure 14 and Appendix 2.
258. The amended extent and provisions for the MDRZ give effect to the NPS-UD while also giving effect to WRPS Objective 3.12 and Policy 6.16 and implementing PWDP Objective 4.5.12, because this will allow a level of residential intensification while providing for the enhancement of the existing commercial centre. The amendments give effect to WRPS Objective 3.21, and implement PWDP Objective 4.1.7 and recommended objective 4.8.1.1 in terms of protecting the special character of Raglan.
259. My recommendations do not result in the NPS-UD residential supply deficit projected for Raglan in Appendix 9 of the Framework Report being filled. Given the areas subject to submission are already anticipated by Appendix 9 to be made residential at some point, a live zoning would not solve this issue either. However, the land I have recommended as FUZ could feasibly be rezoned to residential in the medium term (3-10 years), which is earlier than previously identified and would assist in meeting medium term development capacity needs while co-ordinating infrastructure requirements. Also, the evidence suggests that greater

residential capacity exists within the Raglan growth cells than Council had projected, therefore the projected medium- and long-term deficits may be reduced. The application of the MDRZ will also create additional residential capacity, although the exact amount is unknown.

- 260. I consider that the submissions on this topic should be accepted, accepted in part or rejected as set out in **Appendix I** for the reasons set out above.
- 261. **Appendix 2** contains recommended amendments to the District Plan maps and provisions.
- 262. **Appendix 3** contains technical reports.

## Appendix I: Table of submission points

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
<b>16.1</b>	<b>Brett Beamsley</b>		Amend the zoning for 64 Upper Wainui Road, Raglan and the remaining smaller sections along Upper Wainui Road from Rural Zone to Living Zone.	<i>Reject</i>	7
<i>FS1386.13</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	7
<b>232.2</b>	<b>Mark Mathers</b>		Retain the proposed Country Living Zone for the property at 536 Wainui Road, Raglan.	<i>Accept</i>	7
<i>FS1386.232</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Reject</i>	7
<b>245.1</b>	<b>Aaron Mooar</b>		Amend the zoning of Raglan Aerodrome (Designation M51) from Rural Zone to Reserve Zone.	<i>Reject</i>	8
<i>FS1276.35</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>		<i>Reject</i>	8
<i>FS1386.249</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	8
<b>245.6</b>	<b>Aaron Mooar</b>		Amend the zoning of property 2008178 (Primrose Street, Raglan) currently zoned Recreational in the Operative District Plan to allow for development of a planted stormwater filtration system.	<i>Reject</i>	8
<i>FS1276.272</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>		<i>Reject</i>	8
<b>301.1</b>	<b>Lizbeth Hughes</b>		Amend the zoning of the property at 17 Calvert Road, Raglan from Rural Zone to Residential Zone.	<i>Reject</i>	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1276.2	Whaingaroa Environmental Defence Inc. Society	Oppose		Accept	7
FS1386.337	Mercury NZ Limited	Oppose		Accept	7
<b>343.24</b>	<b>Rangitahi Limited</b>		Amend the Proposed District Plan 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 (see submission for map) AND Add objectives, policies, rules and zoning to enable future growth of Raglan. AND Amend the Proposed District Plan to make consequential amendments to address the matters raised in this submission.	Accept in part	4
FS1329.3	Koning Family Trust and Martin Koning	Support	Support in part. Allow that part of the submission that seeks to provide for additional residential growth in west Raglan.	Accept in part	4
FS1276.169	Whaingaroa Environmental Defence Inc. Society	Oppose		Accept in part	4
FS1277.114	Waikato Regional Council	Oppose		Accept in part	4
<b>414.2</b>	<b>Chris Rayner</b>		Amend the Raglan Business Zone to include all of Bankart Street and 8, 10 and 12 Wainui Road, with possible consideration given to 4 Stewart Street.	Reject	5
FS1114.17	Fire and Emergency New Zealand	Support		Reject	5
<b>414.6</b>	<b>Chris Rayner</b>		No specific decision is sought, but the submitter questions why there is a large area of land on State Highway 23 just after Lorenzen Bay Road that is now marked to be rezoned Business.	Reject	5
<b>658.3</b>	<b>Koning Family Trust and Martin Koning</b>		Amend the zoning of the properties at 339 Wainui Road, 145 Te Hutewai Road and 151 Te Hutewai Road (CFR 216110, SA27B/621 and	Accept in part	4

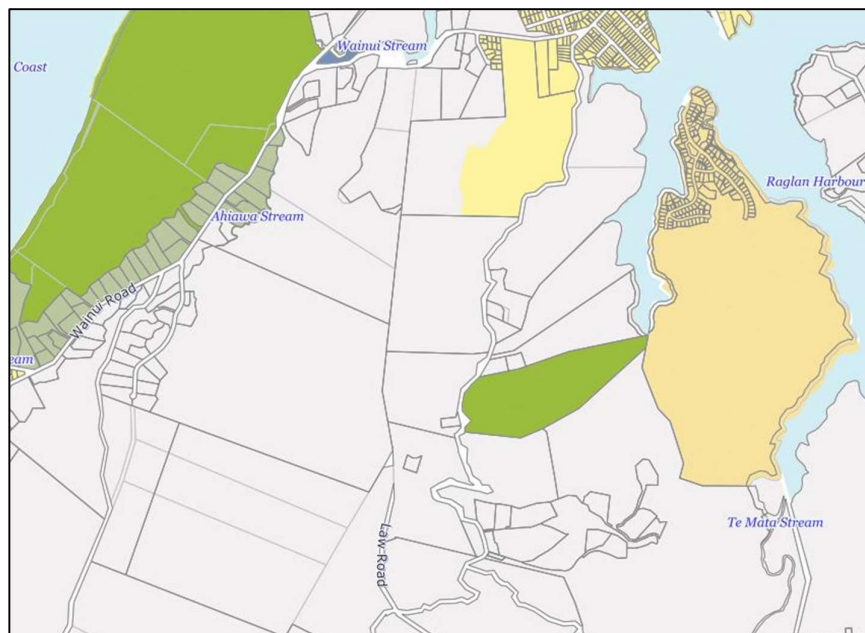
Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			406847) from Rural Zone to Residential Zone (see maps included with the submission). AND Any further relief and/or amendments as necessary to support the relief sought in the submission.		
FSI208.6	Rangitahi Limited	Not Stated	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.	Accept in part	4
FSI329.28	Koning Family Trust and Martin Koning	Support		Accept in part	4
FSI387.93	Mercury NZ Limited	Oppose		Accept in part	4
FSI276.144	Whaingaroa Environmental Defence Inc. Society	Oppose		Accept in part	4
FSI277.121	Waikato Regional Council	Oppose		Accept in part	4
<b>669.4</b>	<b>Bernard Brown</b>		Amend the Rural zoning of the property located at 759 Wainui Road, Raglan (Property Number 1013542) to reflect the use of the property, e.g. Residential.	Reject	7
FSI040.4	Bernard Brown Family Trust	Support		Reject	7
FSI276.146	Whaingaroa Environmental Defence Inc. Society	Oppose		Accept	7
FSI387.131	Mercury NZ Limited	Oppose		Accept	7
<b>749.154</b>	<b>Kāinga Ora</b>		Add a new "Medium Density Residential Zone" to the Proposed District Plan zone maps as contained in Attachment 4 of the submission for the following urban settlements: Huntly Ngaruawahia Pokeno Raglan Taupiri Te Kauwhata Tuakau AND Amend the	Accept in part	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.		
FSI276.152	Whaingaroa Environmental Defence Inc. Society	Oppose		Accept in part	6
774.2	Stuart Cummings		Amend the zoning of the property at 593A Wainui Road, Raglan, 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.	Reject	7
802.9	Vera van der Voorden		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.	Reject	8
FSI277.153	Waikato Regional Council	Oppose		Accept	8
831.50	Gabrielle Parson on behalf of Raglan Naturally		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.	Reject	5
866.1	LG Enterprises		Amend the zoning of the property at 4337 State Highway 23, Raglan from Rural Zone to Country Living Zone.	Reject	7
943.33	McCracken Surveys Limited		Amend the zoning at the properties in Raglan on the north-eastern side of the intersection with Hills Road and State Highway 23 Raglan, from Residential Zone to Business Zone, as shown on the plans attached to the original submission and labelled "Proposed Business Zone and Indicative Road Layout – Submission".	Accept in part	5
FSI218.1	Stewart Webster	Support		Accept in part	5
FSI325.2	Avondale Trust	Support		Accept in part	5
FSI387.1580	Mercury NZ Limited	Oppose		Accept in part	5

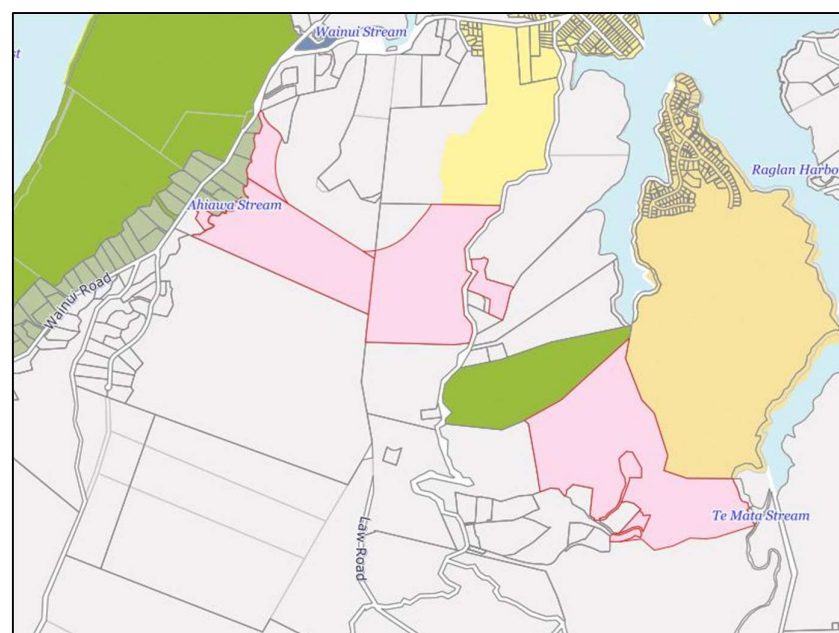


## Appendix 2: Recommended amendments

### I. PWDP Maps



*As notified*



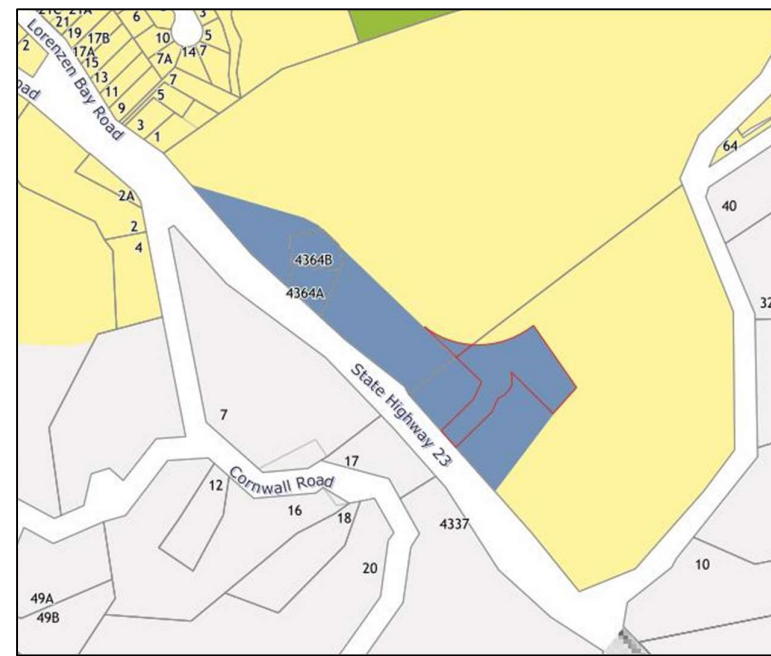
*As recommended<sup>35</sup>*

<sup>35</sup> Rangitahi [343.24]; Koning [658.3]



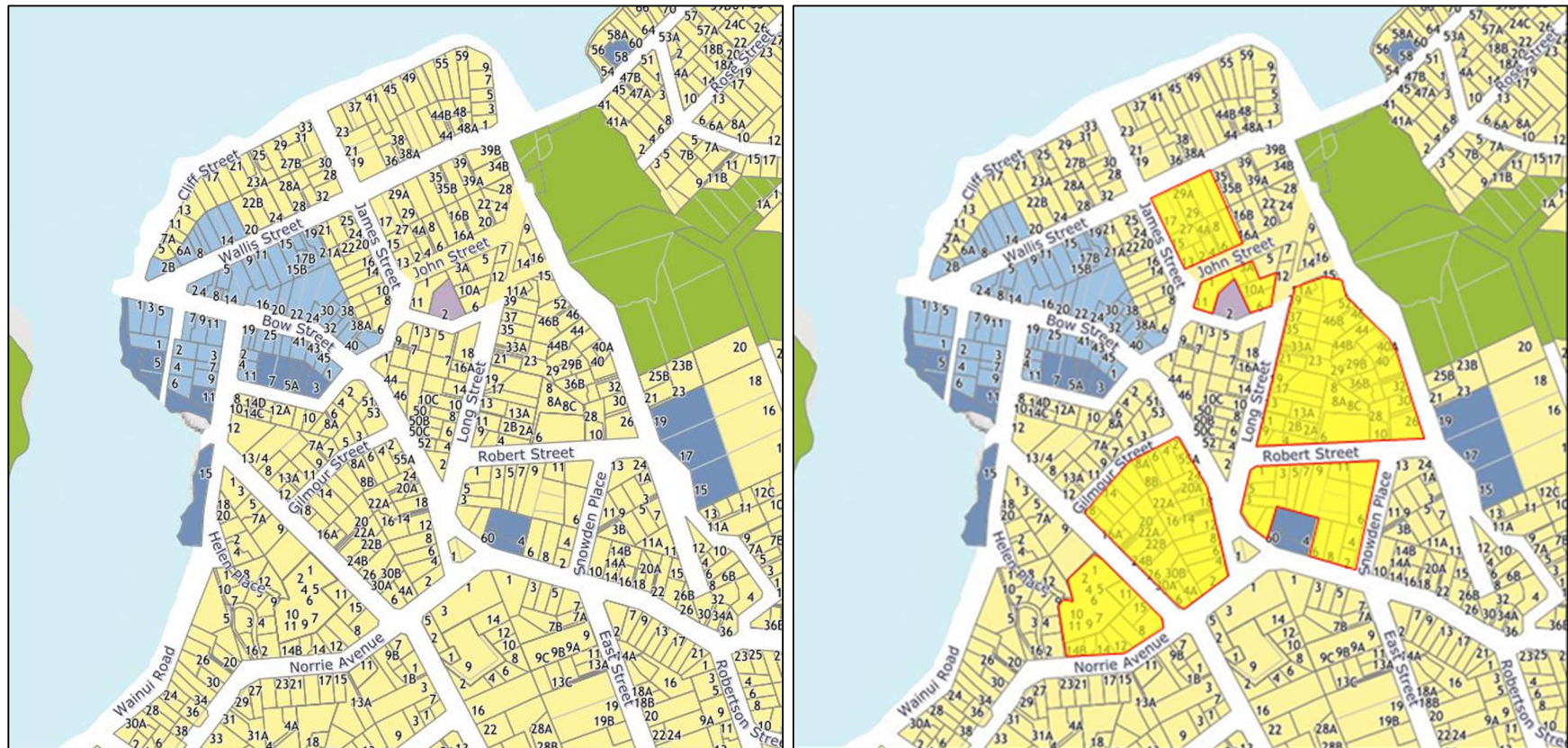
*As notified*

■ Business    ■ Residential



*As recommended<sup>36</sup>*

<sup>36</sup> McCracken Surveyors [943.33]



As notified

As recommended<sup>37</sup>

Medium Density Residential
  Residential
  Business
  Business Town Centre

<sup>37</sup> Kāinga Ora [749.154]

## 2. PWDP Provisions

### Chapter 4

#### Policy 4.1.18 – Raglan

- (a) Raglan is developed to ensure:
  - (i) Infill and redevelopment of existing sites occurs;
  - (ii) A variety of housing densities is provided for;
  - (iii) The built form and character reflects its harbour setting and is compatible with its seaside village character;
  - (iv) Protection of the coastal margins and environment;
  - ~~(iii)~~ (v) Rangitahi and the Residential zoned areas are ~~is~~ the only areas that provides for ~~the short to~~ medium term future growth;<sup>38</sup>
  - (vi) Long term growth is to be provided for in the Future Urban Zones. These areas are to be planned and ~~is~~ developed in a manner that connects to the existing town and maintains and enhances the natural environment and Raglan's special character; and<sup>39</sup>
  - ~~(iv)~~ (vii) There are good quality walking and cycling connections between the town centre, the Papahua Reserve and Raglan Wharf.

\* The blue changes above relate to matters canvassed for Hearing 3 Strategic Objectives and reflect the reporting planner's recommendations for that hearing, while the red changes are my recommendations from this report.

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<sup>38</sup> Rangitahi [343.24]

<sup>39</sup> Rangitahi [343.24]

### 3. Draft Medium Density Residential Zone provisions submitted by Kāinga Ora

I recommend that the Bankart Street and Wainui Road overlay provisions within Kāinga Ora's submitted MDRZ chapter be removed, because I am recommending this area remain zoned as Residential, so the overlay provisions would only need to be included in the general Residential zone chapter. These provisions are found in 4.2A.5, 16A.1.2 (P10), 16A.2.2, and 16A.3.6 (P3) of Kāinga Ora's submitted MDRZ chapter.<sup>40</sup>

I also recommend that, should the Panel be minded to include the December 2020 Special Character provisions for Raglan in the plan, the MDRZ provisions that apply to Raglan be modified so that proposals are assessed against the special character criteria and a 7.5m height limit applies.<sup>41</sup>

These recommended changes are included in Mr Cleese's "Thematic Issues – 16 April" s42A report.

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<sup>40</sup> Kāinga Ora [749.154]

<sup>41</sup> FS1276.152 *Whaingaroa Environmental Defence Inc. Society*

## Appendix 3: Technical Reports

Three Waters Infrastructure – Koning

Three Waters Infrastructure – Rangitahi South

Transport Infrastructure – Koning

Transport Infrastructure – Rangitahi South