

WAIKATO DISTRICT PLAN REVIEW SUBMISSION

SUBMITTER KONING FAMILY TRUST and MARTIN KONING

TOPIC: Extent of residential zoning at Raglan

STATEMENT OF EVIDENCE OF AIDAN VAUGHAN KIRKBY-MCLEOD

Dated: 17 February 2020

Introduction

1. My full name is Aidan Vaughan Kirkby-McLeod.
2. I am a Senior Planner employed by Bloxam Burnett and Olliver (**BBO**), a firm of consulting engineers, planners and surveyors, based in Hamilton. I have been employed by BBO since June 2020.

Qualifications and Experience

3. I hold a Master of Planning Practice degree from the University of Auckland in 2007. I also have a Bachelor of Arts from the University of Auckland, obtained in 2003. I am an Intermediate Member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have 12 years' experience in the field of planning and resource management in New Zealand.
4. My planning and resource management experience has been gained on a wide range of projects working both in private practices and in local government in Auckland. Prior to joining BBO, my most recent role was at City Rail Link Limited, working on New Zealand's largest infrastructure project to date.
5. I have experience in plan changes, including submitting and participating in mediation and hearings for the Auckland Unitary Plan on behalf of private clients.

Involvement in Koning Family Trust submission

6. I have been requested, in my capacity as a planner, to present expert planning evidence related to the submission made by the Koning Family Trust and Martin Koning (submitter no. 658 and further submission no. 1329) ("**the Trust**" or "**the Submitters**") in relation to the zoning of their landholdings in Raglan as proposed under the Proposed Waikato District Plan (**PWDP**).
7. The Trust's submission, and previous representation on their behalf to the Hearing Panel regarding other aspects of that submission, was prepared and undertaken by my predecessor at BBO, Mr Samuel Foster. Mr Foster has since left BBO, and I have taken over this project.
8. I have visited the site twice, with my most recent visit on 6 October 2020.

Code of Conduct

9. I have read the Environment Court's Code of Conduct for Expert Witnesses in the Environment Court of New Zealand and I agree to comply with it. My qualifications and

experience as an expert are set out above. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

10. The evidence that I give in these proceedings is within my area of expertise, except when I rely on the evidence of another witness or other evidence, in which case I have explained that reliance.

Scope of evidence

11. The purpose of this evidence is to provide a summary of the submission lodged against the PWDP on behalf of the Submitters, which opposes the Rural Zone being applied to part of their landholdings and seeks that the Residential Zone be applied instead.
12. In my evidence I address the following issues:
 - a. The statutory framework for assessment of the rezoning proposal, with respect to the requirements of assessment of environmental, economic, social and cultural effects
 - b. Assessment of environmental effects
 - c. Suitability of the property for rezoning for residential development.
13. I have prepared a section 32AA analysis in relation to the proposed rezoning.
14. I have structured this evidence to follow the approach recommended in the Council's s42A Framework Report.
15. My evidence draws on and should be read alongside the evidence of:
 - a. Dr Mark Bellingham – ecology
 - b. Sian Keith – archaeology
 - c. Nigel Mather – site contamination
 - d. Ken Read – geotechnical
 - e. Josh Hunt – visual amenity and landscape values
 - f. Rhulani Baloyi – transportation
 - g. Constantinos Fokianos – three waters infrastructure
 - h. Fraser Colegrave – economics

Overview of Koning Family Trust and Martin Koning's Rezoning Submission

16. A copy of the Submitter's submission and further submission on Stage 1 of the PDP process is attached as **Appendix 1**.
17. The Trust's land is located on the western outskirts of the Raglan township, in close proximity to Wainui Reserve and Ngarunui Beach. The landholdings comprise some

91 ha of contiguous land under common ownership, which is currently used for dairy farming. **Figure 1** below provides an aerial photo locating the site in blue outline (the red boundary indicating the extent of the site sought to be rezoned).



Figure 1 – location of site (blue bordered) (extract from Wayfinder structure plan)

18. The immediate environment surrounding the Trust's site includes:
 - a. The Raglan Golf Course to the north / east;
 - b. Waikato District Council's wastewater treatment plant to the north;
 - c. A waste transfer station ("X-Treme Zero Waste") to the south;
 - d. Residential properties on 'lifestyle' properties adjacent to Wainui Road along the western boundary of the Site; and
 - e. Wainui Reserve, separating the Site from Ngarunui Beach to the west.

19. The existing zoning of the surrounding area in the Operative Waikato District Plan reflects these mixed uses, with the Trust's site adjoining land zoned Residential Zone adjacent to the north, Country Living Zone and Reserve Zone to the west, Coastal Zone to the east, and Rural Zone to the north and south. This is shown in **Figure 2** below.

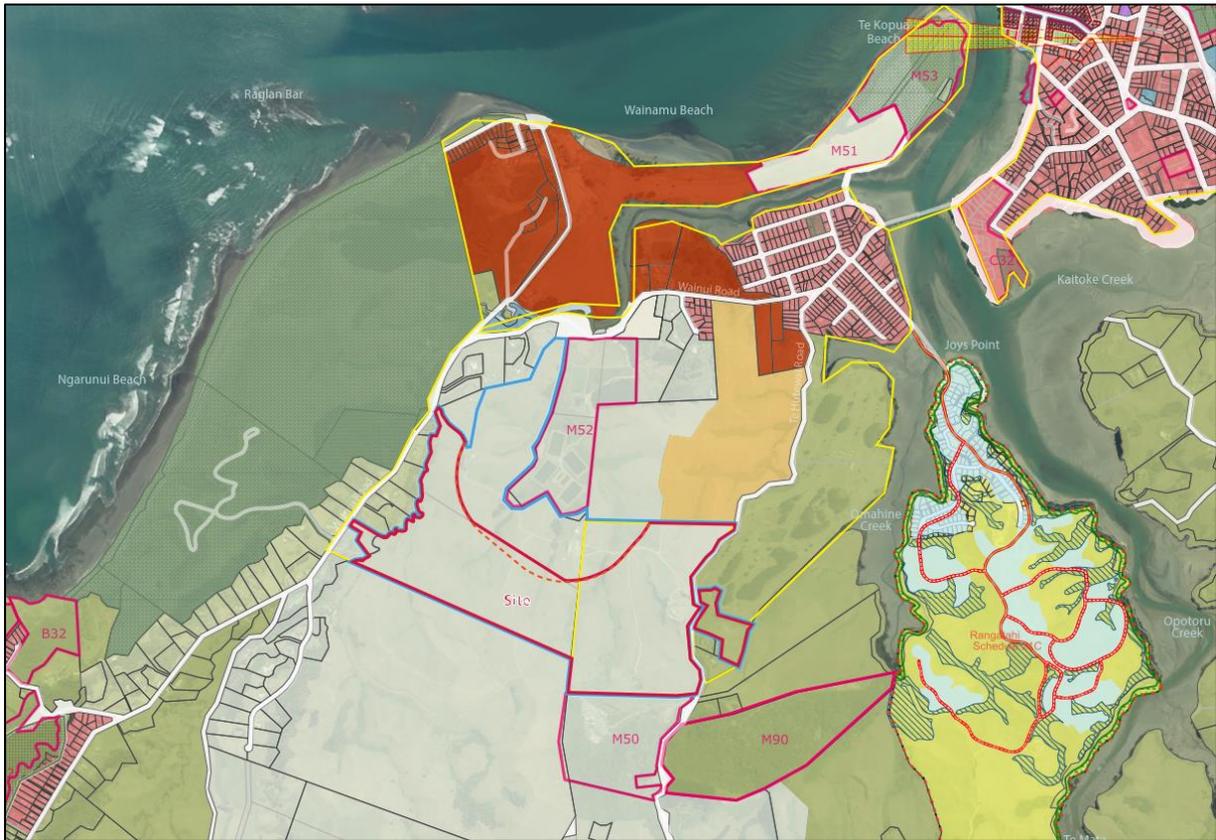


Figure 2 – zoning pattern of Site and surrounding area (extract from Wayfinder structure plan)

20. This zoning pattern has largely been carried over from the ODP into the notified version of the PWDP.
21. The Submitter opposes the Rural Zone being applied to part of their land holdings and seeks that it be zoned Residential Zone. The land sought to be zoned Residential Zone corresponds to that part of the Trust’s site which is approximately 300 metres from the oxidation ponds that form part of the wastewater treatment plant on the neighbouring site to the north. The proposed placement of the zoning boundary is to ensure that the District Plan requirement for residential dwellings to be separated 300m from oxidation ponds is satisfied.
22. The extent of land sought to be rezoned in the submission is shown in **Figure 3** below.

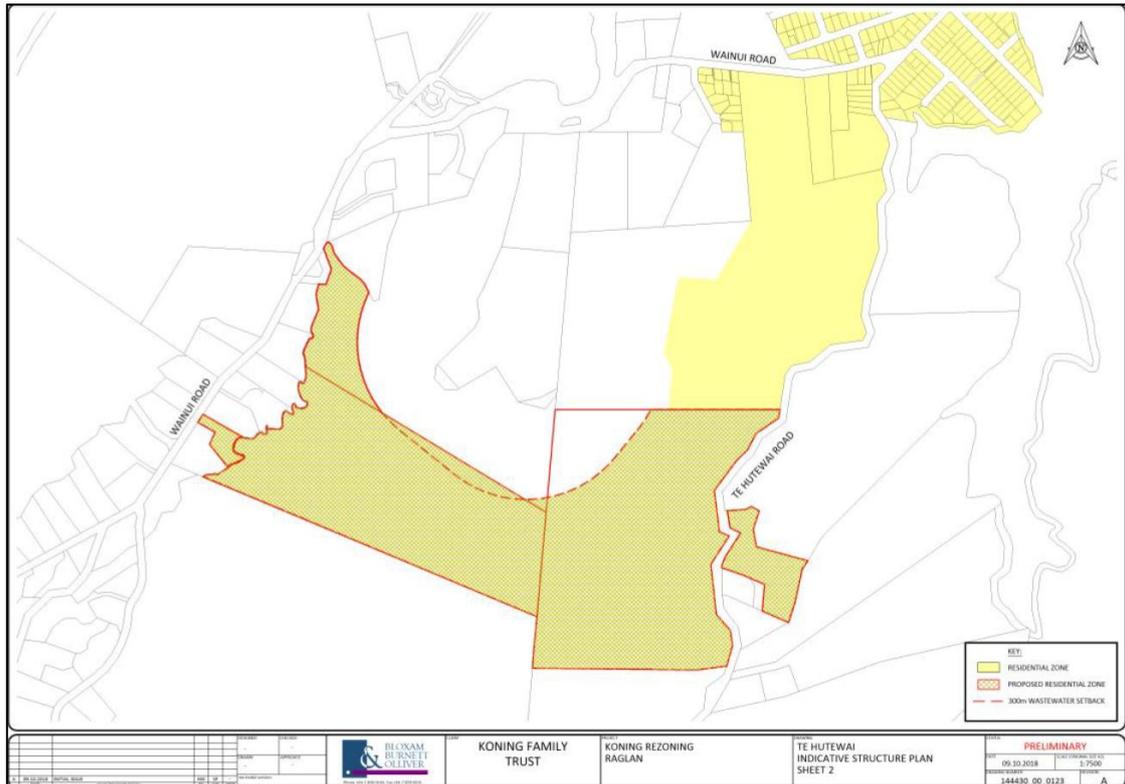


Figure 3 – Submitter land to sought to be zoned Residential Zone

23. The submission included an indicative “structure plan” that identified potential roading connections through the Site. That indicative structure plan is shown in **Figure 4** below.

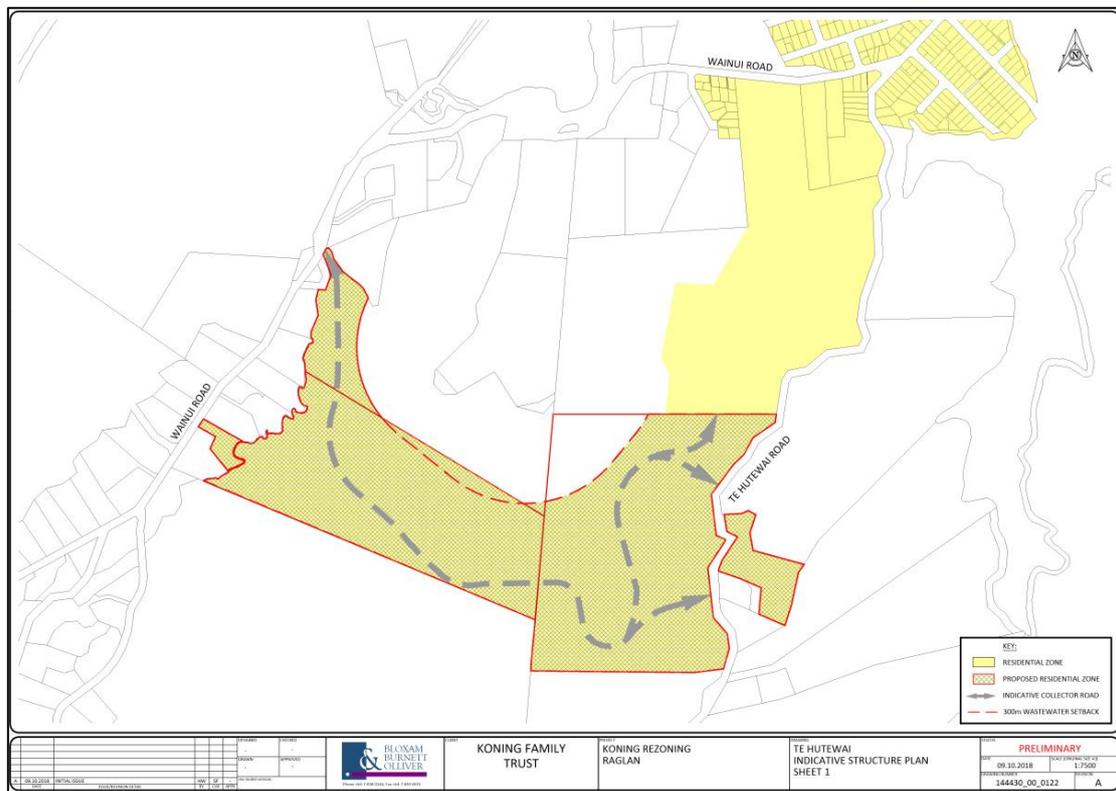


Figure 4 – Indicative structure plan lodged with submission

24. The Trust's land has access to both Wainui Road, running generally to the north and west of the site, and Te Hutewai Road which generally forms the eastern boundary of the site. The indicative structure plan for the rezoning proposal identifies the potential for a new connecting 'spine' road to be established between these two roads across the Trust's land, enabling future connection to the Rangitahi development east of the site and the wider Wainui area to the west.
25. Since the lodgement of the submission, a more comprehensive draft structure plan has been prepared, informed by the findings of the various analyses undertaken by the Submitter's consultants. That updated draft structure plan, shown in **Figure 5** below, identifies areas of developable land on the Trust's site, and areas to be left undeveloped due to factors such as geotechnical risk, the presence of identified archaeological features and ecological corridors.

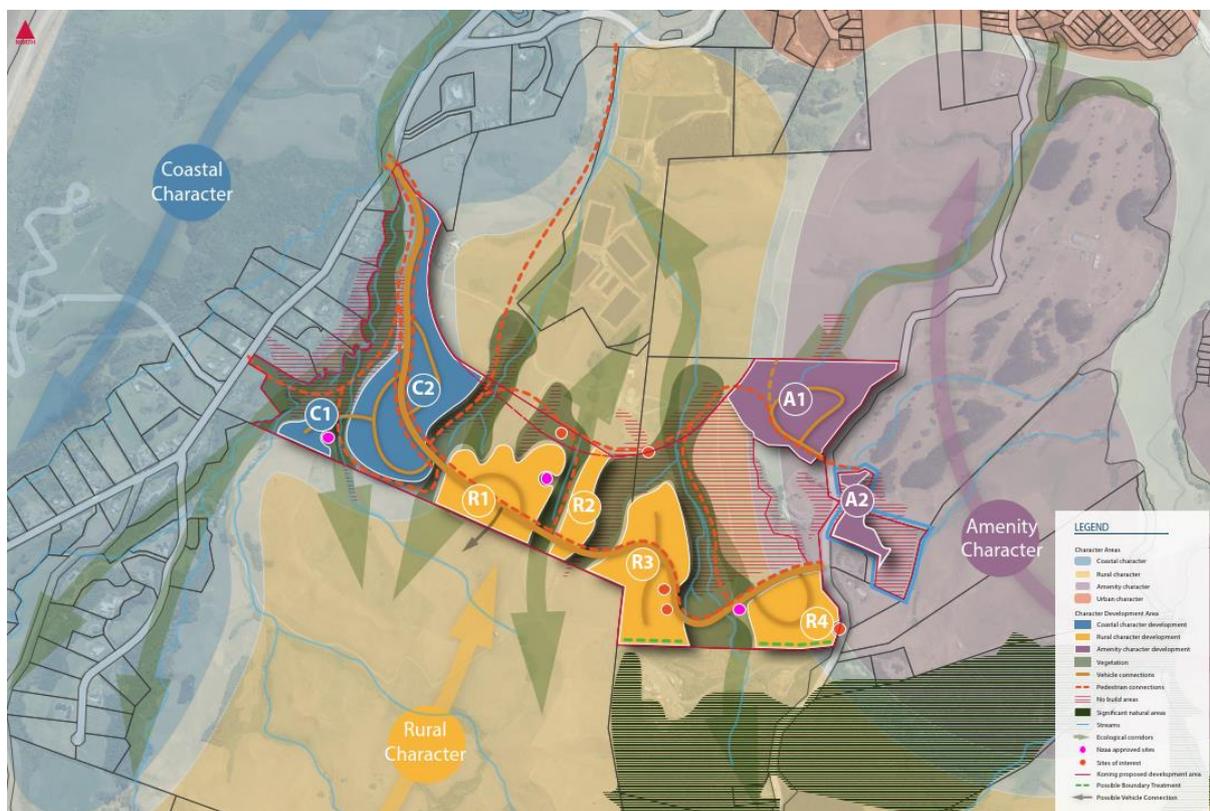


Figure 5 – Draft updated structure plan showing developable areas on the site

26. Based on the indicative layout in the draft structure plan, it is anticipated that the proposal would result in some 30 hectares of developable land. The typology of residential development is not defined by the draft Structure Plan, however indicative 'character' areas have been nominated, based on the qualities present in the surrounding environment. These have been identified as coastal character areas, rural character areas and amenity character areas. These character qualities may be expressed in the form of the streetscape and pattern of subdivision across these areas.

27. That said, in order to ensure that the proposal can appropriately respond to market conditions, it is proposed that the standard Residential Zone provisions be applied to the land, thereby enabling sites with a minimum size of 450m² to establish. While it is anticipated that development would result in a variety of site sizes across the land, enabling site sizes down the existing Residential Zone minimum is proposed to allow more affordable parcels of land to be developed.
28. Based on the proposed extent of developable land indicated in the draft Structure Plan, and allowing for a percentage of the area to be required for infrastructure associated with the residential development, the submitter expects that the rezoning of their landholdings will result in a yield of some 300 – 400 residential allotments (equating to average site sizes of some 560m² – 800m²).

Suitability of the land for residential development – environmental constraints

29. In order to help understand the suitability of the land to accommodate residential development, expert assessments have been prepared regarding the following matters considered to be of particular relevance:
 - Ecology
 - Archaeology
 - Soil contamination
 - Landscape and visual
 - Geotechnical
 - Transportation
 - Three waters infrastructure
 - Economic factors
30. Their findings are set out in their respective evidence and have been relied upon for the following discussion.
31. As discussed above, the findings of these various assessments have resulted in revisions to the draft Structure Plan, so as to reflect the potential for the site to be developed in a manner that respects and enhances the existing environmental conditions.

Ecology

32. Ecology NZ were commissioned to undertake an assessment of the existing ecological values present on the site, and identify any constraints and opportunities related to the potential for residential development.
33. As set out in the evidence of Dr Mark Bellingham, there is no ecological reason for the land not to be developed for residential purposes, and that the proposal has the potential to result in benefits through protection and enhancement of existing ecological features.
34. Recommendations for protection and enhancement include undertaking work to restore existing intermittent and permanent streams and wetland areas through pest plant and animal control and native infill planting, particularly along riparian areas, and the implementation of a pest management plan.
35. The Trust has adopted the recommendations of Dr Bellingham, and envisages them being incorporated part of the any future subdivision and development of the area. This has been reflected in the draft Structure Plan, with vegetation areas and ecological corridors identified.
36. Accordingly, it is considered that the site can be developed in a manner that results in no more than minor ecological effects and will provide for ecological enhancement.

Landscape and visual amenity

37. A landscape and visual assessment of the proposal has been undertaken by Mr Joshua Hunt of Wayfinder NZ.
38. Mr Hunt considers that the change from an existing rural environment into an urban environment will fundamentally alter the landscape, resulting in moderate landscape effects. That being said, the visual effects of the proposal will vary from low to moderate, having regard to the following:
 - The Site is not visually prominent, being well contained by existing landform and positioned on the lower to mid slopes of Mt Karioi. The Site is also not identified as containing any outstanding natural features or landscapes, or significant natural areas;
 - The viewing audience of the Site is considered to be relatively limited;
 - The Site is located directly adjacent existing Residential Zone land, the development of which will alter the existing rural landscape;

- The existing ridges and gullies of the Site, together with other constraints such as avoidance of slope instability areas, means that there will be natural separation required in developing the land, providing large areas of open space within the proposed urban environments.
39. Mr Hunt also notes that the Site is identified to transition from rural to urban land use in relevant planning strategies, including Future Proof 2017 and Waikato 2070, such that the adverse effects upon the landscape associated with the proposal are not unanticipated.
40. I also note that standard bulk and location controls applicable to residential environments as proposed in the PWDP will assist in ensuring that the nature of development results in a level of amenity that is generally appropriate to the proposed land use, and does not appear visually dominant or incongruent with surrounding land.

Geotechnical

41. Mr Ken Read has identified geotechnical risks associated with future development of the land, based on the reports he and his team at CMW Geosciences have prepared.
42. Of note, Mr Read identifies a large 'High Hazard Slope Instability' area that is located on the eastern side of Te Hutewai Road, east of the existing dwelling. Investigations undertaken in that area indicate that its likely to be underlain by fractured limestone with saturated voids, and that measures to address the instability issue are uncertain. As such, Mr Read considers the best mitigation for this feature is to avoid development in this location.
43. With the exception of this area, Mr Read confirms that the majority of the remainder of the land can be developed for residential purpose, subject to good engineering practice. The type of engineering required to address geotechnical stability issues is considered by Mr Read to be typical of that associated with development in this area.
44. Accordingly, subject to the recommendations of Mr Read being adhered to as relate to avoiding development within the identified 'High Hazard Slope Instability' area and good engineering practice being followed in other locations, the proposal would be able to appropriately mitigate any geotechnical hazard effects.

Archaeology

45. Ms Sian Keith sets out the existing archaeological values present on the site and surrounding area.

46. On a field survey of the Koning property, Ms Keith identified three visible archaeological sites within the subject area: two midden sites and one pit site. These sites are typical of the type of pre-European archaeology in New Zealand, and Ms Keith states that there is no evidence of sites with exceptional archaeological value present. While there is the possibility for additional sites to be present within the Koning land, this area is located setback from the more intensely settled coastal environment with subsoils unfavourable for cultivation.
47. Ms Keith recommends that input from iwi be sought regarding their traditional knowledge of the land, and on her recommendations.
48. Ms Keith recommends:
- that an Archaeological Authority be sought from the Heritage New Zealand Pouhere Taonga to allow for the investigation and recording of the midden sites, prior to any potential damage or destruction that may occur as part of earthworks required for the development of the land. That Authority should include investigation of additional areas where suspected archaeological remains may be present; and
 - that the pit site be preserved in the future subdivision and development of the land, on the basis that it is considered to be a good representative sample of this type of feature.
49. Subject to her recommendations, Ms Keith considers that there is no reason for the proposed rezoning to be altered on the basis of archaeological values present.
50. Based on the finding of Ms Keith, and subject to appropriate approvals being in place prior to any works commencing and standard accidental discovery protocols being in place, it is considered any adverse effects related to archaeological matters will be less than minor.

Economics

51. Mr Fraser Colegrave has reviewed the economic context within which the proposal sits. Mr Colegrave notes that the Raglan market has experienced significant pressures in terms of increased population growth and demand for short- and long-term rentals, and insufficient growth in housing supply to match that demand.
52. Mr Colegrave's analysis demonstrates that there is a profound lack of supply in the Raglan housing market relative to the demand, and that that demand is anticipated to grow for the foreseeable future. This is particularly so given the appeal that Raglan holds for lifestyle reasons, the recent upgrades to the State Highway network which

makes the area more readily accessible to major centres such as Auckland and Hamilton, and the accelerated rise in the numbers of people that are working from home.

53. Mr Colegrave considers that there are significant shortfalls in the availability of land that is serviced and feasible to accommodate the demand for residential land in the Raglan market. Mr Colegrave also refers to the benefits that can be gained from having multiple growth sites in different ownership.
54. Mr Colegrave considers that the proposal will have economic benefits in terms of enabling greater housing affordability in the constrained Raglan market, with potential flow on effects in terms of providing for more disposable income to be made available, together with the economic benefits associated with development and construction activity.

Transportation

55. Ms Rhulani Baloyi has assessed the potential effects of the proposal on the transportation network. Ms Baloyi sets out that:
 - Subject to final design, the proposed new intersections to be created on Wainui Road and Te Hutewai Road will provide safe and efficient access to the proposed area of development.
 - The proposed collector road would provide good connectivity between the southern end of the Rangitahi Peninsula and Ngarunui Beach, connecting the currently disconnected Wainui Road, Te Hutewai Road and Oporuru Road.
 - There is public transport in the surrounding area, in the form of the Raglan – Hamilton bus stop terminus located at the intersection of Te Hutewai Road and Wainui Road. Potential exists to extend this service to better service the proposed development, through consultation with the Regional Council.
 - Opportunity exists to provide for good walking and cycling connectivity through the site and to neighbouring sites, as well as future connectivity to the adjoining land to the south should the relief sought by that land holder to provide for growth in that area be realised.
56. Ms Baloyi notes that growth in the Raglan area will necessitate some improvements to the existing transportation network, which, based on her analysis, would be triggered once development on the Koning's Site reaches 300 dwellings. As such, she recommends that an updated Integrated Transportation Assessment be conducted

once the first 300 dwellings on the Site are constructed, or by the year 2039, whichever comes first, in order to confirm the necessity for any upgrades.

57. In this regard, I note that the PWDP contains rules¹ that place thresholds on the number of traffic movements that activities in the Residential Zone may generate, which enables the council to consider effects on road network safety and efficiency and what proposed mitigation measures may be necessary, including improvements to the road network.
58. Any substantive subdivision of the Site for residential development will trigger this requirement, and therefore enable a full assessment of the actual and potential transportation effects. As such, I anticipate the need to undertake improvements to transportation infrastructure as a result of the proposal will be addressed through this mechanism without need to include a specific trigger as part of the proposed Structure Plan.
59. Overall, based on the evidence of Ms Baloyi, it is considered the transportation effects of the proposal can be appropriately managed.

Three waters infrastructure

60. Mr Constantinos Fokianos addresses the ability for development on the site to be catered for in terms of water supply, wastewater and stormwater infrastructure.
61. Mr Fokianos notes that options exist to connect development to existing water and wastewater infrastructure in the area, subject to confirmation of capacity available in those services. Should capacity be limited, Mr Fokianos also outlines potential measures to be incorporated as part of the development to manage water supply and wastewater discharge within the site.
62. Mr Fokianos also identifies potential options to manage stormwater as part of the proposed future development of the land, which incorporate at-source low impact solutions.
63. Based on the evidence of Mr Fokianos, it is considered that the proposed development can be adequately catered for in terms of three-waters infrastructure. Specific design of stormwater mitigation measures and any necessary infrastructure required as part of the development to manage capacity constraints that do exist in the network can appropriately be managed as part of a future resource consenting process.

¹ Rule 14.12.1 (P4) of the PWDP

Land contamination

64. Mr Nigel Mather has provided evidence regarding the potential for contaminants to be present on the site that may result in the land being unsuitable for residential activity. Based on the Preliminary Site Investigations undertaken on the Koning's landholdings, Mr Mather confirms that the concentrations of contaminants identified on the site do not pose a risk to residential land use, and that the change in activity can be considered a permitted activity under the Resource Management (National Environmental Standards for Assessing and Managing Contamination in Soils to Protect Human Health) Regulations.
65. It is therefore considered that any adverse effects related to soil contamination will be less than minor.

Suitability of the land for development – policy framework

66. In this section I set out and discuss the relevant statutory matters that provide for the proposed change to the PWDP.
67. The Council's Section 42A Framework Report ("**s42A Framework Report**") sets out the policy framework within which the submission is to be assessed, and I accordingly address the proposal in the context of that report in the following paragraphs.

Council's Section 42A Framework Report

68. The s42A Framework Report, released 19 January 2021, provides the framework within which the Council intends to consider submissions seeking the rezoning of land.
69. The s42A Framework Report sets out that submissions will be considered through a series of 'lenses': firstly, the alignment of the proposal with relevant objectives and policies of the PWDP; secondly, the alignment and consistency of the proposal with higher order documents; and thirdly, an assessment of the submission against 'best practice' planning guidelines.
70. In terms of context, the s42A Framework Report establishes that:
- The Waikato District, and in particular specific townships (including Raglan), is experiencing high levels of growth.² Factors such as the COVID-19 pandemic and the proximity of the District to major populations centres (Auckland and Hamilton) mean that the levels of growth are anticipated to continue.³

² s42A Framework Report, para. 173.

³ Ibid, paras. 177 – 186.

- The growth targets in the PWDP as notified are out of date, as a result of ongoing growth and new requirements introduced by the National Policy Statement on Urban Development (**NPS-UD**), which came into effect post the PWDP being notified.⁴ As it stands, the PWDP does not give effect to the requirements of the NPS-UD.⁵ To meet demand (and the requirements of the NPS-UD), the PWDP needs to consider zoning additional areas.⁶
- In particular, the NPS-UD requires that the Waikato District Council provide at least sufficient development capacity to meet expected demand, plus 20 percent to support choice and competitiveness in the housing market. The nature of the District and its dispersed small scale of the towns means that a more nuanced approach will be required than that currently adopted by the PWDP, by providing for at least two growth areas around existing towns to ensure competitive markets.⁷

71. In relation to the need to meet growth demand predictions, both the s42A Framework Report and the peer-review⁸ of that report commissioned by the Waikato District Council states that “there is not a 1:1 relationship between zone-enabled land and development feasible land”, given the multitude of other factors that dictate whether land can be utilised for its zoned purpose. Accordingly, the “demand +20% metric needs substantially more land zoned than the raw number thereby calculated”.⁹ This amplifies the issue identified in the s42A Framework Report that there is indicatively “a shortfall in the PWDP zone capacity to cater to demand”.¹⁰

72. Within this context, the following provides an assessment of the proposal against the framework set out in the s42A Framework Report.

Lens One - Consistency with PWDP objectives, policies and strategic direction

73. Appendix 2 of the s42A Framework sets out a matrix of the strategic direction, objectives and policies of the PWDP relevant to various scenarios of rezoning requests. Those that are relevant to requests for the rezoning of rural land to residential are identified and discussed in the following table:

⁴ Ibid, para 188.

⁵ Ibid, para 93.

⁶ Ibid, para 92.

⁷ Ibid, para. 189.

⁸ “Peer Review: Hearing 25 Zone Extents Framework Report – Dr Mark Davey”, prepared by David Hill, dated 26 January 2021.

⁹ Ibid pg. 3.

¹⁰ s42A Framework Report, para. 267.

Table 1 – Direction, objectives and policies of the PWDP relevant to rezoning request

<p>1.5.1 Compact urban development</p> <p>(b) Urban forms of residential, industrial, and commercial growth in the district will be focused primarily into towns and villages, with rural-residential development occurring in Country Living Zones. Focusing urban forms of growth primarily into towns and villages, and encouraging a compact form of urban development, provides opportunity for residents to "live, work and play" in their local area, minimises the necessity to travel, and supports public transport opportunities, public facilities and services.</p>	<p>The proposed land to be rezoned residential is located proximate to the Raglan township, adjoining land that is zoned for Residential activity and neighbouring the Rangitahi development, providing for further growth in Raglan to be managed in a way that enables a compact form of development.</p>
<p>1.5.2 Planning for urban growth and development</p> <p>(a) Defined growth areas have been zoned and their development will be guided through the application of objectives and policies and through processes such as the development of master plans, comprehensive structure plans, the district plan and any future changes to the district plan. The agreed Future Proof settlement pattern for urban growth and development is to avoid unplanned encroachment into rural land and is to be contained within defined urban areas to avoid rural residential fragmentation.</p>	<p>Policy 1.5.2(a) of the PWDP states that the "growth areas" for the District have been identified and zoned accordingly. The Koning land is not zoned as a growth area, and accordingly the proposal can be considered to not align with this clause. As noted in the s42A Framework Report, the assumptions made in the PWDP as drafted concerning the extent of growth areas required have been superseded by the level of growth experienced in the District, and the requirements of the NPS-UD. There will be no inconsistency with this policy if the zoning is changed to residential.</p>
<p>1.12.3 Built environment</p> <p>(a) A district which provides a wide variety of housing forms which reflect the demands of its ageing population and increases the accessibility to employment and community facilities, while offering a range of affordable options.</p> <p>(c) A district that has compact urban environment that is focused in defined growth areas, and offers ease of movement, community well-being and economic growth</p>	<p>The proposal aligns with this direction, in that it will enable additional land supply to provide for a variety of housing typologies to establish, in a manner that promotes a compact urban environment. As discussed above, while the PWDP has not zoned the subject land as a defined growth area, the land is located partially in the Future Proof growth area, as well as being identified in the Waikato 2070 strategy as a future growth area.</p>
<p>1.12.8 Strategic objectives</p> <p>b) In summary, the overarching directions include the following:</p> <p>(i) Urban development takes place within areas identified for the purpose</p>	<p>The following comments are made in relation to these directions:</p> <ul style="list-style-type: none"> • While the Koning landholding has not been zoned for urban development in the PWDP, the land is located partially within

<p>in a manner which utilises land and infrastructure most efficiently.</p> <p>(ii) Promote safe, compact sustainable, good quality urban environments that respond positively to their local context.</p> <p>(iii) Focus urban growth in existing urban communities that have capacity for expansion.</p> <p>...</p> <p>(vi) Protect and enhance green open space, outstanding landscapes and areas of cultural, ecological, historic, and environmental significance.</p>	<p>the Indicative Urban Limits identified in the Future Proof 2017 growth strategy and the future growth areas identified in the Waikato 2070 strategy. Infrastructure upgrades for this area are in the Council's Long Term Plan and have been for some time, particularly proposed upgrades to the wastewater system and the Wainui Road one-way bridge.</p> <ul style="list-style-type: none"> • The rezoning request directly adjoins land identified for urban development (that is, zoned Residential), and will support the development of a compact, sustainable and good quality urban environment. • The rezoning request relates to the existing urban community of Raglan, and concerns land that is suitable to accommodate urban activity given existing and planned infrastructure, the potential to connect up to the Rangitahi development area, and the specialist reviews confirming the ability for the site to be developed for residential activity. • The subject land is not identified as having any significant landscape values, or items of cultural, ecological, historical or environmental significance. Expert assessments have been undertaken that identify the existing values present on the land, the potential effects of development and the opportunities available to enhance those values.
<p>4.1.2 Objective – Urban growth and development</p> <p>(a) Future settlement pattern is consolidated in and around existing towns and villages in the district.</p>	<p>The proposal supports this objective by identifying land adjoining the existing Raglan urban area that is able to accommodate future growth.</p>

<p>4.1.3 Policy - Location of development</p> <p>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.</p> <p>(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</p>	<p>The proposal is broadly consistent with this policy. Existing infrastructure is available to service development of the site, and planned upgrades to assets will further enable this. The Koning land is partially located within the Indicative Urban Limits identified in Future Proof 2017, with the western and eastern parcels held by the Submitter located within the limits, and only the 'middle' parcel of land excluded. The boundaries identified in the Future Proof growth strategy effectively 'split' the Submitters land, and are noted as being indicative only. Given the common ownership of the landholding, that the 'middle' parcel of the Koning's land directly adjoins land zoned Residential, it is considered that the proposed location of development is not inconsistent with this policy.</p>
<p>4.1.5 Policy – Density</p> <p>(a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.</p> <p>(b) Achieve a minimum density of 12-15 households per hectare in the Residential Zone.</p> <p>(c) Achieve a minimum density of 8-10 households per hectare in the Village Zone where public reticulated services can be provided.</p>	<p>The applicant envisages a minimum density of development consistent with these policies.</p>
<p>4.1.18 Policy – Raglan</p> <p>(a) Raglan is developed to ensure:</p> <p>(i) Infill and redevelopment of existing sites occurs;</p> <p>(ii) A variety of housing densities is provided for;</p> <p>(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</p> <p>(iv) There are connections between the town centre, the Papahua Reserve and Raglan Wharf.</p>	<p>The proposal is not consistent with sub-clause (iii) of this policy, in terms of it seeking to enable medium term future growth to occur on land other than within the Rangitahi development.</p> <p>The Submitter has made a submission seeking that this policy be amended so that it reads: "<i>iii) Rangitahi and other areas around the Raglan urban area are the primary locations for is the only area that provides for the medium term growth and is are developed in a manner that connects to the existing town and maintains and enhances the natural environment; and...</i>" (submission point 658.2). This submission point was supported by way of further submission by Rangitahi Limited (FS1208.5).</p> <p>Evidence regarding this matter was heard as part of Hearing 3: Strategic Objectives. Council's reporting officer for this hearing recommended that the relief sought by this submission point be rejected on the basis that it would be contrary to the policy direction of</p>

	<p>the WRPS and no analysis of suitability for other areas has been undertaken.</p> <p>The WRPS relies on the 2009 version of the Future Proof growth strategy as it relates to urban growth limits, and has yet to be amended to make reference to the updated 2017 Future Proof growth limits, which now include part of the Submitters land. The Submitter has provided assessments regarding the suitability of the land to accommodate future growth in Raglan. Furthermore, the WRPS will need to be amended to ensure it is consistent with the objectives and policies of the NPS-UD, which direct more land to be made available to meet demand and ensure competitiveness in the housing market. In this regard, sub-clause (iii) of policy 4.1.18 as drafted runs directly contrary to the direction of the NPS-UD in terms of sufficiency of housing supply and choice/competitiveness.</p>
<p>5.1.1 Objective – The rural environment</p> <p>(a) Subdivision, use and development within the rural environment where:</p> <ul style="list-style-type: none"> (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision, use and development in the rural environment is avoided. 	<p>The s42A Framework Report discusses the tensions that exist between this policy and other policies in the PWDP and the WRPS which seek to enable growth around existing towns within the boundaries identified in the Future Proof, as well as the direction by higher order documents including the NPS-UD.</p> <p>The Report author reaches the position that “urban development in rural environments should only occur around existing towns which are identified in the WRPS and within the boundaries set by the Future Proof Strategy Planning for Growth 2017”.</p> <p>The proposal is generally consistent with this position. As discussed above, it relates to enabling urban growth in an existing town, with the majority of the land holding located within the Indicative Urban Limits identified in Future Proof 2017.</p> <p>The subject land does not contain high class soils, with the land being identified as class 4¹¹ and class 6¹² in the Land Resource Inventory. Copies of the land resource inventory entries for this site are attached as Appendix 1.</p>

¹¹ Described as “land with moderate limitations for arable use, but suitable for occasional cropping, pasture or forestry” in the Land Resource Information System.

¹² Described as “non-arable land with moderate limitations for use under perennial vegetation such as pasture or forest”.

<p>5.3.1 Objective - Rural character and amenity</p> <p>(a) Rural character and amenity are maintained.</p>	<p>These policies relate to the maintenance of the rural environment, where land has been zoned and is intended to be continued to be used for that purpose.</p>
<p>5.3.4 Policy - Density of dwellings and buildings within the rural environment</p> <p>(a) Retain open spaces to ensure rural character is maintained.</p> <p>(b) Additional dwellings support workers' accommodation for large productive rural activities.</p>	<p>As noted above, the rezoning of the land to provide for urban development is considered to be generally consistent with the objectives and policies that seek to consolidate growth around existing towns and within the growth areas identified in the Future Proof 2017 growth strategy.</p>
<p>5.3.8 Policy - Effects on rural character and amenity from rural subdivision</p> <p>(a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.</p> <p>(b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.</p> <p>(c) Ensure subdivision, use and development minimise the effects of ribbon development.</p> <p>(d) Rural hamlet subdivision and boundary relocations ensure the following:</p> <ul style="list-style-type: none"> (i) Protection of rural land for productive purposes; (ii) Maintenance of the rural character and amenity of the surrounding rural environment; (iii) Minimisation of cumulative effects. <p>(e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.</p> <p>(f) Subdivision, use and development ensures the effects on public infrastructure are minimised</p>	<p>Rezoning the land to urban development will accordingly result in these objectives and policies no longer applying to the use and development on the property.</p>

74. In summary, the main areas of tension in terms of alignment relate to those PWDP objectives that limit urban development to existing defined growth areas and avoiding urban development in rural environments.

75. As discussed in the above table, the proposal is not considered to be contrary to these objectives and policies for the following reasons:

- While the site is not located in a “defined growth area” identified in the PWDP, it is located on land that sits partially within the Indicative Urban Limits identified in the Future Proof 2017 strategy, and on land identified to accommodate future growth in the Waikato 2070 strategy. In addition, the site adjoins the boundary of the Residential Zone, which applies to the undeveloped land to the north. While lack of urban development on that neighbouring residentially zoned land is understood to relate to landownership factors, in line with the issue highlighted in the peer-review to the s42A Framework Report that the zoning of land and its feasibility for development are not closely correlated. Irrespective, the proximity of the subject site to the Raglan township and existing Residential Zone land aligns with the direction for development to be focussed around existing towns.
- The site is not identified as containing elite soils, such that its conversion to residential activity will remove highly productive land from being utilised for primary industry. In terms of rural amenity, the surrounding land uses, including the golf course, oxidation ponds, reserve land, Country Living zoned sites and recycling facility will assist in retaining the existing open space and rural character of this environment.

76. The proposal to rezone land will be contrary to Policy 4.1.18(a)(iii) that confines medium term growth in Raglan solely to the Rangitahi development area, however this policy is subject to submissions in opposition, as previously heard, and is considered to run contrary to the direction of higher order documents, as will be discussed below. As such, the final wording of this policy is unsettled.

77. Overall, the proposal is considered to be generally consistent with, and in the majority not contrary to, the objectives and policies of the PWDP as notified.

Lens Two – Alignment and consistency with higher order documents

78. The higher order documents relevant to the proposal are considered to be National Policy Statements, Regional Policy Statements, and overall purpose and principles of the RMA.

Regional Policy Statement

79. As set out in the s42A Framework Report¹³, the objectives and policies of the PWDP generally seek to achieve the same outcomes as those of the Waikato Regional Policy

¹³ S42A Framework Report, para. 97.

Statement (**WRPS**). In general, therefore, an exhaustive consideration of the WRPS objectives and policies is unnecessary.

80. Section 6 of the WRPS addresses the built environment, and contains policies relevant to the rezoning of land to provide for new urban development.

81. Policy 6.1.1 of the WRPS states that “Local authorities shall have regard to the principles in Section 6A when preparing, reviewing or changing regional plans, district plans and development planning mechanisms such as structure plans, town plans and growth strategies”. The principles in Section 6A are set out and discussed in **Table 2** below.

Table 2 – Waikato Regional Policy Statement Clause 6A General Development Principles

New development should:	
a. support existing urban areas in preference to creating new ones;	The proposal supports growth proximate to Raglan’s existing urban environment
b. occur in a manner that provides clear delineation between urban areas and rural areas;	The proposal generally aligns with the Indicative Urban Limit boundary in Future Proof, with the southern boundary line of the property able to be used to provide a clear delineation between the rural and urban environments
c. make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;	While intensification of Raglan is supported, additional growth areas are necessary to meet demand for housing
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;	The proposal will not compromise the safe, efficient and effective operation and use of existing and planned infrastructure
e. connect well with existing and planned development and infrastructure;	The proposal will be able to directly connect to existing water supply and wastewater infrastructure, and the existing road network. Infrastructure upgrades are planned for the wastewater and roading network that support the proposal
f. identify water requirements necessary to support development and ensure the availability of the volumes required;	Preliminary investigations indicate that connections to water supply infrastructure can be provided for, with dedicated water storage required to regulate demand peaks from the proposal without placing additional stress on the existing network.
g. be planned and designed to achieve the efficient use of water;	Opportunity exists for a water efficient design to be developed on the site
h. be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and	There are no identified significant mineral resources or access routes to such resources on the site or surrounding area.

<p>transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;</p>	<p>The proposal has been designed to avoid development within an identified geotechnical risk area, and there are no natural hazards identified on the site as part of Stage 2 to the PWDP. The land is not located proximate to any energy and transmission corridors or locations identified as likely renewable energy generation sites, or any regionally significant industry. The land is not identified in the NZ Soil Classification register as high class soils.</p>
<p>i. promote compact urban form, design and location to:</p> <ul style="list-style-type: none"> i. minimise energy and carbon use; ii. minimise the need for private motor vehicle use; iii. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport; iv. encourage walking, cycling and multi-modal transport connections; and v. maximise opportunities for people to live, work and play within their local area; 	<p>The proposal is located within 1.5km of the centre of the Raglan township. Bus stops for the regional bus service are located proximate to the site, on the corner of Wainui Road and Te Hutewai Road. Opportunity exists for a compact urban form to be established as part of the development, and for walking and cycling connections through the site. An opportunity would become available for linkage to the nearby Rangitahi subdivision to the east and the coastal environment to the west, with walking and cycling opportunities to the coast.</p>
<p>j. maintain or enhance landscape values and provide for the protection of historic and cultural heritage;</p>	<p>Landscape values have been the guiding factor in indentifying the parts of the site that would be developed for housing and the parts of the site that would be either retained in their present state or planted to enhance the landscape values. Archaeological sites have been identified, with the proposal incorporating the retention and recognition of these as appropriate.</p>
<p>k. promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;</p>	<p>The proposed structure plan incorporates ecological corridors to enhance the ecology of the site through indigenous planting areas, enhancement of ecological corridors and avoid effects on habitats of indigenous fauna.</p>
<p>l. maintain and enhance public access to and along the coastal marine area, lakes, and rivers;</p>	<p>Opportunity exists to enhance connectivity to the Wainui Reserve and Ngarunui Beach through potential cycle and pedestrian pathway as part of the development</p>
<p>m. avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including</p>	<p>Low impact stormwater practices have been proposed as part of the proposal to treat, attenuate and control stormwater at source</p>

through methods such as low impact urban design and development (LIUDD);	
n. adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;	Opportunity exists for sustainable design technologies to be adopted in the development of the site
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;	Separation distances from the oxidation ponds have been built into the proposed development. Similar separation measures can be used to avoid the potential for reverse sensitivity to occur in relation to the establishment of residential development proximate to the waste transfer station
p. be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;	The site is not located adjacent to the coast and will be generally resilient and adaptable to the effects of climate change
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;	The applicant has sought feedback from mana whenua regarding the potential redevelopment of the site, and will explore any opportunities raised to visually recognise connections / values identified as part of that engagement
r. support the Vision and Strategy for the Waikato River in the Waikato River catchment;	The proposal is not located in the Waikato River catchment
s. encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and	Potential exists for waste minimisation and efficient resource use to be incorporated into the design and construction stage
t. recognise and maintain or enhance ecosystem services.	The proposal incorporates the enhancement of the Ahiawa Stream through riparian planting

82. In addition, implementation method 6.1.8 of the WRPS requires that district plan zoning for new urban development is supported by information which identifies a range of matters, as appropriate to the scale and potential effects of development. These matters are set out in **Table 3** below:

Table 3 – Implementation method 6.1.8 of the WRPS

a. the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;	The type and location of land uses that will be permitted is set out in the draft Structure Plan. The likely density, staging and trigger requirements will be confirmed through subdivision consents, however it is envisaged that some 300 – 400 allotments
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	will eventually be able to be realised on the land
b. the location, type, scale, funding and staging of infrastructure required to service the area;	Infrastructure requirements are discussed in the Three Waters and Transportation reports. In general, existing services are present which the proposal can connect to. While capacity is to be confirmed, it is anticipated that water storage will need to be provided on site to accommodate the demand peaks as a result of the proposal. Infrastructure upgrades have been identified in the LTP that will improve the ability for services to accommodate the proposal.
c. multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;	The proposal will provide for connectivity across the site by way of a new spine road, connecting two main road and future connectivity to the Rangitahi development. Development on the site can make provision for cycling and walking connections, and will have access to the existing public transport infrastructure in the Raglan area, with a bus stop for the regional bus service to Hamilton located on the corner of Te Hutewai and Wainui Roads
d. how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;	This is discussed above.
e. potential natural hazards and how the related risks will be managed;	Refer to Geotechnical Report. No other natural hazards identified.
f. potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;	Refer to Site Contamination Report
g. how stormwater will be managed having regard to a total catchment management approach and low impact design methods;	Refer to Three Waters Report
h. any significant mineral resources (as identified through Method 6.8.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;	N/A

i. how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;	Engagement with tangata whenua to date
j. anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;	Refer to Three Waters Report
k. how the design will achieve the efficient use of water;	Refer to Three Waters Report – design to be determined at resource consent stage.
l. how any locations identified as likely renewable energy generation sites will be managed;	N/A
m. the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and	N/A
n. the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.	N/A

83. Policy 6.14 of the WRPS adopts the land use pattern for growth set out in Future Proof. As discussed in the s42A Framework Report¹⁴, the WRPS references the 2009 version of the Future Proof growth strategy. Future Proof is part way through a review of the strategy, and an updated version of strategy was released in 2017.

84. As it relates to growth in Raglan, the updated version of the Future Proof strategy has amended the boundaries of the “Indicative Urban Limits” (IUL) to accommodate growth. **Figure 6** below shows the difference between the 2009 and 2017 version of the IUL.

¹⁴ Ibid, para. 115-122.



Figure 6 – Future Proof Indicative Urban Limits – 2009 area in green, 2017 limit shown by purple boundary (Future Proof 2017 Strategy)

85. The relationship between the Trust’s landholdings and the 2017 version of the IUL are shown in **Figure 2** (the IUL being the yellow line in that figure). As can be seen, with the exception of the middle section of the Trust’s landholdings, the 2017 version of the IUL includes the Trust’s land. I understand that the reason for this “gap” relates to the different ownership between these titles – with titles included within the limits being under the ownership of Martin Koning, and the excluded parcel being owned by the Koning Family Trust. There is no other obvious reason why the “gap” in the indicative urban limits exists, to the knowledge of the Submitter.
86. The 2017 version of the Future Proof growth strategy is considered to hold greater currency than the 2009 version, and it is appropriate that it therefore be given greater weight than the superseded provisions that the WRPS retains reference to.
87. It should be noted that the updated boundaries of the 2017 strategy include the Rangitahi Peninsula, which has already been zoned and the neighbouring wastewater treatment plant and Raglan Golf Course land, neither of which are likely to be changed to residential activity in the near future. The presence of the wastewater treatment plan also prevents residential development from developing within 300m of the oxidation ponds, thereby preventing a large area of the land that has been included within the IUL from being used for residential development.

88. The indicative boundaries for urban growth contained in Future Proof 2017 therefore contain land that is 'compromised' in terms of accommodating the level of growth anticipated, and it is appropriate that the full extent of the Trust's land, being contiguous with the IUL and under common ownership, is included in the proposed rezoning as sought by the submitter.
89. Overall, the proposal is considered to be generally aligned with, and not contrary to, the objectives and policies of the WRPS.

National Policy Statements

National Policy Statement on Freshwater Management 2020

90. The National Policy Statement for Freshwater Management (**NPS Freshwater**) sets out the statutory framework for the management of freshwater across New Zealand. The NPS Freshwater promotes the concept of Te Mana o Te Wai (the integrated and holistic well-being of a freshwater body). The objective of the NPS Freshwater is to ensure that natural and physical resources are managed in a way that places priority on: firstly the health and wellbeing of water bodies and freshwater ecosystems; secondly the health needs of people; and thirdly the ability of people and communities to provide for their social, economic, and cultural well-being.
91. Included in the policies of the NPS Freshwater are that there is no further loss to the extent of natural inland wetlands, that the loss of river extent is avoided to the extent practicable, and that the value of these freshwater assets are protected and restored.
92. Existing freshwater assets have been identified on the Site as part of the ecological assessment. These freshwater assets include the Ahiawa Stream and tributaries located to the western end of the site, and a catchment (stream and wetted area) flowing through the middle of the site. The proposal incorporates the retention, protection and enhancement of these assets as an integral part of the redevelopment through their identification on the draft Structure Plan.
93. Any future subdivision or land use application for development on the Site will address the manner in which the existing freshwater assets will be protected.

National Policy Statement on Urban Development 2020

94. The NPS-UD contributes to the Government's Urban Growth Agenda, which is described by the Ministry for the Environment as a programme that aims to remove barriers to the supply of land and infrastructure. The NPS-UD contributes to the Urban Growth Agenda by addressing constraints in the planning system to ensure our system enables growth and supports well-functioning urban environments.

95. An “urban environment” is defined in the NPS-UD as an area of land that is, or is intended to be, predominantly urban in character and part of a housing or labour market of at least 10,000 people. This definition is applicable to the Koning land for the following reasons:

- Waikato District Council’s economic and growth strategy, “Waikato 2070”, identifies Raglan as having a possible population of 12,500 people by the year 2070.
- Waikato 2070 identifies the area surrounding (and partially including) the Koning’s land as one of the areas to accommodate long-term residential growth in Raglan. Refer **Figure 7** below.

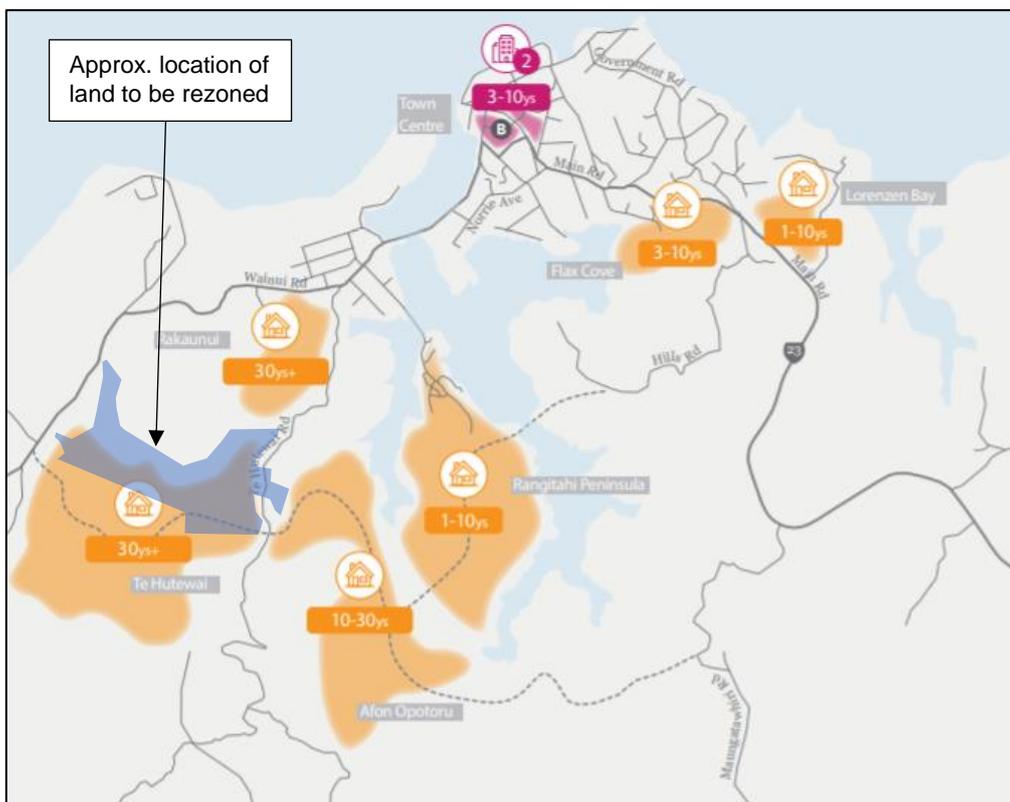


Figure 7 – Raglan growth areas Waikato 2070

- In addition, as discussed above, the 2017 version of the Future Proof Sub-Regional Growth Strategy updated the “Indicative Urban Limits” to include part of the Koning’s land.
96. Rezoning the Koning’s land for residential development aligns with the objectives of the NPS-UD. It will:
- contribute to a well-functioning urban environment (Objective 1 of the NPSUD). Well-functioning urban environments are described in Policy 1 as those

environments that have or enable a variety of homes that meet the needs (in terms of type, price, and location) of different households; enable Maaori to express their cultural traditions and norms; have good accessibility between housing, jobs, community services and natural and outdoor spaces, including by way of active transport; support the competitive operation of land and development markets; support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change. The proposal will do this through enabling competition in the Raglan market in a location that is proximate to the town centre (which provides business, employment and transport options) and natural reserves, and will provide for greater variety in the price, type and location of housing in Raglan. The proposed land to be developed is separated from the coastal reserve and is not identified as having existing or predicted future flooding hazards, and therefore is not considered to be susceptible to effects of climate change.

- provide for choice and competitiveness in the housing market (Objective 2) and enable more people to live in an area that is near to a centre with many employment opportunities and has higher than average demand for housing (Objective 3). The economic evidence prepared by Mr Fraser Cosgrove confirms that the existing demand for housing in the Raglan exceeds supply, and that this situation is expected to continue based on current trends. Mr Cosgrove also identifies that Raglan is increasingly seen as an attractive residential location given shifts to remote working (working from home) and improvements made to the state highway network making access to the major business and employment nodes of Auckland and Hamilton quicker and easier. The main growth area that is available to expand Raglan at present is the Rangitahi Peninsula, which is a development owned by one group of family interests. The provision of another separately owned development location with a substantial land supply will actively promote choice and competitiveness in the housing market for Raglan.
- develop the land in a manner that responds to the changing needs of people, communities and future generations (Objective 4). The proposed rezoning of the land from rural to residential purposes aligns with the direction in the Future Proof and Waikato 2070 strategies, which anticipate the change in land use in order to meet the requirements of the growing Raglan population.
- provide for development of the land in the manner that takes into account the principles of the Treaty of Waitangi (Objective 5), consistent with the manner in which the proposed residential provisions of the PWDP have been developed

through Council's consultation with mana whenua. The Submitter has also sought feedback from local iwi regarding the proposed rezoning of the landholdings, and potential archaeological effects have been considered in the evidence of Ms Sian Keith.

- be a decision regarding an urban environment that is: integrated with infrastructure planning and funding decisions; strategic over the medium term and long term; and responsive to a proposal that will significantly contribute to the housing market (Objective 6). The Council have identified funding to address existing constraints in current infrastructure serving the land in the 2018-2028 Long Term Plan, namely renewal and upgrades to the Raglan wastewater treatment plant and Wainui Road bridge. As discussed, the proposed rezoning generally aligns with the strategic direction for growth in Raglan identified in the Future Proof and Waikato 2070 growth strategies.
- The rezoning of the submitter's land as part of the District Plan Review would be a move in advance of the timeframe indicated in the Waikato 2070 strategy, which identifies growth in the location of the Koning landholding as being in the 30 year plus timeframe. The need for a more competitive housing land market in Raglan justifies the early availability of this land for development, along with the faster than anticipated growth in demand, as outlined in Mr Colegrave's evidence. Rezoning of this land would be responsive to evident demand that exists in the Raglan market, increasing choice and competitiveness in the market, and would provide for an excess of 300 lots to be added to that market.

97. As such, the proposal is considered to be consistent with the objectives of the NPS-UD.

Lens Three – Best practice planning guidance

98. The s42A Framework Report identifies guidance on the "best practice" to apply in considering rezoning requests. The matters that are considered of relevance to this proposal, include:

- The economic costs and benefits of the proposal are considered. The evidence prepared by Fraser Colegrave has comprehensively addressed this matter.
- Changes should take into account recent plan changes. The provisions of the Rangitahi plan change have been incorporated into the PWDP, and the proposed rezoning will not conflict with the outcomes of the development.

- Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints. There are no overlays or constraints identified in the planning maps that would have relevance to the location of the zone boundaries.
- Changes to zone boundaries take into account the features of the site. The site features have been assessed in the various reports prepared by the consultant team, and reflected in the draft structure plan. The topographical and geological attributes of the site have provided the framework for the proposed development of the site.
- Zone boundary changes recognise the availability of major infrastructure. As discussed above, infrastructure has been assessed as part of the proposal and it is considered that existing and planned infrastructure will be able to provide for the zone boundary change.
- There is adequate separation between incompatible land uses. The proposal incorporates the 300m separation buffer that is required to separate residential dwellings from oxidation ponds. The draft structure plan also identifies the ability to incorporate a possible boundary treatment along the southern boundary common with the waste transfer station. This treatment could be in the form of planting and/or the positioning of dwellings to be setback from the common boundary with this facility. The exact nature of that treatment would be able to be confirmed as part of any future subdivision consent process.
- Zone boundaries are clearly defensible, and follow property boundaries. The proposed zone boundaries are defined by the Trust's landholdings, which will form a logical boundary between rural and urban development at its southern limits. The northern limits of the zone boundary have been proposed on the basis of ensuring the required separation between the oxidation ponds and residential development is achieved. A similar zoning arrangement exists for the adjoining site to the north of the Trust's land, where the eastern part of that site (located more than 300m from the ponds) has been zoned for residential activity, with the remainder being zoned rural.

99. The proposal is considered to be generally aligned with the best practice guidance that has been identified.

Summary – s42A Framework

100. Having regard to the framework of assessment set out in Council's s42A Framework Report, the proposal is considered to:

- Align with the relevant objectives and policies as notified in the PWDP. It will provide for growth in a manner that enables a compact form of urban development around an existing town centre;
- Align with the objectives and policies of higher order planning documents. It will result in growth being accommodated in line with the strategic direction adopted in the WRPS, Future Proof and Waikato 2070. The proposal will also result in the PWDP giving better effect to the objectives of the NPS-UD, catering for growth and providing for a competitive housing market;
- Addresses the “best practice planning guidance” matters identified to have regard to when considering submissions seeking rezoning.

101. I have attached as **Appendix 2** an assessment of the proposal under section 32 of the Act in the format set out in the Council’s s42A Framework Report.

RMA Part 2 considerations

102. The rezoning request must be in accordance with the provisions of Part 2 of the RMA. The RMA has a singular purpose which is to promote the sustainable management of natural and physical resources (section 5).

103. Per the Supreme Court 2014 decision *Environmental Defence Society Inc. vs the New Zealand King Salmon Co Ltd*, there is no need to refer to Part 2 in making a decision on a plan change on the basis that the proposal is giving effect to the higher-order statutory documents, and that those higher-order documents have been prepared in accordance with Part 2 of the RMA.

104. The limited exceptions to this stance include where there is ‘incomplete coverage’ in those higher-order documents. In this case, an element of incomplete coverage exists in those documents that are intended to be given effect to by the PDP, and therefore there may be some need to recourse to Part 2 of the RMA. That ‘incomplete coverage’ arises from the fact that the NPSUD post-dates the WRPS, such that the WRPS has not given effect to this National Policy Statement and accordingly could be considered incomplete in terms of how it provides for urban development.

105. The currency of the WRPS is further challenged by the fact that it relies on a superseded version of the Future Proof growth strategy, as discussed above. This disconnect leads to some uncertainty in terms of how the built environment provisions should be given effect to, as evidenced in the PDP policies making reference to the 2017 version of Future Proof in spite of the WRPS referring to the 2009 version of Future Proof.

106. Accordingly, it is justified for the proposal to be assessed directly against Part 2 of the RMA, as well as giving priority to provisions of the NPSUD wherever there is any inconsistency between those provisions and the WRPS.
107. The proposal achieves the purpose of the RMA as set out in section 5, through the provision of growth and development in the Raglan area to cater for the needs of current and future generations while ensuring the protection and enhancement of the natural and physical resource. In particular, the proposal will provide for efficient use of the land for residential purposes without extensive loss of rural production land, in a location that is well placed to accommodate population growth of Raglan.
108. The proposal is consistent with the matters of national importance set out in section 6 for the following reasons:
- The natural character of the rivers and wetlands on the Site is proposed to be preserved and enhanced by the proposal.
 - The Site is not identified as having any outstanding natural features or landscapes, and is relatively confined in terms of its visibility within the wider environment.
 - While evidence of pre-European activity on the land has been identified in an archaeological assessment, the Site is not known to contain significant importance to Maaori. The applicant has sought feedback from local iwi regarding their knowledge of the Site and surrounding area, and the cultural impact of the proposal.
 - The proposal has identified the presence of potential geotechnical instability on the Site, which is to be managed through avoiding development on in that area.
109. With regard to the other matters specified in section 7, the proposal provides for the efficient use and development of the land. It provides for future growth of Raglan in a manner that is consistent with how residential activity is generally provided for throughout the district, and will enable a substantial residential population to be accommodated in a suitable location. The proposal also incorporates the enhancement of amenity values and the environment through ecological corridors to be retained and planted through the site, and substantial planting to take place over the identified slope instability hazard area.
110. In terms of taking into account the principles of the Treaty of Waitangi, the submitter has sought advice from local iwi regarding the proposal to rezone the land. Archaeological features on the site have been identified and will be recorded and preserved as appropriate, and the proposal seeks to ensure that development on the

site will incorporate measures in order to ensure wastewater and stormwater is managed in a manner that is culturally sensitive.

111. Accordingly, the proposal is considered to be consistent with the purpose and principles of the RMA.

Changes required to PWDP

112. The relief sought by the Submitter is for the rezoning of that part of their landholdings located generally more than 300m from the neighbouring oxidation ponds from Rural to Residential.

113. As discussed above, experts in a number of relevant specialist areas have reviewed the viability of that land to accommodate residential development. Those reviews confirm that the land can be suitably developed for this purpose, noting that there is the need for that development to avoid a part of the land that is identified as having potential risk of instability.

114. In order to enable the proposed rezoning, the applicant has commissioned a draft structure plan that identifies the developable land located within the area to be rezoned. That structure plan also identifies potential roading connectivity, and incorporates recommendations regarding enhancement of the ecology through corridor planting.

115. The structure plan could be incorporated into the PWDP through inserting the attached Structure Plan Development Plan and Structure Plan Text (**Appendix 3** to this evidence) into the PWDP as Appendix 13, and inserting the following text shown in red underline below into Chapter 16: Residential Zone:

- (1) The rules that apply to activities in the Residential Zone are contained in Rule 16.1 Land Use – Activities, Rule 16.2 Land Use – Effects and Rule 16.3 Land Use – Building.
- (2) The rules that apply to subdivision in the Residential Zone are contained in Rule 16.4.
- (3) The activity status tables and standards in the following chapters also apply to activities in the Residential Zone:
 - 14 Infrastructure and Energy;
 - 15 Natural Hazards and Climate Change (Placeholder).
- (4) The following symbols are used in the tables:
 - (a) PR Prohibited activity
 - (b) P Permitted activity
 - (c) C Controlled activity

- (d) RD Restricted discretionary activity
- (e) D Discretionary activity
- (f) NC Non-complying activity

(5) The Residential Zone contains a Specific Area that is Lakeside Te Kauwhata Precinct. Rule 16.5 manages all land use, building and subdivision in this location. Rule 16.5.1 sets out how to apply rules to Lakeside Te Kauwhata Precinct that are either different from, or are in addition to, other rules that apply to the rest of the Residential Zone.

(6) The Residential Zone contains a Structure Plan for the Te Hutewai Structure Plan Area in Appendix 13. Any subdivision or development undertaken in this location shall be in accordance with the Te Hutewai Structure Plan contained in Appendix 13. Note that the requirements of this Rule and the Structure Plan are in addition to any relevant rules of the Residential Zone and any relevant District-wide rules.

Further Submissions received on the Koning Family Trust relief sought

116. Further submissions were received from the following parties on the Koning's submission to rezone their landholdings:

a. Waikato Regional Council made a further submission opposing the relief sought for the following reasons: *"When determining the extent and location of development, matters such as high class soils, hazards, landscapes and indigenous biodiversity must be taken into consideration. The district plan must give effect to the relevant policies and association implementation methods in the WRPS.*

"It is essential that land use and infrastructure are provided in a coordinated and efficient manner to give effect to WRPS Policies 6.1 and 6.3. Land should not be considered for rezoning to an urban zone without provision for infrastructure."

These matters have been addressed above and in the evidence of the submitter's expert consultants.

b. Whaingaroa Environmental Defence Inc. Soc. oppose the relief sought on the basis that *"a structure plan is needed before such developments should be permitted without resource consent."*

A draft Structure Plan has been prepared addressing the potential development of the site.

c. Mercury NZ Limited opposes the relief sought on the basis that, at the time of lodging the further submission, the Waikato District Council's natural hazards provisions (Stage 2 of the PWDP) had not been released, and therefore it is

inappropriate to intensify land uses or locate sensitive uses in areas of potential flood hazard risk.

Stage 2 of the PWDP has since been released and confirms that the land proposed to be rezoned is not subject to potential flooding risk. It is therefore anticipated that Mercury NZ's opposition to the proposal can be withdrawn.

- d. Rangitahi Limited supports the relief sought in part. Rangitahi Limited have made a submission seeking that a 'Future Growth Area' be established to provide for medium to long term growth in Raglan. The proposed 'Future Growth Area' identified includes the Koning land. Rangitahi submit that a structure planning exercise should be undertaken to confirm the location and extent of land to be rezoned Residential.

Conclusion

117. The Trust seek that part of their landholdings be rezoned from Rural Zone to Residential Zone.
118. The proposal is considered to align with the direction of higher-order planning documents that the PWDP is required to give effect to, in particular the National Policy Statement of Urban Development and the Waikato Regional Policy Statement, as well as relevant growth strategies including the Waikato 2070 Economic and Growth Strategy and the Future Proof Sub-Regional Growth Strategy.
119. The Submitter engaged experts of relevant fields to assess ability for their site to be developed for residential purposes. These assessments have identified a number of opportunities and constraints, notably:
 - a. The housing market in Raglan shows that there is higher than average demand for housing, and that there is insufficient land to meet that demand.
 - b. Given the surrounding landform, while effects on the landscape are considered to be moderate given the change from rural to urban, the visual impacts of the proposal will be generally low and self-contained.
 - c. With the exception of an identified geotechnically 'high-risk' area, that should be avoided, the land is considered to be generally suitable to accommodate residential development.
 - d. There are some identified archaeological features present on the site, which will require an Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act to damage / destroy, however there is nothing that would otherwise prevent the rezoning of the Site.

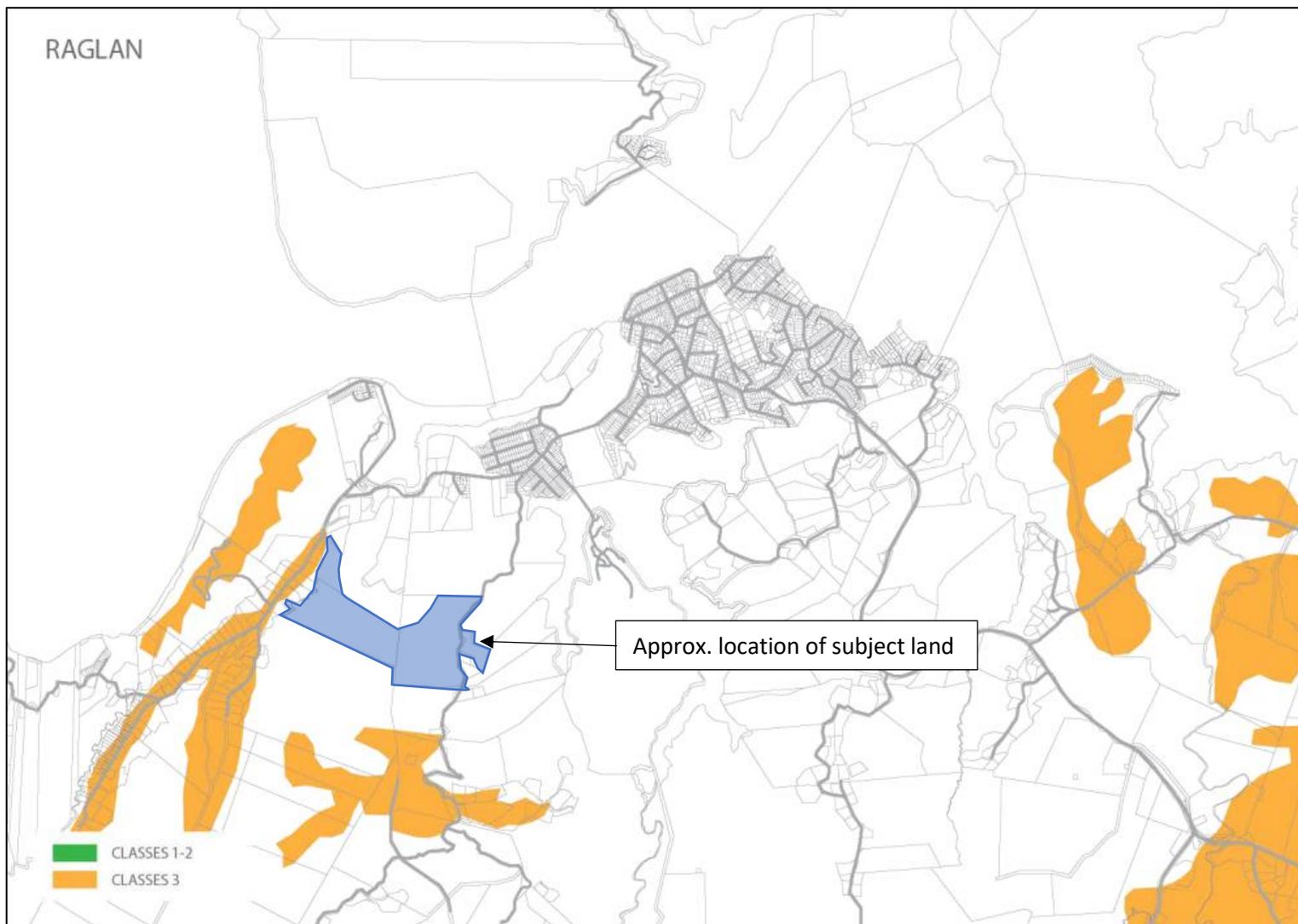
- e. There is the opportunity to maintain and enhance the ecological condition of the Site as part of any residential development. In particular, the Ahiawa Stream corridor along the western boundary of the site has been identified as a potential commuter route for bats. Bat surveys indicate that there is no roosting occurring on the Site, and the existing commuter corridor will be retained, protected and enhanced as part of the future development of the site.
 - f. There is opportunity to connect to the existing water supply and wastewater network, subject to confirmation of capacity. Similarly, stormwater can be managed through appropriate design solutions. Engineering options exist to mitigate any constraints.
 - g. Safe and efficient access is able to be made to the Site, and the proposal provides potential for good connectivity across the land. Existing constraints in the wider transportation network will need to be addressed in order to accommodate growth in Raglan. These are able to be assessed through subsequent processes.
120. Taking into account the findings of these specialists, a draft structure plan has been developed to guide the development of the site.
121. Adopting the relief sought by the Submitter is considered to be a positive planning decision that would enable the Council to better respond to high levels of growth and anticipated demand for housing in Raglan and provide greater competition and choice in the housing land market.

Dated: 17 February 2021



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Aidan Kirkby-McLeod

Appendix 1 – Map showing location of High Class Soils in Raglan area



source: <https://www.waikatodistrict.govt.nz/your-council/plans-policies-and-bylaws/plans/waikato-2070>

Appendix 2 - s32AA analysis for proposed rezoning of Koning landholdings

Table 1: Rezoning Proposal

The specific provisions sought to be amended	Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of the Proposed Waikato District Plan (PDP)
The rezoning proposal	The Koning Family Trust and Martin Koning seek the rezoning of their landholdings located at 339 Wainui Road, 145 Te Hutewai Road, 146 Te Hutewai Road and 151 Te Hutewai Road, Raglan, from Rural Zone to Residential Zone.
Relevant objectives of the PDP	<ul style="list-style-type: none"> • Growth occurs in defined growth areas (1.5.2(a)) • Urban development takes place within areas identified for the purpose in a manner which utilises land and infrastructure most efficiently (1.12.8(b)(i)) • Promote safe, compact, sustainable, good quality urban environment that respond positively to their local context (1.12.8(b)(ii)) • Focus urban growth in existing urban communities that have capacity for expansion (1.12.8(b)(iii)) • Protect and enhance green open space, outstanding landscapes, and areas of cultural, ecological, historic and environmental significance (1.12.8(b)(vi)) • Future settlement pattern consolidated in and around existing towns and villages in the district and in 'defined growth areas' (1.12.3(a); 1.12.3(c); 4.1.2(a)) • Urban growth areas are consistent with Future Proof Strategy for Growth 2017 (4.1.3(b)) • Infrastructure can be efficiently and economically provided (4.1.3(a)) • Achieve a minimum density of housing in the Residential Zone (4.1.5(b)) • Raglan is developed to ensure infill and redevelopment of existing sites occurs; a variety of housing densities is provided for; Rangitahi is the only area that provides for medium term future growth (4.1.18(a)) • In the rural environment, high class soils are protected for productive rural activities and urban development is avoided (5.1.1(a))
Scale and significance of the rezoning proposal	<p>The scale and significance of the proposal is limited due to the following factors:</p> <ul style="list-style-type: none"> • The proposal relates to the zoning of particular landholding in a particular part of the District (Raglan) • The proposed rezoning aligns with the strategic direction of higher order documents (WRPS, NPS-UD) and growth strategies (Future Proof; Waikato 2070) • The proposed residential development is able to be accommodated on the site, having regard to the assessments prepared by expert consultants
Other reasonably practicable options to achieve the objectives (alternative options)	The following alternative options to the proposal have been identified:
	<ul style="list-style-type: none"> a) Do nothing / status quo b) Seek resource consent to provide for residential development under the Rural Zone provision

c) Rezone the land as “future urban” or similar

Table 2: Benefits and Costs Analysis of the Rezoning Proposal

Rezoning Proposal: Rezone the Site from Rural to Residential – i.e. Relief Sought		
	Benefits	Costs
General	<ul style="list-style-type: none"> The proposal will enable the council to better achieve the objectives of the NPS-UD by providing for increased areas for housing proximate to the Raglan 	<ul style="list-style-type: none"> No general costs identified
Environmental	<ul style="list-style-type: none"> The removal of the Overlay will enable the land to be used for efficiently for its zoned purpose, and reduce the extent to which further fragmentation of rural land is required to accommodate growth in this area Proposal incorporates ecological corridors to be established as part of the residential development, providing for improved riparian planting and landscaping of the land 	<ul style="list-style-type: none"> Environmental impacts typically associated with development Increased demand on infrastructure
Social	<ul style="list-style-type: none"> Opportunity for increased housing affordability enabling a larger proportion of potential home owners to obtain finance and own their own home and/or rent a home that meets current building standards 	<ul style="list-style-type: none"> No social costs identified
Economic	<ul style="list-style-type: none"> Enables greater competitiveness in the housing market, with associated increases in housing choice and affordability 	<ul style="list-style-type: none"> No economic costs identified
Economic Growth	<ul style="list-style-type: none"> Promotes economic growth through the established of an increased population and ratepayer base 	<ul style="list-style-type: none"> No economic growth costs identified

Employment	<ul style="list-style-type: none"> Promotes growth of economy and employment opportunities, in terms of increased construction activity 	<ul style="list-style-type: none"> No economic employment costs identified
Cultural	<ul style="list-style-type: none"> No cultural benefits identified 	<ul style="list-style-type: none"> No cultural costs identified
Rezoning Proposal: <i>Alternative option 1 – do nothing</i>		
	Benefits	Costs
General	<ul style="list-style-type: none"> No general benefits identified 	<ul style="list-style-type: none"> Loss of immediate opportunity to provide for additional land to be rezoned in a manner that would align with higher order objectives to ensure growth demand and market competitiveness is achieved
Environmental	<ul style="list-style-type: none"> No change to the current landscape character 	<ul style="list-style-type: none"> No environmental costs identified
Social	<ul style="list-style-type: none"> Rural character of existing environment is retained, which may be preference to some in the wider community 	<ul style="list-style-type: none"> Existing issues of housing affordability remain and may be exacerbated
Economic	<ul style="list-style-type: none"> No economic benefits identified 	<ul style="list-style-type: none"> Loss of needed capacity in housing market Lack of competition in housing market due to growth areas being limited to specific landholders
Economic Growth	<ul style="list-style-type: none"> No economic benefits identified 	<ul style="list-style-type: none"> Will not provide for future economic growth of the land
Employment	<ul style="list-style-type: none"> Promotes growth of economy and employment opportunities, in terms of increased construction activity 	<ul style="list-style-type: none"> Will not provide for potential employment opportunities associated with proposed residential development
Cultural	<ul style="list-style-type: none"> No cultural benefits identified 	<ul style="list-style-type: none"> No cultural costs identified
Rezoning Proposal: <i>Alternative option 2 – seek resource consent for residential subdivision and development under existing Rural Zone</i>		
	Benefits	Costs
General	<ul style="list-style-type: none"> No general benefits identified 	<ul style="list-style-type: none"> Residential activity would be contrary to the Rural Zone objectives and policies that would remain applicable

Environmental	<ul style="list-style-type: none"> No environmental benefits 	<ul style="list-style-type: none"> Lack of consistent approach to residential development in area, likely to result in piecemeal and inefficient development of the land
Social	<ul style="list-style-type: none"> No social benefits identified 	<ul style="list-style-type: none"> Potential for perceived amenity effects by some of the wider community, particularly those in the neighbouring Country Living Zone land
Economic	<ul style="list-style-type: none"> If approved, would provide for economic benefits in terms of construction activity and residential sales 	<ul style="list-style-type: none"> The risk of such an application being refused is high, and the costs involved in making such an application would not be recoverable given inability to progress development As resource consents need to be based on specific development proposals, an application would require a higher level of design requiring greater upfront costs and likely additional future consenting processes to amend any development (if approved)
Economic Growth	<ul style="list-style-type: none"> As above 	<ul style="list-style-type: none"> No economic growth costs identified
Employment	<ul style="list-style-type: none"> As above 	<ul style="list-style-type: none"> No economic employment costs identified
Cultural	<ul style="list-style-type: none"> No cultural benefits identified 	<ul style="list-style-type: none"> No cultural costs identified

Table 3: Evaluation of the Proposal

Reasons for the selection of the preferred option.	<p>The rezoning of the Site is considered to be the most appropriate method to address the issue, for the following reasons:</p> <ul style="list-style-type: none"> It provides for the efficient use of land already zoned and serviced to accommodate residential activity, and enables choice and competitiveness in the housing market. It gives effect to the direction of higher level planning documents, in particular the requirement under the NPSUD for district plans to enable greater levels of development capacity to meet the different needs of people and communities, where it will contribute to well-functioning urban environments.
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	The alternative option of retaining the status quo or seeking residential development through resource consent processes are considered to result in a less efficient use of the Site, and do not align with the overall direction of the NPSUD.
Extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA	The proposal achieves the purpose of the RMA through the provision of growth and development in the Raglan area to cater for the needs of current and future generations while ensuring the protection and enhancement of the natural and physical resource. The proposal will provide for the efficient use of the land for residential purposes without extensive loss of rural production land, in a location that is well placed to enable the compact growth of an existing urban area.
Assessment of the risk of acting or not acting if there is uncertain information about the subject matter of the provisions	The risk of not acting on the proposal would be the loss of the existing opportunity for land to be rezoned in an appropriate manner to directly address the existing and ongoing issues of lack of capacity to meet growth demand.
Conclusion	<p>The proposed rezoning will be efficient and effective in achieving the objectives of the PWDP for the following reasons:</p> <ul style="list-style-type: none"> • It provides for growth in a manner that will enable a compact urban form of development around the existing Raglan township • It will not reduce the availability of high quality soils for rural production purposes • It will enable the PWDP to give better effect to the objectives and requirements of higher order planning documents

Appendix 3 – Draft Te Hutewai Structure Plan

TE HUTEWAI STRUCTURE PLAN

INTRODUCTION

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

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

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

PLANNING FRAMEWORK

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

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

CULTURAL

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

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

ARCHAEOLOGICAL

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

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

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

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

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

The necessary actions prior to or during subdivision include undertaking consultation with tangata whenua, developing a method of preserving the existing storage pit site, and conducting a programme of subsurface investigations prior to any bulk earthworks for the two identified midden sites and the five other sites of interest identified within the Structure Plan Area.

ECOLOGICAL

Structure Plan Area Attributes

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

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

It has been identified that the existing vegetation corridors on-site provide only lower quality habitat for native skinks and geckos and improving this habitat should be considered as part of the sites comprehensive development. The on-site waterways and wetlands also contribute to the habitat for native birds and fish.

Development Actions

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

- Indigenous vegetation to be retained. Avoid the removal of existing indigenous riparian vegetation other than where absolutely necessary for the construction of road crossings. Crossing design should reflect this approach and be positioned where vegetation is most sparse.
- Trees to be retained - Retain the two rimu trees situated alongside the stream catchment east of the Rural 2 Character Area (R2). Incorporate the retention of these trees within any development design.
- Stream reach to be retained – All stream reaches within the site will need to be retained and will require incorporation into any development design.
- Wetlands to be retained – All native natural wetlands within the site will need to be retained and may result in a reduction of land available for development.
- The Ahiawa Stream – The Ahiawa stream is likely to be a significant migratory corridor for At Risk and Threatened native fish species. As such any access over this stream will need to be designed in a way that will not impact fish passage.
- Large exotic trees within the identified areas have potential to act as bat roosting sites. Specific assessment will be required to determine the significance of these trees to bats, prior to any management recommendations being made.

- Retention of lizard foraging habitat - There is moderate quality lizard foraging habitat with many continuous edges of vegetation, namely the riparian and bankside plantings. This ties in with previous considerations to retain indigenous vegetation wherever possible.
- Due to copper skinks being observed just north of the assessment area (approx. 60 metres), it is likely that there are native lizard populations on site. Should further assessments confirm this presence, appropriate mitigation measures would be required to mitigate potential impacts on species protected under the Wildlife Act 1953. This would likely include relocation of animals and enhancement of retained habitat.

Management Plan

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

- Restoration of all existing intermittent streams, permanent streams and wetland areas through pest plant control, pest animal control and native infill planting. This would see the development of an Ecological Management Plan (EMP) for the retention and improvement of existing ecological features on site.
- Further protection of existing watercourses via 10-metre buffer planting around the edge of all intermittent streams, permanent streams, and wetland areas. This will further improve ecological value of the areas for similar reasons to those stated in the first opportunity above. If stock are not to be excluded from the proposed Lots as part of the consent process, these planting areas will require permanent, ungated stock-proof fencing installed outside the dripline of the new plantings.
- Completion of native revegetation along the bank situated at the eastern end of the site.
- An opportunity exists to daylight the main stream channel east of the Rural 2 (R2) Character Area (remove pipes and drains) and restore them to a more natural stream system via planting of riparian zones similar to that suggested in the second opportunity, as well as in-stream habitat creation.
- If bats are confirmed present on site and, specifically, found to be utilising the predicted western riparian corridor, its enhancement along with the retention of mature exotic trees could improve this commuting route for bats.
- It is expected that a current lack of site-wide pest control is restricting the current lizard population on site. The implementation of a pest management plan, as well as the revegetation mentioned in the first opportunity, will provide additional benefit by way of improving lizard habitat and protection from predators.

GEOTECHNICAL CONTEXT

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

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

CONNECTIVITY

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

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

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

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

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

CHARACTER PRECINCTS

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

Urban Character

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

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

Amenity Character

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

Coastal Character

This Coastal character area wraps along the coastline and into the harbour. This includes the first ridgeline running parallel with the waters edge and the associated lifestyle development accessed along the Wainui Rd spine. Public

access throughout this character area is extensive, both overland and along the series of beaches. From the elevated positions overlooking the coast, there is a high degree of exposure and wildness which defines this coastal setting. Proximity to the beach is a key factor of the existing level of development. This character area extends into the western side of the Structure Plan Area.

Rural Character

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

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

CHARACTER RESPONSE

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

Coastal Character Area (C1 & C2)

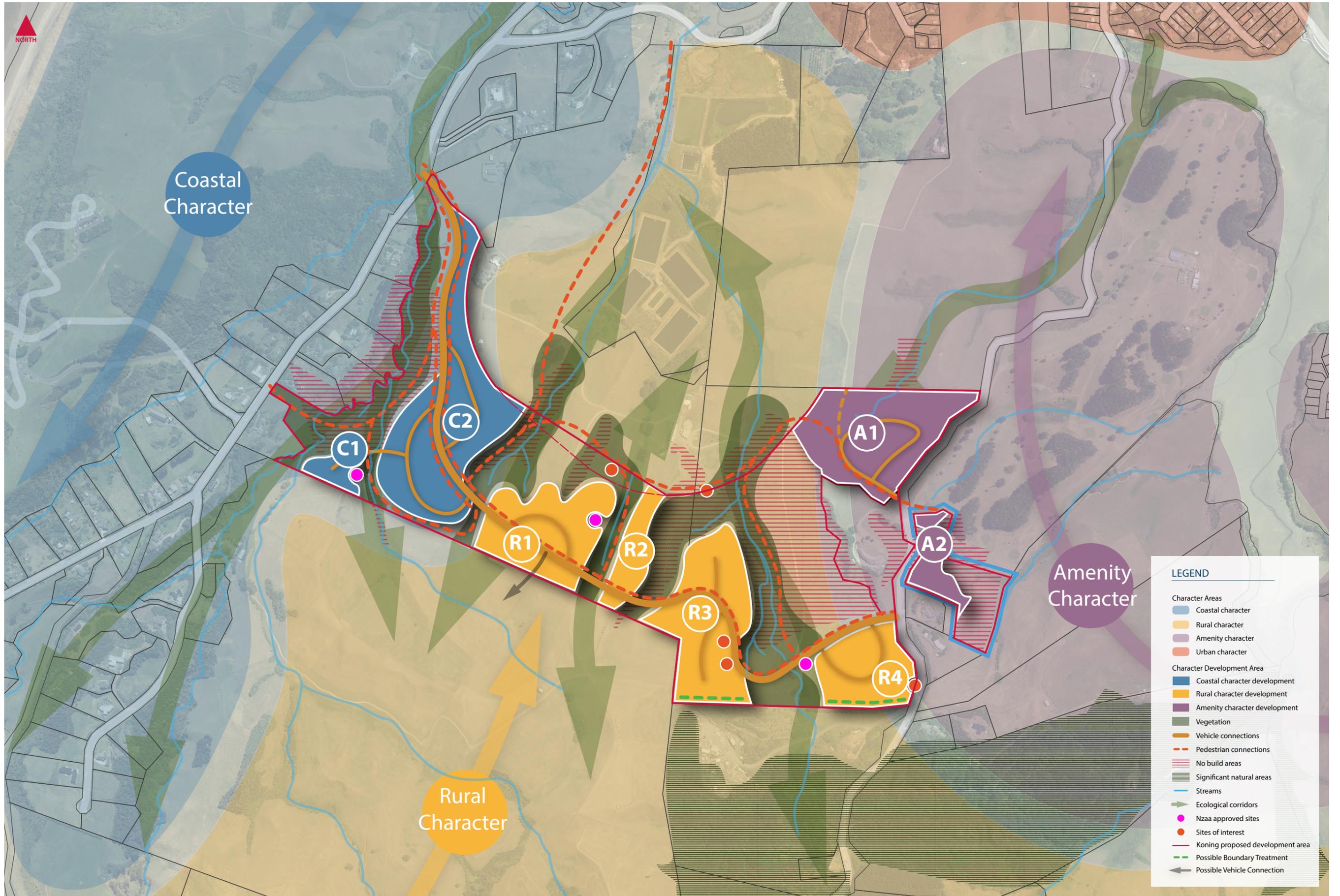
This area most readily responds to the development that has occurred along the Wainui Rd extent. A design response could include; wide open berms, stormwater running into swales (e.g. no curb/channel), informal native coastal planting along the roadside, limited street lighting and readily available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

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

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

Amenity Character Area (A1 & A2)

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



Te Hutewai Structure Plan

Scale 1:7,500 @ A3