

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage I

Hearing 16: Raglan

Report prepared by: Summer Salmon
Date: 24 April 2020



I Table of Contents

1	Introduction	6
1.1	Qualifications and experience.....	6
1.2	Code of Conduct.....	6
1.3	Conflict of Interest	6
1.4	Preparation of this report	6
2	Scope of Report.....	7
2.1	Matters addressed by this report	7
2.2	Overview of the topic.....	8
2.3	Statutory requirements	8
2.4	Procedural matters	8
3	Consideration of submissions received.....	9
3.1	Overview of submissions	9
28.	I will refer to these earlier hearings reports where relevant.....	9
3.2	Further submissions.....	9
3.3	Structure of this report	9
3.4	Amendments to plan text	10
4	The character of Raglan	11
4.1	Introduction	11
4.2	Submissions.....	11
4.3	Analysis	17
4.4	Recommendations	19
5	Raglan Structure Plan.....	19
5.1	Introduction	19
5.2	Submissions.....	19
5.3	Analysis	21
5.4	Recommendations	21
6	Notification of resource consent applications	22
6.1	Introduction	22
6.2	Submissions.....	22
6.3	Analysis	25
6.4	Recommendations	26
7	Raglan Town Centre	26
7.1	Introduction	26
7.2	Submissions.....	27
7.3	Analysis	29
7.4	Recommendations	33

7.5	Recommended amendments.....	33
7.5	Section 32AA evaluation	33
8	Holiday accommodation	34
8.1	Introduction	34
8.2	Submissions.....	34
8.3	Analysis	36
8.4	Recommendations	37
9	Built environment	37
9.1	Introduction	37
9.2	Submissions.....	37
9.3	Analysis	39
9.4	Recommendation.....	48
10	Protection of views	49
10.1	Introduction	49
10.2	Submissions.....	49
10.3	Analysis	51
10.4	Recommendation.....	52
11	Raglan navigation beacons.....	52
11.1	Introduction	52
11.2	Submissions.....	53
11.3	Analysis	54
11.4	Wider Considerations	57
11.5	Recommendations	58
11.6	Recommended amendments.....	58
11.7	Section 32AA evaluation	58
12	Beach access for horses	59
12.1	Introduction	59
12.2	Submissions.....	59
12.3	Analysis	60
12.4	Recommendations	60
13	Miscellaneous.....	61
13.1	Introduction	61
13.2	Submissions.....	61
13.3	Analysis	62
13.4	Recommendations	63
14	Conclusion.....	64

List of submitters and further submitters addressed in this report

Original Submitter	Submission number
Lynne Adrienne	546
Chris Aitchison	284
Art of Change Therapy	266
Susan Carter	480
Amanda Church	632
Monica de la Cruz Carballo	427
Federated Farmers of New Zealand	680
Susan Hall	788
Danielle Hart	413
Jasmine Hunter	253
Elaine Hyland	267
Jade Hyslop	435
Kearvell Family Trust	867
John Lawson	825
Eliza Lawton	653
Kristel Lendfield	803
Michelle Levy	254
John Loe	630
Valerie Lubrick	818
Bob MacLeod	822
Aaron Moor	245
Adrian Morton	499
Leah Forbes-Oakes	339
Tony Oosten	246
Dominic O'Rourke	819
Maris O'Rourke	628
Denise Overend-Clarke	270
Yannis Petzold	430
Raglan Community Board	824

Further Submitter	Submission number
<i>Counties Power Limited</i>	<i>FS1381</i>
<i>Garth & Sandra Ellmers</i>	<i>FS1092</i>
<i>Federated Farmers</i>	<i>FS1342</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS1323</i>
<i>Housing New Zealand Corporation</i>	<i>FS1269</i>
<i>Koning Family Trust and Martin Koning</i>	<i>FS1329</i>
<i>Greig Metcalfe</i>	<i>FS1142</i>
<i>Mercury NZ Limited for Mercury C</i>	<i>FS1386</i>
<i>Meridian Energy Limited</i>	<i>FS1258</i>
<i>Watercare Services Ltd</i>	<i>FS1176</i>
<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FS1276</i>
<i>Spencer John Wheeler</i>	<i>FS1058</i>
<i>Spencer John Wheeler</i>	<i>FS1058</i>

Gabrielle Parson on behalf of Raglan Naturally	831
Powerco	836
Chris Rayner	414
Georgina Roy	258
Anita Seddon on behalf of Jo, Jade, Mila, Peggy, Oki	170
Sven Seddon	534
Liz Shaw	256
Andrew Standley	283
Ella Stewart	485
Jocelyn Stewart	488
Tainui o Tainui	942
Waikato District Council	697
Spencer and Isabelle Wheeler	720
Whaingaroa Environmental Defence Incorporated Society	780
Karen White	757
Vera van der Voorden	802

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

I Introduction

I.1 Qualifications and experience

1. My name is Summer Salmon. I am employed by Waikato District Council as a Senior Consents Planner.
2. I hold the qualifications of Bachelor of Science & Master of Science from The University of Waikato.
3. I have been employed in planning roles in local government for over 9 years. I have been employed by Council as a consents planner since 2011. In this role I have processed a variety of resource consents, including notified and appealed resource consent applications.
4. Prior to notification of the Proposed District Plan (PDP), I reviewed a number of the proposed provisions and provided feedback to the policy planners. Other than this, I have had no further involvement in the PDP as notified.

I.2 Code of Conduct

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

I.3 Conflict of Interest

7. I confirm that I have no real or perceived conflict of interest.

I.4 Preparation of this report

8. The scope of this evidence relates to evaluation of submissions and further submissions received specifically in relation to Raglan.
9. I am the author of this report. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
10. In preparing this report I rely on expert advice sought from Landscape Architect, Brad Coombes of Isthmus (specialists in landscape assessments and urban design) with regard to the character of Raglan.

2 Scope of Report

2.1 Matters addressed by this report

11. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that specifically relate to Raglan.
12. Some of the submissions seek provisions for access for horses to Ngarunui Beach in Raglan.
13. Some of the submissions seek amendments to the following notified provisions:
 - a. Chapter 4: Urban Environment - Policy 4.5.14 relating to the Raglan Town Centre
 - b. Chapter 4: Urban Environment - Policy 4.2.16 relating to housing options
 - c. Chapter 6: Infrastructure - Policy 6.1.15 relating to the Raglan Navigation Beacon
 - d. Appendix 10.1 Raglan Town Centre Character Statement
 - e. Planning maps to
 - i. differentiate between various zones and policy overlays;
 - ii. to include additional walkways.
14. Two of the submissions seek deletions to the following notified provisions:
 - a. Chapter 17 – Rules relating to the Raglan Navigation Beacon
 - b. Chapter 22 – Rules relating to the Raglan Navigation Beacon.
15. Some of the submissions seek additions within notified sections of the Plan rather than amendments to specific notified provisions as follows:
 - a. Chapter 8: Reserves to include an objective to develop a community hub in Raglan
 - b. Chapter 9: Specific Zones to include provisions to protect the character of Raglan
 - c. Chapter 16: Residential Zone to include provisions to
 - i. restrict holiday accommodation, and
 - ii. provide for high density development near the silos at the Raglan wharf
 - d. Chapter 22: Rural Zone to include provisions to protect views
 - e. Appendix 7: Raglan Navigation Beacon spatial data to be amended if beacon light is raised;
16. With the exception of one submission, none of the submissions seeking changes/additions to notified provisions/sections have sought specific amendments for the provision(s). For this reason, I have grouped and addressed submissions by their subject matter rather than the specific provision(s) the relief relates to.
17. Most of the submissions have not made reference to either notified sections or notified provisions but rather seek specific outcomes that go beyond the notified provisions.
18. In general, the submissions share common themes, as follows:
 - a. Raglan’s special character broadly
 - b. Specific elements that contribute to and promote Raglan’s special character
 - c. The Raglan navigation beacons
 - d. Beach access for horses
 - e. Miscellaneous matters.

2.2 Overview of the topic

19. Appendix 10.1: Raglan Town Centre Character Statement of the proposed plan describes Raglan as:

“a small beach-side town located on the west coast of New Zealand, 46km west of Hamilton on State Highway 23. Originally known as ‘Whaingaroa’, early Maaori arrived by migratory canoe at least 800 years ago. Following European settlement (1835), the Raglan economy was supported initially by flax and timber exports, followed by farming which is still the mainstay for the area. The town is known for its surf breaks, beaches, arts and crafts, fashion, cafes and restaurants. A popular destination for holiday makers and tourists, the population in Raglan increases by around 300-400 per cent over summer months”.

20. A number of submissions sought specific outcomes within the Raglan area, seeking to add provisions which are specific to Raglan rather than amend provisions that were contained in the notified version. These submissions are addressed as part of this hearing.

2.3 Statutory requirements

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

- New Zealand Coastal Policy Statement at section 9
- Waikato Regional Policy Statement at section 9

22. The National Planning Standards seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt National Planning Standards approaches where possible during the current hearings. This report relies on the National Planning Standards defined terms (14 – Definitions) that were recommended for adoption in Hearing 5.

23. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. Section 32 reports were published when the Proposed Waikato District Plan (PWDP) was notified in 2018. This report updates that earlier analysis in “section 32AA evaluations” where material changes to the plan are recommended.

2.4 Procedural matters

24. On 11 March 2020, Council held a workshop to establish the geographical area in and around Raglan which some submitters feel has special character. All submitters and further submitters who sought recognition and protection of Raglan’s character were invited to the workshop. The workshop informed the Isthmus character study appended to this report (Appendix 3) and has ultimately guided my recommendations in response to those submissions relating to the character of Raglan.

3 Consideration of submissions received

3.1 Overview of submissions

25. This report relates to 48 submitters and 94 original submission points. There were 101 further submission points.
26. The submissions addressed in this report cover a range of matters specifically related to Raglan. Most of the submissions contain common themes, as follows:
- (a) Raglan's special character broadly
 - (b) Specific elements that contribute to Raglan's special character
 - (c) The Raglan navigation beacons
 - (d) Beach access for horses
 - (e) Miscellaneous matters.
27. Some of the matters addressed in this report have been addressed in previous hearings at a more District-wide scale, as follows:
- (a) Controls of short term accommodation in Hearing Reports 6: Village Zone, 10: Residential Zone and 12: Country Living Zone
 - (b) The Raglan Navigation Beacons in Hearing Report 10: Residential Zone
 - (c) Housing options in Hearing Reports 10: Residential Zone and 2: All of Plan Matters and Plan Structure
 - (d) The protection of views in Hearing Report 10: Residential Zone.
28. I will refer to these earlier hearings reports where relevant.

3.2 Further submissions

29. I address the further submissions together with the primary submissions they relate to.
30. Numerous further submission points from Mercury Energy [FS1387] oppose original submissions on the grounds that it is not clear how effects from flooding would be managed. I recommend that all of these be rejected, because I consider them irrelevant to the matters considered in this report. These further submissions and my recommendations on them are recorded in Appendix I, but there is no further discussion of the Mercury Energy further submissions in this report.

3.3 Structure of this report

31. I have structured this report to reflect the submissions received. Some of the submissions seek amendments/deletions/additions to notified provisions, whilst others seek specific outcomes that go beyond the notified provisions. Regardless, the submissions generally share common themes, as detailed above in section 3.1.
32. The character of Raglan is at the core of many of the submissions received. Some submissions relate broadly to the character of Raglan, whereas others relate to specific elements that contribute to the character of Raglan. I firstly address submissions relating to the character of Raglan as a whole, as this helps to inform how I address other more specific character-related submissions.

33. I have addressed submissions that have focused on other aspects of Raglan later in this report and in no particular order.
34. Whilst the submissions share common themes, I have further split the submissions into topics to enable easier analysis of submissions. The topics, in the order that they are addressed, are as follows:
- a. The character of Raglan
 - b. Raglan Structure Plan
 - c. Notification of resource consent applications
 - d. Raglan town centre
 - e. Holiday accommodation
 - f. Built Environment
 - g. Protection of views
 - h. Raglan navigation beacons
 - i. Beach access for horses
 - j. Miscellaneous.
35. It appears that at the time the submissions were summarised, some submissions were not sufficiently split (acknowledging that this was difficult in some cases). This means that a number of the submission points addressed in this report cover multiple topics (three at most). Where this occurs, I have copied the whole of the summarised submission point into each relevant submission table provided within each topic and highlighted the part of the submission that I am addressing in [blue text](#).
36. For example, if submission point ABC [123.1] covers two topics, I have input the part of the submission point I am addressing under that topic as follows:

Submission point	Submitter	Decision requested
123.1	ABC	Amend Objective 456 AND Delete Policy 789

37. The report also contains the following appendices:
- a. Appendix 1 Table of submission points
 - b. Appendix 2 Recommended amendments
 - c. Appendix 3 Technical reports.

3.4 Amendments to plan text

38. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in [red underlined](#), and deleted text in ~~red struck through~~. All recommended amendments are brought together in Appendix 2.

4 The character of Raglan

4.1 Introduction

39. A number of submissions considered that Raglan has a special character and sought inclusion of provisions in the district plan to protect that special character. Appendix 10.1 contains a character statement for the Raglan town centre, but the proposed plan does not refer to the Raglan character generally.

4.2 Submissions

40. 23 submission points were received on this topic. The relief sought in some of the submissions is extensive (although often not specific to a particular provision), while other submissions do not go beyond stating that the character of Raglan needs to be protected.
41. Most of the submissions received on this topic do not identify the specific area that they consider has special character, other than to refer to “Raglan”.
42. The submissions addressed under this topic in numerical order are as follows:

Submission point	Submitter	Decision requested
245.2	Aaron Mooar	<p>Add a Special Character Zone in the Raglan Community Board Area, with allowance for precincts with varying standards and include the following:</p> <ul style="list-style-type: none"> • Ensure any new construction proposals in Raglan that exceed rules are publicly notified i.e. no discretionary option; • The Housing NZ 'Simple guide for urban development' should form the basis for the Special Character zone expectations (attached to the submission); • Descriptive and enabling approach be taken to regulating within Zone rather than prescriptive; • Raglan Town Centre design guide should be incorporated in approach; • Qualities such as Raglans diverse built environment, diverse culture, individual expression, relaxed and informal environment, having no multi storey buildings, pedestrian and bike friendly environment, water views, small population and the wild should be recognised; • Raglan Naturally document currently being re-written be an essential reference guide for decisions made in the Raglan Special Character Zone; • Holiday accommodation such as Airbnb or Bookabach rentals in the Special Character Zone be properly regulated in terms of minimum standards and proportion of housing stock used; • Introduce a Bed tax to pay for infrastructure

		<p>needed to handle visitor load;</p> <ul style="list-style-type: none"> • Build worker accommodation.
FSI276.237	Whaingaroa Environmental Defence Inc. Society	Support
253.1	Jasmine Hunter	<p>Add a Special Character Area for Raglan, with a focus on the following qualities:</p> <ul style="list-style-type: none"> • Diverse buildings and people • Relaxed • No multi-story buildings • Enabled Individual expression • Pedestrian friendly • Bike-friendly • Water views • Human-Scale Buildings • Wild Coast <p>OR</p> <p>Amend the District Plan to require any building activity that does not comply with the District Plan in Raglan to be publicly notified.</p>
FSI276.191	Whaingaroa Environmental Defence Inc. Society	Support
FSI276.238	Whaingaroa Environmental Defence Inc. Society	Support
FSI276.201	Whaingaroa Environmental Defence Inc. Society	Support
256.2	Liz Shaw	Add better protection for the character of Raglan, to prevent multi-storey buildings and condos for holiday homes and high density building.
FSI276.206	Whaingaroa Environmental Defence Inc. Society	Support
258.1	Georgina Roy	Add a Special Character Area to Raglan.
FSI276.207	Whaingaroa Environmental Defence Inc. Society	Support
270.1	Denise Overend-Clarke	Add a Special Character area for Raglan.
FSI276.211	Whaingaroa Environmental Defence Inc. Society	Support
283.1	Andrew Standley	Add a special character area for Raglan to the Proposed District Plan to preserve the unique diversity of the town's built form and addresses the following aspects:

		<ul style="list-style-type: none"> • Explicit protection against poor characterless design • No multi-storied buildings • Buildings should not be uniform in layout • Building frontages that reflect the areas unique built form character • Greater focus on pedestrian and cycling areas.
FSI276.212	Whaingaroa Environmental Defence Inc. Society	WED seeks that the whole submission point be allowed.
284.1	Chris Aitchison	Add an individual Special Character Area for Raglan.
FSI276.213	Whaingaroa Environmental Defence Inc. Society	Support
284.3	Chris Aitchison	Raglan is a special place of special character and this must be protected. AND If any activity does not fall under the plan this must be made public.
339.1	Leah Forbes-Oakes	Add a Special Character Zone to Raglan.
FSI276.225	Whaingaroa Environmental Defence Inc. Society	Support
413.1	Danielle Hart	Add a special character area to Chapter 9 Specific Zones for the main township of Raglan.
FSI276.226	Whaingaroa Environmental Defence Inc. Society	Support
427.1	Monica de la Cruz Carballo	Add a Special Character Area for Raglan.
FSI276.228	Whaingaroa Environmental Defence Inc. Society	Support
430.1	Yannis Petzold	Add a Special Character Area for Raglan, focused on the following qualities: <ul style="list-style-type: none"> • diverse buildings and diverse people, • relaxed, • no multi story buildings, • pedestrian and bike friendly, • water views and • human scale buildings. OR Amend the District Plan to require any building activity that does not comply with the District Plan in Raglan to be publicly notified.
FSI276.230	Whaingaroa Environmental Defence	Support

	<i>Inc. Society</i>	
480.3	Susan Carter	Amend the rules for Raglan to make it a conservation area - similar to the approach taken in the United Kingdom for the Peak District.
<i>FSI 276.202</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
499.6	Adrian Morton	Add new Specific Zone for Raglan Township and surrounds.
628.2	Maris O'Rourke	<p>Add provisions for Raglan/Whaingaroa area to be granted special character status. The following matters to be included in the Special Character</p> <ul style="list-style-type: none"> • Designation: • Concerned Raglan's special character is being eroded. • True community and charming place of character. • Wants to see Raglan's unique nature continue. • Preservation and augmentation of natural environment particularly the wild seashore and sand dunes. • Maintenance of diverse local businesses e.g. ban the introduction of big box chain stores and fast food outlet as they have in many places in France. • Maintenance of a strong Maori partnership with local iwi and cultural respect for their views and wishes as tangata whenua. • Maintenance of a relaxed friendly lifestyle. • Maintenance of a business area confined to a small central zone which is pedestrian and cycle friendly. • Limited population e.g. a limited number of subdivisions so residents don't live on top of each other. • Limited number of businesses in town centre so businesses are not on top of each other. • Maintenance of human dimensions of buildings e.g. limit heights of buildings to two or three storeys to preserve character. • Maintenance and augmentation of pedestrian walkways, cycleways and sea views for all e.g. regulations so that people don't build each other out. • Limit to the amount of holiday accommodation so there is a true community, not a tourist centred economy where locals cannot find accommodation. • Attention to infrastructure e.g. the use of tourist dollars to fund public parking lots, lighting,

		upgrade sewerage system and/or e.g. introduce a per night tourist tax (such as Banff and other tourist areas in Canada) where the money goes directly back to Raglan to fund services for the public.
FS1276.233	Whaingaroa Environmental Defence Inc. Society	Support
653.1	Eliza Lawton	Amend the Proposed District Plan to protect and maintain the special character of Raglan.
FS1276.194	Whaingaroa Environmental Defence Inc. Society	Support
757.6	Karen White	Amend Chapter 9 Specific Zones to include Raglan township and surrounds as a Specific Zone.
780.19	Whaingaroa Environmental Defence Incorporated Society	Amend the Proposed Waikato District Plan by making the Coastal Overlay a conservation area. AND including provisions where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified. AND Delete Policy 4.5.14(f) Raglan Town Centre
FS1329.14	Koning Family Trust and Martin Koning	Oppose in part
FS1381.5	Counties Power Limited	Oppose
FS1323.177	Heritage New Zealand Pouhere Taonga	Support
FS1142.3	Greig Metcalfe	Oppose
FS1342.208	Federated Farmers	Oppose
FS1269.71	Housing New Zealand Corporation	Oppose
802.13	Vera van der Voorden	Add design guidelines for Raglan that protect and develop the character without suppressing individual expression and lifestyle choice, incorporating the Raglan Naturally Community Plan, Raglan Town Centre: Draft Design Guide and MfE Draft New Zealand Urban Design Protocol developed through consultation with all parts of the community and assisted by a qualified committee AND Add a design manual for the entire built area of Raglan which sets policy on all details of development density, design, height, setback, fabric, finish, form and texture,

		<p>including all elements of the built environment, roads, courtyards and footpaths.</p> <p>AND</p> <p>Amend the Proposed District Plan to maintain the value of Raglan as follows:</p> <ul style="list-style-type: none"> • Commercial buildings in the CBD that have the 'Raglan look' and are single storey (or at the most not more than two levels high). • Align indicative roads to minimise their impact on storm water and on existing dangerous roads • Align walkways and cycle routes to provide all parts of the town with safe attractive alternatives to car use • Permit compost toilets • Provide for vetting future consent applications through the same consultation structure. • Permit extensions to the existing CBD in an orderly manner through the same consultative process in order to achieve an expansion of the CBD to avoid shortage of commercial property, whilst not promoting speculation, or premature development of areas presently remote from the existing CBD. • Views should not be able to be "stolen" from existing property by neighbouring development without the written consent of potentially affected neighbours. • Retain Raglan's unique character by a green belt with very limited development to be defined through a consultative process.
818.1	Valerie Lubrick	Add a special character status for Raglan.
FSI 276.243	<i>Whaingaroa Environmental Defence Inc. Society</i>	Support
819.2	Dominic O'Rourke	<p>Add a special character status for Raglan and include provisions that result in the following:</p> <ul style="list-style-type: none"> • Preservation and augmentation of the natural environment • Maintain diverse local businesses. Ban the introduction of big box chain stores. • Maintain diverse buildings and diverse people and relaxed lifestyle. • Maintain business area being confined to a small zone which is pedestrian and cycle friendly. Limit the population in the town centre, limit subdivision so residents do not live on top of each other. • Limit businesses in the town centre so businesses are not on top of each other.

		<ul style="list-style-type: none"> • Limit heights of buildings to 2 storey to preserve character • Preserve and augment pedestrian walkways, cycleways, sea views for all - do not build each other out. • Limit the amount of holiday accommodation so there is a true community, not a tourist centred economy where locals cannot find accommodation. • Use tourist dollars to fund public parking lots, lighting, upgrade sewage system, for example, introduce a per night tourist tax where the money goes directly back to Raglan to fund services.
FSI276.245	Whaingaroa Environmental Defence Inc. Society	Support
825.19	John Lawson	<p>Amend the Proposed Waikato District Plan by making the Coastal Overlay a conservation area</p> <p>AND</p> <p>including provisions where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified.</p> <p>AND</p> <p>Delete Policy 4.5.14(f) Raglan Town Centre</p>
FSI329.22	Koning Family Trust and Martin Koning	Oppose
FSI142.1	Greig Metcalfe	Oppose
FSI342.232	Federated Farmers	Oppose
942.17	Tainui o Tainui	Add a character statement of Raglan to the Proposed District Plan and ensure that the small seaside town is not compromised by future multi-storey development.
FSI276.247	Whaingaroa Environmental Defence Inc. Society	Support

4.3 Analysis

43. Although the submissions are phrased differently, some seeking a special character zone for Raglan, others a special character area, others a conservation area, at the heart of the submissions is the desire to protect the existing character of Raglan.
44. To determine whether there is special character in Raglan; and if so, more clearly define the elements that contribute to a special character I engaged Isthmus to undertake a character study of the Raglan area. Before this could happen, the geographical area in and around Raglan which submitters feel has special character needed to be determined, in order to

establish the boundaries of a character study. This required further input from submitters, and a workshop with submitters was organised on 10 March 2020.

45. At the workshop, submitters were asked to identify particular items, features, or patterns of development which they feel contributes to the special character of Raglan. Isthmus used this information to inform the character study, which is appended to this report (Appendix 3).
46. In summary, Isthmus advises that Raglan has special character and importantly, that the notified provisions of the district plan do not go far enough to protect that special character. The report recommends that the district plan:
 - a. better recognise the special character of Raglan;
 - b. protect particular elements that contribute to that character;
 - c. ensure that future development does not undermine the special character of Raglan.
47. To achieve this, the report further recommends a 'finer grain' planning response than the district plan currently provides for, to enable identification of Raglan's specific qualities and characteristics.
48. In reliance on the opinions of Isthmus, I conclude that Raglan indeed has a special character, and I agree that the notified provisions do not go far enough in protecting the character. There is now a premise to support the submissions, but I am concerned about the scope provided by the submissions.
49. In my view, none of the submissions address the extent of the amendments sought and when further submitting on these submissions, the community could have no way of knowing what changes the submissions were seeking to the Proposed District Plan. A number of the submissions seek the addition of a new zone or extensive additions to the plan, but there is no analysis at a level of detail that corresponds to the scale and significance of the changes sought to the notified Plan.
50. Also of concern is the real risk that any person who may be directly affected by the relief sought in the submissions has been denied an effective opportunity to respond to what the submissions seek due to the lack of specificity of the submissions.
51. I consider the outcomes sought by submitters will be better served through a subsequent process, undertaken outside the current District Plan Review process. I consider that the Isthmus analysis could be used as a starting point for more detailed analysis of the features which contribute to Raglan's special character. Further community engagement will help Council to better understand the specific qualities and characteristics of Raglan and to enable development of a rule and policy framework in a more inclusive, informed and considered manner with the whole community. The community will then be better placed to comment on detailed provisions and understand how this may affect the future development of Raglan. It is possible that many of these features will not be appropriate for managing through the District Plan, such as the management of public spaces.
52. Whilst I support the submissions in principle, I recommend that the panel reject the 23 submissions, for the reasons detailed above.
53. I suggest that the Hearing Panel consider recommending to Waikato District Council that it initiate a subsequent process, if the Panel is persuaded that the proposed plan should include provisions for Raglan character

4.4 Recommendations

54. For the reasons given above, I recommend that the Hearings Panel:
- (a) **Reject** Aaron Mooar [245.2], Liz Shaw[256.2], Georgina Roy [258.1], Denise Overend-Clarke [270.1], Andrew Standley [283.1], Leah Forbes-Oakes [339.1], Danielle Hart [413.1], Monica de la Cruz Carballo [427.1], Susan Carter [480.3], Adrian Morton [499.6], Maris O'Rourke [628.2], Eliza Lawton [653.1], Karen White [757.6], Vera van der Voorden [802.13], Valerie Lubrick [818.1], Dominic O'Rourke [819.2] and Tainui o Tainui [942.17].
 - (b) **Reject** Jasmine Hunter [253.1], Chris Aitchison [284.1], Yannis Petzold [430.1], Whaingaroa Environmental Defence Incorporated Society [780.19] and John Lawson [825.19] in so far as they relate to the character of Raglan.
55. As I have not recommended any amendments to the notified version of the Proposed District Plan, no section 32AA evaluation is required.

5 Raglan Structure Plan

5.1 Introduction

56. Again, at the core of the submissions addressed under this topic is the preservation of the existing character of Raglan. Structure plans can provide a degree of certainty about future levels of development, and the key features to be addressed by development. The plan does not include a Raglan structure plan at present, other than Appendix 8 for Rangitahi.

5.2 Submissions

57. Four submissions were received on this topic, as follows:

Submission point	Submitter	Decision requested
780.9	Whaingaroa Environmental Defence Incorporated Society	Add a Raglan structure plan AND Consider postponing the application of the Proposed Waikato District Plan to Raglan ward until such structure plan is in place.
FSI 329.12	Koning Family Trust and Martin Koning	Oppose
FSI 142.2	Greig Metcalfe	Oppose
802.12	Vera van der Voorden	Add a Raglan Structure Plan into the Proposed District Plan. It needs to take account of Raglan Naturally statements and the changes likely to result from the current revision of the Raglan Naturally community plan.
825.9	John Lawson	Add a Raglan structure plan AND

		Consider postponing the application of the Proposed Waikato District Plan to Raglan ward until such structure plan is in place.
FSI 329.20	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose</i>
831.41	Gabrielle Parson on behalf of Raglan Naturally	<p>Do not apply the Proposed District Plan to the Raglan ward until such time as a Raglan Structure Plan is developed that addresses the following matters:</p> <ul style="list-style-type: none"> • Commercial buildings in the commercial business district (CBD) that have the 'Raglan look' and are single storey (or are no higher than two levels). • Design guidelines which support the seaside village character of Raglan. • Development that is not out of context with the character of Raglan. • Council working with the community to establish design guidelines for the protection and development of Raglan's 'seaside village' character, without suppressing individual expression and lifestyle choice. • Incorporation of the Raglan Naturally Community Plan, Raglan Town Centre: Draft Design Guide and MfE Draft New Zealand Urban Design Protocol. • Aligning of walkways and cycle routes to provide all parts of the town with safe and attractive alternatives to car use. • Permission of compost toilets. • Inclusion of a detailed design manual for the entire built area of Raglan which is developed through consultation with all parts of the community assisted by a qualified committee to set policy on all details of development density, design, height, setback, fabric, finish, form and texture, including all elements of the built environment, roads, courtyards and footpaths. • Provision for vetting future consent applications through the consultation structure as described above. • Permission of extensions to the CBD in an orderly manner through the consultation process described above to avoid a shortage of commercial property, whilst not promoting speculation, or premature developments of areas which are presently remote from the existing CBD. • Retaining Raglan's unique character by a green belt with very limited development to be define through the consultation process described above.

FSI 329.25	Koning Family Trust and Martin Koning	Oppose
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5.3 Analysis

58. Submissions from Whaingaroa Environmental Defence Incorporated Society [780.9], Vera van der Voorden [802.12], John Lawson [825.9] and Gabrielle Parson on behalf of Raglan Naturally [831.41] seek inclusion of a structure plan for Raglan, therefore I must recommend that the panel reject these four submissions for the same reasons as outlined in Section 4.0.
59. The purpose of a structure plan is to define a vision for the future and to plan for growth and should:
- reflect the community's vision for the future;
 - Set out where growth (residential, rural, commercial, industrial and recreational) can be accommodated;
 - Provide a staging plan for the establishment of new development areas;
 - Guide infrastructure planning including roading, water, wastewater, community facilities and public open space.
60. A Structure Plan is the output of a planning process and provides a strategic spatial and developmental framework that is then subsequently implemented through more detailed planning, for example through District Plan Changes and resource consent applications.
61. As detailed above, structure plans are effective planning tools for managing future development. However there is no way of knowing from the submissions what the contents of that structure plan should be. Instead, I consider these submissions may be better addressed as part of a subsequent process. At the time of writing this report, no decisions had been made about whether this includes a structure plan process, but this may be deemed an appropriate tool. In any case, if a structure plan is deemed to be an effective tool for managing development in Raglan, it needs to be informed by the results of the character analysis I have outlined above in Section 4.0.
62. I note that Council's draft growth strategy 'Waikato 2070' anticipates Raglan's population to grow from 4000 to 8500 within the next 50 years. New areas for residential and commercial growth are identified in the strategy, and the strategy contemplates 3-level townhouses and 4-level buildings within the town centre. At face value, this level of growth appears at odds with outcomes sought by submitters seeking to protect the existing character of Raglan. A structure plan might be a valuable tool in reconciling these tensions, while engaging the wider Raglan community meaningfully in the development of such planning tools.

5.4 Recommendations

63. For the reasons above, I recommend that the Hearings Panel **reject** the following submissions:
- Whaingaroa Environmental Defence Incorporated Society [780.9];
 - Vera van der Voorden [802.12];
 - John Lawson [825.9]; and
 - Gabrielle Parson on behalf of Raglan Naturally [831.41].

64. As I have not recommended any amendments to the Proposed District Plan, no section 32AA evaluation is required.

6 Notification of resource consent applications

6.1 Introduction

65. The proposed plan does not contain rules in relation to public notification of resource consent applications. The plan leaves the decision to notify an application to be governed by a step-by-step process under the RMA ss95-95G. District plans may specify activities for which applications must be notified, but the proposed plan does not do this.

6.2 Submissions

66. Fourteen submission points were received on this topic. All 14 submissions support public notification of applications where buildings and/or activities 'do not comply' with plan rules.
67. These submissions were made:

Submission point	Submitter	Decision requested
253.1	Jasmine Hunter	<p>Add a Special Character Area for Raglan, with a focus on the following qualities:</p> <ul style="list-style-type: none"> • Diverse buildings and people • Relaxed • No multi-story buildings • Enabled Individual expression • Pedestrian friendly • Bike-friendly • Water views • Human-Scale Buildings • Wild Coast <p>OR</p> <p>Amend the District Plan to require any building activity that does not comply with the District Plan in Raglan to be publicly notified.</p>
FS1276.191	Whaingaroa Environmental Defence Inc. Society	Support
FS1276.238	Whaingaroa Environmental Defence Inc. Society	Support
FS1276.201	Whaingaroa Environmental Defence Inc. Society	Support
258.2	Georgina Roy	Amend the District Plan to require any building activity in Raglan that does not comply with the District Plan to be publicly notified.

FS1276.208	Whaingaroa Environmental Defence Inc. Society	Support
266.1	Art of Change Therapy	Amend the Proposed District Plan to require any building activity that does not comply with the District Plan in Raglan to be publicly notified.
FS1276.209	Whaingaroa Environmental Defence Inc. Society	Support
267.1	Elaine Hyland	Amend the Proposed District Plan to require any building that does not comply with the District Plan in Raglan to be publicly notified.
FS1276.210	Whaingaroa Environmental Defence Inc. Society	Support
284.3	Chris Aitchison	Raglan is a special place of special character and this must be protected. AND If any activity does not fall under the plan this must be made public.
339.2	Leah Forbes-Oakes	Amend the proposed District Plan so that any building not complying with the District Plan in Raglan will be publicly notified.
413.2	Danielle Hart	Amend the Proposed District Plan to require building activity in Raglan which does not comply with the Proposed District Plan to be publicly notified.
FS1276.227	Whaingaroa Environmental Defence Inc. Society	Support
427.2	Monica de la Cruz Carballo	Amend the Proposed District Plan so that any building activity that does not comply with the District Plan in Raglan will be publicly notified.
FS1276.229	Whaingaroa Environmental Defence Inc. Society	Support
430.1	Yannis Petzold	Add a Special Character Area for Raglan, focused on the following qualities: diverse buildings and diverse people, relaxed, no multi story buildings, pedestrian and bike friendly, water views and human scale buildings. AND Amend the Proposed District Plan to require any building activity that does not comply with the District Plan in Raglan to be publicly notified.
FS1276.230	Whaingaroa Environmental Defence Inc. Society	Support
653.2	Eliza Lawton	Amend the Proposed District Plan so that any

		building that does not comply with the District Plan in Raglan is publicly notified.
FSI276.235	Whaingaroa Environmental Defence Inc. Society	Support
780.19	Whaingaroa Environmental Defence Incorporated Society	Amend the Proposed Waikato District Plan by making the Coastal Overlay a conservation area AND Including provisions where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified. AND Delete Policy 4.5.14(f) Raglan Town Centre
FSI329.14	Koning Family Trust and Martin Koning	Oppose in part
FSI381.5	Counties Power Limited	Oppose
FSI323.177	Heritage New Zealand Pouhere Taonga	Support
FSI142.3	Greig Metcalfe	Oppose
FSI342.208	Federated Farmers	Oppose
FSI269.71	Housing New Zealand Corporation	Oppose
818.2	Valerie Lubrick	Amend the provisions to require all activities that do not comply with the District Plan be publicly notified.
FSI276.137	Whaingaroa Environmental Defence Inc. Society	Support
819.5	Dominic O'Rourke	Amend the Proposed District Plan provisions so that any building activity that does not comply with the District Plan to be publicly notified.
FSI276.138	Whaingaroa Environmental Defence Inc. Society	Support
FSI342.229	Federated Farmers	Oppose
825.19	John Lawson	Amend the Proposed Waikato District Plan by making the Coastal Overlay a conservation area AND Including provisions where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified.

		AND Delete Policy 4.5.14(f) Raglan Town Centre
FSI 329.22	Koning Family Trust and Martin Koning	Oppose
FSI 142.1	Greig Metcalfe	Oppose
FSI 342.232	Federated Farmers	Oppose

6.3 Analysis

68. Although not explicitly stated, it appears that ten of the submissions seek notification specifically in relation to *all* building infringements and four of the submissions seek notification in relation to infringements for *all* activities.
69. Section 77D of the RMA allows a local authority to make a rule specifying the activities for which the consent authority:
- (a) must give public notification of an application for a resource consent;
 - (b) is precluded from giving public notification of an application for a resource consent;
 - (c) is precluded from giving limited notification of an application for a resource consent.
70. Likewise, the notification provisions as they relate to resource consent applications (sections 95- 95G) provide that a consent authority must give, or is precluded from giving, public or limited notification where a rule requires it.
71. As such, Council can legitimately contemplate amending the Proposed District Plan to satisfy the 14 submissions under this scenario.
72. From my reading of the submissions, the intent behind the relief sought is to enable public participation in the decision-making process to ensure that the character of Raglan is preserved. I agree that public participation plays an important role in understanding and ensuring consideration of the character of an area. However, I do not consider the requirement to publicly notify all activities that breach permitted standards is an appropriate mechanism to achieve the relief sought.
73. Whilst Council have the power to specify the activities that must be publicly notified, this power is only exercised where there is robust analysis to support the decision. Importantly, in making a rule, s76 RMA requires that councils have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect. In all likelihood, councils only exercise their power under 77D where an activity will, or has the potential to, create significant adverse effects on the environment.
74. None of the fourteen submissions have considered the effects on the environment associated with an activity that exceeds the notified permitted standards, or the scale of any infringements. Instead, the submissions seek public notification *only* because an activity exceeds a permitted standard. There is no discretion around the extent or significance of the exceedance, meaning that even if an activity results in insignificant adverse effects (for example an infringement of a side yard setback of 0.5m), Council would be obliged to

publicly notify the application. In my view, imposing such a rule without consideration of the effects on the environment contravenes s76 RMA.

75. It seems unreasonable to me that every infringement of a standard, or an activity that was any activity status other than permitted, would require public notification. This approach is inefficient and also imposes significant costs on developments, which in turn impacts on social, economic and cultural wellbeing potentially reducing the expansion of the housing stock, especially affordable housing, and reducing the attractiveness of Raglan as a location for employment generating business and industry.
76. Prior to 2009, councils had a general discretion to publicly notify applications, however this discretion was moderated by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. The notification provisions were substantially altered again in 2017 and included new preclusions on public and limited notification, particularly for residential and boundary activities.
77. In consideration of the recent RMA amendments and the fact that no analysis has been provided to justify mandatory notification of applications for specific activities, I recommend that the panel reject all fourteen submissions.

6.4 Recommendations

78. For the reasons above, I recommend that the Hearings Panel:
- (a) **reject** Art of Change Therapy [266.1], Elaine Hyland [267.1], Leah Forbes-Oakes [339.2], Danielle Hart [413.2], Monica de la Cruz Carballo [427.2], Eliza Lawton [653.2]; Valerie Lubrick[818.2]; Dominic O'Rourke[819.5];
 - (b) **reject** Jasmine Hunter [253.1], Chris Aitchison [284.3], Yannis Petzold [430.1], Whaingaroa Environmental Defence Incorporated Society [780.19] and John Lawson [825.19] in so far as they relate to notification of resource consent applications.
79. As I have not recommended any amendments to the Proposed District Plan, no section 32AA evaluation is required.

7 Raglan Town Centre

7.1 Introduction

80. The notified plan features specific provisions relating to the Raglan Town Centre, specifically Policy 4.5.14 and Appendix 10.1, which are the provisions addressed in this topic. Appendix 10.1 is referenced in Policy 4.5.14, but also as an assessment criterion for the construction of any new building in the Town Centre Zone (Rule 18.1.3 RD2). Construction of any new building is a discretionary activity in the Business Town Centre Zone (which is the zoning of the central commercial area of Raglan) and one of the matters of discretion is consistency with the relevant Town Centre Character Statement contained within Appendix 10.1-10.6 (Town Centre Character Statements).

7.2 Submissions

81. Eleven submission points were received on the topic of the Raglan Town Centre:
- one submission seeks an amendment to Appendix 10.1,
 - eight submissions seek changes to Policy 4.5.14,
 - one submission seeks the inclusion of provisions for a community hub and
 - one submission seeks unspecified amendments to the plan to strengthen the focus on the character of Raglan's 'CBD'.
82. These submissions were made:

Submission point	Submitter	Decision requested
246.4	Tony Oosten	Amend Appendix 10.1 (Raglan Town Centre) to: <ul style="list-style-type: none"> • Include Raglan town center character statements; • Enhance the pedestrian-friendly boulevard by de-prioritizing vehicular traffic; • Control development of buildings on either side of the Historic Harbour View Hotel to 2 storeys maximum; • Expand to 3 storey while maintaining the ground floor shop and verandah frontage and protection of the Harbour View stance.
546.10	Lynne Adrienne	Amend the Proposed District Plan to strengthen the focus on the character of Raglan's CBD, and to retain and enhance Raglan's simple, modest architecture.
749.10	Housing New Zealand	Amend Policy 4.5.14 Raglan Town Centre to include desired outcomes sought from the relevant Town Centre Character Statement (Appendix 10) if the policy matter is not already addressed AND Amend Policy 4.5.14 Raglan Town Centre to remove reference to Town Centre Character Statements. AND Amend the Proposed District Plan as consequential or additional relief as necessary to address the matters raised in the submission as necessary.
780.19	Whaingaroa Environmental Defence Incorporated Society	Amend the Proposed Waikato District Plan by making the Coastal Overlay a conservation area AND Including provisions where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified. AND Delete Policy 4.5.14(f) Raglan Town Centre

FS1329.14	Koning Family Trust and Martin Koning	Oppose in part
FS1381.5	Counties Power Limited	Oppose
FS1323.177	Heritage New Zealand Pouhere Taonga	Support
FS1142.3	Greig Metcalfe	Oppose
FS1342.208	Federated Farmers	Oppose
FS1269.71	Housing New Zealand Corporation	Oppose
788.2	Susan Hall	Delete Policy 4.5.14 (a) (v) F Raglan Town Centre.
825.19	John Lawson	Amend the Proposed Waikato District Plan by making the Coastal Overlay a conservation area AND Including provisions where all major changes and consents which infringe District Plan rules, or which exceed one storey, are publicly notified. AND Delete Policy 4.5.14(f) Raglan Town Centre
FS1329.22	Koning Family Trust and Martin Koning	Oppose
FS1142.1	Greig Metcalfe	Oppose
FS1342.232	Federated Farmers	Oppose
831.19	Gabrielle Parson on behalf of Raglan Naturally	Delete Policy 4.5.14(a)(v)(F) Raglan Town Centre.
831.20	Gabrielle Parson on behalf of Raglan Naturally	Amend Policy 4.5.14 Raglan Town Centre, to discourage and prevent use of widely used franchise signs and symbols.
831.21	Gabrielle Parson on behalf of Raglan Naturally	Retain Policy 4.5.14 (a)(i) Raglan Town Centre, particularly the words "prioritising and providing for pedestrian movement and safety".
831.32	Gabrielle Parson on behalf of Raglan Naturally	Add a new provision that replicates the intent of Objective 8.4.1 Community hub in the context of Raglan and encourages the provision of a youth hub, art space and conference venue.
942.23	Tainui o Tainui	Retain Policy 4.5.14 Raglan Town Centre AND No specific decision sought but submission opposes Policy 4.5.14(a)(v)(F) Raglan Town Centre, particularly the change from one storey to two storeys

7.3 Analysis

83. Councils s32 report Business Town Centre and Business Zone report states the following about the provisions proposed to regulate activities in town centres:
- “The proposed provisions have incorporated more urban design requirements and guidance; particularly in town centres. Of most significance in terms of changes to the approach to managing the urban form of town centres is that all new buildings within the town centre zone require resource consent for a restricted discretionary activity. Applications are assessed based on consistency with the Town Centre Design Guidelines and Town Centre Character Statements. Multi-unit development also requires resource consent, and applications are assessed for consistency with the design guide for multi-unit development and the Town Character Statement; if the latter is relevant. The increased emphasis on design is of importance to reinforce the function of centres, but also to make sure that they offer high levels of amenity and are attractive and safe. It has potential to make a significant difference to the quality of town centres”.*
84. Appendix 3.3 contains Town Centre Guidelines which are to be read in conjunction with a Town Centre Character Statement (where one exists) found in Appendix 10 and treated as an addendum to outcomes sought within the guidelines. Appendix 10.1 of the proposed plan contains the Raglan Town Centre Character Statement.
85. Tony Oosten [246.4] seeks to amend Appendix 10.1 to:
- a. Enhance the pedestrian-friendly boulevard by de-prioritising vehicular traffic;
 - b. Control development of buildings on either side of the Historic Harbour View Hotel to 2 storeys maximum;
 - c. Expand to 3 storey while maintaining the ground floor shop and verandah frontage and protection of the Harbour View stance as detailed in the table above.
86. The reasons provided in the submission are:
- ‘The Raglan Town Center is defined by its pedestrian-friendly boulevard and actions must be taken to enhance this. The clear stance of the Historic Harbour View Hotel in the streetscape needs to be maintained and potentially enhanced’.*
87. Section 1.1 of the character statement identifies and seeks to preserve the following (and other) town centre characteristics:
- a. A wide, central main street (Bow Street) with a palm tree planted central median, raised pedestrian crossings, wide footpaths and outdoor dining;
 - b. The landmark Harbour View Hotel located along Bow Street at the end of Wainui Road;
 - c. Small scale (one to two level, narrow frontages) buildings along Bow Street, built up to the front boundary with active frontages and verandahs.
88. In my view, the statement already recognises the characteristics expressed in the submission. In terms of controlling design and scale of development, this is not necessarily the function of the statement; rather it is to convey the characteristics of the existing town centre and to guide development and land use. The rules and the objectives and policies of the plan manage the bulk and location of buildings.

89. For the reasons above, I recommend that the Panel reject the submission from Tony Oosten [246.4].
90. Eight submissions received seeking changes to Policy 4.5.14 which, as notified, reads as follows:

4.5.14 Policy – Raglan Town Centre

- (a) *Development maintains and enhances the role of the Raglan Town Centre by:*
- (i) *Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;*
 - (ii) *Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
 - (iii) *Maintaining built form framing views towards Raglan Harbour;*
 - (iv) *Providing for a building scale appropriate to the town centre; and*
 - (v) *Protecting and enhancing the character of existing buildings through new built form being consistent with the outcomes of the Town Centre Character Statement for Raglan Town Centre (Appendix 10.1), in particular by:*
 - A. *Promoting traditional roof forms (hipped or gable ends) and symmetry through window design and placement;*
 - B. *Providing continuous post supported verandahs sheltering footpaths;*
 - C. *Promoting recessed shop fronts;*
 - D. *Providing parking, loading and storage where rear access to buildings exists;*
 - E. *Promoting active street frontages by developing up- to-the-street boundaries;*
 - F. *Reinforcing the street corners by ensuring the design is two storey and is transparent on both sides of the street corner;*
 - G. *Encouraging the preservation and promotion of cultural features’.*
91. Lynne Adrienne [546.10] seeks to ‘*amend the Plan to strengthen the focus on the character of Raglan’s CBD, and to retain and enhance Raglan’s simple, modest architecture’*. The submission does not provide the reasons for the relief, or detail why the notified provisions are lacking or how the relief might be achieved. Because I am uncertain of the extent or scale of the relief sought, I recommend that submission Lynne Adrienne [546.10] be rejected.
92. Housing New Zealand [749.106] seeks to remove reference to the town character statement and to include in Policy 4.5.14 the desired outcomes sought from the relevant town character statement. The reasons provided by the submission are that while the town centre character statements help inform current and planned, future design and development in existing town centres, the outcomes sought and guidelines within these town centre character statements read as desired requirements and rules that a Consent Holder must follow. The submission considers that the guidelines in the Town Centre Character Statements should be written out as policies within the respective centre policy section in Chapter 4 of the Proposed WDP or as matters of discretion or rules with the appropriate activity and zone (where appropriate and applicable). Housing New Zealand seeks the deletion of all Town Centre Character Statements from the Proposed Waikato District Plan, and considers that these documents should be treated as non-statutory documents to inform design and development and not be included in the Proposed Waikato District Plan. I note that the town centre character statement and its outcomes are only referenced in the policy and as a matter of discretion for the construction of new buildings in the Town Centre Zone. To confirm consistency of new built form (as required by Policy

4.5.14(a)(v)), readers of the Plan would have to read the policy and the character statement together.

93. Whilst I do not oppose the removal of the town centre character statement in principle, the submission does not provide an analysis:
- a. of how the information within the character statement would be incorporated into the Plan to ensure the outcomes aren't diminished;
 - b. to understand the extent of changes to the Plan as a result of removing the character statements.
94. However, I can contemplate including the outcomes of the character statement into the policy. Whilst I do not favour repetitiveness in the Plan, in this case I am not opposed to embedding not only the outcomes of the character statement into the policy, but also the guidelines which set out how to achieve the outcomes. I consider this will make the Plan more user friendly, but more importantly this will strengthen the policy. The implementation of objectives are better served when the policies that support them are clear. The character statements are provided to guide Plan users which can lead to interpretation issues.
95. I have compared the outcomes expressed in the character statement for Raglan with those already outlined in the Policy. I therefore recommend the policy be amended as follows:
- 4.5.14 Policy – Raglan Town Centre*
- (a) *Development maintains and enhances the role of the Raglan Town Centre by:*
- (i) *Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;*
 - (ii) *Maintaining a pedestrian focus by discouraging vehicle access across footpaths;*
 - (iii) *Maintaining built form framing views towards Raglan Harbour;*
 - (iv) *Providing for a building height and scale appropriate to the town centre; and*
 - (v) *Protecting and enhancing the character of existing buildings through new built form being sympathetic to the existing main street built form and the surrounding context, whilst still promoting the eclectic and artistic nature of the town—being consistent with the outcomes of the Town Centre Character Statement for Raglan Town Centre (Appendix 10.1), in particular by:*
 - A. *Promoting traditional roof forms (hipped or gable ends) and symmetry through window design and placement;*
 - B. *Providing continuous post supported verandahs sheltering footpaths;*
 - C. *Promoting recessed shop fronts;*
 - D. *Providing parking, loading and storage where rear access to buildings exists;*
 - E. *Promoting active street frontages by developing up- to-the-street boundaries;*
 - F. *Reinforcing the street corners by ensuring the design is two storey and is transparent on both sides of the street corner; and*
 - G. *Encouraging the preservation and promotion of cultural features.*
 - (vi) *Focusing retailing activities along Bow Street and Wainui Road with new development on these streets designed to:*
 - A. *Appear small in scale (one or two storeys);*
 - B. *Contain active frontages and transparent facades at street level; and*
 - C. *Generally build out to the street boundary.*
96. For the reasons above, I recommend the submission be accepted. If the Panel accept my recommendations, there may be a need to consequentially amend the matters of discretion

for the construction of new buildings in the Business Town Centre Zone (Rule 18.1.3 RD2). These currently reference consistency with the relevant Town Centre Character Statement contained within Appendix 10.1-10.6 (Town Centre Character Statements).

97. I am aware that these recommended amendments for Raglan may lead to an inconsistent approach throughout the Proposed District Plan with regards to the other Character Statements in Appendix 10. I however note that the submission from Housing NZ provides scope for a consistent approach to be implemented if the Panel were minded.¹
98. Gabrielle Parson on behalf of Raglan Naturally [831.32] seeks to add a new provision that replicates the intent of Objective 8.4.1: Community hub, but in the context of Raglan and encourages the provision of a youth hub, art space and conference venue. Objective 8.4.1 as notified reads as follows:
8.4.1 Objective – Community hub
A community hub is developed in Tamahere.
99. The associated policies seek to ensure development is integrated and connected in the context of the area the objective relates and guides the design of new development.
100. Whilst I am not opposed to the relief sought in principle, there is no analysis provided to enable an understanding of the necessity or logistics of developing a community hub. Accordingly I disagree with the relief sought.
101. The need and funding for new community facilities is considered by council in its long term plan process. The submitter can have input into the long term plan.
102. Five submissions either oppose or seek to delete part of Policy 4.5.14, specifically Policy 4.5.14(a)(v)F. The relief sought by Raglan Naturally [831.19] and Tainui o Tainui [942.23] oppose the wording of 4.5.14(a)(v)F which seems to impose an obligation for new built form on corner locations to be two-storied. Whaingaroa Environmental Defence Incorporated Society [780.19], Susan Hall [788.2] and John Lawson [825.19] seem to address the character of the Raglan Town Centre as a whole, rather than relating specifically to 4.5.14(a)(v)F which relates to the design of street corner buildings within the town centre. The submissions do acknowledge that most of the street corners have single storey buildings. I have assumed that these three submissions also oppose the obligation for two storied corner buildings and as such I address all five submissions together.
103. Due to their prominent dual street frontage, corner sites are ideal for mixed-use developments, with retail and commercial activities on the ground floor that have a relationship with the public space through glazing and are accessible to the public. Corner developments provide an opportunity to define the street corner and reinforce the adjacent public space / street through their overall form and façade. I therefore understand the rationale behind reinforcing corner locations and the desire for multi-storied corner buildings. However, the design of corner locations should also be sympathetic to the existing character of a town which may not feature large-scale buildings.

¹ This matter was addressed in paragraphs 176, 185, 197, 209, 224 of the Section 42A report for Hearing 3.

104. The language of the policy “ensuring” is quite directive and I agree that the policy seeks to ensure corner buildings are two-storied. This policy is consistent with the Town Centre Guidelines which states at section 4.3:

Design corner buildings to:

– Be two to three storey, as they become visual references and landmarks in the urban fabric, reinforcing significant street and intersections.

105. Policy 4.5.14(a)(v)F requires two storey buildings, rather than two or three storeys in line with the town centre guidelines. I consider this is in recognition of the Raglan Town Centre Character Statement which doesn’t include reference to three storied buildings in its description of the scale of buildings characteristic in the Raglan town centre. For this reason, I consider the requirement for two storied buildings is in recognition of their design value but also because buildings higher than two storeys are not characteristic in the Raglan town centre and therefore the policy settles on two storeys.

106. For the reasons above, I conclude that the wording of the policy is consistent with the direction of the proposed plan and recommend that the five submissions be rejected.

7.4 Recommendations

107. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Tony Oosten [246.4]
- (b) **Reject** Lynne Adrienne [546.10]
- (c) **Accept** Housing New Zealand [749.10]
- (d) **Reject** Susan Hall [788.2], Raglan Naturally [831.19] and Tainui o Tainui [942.23]
- (e) **Reject** Whaingaroa Environmental Defence Incorporated Society [780.19] and John Lawson [825.19] in so far as they relate to relief sought to delete Policy 4.5.14(a)(v)F.

7.5 Recommended amendments

108. The following amendments are recommended:

4.5.14 Policy – Raglan Town Centre

- (a) Development maintains and enhances the role of the Raglan Town Centre by:
 - (i) Maintaining wide footpaths and high quality public space, prioritising and providing for pedestrian movement and safety;
 - (ii) Maintaining a pedestrian focus by discouraging vehicle access across footpaths;
 - (iii) Maintaining built form framing views towards Raglan Harbour;
 - (iv) Providing for a building height and scale appropriate to the town centre; and
 - (v) Protecting and enhancing the character of existing buildings through new built form sympathetic to the existing main street built form and the surrounding context, whilst still promoting the eclectic and artistic nature of the town-being consistent with the outcomes of the Town Centre Character Statement for Raglan Town Centre (Appendix 10.1), in particular by:
 - A. Promoting traditional roof forms (hipped or gable ends) and symmetry through window design and placement;
 - B. Providing continuous post supported verandahs sheltering footpaths;

- C. Promoting recessed shop fronts;
- D. Providing parking, loading and storage where rear access to buildings exists;
- E. Promoting active street frontages by developing up- to-the-street boundaries;
- F. Reinforcing the street corners by ensuring the design is two storey and is transparent on both sides of the street corner; and
- G. Encouraging the preservation and promotion of cultural features.

(vi) Focusing retailing activities along Bow Street and Wainui Road with new development on these streets designed to:

A. Appear small in scale (one or two storeys);

B. Contain active frontages and transparent facades at street level; and

C. Generally build out to the street boundary.

7.6 Section 32AA evaluation

109. The recommended amendments essentially replicate outcomes identified in the Character Statement for Raglan within the policy in order to strengthen the policy and better serve the implementation of the associated objective being Objective 4.5.12 which reads as follows:
- 4.5.12 Objective – Business Town Centre - Character*
- (a) *The commercial and mixed use character of Raglan, Huntly, Ngaruawahia, Te Kauwhata, Pokeno and Tuakau town centres is maintained and enhanced.*
 - (b) *The Business Town Centre Zone is promoted as a community focal point.*
 - (c) *Development of town centres is designed in a functional and attractive manner serving the needs of the community.*
110. In deciding on the recommended wording, I have incorporated parts of the Raglan Town Centre Character Statement to ensure the design outcomes of the town centre are met; meaning they are designed in a manner that reinforces the function of centres whilst ensuring they offer high levels of amenity and are attractive and safe. I consider the amended policy is more efficient and effective in achieving Objective 4.5.12 than what was notified.

8 Holiday accommodation

8.1 Introduction

111. As well as being a popular place to live, Raglan's attractions and activities draw people to the township year round. Visitors to the town in summer increase the town's population by around 300-400 percent. The proposed plan provides for traveller (visitor²) accommodation as a permitted activity in the Business Town Centre Zone and Business Zone and permits homestays up to 4 guests in the Residential Zone.

8.2 Submissions

112. Seven submission points were received on the topic of holiday accommodation. All seven submission points seek to restrict short-term accommodation through various means.
113. These submissions were made:

² Travellers accommodation is defined as visitor accommodation in the National Planning Standards

Submission point	Submitter	Decision requested
254.2	Michelle Levy	Add a tax on Air BnB in Raglan.
256.1	Liz Shaw	Amend the Proposed District Plan to prevent holiday houses in Raglan overwhelming already stretched resources and infrastructure.
FSI 386.258	Mercury NZ Limited for Mercury C	Oppose
FSI 176.38	Watercare Services Ltd	Support
FSI 276.205	Whaingaroa Environmental Defence Inc. Society	Support
430.2	Yannis Petzold	Amend the Proposed District Plan to control how much of Raglan is being turned into permanent holiday accommodation like Air BnB.
FSI 276.239	Whaingaroa Environmental Defence Inc. Society	Support
653.3	Eliza Lawton	Add provisions to control and regulate Air BnB and Book-A-Bach in Raglan.
780.6	Whaingaroa Environmental Defence Incorporated	Add provisions to Chapter 16 – Residential Zone to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
FSI 269.66	Housing New Zealand Corporation	Support (in part)
FSI 387.1192	Mercury NZ Limited for Mercury D	Oppose
818.3	Valerie Lubrick	Amend the Proposed District Plan to restrict the amount of permanent holiday accommodation in Raglan.
FSI 276.251	Whaingaroa Environmental Defence Inc. Society	Support
818.4	Valerie Lubrick	Introduce a tourist tax paid directly to Raglan to fund things such as parking lots, more public toilets through a \$1 per night (collected from hotels and airbnb) charge and enforcing bylaws through fines.
FSI 276.244	Whaingaroa Environmental Defence Inc. Society	Support
825.6	John Lawson	Add provisions to Chapter 16 - Residential Zone, to

		<p>restrict further holiday accommodation in Raglan's residential and business areas.</p> <p>AND</p> <p>Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.</p>
FS1092.1	Garth & Sandra Ellmers	Oppose
FS1387.1315	Mercury NZ Limited for Mercury D	Oppose

8.3 Analysis

114. Two submissions request payment of a tax on holiday accommodation in Raglan. The rating or collection of tax is not a function of the district plan. For this reason I recommend that submissions Michelle Levy [254.2] and Valerie Lubrick [818.4] be rejected. I note that some councils do charge targeted rates if a property, or part of a property, is let out on a short-term basis, through an online peer-to-peer accommodation website, such as Bookabach or Airbnb. It is open to the submitters to advocate to the council on this through submissions on the council's annual plan and long term plan. However this is not a matter appropriate for managing through the district plan.
115. The other five submissions seek the inclusion of provisions to restrict/prevent holiday accommodation in Raglan, and in one case this is to avoid overwhelming already stretched resources and infrastructure. It is unclear what level of restriction the submitters seek.
116. The issue of imposing restrictions on holiday accommodation is that the nature of the activity and the associated buildings are fundamentally residential and permitted, even though the occupancy may be only short term. It is only the duration of the activity that sets it apart from other permitted residential activities. This makes enforcement of these rules problematic, as councils are not resourced to investigate online listings, let alone monitor all residential activities. However in every other respect, the activity is residential.
117. Similar submissions were addressed in the Hearing 10 (Residential Zone) report, where the author raised some valid points in relation to homestay activities, which also apply to holiday accommodation, as follows:
- (a) A homestay or visitor accommodation would in effect be no different to renting out a house to multiple people or a large family;
 - (b) It is unreasonable to control or enforce the primary use of a residential property when the difference in resource management effects between the use as a rental property versus a homestay or Air BnB is negligible.
118. In terms of overwhelming already stretched resources and infrastructure - the scale of residential development (and other development) in Raglan is controlled by the subdivision and bulk and location rules of the district plan. Imposing rules which restrict holiday accommodation would not necessarily reduce the use of resources and infrastructure, only the duration of the residential activity (if restrictions incentivise more permanent residents).

Day visitors will also be contributing to the pressure on resources, and it is incorrect to attribute it all on visitors who stay in Raglan overnight. The capacity of the infrastructure is only a district plan matter insofar as there is sufficient capacity and connections for consenting new development and subdivision.

119. For the reasons stated above, I do not agree with the relief sought.

8.4 Recommendations

120. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Michelle Levy [254.2] and Valerie Lubrick [818.4];
- (b) **Reject** Liz Shaw [256.1], Yannis Petzold [430.2], Eliza Lawton [653.3], Valerie Lubrick [818.3].
- (c) **Reject** Whaingaroa Environmental Defence Incorporated [780.6] and John Lawson [825.6] in so far as they relate to holiday accommodation.

121. As I have not recommended any amendments to Proposed District Plan, no section 32AA evaluation is required.

9 Built environment

9.1 Introduction

122. The built environment in the town centre was addressed under section 7. This section addresses submissions in relation to the built environment in the wider area.

9.2 Submissions

123. Eleven submission points are addressed under this topic. The topic addresses submissions in relation to multi-storey buildings, the units at 4 Stewart Street, Raglan, high density development near the Raglan cement silos, walkways in and around Raglan, future development to accord with the Raglan Community Plan and housing options in Raglan.

124. These submissions were made:

Submission point	Submitter	Decision requested
169.1	Tom Seddon on behalf of Jo, Peggi, Oki, Mila, Jade, Anita and other kids	Oppose the construction of apartments on the corner of Stuart Street and Wainui Road, Raglan
<i>FS1276.188</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
170.2	Anita Seddon on behalf of Jo, Jade, Mila, Peggy, Oki and other kids riding with me!	Oppose the apartments on the corner of Wainui Street and Stewart Street, Raglan. Apartments like this should not be built in seaside Raglan.

FS1276.189	Whaingaroa Environmental Defence Inc. Society	Support
284.4	Chris Aitchison	Amend the Proposed District Plan to avoid multi-storey buildings in Raglan.
377.4	Rangimonehu Kereopa for Pareaute Kereopa Whanau Trust	No specific decision sought, but submission opposes the development of multi-unit dwellings on the corner of Wainui and Stewart Street, Raglan.
FS1276.192	Whaingaroa Environmental Defence Inc. Society	Support
435.10	Jade Hyslop	<p>Add the following to the Planning maps:</p> <ul style="list-style-type: none"> • The planned Wainui Road to Te Hutewai Road walk/cycle track; • All the tracks shown on the strategy maps and walkways through the Residential zones linking Lorenzen Bay with Kaitoke Walkway, allowing a circular walk around Raglan; • A cycle track from Wallis Street to Violet Street; • A link to the national Te Araroa walkway using paper roads etc. (Karioi, Bridal Veil); • Walkways (where possible also cycle ways) along the whole coast; • A track from Raglan to the summit of Karioi using esplanades, reserves and unformed roads; and • A link along Wainui Stream from Wainui Reserve to Bryant Reserve.
546.2	Lynne Adrienne	Add the requirement to use the Raglan Naturally document as guiding principles for all future decisions on development of Raglan.
FS1276.69	Whaingaroa Environmental Defence Inc. Society	Support
FS1276.85	Whaingaroa Environmental Defence Inc. Society	Support.
780.6	Whaingaroa Environmental Defence Incorporated Society	<p>Add provisions to Chapter 16 - Residential Zone, to restrict further holiday accommodation in Raglan's residential and business areas.</p> <p>AND</p> <p>Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less</p>

		than a year.
FS1269.66	Housing New Zealand Corporation	Support in part.
FS1387.1192	Mercury NZ Limited for Mercury D	Oppose
818.6	Valerie Lubrick	No specific decision sought, but the submission opposes the condominiums proposed for the corner of Wainui Road and Stewart Street, Raglan.
FS1276.198	Whaingaroa Environmental Defence Inc. Society	Support
819.4	Dominic O'Rourke	No specific decision sought, but the submission opposes the condominiums proposed for the corner of Wainui Road and Stewart Road.
FS1276.199	Whaingaroa Environmental Defence Inc. Society	Support
825.6	John Lawson	Add provisions to Chapter 16 - Residential Zone, to restrict further holiday accommodation in Raglan's residential and business areas. AND Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.
FS1092.1	Garth & Sandra Ellmers	Oppose
FS1387.1315	Mercury NZ Limited for Mercury D	Oppose
867.1	Kearvell Family Trust	No specific decision sought, but the submission requests no further development of access to the coastal area from Raglan Wharf through to and including Cox Bay. This includes no public access to the beach boundary of the property at 46 Government Road, Raglan.
942.21	Tainui o Tainui	Amend Objective 4.2.16 Housing options to ensure the character of Raglan is not compromised.

9.3 Analysis

125. Chris Aitchison [284.4] seeks to avoid multi-storey buildings in Raglan, presumably beyond what already exists. The proposed plan provides for buildings up to 10m in the Business Town Centre Zone and Business Zone and up to 7.5m in the Residential Zone as permitted activities. Buildings exceeding the permitted height standards are assessed as discretionary activities. A multi-unit development is provided for in all three of the above zones as a restricted discretionary activity. These rules do not restrict the height of these developments.

126. Achieving the relief of Chris Aitchison [284.4] would mean prohibiting multi-storied buildings in Raglan. The prohibited activity class is the most restrictive activity class and a decision to use it should be backed by strong evidence of its necessity, including justification through objectives and policies. No analysis has been provided. Notwithstanding that, one to two storey buildings are characteristic of buildings both in the town centre and in the wider town, where the topography of the land and the desire for sea views promotes the construction of multi-storied buildings. Multi-storey buildings have positive effects in that they utilise space efficiently (noting that Raglan has limited space) and help to maintain a walkable, compact town.
127. Lynne Adrienne [546.8] seeks to restrict buildings to two-storeys specifically in the town centre and within coastal strips in Raglan. It is unclear whether the issue is with the number of storeys or the height of buildings. The proposed rules govern the height of a building and not the number of storeys.
21. It is assumed reference to the town centre includes all of the land within the Business Town Centre Zone, and probably some of the land within the Business Zone in and around Bankart Street and the northern end of Wainui Road (refer Figure I below).

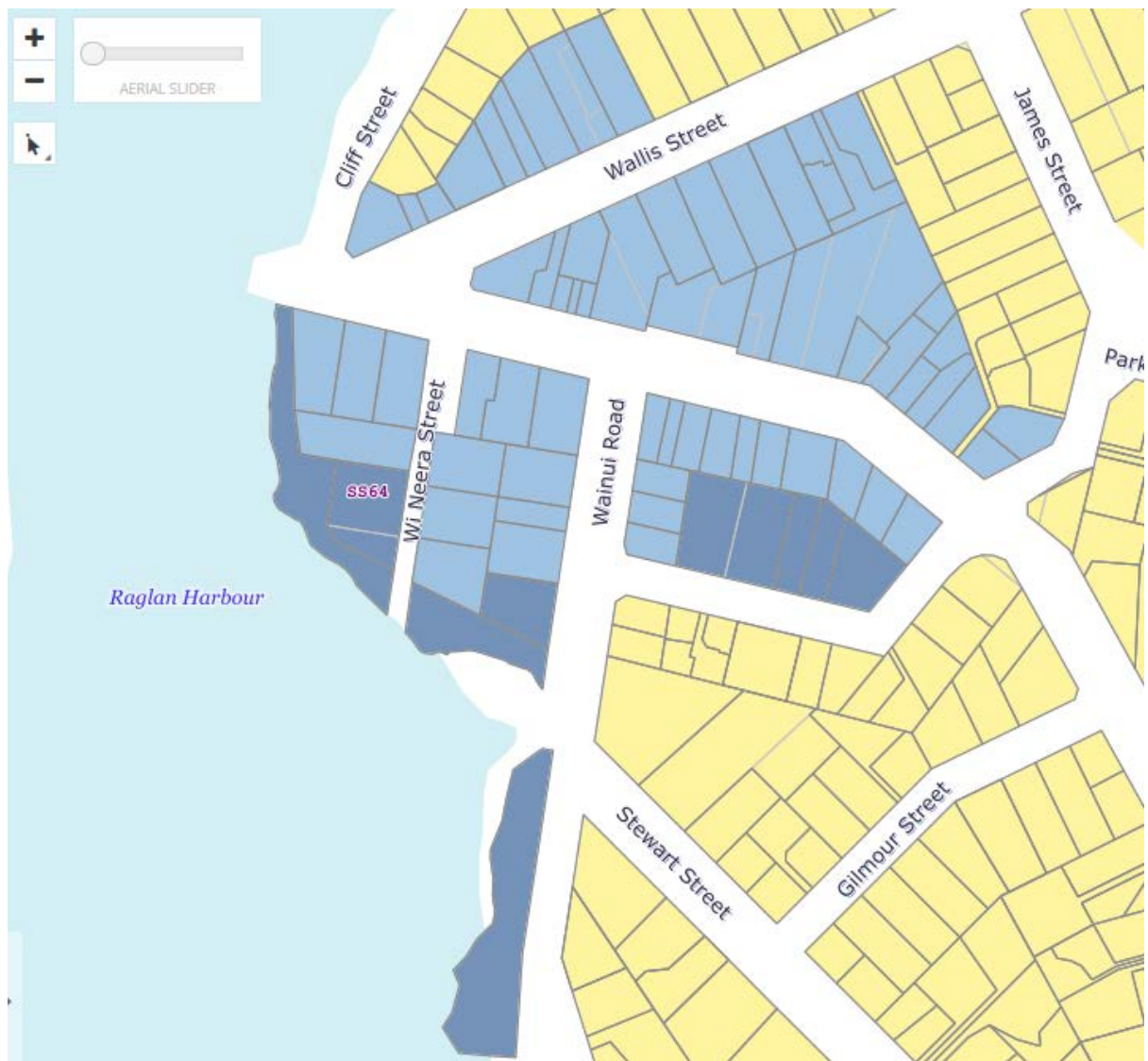


Figure 1: Zone Map of the Raglan Town Centre (land shaded light blue within the Business Town Centre Zone and land shaded dark blue within the Business Zone).

128. The notified building height rules provide for buildings up to 10m in the Business Town Centre Zone and Business Zone as a permitted activity. In order to meet the permitted standards, the 10m maximum height most likely would restrict buildings to a maximum of two storeys, taking into account a building which has a gable or hipped roof (as is characteristic of buildings within the town centre).
129. Although not expressly stated, I assume that the intention behind restricting multi-storied buildings within the 'coastal strip' is to protect the natural character of the coastal environment. Unfortunately the submission does not identify the geographical area of the 'coastal strip' and therefore I am unable to determine the rule framework. Depending on the zone of the land within the 'coastal strip', the height rules will differ. The submission does not state whether the notified zone height rules are lacking and if so, how these should be amended. As such, I recommend that the submission be rejected.
130. For the reasons above, I recommend that the panel reject submissions Chris Aitchison [284.4] and Lynne Adrienne [546.8].
131. Seven of the submissions specifically oppose the development at 4 Stewart Street. One of the seven submissions - Anita Seddon [170.2] - also opposes similar developments within the wider area. From my reading of the submissions, the opposition to the development relates to its uncharacteristic 'look and feel', and the thought that further similar developments will result in the loss of the existing character of the town.
132. As background, land use resource consent for the development was issued on 29 June 2018. The land use consent provides for 11 units under the comprehensive residential development rules of the Operative District Plan. The development includes 11 three bedroom apartments within three separate blocks. All blocks are two storied (7.45m in height). A location plan, the site plan and concept drawings of the development are provided below in Figures 2-5.
133. The Operative District Plan provides for comprehensive residential development as a discretionary activity. In this case, the land use consent was assessed as a non-complying activity for infringing a discretionary activity criterion (specifically the development resulted in an average net site area of 128m² per dwelling where 300m² is required). In addition, the development involved daylight admission, living court area, parking, manoeuvring and vehicle movement infringements.
134. As is required by the rule, subdivision consent was applied for, processed and issued concurrently providing for the creation of 8 unit titles as a discretionary activity. Neither the land use application nor the subdivision application was notified.
135. The granting of the resource consent indicates that the development has been assessed and considered to meet the tests under the RMA. For this reason, I recommend that the panel reject the six submissions that specifically oppose the development within the subject site, and that the submission from Anita Seddon [170.2] be rejected in part.



Figure 2: Aerial photo of subject site (highlighted in red).



Figure 3: Site Plan



ARTIST IMPRESSION
VIEW FROM CNR OF WAINUI ROAD & STEWART STREET
TOWARDS UNITS 1-6

Figure 4: Concept Drawing 1



ARTIST IMPRESSION
VIEW FROM WAINUI ROAD
TOWARDS UNITS 3-6



ARTIST IMPRESSION
VIEW FROM STEWART STREET ENTRY
TOWARDS UNITS 1 & 2



ARTIST IMPRESSION
VIEW FROM WAINUI ROAD
TOWARDS UNITS 3-11

RESOURCE CONSENT
No: SUB0162/18 & LUC0288/18
Approved by: Y Tsuchiya
Date: 28/06/2018
NOT FOR CONSTRUCTION

Figure 5: Concept Drawing 2

136. In regard to that part of the submission from Anita Seddon [170.2] which opposes similar developments in the wider area, the reasons given for the submission are as follows:

- “Not good that the feeling and look of Raglan is being changed similar to Mt Maunganui.
- Support Raglan becoming a conservation area with rules similar to the rules imposed within the conservation areas of the Peak District in the United Kingdom where buildings cannot be changed, trees cut down or any other changes without it being good for the community”.

137. In my view, the submission ultimately seeks to retain and preserve the current character of the town, but it does not go as far as identifying how this would be achieved, other than acknowledging broad support for rules similar to those imposed within conservation areas in the Peak District, UK. The submission states that the Peak District rules restrict changes to buildings or the removal of trees *'or any other changes without it being good for the community'*. This is not completely true however. After a brief read of the Peak District provisions, I understand that some activities within the conservation areas require planning permission, dependent on their nature and scale, but this does not necessarily mean that an activity cannot occur.
138. Overall, I do not have enough information to understand how the submitter intends to achieve the relief sought. For this reason, I recommend that the panel reject submission Anita Seddon [170.2].
139. The submissions from Whaingaroa Environmental Defence Incorporated Society [780.6] and John Lawson [825.6] seek the following relief:
- Add provisions for an area of high density development near the cement silos, of similar height to them and to the density and design of a traditional European fishing village, available for low cost purchase and rental by permanent residents for leases of no less than a year.*
140. The reasons provided by the submissions are as follows:
- 'Raglan is very short of permanent accommodation and the Plan makes no provision for affordable properties protected from use for holiday occupation'*.
141. The cement silos are located on Raglan wharf at the northernmost point of Raglan (see Figure 6 below). The silos have been converted into an apartment block containing 5 apartments. The land on which the silos are located is within the Business Zone. Land in and around the silos is within the Business and Residential Zones. In these zones, a higher density development is provided for as a restricted discretionary activity under the multi-unit development rules. In the Residential Zone the rule requires a 300m² minimum net site area per residential unit otherwise the activity is a discretionary activity. In the business zone there is no restriction on the net site area per residential unit (only on the size of the residential unit itself). Instead, density is controlled by the level of development on the ground floor level as multi-unit developments in this zone are required to be located above the ground floor level or the activity is a discretionary activity.
142. The submission does not define the area suitable for high density development or detail whether the notified provisions are lacking and if so, to what extent. Other than reference to a European fishing village, I am unsure what "high density" means to the submitters. If the desired density or type of activity is not provided for under the notified provisions, the submissions may be seeking a rezoning. If this is the case, the submissions are deficient in terms of the information and level of analysis I would require in order to contemplate support of the submissions.
143. Also of concern is the real risk that any person who may be directly affected by the relief sought in the submissions has been denied an effective opportunity to respond to what the submission seeks due to the lack of specificity and detail in the submission.

144. For the reasons above, I recommend that the submissions be rejected.



Figure 6: Raglan Wharf and location of the cement silos

145. Jade Hyslop [435.10] seeks to add a number of walking/cycling tracks to the planning maps and acknowledges the economic, health and recreation benefits of creating these tracks. The submission suggests that the subdivision provisions do not go far enough in implementing the strategy and that more detail needs to be included in the District Plan to support the Strategy.
146. It is assumed the strategy referred to is the Waikato District Council Trail Strategy 2016. This strategy provides an overview of the existing track network and identifies opportunities for track improvements, expansions and linkages. The strategy also provides strategic direction for prioritising the creation of new trails.
147. The strategy acknowledges it is not financially viable for all improvements and track expansions to be undertaken by Council and so future tracks have been prioritised through the use of pre-defined assessment criteria, including tenure, economic impact, connectivity, attractions, demand and cost impact.
148. It is my understanding that the high priority tracks are the only tracks shown on Council's notified planning maps, and that this is intentional.

149. The notified Plan provisions enable Council to acquire land for high priority walkways shown on the planning maps through the subdivision rules (e.g. Rule 16.4.15). Adding all future tracks into the planning maps is likely to result in:
- (a) a financial burden on Councils Open Spaces Team having to compensate landowners to acquire walkway corridors and a resultant rates increase for the community; and,
 - (b) reduced funding for high priority tracks and maintenance of the existing network.
150. It is unclear what additional provisions the submitter seeks to add to support the strategy or the mechanism proposed to enable Council to acquire land for future tracks if not through subdivisions.
151. The approach taken by the Proposed District Plan and the Trails Strategy does not preclude the ability of individuals or groups to fund and undertake the trail formation themselves and this avenue is one that the submitter could explore.
152. Accordingly, I disagree with the relief sought by the submitter.
153. Steven Kearvell on behalf of Kearvell Family Trust [867.1] requests that no further access be provided to the coastal area from Raglan Wharf through to Cox Bay, including no public access to the beach boundary of the property at 46 Government Road, Raglan. The reasons provided by the submission are as follows:
- ‘There is already enough public access to the area at the Wharf and the walkway access at Daisy Street or Bay View Road. It is already useable. Our custom of launching our pleasure craft from the front of our property is important to us. Our property is not available’.*
154. It is assumed the submission is in response to the notified walkway overlay which extends along the beach frontage of the submitters property (refer Figure 7 below showing the yellow dotted lines).



Figure 7: Property at 46 Government Road (highlighted in red) and location of walkway (black dotted line).

155. The District Plan is required to give effect to:
- a. The New Zealand Coastal Policy Statement 2010 which explicitly recognises the role that esplanade reserves and strips have in contributing to public open space needs and promotes the maintenance and enhancement of the public open space qualities and recreation opportunities of the coastal environment;
 - b. The Waikato Regional Policy Statement which seeks to maintain and enhance public access to and along the coastal marine area;
 - c. Section 6 of the RMA which lists the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers as a matter of national importance.
156. The inclusion and location of the walkway is in accordance with the provisions of these higher documents and as such, I recommend the submission be rejected. It is noted that under the Proposed Plan, the only means to be able to acquire land for the walkway is via a subdivision. If the landowners do not undertake a subdivision, then there are no other means in the District Plan for Council to acquire this land (although there are other options outside the District Plan).
157. Lynne Adrienne [546.2] seeks to add the requirement to use the Raglan Naturally document as guiding principles for all future decisions on development of Raglan. It is assumed the Raglan Naturally document referenced is the community plan created by and for the community. It is a comprehensive and informative document which sets out the community aspirations for Raglan and the challenges the community faces in implementing those aspirations. In order for the Raglan Naturally document to be considered through planning

mechanisms, it would have to be included in the District Plan; or at the very least include the principles of the Raglan Naturally document as policies and/or assessment criteria.

158. No information is provided to understand how the notified provisions are lacking or how the Raglan Naturally principles could be incorporated into the District Plan. I recommend the submission be rejected.
159. Angeline Greensill for Tainui o Tainui [942.21] seeks an amendment to Objective 4.2.16 Housing options to ensure the character of Raglan is not compromised. The reason for the submission is provided as follows:
‘While policies 4.2.17 and 4.2.18 enable a variety of housing types, there is a need to ensure that the character of the town in 4.1.1 is not compromised’.
160. No information is provided to explain how the policy is lacking or the specific amendments sought and for this reason I recommend the submission be rejected.
161. Even though I recommend rejecting the above submissions under the current scheduled process, the relief sought by these submitters will, no doubt, be dealt with as part of any subsequent process that considers the character of Raglan (as detailed under Section 4 of this report). The built environment contributes to the character of an area, and the debate about what kinds/types/extent of development is or is not appropriate will be analysed as part of that process.

9.4 Recommendation

162. For the reasons outlined above, it is recommended that the Hearing Panel:
- (a) **reject** Chris Aitchison [284.4] and Lynne Adrienne [546.8]
 - (b) **reject** Tom Seddon [169.1], Anita Seddon on behalf of Jo, Jade, Mila, Peggy, Oki & others [986.71], Rangimonehu Kereopa for Pareaute Kereopa Whanau Trust [377.4], Valerie Lubrick [818.5] and [818.6], and Dominic O’Rourke [819.4]
 - (c) **reject** Whaingaroa Environmental Defence Incorporated Society [780.6] and John Lawson [825.6] in so far as they relate to a high density development
 - (d) **reject** Jade Hyslop [435.10]
 - (e) **reject** Steven Kearvell on behalf of Kearvell Family Trust [867.1]
 - (f) **reject** Lynne Adrienne [546.2]
 - (g) **reject** Angeline Greensill for Tainui o Tainui [942.21]
163. As I have not recommended any amendment to the Proposed District Plan, no section 32AA evaluation is required.

10 Protection of views

10.1 Introduction

164. The view shafts of the Raglan Navigation Beacons and the Rangiriri and Meremere battlefields are the only view shafts protected under the notified plan. To protect these views, the proposed plan prohibits activities that obscure the sightlines of the Raglan Navigation Beacon, and a navigation beacon overlay is shown on the planning maps and Appendix 7 defines the associated height restriction plane. In regard to the battlefield view shafts, the proposed rules restricts buildings to 5m in height as a permitted activity, otherwise the activity is discretionary.

10.2 Submissions

165. Four submission points were received relating to the protection of views. All four submissions are identical in terms of the relief sought, being the addition of rules to the Rural Zone which protect views from public places to the harbour, the coast and natural backdrops. The submissions describe which views should be protected (as a minimum).

166. These submissions were made:

Submission point	Submitter	Decision requested
435.6	Jade Hyslop	Add rules to Chapter 22 Rural Zone, to provide for protection of defined views from public places to the harbour, coast and natural backdrops which include at least the following defined views: (a) From SH23 (north of Maungatawhiri Road) to Kaitoke Creek. (b) All existing views of the bar from Main Road, Bow Street and Norrie Avenue. (c) All existing views of Karioi from Raglan CBD. (d) From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp. (e) From SH23 summit to Karioi. (f) AroAro salt marsh from Wallis Street. AND Amend the Planning maps for any consequential relief to give effect to this submission.
<i>FS1258.45</i>	<i>Meridian Energy Limited</i>	<i>Oppose</i>
<i>FS1342.127</i>	<i>Federated Farmers</i>	<i>Oppose</i>
<i>FS1329.4</i>	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose</i>
780.4	Whaingaroa Environmental Defence Incorporated Society	Add rules to Chapter 22 Rural Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views: <ul style="list-style-type: none"> • from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek • all existing views of the bar from Main Road, Bow St and Norrie Avenue • all existing views of Karioi from Raglan CBD

		<ul style="list-style-type: none"> from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp from SH23 summit to Karioi AroAro salt marsh from Wallis St. <p>AND</p> <p>Amend the planning maps for any consequential relief required to give effect to this submission.</p>
FSI258.30	Meridian Energy Limited	Oppose
FSI258.50	Meridian Energy Limited	Oppose
FSI329.10	Koning Family Trust and Martin Koning	Oppose
FSI342.214	Federated Farmers	Oppose
FSI387.1190	Mercury NZ Limited for Mercury D	Oppose
788.8	Susan Hall	<p>Add a new set of rules to Chapter 22 Rural Zone, to provide for the protection of defined views from public places in Raglan to the harbour, coast and natural backdrops in the chapters on rural, residential, and business town centre zones, to include at least the following defined views:</p> <ul style="list-style-type: none"> From SH23 (north of Maungatawhiri Road) to Kaitoke Creek; All existing views of the bar from Main Road, Bow Street, and Norrie Avenue; All existing views of Karioi from Raglan CBD; From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp; From SH23 summit to Karioi; and AroAro salt marsh from Wallis Street. <p>AND</p> <p>Amend the planning maps to identify defined views.</p>
FSI258.52	Meridian Energy Limited	Oppose
FSI342.216	Federated Farmers	Oppose
FSI276.157	Whaingaroa Environmental Defence Inc. Society	Support
831.91	Gabrielle Parson on behalf of Raglan Naturally	<p>Add rules to Chapter 22 Rural Zone, to provide for the protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views:</p> <ul style="list-style-type: none"> From SH3 (north of Maungatawhiri Road) to

		<p>Kaitoke Creek</p> <ul style="list-style-type: none"> • All existing views of the bard from Main Road, Bow St and Norrie Avenue • All existing views of Kariroi from Raglan CBD From Wainui Road to the coast between the Bryant Reserve and the Bible Crusade Camp • From SH23 summit to Karioi • Aro Aro salt marsh from Wallis St <p>AND</p> <p>Consequently amend the planning maps as necessary to satisfy the relief sought in this submission.</p>
FSI258.58	Meridian Energy Limited	Oppose
FSI342.246	Federated Farmers	Oppose
FSI329.27	Koning Family Trust and Martin Koning	Oppose
FSI276.160	Whaingaroa Environmental Defence Inc. Society	Support

10.3 Analysis

167. By and large, the four submissions are the same as the four submissions addressed in Hearing Report 10: Residential Zone in terms of the relief sought and the submitters. The only difference is that the submissions addressed in Hearing Report 10 Residential Zone sought amendments to Chapter 16: Residential Zone, whereas these four submissions seek amendments to Chapter 22: Rural Zone. As such, these submissions, in so far as they relate to Chapter 16, have already been addressed.

168. The recommendation under Hearing 10 (Residential Zone)³ was to reject the four submissions for the following reason:

'The submitters have not provided any information, analysis or research regarding the chosen view shafts or the extent of those viewshafts, and as a result I recommend that the panel reject the relief sought.'

169. A number of the further submissions in opposition to the original submission raise some valid points, as follows:

Meridian Energy Limited [FSI258.45]

'The submission point does not provide sufficient detail to determine the precise spatial extent of the view protection areas and does not define what 'protection' means in terms of rules and policy framework. It is not possible to determine what the potential effect would be for structures, including infrastructure installations.'

Federated Farmers [FSI342.127]

³ H10: Residential Zone prepared by Alan Matheson & Louise Allwood dated 20 January 2020 at paragraph 414

'FFNZ oppose any sort of view protection restrictions over private farmland in the Rural Zone. Farmland is part of the rural amenity and landscape character of the Rural Zone. Farming activities, including all manner of ancillary farm development, are part of the working rural landscape, and should not be subject to restrictions that 'protect' view shafts.

Koning Family Trust and Martin Koning [FS1329.4]

'The submission seeks to introduce rules that protect defined views. It is unclear in the submission what is to be protected and the extent of the viewshafts sought to be protected. The consequences of introducing protected views without specific landscape and visual assessments are unclear.'

170. I agree with the concerns raised by the further submitters and recommend that the four submissions be rejected. There is not enough information to support the submissions. As a minimum, I would need to understand the spatial extent of the view shafts to understand the implications of protecting the views and to inform any rule framework. Even without this information, I am certain that support of the submissions would result in a number of amendments across the district plan, not only to Chapter 22 and the planning maps.

10.4 Recommendation

171. For the reasons outlined above, it is recommended that the following submissions be rejected:
- (a) Jade Hyslop [435.6]
 - (b) Whaingaroa Environmental Defence Society [780.4]
 - (c) Susan Hall [788.8]
 - (d) Gabrielle Parson on behalf of Raglan Naturally [831.91].
172. As I have not recommended any amendment to the Proposed District Plan, no s32AA evaluation has been required to be undertaken.

11 Raglan navigation beacons

11.1 Introduction

173. There are two navigation beacons in place in Raglan. The beacons are registered on the New Zealand Maritime Charts and are used by boats to safely navigate the Raglan Harbour bar. A navigation beacon overlay is shown on the planning maps (refer Figure 8 below and notified map sheet 23.5) and Appendix 7 contains details of the Raglan navigation beacon height restriction plane. The overlay and height plane have been brought forward from the operative district plan and by and large are the same.
174. To preserve the visibility and utility of the beacons from land use activities, a height restriction plane extends over the land between the landward and seaward beacons. The height restriction plane is defined in the district plan to enable plan users to determine when a proposed development might breach the height restriction plane and potentially obscure the beacons or part of a beacon.

175. The Proposed Plan prohibits buildings, structures, objects or vegetation that obscure the sight line of the Raglan Navigation Beacons. The height rules make reference to the Raglan Navigation Beacons but only to inform that the prohibited rule might apply.

11.2 Submissions

176. Eight submission points were received in relation to the navigation beacons, as follows:
- (a) One submission to amend the activity status of Rule 16.1.1(1)PR1;
 - (b) Two submissions to amend Appendix 7: Raglan Navigation Beacon;
 - (c) Two submissions in support of Policy 6.1.15: Raglan Navigation Beacon;
 - (d) One submission to amend Policy 6.1.15: Raglan Navigation Beacon;
 - (e) Two submissions in opposition to the rules that relate to the Raglan Navigation Beacons in Chapter 17: Business Zone and Chapter 22: Rural Zone.
177. The submissions are as follows:

Submission point	Submitter	Decision requested
680.90	Federated Farmers of New Zealand	Amend Policy 6.1.15 (a) Raglan navigation beacons, as follows: (a) Avoid <u>proposed new development and land use</u> obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa). AND Any consequential changes needed to give effect to this relief.
697.426	Waikato District Council	Amend Appendix 7 to reflect the increased height of the Raglan navigation beacon, and therefore the elevated height restriction plane which will apply.
<i>FS1058.1</i>	<i>Spencer John Wheeler</i>	<i>Support</i>
720.1	Spencer and Isabelle Wheeler	Amend Rule 16.1.1(PRI) to change the prohibited activity status for building, structure, objects or vegetation to Non-Complying activities.
<i>FS1387.794</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
720.2	Spencer and Isabelle Wheeler	Amend Appendix 7 Raglan Navigation Beacon Height Restriction, to lift the navigation light in accordance with the design plans provided to Council on 13th July 2018.
<i>FS1387.795</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
780.29	Whaingaroa Environmental Defence Incorporated Society	Delete the Raglan navigation beacon rules from Zone rules to which they have no relevance.
<i>FS1387.1203</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
825.29	John Lawson	Amend Section C Rules to delete the Raglan navigation beacon rules from Zone rules to which

		they have no relevance.
FS1387.1326	Mercury NZ Limited for Mercury D	Oppose
836.49	Powerco	Retain Policy 6.1.15 Raglan navigation beacons as notified.
942.30	Tainui	Retain Policy 6.1.15(a) Raglan navigation beacons.

11.3 Analysis

178. The proposed provisions relating to the Raglan Navigation Beacons have been carried over from the Operative District Plan (ODP). Under the ODP, activities that obstructed the sight lines of the Raglan Navigation Beacons were prohibited. The Proposed District Plan framework relating to the Raglan Navigation Beacons is as follows:

Policy 6.1.15(a): Raglan navigation beacons

“Avoid obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa)”.

Prohibited Activity Rules within the Residential, Business, Business Town Centre, Rural & Reserve Zones

(being Rules 16.1.1(1)(PR1), 17.1.1(1)(PR1), 18.1.1(i)(PR1), 22.1.1(1)(PR1) & 25.1.1(1)(PR1) respectively)

“Any building, structure, objects or vegetation that obscure the sight line of the Raglan navigation beacons for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7”

Height Rules 16.3.4, 17.3.4, 18.3.4, 22.3.4 & 25.3.4:

“...Where sites are located within the Raglan Navigation Beacons height restriction plane as identified on the planning maps and Appendix 7 (Raglan Navigation Beacon), the prohibited activity rule, Rule XX.1.1 PR1 may apply”.

Appendix 7: Raglan Navigation Beacon

This appendix provides a description of the height restriction plane. Survey data is also provided in the appendix, however, further verification of the data is recommended before use.

179. Spencer and Isabelle Wheeler [720.1 and 720.2] seek the following relief respectively:
- Amend the activity status of Rule 16.1.1(PR1) from prohibited to non-complying; and
 - Amend Appendix 7 to reflect the raising of the beacon light.
180. The submitters own a property at 12 Long Street, Raglan. The property is within the Residential Zone and is subject to the Raglan Navigation Beacon Overlay. Some properties within this overlay, including the submitters' property, face more stringent building height restrictions as a result of the height restriction plane. The notified building height rule allows for buildings up to 7.5m as a permitted activity in the Residential Zone, as long as the building does not obscure the sight line of the beacon. While this is the same maximum height as the rest of the Residential Zone, the activity status for non-compliance in the Raglan Navigation Beacon overlay is prohibited.

181. From my reading of the submission, the submitters are unable to build over 5.2m vertical without breaching the height plane, essentially prohibiting the construction of a two-storied building on their property. It is my understanding this is the reason for the submission.
182. In regard to amending the activity status of Rule 16.1.1(PRI) from a prohibited activity to a non-complying activity, while I do have some sympathy for Mr and Mrs Wheeler I do not support the amendment for the following reasons:
- (a) As notified, the wording of the rule prohibits activities that obscure the sight lines of the beacons. I can not support obscuring the sight line of the beacon, as this could endanger life and property;
 - (b) A change of activity status means an applicant can apply for consent to obscure the sight lines of the beacons. This sends the wrong message to applicants that an activity that obscures the sight line of the beacons may be granted consent;
 - (c) The responsibility of navigation safety sits with the Maritime New Zealand and Regional Council, and navigation safety is managed under The Maritime Transport Act and the Waikato Regional Council Navigation Safety Bylaw. Neither have provided comment/support for the change of activity status.
183. Although I do not support an amendment to the activity status of Rule 16.1.1(PRI), I do support an amendment to the wording of the rule as detailed in my assessment under section 11.4 below and for this reason I accept Spencer and Isabelle Wheeler [720.1] in part.
184. Along with Spencer and Isabelle Wheeler [720.2], Waikato District Council [697.426] have also submitted to amend Appendix 7. The submission from Waikato District Council [697.426] provides the following reason:
- “The Raglan navigation beacon will be raised in height shortly which means that the height restriction plane diagram and survey data contained in Appendix 7 will no longer be correct”.*
185. Unfortunately, Waikato District Council [697.426] gives a misleading impression that a decision has been made to raise the beacon height. I have enquired about this and I can confirm that in fact to date, neither the District Council nor the Waikato Regional Council (responsible for navigational safety) have committed to raise the beacons. In these circumstances, I recommend to the Hearings Panel that no consideration be given to the possibility that the beacons might be raised, and that the submissions be addressed in terms of the beacons remaining at the locations and heights notified in Appendix 7.
186. Accordingly I recommend that the Panel reject Waikato District Council [697.426] and Spencer and Isabelle Wheeler [720.2].
187. Submissions by Powerco [836.49] and Tainui o Tainui [942.30] seek the retention of Policy 6.1.15(a). The language of Policy 6.1.15(a) provides policy support for the prohibited activity status, and for this reason I agree that the policy should be retained. I recommend that the Panel accept these submissions.
188. Federated Farmers of New Zealand [680.90] seek an amendment to Policy 6.1.15 (a) and any consequential changes needed to give effect to this relief. The submitter supports the policy, provided that it is aimed at new development on land that might otherwise obstruct line-of

sight for navigation beacons, and that it will not impinge on existing farming activities and built form.

189. The amendment sought by Federated Farmers of New Zealand is as follows (amendments underlined and in italics):

Avoid *proposed new development and land use* obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa).

190. The notified wording of the policy does not specify which activities the policy applies to, and by doing so restricts *all* activities from obscuring the height plane. The wording sought by Federated Farmers of New Zealand means that the policy only applies to proposed new development and land use.

191. In my opinion, the amended wording does not provide additional clarity and is unnecessary, for the following reasons:

- (a) The amended wording does not include reference to vegetation which may also obscure sight lines;
- (b) Any development that established prior to the rule becoming operative which obscures the sight line arguably has an existing use right under Section 10 of the RMA and therefore the amendment is unnecessary;
- (c) Any development that established after the rule became operative which obscures the sight line has not been lawfully established.
- (d) The word “development” could be interpreted to apply to a large range of activities.

192. If the rule was to be amended to specify the activities the policy applies to, I consider it would be more appropriate that the activities within the policy align with the activities stated in the notified prohibited activity rules with the exception of reference to objects which should be removed given the broad definition of structure in the National Planning Standards as follows:

‘Avoid *any building, structure or vegetation* obscuring navigational beacons and associated view shafts at Raglan Harbour (Whaingaroa)’.

193. Notwithstanding the above, I consider that the navigation beacons overlay is unlikely to impinge on farming activities, as only an insignificant area of rural zone is included in the overlay, and that small area of land is owned by council and not used for farming. On this basis, I recommend rejecting the submission by Federated Farmers of New Zealand [680.90].

194. If the Panel disagrees and supports the amendments sought, I make the following comments:

- (a) The addition of the word ‘proposed’ is not necessary, as this is implicit.
- (b) To align the amended policy and the relevant rules, the amendment would result in consequential amendments to the prohibited rules which do not only apply to new development and land use.

195. The submissions from Whaingaroa Environmental Defence Incorporated Society [780.29] and John Lawson [825.29] seek the deletion of the Raglan navigation beacon rules from zone rules, to which they have no relevance. The reason for the deletions, as stated in the submissions, is as follows:

“Although the Raglan navigation beacons are only in Business Town Centre, Reserve and Residential Zones, this policy applies also to Business and Rural zones! Only policies relevant to zones should be included in their chapters. There is already too much repetition in the Plan, which makes it hard to comprehend”.

196. Whilst the structures housing the beacons are located within the Business Town Centre, Reserve and Residential Zones, the height plane sits above land within the Business Town Centre, Reserve, Residential, Rural and Business Zones (see Figure 8 below). The intent of the rule is to ensure that development and vegetation within the properties that sit below the height plane do not obscure the sight line of the beacon. It is therefore appropriate that the rules remain within these zones.
197. For this reason I recommend rejecting submissions Whaingaroa Environmental Defence Incorporated Society [780.29] and John Lawson [825.29].



Figure 8: Zone map showing location of Raglan Navigation Beacon Overlay

11.4 Wider Considerations

198. The wording of the prohibited zone rules relating to the Raglan Navigation Beacons prohibits activities that obscure the sight line of the beacons rather than prohibiting activities that breach the height restriction plane. As described in Appendix 7 of the Proposed District Plan, the height restriction plane is taken from a point with a height 1m below the light of the landward beacon to a point with a height 1m below the light of the seaward beacon. The 1m separation between development and the beacon lights was considered to be a suitable buffer to protect the visibility and utility of the beacons. Strictly speaking however, the wording of the rule allows land use activities to breach the height plane, as long as they do not obscure the sight line of the beacons as a permitted activity.
199. In consideration of the small 1m buffer and the risk associated with obscuring the sight lines, I do not believe this was the intention of the provisions. Without careful assessment, land

use activities allowed to breach the height plane may inadvertently compromise the visibility and utility of the beacons. To avoid this and to provide certainty around the application of the rule, I would recommend that the wording of the prohibited rules 16.1.1(1)(PRI), 17.1.1(1)(PRI), 18.1.1(i)(PRI), 22.1.1(1)(PRI) and 25.1.1(1)(PRI) be amended as follows:

“Any building, structure, ~~objects~~ or vegetation that ~~obscure the sight line of~~ protrudes into the Raglan navigation beacons height restriction plane identified on the planning maps and in ~~for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7)~~”.

11.5 Recommendations

200. For the reasons above, I recommend that the Hearings Panel:
- (a) **Accept in part** Spencer and Isabelle Wheeler [720.1]
 - (b) **Reject** Waikato District Council [697.426] and Spencer and Isabelle Wheeler [720.2]
 - (c) **Accept** Powerco [836.49] and Tainui o Tainui [942.30]
 - (d) **Reject** Federated Farmers of New Zealand [680.90]
 - (e) **Reject** Whaingaroa Environmental Defence Incorporated Society [780.29] and John Lawson [825.29].

11.6 Recommended amendments

201. The following amendments are recommended:

Prohibited rules 16.1.1(1)(PRI), 17.1.1(1)(PRI), 18.1.1(i)(PRI), 22.1.1(1)(PRI) and 25.1.1(1)(PRI):

“Any building, structure, ~~objects~~ or vegetation that ~~obscure the sight line of~~ protrudes into the Raglan navigation beacons height restriction plane identified on the planning maps and in ~~for vessels entering Whaingaroa (Raglan Harbour) (refer to Appendix 7)~~”.

202. No consequential amendments are required as a result of the amended policy.

11.7 Section 32AA evaluation

203. The recommended amendments are made to:
- (a) Provide certainty around the application of the rule.
204. The associated objectives states:
- 6.1.8 Objective – Infrastructure in the community and identified areas***
Infrastructure takes into account the qualities and characteristics of surrounding environments and community well-being.
205. The suggested amended wording is the most efficient way to achieve the objective as it ensures land use activities do not breach the height plane by providing certainty around what activities are prohibited. By doing so, the rule reduces risk to life and property and takes into account community well-being.
206. In deciding on the amended rule, I looked at the wording of proposed rules for activities within an airport obstacle limitation surface (e.g. Rules 23.3.4.2 and 16.3.3.3). The suggested wording is more consistent with the wording of these provisions and includes the word

'protrude' and references the planning maps. The reference to the word 'objects' has also been removed given the broad definition of structure in the National Planning Standards and the fact that the rule references structures. For the reasons above, I consider the wording to be better than what was notified.

207. I consider the rule as amended to be the most appropriate way to achieve Objective 6.1.8.

12 Beach access for horses

12.1 Introduction

208. This topic addresses submissions seeking access for horses to Ngarunui Beach and the removal of signage informing of the restrictions on horses to use the track. Ngarunui Beach (sometimes called Ocean Beach, Main Beach or Wainui Beach) is the main sandy swimming beach in Raglan, located approximately 4km east of the Raglan town centre.
209. The track referred to in submissions is not shown on the planning maps. It is an existing track from the northern end of the Ngarunui Beach carpark leading down to the beach.

12.2 Submissions

210. Seven submission points were received on this topic as follows:

Submission point	Submitter	Decision requested
170.1	Anita Seddon on behalf of Jo, Jade, Mila, Peggy, Oki	Oppose the prohibition of horse access to Ngarunui Beach via the north-end carpark track
<i>FSI 276.257</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
485.1	Ella Stewart	Allow freedom to ride horses down the tracks to access the Raglan beach.
<i>FSI 276.259</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
488.1	Jocelyn Stewart	Allow access to the beach for horse riding using the walking track from Wainui Reserve.
<i>FSI 276.261</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
534.1	Sven Seddon	Delete the prohibition on horse access to Ngarunui Beach via the northern end carpark.
<i>FSI 276.262</i>	<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>Support</i>
630.1	John Loe	Decline the proposal which prohibits horse access to the Ngarunui Beach in Raglan via the north-end

		carpark track.
FSI276.263	Whaingaroa Environmental Defence Inc. Society	Support
632.1	Amanda Church	Decline the proposal for the prohibition of horse access to Ngarunui Beach, Raglan via the North end carpark track.
FSI276.264	Whaingaroa Environmental Defence Inc. Society	Support
803.1	Kristel Lendfield	Remove the “No Horse Riding” sign and barrier from the grass walkway leading to Ngarunui Beach.
FSI276.266	Whaingaroa Environmental Defence Inc. Society	Support

12.3 Analysis

211. Anita Seddon on behalf of Jo, Jade, Mila, Peggy, Oki [170.1], Ella Stewart [485.1], Jocelyn Stewart [488.1], Sven Seddon [534.1], John Loe [630.1] and Amanda Church [632.1] seek access for horses via the north-end carpark track to Ngarunui Beach.
212. Access for animals, including horses, on any area of a reserve is regulated by Waikato District Council’s Reserves and Beaches Bylaw 2016 and not the District Plan. The bylaw states:
“...No person shall lead or ride any horse or other animal on any area of a reserve except on those areas set aside specifically for such purpose, or with the prior written permission of the Council...”
213. The powers for authorities to make and amend bylaws are governed by Part 8 of the Local Government Act. In order to allow access for horses on any area of a reserve, a person/party would either have to obtain written permission from the Council as per the current regulations of the bylaw, or seek an amendment to the bylaw.
214. As access for horses on the reserve is regulated by the bylaw and not the District Plan, I reject the above six submissions. The District Plan is not the most appropriate mechanism for managing access to Ngarunui Beach by riders.
215. Kristel Lendfield [803.1] seeks to remove the “No Horse Riding” sign and barrier from the grass walkway leading to Ngarunui Beach. Given that the bylaw restricts access of horses on the track, it is appropriate to erect signage to inform people of this and a barrier to prevent access of horses to the track, and for this reason I recommend that the panel reject Kristel Lendfield [803]. Similarly the District Plan is not the most appropriate mechanism for managing this matter.

12.4 Recommendations

216. For the reasons above, I recommend that the Hearings Panel:

- (a) **Reject** Anita Seddon on behalf of Jo, Jade, Mila, Peggy, Oki [170.1], Ella Stewart [485.1], Jocelyn Stewart [488.1], Sven Seddon [534.1], John Loe [630.1] and Amanda Church [632.1].
- (b) **Reject** Kristel Lendfield [803.1].

217. I have not recommended any amendments to the Proposed District Plan, and accordingly no s32AA evaluation has been required to be undertaken.

13 Miscellaneous

13.1 Introduction

218. This topic addresses the general submissions relevant to Raglan which do not sit logically elsewhere in the report.

13.2 Submissions

219. Nine submission points are addressed under this topic as follows:

Submission point	Submitter	Decision requested
284.2	Chris Aitchison	As a Raglan resident the town itself needs to be protected from future development not under the district plan.
414.4	Chris Rayner	The submitter seeks a number of roading changes in Raglan; including: <ul style="list-style-type: none"> • State Highway 23 to end just before Greenslade Road; • A proper turning bay for traffic turning into Greenslade Road with enough room for traffic going straight; • Reducing speed limits; • Standards of roading, drainage, lighting and footpaths; and • Roundabout between Hills Road and Lorezen Bay Road and State Highway 23; • Turning bays on State Highway 23 at Lorenzen Bay Road/Hills Road.
780.14	Whaingaroa Environmental Defence Incorporated Society	Amend the Planning Maps to differentiate between Business Town Centre, Business and Industrial Zone. Submission references Appendix 2.30 Raglan Map, and seeks clarification of the term "Commercial Area".
<i>FS1387.1196</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
818.5	Valerie Lubrick	No specific decision sought, but the submission

		opposes the proposed developments in Raglan.
819.1	Dominic O'Rourke	No specific decision sought, but the submission opposes heavy development in Raglan.
822.7	Bob MacLeod	No specific decision sought, but submission supports the work and the submissions presented by Whaingaroa Raglan Affordable Housing Project and Raglan Naturally.
FS1276.27	Whaingaroa Environmental Defence Inc. Society	Support
824.1	Raglan Community Board	No specific decision sought, but submission supports the work and the submission presented by Whaingaroa Raglan Affordable Housing Project
FS1276.28	Whaingaroa Environmental Defence Inc. Society	Support
824.2	Raglan Community Board	No specific decision sought, but submission supports the work and the submission presented by Raglan Naturally.
FS1276.28	Whaingaroa Environmental Defence Inc. Society	Support
825.14	John Lawson	Amend the Planning Maps to differentiate between Business Town Centre, Business and Industrial Zone. Submission references Appendix 2.30 Raglan Map, and seeks clarification of the term "Commercial Area".
FS1387.1319	Mercury NZ Limited for Mercury D	Oppose
FS1276.268	Whaingaroa Environmental Defence Inc. Society	Oppose

13.3 Analysis

220. Chris Aitchison [284.2], Valerie Lubrick [818.5] and Dominic O'Rourke [819.1] seek broad protection of Raglan from future/heavy development. The submissions do not provide detail on how to achieve the relief sought, and I therefore recommend that the panel reject the relief sought.
221. No specific relief is sought by Bob MacLeod [822.7], Bob MacLeod for Raglan Community Board [824.1 and 824.2], although the submissions express support for the work and submissions presented by Whaingaroa Raglan Affordable Housing Project and Raglan Naturally. I acknowledge the support from the submitters. Submissions by Whaingaroa Raglan Affordable Housing Project are not addressed as part of this hearing although they have attended a number of District Plan hearings such as Hearing 10 Residential Zone and presented evidence. A number of submission points by Raglan Naturally are addressed throughout this report.

222. Chris Rayner [414.4] seeks a number of changes to existing roads (including changes to and revoking part of State Highway 23), road standards and speed limits. No information is provided to understand the level of relief sought.
223. Council's Rooding Alliance maintains local roads in the district. Any changes to roads are generally prioritised in line with Councils Long Term Plan and works schedule. Council is not responsible for state highways - these are managed by the New Zealand Transport Agency. It is unclear from the submission which road standards the submitter seeks changes to, so I am unable to address this matter. I note that the notified transportation provisions are addressed in Hearing 22: Infrastructure. For the reasons above, I recommend that the submission be rejected.
224. John Lawson [825.14] and Whaingaroa Environmental Defence Incorporated Society [780.14] seek amendments to the planning maps to differentiate between Business Town Centre, Business and Industrial Zone. The reasons for the submission are as follows:
- 'Commercial Area is indicated in purple, yet in the text of the Plan the term is only used to define land at Tamahere. Submitter opposes use of this map until the meaning of Commercial Area is clarified'.*
225. The commercial area identified in the planning maps is specific to Tamahere and is a policy overlay. The different symbols/colours used to identify land within the Tamahere Commercial Area are intentional so that they are not confused with land within the Business Town Centre Zone or the Business Zone, which have different symbols/colours. In my view, the areas of interest are clearly identified in the maps and I do not support the submission.

13.4 Recommendations

226. For the reasons above, I recommend that the Hearings Panel:
- (a) **Reject** Chris Aitchison [284.2], Valerie Lubrick [818.5] and Dominic O'Rourke [819.1];
 - (b) **Reject** Bob MacLeod [822.7], Raglan Community Board [824.1] and Raglan Community Board [824.2];
 - (c) **Reject** Chris Rayner [414.4];
 - (d) **Reject** John Lawson [825.14] and Whaingaroa Environmental Defence Incorporated Society [780.14];
227. As I have not recommended any amendments to the Proposed District Plan, accordingly no s32AA evaluation has been required to be undertaken.

14 Conclusion

228. The zoning framework for Raglan in the Proposed District Plan comprises a combination of Residential, Business, Business Town Centre and Reserve Zones. This report provides an

assessment of submissions received in relation various aspects of Raglan. The primary amendments I have recommended relate to the following:

- (a) Recognition of the importance of designing town centres in a manner that reinforces the function of centres whilst ensuring they offer high levels of amenity and are attractive and safe
- (b) Recognition of community well-being through ensuring life and property is adequately protected through clarifying the wording of the rules relating to Raglan's navigational beacon.

229. In conclusion, I consider that the submissions on Raglan should be accepted, accepted in part or rejected, as set out in Appendix 1 below, for the reasons set out in Sections 4-13 above.
230. I recommend that provisions in Chapter 4, 16, 17, 18, 22 and 25 be amended as set out in Appendix 2 below, for the reasons set out in Sections 7 and 11 above.
231. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the Proposed Plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken and included in Sections 7 and 11 of this report.