

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of hearing submissions and  
further submissions on the  
Proposed Waikato District Plan

**AND**

**IN THE MATTER** of follow up to matters  
discussed at Hearing 16 -  
Raglan

## **FURTHER DIRECTIONS FROM HEARING COMMISSIONERS**

**22 June 2020**

### **Introduction**

1. The hearing to consider submissions on those provisions of the proposed Waikato District Plan (“**proposed plan**”) that relate specifically to Raglan was held on 2 June 2020 (“**Hearing 16**”).
2. We issued a Minute and Directions on 8 June 2020 in which we set out, in detail, the results of the Panel’s deliberations and sought feedback on the process that we considered could be appropriate, to better address the “special character” of Raglan. In that regard, we stated:
  4. We concur that the proposed plan needs amendment to address special character related matters, but also note that exactly what that special character entails and how it should be addressed in the proposed plan, is not yet known, this being an issue that was also not disputed by those at the hearing. As such, we do not need to record the individual views expressed any further, as the process we address below is intended to progress this matter further.
  5. As a result of the evidence and submissions we heard, the section 42A report and our careful questioning of all parties on this matter, there are three broad options available, namely:
    - a) Recraft the Raglan specific provisions already contained in the proposed plan to better recognise special character matters (to the extent permissible within the scope of submissions), while acknowledging that the Raglan community may wish to initiate with Council and mana whenua a subsequent planning process at some point in the future to give wider recognition to Raglan’s special character.
    - b) Initiate a plan variation process immediately, with a view to the Panel hearing submissions on the variation near the end of the current round of proposed plan hearings (likely to be mid-2021) and considering the variation as part of our overall decisions on the proposed plan.

- c) Initiate a plan change process at some future date, probably once the proposed plan becomes operative.
6. We are firmly of the opinion that in an ideal world, Option b) in paragraph 5 above, would be preferred. However, we are not in an ideal world, and there would be significant practical limitations if that option were to be pursued. These include, but are not necessarily limited to:
- a) Any decision to initiate a variation needs to be made by the Council. This is not an outcome that the Panel can mandate, as it is outside the Panel's jurisdiction to direct that Council initiates a variation;
  - b) Such an exercise is not included within current Council budgets;
  - c) There can be no certainty that the Council would allocate funding to a plan variation in the short term, given the financial implications of Covid-19 and the competing demands on those ratepayer funds that may be available; and
  - d) Given the time limited available, there may not be sufficient time to undertake robust consultation and complete the necessary work during the current hearing schedule
7. We are also firmly of the opinion that Option c) above would not be appropriate, as it would simply be "kicking the issue down the road", something we are not prepared to entertain.
8. We have therefore concluded that the only practical approach is Option a) above, but the obvious issue that arises is how that process should best be undertaken. We have considered this carefully, and consider that there would be much benefit if the parties who addressed special character issues at the hearing (i.e. Kainga Ora, Raglan Naturally, Whaingaroa Environmental Defence Inc, and Tainui ō Tainui), who we are satisfied provide a broad cross section of perspectives on the matter, were given the opportunity to work together on considering some improved provisions that could be incorporated into the proposed plan and for them to "report back" to the Panel – either with a consensus position, or failing that, with individual positions on what they consider to be appropriate. On this point, we note the proposed plan already includes provisions to provide protection for significant natural areas, outstanding natural features and landscapes and mana whenua historic sites and areas in rural and coastal areas.
9. We are aware that submitters consider that the character of Raglan's rural and coastal areas needs better protection. We express no particular view on that matter here, other than to state that it is the urban areas of Raglan that are subject to development pressure - particularly the town centre and the residential areas - and therefore where changes in character are most likely to occur in the short term. Accordingly, our current thinking is that the rural and coastal character of Raglan is a topic that is best left to a subsequent, comprehensive plan change process, and during this current process the submitters, Council staff and the Panel, should focus their attention on the urban areas of Raglan.
3. We requested that feedback on the process we suggested be provided to the Hearings Administrator by Tuesday 16 June 2020. Several submitters requested an additional two weeks to consider their position on our proposal that further consideration of Raglan's "special character" should be confined to its urban areas. We considered that timeframe to be excessive but extended the deadline to Friday 19 June 2020.
4. We received no adverse feedback by that date, but did receive comments from one submitter (Whaingaroa Environmental Defense), some 52 minutes after that, to the effect that they would agree to confining the current process to the urban area provided the Hearings Panel agreed to recommend certain initiatives regarding the wider Raglan area. Some of those initiatives are beyond our jurisdiction to influence, and, in any event, we are not persuaded that we should change the approach we have proposed. Therefore, whilst Whaingaroa

Environmental Defense may not agree with what we have proposed, it is their prerogative to decide whether or not they wish to participate in the process.

5. Given all the above, the purposes of these Directions are:
- a) To confirm that Mr Aaron Mooar should be added to the list of parties to be involved in the process for further considering how to better address the special character of the urban areas of Raglan in the proposed plan (Mr Mooar was a submitter who has made specific submissions on this point, who did not receive the notice sent to him advising of the 2 June 2020 and whose submission we have just heard via Zoom); and
  - b) To confirm our Directions regarding this matter, which include, but are not limited to, confirming that further consideration of Raglan's "special character" should be confined to its urban areas, for the reasons set out in our earlier Minute and Directions of 8 June 2020.

## Directions

6. In order to provide the Council and those submitters who addressed character-related matters at the hearing the opportunity to consider them in more detail, we issue the following Directions:
- a) In conjunction with its consultant landscape architect, Mr Coombs, Council staff are to prepare a "draft scoping report" that provides an outline, in general terms, of how Council staff consider the proposed plan might best be amended to better reflect the "special character" of the urban areas of Raglan, the process of engagement it proposes and key milestone dates. The "draft scoping report" is to be provided to Kainga Ora, Raglan Naturally, Whaingaroa Environmental Defence Inc, Tainui ō Tainui and Aaron Mooar ("**the Raglan submitters**") for comment **no later than 5 pm on Friday 17 July 2020**.
  - b) All feedback from the Raglan submitters on the "draft scoping report" is to be provided to the Hearings Administrator **no later than 5 pm on Friday 31 July 2020**.
  - c) Council staff are to consider the feedback received, produce a final scoping report, and provide it to the Hearings Administrator, **no later than 5 pm on Friday 7 August 2020**. In addition to confirming details of the matters set out in paragraph 6 a) above, the final scoping report shall include clear details of any process-related matters that are not agreed – either as between different Raglan submitters or between the Raglan submitters and Council staff.
  - d) The Hearings Administrator shall then forward the final scoping report to the Raglan submitters and the Panel. On receipt of the "final scoping report" the Panel will issue any additional instructions it considers necessary to address any process-related matters that are not agreed.

Please note: The "final scoping report" is not an updated section 42A report, but rather a report requested by the Panel in accordance with section 41(4) of the RMA to assist in reaching decisions on the relief sought in submissions.

- e) The Council shall then then proceed to work through the detail of amending the relevant provisions of the proposed plan, in accordance with the process set out in

the "final scoping report" and provide a Final Report to the Hearings Administrator setting out all the proposed amendments, **no later than 5 pm on Friday 25 September 2020**. In addition to providing an amended set of relevant provisions of the proposed plan, the Final Report must also clearly identify all matters that are not agreed, together with the reasons for that disagreement.

- f) The Panel will consider the Final Report and issue any further Directions it considers necessary, which may or may not include the need for a further hearing.
- g) The Hearings Administrator is to provide these Directions to Kainga Ora, Raglan Naturally, Whaingaroa Environmental Defence Inc, Tainui ō Tainui and Aaron Mooar and post them on the Council's website.
- h) Any questions regarding these Directions shall be provided to be Hearings Administrator, either by email or telephone, as follows:

Email      [Districtplan@waidc.govt.nz](mailto:Districtplan@waidc.govt.nz)

or

Telephone 027 382 0021



**P H Mitchell (Chair)**

**On behalf of Commissioners P Mitchell, P Cooney, J Sedgwick and L Te Aho**

**22 June 2020**