

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

MINUTE AND DIRECTIONS FROM HEARING COMMISSIONERS

8 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. The purposes of this Minute and Directions are:
 - a) To confirm that Hearing 16 was adjourned following the hearing of submissions and evidence, to enable the Panel to consider how best to proceed, given that several key issues were not necessarily resolved.
 - b) To record the results of the Panel’s deliberations and to issue Directions as to the process that we consider now needs to be followed.

Minute

3. A key focus of the hearing was to address submissions that related to the “special character” of Raglan and the extent to which / how it should be addressed in the proposed plan. In that regard, we record that all parties at the hearing accepted that Raglan did indeed have special character that was not adequately provided for in the proposed plan.
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.

10. As was canvassed in some detail at the hearing, the potentially developable area of Raglan is contained within the town centre, which comprises two separate zones – the Business Zone and the Business Town Centre Zone – and the Residential Zone. The proposed plan already contains some objectives, policies, rules and other material that can, or at least has the potential to, be amended to better address the character of the three zones that comprise the urban areas of Raglan. We set these out below, noting that where the rebuttal section 42A report has recommended changes to the notified version we have used those versions because that document contains the latest iteration available and it incorporates, at least to some extent, matters raised in submissions. All changes in the rebuttal section 42A report from the notified provisions are shown in redline / ~~strikeout~~ format.

4.1 Strategic Direction

4.1.18 Policy – Raglan

- (a) Raglan is developed to ensure:
- i. Infill and redevelopment of existing sites occurs;
 - ii. A variety of housing densities is provided for;
 - iii. Rangitahi is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and
 - iv. There are connections between the town centre, the Papahua Reserve and Raglan Wharf.

4.2 Residential Zone

4.2.16 Objective – Housing options

- (a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.
- (b) Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.

4.2.22 Policy – Bankart Street and Wainui

- (a) Provide for the ongoing change in the mixture of residential and commercial activities bordering identified commercial areas at Raglan.

4.5 Business and Business Town Centre Zones

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.

Appendix 3.3 Town Centre [Design] Guidelines

[not reproduced here as they are too lengthy]

Appendix 10.1 Character Statement for the Raglan Town Centre¹

1.1 Overview

Raglan is a small beach-side town located on the west coast of New Zealand, 46km west of Hamilton on State Highway 23. Originally known as 'Whaaingaroa', 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 holidaymakers and tourists, the population in Raglan increases by around 300-400 per cent over summer months.

The town centre is characterised by:

- A wide, central main street (Bow Street) with a palm tree planted central median, raised pedestrian crossings, wide footpaths and outdoor dining
- Small scale (one to two level, narrow frontages) buildings along Bow Street, built up to the front boundary with active frontages and verandahs
- The landmark Harbour View Hotel located along Bow Street at the end of Wainui Road
- The built form and landscaping along Bow Street framing views towards the harbour at its western end
- Commercial and retail activities which spill over from Bow Street in a southern direction along Wainui Road (towards the Raglan Fire Station and Museum) and connecting Wainui Road and Bow Street along Bankart Street
- On-street parking along main commercial streets
- Traditional roof forms including gabled and hipped roofs
- Predominantly post supported verandahs.

1.2 Outcomes Sought

The following outcomes are sought for Raglan's town centre (Business Town Centre Zone):

- Maintain wide open streets and a high quality public realm that prioritises pedestrian movement, safety and amenity
- Encourage new development that is sympathetic to the existing main street built form (height, scale, form) and the surrounding context, whilst still promoting the eclectic and artistic nature of the town
- Continue to promote Raglan as a local, regional, national and international tourist destination

¹ Text and diagrams included, photographs not included

1.3 Guidelines

The following guidelines seek to assist in supporting the key outcomes for Raglan's town centre:

- Continue to focus retailing activities along Bow Street and Wainui Road.
- Design new development along these main retail streets to:
 - Appear small in scale (one to two storeys)
 - Contain active frontages / transparent facades at ground level
 - Contain buildings generally built out to the street boundary
 - Provide footpaths sheltered by verandahs (either pitched roof, lean-to style supported by poles or a flat or horizontal plane verandah roof suspended from the building - see Figure 1)
- Respect the character of existing / neighbouring buildings (Figure 2) through new built form that:
 - Comprises of an appropriate traditional roof form (hipped or gable)
 - Provides recessed shop entrances
 - Creates narrow shop frontages (approximately 4-10m)
 - Promotes symmetry (i.e. in window design and placement)
 - Utilises parapets as a design feature
 - Softens double storey facades by emphasising horizontal elements
 - Provides predominantly post-supported verandahs
- Locate parking, loading and storage at the rear of buildings and wherever practical, provide vehicle access by a side street or rear lane – to avoid breaks in the continuous retail frontage
- Work with mana whenua to determine any cultural features to be protected, promoted or enhanced within the Town Centre.

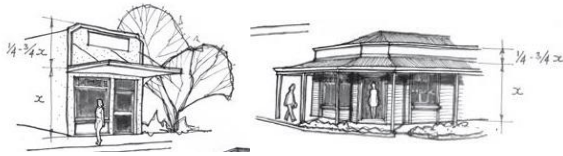


Figure 1: Raglan town centre - sketch illustrating verandah and parapet styles: (left) a flat or horizontal plane verandah roof either supported by steel rods, or with an integrated supporting structure hidden within the roof plane; (right) pitched roof or lean-to style supported by poles at the edge of the verandah.

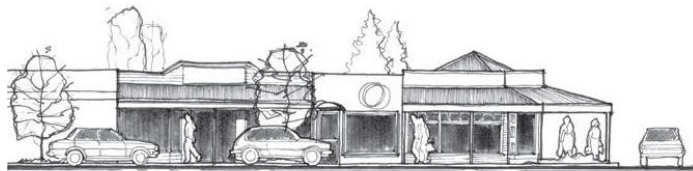


Figure 2: Raglan town centre - sketch showing key built form outcomes to be incorporated as part of future development within the town centre: (1) consistent verandah line (predominantly post-supported verandahs); (2) narrow frontages with clear vertical differentiation between buildings; (3) large, open, active façades with recessed bay entrances; (4) consistent above verandah parapets with symmetrical detailing and window placement.

- Design signage in line with the compatible with the scale and sense of place – integrated within the overall appearance of the building and enhancing the amenity of the town centre
- Emphasise corner sites, particularly at the entrance to the town centre, through designing corner buildings that:
 - Are two (or more) storeys, that can become visual references and landmarks
 - Have their main pedestrian entry fronting the intersection
 - Ensure design treatments are continued around both sides of the corner
- Strengthen connections between Bow Street and the harbour – through built form, pedestrian connections, signage and landscaping.

11. There are also a variety of relevant rules that regulate development in the urban area, some key ones² being:

Business Town Centre Zone

- **Rule 18.1.3 RD1** which specifies that any multi-unit development that complies with various other rules (height, setbacks etc) is a restricted discretionary activity, with discretion restricted to various matters, including:
 - Consistency with the Town Centre Design Guidelines;
 - Consistency with the Multi-unit Urban Design Guidelines contained in Appendix 3.4
 - The extent to the development contributes to and engages with adjacent streets and public open spaces;
 - The extent to which visual quality and interest are created; and
 - Amenity values for occupants and neighbours.
- **Rule 18.1.3 RD2** which specifies that any new building is a restricted discretionary activity, with discretion restricted to various matters, including:
 - Consistency with the Town Centre Design Guidelines; and
 - Consistency with the Raglan Town Centre Character Statement.
- **Rule 18.3.1 P1** which limits the height of permitted buildings to 10 metres.
- **Rule 18.3.1 D1** which specifies that any “over-height” building is a discretionary activity.

Business Zone

- **Rule 17.1.3 RD1** which specifies that any multi-unit development that complies with various other rules (height, setbacks etc) is a restricted discretionary activity, with discretion restricted to various matters, including:
 - Consistency with the Town Centre Design Guidelines;
 - Consistency with the Multi-unit Urban Design Guidelines contained in Appendix 3.4;
 - The extent to the development contributes to and engages with adjacent streets and public open spaces;
 - The extent to which visual quality and interest are created; and
 - Amenity values for occupants and neighbours.
- **Rules 17.1.4 D1 – D3** which specifies (generally) that multi-unit developments that do not meet the requirements for a restricted discretionary activity are discretionary activities.
- **Rule 17.3.1 P1** which limits the height of permitted buildings to 10 metres.
- **Rule 17.3.1 D1** which specifies that any “over-height” building is a discretionary activity.

² This is not an inclusive list and is provided for general context only

Residential Zone

- **Rule 16.3.1 P1** which permits only one dwelling per site as a permitted activity.
 - **Rule 16.3.1 D1** which specifies that more than one dwelling per site is a discretionary activity.
 - **Rule 16.3.3.1 P1** which limits the height of permitted buildings to 7.5 metres.
 - **Rule 16.3.3.1 D1** which specifies that any “over-height” building is a discretionary activity.
 - **Rule 16.1.3 RD1** which specifies that any multi-unit development that complies with various other rules (height, setbacks etc) is a restricted discretionary activity, with discretion restricted to various matters, including:
 - Consistency with the Multi-unit Urban Design Guidelines contained in Appendix 3.4;
 - The extent to the development contributes to and engages with adjacent streets and public open spaces;
 - The extent to which visual quality and interest are created; and
 - Amenity values for occupants and neighbours.
12. Although we have formed no final view on what amendments to the proposed plan should be made, our preliminary thinking includes the following:
- Policies 4.1.18, 4.2.16 and 4.5.14 could all be amended to better reflect Raglan’s special character.
 - Whatever their final content, those policies need to be written in plain English and, wherever possible, avoid using words that are emotive, highly subjective, or ambiguous.
 - Like the other Town Centre Character Statements in Appendix 10, the Raglan Town Centre Character Statement has limited utility, in our preliminary assessment, because it uses emotive, subjective and ambiguous language, and, in addition, it provides limited flexibility and scope for design innovation. Our current thinking is that the proposed plan might be better served by deleting Appendix 10.1 altogether and strengthening the relevant policies and rules.
 - All relevant restricted discretionary activity rules could be amended so that specific character-related matters were added to the list of matters over which discretion is reserved.
 - All relevant discretionary activity rules could be amended to include specific, explicit character-related assessment criteria.

Directions

13. In order to provide the Council and those submitters who addressed character-related matters at the hearing the opportunity to consider those matters in more detail, we issue the following Directions:
- a) Council staff are to liaise with representatives of Kainga Ora, Raglan Naturally, Whaingaroa Environmental Defence Inc, and Tainui ō Tainui (“**the submitters**”) to:
 - i. Ascertain their willingness to engage in the process contemplated by the Minute set out above; and

ii. Either:

- (a) Confirm that further work to better address the special character of Raglan can be confined to matters relating the urban areas of Raglan (taking into account that the wider rural and coastal areas are subject to other control measures in the proposed plan, and that they would be able to be further considered in any future planning process); or
- (b) Advise any different views on the matters set out in paragraphs 13 a) i and 13 a) ii (a) above; and

provide that information to the Hearings Administrator, Ms Sandra Kelly, **no later than 5 pm on Tuesday 16 June 2020.**

- b) In the event that paragraph 13 a) ii (b) applies, the Panel will issue any further Directions considered necessary to address those issues. Otherwise the process is to continue as set out below.
- c) In conjunction with its consultant landscape architect, Mr Coombs, Council staff are to prepare a “draft scoping report” and provide it to the submitters for comment. The “draft scoping report” should provide an outline, in general terms, of how Council staff consider the proposed plan might best be amended, 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, and Tainui ō Tainui **no later than 5 pm on Friday 17 July 2020.**
- d) All feedback from the submitters on the “draft scoping report” is to be provided to the Hearings Administrator **no later than 5 pm on Friday 31 July 2020.**
- e) 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 13 c) above, the final scoping report shall include clear details of any process-related matters that are not agreed – either between as different submitters or between the submitters and Council staff.
- f) The Hearings Administrator shall then forward the final scoping report to the 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.

- g) 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.

- h) 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.
- i) The Hearings Administrator is to provide these Directions to Kainga Ora, Raglan Naturally, Whaingaroa Environmental Defence Inc, and Tainui ō Tainui and post them on the Council's website.
- j) Any questions regarding these Directions shall be provided to be Hearings Administrator, either by email or telephone, as follows:

Email 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

8 June 2020