

# **PLAN CHANGE 14 – Raglan Rezone**

**Summary Statutory Report including s32 Analysis**

**Waikato Section, Waikato District Plan**

**Waikato District Plan  
Notified 18<sup>th</sup> December 2015**



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**Plan Change 14 – Raglan rezoning – Section 32 Report: December 2015**

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**Introduction**

I.1 Proposed Plan Change 14 ('PC14') seeks to undertake a number of zoning changes to a number of properties within Raglan. The specifics of the proposed rezoning are detailed in section 6 of this report, however briefly PC14 involves:

- (a) Wallis Street properties 9, 11, 13, 14, 15A, 15B, 17, 17A, 17B, 18 and 19 to be rezoned from Living to Business with a Town Centre overlay;
- (b) 222 Wainui Rd (Rakanui 2A Block, adjacent to the Poihakena Marae) to be rezoned from Coastal to Pa Zone;
- (c) Wainui Road property 113 – 117 (Rakanui 1B Block, adjacent to the Poihakena Marae) to be rezoned from Coastal to Pa Zone;
- (d) Bankart Street properties 2, 4, 6, 8, 8A, 10, 10A, 12, 12A, 14A, 14B, 14C, 14D to retain existing Living Zone with the introduction of a Business Zone overlay (Schedule 21C);
- (e) Wainui Road properties 8, 10, 12 to retain existing Living Zone with the establishment of a "Business Zone" overlay (Schedule 21C);
- (f) Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone; and
- (g) Proposed rezoning of consented light industrial precincts of the Nai Mau Business Park from Rural Zone to Light Industrial Zone and the introduction of a specific schedule in the District Plan (Schedule 24E).

## **I.I Statutory Framework**

I.2 The preparation of PC14 has been undertaken in accordance with the First Schedule of the Resource Management Act 1991 ('RMA'). Clause 21 in Part II of the First Schedule clarifies that the provisions of Part I as they relate to 'Preparation and change of policy statements and plans by local authorities' provides the relevant procedures to be adhered to for a plan change such as the one proposed.

I.3 In this regard, Clause 21 states:

"21. Requests –

- (4) *Where a local authority proposes to prepare or change its policy statement or plan, the provisions of this Part shall not apply and the procedure set out in Part I shall apply.*

I.4 Part I of the First Schedule consists of Clauses 1 to 20A. It is these provisions that must be adhered to in seeking and determining this plan change proposal.

I.5 Clauses 3 and 3B set out the relevant procedures for consultation. Clause 3(1) requires that Council must consult the Minister for the Environment, other Ministers of the Crown who may be affected by the plan change, local authorities who may be

so affected, and the tangata whenua of the area who may be so affected, through iwi authorities, and the board of any foreshore and seabed reserve in the area. Clause 3(2) sets out that “a local authority may consult anyone else” in preparing a plan change, subject to Clause 3(4) which requires that such consultation must be undertaken in accordance with Section 82 of the Local Government Act 2002 ('LGA'). Accordingly, Council must consult with the parties identified in clause 3(1) but retains a discretion to consult with anyone else. If Council elects to undertake discretionary consultation, it must do so in accordance with the principles in section 82 of the LGA. Clause 3B relates to consultation with iwi authorities.

- 1.6 Details of the consultation undertaken are provided in part 4 of this report. The consultation meets the requirements of the First Schedule.
- 1.7 Clauses 5 to 11 of the First Schedule set out procedures for notification, receipt of submissions, hearings and notification of decisions in relation to plan changes. In processing the plan change, it will be necessary for compliance to be achieved with the requirements of these provisions.
- 1.8 An evaluation of PC14 has also been undertaken in accordance with Section 32 of the RMA. The evaluation is contained in section 5.0 of this report.

## **I.2 Relevant Planning Documents**

When preparing PC14, Council must have regard to a number of planning documents pursuant to S74 of the RMA. The relevant planning documents are assessed below.

### **I.2.1 Future Proof Development Strategy**

The Future Proof Growth Strategy ('the strategy') is a collaboration between Hamilton City Council, Waikato Regional Council, Waipa District Council, Waikato District Council and Tangata Whenua for the development of a sub-regional growth strategy covering the areas of the three territorial authorities and the region covered by the Regional Council. Other key organisations involved in the strategy include the New Zealand Transport Agency and Matamata Piako District Council. The strategy was adopted in 2009 and is now embedded in the Proposed Waikato Regional Policy Statement.

The purpose of the Strategy is to provide a comprehensive and robust growth management strategy for the sub-region taking a long term view of land and infrastructure. It is important to highlight that the strategy will need to adapt to take into account changing circumstances over its 50 year timeframe.

There are a number of key features of the Strategy including:

- Increased densities in new residential development;
- Hamilton City a vibrant and lively place to live and work;
- Sub-regions towns to be supported by thriving business centres;
- Protection of versatile and productive farmland through directing rural residential development and business activities closer to towns and villages; and
- Integrated transport and land use planning.

Section 6 of the Strategy sets out the proposed settlement pattern for the FP sub-region which includes the Raglan and Whaingaroa area that is the subject area of PC14. The strategy identified that the Raglan and Whaingaroa area:

- (a) Grows to become a far more self-sufficient area, whilst drawing on the benefits of a spectacular coastal environment.
- (b) Moves towards a transition town.
- (c) Maori guardianship, history, values and entrepreneurship will further expand opportunities locally.
- (d) Recognise the sensitive coastal and harbour environment.

Section 6.3.4 of the Strategy outlines the allocation of land zoned for commercial business. In this section, the Raglan area is not identified as a separate town as the Strategy simply addresses the partnering territorial authorities. For the Waikato District, the Strategy states:

- (a) “Retailing expansion in existing town centres and villages will have a key role in providing local services. However, existing retail centres especially in Hamilton City minimise the potential for any significant expansion, particularly in areas of specialist and large-format retail.”
- (b) “Rural residential growth into village nodes will help create nucleus community centres that can support an improved offer in convenience retail”

For industrial business zoned land, section 6.3.5, Table 5 of the Strategy outlines the location, capacity and provisional staging for the three territorial authorities. For the Raglan and Whaingaroa area it identifies the following:

<b>Capacity (ha)</b>	<b>Timing</b>		
	2021	2041	2061
30	6	12	12

This illustrates a total business and industrial capacity allocation of 30 hectares with the majority 24 hectares over the 2014 to 2061 period.

PC14 proposes to rezone the consented industrial lots at State Highway 23, known as the Nau Mai Business Park (currently zoned Rural) to Light Industrial. This would involve the proposed rezoning of around 8.42 hectares of net land area. A critical component for Council before committing to the inclusion of the proposed industrial rezone as part of PC14 was to determine whether there is any demand for industrial land within the Raglan area. Council engaged Property Economics Limited ('Market Economics') to undertake a Raglan industrial market assessment to assess the market demand for industrial areas and if a demand was identified to analyse the sized lots in demand. Detailed information about this assessment is provided further in this report. However, it is considered important to briefly highlight the results of the assessment due to its importance in providing the justification for future demand and the staged and timing provided in the FP Strategy.

At present, Raglan has only one industrial zoned property being the property at 2 Park Drive comprising 2130sqm in area. The assessment by Market Economics concluded this provision of zoned industrial land to be negligible given the size of the Raglan area.

Overall, the assessment by Market Economics concludes that the current demand for industrial land is 3.3 hectares in area which is much higher than the current 2130sqm of zoned land. This is detailed in the table below:

	2015	2018	2023	2028	2033
Industrial Employment	137	149	171	200	235
Industrial Land Area (ha)	3.3	3.6	4.1	4.8	5.6

As demonstrated by the above table, the demand for industrial land in Raglan is expected to grow from the current (2015) 3.3 hectares in area to 5.6 hectares in area by 2033. With the current market allocation of only 2130sqm of industrial zoned land this results in a significant shortfall of 5.38 hectares. The assessment concludes the proposed rezoning of approximately 8.42 hectares in area would be adequate to service expected future demand for industrial land.

### **1.2.2 Waikato District Growth Strategy**

The Waikato District Development Strategy (DDS) was recently adopted to replace and update the two existing growth strategies applying to the District, being the Waikato District Growth Strategy (2009) and the Franklin District Growth Strategy (2008).

The DDS is a 30 year strategic and spatial development guide that retains the principles in both existing growth strategies of containing urban development and protecting agricultural and natural and culturally significant landscapes from inappropriate use, subdivision and dispersed residential development. It is the intention of Council to revisit the DDS in 2017 as a prelude to the next cycle of the Long Term Plan.

The DDS identifies a number of key influences in the District, including:

- Southward growth of Auckland;
- Waikato Expressway;
- Growth of Hamilton;
- Intensification and change in agriculture; and
- Land use change.

Section 4.4 of the DDS identifies the key urban outcomes with a focus on:

- Future urban development in and around existing towns as per structure plans and the Regional Policy Statement;
- Using Structure Plans to guide the staged provision of additional urban land;
- To maintain and re-develop existing urban infrastructure and services.

The DDS identifies Raglan as an acclaimed surfing centre and arguably the best internationally known town in the District. The DDS states:

*“In the future, Raglan is likely to remain an important coastal town, and although current population projections do not anticipate significant future population growth in the town, it is well provided for with zoned and serviced land for residential and business development”*

PC14 identifies properties on the boundary of the existing town centre that are considered appropriate for rezoning to allow for the expansion of the town centre in the future. This is not to say that currently there is not enough capacity for growth in the existing Business zoned properties, rather PC14 has a long term focus with the aim of providing additional Business zoned land within the existing town centre for the future growth of the town when the market demands this.

Additionally, even though the DDS does not specifically identify industrial land and growth in the Raglan area, Council is well aware of the current shortage of industrial land in Raglan with only one industrial zoned property being the property at 2 Park Drive, Raglan. This shortfall is also supported by the assessment undertaken by Market Economics that identifies that by 2033 there will be an expected demand of 5.6 hectares of industrial land. Without the capacity provided by the proposed industrial zoning of the Nau Mai Business Park there would be a 5.38 hectare

shortfall of industrial demand to meet the expected future growth. This confirms the requirement for rezoning the Nau Mai Business Park to cater for expected future industrial growth.

#### **I.2.3 Waikato District Long Term Plan (LTP)**

WDC adopted the 2015 - 2025 LTP on 30 June 2015. This plan change has no implications on the current or future LTP, as it relates only to discrete development control matters that are relevant only to the District Plan.

#### **I.2.4 Operative Waikato Regional Policy Statement (RPS)**

Pursuant to section 75(3)(c) of the RMA, a District Plan which includes all operative changes, must give effect to any operative Regional Policy Statement. Accordingly, the Operative Waikato Regional Policy Statement (RPS) has been considered in the preparation of PC14, even though it will soon be replaced by the Proposed Regional Policy Statement.

The RPS was made operative in October 2000, and provides an overview of resource management issues in the Waikato Region. It provides objectives and a range of policies and methods to achieve integrated management of natural and physical resources across different resources, jurisdictional boundaries and agency functions, and guides the development of sub-ordinate plans (Regional as well as District) and the consideration of resource consents.

A number of sections of the RPS are considered relevant to PC14 and are discussed below.

Section 2.1 outlines the importance of the Treaty of Waitangi and matters of significance for Maori. Section 2.1.3 states:

*“...local authorities need to seek agreement with iwi authorities on local implementation of the Treaty principles, and their participation in resource management decision-making”*

Policy one in section 2.1.5 states:

*“Ensure the relationship tangata whenua have with their ancestral lands, water, sites, waahi tapu and other taonga is recognised and provided for in resource management decision making”*

Section 3.5 of the RPS covers the coastal environment. Issue 3.5.4 is of particular importance to this plan change (given the proposed rezoning of the two properties on Wainui Road, Raglan) and is re-printed below:

*“Inappropriate subdivision, use and development within the coastal environment results in a loss of natural character”*

Furthermore, Policy two of section 3.5.6 states:

*“Recognise the particular relationship tangata whenua have with the coastal environment and ensure those relationships are taken into account when decisions relating to the use, development and protection of the coastal environment are made”*

PC14 proposes to rezone two multiple owned Maaori freehold properties at 113-117 and 222 Wainui Road from Coastal Zone to Pa Zone. During the development of PC14, Council staff consulted with some of the owners of both properties (both properties have a number of owners) which is consistent with 2.1.3 of the RPS and one of the principles of the Treaty of Waitangi. The feedback received from the landowners who were available to discuss the proposal, was supportive of the proposed rezoning.

The properties are Maaori freehold with multiple ownership. The Pa Zone would enable more flexibility for the whanau to return and utilise the land for housing and better interaction with the Marae which the landowners are currently unable to do. This is consistent with two of the principles of the Treaty of Waitangi to actively protect Maaori interests whilst meeting the needs of Maaori and the community.

The RPS also covers the important topic of soil health. Issue 3.3.9 covers the importance of maintaining soil health and is re-printed below:

*“Some land use practices may adversely affect soil health and reduce soil versatility and productivity in the Region”*

This has relevance to the proposed rezoning of the consented industrial lots of the Nai Mau Business Park just out of Raglan. This property is currently zoned Rural which allows for the productive use of the land for productive purposes. However a notified consent was previously approved that enabled, among other things, the establishment and operation of industrial activities on a number of lots on the property. This consent includes a suite of conditions that place a number of restrictions on the type and activity of the industrial uses and includes mitigation conditions including the establishment of extensive landscape mitigation planting.

Given the topography of the consented industrial lots was sloping, some lots had to have extensive earthworks to form a flat platform for future buildings to enable the use of the lots for industrial purposes. This resulted in the removal of all topsoil and under fill from the industrial lots effectively removing the productive capacity of the lots to be used for rural purposes, although the topsoil can be replaced it would be at a significant cost. Therefore, in relation to issue 3.3.9, through the approval of the consent allowing industrial activities this effectively rendered the lots unsuitable for productive purposes.

#### **1.2.5 Appeals Version of the Proposed Waikato Regional Policy Statement (PRPS)**

Council is required to have regard to any relevant proposed Regional Policy Statement when preparing a plan change in accordance with s74(2) (a)(i) of the RMA.

At the time of writing this s32 report, the Appeals version of the PRPS was still subject to appeals, although they are close to being resolved. Significant parts of the PRPS are now beyond challenge and thus can be afforded full weight. Therefore, more weight can be afforded to the PRPS than the RPS, given it represents the new policy direction for the region.

The PRPS was prepared to achieve the purpose of the RMA through providing an overview of the resource management issues of the region, establishing policies and methods to achieve integrated management of the region's natural and physical resources.

Section 4.1 of the PRPS identifies the indicative coastal environment where Raglan is identified as a coastal environment. However, it is worth highlighting that Map 4-6 of the PRPS that shows the extent of the indicative coastal environment in Raglan not only includes the Raglan township and coastal/harbour areas but extends a considerable distance inland from the Raglan township.

#### **Policy 6.2:**

PC14 proposes to rezone two Coastal Zone properties on Wainui Road to Pa Zone, therefore policy 6.2 of the PRPS is relevant as it sets out the requirements for development in the coastal environment that:

- Protects the natural character;
- Protects hydrological processes;
- Allows for sea level rise;
- Ensures adequate provision for wastewater and storm water disposal; and
- Maintains or enhances water quality.

The proposed Pa Zone for the two properties on Wainui Road would provide greater flexibility for the multiple Maori owners of both properties to utilise the

properties in accordance with their cultural aspirations. However, it is important to note that this is not to say that any future development on both properties will adversely affect the character of the coastal environment. This is because any permitted development must comply with the relevant performance standards for the Pa Zone which includes a minimum 23 metre set back from the mean high water springs designed to protect the coastal margin from disturbance from development and minimise any dominance effects of future buildings on the natural character of the coastal environment. This is also considered consistent with Policy 6.2.3 of the PRPS that requires new development along the coast to be a sufficient distance from the coastal edge to allow for:

- a) preserving natural character values;*
- b) avoiding natural hazards*
- c) protecting the values associated with marine water quality*
- d) maintaining and enhancing public access to public areas*
- e) natural ecosystem functioning; and*
- f) natural functioning of natural processes, including the ability of natural features such as wetlands, beaches and dunes, to migrate inland, and including the projected effects of climate change”*

#### Policy 6.4:

Policy 6.4 of the RPS is of importance for PC14 given the proposed rezoning of the two coastal properties to Pa Zone on Wainui Road. This policy is re-printed below:

*“To recognise the historical, cultural and social importance of **marae** and **papakainga** and to provide for their ongoing use and development.”*

This is supported by implementation methods 6.4.1 and 6.4.2 that are re-printed below:

*“6.4.1 Provision for marae and papakainga*

*District Plans shall make appropriate provision for development of marae and papakainga”*

*“6.4.2 Sustainability of marae and papakainga*

*Territorial authorities shall support the sustainable development, restoration or enhancement of marae and papakainga, including by taking into account the need to address the following:*

- a) Infrastructure and utilities requirements*
- b) Social services such as **kohanga**, **kura** and **wananga**, **urupa** and health services*
- c) Associated customary activities; and*
- d) The relationship of marae and papakainga to the wider environment, **wahi tapu** and sites of significance to Maori, including by management of important view shafts.”*

As previously discussed, the rezoning is to enable a more flexible rule framework for the whanau to return and utilise the land for papakainga housing and to encourage the interaction with the marae which the landowners are currently unable to do. For this reason, this component of PC14 is considered consistent with Policy 6.4 of the PRPS.

PC14 also proposes the rezoning of the consented industrial use lots in the Nau Mai Business Park (currently zoned Rural) to Light Industrial Zone. Policy 6.13 d) of the RPS is directly applicable in this instance and requires that any new industrial development should predominantly be within the strategic industrial nodes identified in Table 6-2 of the PRPS and in accordance with the indicative timings provided in that table except for when the industrial land meets criteria 6.13.3 of the RPS.

**Table 6-2:**

Table 6-2 of the RPS identifies the strategic industrial nodes but does not identify Raglan as a strategic industrial node so there are no industrial land allocations and staging for Raglan. A key point to highlight is that the wording of Policy 6.13 d) is that new industrial development should predominantly be located within the strategic industrial nodes, hence the use of predominantly is considered to provide some flexibility for the location of new industrial development outside the strategic industrial nodes. This is important in this instance, given the location of the Nau Mai Business park is not located within a strategic industrial node.

**Policy 6.13 eb):**

Furthermore, Policy 6.13 eb) specifically addresses new industrial development outside the strategic industrial nodes and is re-printed below:

**“Policy 6.13 eb)**

*New industrial development outside the strategic industrial nodes or outside the allocation limits set out in Table 6-2 shall not be of scale or location where the development undermines the role of any strategic industrial node as set out in Table 6-2.”*

As discussed, the location of the proposed industrial rezoning is not provided for within Table 6-2 or Map 6-2 and there is no strategic industrial node within the Raglan area. Therefore in accordance with Policy 6.13 eb), the rezoning of the Nau Mai Business Park would not be of a scale or location that would undermine the role of any strategic industrial node. The closest industrial node to the Nau Mai Business Park is within the Hamilton area over 40 kilometres away, therefore the Nau Mai Business Park would service Raglan and the surrounding area and would not compete with the Hamilton area. It is important to highlight that the Nau Mai Business Park is already in operation through an approved consent and the activities

established within the park already servicing the local Raglan area. Therefore the proposed industrial rezoning satisfies Policy 6.13 eb) of the PRPS.

Policy 6.13 ec) of the PRPS states that:

*“new industrial development outside of the strategic industrial nodes must avoid, remedy or mitigate adverse effects on the arterial function of the road network, and on other infrastructure.”*

Gray Matter Limited prepared an assessment of traffic effects associated with the proposed rezoning of the Nau Mai Business Park given not only the potential additional subdivision opportunities that the rezoning would provide but also due to the direct access off State Highway 23. The assessment details that traffic counts on both Nau Mai Road and SH23 completed between the 3<sup>rd</sup> and 18<sup>th</sup> August 2015 showed that development traffic is substantially lower than the levels estimated during the initial resource consent hearing. The assessment concludes that the potential to subdivide the land into smaller industrial lots will not have a significant impact on the level and nature of traffic and, there may in fact be a positive effect from a potential reduction in the number of heavy vehicles. In relation to the effects on the road network including State Highway 23 from the rezoning to industrial, the assessment concludes that, provided the proposed new rule schedule is consistent with the consent conditions, then any adverse effects will be less than minor. The proposed rezoning is therefore considered consistent with Policy 6.13 ec) of the PRPS.

Gray Matter Limited has also discussed the proposal with the New Zealand Transport Agency (NZTA) given the direct access onto State Highway 23. The feedback from NZTA was that provided the new schedule is aligned with the conditions of the approved consent then it is likely that NZTA will be comfortable with the proposed rezoning. It is important to note that once PC14 is notified, NZTA have the opportunity to review the proposed new schedule and make a submission based on the information.

Policy 6.13 ed) of the PRPS states:

*“where alternative industrial and residential land release patterns are promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern”*

As discussed in section 1.2.1 of this report, this plan change, particularly the proposed rezoning of the Nau Mai Business Park, has been assessed against the Future Proof Strategy. The assessment by Market Economics confirms that currently

the Raglan area has a shortfall of industrial land to service the local demand. The proposed rezoning would involve 8.42 hectares of industrial land and would assist the landowner and the business operators from relying on just the consent. The assessment confirms that the allocation of this industrial land will cater for the expected future demand for the Raglan area.

PC14 proposes to rezone a number of properties on Wallis Street from Living Zone to Business/Town Centre and establish a Business overlay over a number of properties on Bankart St and Wainui Road to cater for future growth of the Raglan town centre. Policy 6.15 of the PRPS covers commercial development within the Future Proof area with the relevant sections of this policy being re-printed below:

- “a) support and sustain the vitality and viability of existing commercial centres identified in Table 6-3 (section 6D);*
- b) support and sustain existing physical resources, and ensure the continuing ability to make efficient use of, and undertake long-term planning and management for the transport network, and other public and private infrastructure resources including community facilities;*
- daa) recognise, maintain and enhance the function of sub-regional commercial centres by:*
  - i) Maintaining and enhancing their roles as centres primarily for retail activity;*
  - ii) Recognising that the sub-regional centres have limited non-retail economic and social activities;*
- e) Ensure new commercial centres are only developed where they are consistent with a) to daaa) of this policy.....”*

Table 6-3 of the PRPS identifies Raglan as a town centre providing a number of services including retail, office, civic centres which provide most of the commercial and servicing needs. PC14 seeks to support the continuation and growth of the Raglan town centre by providing additional capacity for future business growth considered to improve the vitality and viability of the Raglan town centre. This is considered consistent with Policy 6.15 a).

With regard to b) of the above policy the proposed rezoning and new business overlay would make use of the existing properties on the periphery of the Raglan town centre making efficient use of the existing utilities and road infrastructure. It is not the conversion of a green field site into a new commercial area. For this reason, the proposed rezoning and new business overlay is considered consistent with b) of this policy. The proposed rezoning and business overlay is considered to enhance the function of the Raglan town centre, the only town centre to service the Raglan area.

As detailed above, it is considered that the proposal is consistent with the relevant parts of the above policy that supports the growth and vitality of the Raglan town centre and is therefore consistent with part e) of the policy.

#### **1.2.6 Waikato Regional Plan (WRP)**

In accordance with Section 74(2)(a)(ii) of the RMA, when preparing or changing a district plan a territorial authority must have regard to the regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility.

The WRP has a number of topics including matters of significance to Maaori, water, wetlands, river and lake, land and soil, air and geothermal.

Regard has been given to the WRP with respect to PC14. As PC14 relates solely to proposed rezoning of a number of properties within the Raglan area, the WRP has little effect on the plan change.

#### **1.2.7 Waikato Regional Land Transport Strategy (WRLTS)**

The Regional Land Transport Strategy (WRLTS) was adopted by WRC in April 2011. It provides direction for transport planning in the Waikato Region over the period 2011 to 2041. Its purpose is to establish a set of policies and actions and an investment programme to guide the local, regional and national agencies developing and maintaining the transport system in the Waikato. When preparing or changing a district plan, a territorial authority must have regard to this strategy under Section 74(2)(b)(i) of the RMA.

The RLTS identifies issues with respect to road safety and provides a strategic direction for the region which is strongly linked with the Regional Plan and District Plans. PC14 proposes rezoning of a number of properties within the Raglan township that are accessible by local roads. Given the proposed rezoning change and the number of existing businesses that have already established within the proposed rezoning area (or hold current consents), it is considered that the actual effect of this proposed rezoning will be less than minor.

With regard to the proposed rezoning of the Nai Mau Business park, this is only accessible off State Highway 23 and therefore with the potential increase in the traffic volumes utilising the business park this raises the matter of potential effects on the operation and safety of the State Highway. To address this matter, Council engaged Gray Matter Limited to undertake an assessment on the traffic effects from the proposed rezoning including the ability to subdivide the proposed industrial lots down to a minimum of 1000 square metres.

The assessment details that based on traffic counts undertaken between 3<sup>rd</sup> and 18<sup>th</sup> August 2015, the development traffic from the business park and on SH23 is substantially lower than the estimated traffic amounts for the original consent application for the establishment and operation of the business park.

The assessment states that the potential for subdivision into smaller industrial lots is not considered to have a significant impact on the level and nature of traffic and resultant effects. The assessment states that there may actually be some positive effects from a potential reduction in the number of heavy vehicles. Overall, the assessment concludes that provided the rule framework within the proposed schedule is consistent with the consent conditions for the property then any adverse effects of the proposed rezoning relating to traffic will be less than minor.

#### **1.2.8 Waikato Raupatu Claims (Waikato River) Settlement Act 2010**

The Waikato Raupatu Claims (Waikato River) Settlement Act 2010 ('the Settlement Act') gives effect to the 2009 Deed of Settlement in respect of the Raupatu claims over the Waikato-Tainui area. This legislation also records that the Waikato River and its contribution to New Zealand's cultural, social, environmental and economic wellbeing is of national importance. The overarching purpose of the Settlement Act is to restore and protect the health and well-being of the Waikato River for future generations and provides for the establishment of a Vision and Strategy for the Waikato River and co-governance and co management arrangements to achieve the overarching purpose of the Settlement Act.

Schedule 2 of the Settlement Act contains Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River. The Vision and Strategy is the primary direction-setting document for the Waikato River and its catchments, which includes the lower reaches of the Waipa River.

On 23 March 2010, the Council and Waikato Tainui signed a Joint Management Agreement (JMA) to formalise their partnership at both governance and management levels in working together to achieve the overarching purpose of the Deed of Settlement.

The aspirations within the Vision and Strategy are being considered during this plan change process. However, given the minor nature of this plan change, it is considered the impacts on the JMA will be negligible.

#### **1.2.9 New Zealand Coastal Policy Statement**

The New Zealand Coastal Policy Statement 2010 (NZCPS) is a national policy statement under the RMA with the purpose of providing objectives and policies in

order to achieve the purpose of the RMA in relation to the coastal environment. Territorial Authorities must give effect to the NZCPS when undertaking changes to the District Plan.

The NZCPS provides seven objectives, with those objectives relevant to PC14 being re-printed below:

**Objective 3:**

*“To take into account the principle of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating matauranga Maori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.”*

**Objective 5:**

*“To ensure that coastal hazard risks taking account of climate change, are managed by:*

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.”*

**Objective 6:**

*“To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*

- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.”

The policies in the NZCPS relevant to PC14 are re-printed below:

**Policy 2 Treaty of Waitangi, tangata whenua and Maori heritage:**

*“In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:*

- (a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;
- (b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;
- (c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;
- (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga<sup>2</sup>, may have knowledge not otherwise available;
- (e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū / Mātauranga Māori: as defined in the Glossary. Pūkenga: as defined in the Glossary. New Zealand Coastal Policy Statement 2010 and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and
  - (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and
  - (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;
- (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:
  - (i) bringing cultural understanding to monitoring of natural resources;

- (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;
- (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; and
- (g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:
  - (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and
  - (ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.”

**Policy 6 Activities in the coastal environment:**

**“(I) In relation to the coastal environment:**

- (a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
- (b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
- (c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
- (d) recognise tangata whenua needs for papakāinga, marae and associated developments and make appropriate provision for them; Papakāinga: as defined in the Glossary. 14 New Zealand Coastal Policy Statement 2010
- (e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
- (f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
- (g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;

- (h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
- (i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
- (j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.”

**Policy 13 Preservation of natural character**

“(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:

- (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
- (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:
- (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and
- (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

- (a) natural elements, processes and patterns;
- (b) biophysical, ecological, geological and geomorphological aspects;
- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- (d) the natural movement of water and sediment;
- (e) the natural darkness of the night sky;
- (f) places or areas that are wild or scenic;
- (g) a range of natural character from pristine to modified; and
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.”

**Comment:**

PC14 proposes to rezone two multiple owned Maori properties from Coastal Zone to Pa Zone and therefore are directly affected by the NZCPS. The rezoning is considered an efficient approach to reflect the aspirations of the land owners providing a more flexible framework to enable papakainga housing and the opportunity for business activities improving the economic sustainability of the land

owners. For these reasons it is considered this aspect of PC14 is consistent with Objective 3 of the NZCPS.

Objective 5 seeks to ensure that any new development takes into account climate change. It is important to outline that any new development as a permitted activity in the Pa Zone must comply with the relevant performance standards of the zone that seek to minimise and mitigate adverse effects and protect the amenity of the environment. One of the key performance standards in this instance given the properties adjoin the Raglan Harbour is Rule 22.46 that requires any permitted activity building to be set back a minimum of 23 metres from the mean high water springs. The purpose of this large setback is not only to prevent adverse effects on the sensitive coastal margin and prevent dominance effects but also to ensure an adequate setback to reflect potential affects from climate change. Non-compliance with this rule requires consent as a discretionary activity and all potential effects on the coastal margin and amenity values would be assessed. For these reasons it is considered PC14 is consistent with Objective 5 of the NZCPS.

PC14 reflects that the multiple Maori owners seek to use the natural and physical resources of both properties for their social, economic and cultural wellbeing whilst protecting the coastal environment highly valued by the land owners not only as a source of food. The long term social, cultural and economic sustainability of the landowners of both properties relies heavily on the resources provided by the coastal environment and the use of the natural and physical resources of the properties and the adjoining marae. For these reasons it is considered PC14 is consistent with Objective 6 of the NZCPS.

## **2.0 Part II Resource Management Act II**

PC14 must be in accordance with the provisions of Part 2 of the RMA (s74(1)(b)). The matters in Part 2 (sections 5 to 8) are addressed below.

### Sustainable Management of Natural and Physical Resources (Section 5)

#### **2.1 Section 5:**

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means the use, development and protection of natural and physical resources in a way or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, while:

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying and mitigating any adverse effects of activities on the environment.*

PC14 proposes a number of rezoning within the Raglan township and just out of the Raglan township (Nau Mai Business Park). The purpose of the proposed rezoning is to not only enable the future expansion of the Raglan business area to service the future demand of the Raglan population but also to provide a more flexible rule regime for the multiple Maori owners of the two properties either side of the Poihakena Marae to enable the lands to be utilised for the landowner's cultural aspirations. PC14 will enable the community of raglan to provide for their social, economic and cultural wellbeing.

## **2.2 Matters of National Importance (Section 6)**

Section 6 of the RMA sets out a number of matters which shall be recognised and provided for in developing a plan change to a district plan.

*Section 6 of the RMA states:*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development;*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development;*
- (c) *The protection of areas of significant indigenous vegetation and significant indigenous fauna;*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers;*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*

With regards to section 6(a) of the RMA, PC14 proposes to rezone two properties from Coastal zone to Pa Zone that are located within the coastal environment. Rezoning to Pa Zone would enable further development of both properties compared to the current Coastal Zone provisions. However it is considered the actual adverse effect on the preservation of the natural character of the coastal

environment will be less than minor as any development will still need to comply with the performance standards of the Pa Zone that includes among other standards a minimum building setback of 23m from the mean high water springs, aiding in the protection of the coastal margin and environment.

The proposed rezoning above is consistent with section 6(e) of the RMA as the proposed rezoning reflects the cultural aspirations of the Maaori owners of the properties to enable a more flexible rule regime encouraging papakainga housing and the return of the owners back to their land.

PC14 does not propose to rezone any properties that are identified as an outstanding natural feature or landscape or areas of significant indigenous vegetation and fauna.

### **2.3 Other Matters (Section 7)**

Section 7 of the RMA sets out a number of matters which must be given regard to in developing a plan change to a District Plan.

The relevant parts of Section 7 are as follows:

#### *Other matters*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –*

- (a) kaitiakitanga;
- (aa) the ethic of stewardship;
- (b) the efficient use and development of natural and physical resources;
- (ba) the efficiency of the end use of energy;
- (c) the maintenance and enhancement of amenity values;
- (i) the effects of climate change;

Section 7(c) is of particular relevance to parts of PC14. It is considered the proposed rezoning of the properties along Wallis Street from Living Zone to Business Zone represents an efficient use of the land for future business/town centre purposes to cater for the Raglan township in the future. Additionally, the proposed rezoning of the consented industrial lots in the Nai Mau Business Park is an efficient method of rezoning lots that are currently either underutilised or consented for industrial use. The proposed new schedule 24E represents an alignment of the proposed rule framework with the conditions of the consent enabling the use and development of the property for industrial purposes. This is important to ensure consistency with the consent conditions and ensure that adjoining property owners

have some assurances as to what activities and development can establish on the proposed industrial zoned lots. Furthermore, by ensuring that the existing mitigation conditions apply, including the extensive landscape planting, ensures consistency with mitigating any visual effects on neighbouring property owners by the maintenance of amenity values for the surrounding rural zoned properties.

#### 2.4 Treaty of Waitangi

Section 8 of the Act sets out as follows:

##### *Treaty of Waitangi*

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of the natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

The principles of the Treaty of Waitangi have been taken into account in developing PC14. This is of particular importance for the proposed rezoning of the two properties on Wainui Road on either side of the Poihakena Marae. Council staff consulted with some of the owners of both properties (both properties have a number of owners) which is consistent with one of the principles of the Treaty to consult with Maaori. The feedback received from the landowners present was supportive of the proposed rezoning.

The properties are Maaori freehold with multiple ownership. The Pa Zone would enable more flexibility for the whanau to return and utilise the land for housing and interaction with the marae which the landowners are currently unable to do. This is consistent with two of the principles of the Treaty to actively protect Maaori interests whilst meeting the needs of Maaori and the community.

## 3.0 Consultation

#### 3.1 Section 3 of the RMA sets out the consultation requirements and is re-printed below:

- 3(1) During the preparation of a proposed policy statement or plan, the local authority concerned shall consult –*
- (a) the Minister for the Environment; and*
  - (b) those other Ministers of the Crown who may be affected by the policy ..-statement or plan; and*
  - (c) local authorities who may be so affected; and*

- (d) the tangata whenua of the area who may be so affected, through iwi authorities; and
  - (e) any customary marine title group in the area.
- 3(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan

Section 3(1) above is mandatory while S3(2) is at the discretion of the Council.

- 3.2 In accordance with Section 3(1) above, on the 27 November 2015, Council staff sent out letters to the parties listed in Section 3(1) above to explain the purpose of PC14 including a copy of the plan change and section 32 report for their review. Furthermore, the letter advised that Council intended to notify PC14 on the 18 December 2015 and provided the opportunity for the parties to contact Council staff to meet and discuss the plan change.
- 3.3 On 20<sup>th</sup> January 2015, Council sent out letters to affected property owners (excluding the adjoining property owners to the Nau Mai Business Park) advising of the proposed rezoning and that a public open day would be held on 5 February between 3pm and 8pm. The open day was advertised in the following publications:
- Waikato Times on 31 January and 4 February 2015;
  - Raglan Chronicle on 30 January 2015; and
  - Council website from 30 January 2015.

In addition to the above a public notice was put in the Raglan Council/Library office.

- 3.4 During the open day, Council staff were present to discuss the plan change and answer any questions. Attendees were also provided with a feedback form to complete either at the open day or send into Council after the open day. Council received fourteen feedback forms that raised a number of matters including:

**Nai Mau Business Park:**

- Strong concerns on total impact of noise, traffic, visual and pollution of existing consent
- Alarmed that the existing consent conditions would be lost if the rezoning proceeds;
- Rezoning is unnecessary, unjustified and unwanted; and
- Site was not earmarked for future industrial and at no stage did the development follow correct procedures laid out by Council.

Proposed Business/Town centre rezoning:

- Do not understand why the CBD is being expanded when Wi Neera St, in the existing CBD, remains largely un-used. This suggests there is no need to re-zone;
- Pubs, nightclubs and obnoxious businesses should be kept away; and
- Parking will be a major problem.

Proposed Business overlay – Bankart St:

- Not clear what the Business overlay will do that cannot be done now under the existing rules;
- How will the overlay affect rates;
- Support the overlay and would not mind if it was rezoned straight to Business instead of retaining Living Zone with Business overlay;
- Needs to be strict design rules governing height, style, use and parking; and
- Residential areas on Gilmore and Stewart St need to be protected from building/businesses.

No comments were received regarding the proposed rezoning of 113 – 117 and 222 Wainui Road from Coastal Zone to Pa Zone.

- 3.5 As the letters sent out on 20 January 2015 did not include adjoining property owners to the Nai Mau Business Park, a letter was sent directly to five adjoining and adjacent property owners on 23 October 2015. This letter outlined the proposed rezoning and provided the opportunity for the property owners to contact Council staff to meet and discuss the proposed rezoning.
- 3.6 Council received phone calls from two of the five neighbours who received the above letter. Both neighbours sought clarification on the details of the proposal and did not raise any objections to the proposed rezoning.

## 4.0 Section 32 Analysis

Under Section 32 of the RMA, a local authority, when proposing to undertake a plan change to a District Plan, must carry out an evaluation of alternatives, benefits and costs of the plan change.

*An evaluation must -*

- I(a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

- I(b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by –*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions; and*
- I(c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

An evaluation must also:

- 2(a) identify and assess the benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –*
  - (i) economic growth that are anticipated to be provided or reduced; and*
  - (ii) employment that are anticipated to be provided or reduced; and*
- 2(b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- 2(c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matters of the provisions.*
  
- 3 If the proposal (an amending proposal) will amend a standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (I)(b) must relate to –*
  - (a) the provisions and objectives of the amending proposal; and*
  - (b) the objectives of the existing proposal to the extent that those objectives –*
    - (i) are relevant to the objectives of the amending proposal; and*
    - (ii) would remain if the amending proposal were to take effect.*

The evaluation report must be available for public inspection at the time the proposed Plan Change is publicly notified. This report is the Waikato District Council's response to this statutory requirement.

Section 32 of the RMA requires the consideration of alternatives and an assessment of costs and benefits of alternatives. The alternatives of the variation are summarised under the relevant headings below:

**Option One – Do nothing.** This option would see Council continue with the current zoning. The implications are that potentially the establishment of a business activity on Bankart St and Wallis St may require resource consent, the landowners of 113-117 and 222 Wainui Road may also require resource consent to fulfil their cultural

aspirations and the owners and occupiers of the Nau Mai Business Park would continue to rely on the approved consent.

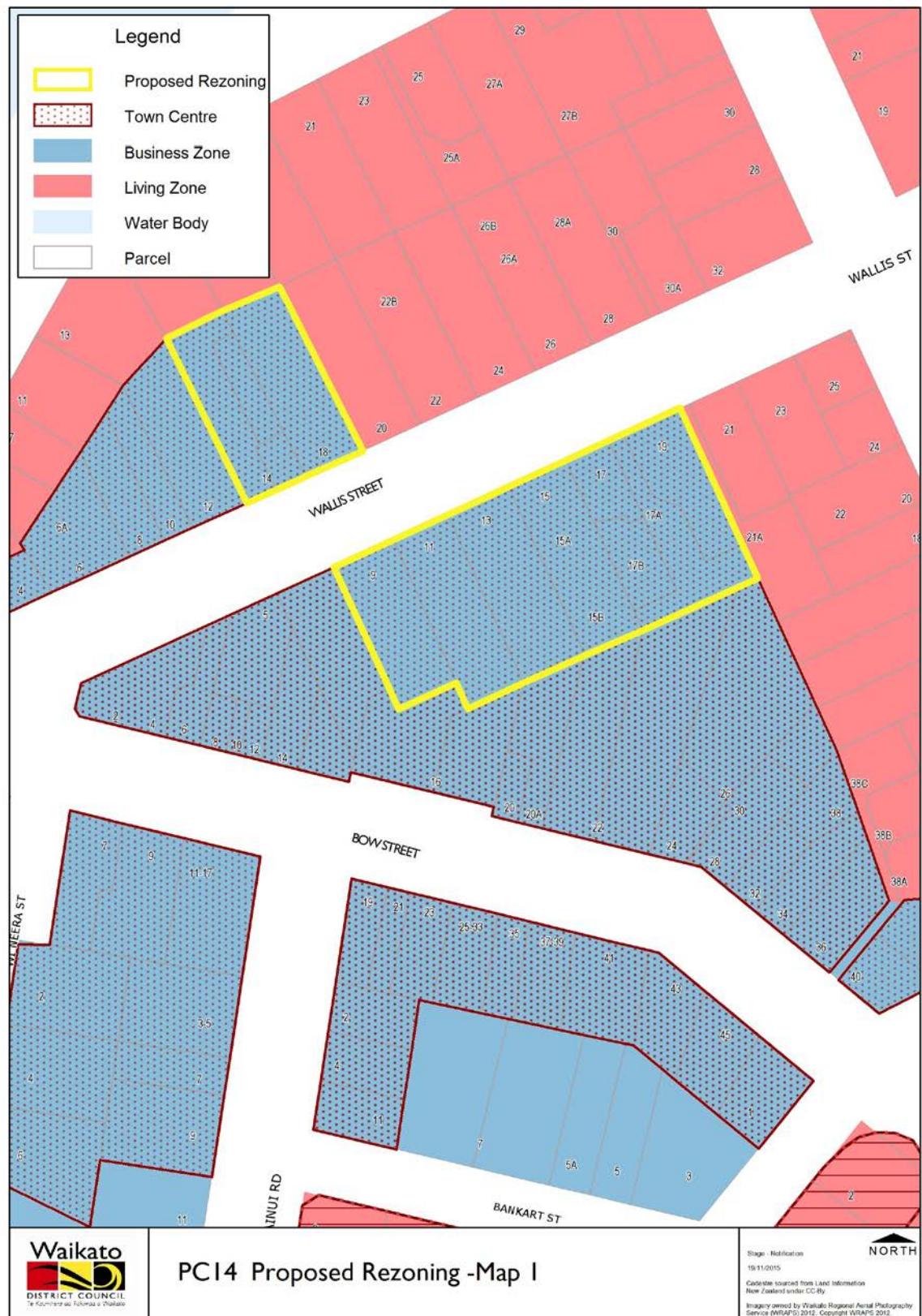
*Option 2 – Undertake the proposed rezoning as recommended.* This option would enable Council to deliver more cost effective and efficient rules and methods where there have been issues experienced.

## 5.0 Plan Change 14 Content

PC14 seeks to rezone a number of identified properties in the Raglan township and area. The details of each of the proposed rezoning are discussed below.

5.1 Number of properties on Wallis St to be rezoned from Living to Business with Town Centre overlay;

A number of properties along Wallis Street are proposed to be rezoned from Living to Business with the introduction of the Town Centre overlay. As demonstrated by the map below, nine of these properties are located on the southern side of Wallis Street adjoining existing Business zoned properties whilst two properties are located on the north western side of Wallis Street. The total area proposed to be rezoned comprises 9379m<sup>2</sup> and is illustrated on the map on the following page.



During the development of the plan change, Council staff walked the areas proposed to be rezoned including along Wallis Street. The purpose of this exercise was to determine how many of the existing Living zoned properties are currently used for non-residential purposes. It was identified that a number existing dwellings are currently used for business purposes including:

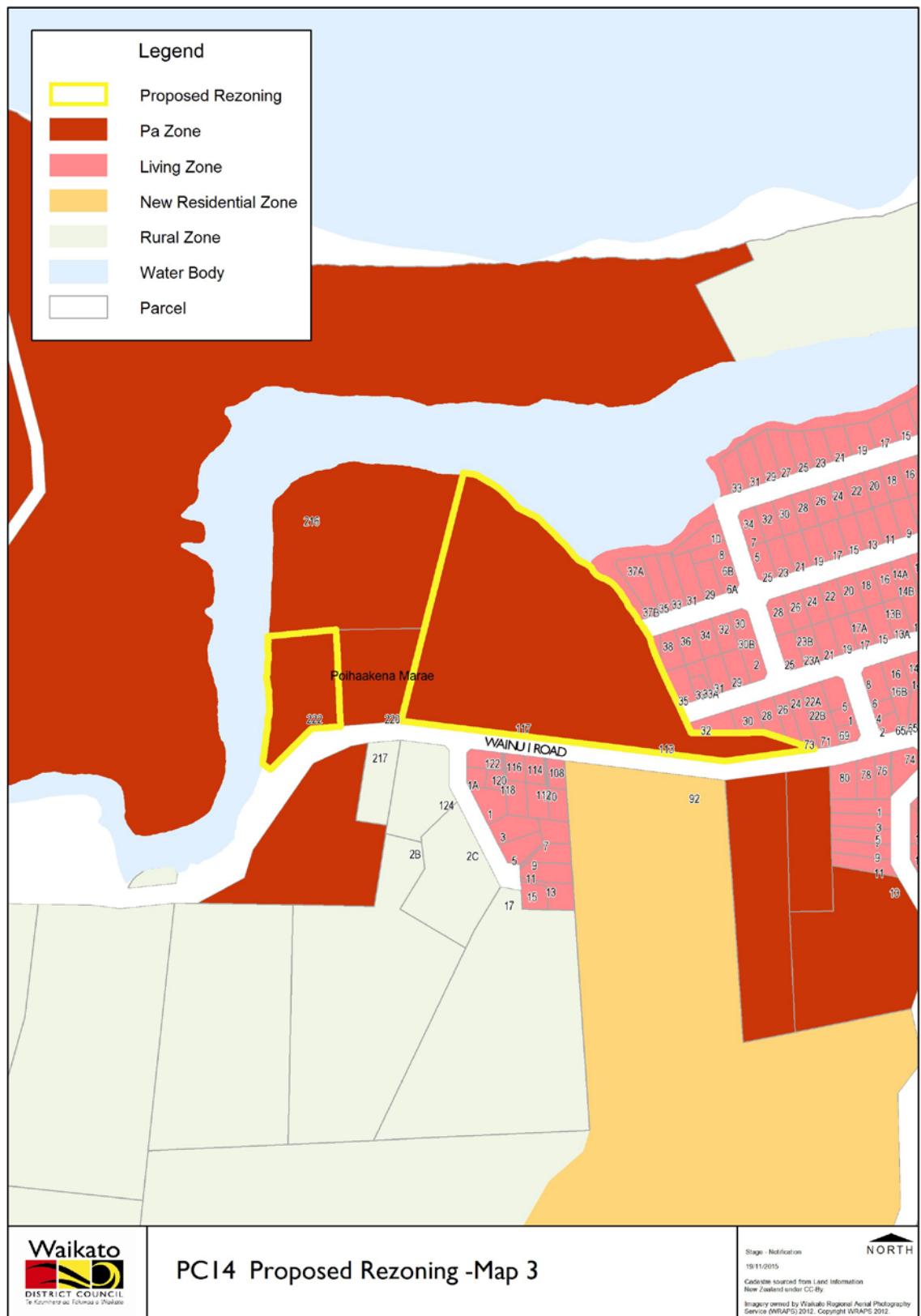
- Accounting services;
- Accommodation;
- Retail activities.

The establishment of non-residential activities in the Living Zone is seen as a natural progression of development where there is either a lack of business zoned properties available in Raglan or lease rates area concern. Furthermore, it also provided the opportunity for business owners to live in part of the dwelling while operating their business from part of the dwelling providing cost efficiencies.

It is important to note that the property at 9 Wallis Street, currently zoned Living, but proposed to be rezoned to Business adjoining the Business Zone, has an approved land use consent issued on 18<sup>th</sup> December 2014 for the construction and operation of a new medical centre. This involves the demolition of the existing dwelling on the property and construction of a purpose built single storey building with car parking fronting Wallis Street. This approved consent reflects the natural progression of the establishment of business activities within the Living zone. However to require a land use consent to do so does not provide any assurances for the landowners. By changing the zoning to Business zone, this would enable greater flexibility in the use of the properties and/or redevelopment of the properties for business purposes.

## **5.2 113 – 117 and 222 Wainui Road to be rezoned from Coastal to Pa Zone:**

Two properties along Wainui Road are proposed to be rezoned from Coastal zone to Pa Zone as demonstrated by the map on the following page.

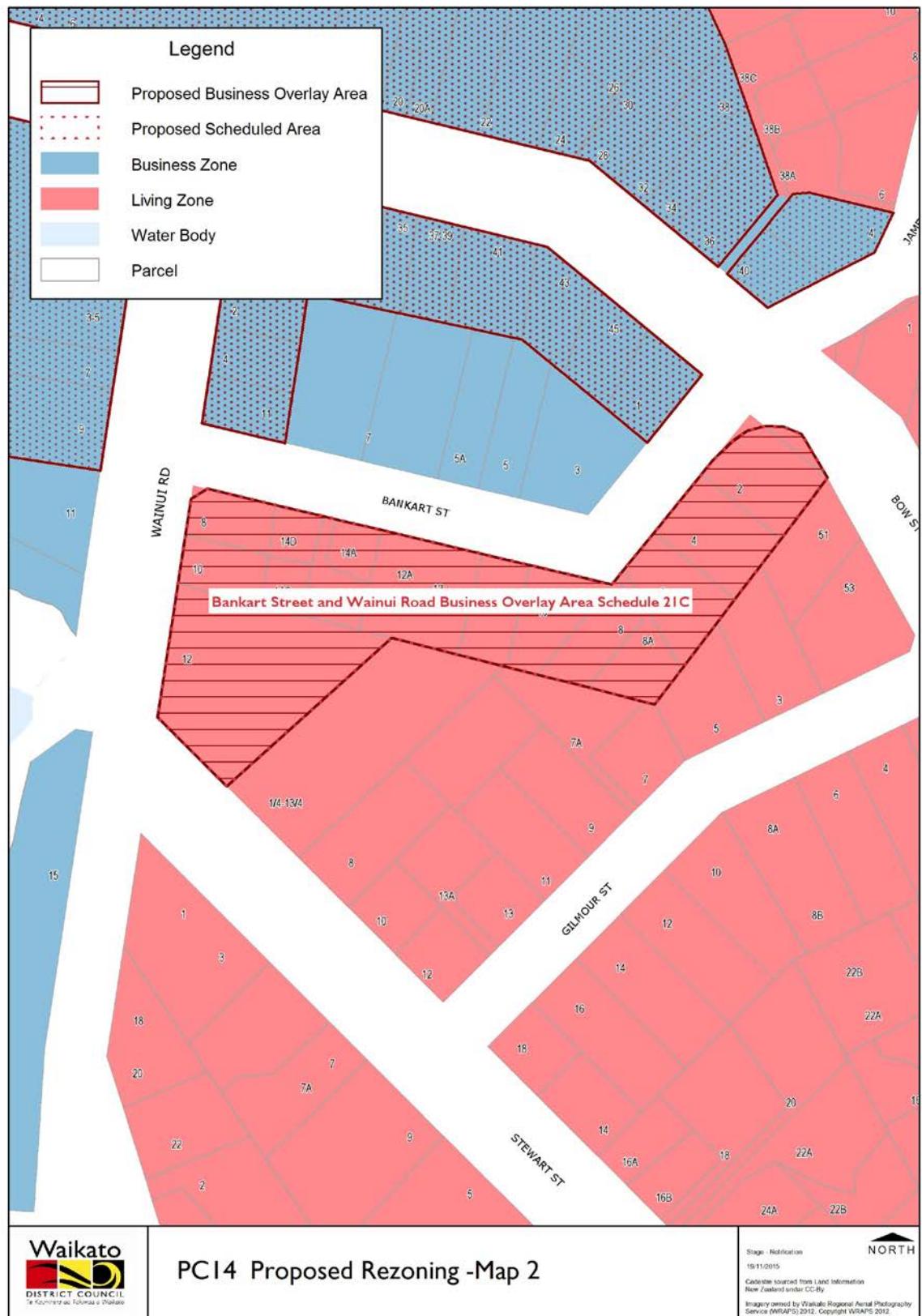


The proposed zoning change not only reflects the location of each property being on each side of the Poihakena Marae but reflects the cultural aspirations of the owners to be able to use the properties in accordance with the traditional and culture aspirations.

The land blocks are Maaori freehold with multiple ownership. The Pa Zone status would enable more flexibility for the whanau to return and utilise the land for housing and in this case the interaction with the Marae which the landowners are currently unable to do.

5.3 Number of properties on Bankart St and 8, 10 and 12 Wainui Rd to retain existing Living Zone with establishment of a Business Zone overlay:

Thirteen properties along the southern side of Bankart Street and one property fronting Wainui Road are not proposed to be rezoned from Living to Business like the properties along Wallis Street. Instead PC14 proposes to retain the Living Zoning and establish a new planning overlay over these properties that would allow for Business use and development on the properties subject to a specific new rule schedule to be established in the District Plan. The subject properties are identified on the map on the next page:



The reason for this approach and not a proposed straight rezoning is due to the feedback from the community who favour retaining the current zoning but allowing a mechanism for future business development and use.

As discussed in section 6.1 of this report, many of the subject properties are currently used for non-residential uses either as a permitted activity or through an approved land use consent including hairdressing, beauty therapy and massage. Additionally, the other side of Bankart Street is already zoned Business/Town Centre and utilised for a variety of purposes including a supermarket, motel and retail activities.

The key difference between these properties and the properties on Wallis Street is that these properties directly adjoin Living zoned properties on Stewart Street and Gilmour Street. The community feedback supported the use of a specific schedule in the Living Zone chapter of the District Plan to ensure that any business development and use on the properties is controlled to ensure any adverse effects on the residential amenity of the properties along Stewart Street and Gilmour Street are mitigated.

PC14 therefore includes a new schedule 21C that would sit at the rear of Chapter 21 of the District Plan and provide specific rules controlling the permitted activities and business development on the property. The way that the schedule would work is that the rules in the Living Zone chapter would still apply to any development except if they are specifically excluded and are covered by Schedule 21C. Having to still comply with the existing Living Zone rules ensures that any permitted development is consistent with the development of a Living zone property in the district including:

- 7.5m height limit (compared to 10m height limit in the Business Zone);
- Height in relation to boundary (not applicable in the Business Zone); and
- Minimum setbacks from boundaries

The specific rules within Schedule 21C include:

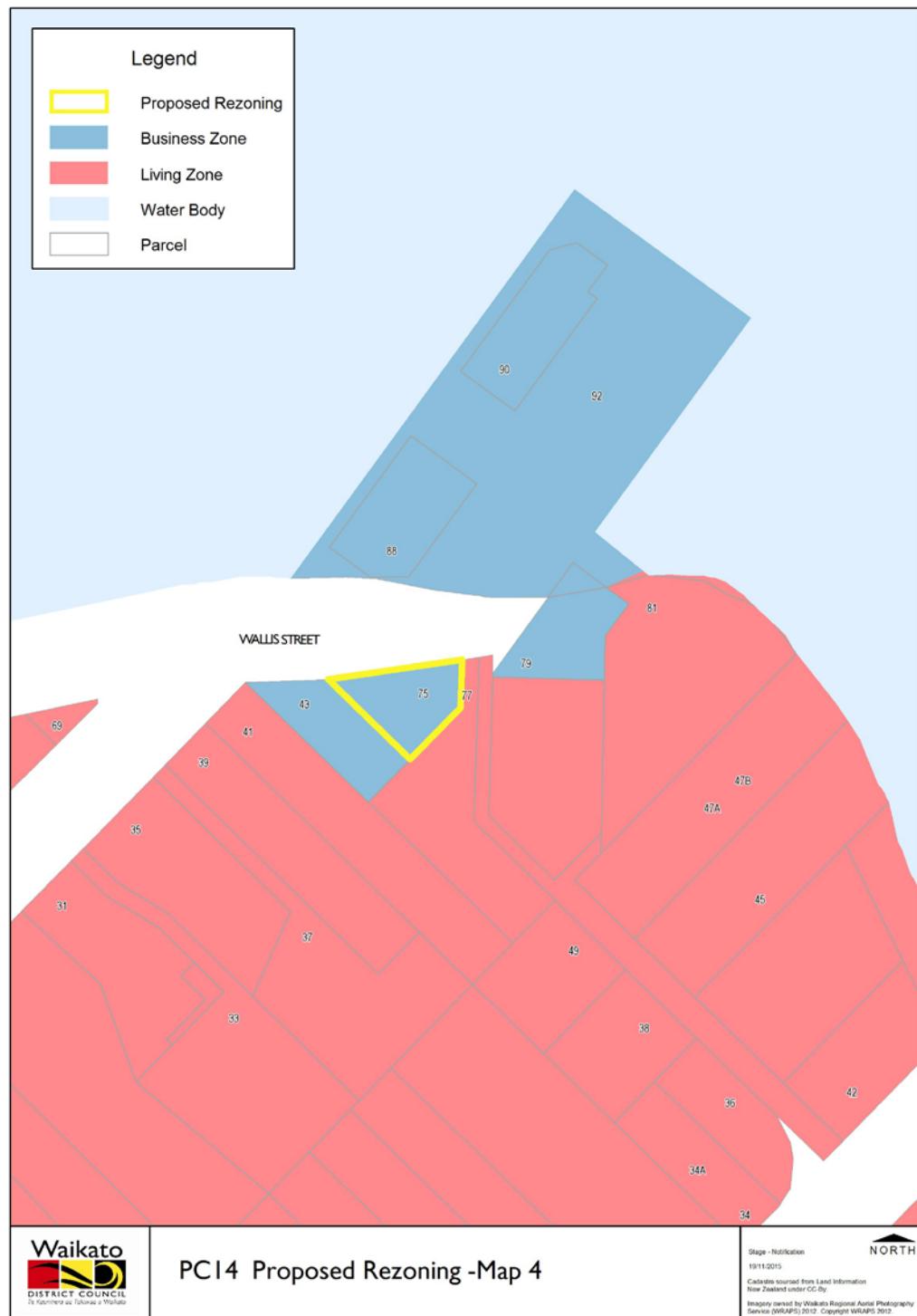
- Restrictions on the type of activities that can operate as a permitted activity;
- Restriction on servicing hours; and
- Building coverage restriction.

Providing a specific rule for the establishment of certain business activities as a permitted activity will help mitigate any adverse effects on the adjoining Living zone environment through requiring activities that have the potential to result in adverse

effects, including restaurants and bars, to have to apply for a non-complying resource consent.

5.4 Proposed rezoning of 75 Wallis Street from Living Zone to Business Zone:

Following the completion of the public open day, the landowners of the above property contacted staff to discuss the situation with their property. Originally, the property was two separate certificates of title with one title (comprising the Marlin Cafe and Grill) being zoned Business whilst the adjoining property accommodating an old bach, zoned Living. The map below details the subject property.



Previous additions to the kitchen of the Marlin Cafe and Grill building (75 Wallis Street) were actually constructed over the boundary of the property and into the adjoining Living Zoned property at 43 Rose Street. Therefore to address this both titles had to be held together as one certificate of title. This has created the anomaly that technically the property, as one title, has a split zoning with half being zoned Business and the other half zoned Living.

PC14 simply seeks to change the zoning of 43 Rose Street to reflect the previous and existing use of the property that cannot be operated independently from the adjoining property at 75 Wallis Street.

**5.5 Proposed rezoning of consented light industrial precincts of the Nai Mau Business Park and the establishment of a specific schedule in the District Plan;**

As briefly discussed in this report, the Nau Mai Business Park located 3.8 kilometres out of Raglan is currently operating under an approved notified land use consent. This consent was issued on 5<sup>th</sup> August 2010 and provides the consent holder with the ability to establish and operate specified industrial activities within a number of lots whilst also allowing for subdivision into a number of rural residential allotments. It is important to highlight that the consent is a land use consent only and therefore the existing Rural Zone remains.

The consent includes a suite of conditions that not only lists a number of activities that can operate on the industrial sites as a permitted activity, but also controls future subdivision, traffic movements, road development and a number of conditions ensuring extensive mitigation planting to aid in the mitigation of adverse effects.

The consent holder's aspirations is to not have to rely on a consent for the operation of the industrial lots but to have the consented industrial lots rezoned from the current Rural Zone to Industrial Zone. This would provide greater flexibility for the establishment and operation of the industrial lots. The concern for Council is that the consent holder went through a publicly notified consent application and now has a number of restrictions on the operation of the industrial lots via consent conditions. Rezoning the industrial precincts from Rural Zone to Industrial Zone would effectively make the conditions of the land consent redundant with the performance standards and permitted activities in the Industrial Zone chapter of the District Plan being significantly more flexible than the restrictions on the consent. This could result in the potential for adverse effects for neighbouring property owners and also does not provide neighbouring property owners with any comfort on what activities can establish and operate on the lots as a permitted activity. Furthermore, by effectively making the consent redundant many of the mitigation conditions such as the extensive mitigation landscaping plan would not

have to be established. Such conditions were imposed to mitigate the adverse effects of the industrial uses on the neighbouring properties.

To address the above, PC14 proposes to rezone the consented industrial lots from Rural Zone to Industrial Zone but also to include a new schedule 24E that would sit at the back of Chapter 24 of the District Plan and contain specific rules solely applicable to the operation of the industrial lots in the Nau Mai Business Park. This approach is considered the most efficient method to ensure that the establishment and operation of activities on the industrial lots will be consistent with the conditions of the approved land use consent and would not result in the generation of additional adverse effects for neighbouring property owners.

Schedule 24F contains a number of rules that supersede a number of rules in Chapter 24. Some of the rules are discussed below:

#### Rule 24F.10 – Type of activity

This is one of the most important rules of the Schedule as it details those activities that are a permitted activity provided there is compliance with all other relevant standards. This rule has been written to be consistent with the permitted land uses listed in appendix A of the consent. This ensures not only consistency with the restriction of the land use consent but also provides assurances to the neighbouring property owners and Council, regarding what type of activities can establish and operate on an industrial lot as a permitted activity.

Without the above rule, complete reliance would be placed on Rule 24.10 of the Industrial Zone that provides for a greater number of land uses to establish as a permitted activity and given the location of the Nau Mai Business park and its surrounding Rural Zone (and rural residential subdivided sites) some of these activities would have the potential to result in adverse effects.

#### Rule 24F.17 – Landscaping

A key component of the consent application and conditions of the approved consent was the assessment undertaken by Bernard Brown and Associates entitled “Landscape and Visual Effects Assessment and Proposed Landscape Mitigation Concept” dated May 2009. This assessment provided details on the proposed landscape mitigation planting within the consented industrial lots to help mitigate against some of the adverse effects. This was then reflected in the conditions of the consent.

In the absence of this rule there would be no requirement for the establishment of the mitigation planting. Rule 24F.17 is therefore a necessity to ensure compliance with the above assessment and ensure that the mitigation planting is undertaken as

expected by the neighbours. Failure to undertake the landscape planting requires application for resource consent.

#### Rule 24F.18 – Noise

Due to the location of the consented industrial lots within an established Rural Zone area it was of upmost importance that strict noise limits were established for the operation of the industrial activities. Rule 24F.18 reflects the noise limits established within the consent conditions to ensure consistency with the consent.

#### Rule 24F.42 – Building height

The consent conditions included restrictions on the height of buildings within the industrial lots and the use of some external materials. This is particularly important for Lot 1 of the Nau Mai Business Park that is located along the road boundary with State Highway 23. The height limit of 5m at the 15m setback from the State Highway increasing to a maximum of 10m was established in the consent to minimise any dominance effects and other potential adverse effects from the building when viewed from the State Highway.

Additionally, this rule requires roofing to be of receding colours and no bare galvanised iron is to be used as a permitted activity as a method of minimising adverse visual and amenity effects from new buildings. Rule 24F.42 is consistent with the consent condition requirements in this regard.

#### Rule 24F.44 – Building coverage

Establishing permitted activity limits on building coverage per lot is an important rule in mitigating potential adverse visual and dominance effects. The consent requires that the total building coverage per precinct (now referred to as lot) shall not exceed 50% with specific restrictions on the future buildings of lot 12B and permitted activity restrictions on a maximum of 800m<sup>2</sup> limit per building.

Rule 24F.44 reflects the above restrictions on the consent condition.

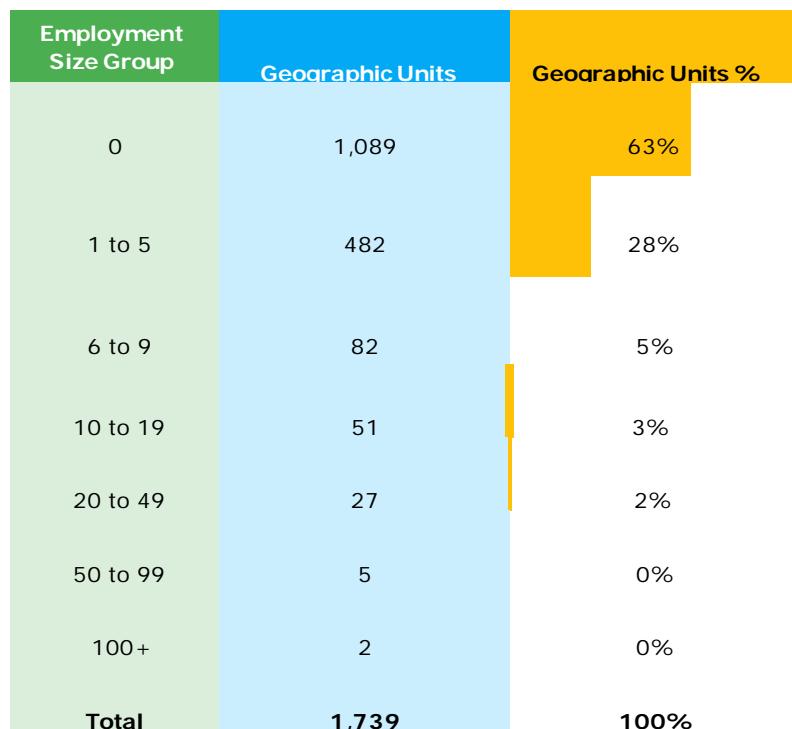
#### Subdivision

As the consented industrial lots are still zoned Rural Zone, any subdivision of the industrial lots would be required to comply with the performance standards of the Rural Zone. One of the key thresholds to meet for a restricted discretionary activity subdivision consent is that the parent certificate of title is a minimum of 20 hectares in area. Given the size of the existing certificate of title, it is not possible to meet this threshold therefore that makes a subdivision application a non-complying activity pursuant to Rule 25.74.3 of the District Plan. This could be an extremely high hurdle for the landowner to obtain subdivision consent approval.

The consent approved the use of a number of precincts (now lots) for industrial use with all lots being relatively large in area ranging from 0.6 hectares to 3.41 hectares. Discussions with the landowner identified that the market demand for industrial lots is not for the large hectare sized lots as provided for in the consent but for smaller lots down to 1000m<sup>2</sup> in area.

Before proceeding with the plan change Council required an assessment of the market demand of industrial activities in the Raglan area as justification for establishing a subdivision rule within Schedule 24F that would provide (subject to resource consent) the ability to subdivide the industrial lots down to a minimum of 1000m<sup>2</sup>. Council engaged Market Economics to undertake an assessment to determine the general size of industrial lots that the market is demanding in the Raglan area. This assessment would then determine whether the current large sized consented lots are appropriate to service the market or whether smaller lots are a more efficient approach.

Section 4.2 of the Market Economics report addresses the above question with Table 2 re-produced below illustrating the number of employees within industrial businesses in Raglan.



Source: Property Economics, Statistics NZ

As the above table illustrates, the majority of the industrial businesses are small in scale and therefore have a relatively low employment level. With regards to zero employment business, the report illustrates that such businesses may not require an on the ground presence, but excluding such businesses it still results in 74% of the industrial businesses having 1 – 5 employees.

The report concludes:

*"This subsequently translates to smaller industrial site requirements simply due to the limited need for larger land parcels. It is expected a range of industrial site sizes will be required in Raglan based on the smaller scale industrial business composition it is likely to be required to accommodate, making the 1,000sqm site sizes suitable for the Raglan market."*

The report, therefore confirms that the current and forecasted demand for industrial sites in the Raglan area is for smaller sized lots instead of the large 1ha plus sized lots currently consented in the Nai Mau Business Park and the 1000m<sup>2</sup> minimum lot size would be appropriate.

With the current approved consent and limited ability for further subdivision under the Rural Zone rules this does not provide the opportunity for the lots to be reduced in size to more efficiently service the market demand. Rule 24F.70 therefore addresses this matter by establishing a 1000m<sup>2</sup> minimum lot size for a subdivision as a discretionary activity.

**Table 1 – Re-zoning of 113-117 and 222 Wainui Road, Raglan.**

Description of amendment	Proposed rezoning of 113 – 117 Wainui Road (Rakanui 1B) and 222 Wainui Road (Rakanui 2A) from Coastal Zone to Pa Zone.	
	<b>OPTION 1: Do nothing – Retaining existing zoning</b>	<b>OPTION 2: Proposed rezoning from Coastal to Pa Zone</b>
Costs	<p><u>Environmental cost:</u> No environmental costs are considered.</p> <p><u>Economic cost:</u> There is considered to be an economic cost for the property owners as the current Coastal zoning necessitates a resource consent for the establishment and operation of a commercial activity. This is not only a financial cost for the property owners but also could prevent the operation of a commercial activity resulting in an economic cost from a loss of revenue/income for the property owners.</p> <p>Furthermore, the establishment of papakainga housing requires resource consent as a Controlled Activity representing an additional financial cost for the landowners.</p> <p><u>Social cost:</u> With the size of both properties, the zoning only permits one dwelling per certificate of title as a permitted activity. Resource consent is required for more than one dwelling (excluding a minor household unit). This approach does not promote social cohesion for the landowners of the multiple</p>	<p><u>Environmental cost:</u> No environmental costs are considered as any development on both properties whether papakainga housing or a business activity would be required to comply with the relevant rules of the Pa Zone established to address any potential adverse effects. This is of particular importance given both properties are adjacent to the Raglan harbour.</p> <p><u>Economic cost:</u> No economic costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effects:</u> No adverse cultural effects are considered.</p>

	<p>owned Maori lands.</p> <p><u>Cultural effects:</u></p> <p>Both properties are multiple owned Maori lands. The aspiration of the landowners is for the establishment of papakainga housing to allow the landowners to return to the properties. Associated with this is also the establishment and operation of business and cultural activities on both properties. The current Coastal Zone does provide for papakainga housing on both properties but this requires resource consent. This does not encourage the whanau to return to the properties and associate with the Marae.</p> <p>The current Coastal zoning does not encourage business activities on the properties.</p>	
Benefits	<p><u>Environmental benefits:</u></p> <p>The status quo option does not encourage any further development of both properties and is therefore not considered to generate any environmental benefits.</p> <p><u>Economic benefits:</u></p> <p>Does not encourage the establishment and operation of business activities on both properties so is not considered to result in any economic benefits.</p> <p><u>Social benefits:</u></p> <p>The current Coastal zoning does not encourage the landowners to utilise the properties in accordance with their aspirations.</p> <p><u>Cultural benefits:</u></p> <p>The Coastal zoning does not promote papakainga housing or</p>	<p><u>Environmental benefits:</u></p> <p>No environmental benefits are considered.</p> <p><u>Economic benefits:</u></p> <p>The Pa Zone provisions are much more enabling in comparison to the Coastal Zone particularly with regards to the establishment and operation of a business. For example, Rule 22.10.1 lists activities that require consent, therefore all other activities are a permitted activity provided there is compliance with the relevant performance standards. By comparison the equivalent rule in the Coastal Zone (Rule 26.10.1) contains a much more comprehensive list of activities that are not permitted.</p> <p>A key matter for the landowners is being able to use the properties to generate income thus sustaining the occupation of the properties for a number of the owners. The Pa Zone</p>

	<p>the establishment and operation of business and cultural activities. This necessitates the landowners to apply for resource consent to utilise their properties for their cultural aspirations. Therefore, no cultural benefits are considered.</p>	<p>provisions are a more efficient rule regime to enable greater business opportunities.</p> <p><b><u>Social benefits:</u></b></p> <p>One of the key aims of the landowners of both properties is for the landowners to return to live on the properties as papakainga housing. The Coastal Zone allows for papakainga housing (Rule 26.53A). The activity status is a controlled activity provided the following standards are met:</p> <ul style="list-style-type: none"> <li>a) there is compliance with the rules of the Pa Zone; and</li> <li>b) the land is not located in a Landscape Policy Area or a Ridgeline Policy Area; and</li> <li>c) the land is vested in trustees whose authority is defined in a Trust Order and/or Maaori Incorporation; or</li> <li>d) where a Trust or Maaori Incorporation does not exist one of the following instruments is provided to Council at the time of lodgement of the Building Consent; <ul style="list-style-type: none"> <li>i) a lease; or</li> <li>ii) an order of the Maaori Land Court; or</li> <li>iii) a licence to occupy.</li> </ul> </li> </ul> <p>In comparison with the Pa Zone rules, there is no papakainga housing rule, however any dwelling is covered by Rule 22.39 that provides for one dwelling per either 300m<sup>2</sup> of land area if the property is connected to a reticulated wastewater system or</p>
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	<p>one dwelling per 2500m<sup>2</sup> if the property is not connected to a wastewater system. This is consistent with the density provisions in the papakainga housing rule in the Coastal Zone, however in the Pa Zone the property does not have to be held in a trust or Maaori Incorporation or in the absence of this provide the evidence required to Council. This removes a hurdle for landowners.</p> <p>Encouraging the land owners to return to the land and utilise the land, encouraging greater interaction with the adjoining Marae and greater social cohesion.</p> <p><u>Cultural benefits:</u></p> <p>The Pa Zone provisions provide a more flexible rule framework for the many landowners to return to live on the properties and have a stronger relationship with the adjoining marae. Furthermore, Rule 22.11 of the Pa Zone provides for cultural events as a permitted activity provided a number of standards are met. In comparison to the Coastal Zone there is no cultural event rule. Any such event would be covered by the temporary event rule that provides for only three temporary events per year as a permitted activity provided there is compliance with the performance standards including the assembly of no more than five hundred people.</p> <p>The Coastal Zone rule places a greater restriction on the land owners holding cultural events on the properties, where the Pa Zone provides more flexibility and greater opportunities for the</p>
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		holding of cultural events as a permitted activity.
Efficiency & Effectiveness of achieving objectives	<p>Objective 1A.2.7:  <i>"Maaori are able to establish and maintain their relationship to ancestral land"</i></p> <p>Objective 11.4.1:  <i>"Cultural practices and beliefs to tangata whenua are respected"</i></p> <p>Retaining the Coastal Zone does not encourage the Maaori land owners to return to their land and have a relationship with their land and the adjoining Marae. This is not an efficient and effective method of achieving objective 1A.2.7 of the District Plan.</p> <p>As previously discussed, the Coastal Zone rule does not have a specific cultural events rule and in this case the relevant rule is the temporary events rule. This places greater restrictions on cultural events as a permitted activity and that is not considered an efficient or effective method to achieving objective 11.4.1 of the District Plan.</p>	<p>Objective 1A.2.7:  <i>"Maaori are able to establish and maintain their relationship to ancestral land"</i></p> <p>Objective 11.4.1:  <i>"Cultural practices and beliefs to tangata whenua are respected"</i></p> <p>The proposed rezoning to Pa Zone would provide a more flexible rule framework not only for the establishment of papakainga housing but allow more opportunities for business activities on the property compared to the Coastal Zone. This would provide the ability to the landowners to not only return back to their land but provide opportunities for some business activities and resulting opportunities to generate income to sustain the occupation of the land. The proposed rezoning is therefore considered a more efficient and effective method of achieving objective 1A.2.7 of the District Plan.</p> <p>The proposed Pa Zone also enables for the landowners to hold cultural events as a permitted activity provided a number of standards are met. This is considered more flexible than the current temporary events rule in the Coastal Zone. This provides greater flexibility for the holding of cultural events potentially without the requirement for resource consent. This is considered an efficient and effective method for achieving</p>

		objective 11.4.1 of the District Plan.
Most appropriate for achieving objectives	As detailed above, it is considered retaining the current Coastal Zoning will not be the most appropriate method for the achievement of objectives 1A.2.7 and 11.4.1 of the District Plan.	As detailed above, it is considered rezoning both properties to Pa Zone is considered to be the most appropriate method for the achievement of objectives 1A.2.7 and 11.4.1 of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

**Table 2 – Proposed rezoning of 75 Wallis Street Raglan to Business Zone.**

Description of amendment	Proposed rezoning of 75 Wallis Street, Raglan from the current Living Zone to Business Zone.	
	<b>OPTION 1: Do nothing – Retaining existing provisions</b>	<b>OPTION 2: Rezoning from Living Zone to Business Zone</b>
Costs	<u>Environmental cost:</u> Nil  <u>Economic cost:</u> Retaining the existing Living Zone does not prevent the adjoining Marlin Cafe and Grill business from operating. It is considered the only potential cost would be a future cost if the Marlin Cafe and Grill ceased to operate and a new operator wished to open a cafe or restaurant on the site. Resource consent may be required to operate on the Living Zoned property if existing use rights are no longer available.  <u>Social cost:</u> Nil  <u>Cultural effect:</u> Nil	<u>Environmental cost:</u> Nil  <u>Economic cost:</u> Rezoning to Business provides future certainty for the operators of the Marlin Cafe and Grill in the case if any unforeseen circumstance occurs and the opportunity for using use rights lapses requiring consent to be obtained for the operation of a commercial activity from the site. As a Business zoned property, subject to compliance with the relevant performance standards no resource consent would be required.  <u>Social cost:</u> Nil  <u>Cultural cost:</u> Nil
Benefits	<u>Environmental benefit:</u> Nil	<u>Environmental benefit:</u> Nil

	<p><u>Economic benefit:</u> The Marlin Cafe and Grill can continue to operate with the existing zoning.</p> <p><u>Social benefit:</u> Nil</p> <p><u>Cultural benefit:</u> Nil</p>	<p><u>Economic benefit:</u> Rezoning from Living Zone to Business Zone would provide future certainty for the operators of the Marlin Cafe and Grill and would effectively address a current anomaly with the zoning to reflect the previous construction of the kitchen over the boundary recognising that the Marlin Cafe and Grill could not operate without the kitchen. Furthermore, it will ensure that should the current operation wish to expand in the future utilising more of the property at 75 Wallis Street that the potential for resource consent is reduced with the proposed rezoning.</p> <p><u>Social benefit:</u> Nil</p> <p><u>Cultural benefit:</u> Nil</p>
Efficiency & Effectiveness of achieving objectives	It is considered that there are no specific objectives of the District Plan that are applicable to this proposed rezone.	It is considered that there are no specific objectives of the District Plan that are applicable to this proposed rezone.
Most appropriate for achieving objectives	It is considered that there are no specific objectives of the District Plan that are applicable to this proposed rezone.	It is considered that there are no specific objectives of the District Plan that are applicable to this proposed rezone.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

**Table 3 – Rezoning properties on Wallis Street from Living Zone to Business Zone.**

Description of amendment	Proposed rezoning of 9, 11, 13, 14, 15A, 15B, 17, 17A, 17B, 18 and 19 Wallis St from Living Zone to Business Zone with a Town Centre overlay.	
	<b>OPTION 1: Do nothing – Retaining existing provisions</b>	<b>OPTION 2:</b>
Costs	<p><u>Environmental cost:</u> Retaining the existing Living Zone on the subject properties is not considered to result in an environmental cost as all properties are connected to a reticulated wastewater system and storm water system and any future development of the subject properties would be required to comply with the requirements of the District Plan (unless resource consent is obtained) and the Building Act mitigating any adverse environmental effects.</p> <p><u>Economic cost:</u> It is considered the economic costs of retaining the current Living Zone is considered to be as follows: First, is the cost of resource consent (and the uncertainty of whether a consent would be issued) for property owners who are required to apply for consent to either use their property for business purposes or wish to completely redevelop their property for business use. Given the existing Living Zone and dependent on the scale of the business</p>	<p><u>Environment cost:</u> It is considered there would not be any environmental cost associated with the proposed rezoning as all properties are currently connected to a reticulated wastewater system and a storm water system and this would not change as a result of the rezoning.</p> <p><u>Economic cost:</u> Rezoning to Business Zone allowing for the future expansion of the Raglan town centre is not considered to result in any economic costs.</p> <p><u>Social cost:</u> Rezoning to Business Zone would allow for the establishment and operation of business uses on the properties as a permitted activity subject to compliance with the relevant performance standards. For those adjoining and adjacent properties that are used for residential purposes there is the potential the business activities could result in some social effects such as noise effects</p>

	<p>activity or redevelopment proposed this has the potential to place a considerable financial cost on the landowner. For the property at 14 Wallis Street that currently operates as the Lions shop retaining the Living zoning, should this business activity cease to operate and its existing use rights lapse, then a new business wishing to establish on the property would require resource consent.</p> <p>Second is the future economic cost for the Raglan economy through the potential loss of revenue for future businesses wishing to establish on the subject properties and the loss of future employment for Raglan.</p> <p><u>Social cost:</u> No social costs are considered with the status quo.</p> <p><u>Cultural cost:</u> The subject properties are not identified as sites of significance to Maori and therefore no cultural cost is considered.</p>	<p>depending on the business activity.</p> <p><u>Cultural cost:</u> No cultural costs are considered from the proposed rezoning.</p>
Benefits	<p><u>Environmental benefits:</u> No environmental benefits are considered from the status quo.</p> <p><u>Economic benefits:</u> Retaining the Living Zone for the subject properties is not considered to result in any economic benefits.</p>	<p><u>Environment benefit:</u> It is considered there will not be any environmental benefits from the proposed rezoning.</p> <p><u>Economic benefit:</u> It is considered the economic benefits of the proposed rezoning are:</p>

	<p><u>Social benefits:</u></p> <p>Retaining the Living Zone for the subject properties is not considered to result in any social benefits.</p> <p><u>Cultural benefits:</u></p> <p>Retaining the Living Zone for the subject properties is not considered to result in any cultural benefits.</p>	<ul style="list-style-type: none"> <li>• Allowing for the expansion of the Raglan town centre to service the future needs of the Raglan area and surrounding community;</li> <li>• Providing greater opportunity for additional businesses to operate within the Raglan town centre positively contributing to the Raglan economy and strengthening the Raglan town centre to being more self-sufficient;</li> <li>• Providing more opportunities for greater employment for the Raglan community through additional business opportunities and the economic benefits associated for the Raglan economy; and</li> <li>• Encouraging the use and development of the properties for business use without the requirement and cost of resource consent (subject to meeting all relevant performance standards).</li> </ul> <p><u>Social benefit:</u></p> <p>Rezoning to Business provides more opportunity for a compact Raglan town centre with the expansion occurring on the boundaries of the town centre compared with the creation of a new isolated town centre in competition with the existing town centre. This provides the potential for a more social cohesive town centre whilst additional business opportunities provides greater opportunity for businesses to service the social needs of the Raglan and surrounding area.</p> <p><u>Cultural benefit:</u></p>
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		The proposed expansion of the Raglan town centre to the subject properties is not considered to result in any cultural benefits.
Efficiency & Effectiveness of achieving objectives	<p>Objective 6.2.1:  <i>"Development that is connected or grouped around infrastructure"</i></p> <p>Objective 6.6.1:  <i>"Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications"</i></p> <p>Objective 13.2.6:  <i>"Amenity values of localities are maintained and enhanced"</i></p> <p>The existing properties on Wallis Street are all currently connected to infrastructure which avoids the adverse effects on the surrounding environment. Retaining the existing Living Zone means that any future development for non-residential purposes would be subject to resource consent that would assess the potential adverse effects from the proposed redevelopment.</p> <p>The key potential effects of business use in the Living Zone are vehicle trip generation, parking and nuisance effects such as noise. These effects would be assessed in accordance with the existing surrounding environment that includes the existing Raglan town centre that includes a range of activities such as retail, offices and restaurants and pubs.</p>	<p>Objective 6.2.1:  <i>"Development that is connected or grouped around infrastructure"</i></p> <p>Objective 6.6.1:  <i>"Adverse effects of use and development are avoided by provision of wastewater and stormwater disposal, supply of water, energy and telecommunications"</i></p> <p>Objective 13.2.6:  <i>"Amenity values of localities are maintained and enhanced"</i></p> <p>The existing properties on Wallis Street are all currently connected to infrastructure that avoids the adverse effects on the surrounding environment.</p> <p>The proposed rezoning to Business/Town Centre would enable the future expansion of the town centre enabling additional business activities to establish within an area already characterised by existing businesses.</p> <p>It is considered the zoning is the most efficient and effective for achieving the above objectives as it recognises the strategic location of the properties on Wallis Street, the number of businesses already established in Wallis Street (as well as the future new medical centre) and is considered an efficient location of the natural growth of the Raglan town centre.</p>

	Rezoning the existing Living Zone is not an efficient or effective method of achieving the objectives.	
Most appropriate for achieving objectives	It is considered that retaining the existing Living Zoning and requiring property owners to apply for resource consent for redevelopment for business purposes or some business use is not an efficient method for the achievement of the relevant objectives.	For the reasons detailed above it is considered that the proposed rezoning is the most appropriate method for the achievement of the relevant objectives.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.

**Table 4– Proposed rezoning of the consented industrial lots of the Nau Mai Business Park**

Description of amendment	Proposed rezoning of the existing Rural zoned consented industrial lots to Industrial Zone and the development of Schedule 24F.	
	<b>OPTION 1: Do nothing – Retaining existing provisions</b>	<b>OPTION 2:</b>
Costs	<p><u>Environmental cost:</u>            The property is currently zoned Rural but has established and operates as an industrial business park in accordance with an approved land use consent. Retaining the existing Rural zoning would mean that the continued operation and expansion of the business park would have to rely on the limitations and conditions of the land use consent that seek to minimise and mitigate the adverse effects associated with the industrial activities. Maintaining a status quo option is therefore not considered to result in any environmental costs.</p> <p><u>Economic cost:</u>            Relying on the conditions of the consent has the potential to adversely affect the future growth and success of the business park mainly due to the potential that many potential business operators would be heavily restricted</p>	<p><u>Environmental cost:</u>            Nil</p> <p><u>Economic cost:</u>            Nil</p> <p><u>Social cost:</u>            Nil</p> <p><u>Cultural effects:</u>            Nil</p>

	<p>from establishing within the business park. This is principally due to the current restriction on the size of the approved industrial use lots. The consent approved a number of industrial use precincts (now referred to as lots) that range in size from 0.6 hectares to 3.41 hectares. Discussions with the landowner identified that the current demand for the industrial lots is for smaller lots and the interested purchasers or tenants of the industrial lots cannot justify the financial cost of the large lots.</p> <p>To understand this matter, Council engaged Market Economics Limited to provide an assessment of the market demand and effectively advise Council if the market is demanding much smaller lots in the order of a 1000m<sup>2</sup> as advised by the landowner. This assessment detailed that the majority of businesses within the Raglan area are small with 74 percent of the industrial businesses having one to five employees. The report concludes:</p> <p><i>"This subsequently translates to small industrial site requirements simply due to the limited need for larger land parcels. It is expected a range of industrial site sizes will be required in Raglan based on the smaller scale industrial business composition it is likely to be required to accommodate, making the 1,000sqm site sizes suitable for the Raglan market."</i></p> <p>Therefore, this report confirms that the current larger</p>
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	<p>approved industrial use sites are generally too large for the market demand and would be more appropriate for subdivision down to a minimum of 1000sqm. However, the economic cost is that with the current Rural zoning it is a very high consent hurdle for the landowner to seek subdivision of the industrial lots down to 1000sqm. This not only represents a significant economic cost for the success of the business park but also the Raglan and surrounding community from the potential loss of new industrial businesses operating in the area to service the areas needs whilst also providing employment opportunities.</p> <p>There is also the financial cost of consent holders having to pay for monitoring costs for conditions of consent.</p> <p><u>Social cost:</u></p> <p>Restrictions on the current operation of the industrial lots (principally the high hurdle of obtaining subdivision consent for subdivision of the Rural zoned consented industrial lots) has the potential for the industrial lots to not meet the demands of the market which has the flow on effect on potential for the Raglan community to have to travel into Hamilton to meet these needs.</p> <p><u>Cultural cost:</u></p> <p>The continued operation of the Nau Mai Business Park is not considered to result in adverse cultural effects.</p>	
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Benefits	<p><u>Environmental benefit:</u></p> <p>The consent has a number of conditions requiring environmental enhancement including storm water treatment and disposal, landscape mitigation planting to name a few. Retaining the status quo ensures that the consent holder must complete the required environmental enhancement works. Such works are required to result in environmental benefits as well as help mitigate adverse effects on neighbouring properties. This benefit is neutral as those requirements will be considered through the new standards.</p> <p><u>Economic benefit:</u></p> <p>Relying on the existing consent and its conditions does allow for some restricted land use activities to establish and operate on the industrial lots that do provide employment and other economic benefits for the Raglan area.</p> <p><u>Social benefit:</u></p> <p>No social benefits are considered with the status quo option.</p> <p><u>Cultural benefit:</u></p> <p>No cultural benefits are considered with the status quo option.</p>	<p><u>Environmental benefit:</u></p> <p>The consent has a number of conditions requiring environmental enhancement including storm water treatment and disposal, landscape mitigation planting to name a few. Alignment of the proposed schedule with the conditions of the consent ensures that such conditions are still requirements of the business park, providing environmental benefits.</p> <p><u>Economic benefit:</u></p> <p>The proposed rezoning does not have to rely on the approved consent and would provide the landowner and business operators with future certainty for the operation of the business park. This could provide more confidence for new operators to establish within the business park and provide employment opportunities for the Raglan area.</p> <p>Associated with the above, the proposed 1000sqm minimum subdivision rule would provide the opportunity for subdivision of the lots to more efficiently meet the market demand as determined by the assessment report by Market Economics Limited. This could provide greater incentive for local businesses to establish and operate in the business park encouraging a greater number of business and potential for greater employment opportunities and the economic benefits associated.</p> <p><u>Social benefit:</u></p> <p>No social benefits are considered with the proposed rezoning.</p> <p><u>Cultural benefit:</u></p> <p>The property is not identified as a site of significance and</p>
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		therefore no cultural benefits are considered with the proposed rezoning.
Efficiency & Effectiveness of achieving objectives	<p>Objective 1A.2.1:  <i>"Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development."</i></p> <p>Objective 1A.8.1:  <i>"Landscape, character and amenity values of rural areas are maintained."</i></p> <p>Objective 13.2.1:  <i>"Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonable compromised."</i></p> <p>Objective 13.2.six:  <i>"Amenity values of localities are maintained and enhanced".</i></p> <p>Objective 13.6.1:  <i>"Rural character is preserved."</i></p> <p>Objective 1A.2.1 seeks to ensure that any new growth is located within defined growth areas. Retaining the existing Rural Zone and relying on the approved consent still allows for the continued operation of the business park in an area not defined as a growth area. However such matters would have been considered during the hearing and determination of the consent.</p>	<p>Objective 1A.2.1:  <i>"Towns, villages and other defined growth areas are the focus of future residential, industrial and commercial development."</i></p> <p>Objective 1A.8.1:  <i>"Landscape, character and amenity values of rural areas are maintained."</i></p> <p>Objective 13.2.1:  <i>"Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment are not unreasonable compromised."</i></p> <p>Objective 13.2.six:  <i>"Amenity values of localities are maintained and enhanced".</i></p> <p>Objective 13.6.1:  <i>"Rural character is preserved."</i></p> <p>Rezoning from Rural Zone to Industrial zone for the approved industrial use lots reflects the current consented situation of the business park. This not only removes the reliance from the consent but provides future long term certainty for the operators in the business park and the Raglan area.</p> <p>By aligning the new schedule with the conditions of the consent this ensures that the conditions established to prevent and</p>

	<p>The remaining four objectives seek to maintain and protect the visual amenity values and rural character of the area. As detailed above, the property has an approved consent for the establishment and operation of a business park. The effects on visual amenity values would have been assessed as part of the resource consent hearing.</p> <p>Due to the topography of the property to establish the business park, some lots required extensive earthworks for the formation of a flat platform. The consent provides a suite of conditions not only restricting the type of activities permitted in the business park but also storm water disposal, extensive landscape mitigation planting and noise limitations to list a few. The suite of conditions has the purpose of minimising the adverse effects of the business park on the rural area. However, it is important to note that the business park is not considered to have any rural amenity values due to the highly modified state of the area consistent with the conditions of the consent.</p> <p>Overall, the business park can continue to operate under the consent, however this is not considered an efficient and effective mechanism for the long term operation and vitality of the business park, particularly due to the limitation on lot sizes.</p>	<p>mitigate adverse effects are still required to achieve the maintenance and protection of the amenity values of the Rural environment.</p>
<b>Most appropriate for achieving objectives</b>	<p>As discussed above, the business park can continue to operate under the approved consent. However, this is not an efficient and effective long term strategy for the operation of the business park and therefore relying on the existing consent is not considered the most appropriate option for the achievement of the relevant objectives.</p>	<p>As discussed above, it is considered the proposed rezoning of the business park is the most efficient and effective long term approach for the business park and the achievement of the stated objectives of the District Plan.</p>

Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.
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**Table 5 – Establish a new Business overlay over a number of properties on Bankart St and Wainui Road.**

Description of amendment	Retaining existing Living Zone for 2, 4, 6, 8, 8A, 10, 10A, 12, 12A, 14A, 14B, 14C, 14D Bankart Street and 8, 10 and 12 Wainui Road but establish a new Business overlay.	
	<b>OPTION 1: Do nothing – Retaining existing provisions</b>	<b>OPTION 2:</b>
Costs	<p><u>Environmental cost:</u> All subject properties are connected to infrastructure. Without the proposed Business overlay the properties can continue to be used for residential purpose. Depending on the activity, any use may require resource consent. No environmental costs are considered.</p> <p><u>Economic cost:</u> Should a property owner wish to either use their property for business use (depending on the activity) or redevelop the property for business use then resource consent would be required. This not only provides a financial cost for the applicant but also does not provide certainty as to the outcome of the consent.</p> <p>There is also the potential for a loss of new business activities establishing and the resultant effect on employment in the Raglan area due to the added costs, delays and uncertainty of obtaining resource consent.</p>	<p><u>Environmental cost:</u> No environmental costs arise as any proposed business use would have to comply with the performance standards of the Living Zone and the specific rules listed within the proposed schedule.</p> <p><u>Economic cost:</u> The proposed Business overlay would encourage the use of the properties for business use (subject to the performance standards in the proposed schedule) and no economic costs are considered.</p> <p><u>Social cost:</u> No social costs are considered.</p> <p><u>Cultural effect:</u> No cultural effects are considered.</p>

	<p><u>Social cost:</u> No social cost is considered with the status quo option.</p> <p><u>Cultural effect:</u> No cultural effect is considered with the status quo option.</p>	
Benefits	<p><u>Environmental benefit:</u> No environmental benefits are considered as should a property owner wish to use their property for business purposes then depending on the activity resource consent may be required that would assess the potential environmental effects.</p> <p><u>Economic benefit:</u> No economic benefits are considered.</p> <p><u>Social benefit:</u> No social benefits are considered.</p> <p><u>Cultural benefit:</u> No cultural benefits are considered.</p>	<p><u>Environmental benefit:</u> No environmental benefits are considered as any proposed business use would still require the properties to be connected to infrastructure.</p> <p><u>Economic benefit:</u> The proposed overlay would encourage the use and/or redevelopment of the properties for business use without the requirement for resource consent (subject to compliance with the relevant performance standards). This is not only a financial saving for the landowner but also provides some certainty for landowners.</p> <p>In addition to the above, the proposed overlay encourages new business activities from establishing and operating within the Raglan town centre providing valued employment for Raglan and the economic benefits associated.</p> <p><u>Social benefit:</u> No social benefits are considered.</p> <p><u>Cultural benefit:</u> No cultural benefits are considered.</p>
Efficiency & Effectiveness of	<p>Objective 13.2.1: <i>"Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding</i></p>	<p>Objective 13.2.1: <i>"Adverse effects of activities on amenity values are managed so that the qualities and character of the surrounding environment</i></p>

achieving objectives	<p><i>environment are not unreasonably compromised.”</i></p> <p><b>Objective 13.2.6:</b>  <i>“Amenity values of localities are maintained and enhanced.”</i></p> <p><b>Objective 13.4.1:</b>  <i>Amenity values of sites and localities maintained or enhanced by subdivision, building and development.”</i></p> <p>While it is considered that the relevant existing objectives are efficient and effective at achieving the objectives, it does however come at a cost to landowners.</p>	<p><i>are not unreasonably compromised.”</i></p> <p><b>Objective 13.2.6:</b>  <i>“Amenity values of localities are maintained and enhanced.”</i></p> <p><b>Objective 13.4.1:</b>  <i>Amenity values of sites and localities maintained or enhanced by subdivision, building and development.”</i></p> <p>It is considered the proposed establishment of a Business overlay and the associated schedule would maintain or enhance the amenity values of the subject properties and surrounding properties as:</p> <ul style="list-style-type: none"> <li>• The schedule would ensure that there are restrictions on the type of activities that could establish and operate as a permitted activity. This would prevent activities that have the potential to result in adverse effects such as noise and other nuisance effects particularly on the adjoining residential properties on Stewart and Gilmour St. Any other activity would require resource consent whereby any adverse effects would be assessed; and</li> <li>• The schedule does not replace all rules of the Living Zone and the reason for this is to ensure that the key rules in the Living Zone including building setbacks, height in relation to boundary and building height still apply. This ensures that any future development for business purposes would be of a consistent bulk and form of a residential development thereby helping to protect the residential amenity values of the surrounding properties particularly the adjoining properties along Stewart Street and Gilmour Street.</li> </ul>
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		For the above reasons it is considered that the proposed Business overlay is the most efficient and effective option for the achievement of the stated objectives of the District Plan.
Most appropriate for achieving objectives	Retention of the existing Living Zone thereby potentially requiring resource consent for the establishment of business activities is not considered the most appropriate option for the achievement of the stated objectives of the District Plan.	It is considered that due to the proposed schedule and the retention of the key Living Zone rules that seek to protect the amenity of the adjoining residential environment that the proposed Business overlay is the most appropriate option for the achievement of the stated objectives of the District Plan.
Risk of acting or not acting	It is considered that there is no uncertain or insufficient information.	It is considered that there is no uncertain or insufficient information.