

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV –**

**IN THE MATTER** of an appeal under clause 14(1) of  
Schedule 1 of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of a Proposed District Plan

**BETWEEN** **Patricia (Teresa) Ellen Hopkins  
And  
Steven Paul Treyton Hopkins**

Appellants

**AND**

**WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar  
Environment Court – Auckland**

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**NOTICE OF APPEAL TO THE ENVIRONMENT COURT AGAINST  
A DECISION ON A PROPOSED DISTRICT PLAN  
BY THE WAIKATO DISTRICT COUNCIL**

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*1 March 2022*

**Consultants Instructed**

Birch Surveying Ltd

[Sir William Birch](#)

027 294 8321

## DECISION APPEALED

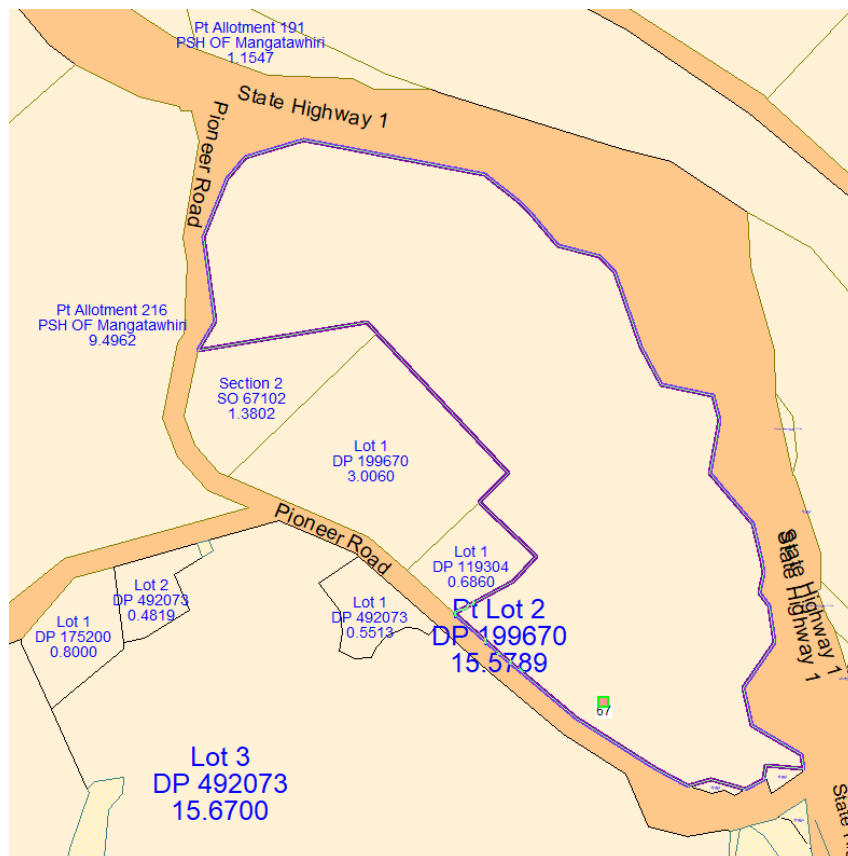
1. Teresa and Steven Hopkins (the **Appellant**), appeals a decision of the Respondent, the Waikato District Council, on the following matter (the **Decision**):

The Proposed Waikato District Plan, notified and determined under Schedule 1 of the Act (**Proposed Plan**).

2. The Appellant made a submission on the Proposed Plan that was lodged by Birch Surveyors Limited (Submitter number 451).
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. The Appellant received notice of the Decision on 17 January 2022.
5. The Decision was made by commissioners and adopted by the Respondent.

## THE LAND AFFECTED

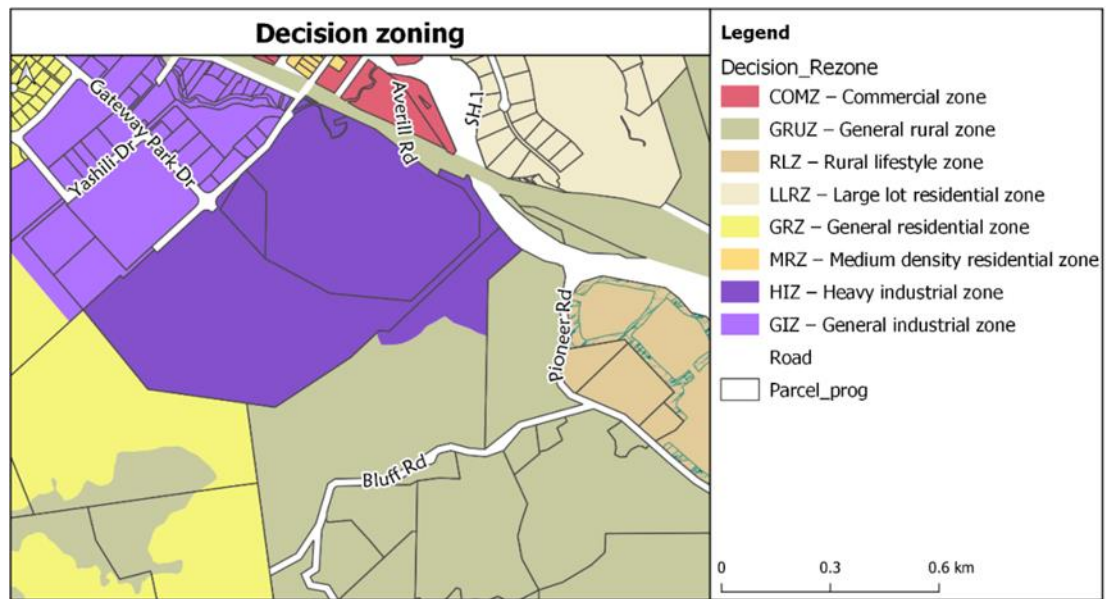
6. The Appellants' land affected by the Proposed Plan is 67 Pioneer Rd. as shown in the map below:



**Figure 1 – The Appellant's site**

## PROVISIONS BEING APPEALED

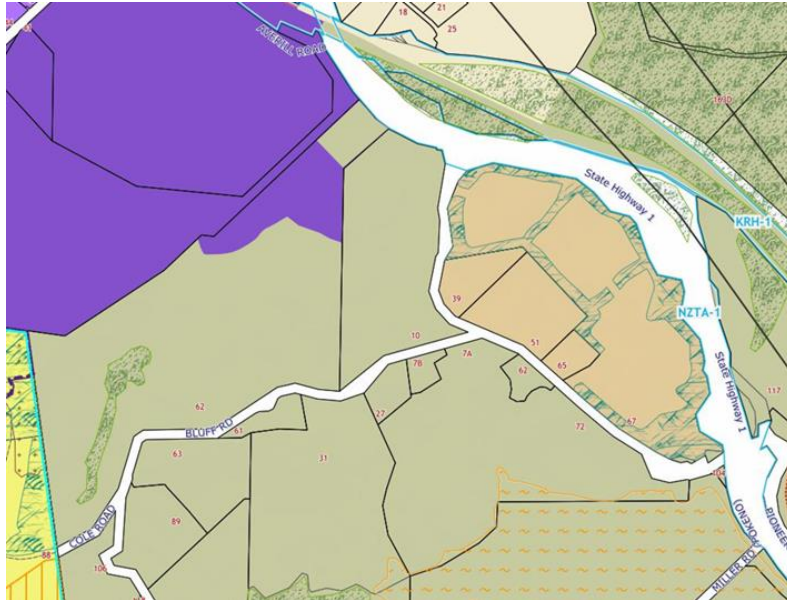
7. The Decision rezoning map from the Pokeno Report is inserted below:



**Figure 2 – Proposed Plan Decision Zoning Map**

8. The Appellants oppose the Decision on the Proposed Plan to zone an area on 62 Bluff Road of land owned by Hynds Foundation for Heavy Industry on the grounds that the decision does not take into account the location of the area within 62 Bluff Road proposed for Heavy Industry which includes a very elevated hill which provides a natural screen for the Hopkins property which already is exposed to the visual and noise effects of the industrial development
9. In addition the Appellants understood that in return for the proposed industrial zoning Hynds Foundation had offered to landscape and plant the balance of 62 Bluff Road and all of 10 Bluff Road but the Decision version of the Proposed Plan does not include a requirement for this work to be undertaken by the Hynds Foundation prior to the industrial expansion.
10. The Appellants' also note that Hynds have significant areas of undeveloped land in their currently zoned properties as shown in Appendix C.
11. The Appellant is appealing the following parts of the Decision:

- a) That the elevated land proposed for Heavy Industry be excluded from 62 Bluff Road Heavy Industrial zone on the Proposed Plan as shown on the revised zone drawing and;
- b) That the balance of the land in 62 Bluff Road and 10 Bluff Road be then subject to a covenant in favour of the Waikato District Council and landscaped as proposed by Rachel de Lambert in her evidence supporting the Heavy Industrial Zone including the Landscape drawings below.



**Figure 3 – Relief sought zone map**



**Figure 4 – Concept for reserve/park on 62 and 10 Bluff Road.**

## REASONS FOR APPEAL

12. The reasons for the appeal include, but are not limited to, the following matters:
- a) The area of land proposed for Heavy Industrial zoning on 62 Bluff Road by the Proposed District Plan includes an elevated hill that has always provided a visual screen from much of the industrial activity of the Hynd's Group as viewed from the Appellants' property particularly from the proposed 3 lots at the eastern end of their property but also from the Appellants' dwelling on their property.
  - b) At the time of Hearing of evidence on the Proposed Plan much was made of Hynds proposal to provide a valuable landscaped and planted buffer between the land zoned for industry including the additional land zoned on 62 Bluff Road and all of the land in 10 Bluff Road and Pioneer Road. Unfortunately the Proposed Plan has not made any provision to require this buffer to be created.

## RELIEF SOUGHT

13. The Appellant seeks the following relief:
- a) That the Decision be overturned, in part, in accordance with the grounds outlined in this appeal and the relief sought.
  - b) For the avoidance of doubt, the Appellant does not object to the presence of the Heavy Industrial zoning with the exception of the elevated area described above and subject to the Landscaping offered by Hynds in their evidence at the hearing.
  - c) The Appellants' property is capable of being visually screened adequately from the Heavy Industrial activity but that screening is substantially assisted by the existence of the elevated land on 62 Bluff Road
  - d) That the Proposed Plan be amended, to remove from the industrial zone the elevated area of land that provides a natural screen between much of the industrial land and the Appellant's property.
  - e) That the balance of the land in 62 Bush Road and 10 Bluff Road be subject to a covenant in favour of the Waikato District Council and landscaped as

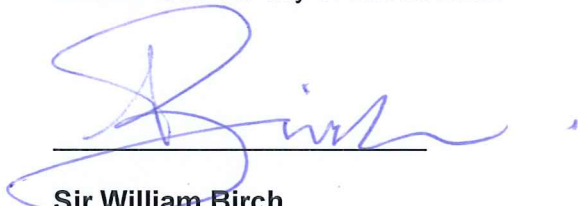
proposed by Rachel de Lambert in her evidence supporting the Heavy Industrial Zone including the Landscape

#### DOCUMENTS ATTACHED

14. The following documents are attached to this notice:

- a) The Appellants original submission and further submission on the Proposed Plan (**Appendix A**).
- b) The zoning Decision report of the Respondent for the Pokeno area (**Appendix B**). Other parts of the Decision can be provided on request.
- c) Aerial photographs showing areas on the Hynds site for development (**Appendix C**).
- d) A list of names and addresses of persons to be served with a copy of this notice (**Appendix D**).

**DATED** this 1st day of March 2022



**Sir William Birch**  
**Consultant for Patricia and Steven Hopkins**

**Address for service:**

Sir William Birch  
FNZIS LCS Registered Professional Surveyor  
2A Wesley Street,  
Pukekohe  
027 294 8321  
Email: [sirwilliambirch@bslnz.com](mailto:sirwilliambirch@bslnz.com)

## **Advice to recipients of copy of notice of appeal**

### *How to become a party to proceedings*

You may be a party to the appeal if;

- (a) within 15 working days after the period for lodging a notice of appeal ends you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

### *How to obtain copies of documents relating to the appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**APPENDIX A – APPELLANTS’ ORIGINAL AND FURTHER SUBMISSIONS**



Tuesday, 9 October 2018

## SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

This is a **Submission** on the following proposed plan:

*The Proposed Waikato District Plan (Stage 1)*

**To:** Planning Department  
Waikato District Council  
Private Bag 544  
Ngaruawahia, 3742

### **This is a submission from:**

**Submitter:** Birch Surveyors Limited (on behalf of): Steven & Teresa Hopkins

Steven & Teresa Hopkins could not gain an advantage in trade competition through this submission.

### **ADDRESS FOR SERVICE**

**Name of Agent:** Sir William Birch – Birch Surveyors Limited

**Address:** PO Box 475, Pukekohe 2340

**Phone:** 09 237 0787

**Email:** [sirwilliam@bslnz.com](mailto:sirwilliam@bslnz.com)

### **APPENDICES:**

APPENDIX A: CONCEPT PLAN (MCINNES, READ & LUCAS LIMITED)

APPENDIX B: SUBMISSION SITE PHOTOS (BIRCH SURVEYORS LIMITED)

APPENDIX C: GROWTH PROJECTIONS FOR POKENO (BIRCH SURVEYORS LIMITED)

## 1 PREFACE

- Birch Surveyors limited (BSL) has been engaged by, and is acting on behalf of Steven and Patricia Hopkins (the 'submitters') to make a submission on the Proposed Waikato District Plan (Stage 1) (PWDP).
- The submission is made pursuant to Schedule 1 (Section 6) of the Resource Management Act 1991 (RMA) which allows for any person to submit on a publicly notified plan with the submission required to be in the prescribed form as per Form 5 (Schedule 1) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

## 2 EXECUTIVE SUMMARY

- The submitters are the registered owners of a 15.6 ha landholding located at 67 Pioneer Road, Pokeno (the 'submission site').
- The site is a large rural block situated in south-eastern Pokeno entirely contained within State Highway 1 (SH1) and Pioneer Road which together bound the site on all sides (Figure 1). Currently the site is used for light pastoral farming activities.



**Figure 1: Aerial view of Submission Site (red boundary).  
(Source: IntraMaps – Proposed District Plan)**



**Figure 2: View looking north from the Submission Site (see red arrow in Figure 1 for location).  
(Source: BSL)**

- Upon the site, the submitters are seeking rezoning to enable future residential development of a Village character. Under the PWDP, the site is proposed to retain its Rural zoning which does not enable the scale of development sought. Rural Zone provisions require a minimum parent lot size of 20 ha to subdivide which the site cannot achieve.
- The sought rezoning is considered necessary on the basis that Pokeno is set to grow significantly in the future. This has been summarised in **Appendix C** where assessment of the Waikato District strategic growth documents shows Pokeno is projected to experience a population boom in the coming decades.
- This site is very well placed for village zoning. It is not economic for farming, It is in close proximity to existing services at McDonald Road industrial area and it has good access to local roads. The land lends itself to residential development with gentle contour and good aspect and view.
- Furthermore, insufficient Village Zone land has been provided as an alternative lifestyle option.

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## 2.1 APPENDICES

- Enclosed within this submission is a Concept Plan (**Appendix A**) produced by McIness, Read and Lucas Limited. The plan shows the development of the site based on a minimum lot size of 3000m<sup>2</sup> (as per Village Zone provisions). It is reiterated that the Plan is indicative only and is subject to change as additional information is acquired. Notwithstanding this, BSL has undertaken a thorough walkover of the site and can confirm that the Plan appears to be workable.
- A selection of photos (**Appendix B**) from the site walkover has been compiled to provide insight into key features on the site and in the surrounds.
- A summary of the growth projection for Pokeno (**Appendix C**) is provided to reiterate the growth projections for Pokeno and the need for additional land to accommodate this growth.

### 3 SPECIFIC SUBMISSION

- The submitter makes the following submission points on specific provisions which have been identified as relevant to any proposed residential development of the site.

SUBMISSION POINT	PROVISION	STANCE	SUBMISSION	RELIEF SOUGHT
1	Planning Maps (Specifically, the identification of the submission site in the 'Rural Zone')	<i>Oppose</i>	The submitter is seeking to undertake residential development of the submission site that cannot be realised under the provisions of the 'Rural Zone' that is proposed for the site.	Rezone the submission site (67 Pioneer Road) as Village Zone.
2	Objective 4.1.1 Strategic	<i>Support</i>	The submitter supports this objective for additional dwellings throughout the Waikato District.	Retain.
3	Policy 4.3.2 Character	<i>Support</i>	The submitter supports the policy outlining the character of the Village Zone.  Proposed residential development for the submission site would align with this policy being low density, semi-rural in character and provided with on-site three waters infrastructure.	Retain.
4	Policy 4.6.11 Reverse Sensitivity	<i>Oppose in Part</i>	The submitter contends that the use of the word 'avoid' makes this policy too onerous with regards to the relationship between sensitive activities and effects-intensive activities.  Multiple options exist for the mitigation of potential reverse sensitivity e.g., buffers. As such, the wording of the policy should be amended to reflect this.	Amend Policy 4.7.11 as follows:  <del>Avoid</del> <u>Manage</u> potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity

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## 4 KEY RATIONALE FOR THE SOUGHT REZONING

- The submission site is located in close proximity to the Pokeno Town Centre. This means residential development of the site would allow for greater convenience for additional residents.
- Discussion with the submitters has indicated that there are no known archaeological/heritage/cultural features located on the submission site. We understand that this is subject to final reports but believe this works in the favour of rezoning to Village.
- The underlying topographical conditions of the submission site are such that extensive earthworks is not considered necessary. If realised, this would help to maintain the fundamental landforms and contours that make the site unique.
- There is a strong desire for a variety of residential lifestyle options to be provided as a part of future growth. This is recognised in the Future Proof Strategy (2017) and the National Policy Statement on Urban Development Capacity (2016). It is noted that pursuant to Section 75(3) of the RMA, a District Plan must give effect to any national policy statement and any regional policy statement (Note: The Future Proof Strategy is embedded within the Waikato Regional Policy Statement).
- The PWDP identifies no areas of significant ecological value which may constrain future development on the site.
- Preliminary discussions have been held with the WDC regarding the potential development of the submission site.
- The growth projections for Pokeno (**Appendix A**) indicate a strong need for additional development to cater for the population increase. Whilst the site is not suited for rezoning to the 'Residential Zone', the site is appropriate for the Village Zone.

## 5 SUMMARY

- The rezoning sought for the submission site is a logical expansion of the currently proposed Village Zone as identified in the PWPD. Separated by SH1, the rezoning would extend the zone in a southwards direction providing much sought after Village-zoned land.
- Supported by suitable topography and strategic location close to the Pokeno Town Centre, rezoning of the site would greatly benefit the community enabling for Village Zone development on the western part of Pokeno.
- Any opportunity to discuss this submission further with Council is welcomed. It is noted that any supporting technical report can be provided as required.
- Birch Surveyors Limited wish to be heard in support of this submission.
- If others make a similar submission, Birch Surveyors Limited will consider presenting a joint case with them at a hearing.

Yours sincerely,

A handwritten signature in black ink that reads "Oakley".

James Oakley

Graduate Resource Planner

BA, MUrbPlan (Prof) (UrbDes) (Grad. NZPI, RMLA, UDF)

A handwritten signature in blue ink that reads "Birch".

Sir William Birch

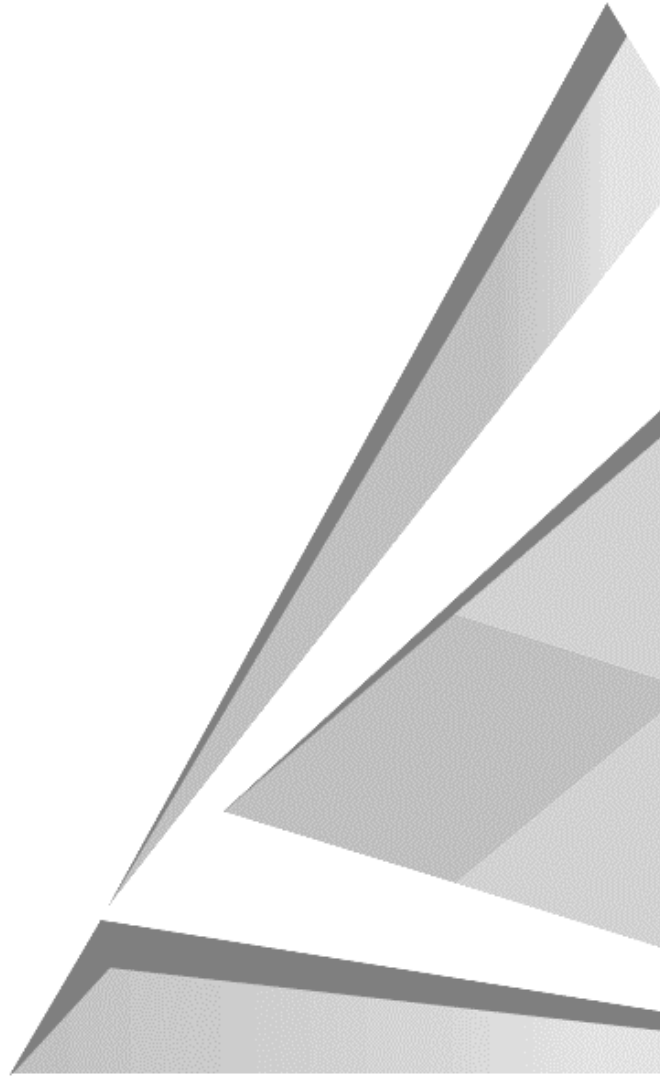
Registered Professional Surveyor

RPSurv, FNZIS, MNInstD

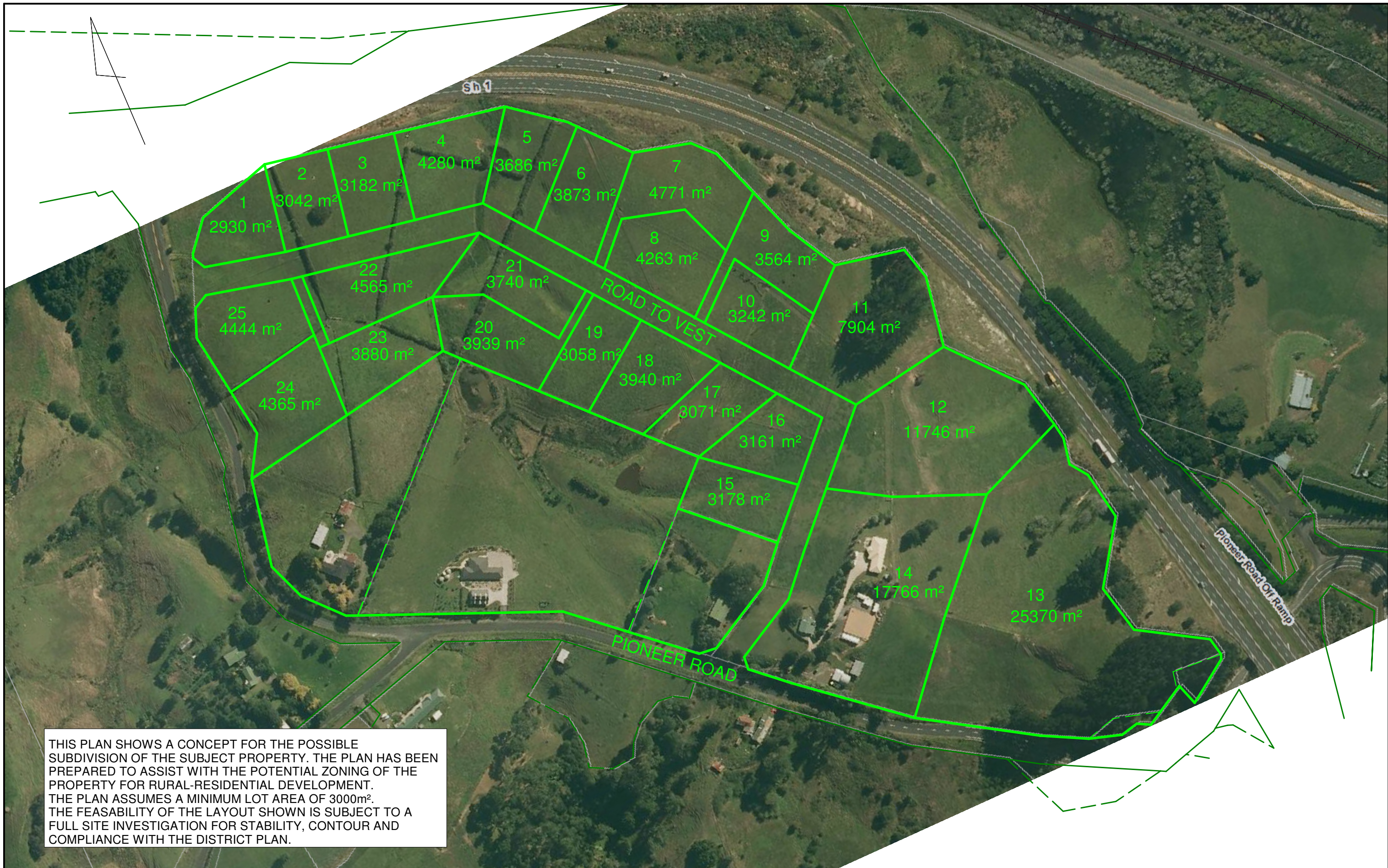
# **APPENDIX A**

# **CONCEPT PLAN**

# **McINNES, READ & LUCAS LIMITED**







THIS PLAN SHOWS A CONCEPT FOR THE POSSIBLE SUBDIVISION OF THE SUBJECT PROPERTY. THE PLAN HAS BEEN PREPARED TO ASSIST WITH THE POTENTIAL ZONING OF THE PROPERTY FOR RURAL-RESIDENTIAL DEVELOPMENT. THE PLAN ASSUMES A MINIMUM LOT AREA OF 3000m<sup>2</sup>. THE FEASIBILITY OF THE LAYOUT SHOWN IS SUBJECT TO A FULL SITE INVESTIGATION FOR STABILITY, CONTOUR AND COMPLIANCE WITH THE DISTRICT PLAN.

# CONCEPT PLAN SHOWING POSSIBLE SUBDIVISION OF PART LOT 2 DP 199670

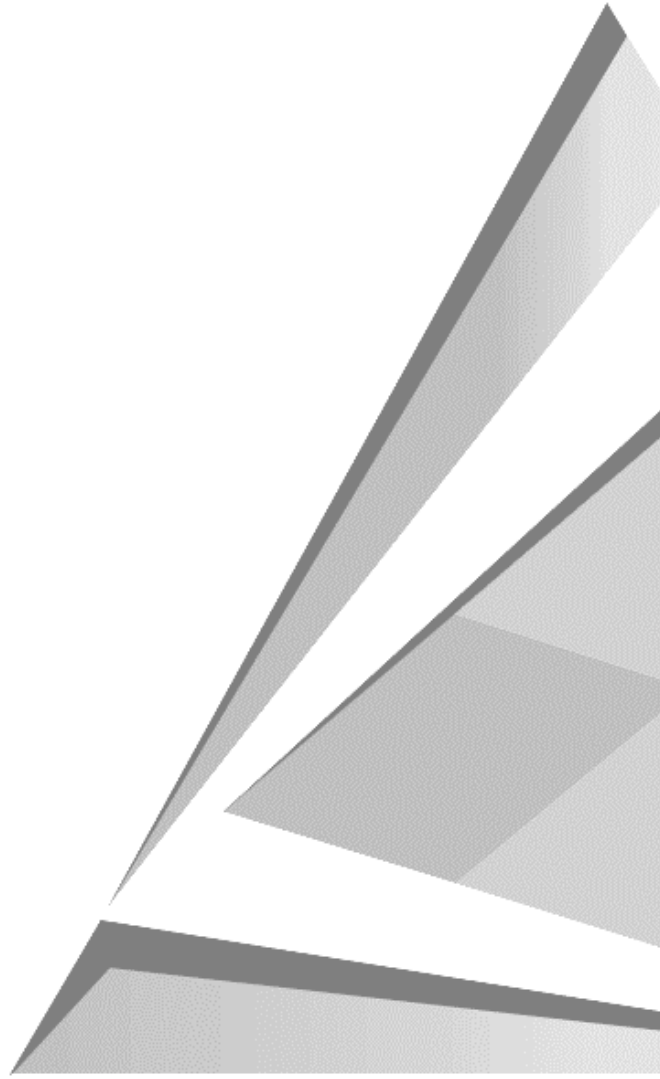
PREPARED FOR : P & S HOPKINS

<b>McINNES READ &amp; LUCAS LTD</b> SURVEYORS & PLANNERS 21 EAST STREET, PAPAURA. P.O. BOX 72559 Tel. 298-7288 Fax. 296-1350 Web www.mrl.co.nz			SHEET  of 10424
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# **APPENDIX B**

## **SUBMISSION SITE PHOTOS**

### **BIRCH SURVEYORS LIMITED**



## SUBMISSION SITE PHOTOS

### Summary

This appendix contains a number of photos taken during the site walkover by Birch Surveyors Limited (BSL). The purpose of the walkover was to identify any significant environmental features worthy of consideration for the future Village Zone development that is sought for the site.

The particular features that were highlighted as notable include:

- The Village-zoned land present on the western side of State Highway 1. The rezoning of the submission site will enable development of a similar character to be realised on the site. This would be notable as SH1 essentially demarcates “suburban” Pokeno with “village” Pokeno. We are of the opinion that Council should consider providing additional Village-zoned land in eastern Pokeno to better complement the established residential area.
- The topography of the site is predominantly comprised of rolling hills. This topography was initially assessed as favourable with regards to the rezoning as the character of the Village Zone is described as ‘low density’. We note that geotechnical investigation will be required to confirm suitability and can be provided.
- The site features valuable views and vistas northwards to the surrounding Pokeno landscape and eastwards to the Whangamarino Wetland. Currently these views are only enjoyed by the small amount of residents in this area. Rezoning would allow for residential development of the site that would unlock these views for more people’s enjoyment. We note that Policy 4.3.5 Building Setbacks supports the maintenance and promotion of ‘new vistas and views between buildings in the Village Zone when viewed from a road’. As an indicative road has been identified in the Concept Plan (**Appendix A**), there is the potential to enable these outward views in accordance with this policy.



**Figure 1: Photograph showing the view towards the Village-zoned area of Pokeno, east of State Highway 1. Residential development of the submission site would resemble the built character of this area with self-serviced dwellings on large lots in a low-density configuration.  
(Source: BSL)**



**Figure 2: Photograph showing the dominant landform of the submission site. The rolling hills are conducive to Village Zone development and as such makes the submission site appropriate for rezoning.  
(Source: BSL)**



**Figure 3: Photograph looking back towards the existing dwelling on the submission site providing additional insight into the topography of the site.  
(Source: BSL)**



**Figure 4: Photograph looking north showing the views and vistas from the submission site towards the natural landscape. Rezoning of the site would unlock this amenity for the enjoyment of others.  
(Source: BSL)**



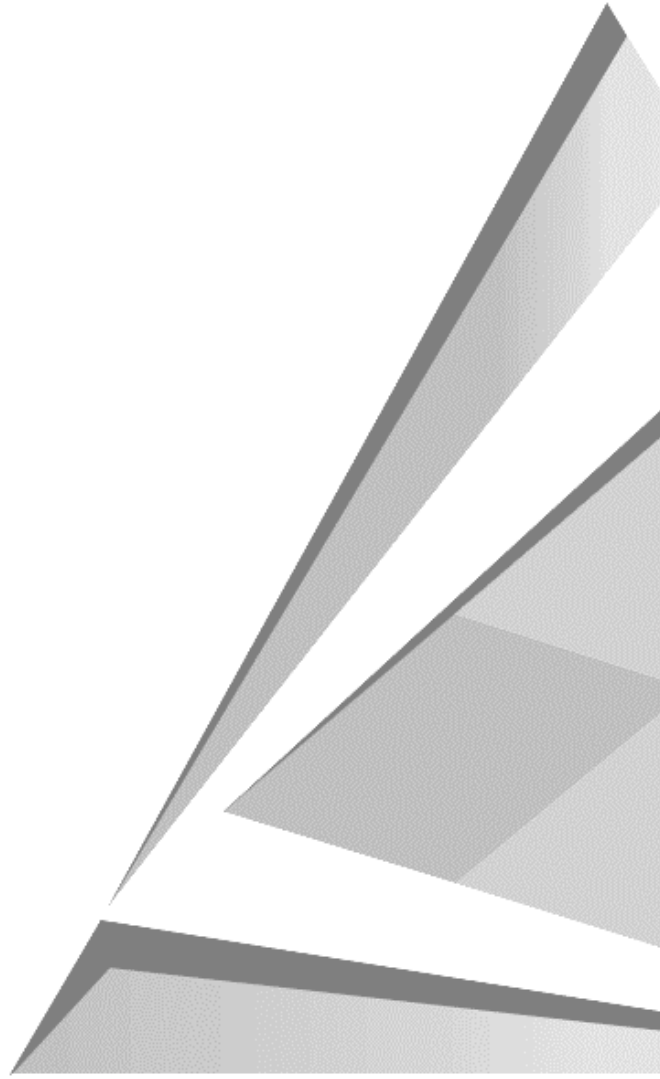
**Figure 5: Photograph looking east towards the wetlands. As per Figure 4, rezoning of the site would enable this amenity to be accessed and enjoyed by more people.  
(Source: BSL)**



# **APPENDIX C**

# **POKENO GROWTH PROJECTIONS**

# **BIRCH SURVEYORS LIMITED**



Tuesday, 9 October 2018

## POKENO GROWTH PROJECTIONS

### SUMMARY

- The foreseeable growth of Pokeno is a common theme amongst all strategic planning documents and policies either adopted or currently under consideration by WDC.
- The following sections address a selection of strategic documents providing a summary of the projected growth for Pokeno.
- The documents addressed are the North Waikato Integrated Growth Management Programme Business Case, Future Proof Strategy and the National Policy Statement on Urban Development Capacity.

### NORTH WAIKATO INTEGRATED GROWTH MANAGEMENT PROGRAMME BUSINESS CASE (2017)

- The North Waikato Integrated Growth Management Programme Business Case (NWPBC) is a business case the purpose of which is to “identify the planning options in the North Waikato to cater for future urban growth over the next 30 years” (p. 31 of s 32 Report – Part 2 Strategic Direction and Management of Growth).
- As shown in Table 1, Pokeno is forecast to experience a significant growth in population in the following decades. This is indicated by the growth expected to occur by 2035 whereby Pokeno is projected to be the second biggest town in the Waikato sub-region.

**Table 1: Projected Population Growth (by town) for the Waikato Sub-region**

TOWN	2016	2025	2035	2045
Tuakau	4,639	8,000	15,000	20,000
Pokeno	2,132	4,868	9,674	11,954
Meremere	564	708	734	711
Te Kauwhata	1,769	4,000	6,000	8,000
Huntly	7,9491	8,014	8,310	9,000

Note: Data reproduced from the s32 Report – Part 2 Strategic Direction and Management of Growth (p. 32)

- As such, sufficient capacity to accommodate this growth will need to be provided. The sought rezoning will enable a small portion of this growth to be accommodated but more importantly, will provide additional Village Zone land which Pokeno is currently lacking in.

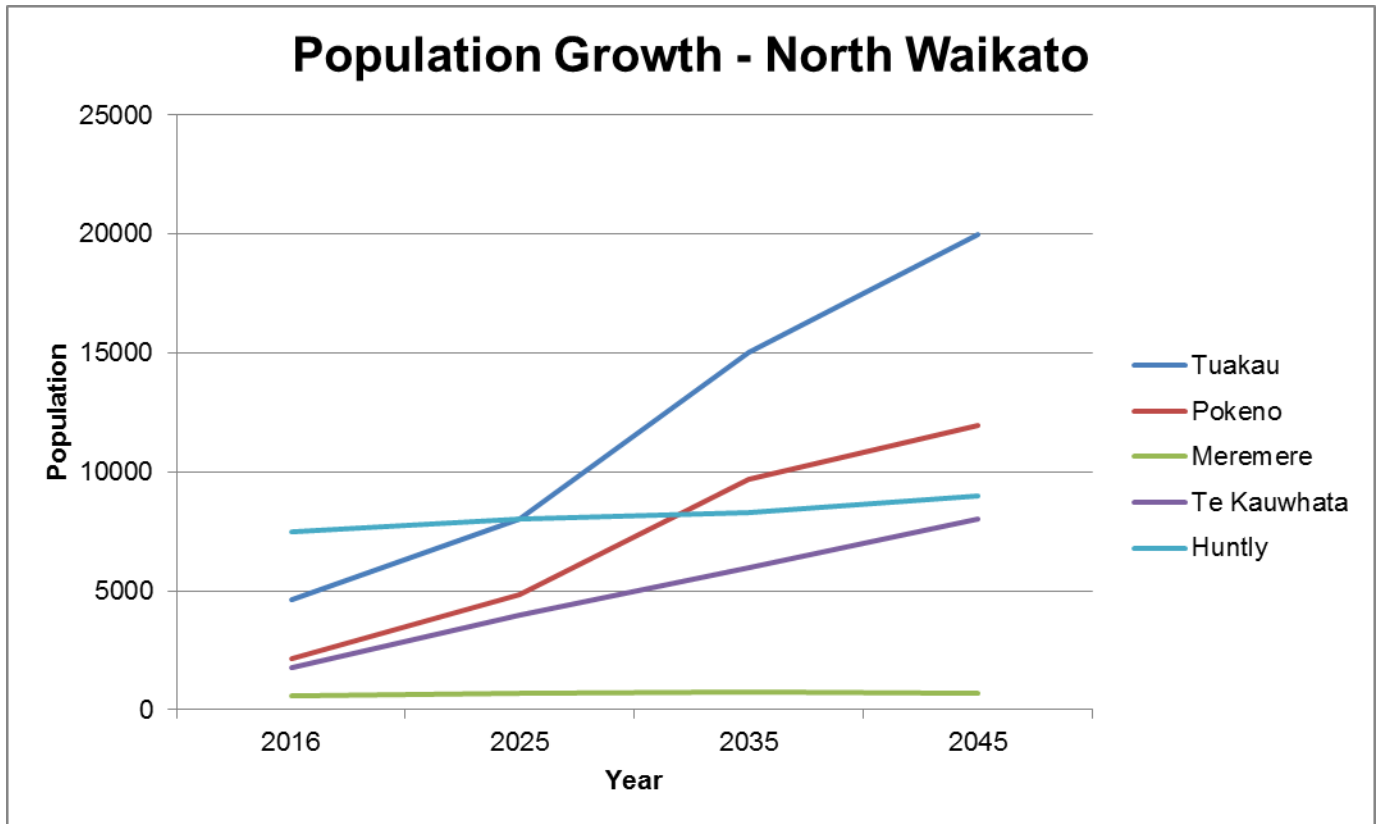


Figure 1: Graph showing projected population growth for the North Waikato (Source: NWPBC)

### FUTURE PROOF STRATEGY – PLANNING FOR GROWTH (2017)

- The Future Proof Strategy (FPS) is a “30 year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region” (p. 27).
- Within the FPS, Pokeno is frequently referenced as an area in which there will be a growth emphasis. Specifically, the FPS identifies Pokeno as a growth management area.
- Table 2 supports the notion of Pokeno as a growth management area identifying both the projected population and the household growth until 2045.
- The significant growth Pokeno will experience is clearly identified in the two periods from 2026 – 2045 where household demand is not being met by household supply resulting in a projected deficit of 846 households at 2045.

**Table Error! No text of specified style in document.2: Projected Residential Growth (Population & Household) in Pokeno**

YEAR/TIME PERIOD	POPULATION GROWTH (TOTAL)	HOUSEHOLD GROWTH	
2016	Total Population: 2,132	N/A	
2016 – 2025	+2,736 (4,868)	Demand: 1,110	Supply: 1,200 <b>(+90)</b>
2026 – 2035	+4,806 (9,674)	Demand: 1,945	Supply: 1,090 <b>(-855)</b>
2036 – 2045	+2,045 (11,954)	Demand: 991	Supply: 1,000 <b>(-846)</b>

Note: UoW Data (Median Projections) Future Proof Strategy – Planning for Growth (p. 93 – 95)

- The proposed rezoning and development will help to offset these projected deficits by bolstering the supply of households in Pokeno to meet the high demand between now and 2045.

#### **NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT CAPACITY (2016)**

- The National Policy Statement on Urban Development Capacity (NPS–UDC) “directs local authorities to provide sufficient development capacity in their district plans to ensure that demand can be met. This includes both the total aggregate demand for housing and business land, and also the demand for different types, sizes and locations.” (p. 16).
- In the s 32 report (Strategic Direction and Management of Growth – Part 2), the Waikato District is identified as a “high-growth area” (p. 16). The implications of this recognition are noteworthy as it means that the implementation of all of the objectives and policies of the NPS–UDC is required to ensure immediate effect to the NPS is given. For the purposes of the district plan review and this submission, the key points are identified in the s 32 report. These include providing a range of housing choices, efficient land use, efficient infrastructure use and providing for current and future people/communities.
- The sought relief fulfils a lot of these key points providing additional residential variability to balance out the existing suburban character. This will ensure a range of potential lifestyles are available. It is also a more efficient use of the land as the allotments comprising the submission area are strategically located in relation to the Pokeno Town Centre.

#### **CONCLUSION**

- With WDC’s strategic documents identifying the need for additional residential land in Pokeno, WDC – as the consenting authority – has two options; 1) plan for and enable the structured growth and development of Pokeno, or 2) allow the segmented development of Pokeno, through individual Private Plan Change (PPC) requests, such as PPC 21 Graham Block Development.
- Through the strategic allocation of zones, Council can ensure a pipeline of residential capacity, aligned with their predicted population projections. This will provide long-term planning certainty for residents, service providers and developers alike. This approach also removes the

need for additional plan changes, resulting in significant time, cost and resource savings for Council.

- Through the District Wide Review, WDC has an opportunity to create the statutory framework to facilitate the identified population growth. It is our position that additional zoning is required in Pokeno, to ensure sufficient capacity exists over the first 10 years, once the plan becomes operative. Equally, we feel that it is important to identify the land suitable to accommodate the long-term (10 - 30+ years) population growth of Pokeno.
- A combination of residential zonings will be needed to ensure housing diversity and affordability. We agree in principle with the WDC's approach with respect to the proposed Village, Countryside Living and Residential zones however, we believe there is a significant lack of Village-zoned land in Pokeno.

Monday, 24 June 2019

## FURTHER SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

**To:** Planning Department  
Waikato District Council  
Private Bag 544  
Ngaruawahia, 3742

This is a further submission from:

**Submitter:** Birch Surveyors Limited (on behalf of): Steven and Teresa Hopkins

Steven and Teresa Hopkins own land at 67 Pioneer Road, Pokeno which we have previously submitted on as part of the District Plan review process. Therefore, Steven and Teresa have an interest in the Proposed Waikato District Plan (Stage 1) greater than the interest that the general public has.

Birch Surveyors Ltd, on behalf of Steven and Teresa Hopkins, wish to be heard in support of these further submissions specified in the table below.

### ADDRESS FOR SERVICE:

**Name of Agent:** Sir William Birch – Birch Surveyors Limited

**Address:** PO Box 475, Pukekohe 2340

**Phone:** 09 237 0787

**Email:** [sirwilliam@bslnz.com](mailto:sirwilliam@bslnz.com)

### APPENDICES:

APPENDIX A: GEOTECHNICAL FEASIBILITY ASSESSMENT (GROUND CONSULTING LIMITED)

NAME OF SUBMITTER	SUBMISSION POINT (#)	PROVISION	OUR STANCE	REASONS FOR STANCE	DECISION SOUGHT
Steven & Teresa Hopkins	451	Miscellaneous	Support	<p>We continue to support our original submission for Village zoning across the submission area as we consider this is the most appropriate zoning and will positively support the growth of Pokeno.</p> <p>In the interim following the close of the first submission period, a geotechnical feasibility assessment has been commissioned for the site (enclosed within <b>Appendix A</b>) which concludes that the majority of the site is located on land that is "considered to be suitable for residential development and should provide safe and stable conditions" (Pg. 3). This report supports the Village zoning that is sought ensuring that the character and landscape can be retained without the need for significant modification.</p>	Accept submission in its entirety and rezone the submission area to Village zoning and make changes to the identified plan provisions accordingly.
Murray & Cathy McWatt	548.1	Chapter 22: Rural Zone	Oppose	If the property gets rezoned to Heavy Industry there could be adverse effects on the surrounding rural properties. The proposed Rural zoning currently means there is a buffer between the established industry to the north and the rural properties to the south. Any expansion of this area southwards could put the existing rural character and amenity under threat.	Reject submission point and retain the proposed Rural zoning.
Lynne Collins	72.1	Maps > Zones > Rural	Support	If the property gets rezoned to Heavy Industry there could be adverse effects on the surrounding rural properties. The proposed Rural zoning currently means there is a buffer between the established industry to the north and the rural properties to the south. Any expansion of this area southwards could put the existing rural character and amenity under threat.	Accept submission point and retain the proposed Rural zoning.
Havelock Village Limited	862.1	Maps > Zones	Support	Comprehensive and strategically devised development southwards of the existing Pokeno centre towards the Waikato River is logical. This will help to accommodate the significant growth Pokeno is anticipated to experience whilst also providing a much-needed linkage to the river.	Accept submission point and rezone the submission area accordingly.

NAME OF SUBMITTER	SUBMISSION POINT (#)	PROVISION	OUR STANCE	REASONS FOR STANCE	DECISION SOUGHT
NZTA	742.15	Maps > Zones	Oppose	<p>Deferring live zoning of residential/industrial/commercial and land in Pokeno until a structure plan is developed would significantly delay the growth of Pokeno.</p> <p>Furthermore, the submission refers to the live zoning of land in alignment with the sequencing and staging of infrastructure. Whilst this is logical to avoid sprawling development, this makes no mention of zones that allow for or encourage on-site three-waters management such as the Village Zone.</p>	Reject submission point and do not defer the live zoning of Pokeno.
Katherine Wilson	198.7	4.1.1 Objective – Strategic	Support	<p>The direction of the objective is logical but flexibility should be provided as opposed to outlining set parameters for a desired increase in dwellings.</p> <p>The objective should also be more flexible to incorporate updates to the Future Proof strategy and any other relevant strategic information/documents.</p>	Accept submission point and amend objective accordingly.
Fire and Emergency New Zealand	378.69	4.3.2 Policy – Character	Support	<p>We are in agreement with the direction of this policy and the character that is outlined for the Village Zone.</p>	Accept submission point and retain policy as notified.



**APPENDIX B – POKENO DECISION REPORT**

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 28I: Zoning - Pōkeno**

**17 January 2022**

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#### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Ms Linda Te Aho

Ms Jan Sedgwick

Ms Janet Gibb

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## 1 Introduction

1. While Hearing 25 related to all the submissions relating to zoning, this Decision report addresses the zoning of Pōkeno. This report should be read along with the overarching Hearing 25 Rezoning Extents report, which sets out the statutory matters and key principles relating to all submissions pertaining to zoning.
2. Pōkeno is located on the northern edge of Waikato District, close to the boundary with the Auckland region. It lies on State Highway One (SH1), at the intersection with State Highway Two (SH2) and is bisected by the North Island main trunk rail line. Pōkeno sits within a natural 'bowl', with an elevated rural, hill backdrop visible in most directions, giving it a strong visual connection to the surrounding countryside. There are a number of Significant Natural Areas (SNAs) around the township.
3. Formerly, Pōkeno was administered by Franklin District Council. The Franklin District Council prepared the Pōkeno Structure Plan (adopted in 2008) and Plan Change 24 inserted this plan, along with attendant provisions, into what is now the Operative Waikato District Plan – Franklin Section. Since the Pōkeno Structure Plan was prepared, the settlement has grown strongly, with a current estimated size of approximately 1,400 households.<sup>1</sup> Waikato District Council (Council) reports estimate that Pōkeno will grow to 6,370 dwellings by 2051, or an increase of 165 per year, under a medium-growth scenario.<sup>2</sup> This growth will account for a substantial proportion of the overall growth of the Waikato District.
4. The Pōkeno Structure Plan and the Proposed Waikato District Plan (PDP) concentrate residential growth on the western side of SH1. To accommodate housing growth, the PDP zoned a large area of land to the west of Munro and Helenslee Roads (the Munro Block) as Residential Zone. Land to the east of SH1 is identified as Village Zone. Areas of Heavy Industrial Zone and General Industrial Zone, containing two dairy factories and a number of other large manufacturing activities, are located to the south of the township.

## 2 Hearing Arrangement

5. The hearing was held on 14, 15, 16 June and 1 July 2021 via Zoom. All of the relevant information pertaining to this hearing (i.e. section 42A report, legal submissions and evidence) is contained on the Council website.
6. We, the Hearings Panel, heard from the following parties regarding their submissions on the zoning in Pōkeno:

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<sup>1</sup> Population, Household and Land Supply Capacity Report – Waikato District Council, Page 6, dated December 2020.

<sup>2</sup> For example Hearing 25 Framework report by Dr Mark Davey, Page 93, dated 19 January 2021.

Submitter organisation	Attendee at the hearing
Council	David Mead (author of section 42A Report)
Z Energy	Georgina McPherson
Ngaati Te Ata	Karl Flavell
Ngaati Tamaoho	Edith Tuhimata Lucie Rutherford
Hynds Pipe Systems Limited and the Hynds Foundation	Bill Loutit – legal counsel Adrian Hynds – corporate Rachel de Lambert – landscape and visual Laurie Cook – lighting Campbell McGregor – stormwater and infrastructure Todd Langwell – traffic Craig Fitzgerald – noise Sarah Nairn and Dharmesh Chhima - planning
Pōkeno East Limited	David Lawrie
Thorntree Orchards, Cindy and Tony Young, and Parkmere Farms	Jeremy Brabant – legal counsel Campbell McGregor – civil engineering Gary Black – traffic Anthony Vile – urban design Lisa Jack – landscape Derek Foy – economics (tabled) Clare Dobson – corporate (tabled)

	Nicholas Grala – planning
Steven & Teresa Hopkins	Sir William Birch
Pōkeno West Limited  and  CSL Trust and Top End Properties  (joint presentations with shared expert witnesses)	Peter Fuller – legal counsel  Sir William Birch – land development  Fraser Walsh – geotechnical  Adam Thompson – economics and property  William Moore – engineering  Rob Pryor – landscape and visual  Ian Munro – urban design (Pōkeno West Limited)  Billy Ho – urban design (CSL Trust and Top End Properties)  Leo Hills – traffic  Jennifer Shanks – ecology  James Oakley – planning
Pōkeno Village Holdings Limited	Sue Simons – legal counsel  Colin Botica – corporate  Fraser Colegrave – economics  Dale Paice – stormwater  Wesley Edwards – transport  Rachel de Lambert – landscape and visual  Christopher Scrafton – planning
Yashili Dairy Company Limited	Emma Manohar – legal counsel  Jason Jones – planning

<p>Havelock Village Limited</p>	<p>Vanessa Evitt – legal counsel</p> <p>Karl Ye – corporate</p> <p>Ian Munro – urban design</p> <p>Adam Thompson – economics and property</p> <p>Ryan Pitkethley – engineering</p> <p>Shane Lander – geotechnical</p> <p>Leo Hills – traffic</p> <p>Graham Ussher – ecology</p> <p>Rob Pryor – landscape and visual</p> <p>Jon Styles – acoustics</p> <p>Andrew Curtis – air quality</p> <p>Bryan King – lighting</p> <p>Mark Tollemache – planning</p>
<p>Waikato Regional Council (presented at the hearing on 1 June 2021)</p>	<p>Miffy Foley</p>
<p>Kāinga Ora (presented at the hearing on 24 June 2021)</p>	<p>Alex Devine and Douglas Allan – legal counsel</p> <p>Brendan Liggett – corporate</p> <p>Phil Stickney – planning</p> <p>Cam Wallace – urban design</p> <p>John Parlane – transport</p> <p>Phil Osborne – economics</p>

7. Although they did not attend the hearing, a memorandum of counsel was also filed by Ms Catherine Somerville-Frost and Ms Jo Pereira on behalf of Mercury NZ Limited, and planning evidence was filed by Mr Michael Wood on behalf of Waka Kotahi.

### 3 Strategic direction for Pōkeno

8. In his section 42A report Mr Mead helpfully described the strategic direction for Pōkeno as set out in various published documents. In addition to the Waikato Regional Policy Statement (RPS), and although not statutory Resource Management Act 1991 (RMA) documents, Future Proof Strategy 2017 and Waikato 2070 provide useful up to date assessments of future growth, at the regional, and district scales, respectively. Future Proof 2017 set indicative urban limits for Pōkeno, which cover a much larger area than the Pōkeno Structure Plan, as shown in Figure 1 below. Pōkeno is also identified as a 'strategic industrial node' in Future Proof 2017.

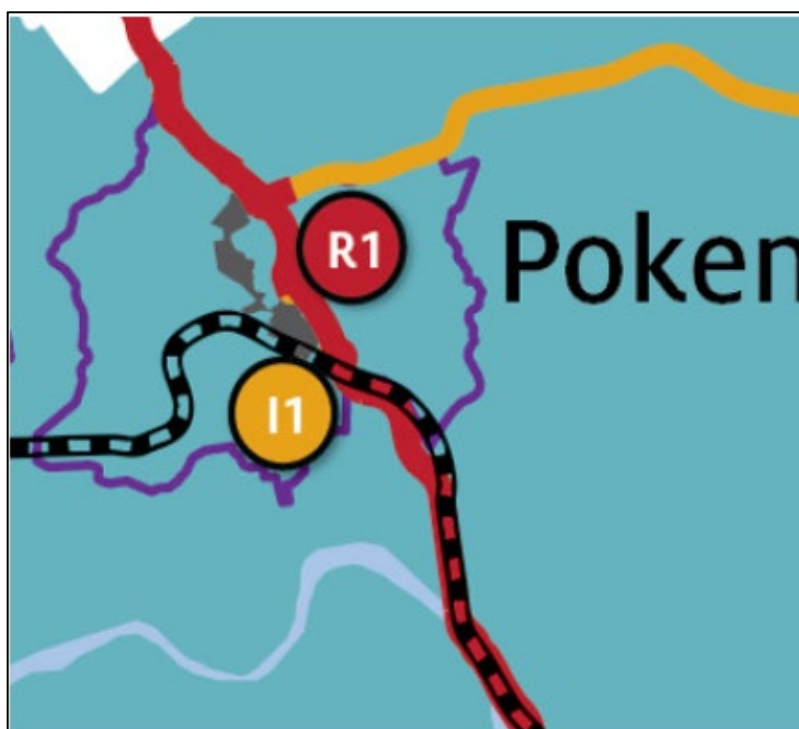


Figure 1: Future Proof 2017 Indicative Urban Limits (purple) – Pōkeno  
(Note: R1 = residential; I1 = strategic industrial node)

9. More recently, Waikato 2070 indicated growth areas for Pōkeno as shown in Figure 2 below. Waikato 2070 is based on stronger growth projections than Future Proof 2017. Under Waikato 2070, land to the east of the SH1 motorway, as well as land to the south are identified as possible growth areas, along with the western land live zoned in the PDP.



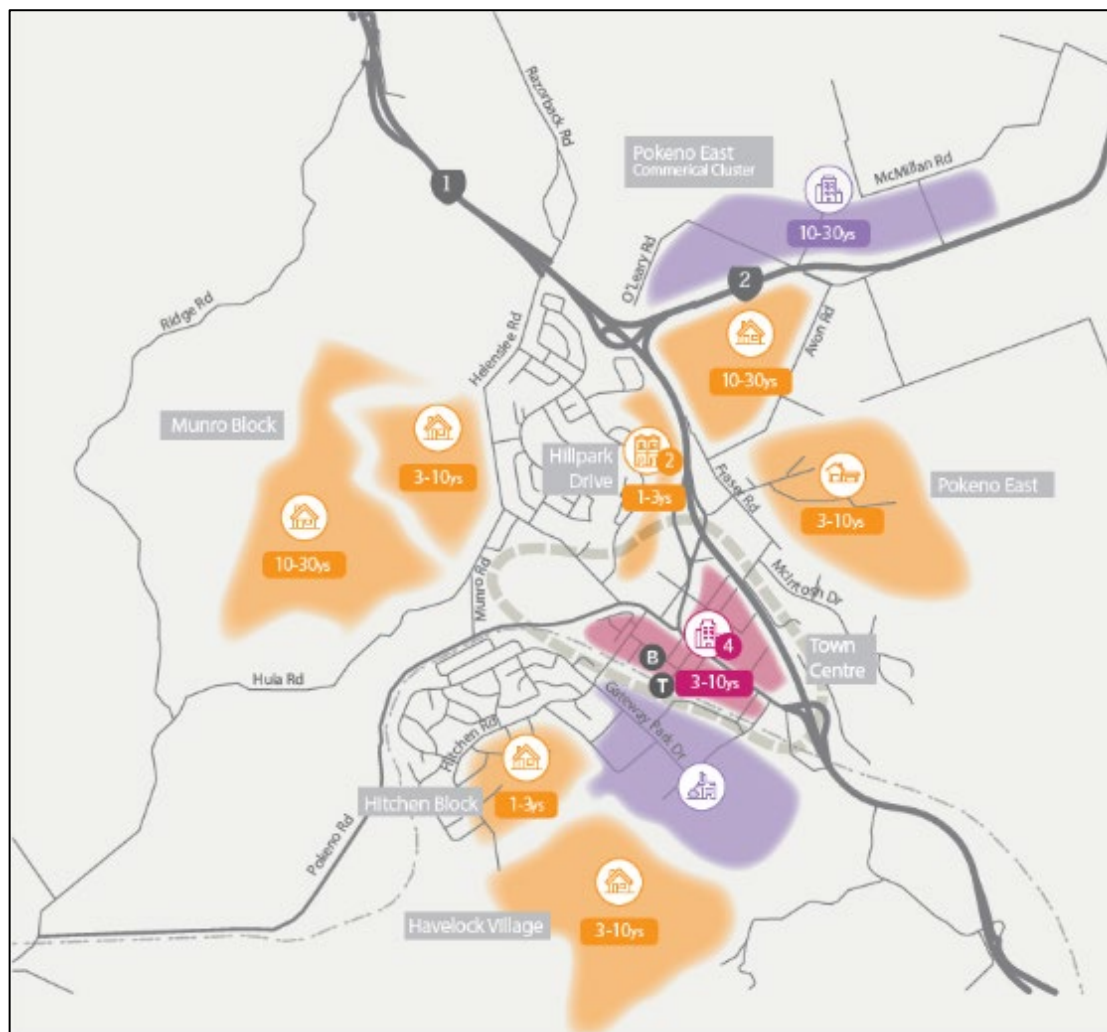


Figure 2: Pōkeno Development Map (source: Waikato 2070)

10. Mr Mead’s section 42A report set out his assessment that, taking into account the 20% buffer required by the National Policy Statement – Urban Development 2020 (NPS-UD), demand for about 4,862 dwellings is projected for Pōkeno by 2031. The notified PDP zoning is estimated to provide capacity for 3,924 dwellings. Therefore to meet the requirements of the NPS-UD, Mr Mead assessed that additional land would need to be live zoned in the PDP to accommodate approximately 900 additional dwellings.<sup>3</sup>

#### 4 Overview of issues raised in submissions

4.1 The section 42A report set out the full list of submissions received which pertained to the zoning at Pōkeno. Submissions variously sought urban-type residential development to the east, west and south of Pōkeno. There were also

<sup>3</sup> Section 42A report Hearing 25: Zone Extents - Pokeno by David Mead, Paragraphs 33-35, dated 14 April 2021 and opening statement, Paragraph 13, dated 14 June 2021.

**submissions seeking rezoning to enable more intense residential development close to the town centre. General themes throughout the submissions were:**

- (a) need for more live zoned residential land to meet expected demands;
- (b) concern over too much land being live zoned and associated infrastructure provision;
- (c) concern over interface with existing industrial activities;
- (d) enabling redevelopment and intensification;
- (e) more countryside living type opportunities on the outskirts; and
- (f) nature and extent of investigations to support rezonings.

11. The submissions related to the geographic areas are shown in Figure 3 and described in Table 1 below.

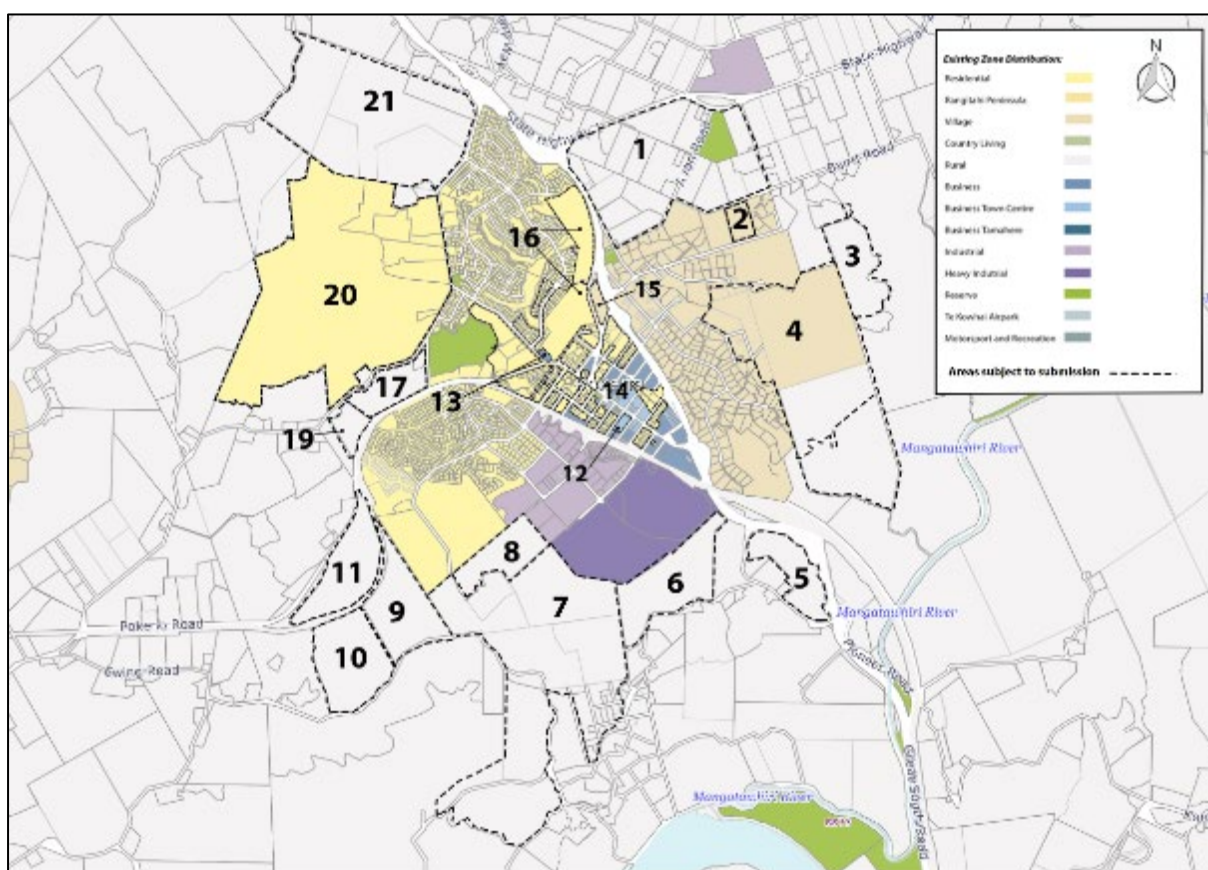


Figure 3: Spatial location of submissions seeking rezoning

Table 1: Submitter reference for Figure 3

Map No.	Submitter	Sub No.	Notified Zone	Zone Sought*
1	Brenda and Gavin Butcher from Parkmere Farms	696.1	Rural	Future Urban
	Cindy and Tony Young	735.1	Rural	Future Urban
	Pieter Van Leeuwen	754.1	Rural	Country Living
	Thorntree Orchards	54.1	Rural	Future Urban
2	M & J Balchin	850.1	Village	Village
3	David Lawrie for Pōkeno East Ltd	458.1	Rural	Village
4	David Lawrie for Pōkeno East Ltd	458.2	Village & Rural	Residential
5	Steven & Teresa Hopkins	451.1	Rural	Village or Country Living
6	Murray & Cathy McWatt	548.1	Rural	Heavy Industrial
	Hynds Pipes	983.1	Rural	Heavy Industrial and Rural
	Lynne Collins	72.1	Rural	Rural
	Stonehill Trustee Ltd	971.1	Rural	Rural
7	Hynds Pipes	983.1	Rural	Anything but Residential
	Havelock Village Limited	862.1	Rural	Residential and Country Living
	Stonehill Trustee Ltd	971.1	Rural	Rural
8	Ray Bow Water for Rainbow Water Limited	205.1	Rural	Residential
9	Anna Noakes	524.35	Rural	Residential
10	Terry Withers	598.25	Rural	Residential
11	Clem & Alison Reeve	668.1	Rural	Business
12	Z Energy	589.1	Business town centre	Business
13	Janet Elaine McRobbie	684.3	Residential	Business
14	Kāinga Ora	749.154	Residential, Business & Business Town Centre	Medium density
15	Janet Elaine McRobbie	684.2	Village	Business
16	Janet Elaine McRobbie	684.1	Residential	Residential
17	Kwanghoon Yang	360.2	Rural	Residential
19	Se Gi Noh	502.2	Rural	Residential
20	Annie Chen Shiu	97.1	Residential	Residential, Medium density & Neighbourhood centre
	Kwanghoon Yang	360.1	Residential	Rural
	Se Gi Noh	502.1	Residential	Rural
	Pōkeno Village Holdings	386.1	Residential	Rural
	Anna Noakes	524.35	Residential	Rural
	Withers Family Trust	598.24	Residential	Rural
21	CSL Trust and Top End Properties	89.1	Rural	Country Living, Residential with neighbourhood centre and medium density

## 5 Overview of evidence

### Havelock Village Limited

12. Ms Vanessa Evitt presented legal submissions on behalf of Havelock Village Limited (HVL). HVL sought to rezone approximately 150 ha of rural land<sup>4</sup> south of Pōkeno's existing urban area to Residential Zone and Country Living Zone, as well as a small neighbourhood centre, Industry Buffer strip and hilltop parks at Transmission Hill and Potters Hill (see Figure 4). The HVL proposal was estimated to facilitate up to 600 dwellings. Ms Evitt emphasised the need for further residential land to be zoned at Pōkeno, to meet demands for medium term residential growth and give effect to the NPS-UD.
13. Planning evidence for HVL was presented by Mr Mark Tollemache, who set out their approach to utilise standard District Plan provisions, zones, overlays and annotations for the HVL land wherever possible. A precinct plan (Figure 4) showing the overlays and annotations was proposed to be included in the PDP, and an updated version of this was attached to Mr Tollemache's supplementary evidence post-hearing.<sup>5</sup> Mr Tollemache drew attention to the 46 ha of SNAs on the site, two hilltop parks on Transmission Hill and Potters Hill, and the indicative road network layout providing two links to the existing Pōkeno urban area, as well as a link to the Bluff Road area which could link onwards south to the Waikato River. He emphasised that the precinct plan features are linked to the proposed precinct rules, to ensure the delivery of these elements.

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<sup>4</sup> 88 Bluff Road and 5 Yashili Drive, and 242 (in part) and 278 Bluff Road.

<sup>5</sup> Supplementary evidence of Mark Tollemache on behalf of HVL, dated 28 July 2021.

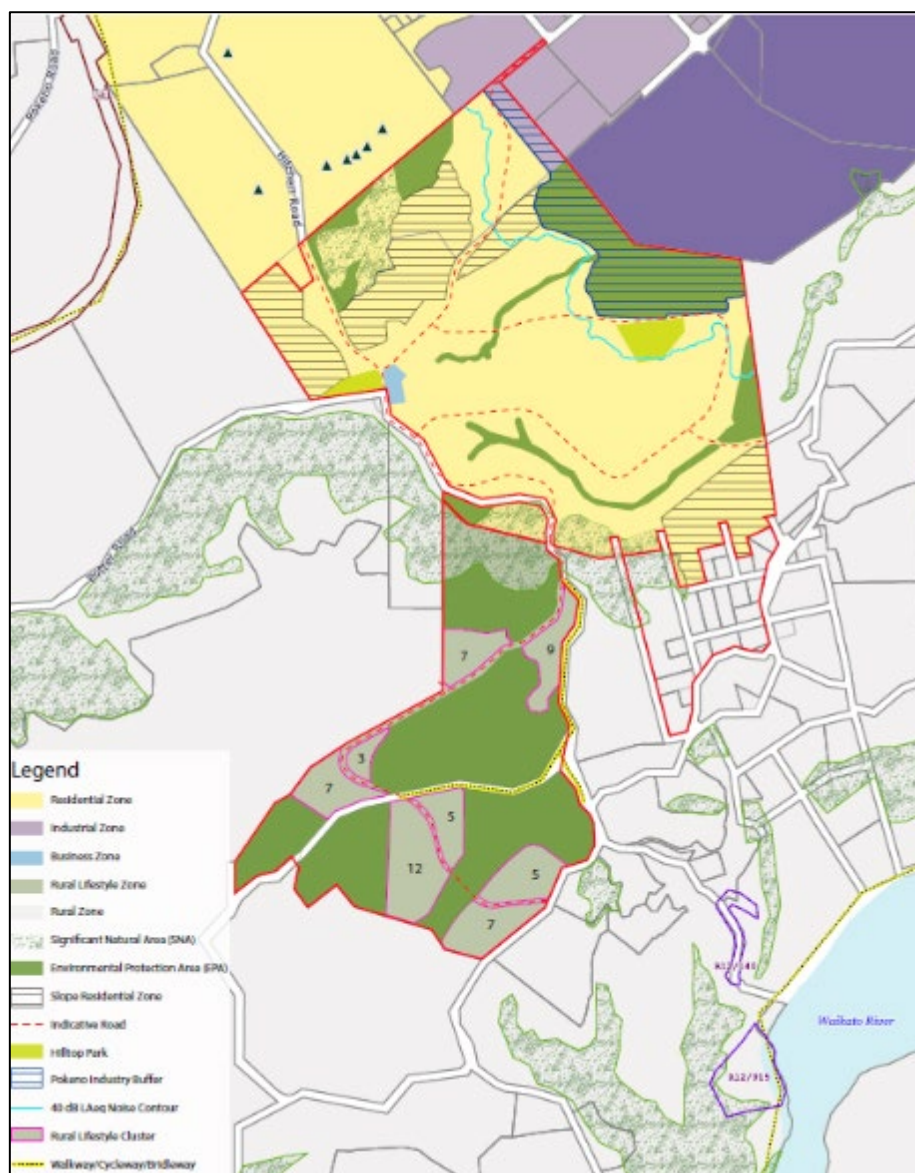


Figure 4: Havelock Village Ltd proposed precinct plan

14. Updated planning provisions for the precinct were attached to Mr Tollemache's summary statement.<sup>6</sup> Mr Tollemache set out that provisions proposed to address the effects of the HVL proposal included:
- (a) the Pōkeno Industry Buffer and associated rules making dwellings non-complying there. Mr Tollemache stated that this buffer avoids or minimises any genuine cause for potential reverse sensitivity effects such as noise, lighting or air discharges;

<sup>6</sup> Annexure 2 to Mark Tollemache Highlights Package (Planning) on behalf of HVL, dated 13 May 2021.

- (b) acoustic attenuation rules for dwellings located between the 40 and 45 dbA noise contours;
  - (c) discretion to respond to any cultural impact assessments through subdivision applications;
  - (d) discretion to address the new intersection with Yashili Drive, the operation of existing Pōkeno intersections, pedestrian and cycle connections between the HVL land and other locations, and accommodation of future public transport opportunities; and
  - (e) discretion over planting in the Environmental Protection Areas (EPA), and its ongoing management and legal protection in perpetuity. Mr Tollemache clarified that planted EPA areas were able to be privately owned and covenanted, but could also be vested in Council, if Council desired.
15. Mr Ian Munro presented urban design evidence on behalf of HVL and supported the refined rezoning proposal that had been developed since the original submission was made. He considered that the HVL site had good accessibility to the town centre and was one of the closest, and most connected, possible sites for the expansion of Pōkeno.
16. Mr Munro disagreed that there was any justification to restrict residential development on the ridgelines above an elevation of RL100, as sought by other submitters' evidence. He noted that this limitation was not included in the Operative District Plan (ODP) or the PDP, and the ridge landforms are not identified as Outstanding Natural Landscapes or Features (ONL/F). Therefore, he did not consider this matter to outweigh the importance of enabling urban development on the HVL site. Mr Munro also disagreed with the evidence of Ms de Lambert for Hynds that there is a potential reverse sensitivity effect from occupants of new dwellings being able to see industrial development (including air discharges and lighting). He stated that existing Residential zoned land close to the Industrial zones have much more direct exposure to views of industrial activities, while the HVL land is elevated, with views above the Industrial Zone.
17. Mr Karl Ye, director of HVL and also of TaTa Valley Limited (TTVL), set out that the vision for the site is to create a new, high quality residential neighbourhood adjacent to Pōkeno's existing urban centre. He considered that the HVL proposal could provide a transition between urban Pōkeno and the TTVL proposal for a resort and tourist development in a rural area further south of Pōkeno. He also identified an opportunity to more directly link the Pōkeno community with the Waikato River through the HVL land. Mr Ye then set out the consultation that has occurred with local businesses and mana whenua on this proposal, including the formation of a Project Steering Group with local iwi (which was initially focused on the TTVL proposal and had more recently also discussed the HVL proposal).

18. Mr Robert Pryor presented landscape and visual amenity evidence on behalf of HVL. He considered that development enabled by the HVL proposal would not be visually obtrusive, nor result in the loss or interruption of any significant views. He did not consider it practical nor necessary to screen the proposed development from surrounding areas. With respect to land above RL100, Mr Pryor stated that this land was generally set well back from the leading edge of the proposed development, so he considered that excluding it from development would not have much impact on what is visible from the Pōkeno bowl (which was the only relevant visual catchment in his view). He further stated that around Pōkeno, the RL100 line alone does not protect a rural backdrop. In his view, setting aside the development of the EPA/Industry Buffer land on the face of Transmission Hill was an appropriate landscape recognition.
19. Mr Pryor also spoke to his supplementary rebuttal evidence and presented viewpoint photographs from the site towards the township, indicating that vegetation proposed to be planted within the EPA would provide some screening of views to the industrial sites.<sup>7</sup> This included views from “Area 1”<sup>8</sup> located to the east of the Transmission Hill hilltop park. Mr Pryor disagreed with Mr Mead’s recommendation<sup>9</sup> that “Area 1” should be excluded from residential development.
20. Mr Adam Thompson provided economic, housing and property development evidence in relation to HVL’s proposal, stating that his analysis indicated there will be a shortage of housing in the medium term in Pōkeno in all realistic scenarios. In his view, the shortage will be greater than assessed by both Dr Davey’s original and supplementary section 42A Framework Reports and Mr Mead’s section 42A report as: not all of the current supply of housing will be developed, there is a shortage of affordable houses in the wider region and increasing demand is evidenced. He clarified that although there are new lots in the pipeline, currently in Pōkeno all lots are sold and there is a waiting list, with these lots unable to be brought to market in time to fully meet the demand. He expected a demand for 400-500 dwellings per annum in several years’ time. Mr Thompson also highlighted the creation of 170 Full Time Equivalent (FTE) jobs per annum over a 4-year construction period for the proposal. He stated that the present estimated net value of the proposal of \$350 million over 30 years, represents a significant boost to the Waikato District economy.
21. From an infrastructure engineering perspective, Mr Ryan Pitkethley provided evidence which stated that all servicing required for the HVL site can be delivered, and will be provided, at HVL’s cost. This included the roading network, stormwater management infrastructure (quality and quantity), and wastewater and water supply extensions. He also stated that HVL’s proposal is to reduce stormwater flow rates to 80% of

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<sup>7</sup> Supplementary rebuttal evidence of Robert Pryor, dated 8 June 2021.

<sup>8</sup> As depicted on Rachel de Lambert’s evidence for Hynds; see Figure 7 later in this report.

<sup>9</sup> Rebuttal evidence of David Mead, Paragraphs 40-41, dated 10 May 2021.

predevelopment flow rates, thereby ensuring downstream effects are not increased. Mr Pitkethley saw the resource consent stage as the appropriate time to provide the detail of stormwater design. He disagreed with other stormwater evidence by Mr McGregor and Ms Paice that a catchment wide stormwater analysis is required before the HVL site can be rezoned.<sup>10</sup>

22. Mr Shane Lander presented geotechnical evidence on behalf of HVL, identifying that the site had some geotechnical constraints (slope instability, settlement and/or liquefaction in some areas), but that the geotechnical characteristics were similar to other recently rezoned areas nearby. He described that 'high-risk' land has been categorised as either EPA or 'Slope Residential' in the precinct plan, and although significant geotechnical engineering measures would be required to make the land safe for residential development, the increased minimum lot size applying to the Slope Residential area would allow for such works to be accommodated. Mr Lander considered that the HVL site was suitable for the proposed rezoning from a geotechnical perspective, and it was practical to develop the site and address the relevant geotechnical risks at the time of resource consent.
23. Mr Leo Hills presented transport evidence on behalf of HVL. He had undertaken a transport assessment which concluded that traffic generated from the HVL proposal would not result in discernible changes to the operation of key local intersections, and therefore no transport upgrades were required as a direct result of the proposal. He did identify that there would be transport upgrades required in future to address the cumulative effects of development in the wider Pōkeno area. In terms of the HVL proposal's connectivity, Mr Hills noted that two opportunities for direct road connections between the site and existing Pōkeno were provided (via Yashili Drive and Hitchen Road), that the proposed routes had been checked in terms of their ability to meet acceptable standards and he considered that solutions were available to ensure adequate access to the HVL site. He also identified that the proposal could include provision for public transport, walking and cycling facilities to improve its connection to Pōkeno.
24. Appearing on behalf of HVL regarding ecological effects, Dr Graham Ussher stated that he considered the overall indigenous ecological values of the HVL site to be low where pasture dominates, and moderate to high where gully stream/wetland systems and native forest areas exist. He estimated that the application of the overlays proposed on the precinct plan – EPAs and SNAs – would protect approximately 95% of the existing biodiversity or ecology values on the site, and would provide wider ecological improvements. Dr Ussher supported discretion being given through the resource consent process to the ownership and ongoing management of areas within the EPA.

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<sup>10</sup> Ryan Pitkethley Highlights package of infrastructure engineering evidence for HVL, Paragraphs 1.10-1.16, dated 12 May 2021.



25. Mr Jon Styles, acoustic consultant, appeared on behalf of HVL. He had established the location of a 45dB  $L_{Aeq}$  industrial noise contour for the night-time period, where all land inside the contour (the Pōkeno Industry Buffer Overlay) was proposed to be set aside from residential development. He considered this to be the appropriate separation distance to manage potential noise conflicts between future noise sensitive activities on the HVL site, and the noise effects of existing, authorised industrial activities in the Pōkeno Business Park. While he did not consider it completely necessary, he also agreed on precinct provisions requiring that residential development within a 40dB  $L_{Aeq}$  industrial noise contour be subject to acoustic insulation standards requiring that indoor noise levels be no greater than 25dB  $L_{Aeq}$ . The location and planning controls relating to the buffers were agreed between Mr Styles and Mr Jones / Mr Hegley for Yashili and took into account noise generated from future possible industrial development.
26. Mr Andrew Curtis provided air quality evidence on behalf of HVL. It was his opinion that the width of the Pōkeno Industry Buffer proposed by HVL between industrial activities and sensitive land uses on their site was appropriate to ensure that any residual air discharges from lawfully established activities, within both the General Industrial and Heavy Industrial zoned land, do not result in potential reverse sensitivity effects. He stated that any complaints do not, of themselves, constitute a reverse sensitivity effect where activities are lawfully established and operating within their consents.
27. Lighting engineer, Mr Bryan King provided evidence on behalf of HVL. He stated that his analysis and measurements demonstrated that the current lighting from the industrial sites adjacent to the HVL land complies with Council's allowable limits, as they relate to HVL's proposed residential lots. Mr King also stated that the existing industrial facilities in Pōkeno could easily demonstrate lighting compliance in the event of any complaints from HVL residents. He further stated that the area of proposed residential development exposed to current operational light is a very small part of the HVL site. In response to cross sections filed by Hynds illustrating lines of sight from the HVL site to industrial development,<sup>11</sup> Mr King maintained that the contours he had used for his assessment were correct.

*Wā*

28. Mr Karl Flavell presented evidence on behalf of Ngaati Te Ata with a focus on the cultural effects of the HVL rezoning proposal. He outlined that the HVL proposal sat within a broader ancestral cultural landscape of significance to Ngaati Te Ata, embedded with identity, meaning and significance. The site was a trade and communication hub of its time. The landscape contains Paa and surrounds which comprise of traditional mahinga kai (gardening) areas and battle sites in pre-European

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<sup>11</sup> Attached to supplementary planning evidence of Sarah Nairn and Dharmesh Chhima for Hynds, dated 11 June 2021.

times. Transmission Hill is believed to be the location of Major Wiremu Wheoro's Signal Stations which indicated troop movements in the land wars, and forms part of an extended Paa ridgeline settlement. A cultural heritage map and cultural management plan had not been completed for this land.

29. Mr Flavell stated that the wellbeing of Ngaati Te Ata descendants is intrinsically linked to a number of sites and locations in the context of the HVL area. The piecemeal desecration and destruction of these sites and places would impact on the wellbeing (mauri) of the Ngaati Te Ata people.
30. Mr Flavell set out reasons for Ngaati Te Ata's opposition to HVL's proposal, including:
  - (a) Adverse impacts upon cultural integrity, values and their traditional and spiritual relationship to the Pōkeno cultural landscape footprint, the Paa maunga, the Waikato River and its many tributaries, and the receiving catchment;
  - (b) The proposal would visually and physically compromise the integrity of maunga and river view shafts to surrounding Paa, landscapes and natural features including landforms, ridgelines, trees, bush, wetlands, waterways, and any other natural outstanding features; and
  - (c) It is inappropriate to propose residential development on significant ridgelines and above RL100. Paa should be able to speak to each other, and the natural backdrop to Pōkeno should be left alone.
31. Ms Edith Tuhimata of Ngaati Tamaoho added that she has been involved in consultation for about five years in relation to the TTVL resort proposal, and with HVL more recently in the last couple of years. She described an interconnected landscape with cultural features from the top of the hills down to the Whangamarino wetland. These include two paa sites and Wheoro's paa on Transmission Hill, sites along the river, living and gardening areas, water sources and burial areas, all connected together. She stated that HVL has not taken into account that the proposed road accessing the HVL land is on a traditional ara hikoi (walking path) that joins the cultural landscape. She considered it inadequate to rely on accidental discovery protocols to mitigate effects on archaeological sites, and noted that it was not just archaeological/physical evidence that was of importance – but also the land's kōrero and whakapapa.
32. Ms Lucie Rutherford presented evidence outlining the HVL area's cultural significance to Ngaati Tamaoho, and agreed with the cultural evidence presented by Mr Flavell. Ngaati Tamaoho have not been able to support the HVL proposal and were particularly opposed to a road from Yashili Drive, Pōkeno through Transmission Hill and over landscapes to the Waikato River. Ms Rutherford was of the view that the earthworks, access and street lighting would visually and physically compromise the integrity of the Maunga views, natural landscapes of ridgelines, native trees, bush and wetlands. Even if development was limited so it was not seen from Pōkeno, she noted that the

construction of the road would require significant earthworks and modification of the cultural landscape. If anything, she considered a road should access the HVL land from the back, but this would result in a visually and physically separated village, not a part of Pōkeno. Ms Rutherford did not accept there was a lack of archaeological sites in the area, stating it was a huge cultural landscape with many sites not uncovered.

Steven & Teresa Hopkins

33. Sir William Birch appeared on behalf of Steven and Teresa Hopkins (the Hopkins), who sought to rezone the property at 67 Pioneer Road (southeast of urban Pōkeno), from Rural Zone to Countryside Living Zone. Sir William set out his assessment of the benefits of utilising the land, which he stated has no productive value, to provide an alternative large lot rural residential development. He stated this could protect the ecological values of wet gullies and stabilise steep hill slopes through enhancement planting in EPAs, and add to housing supply. He further stated that the proposed development would provide a transition between industrial and rural land, and a soft edge to Pōkeno as viewed from the motorway. The land subject to the submission, showing the proposed EPAs, is illustrated in Figure 5 below.



Figure 5: Hopkins submission area showing proposed lot and EPA layout<sup>12</sup>

Hynds

34. Hynds Pipe Systems Limited and the Hynds Foundation (collectively Hynds) sought the rezoning of a 4.27ha portion of 62 Bluff Road to Heavy Industrial Zone for the future expansion of its neighbouring factory (see Figure 6 below). Hynds also submitted in opposition to the HVL and the Hopkins proposals for residential rezoning of land to the south and east of its factory.

<sup>12</sup> Attached to Highlights Package of Sir William Birch for Hopkins, dated 11 May 2021.

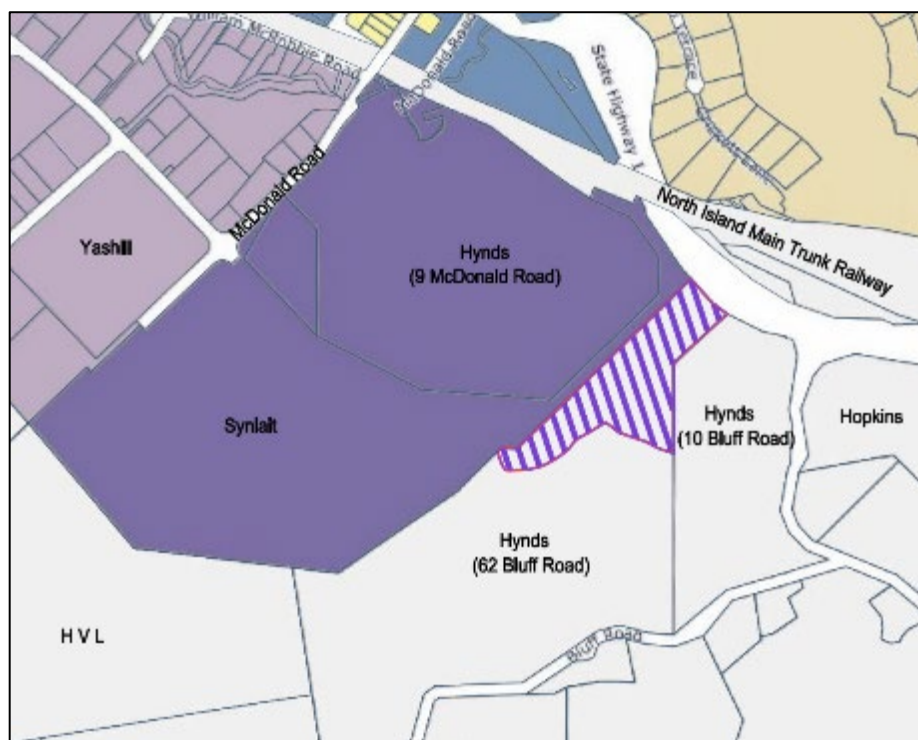


Figure 6: Hynds Proposed Heavy Industrial Zone

35. Mr Bill Loutit presented legal submissions which summarised that from Hynds' perspective, all issues relating to their proposed Heavy Industrial rezoning at 62 Bluff Road have been addressed, and only the Hopkins remained in opposition. In relation to the HVL and Hopkins rezoning proposals, he emphasised that it was overall 'bad planning' to place residential activities overlooking heavy industrial activities; and that the presence of such activities would inevitably influence the assessment of any future resource consents applied for by Hynds, which he considered to epitomise the definition of reverse sensitivity. Regarding the NPS-UD, Mr Loutit stated that the full range of NPS-UD provisions needed to be considered, rather than just the provision of housing capacity.
  
36. Mr Adrian Hynds, a director of Hynds Pipe Systems Limited and Hynds Holdings Limited, emphasised the significant investment Hynds had made by establishing their plant in Pōkeno and that they have a known need for future expansion. He stated that they would not have selected the current site if they expected residential activities to establish on the ridge above it, as proposed by HVL. Mr Hynds was involved in the Pōkeno Structure Plan development process and was of the understanding that residential development on the hill above the Hynds site had been ruled out through that. He noted that four complaints about Hynds' operations have already been received from nearby existing residents in the Bluff Road area. He was strongly opposed to the HVL proposal based on its expected impacts on the continuation of Hynds' activities.

37. Ms Rachel de Lambert presented landscape and visual evidence on behalf of Hynds. She stated that a key urban containment principle developed during the structure planning process for Pōkeno in 2008 was the retention of the rural backdrop to the south and west of Pōkeno. This included the identification of a height of RL100 as the ultimate limit to urban activities in those locations where expansion into the hill backdrop was deemed appropriate, due to visual sensitivity to the wider audience. She considered that this limit, and the rural backdrop, should be retained to maintain the distinctive local character and identity of the settlement and protect the cultural values associated with the ridgeline landforms. Therefore, she did not support any residential zoning above the RL100 line (shown on Figure 7 in relation to the HVL proposal). She also stated that the extent of a quarry previously consented on the HVL land would not have been visible as part of the backdrop to Pōkeno.
38. In Ms de Lambert's opinion, the HVL proposal would likely also have significant impacts on existing heavy industrial activities, such as Hynds, due to overlooking from residential properties to the land zoned Heavy Industrial. It was her experience that it was difficult to mitigate potential landscape and visual reverse sensitivity effects where elevated land overlooks industrial operations, especially for heavy industrial activities that operate 24/7. She considered that complaints and opposition to proposed expansions would result. Ms de Lambert provided a plan that showed the locations within the HVL site where overlooking of heavy industry could take place (Areas 1 and 2 on Figure 7 below). She stated that excluding these areas would adequately address reserve sensitivity matters from a landscape/visual perspective.

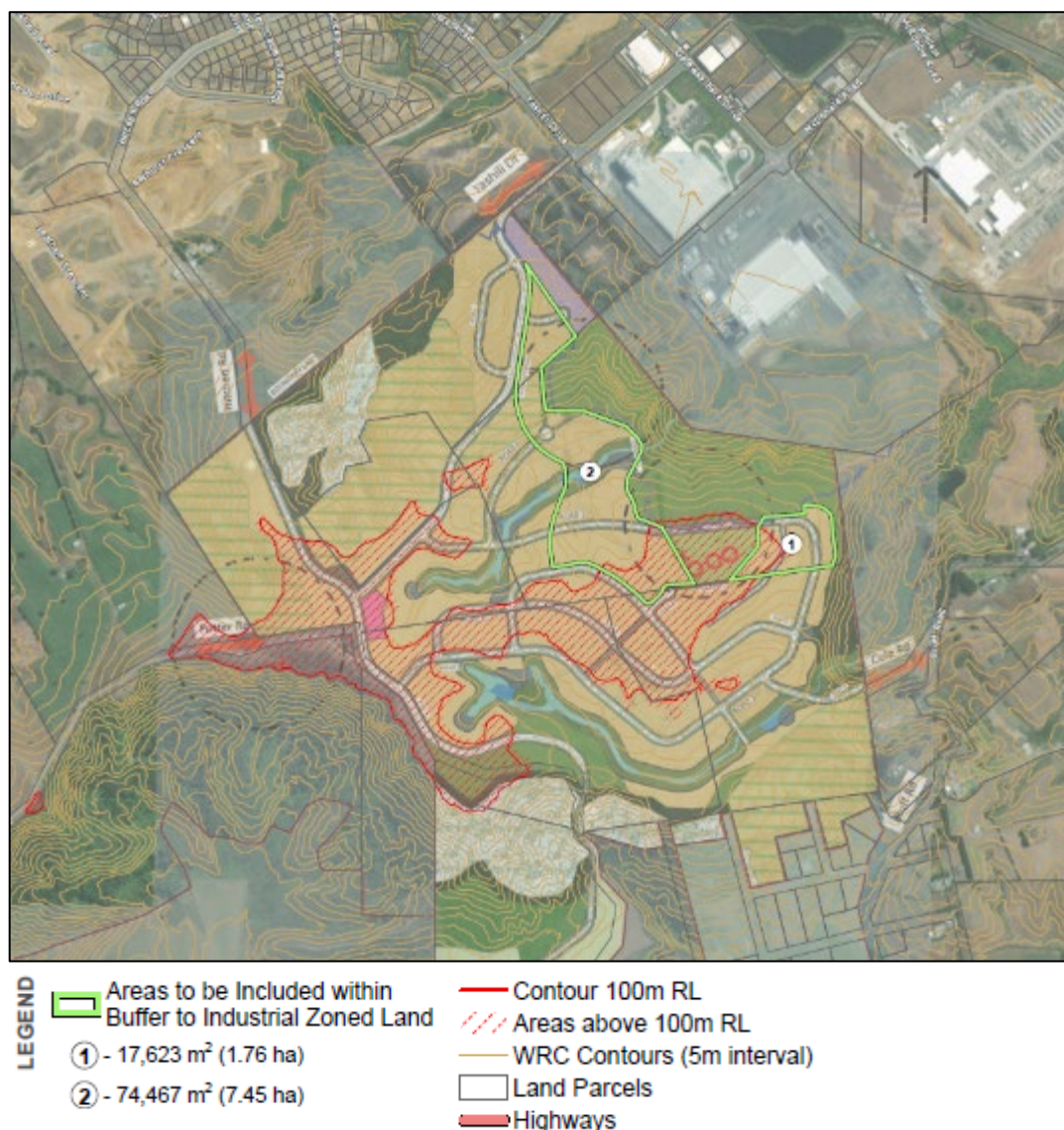


Figure 7: Exclusion areas for the HVL proposal supported by Rachel de Lambert<sup>13</sup>

39. Mr Laurie Cook presented lighting evidence on behalf of Hynds. In relation to Hynds' own rezoning proposal, he assessed that exterior lighting on the additional Heavy Industrial land could be designed to comply with District Plan standards. In relation to HVL's rezoning proposal, Mr Cook's opinion was that residents with a view of the Hynds Factory site will experience, and potentially complain about, the lighting effects of the operations, even if they comply with permitted lighting standards. He provided supplementary evidence that included his own photographs from a visit to the site, and was of the opinion that the light emanating from Hynds' operations would be conspicuous and potentially obtrusive to sensitive observers on the HVL site.

<sup>13</sup> Rebuttal evidence of Rachel de Lambert for Hynds and PVHL, Figure 1, dated 4 May 2021.

40. Mr Campbell McGregor presented evidence about stormwater infrastructure matters on behalf of Hynds. He identified a number of existing stormwater constraints that in his opinion would need to be rectified in order to mitigate existing flood risks prior to the HVL rezoning. Mr McGregor considered that HVL's revised stormwater management solution contained in Mr Pitkethley's rebuttal evidence<sup>14</sup> provided a more appropriate solution than their original stormwater proposal. However, he remained of the view that a catchment-wide stormwater assessment (including hydrological modelling) should be undertaken prior to HVL's rezoning being approved, to give confidence that the anticipated outcomes are achievable and allow for the comprehensive planning of mitigation measures.
41. Mr Todd Langwell provided traffic evidence on behalf of Hynds. Firstly, he was confident that the additional traffic movements relating to Hynds' proposed Heavy Industrial rezoning at 62 Bluff Road could be safely accommodated within the existing roading capacity. In relation to the HVL proposal, Mr Langwell stated that McDonald Road, through the existing industrial area, would provide the shortest route for future residents of that area travelling to and from Pōkeno village. His opinion was that there could be greater traffic flows on McDonald Road than indicated by Mr Hills' evidence for HVL, and he saw the need to address potential adverse effects on McDonald Road resulting from residential traffic and pedestrian movements mixing with industrial traffic. He supported the amendments to precinct provisions in Mr Mead's section 42A report that required further assessment of trip generation associated with residential zoned land and its effect on the McDonald Road corridor.
42. Mr Craig Fitzgerald presented noise evidence in support of Hynds' Heavy Industrial rezoning proposal, setting out that Hynds' current operations had been monitored and established to comply with the noise limits set by their resource consent, as well as the ODP and the PDP rules at receiver sites. He stated that the SH1 road traffic noise masked most of the noise from Hynds' operations. Mr Fitzgerald concluded that the noise effects of activities on the proposed expansion land would comply with the noise rules and would be acceptable.
43. Finally, Ms Sarah Nairn and Mr Dharmesh Chhima presented joint planning evidence on behalf of Hynds. They identified that the 'Aggregate Extraction and Processing' zone applying to land surrounding the Hynds site under the ODP did not allow sensitive activities within it, and also required dwellings to be located 500m from the zone boundary. This same land is now proposed for a substantial residential development by HVL. They considered that the Pōkeno Industry Buffer proposed by HVL had not sufficiently addressed visual/landscape, lighting, traffic, stormwater and reverse sensitivity issues. They then presented cross sections illustrating the lines of sight obtained from the HVL land to industrial buildings and activities. Ms Nairn and Mr Chhima considered that overlooking of heavy industry by residents will create a level

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<sup>14</sup> Infrastructure and Stormwater rebuttal evidence of Ryan Pitkethley on behalf of HVL, dated 3 May 2021 – including reducing flow rates to 80% of predevelopment flow rates.



of annoyance, resulting in potential complaints (even if the industrial sites were complying with resource management requirements), and potential opposition to Hynds' future resource consent applications. While they acknowledged that residential growth was needed in Pōkeno, they were concerned that the HVL proposal would occur at the expense of regionally and nationally significant industrial activities.

Yashili Dairy Company Limited

44. Ms Emma Manohar presented legal submissions on behalf of Yashili Dairy Company Limited (Yashili), which has a factory in Pōkeno and was a further submitter on the HVL proposal. Yashili was generally supportive of the ongoing growth and development of Pōkeno, and the provision of additional housing. Mr Jason Jones presented planning evidence, while transport evidence by Mr Don McKenzie and acoustic evidence by Mr Nevil Hegley was also filed. Ms Manohar and Mr Jones confirmed that the planning, transport and acoustic concerns of Yashili in relation to the HVL proposal had been addressed through expert conferencing between the two parties in May 2021 and the precinct provisions attached to the accompanying Joint Witness Statement. This included updated noise rules.

Thorntree Orchards, Cindy and Tony Young, and Parkmere Farms

45. Mr Jeremy Brabant presented legal submissions on behalf of Thorntree Orchards, Cindy and Tony Young, and Parkmere Farms (collectively TYP). These parties are landowners within a roughly triangular area of land east of SH1, south of SH2 and bordered by Avon Road, which comprises approximately 63 ha of rural land and is split between 24 different landowners. TYP sought that a Future Urban Zone (FUZ) be applied to the site. Mr Brabant noted that the TYP experts and the section 42A reporting officer agreed on the need for future residential capacity to be provided in Pōkeno, and that the site should be zoned FUZ. He stated that remaining issues could be appropriately managed at the time of a future plan change to live zone the land.
46. Mr Campbell McGregor then presented civil engineering evidence for TYP which set out that there are currently both wastewater and potable water constraints for the land, but these can be resolved. In this respect he had met with Watercare, who confirmed that Pōkeno East is planned to be serviced within the next 10 years. Mr McGregor also set out that a stormwater management solution is feasible within this catchment, which in his opinion should be confirmed through catchment management planning for Pōkeno East.
47. Mr Gary Black presented traffic engineering evidence for TYP and stated that several upgrades would likely need to be completed in order to accommodate the additional traffic expected from the urbanisation of Pōkeno East, including:
- (a) Upgrades to the intersections of SH2 and Avon Road; Fraser Road and Avon Road; Dean Road and Fraser Road; Deans Road and SH1;

- (b) Upgrades to the Avon Road, Fraser Road and Dean Road corridors to provide a constant road cross section and safe walking and cycling facilities; and
  - (c) The provision of walking and cycling facilities crossing SH1 to access Pōkeno township.
48. Mr Black stated that these upgrades were able to be implemented as part of a future plan change and subsequent resource consent applications.
49. Next, Mr Anthony Vile presented urban design evidence on behalf of TYP. He described the analysis and process he used to develop an indicative Masterplan for the site. In his view the indicative Masterplan was supportive of Pōkeno East being urbanised, and the urban development of the area could add value to the community, integrating with the existing urban area through connectivity improvements.
50. Ms Lisa Jack presented landscape evidence and was supportive of Pōkeno East being urbanised. She assessed that the landform was suitable for such development, and there were no vegetation or landscape features that would preclude urbanisation. She noted that the watercourse bisecting the site could become an enhanced amenity feature. While the location and topography limit the views from other areas into the site, in Ms Jack's opinion, it was important to maintain a sense of visual connection from the site back to Pōkeno.
51. Mr Derek Foy filed economic evidence for TYP which highlighted the economic injection associated with the future construction of 300 new houses, and the ongoing economic benefits from the expenditure of the occupants of those houses. He also stated that recent events have reduced the economic viability of existing agricultural activities on the site, and that a relatively low level of agricultural output would be lost through the urbanisation of the land.
52. Ms Clare Dobson, owner of Thorntree Orchards, filed evidence as one of the landowners in TYP. She described that since her family purchased the land in 1979, a reduction in the amount of their water take permit, and the increasing pressures created by nearby residential developments and residents accessing the dog park, have affected the ongoing commercial viability of their orchard.
53. Lastly, Mr Nicholas Grala presented planning evidence on behalf of TYP. He noted that the Pōkeno East land was within the Indicative Urban Limits in Future Proof 2017 and its future urbanisation was also supported by the Hamilton to Auckland Corridor Plan 2020, Waikato 2070 and the Pōkeno Local Area Blueprint. He referred to the section 32AA assessment he had undertaken in his evidence, which concluded that a FUZ for the land was entirely consistent with the higher order policy documents and supported by the expert analyses.

Pōkeno East Limited

54. Mr David Lawrie presented evidence on behalf of Pōkeno East Limited, who sought to rezone 114 Dean Road from Village Zone to Residential Zone, and also rezone a portion of Rural zoned land to the east of that land (at 126 Baird Road) to Village Zone. Mr Lawrie did not provide any evidence to support the Residential rezoning of 114 Dean Road sought by the submission, but continued to pursue the Village rezoning at 126 Baird Road. He set out that the notified area of Village Zone at 114 Dean Road was subject to a non-notified subdivision consent application which was almost ready to be approved, and that the developable land was now sought to be extended to the east to match the edge of a watercourse. He advised that Pōkeno East Limited was currently negotiating a developer's agreement with Council to upgrade Dean Road and provide power and telephone services, with onsite servicing required for water, wastewater and stormwater.

Pōkeno West Limited, and CSL Trust and Top End Properties

55. Mr Peter Fuller presented legal submissions for both Pōkeno West Limited, and CSL Trust and Top End Properties. Both submissions related to the zoning of land to the west and north-west of the existing Pōkeno urban area. Pōkeno West Limited sought to retain the notified Residential zoning of a 160ha site on the western side of Helenslee and Munro Roads (referred to as the Munro Block; see Figure 8). CSL Trust and Top End Properties sought the rezoning of approximately 95ha of land at 179 and 205 Helenslee Road (directly north of the Munro Block) from Rural Zone to a mixture of Country Living and Residential Zones (referred to as the CSL Block; see Figure 9).

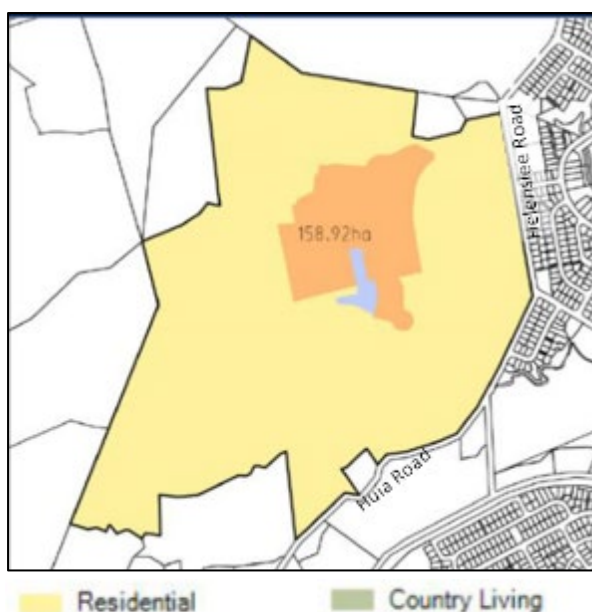


Figure 8: Pōkeno West Limited extent

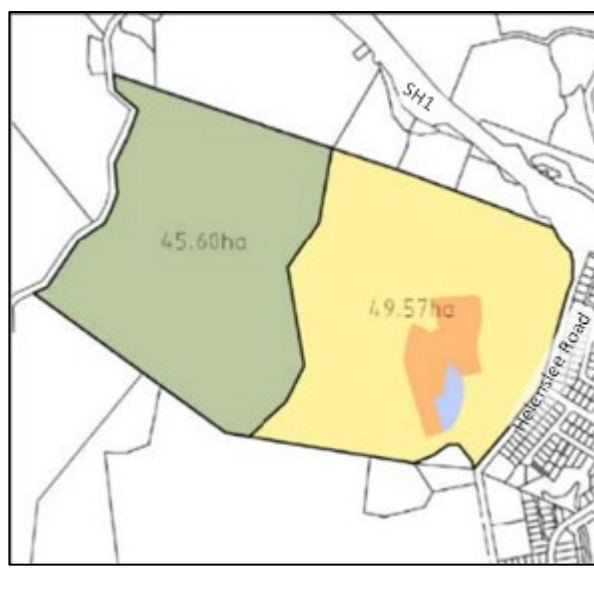


Figure 9: CSL Trust/Top End Properties extent

56. Mr Fuller emphasised that the capacity requirements of the NPS-UD are minimums and decision makers are required to err on the side of over-supply. He noted that the Country Living Zone sought was still not supported by the section 42A report author Mr Mead, while the residential components were supported by Mr Mead.
57. Sir William Birch presented evidence on development considerations and stated that the combined sites facilitate the integrated planning of the entire West Pōkeno catchment, which is an obvious location for population growth to take place. He supported Mr Mead's conclusion that the neighbourhood centres put forward through primary evidence (shown in blue on Figures 8 and 9) should not be included in the rezoning. With regards to the Country Living Zone part of the proposal, he continued to support this stating that by retaining the Rural Zone, the SNAs and several stands of Kahikatea trees will continue to be at risk of degradation from cattle grazing, whereas the planting proposed would be ecologically beneficial to the site.
58. Mr Fuller and Sir William subsequently presented a revised proposal for the proposed Country Living Zone area at the reconvened hearing on 1 July 2021, shown in Figure 10 below.<sup>15</sup> This illustrated clusters of Country Living Zone that would provide an estimated 42 lots, with the remaining areas being EPA. Mr Fuller stated that they had briefly consulted with Mr Flavell, Ngaati Te Ata, and Ms Rutherford, Ngaati Tamaoho, on the revised proposal. He explained that the roads on the plan were indicative and would be finalised at subdivision stage. Sir William further stated that the southern-most of the two indicative Ridge Road intersections could potentially be removed, and alternative road access to those clusters obtained internally within the block. The revised proposal had the support of CSL Trust and Top End Properties' expert team, and Ms de Lambert (landscape expert for Pōkeno Village Holdings Limited) also considered it a much-improved approach for this specific site.

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<sup>15</sup> CSL Trust Pōkeno West Rural Lifestyle EPA Precinct Plan and Precinct Provisions, dated 28 June 2021.

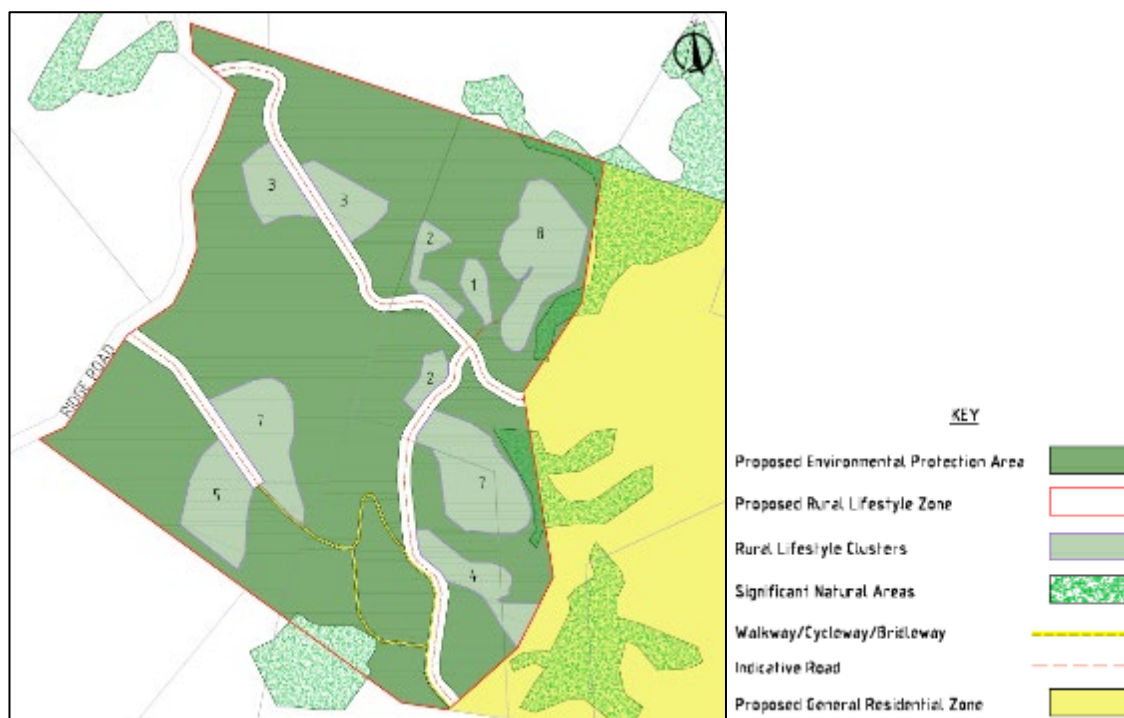


Figure 10: Revised zoning proposal for CSL Trust/Top End Properties

59. Mr Fraser Walsh presented geotechnical evidence in relation to the two blocks. He described that there are some geotechnical constraints present, with remedial measures required for the development of housing on low lying slopes that likely have alluvial deposits, and on moderately steep to steep slopes. He considered that the zoning proposed appropriately responded to the locations of these constraints. He clarified that within the proposed Country Living Zone only the house platforms had to be made safe and stable, not the whole sites, so the scale of earthworks would not be significant.
60. Mr Adam Thompson presented economic evidence on behalf of CSL Trust and Top End Properties. He noted that there was strong demand for dwellings in Pōkeno, which he considered would continue. He also emphasised that there was a high demand for dwellings at lower price points and currently properties were not generally selling for under \$800,000, which was not considered affordable. He saw an increased number of players in the Pōkeno development market as being critical to ensure an efficient and competitive market, expecting that this could result in new housing offered in the \$600-\$700,000 range.
61. Mr Thompson estimated that Mr Mead's recommendations for live zoning would provide for a total of about 2,410 dwellings but considered that only a fraction of this capacity (50-75%) should be assumed to be developed over the life of the PDP. He assessed that Pōkeno would not have sufficient residential capacity to meet any increased demand in the medium term.

62. Mr William Moore presented engineering evidence for the submitters and confirmed that, based upon his investigations and reports to date, stormwater, wastewater and water supply servicing for both blocks can be provided to enable development as proposed. He stated that stormwater catchment management planning can occur once the residential zoning of the western edge of Pōkeno has been settled and can be addressed through the subdivision and development process. He also assessed that the Munro and CSL Blocks can be developed so as to be hydrologically neutral, without having adverse stormwater or flooding effects on downstream properties or the Waikato River (allowing for climate change).
63. Mr Robert Pryor then presented landscape and visual evidence on behalf of both submitters. He assessed that both the Munro and CSL blocks have relatively low landscape values, other than the mapped SNAs. In his view there was no merit in restricting development above the RL100 contour line (as sought by other submitters), noting that this restriction was not included in the PDP and the ridges were not identified as Outstanding Natural Landscapes. Further, there was only a small encroachment of land above RL100 on the Munro Block, and for the CSL Block he considered that the Country Living Zone (including planting within EPAs above RL100) would result in a superior landscape outcome to the current Rural Zone.
64. Mr Ian Munro presented urban design evidence on behalf of Pōkeno West Limited. He stated that he had not identified anything fundamental that would prevent the land from having a live urban zone as notified. He was comfortable with either scenario of just Residential Zone applying to the Munro Block, or Residential Zone with the inclusion of a Neighbourhood Centre Zone and Medium Density Residential Zone. He recommended the addition of a precinct plan that identified the approximate locations of key roads and public open space to give direction to future development and had included such a plan in his primary evidence.<sup>16</sup>
65. Mr Billy Ho presented urban design evidence on behalf of CSL Trust and Top End Properties. He had prepared an urban design report for the CSL Block that included a masterplan depicting three different density precincts. He considered that the proposal was a reasonable outcome, and good urban design outcomes were achievable, including a diversity and choice of housing types. He also highlighted the improved public access able to be provided to SNAs and Ridge Road through the proposal.
66. Ms Jennifer Shanks provided ecological evidence on behalf of both submitters. She highlighted that the Tanitewhiora Stream and tributaries would be retained, protected and enhanced as part of the proposed development, and this would deliver valuable ecological benefits to degraded wetlands and watercourses. She supported the Country Living component of the proposed rezoning, provided that EPAs are applied to all areas of SNA, naturally rare cliff vegetation habitats and key riparian habitats. She clarified that planted areas within the proposed EPA would usually require an

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<sup>16</sup> Evidence in Chief of Ian Munro for Pokeno West Limited, Attachment 9.

Ecological Management Plan to be approved by Council, and need to be certified by an ecologist once implemented, with subdivision unable to be completed until this was done. She also stated that the retirement of land from agricultural use would have ecological benefits.

67. Mr Leo Hills provided traffic evidence on behalf of both submitters. He had assessed the cumulative traffic impacts of future growth and considered that a number of upgrades would be required for Pōkeno in the future. He also stated that the CSL Trust proposal itself would have potential impacts on Ridge Road, with the specific location of the two indicative intersections to Ridge Road able to be considered during the detailed design stage. It was his view that wider Pōkeno transport upgrades could not be determined until all zoning is finalised, and these should be facilitated through subdivisions, development contributions or targeted rates. In Mr Hills' opinion, there were detailed engineering solutions that were feasible for transport upgrades that would enable the rezoning to occur. He also considered that a comprehensive walking, cycling and public transport network should be planned for once all residential zoning is confirmed.
68. Mr James Oakley presented planning evidence on behalf of both submitters, stating that there was sufficient certainty on transport and servicing matters to enable the live zoning of the Munro and CSL Blocks. In his view, any potential adverse environmental effects were able to be sufficiently addressed, and the benefits from the zoning sought (including growth capacity and economic benefits) outweighed any costs. He considered that the sites were a logical expansion of Pōkeno, adjoining the existing urban extent. Mr Oakley stated that the CSL Block was within the Future Proof 2017 indicative urban limits, and while not identified in Waikato 2070, this does not preclude its rezoning. He considered that the application of the FUZ was not a suitable option in this case, as it would be time-consuming and affect the ability to provide timely residential capacity.

Pōkeno Village Holdings Limited

69. Ms Sue Simons presented legal submissions on behalf of Pōkeno Village Holdings Limited (PVHL) who is the active developer of the Pōkeno Village Estate and the Pōkeno Gateway Business Park. PVHL's submission sought that the Munro Block be zoned Rural, rather than the notified Residential Zone, and they were also a further submitter in opposition to many of the Residential rezoning proposals of other parties. Ms Simons set out that PVHL were not opposed to growth in Pōkeno, but were interested in ensuring that the agreed vision developed by stakeholders over many years is delivered, and that the future expansion of the town delivers good planning outcomes. She stated that the land sought to be rezoned by others has not been demonstrated as "infrastructure ready" in terms of meeting the land supply requirements of the NPS-UD.
70. Mr Colin Botica, director and project manager of PVHL, stated that the principles in the Pōkeno Structure Plan remained relevant to the ongoing development of Pōkeno. This

included that development should sit within surrounding ridgelines, protecting those ridgelines, and creating an urban village in a rural setting. He was concerned with the cumulative impacts of all the rezoning requests, noting that the stormwater and transport infrastructure in Pōkeno is already lagging behind development and requires significant investment. If further residential land was needed, in Mr Botica's view, the Munro Block (Pōkeno West Limited) was the preferred and least constrained location, while the HVL proposal was inappropriate from every perspective. He disagreed that housing could be delivered on the Munro Block at the price point of \$600,000 as mentioned by Mr Thompson.

71. Ms Rachel de Lambert presented landscape and visual evidence on behalf of PVHL. She emphasised that the Pōkeno Structure Plan was informed by landscape analysis and cultural values, and had identified that *"all land at a level above [an RL of] 100m should be excluded from potential development due to its visual sensitivity to the wider audience"*. In her assessment, such land did not need to achieve the high bar of ONL/F status for its amenity values, contribution to quality urban form and distinctiveness, to be protected. She clarified that she was not opposed to the latest proposal for developing the CSL Block above RL100,<sup>17</sup> as she considered that an appropriate amenity would be provided by clustered rural-residential development combined with planting in the EPAs. In her view, the land did not have to be specifically kept as pasture.
72. Mr Wesley Edwards presented transport evidence on behalf of PVHL, and was concerned that the cumulative traffic impacts from residential growth in Pōkeno had not been sufficiently considered. He identified that there was no comprehensive transport modelling of the impacts of the rezonings sought, and he believed that this should be appropriately done at the time of rezoning rather than resource consent, to ensure efficient and integrated development. Specific transport concerns of Mr Edwards related to:
- (a) the feasibility of connecting Pōkeno East across SH1 to existing Pōkeno;
  - (b) the feasibility of accessing Ridge Road for the CSL Block; and
  - (c) in relation to the HVL proposal, that it must have at least two access routes of a high standard, and connection to Yashili Drive should be deferred until the appropriate legal width of road can be provided.
73. Ms Dale Paice presented stormwater evidence on behalf of PVHL, and assessed that Pōkeno's proposed growth can be accommodated from a stormwater effects management and infrastructure perspective. She stated that rezoning should be supported by catchment-scale stormwater planning which considers where stormwater management devices are to be applied or avoided, floodplain extents and any new or

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<sup>17</sup> As shown in Figure 9 above.



upgraded public infrastructure required. Ms Paice considered that this should be done before any larger-scale rezoning occurred (including what is proposed/sought for Pōkeno) in order to assess cumulative stormwater effects. She clarified that she considered that mitigating stormwater to 80% of predevelopment rates was acceptable in the absence of such a plan. However, she noted that this has some downsides and can result in oversized devices with less developable area and increased operation and maintenance costs.

74. While he did not appear at the hearing, Mr Fraser Colegrave filed economic evidence on behalf of PVHL, setting out that the true supply/demand balance for Pōkeno was unclear to him. It was his opinion that Pōkeno's current rate of growth was unlikely to continue for the next 15 years. He stated that the wholesale over-provision of residential land can have serious economic consequences, including the cost of servicing new lots with bulk infrastructure. Therefore, he recommended that a FUZ be applied on some of the land sought to be rezoned, until such time as future demand and infrastructure needs are more accurately identified. Mr Colegrave also considered it important to ensure an appropriate balance between residential and non-residential land in Pōkeno, so that there was no shortage of opportunities for residents to work locally.
75. Mr Christopher Scrafton presented planning evidence on behalf of PVHL. He considered that the use of the FUZ for Pōkeno, and a requirement for structure planning before live residential zoning, were appropriate to achieve a well-functioning urban environment and assist in meeting Council's requirements under the NPS-UD and RPS. He was also concerned that there had been no analysis of employment land provision necessary to sustain the residential growth sought through other submissions. Mr Scrafton considered that live zoning land and deferring issues to later resource consent processes cannot provide for wider spatial planning considerations and provide certainty that cumulative issues, with infrastructure provision for Pōkeno, are adequately considered.

#### Waikato Regional Council

76. Ms Miffy Foley presented evidence on a number of different localities at the Raglan rezoning hearing on 1 June 2021. In relation to the proposed Pōkeno rezonings, she opposed the CSL Trust and Top End Properties proposal, including both the Residential and Country Living components. She emphasised that there are wastewater capacity and water supply issues that need to be resolved for this land and, given that the land had not been identified in Waikato 2070, she would prefer a FUZ if the land was to be rezoned. Ms Foley also expressed concerns with the Country Living rezoning component of the HVL proposal and did not support it, however she supported Mr Mead's inclusion of several of her requested amendments within his rebuttal evidence, should the Country Living rezoning proceed.

### Waka Kotahi

77. Waka Kotahi's further submission opposed a number of rezoning proposals for Pōkeno. Following a review of the submitters' evidence, Mr Michael Wood filed planning evidence which provided an updated position on these proposals, and identified that Waka Kotahi no longer opposed some of the proposals.
78. In relation to the TYP proposal for a FUZ in Pōkeno East, Mr Wood identified the large level of investment that would be required to urbanise the roading network. He noted that Waka Kotahi had previously scoped improvements associated with access to, and from, the Avon Road/SH2 intersection, but there was no confirmed funding for this project. He was supportive of a FUZ, but cautioned that funding for State Highway projects would likely take time.
79. Mr Woods advised that the CSL Trust and Top End Properties proposal was unlikely to have a detrimental impact on SH1 and did not oppose it. For the HVL proposal, he sought a refinement of the assessment criteria to ensure that the SH1/Pioneer Road intersections are assessed. He also suggested that specification within the rules of the upgrades that would be required to Bluff and/or Pioneer Road would be beneficial, so that all parties are clear on expectations. On the basis of these changes being made, he did not oppose the HVL proposal.
80. Mr Woods' opposition to the rezonings sought by Pōkeno East Limited, Anna Noakes, Withers Family Trust, and Clem and Alison Reeve remained, as there were no transport assessments prepared in support of these proposals.

### Z Energy

81. Ms Georgina McPherson presented planning evidence in support of rezoning the Z Pōkeno Truck Stop at 41 Great South Road from Business Town Centre Zone to Business Zone (with no verandah overlay). She considered this change necessary to appropriately enable the ongoing maintenance and upkeep of the site. She described expected difficulties with Z Energy obtaining resource consents for any development of the truck stop if it remains in the Town Centre Zone, in particular in relation to the urban design principles in Policy 4.5.18, Policy 4.5.20, and Policy 4.5.29. Alternatively, should the truck stop remain in the Business Town Centre Zone, Ms McPherson sought amendments to the zone provisions to ensure adequate provision for additions/alterations to the existing truck stop.

### Kāinga Ora

82. Kāinga Ora presented evidence at the hearing on 24 June 2021 on the Medium Density Residential Zone (MDRZ), which it sought to apply in multiple locations across the Waikato District, including Pōkeno. Mr Mead's section 42A report recommended the exclusion of some of the MDRZ areas sought in Pōkeno, specifically in areas of recent development, the Pōkeno School and the south-eastern corner of the Town

Centre. In response, Mr Phil Stickney and Mr Cam Wallace (planning and urban design evidence for Kāinga Ora respectively) disagreed with Mr Mead's recommendations and continued to support the amended extent of the MDRZ sought by the Kāinga Ora evidence (shown on Figure 11 below) to provide intensive residential redevelopment opportunities in the longer term.





-  Amended MDR Zoning Extent (2020)
-  Original MDR Rezoning Extent (2018)

Figure 11: Medium Density Residential Zone Extent sought by Kāinga Ora in Pōkeno

Mercury NZ Limited

83. Ms Somerville-Frost and Ms Pereira on behalf of Mercury NZ Limited (Mercury) tabled a memorandum of counsel expressing concern that decisions on land use change and intensification should be based on an accurate understanding of flooding risks. They noted that if Mercury's proposed changes to the natural hazards provisions are accepted, this may result in land being subject to greater controls to address flooding risk.

## 6 Panel Decisions

84. We note that 31 primary submission points were received on the zoning of Pōkeno and these were considered in a comprehensive section 42A report and rebuttal prepared by Mr Mead.

### 6.1 General growth of Pōkeno

85. We agree with the assessment of Mr Mead<sup>18</sup> that the integration of land use and infrastructure to support the growth of Pōkeno can occur without the need to halt live zoning of land. There are mechanisms available to address local infrastructure funding issues and funding to service the growth areas identified in Waikato 2070 is expected to be made available. Servicing requirements and their integration also apply via any subdivision consent process. We further agree with Mr Mead that most of Pōkeno's infrastructure issues are not of an order or scale that should hold up live zoning. Therefore, we have proceeded to consider each of the rezoning proposals on their individual circumstances.
86. Some submissions were made in relation to the Pōkeno Structure Plan, seeking that its approach be incorporated into the PDP and a comprehensive update to the Structure Plan be undertaken. We agree with Mr Mead's assessment that the principles that underpinned the Pōkeno Structure Plan are relevant to the consideration for individual zoning proposals, but that an updated settlement-wide structure plan is not necessary in advance of additional live zonings being applied.

### 6.2 Pōkeno South – Havelock Village

87. The HVL proposal was subject to extensive evidence, both on behalf of its proponents and multiple other submitters. We are mindful of the general economic benefits of the proposal identified by Mr Thompson and the potential contribution of the HVL land to meeting the shortage of residential capacity in Pōkeno, and these have informed our subsequent considerations.
88. We first address whether the location is technically feasible for development of the type proposed. We accept the geotechnical evidence of Mr Lander that the HVL site is suitable for rezoning from a geotechnical perspective, with the incorporation of the proposed 'Residential Slope' overlay and EPAs to limit residential densities on the more constrained land (where remedial measures will be required for the construction of dwellings). We also heard from Mr Munro and Mr Hills that the site's contours have been assessed in terms of being able to deliver the indicative roads. We have considered Dr Ussher's ecological evidence and agree that the ecological values of the site do not preclude its urbanisation. We are supportive of the EPA and SNA overlays proposed but need to ensure that the intended ecological enhancement and restoration outcomes would, in fact, be realised and note that the updated precinct

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<sup>18</sup> Section 42A report: Zone Extents – Pokeno, by David Mead, Paragraphs 81-89, dated 14 April 2021.

provisions (in conjunction with the development layout and overlays proposed) have attempted to provide reassurance in this respect. This includes a matter of discretion relating to the ongoing management and legal protection of the EPAs, which we would prefer to be a condition of restricted discretionary subdivision. While our attention has been brought to the possibility of undiscovered archaeological sites being present in the area, the proposal avoids the modification of known potential historic and archaeological sites. Overall, we conclude that the HVL proposal is technically feasible.

89. We now turn to consider whether the HVL location is appropriate for urban expansion from a strategic perspective. The land is partly within the Future Proof 2017 indicative urban limits and Waikato 2070 has identified the land for residential growth. It is contiguous with the existing urban area, and the residential component can provide for a compact urban form. The land is reasonably accessible to the urban amenities in the township, with connectivity improvements able to be made.
90. In respect of the Country Living Zone proposed in the south of the HVL site, we are satisfied that urban-style and scale development is inappropriate in this area but that the proposed Country Living zoning does not conflict with the future expansion of Pōkeno. The area can be connected back to urban Pōkeno through the residential part of the proposal. We also recognise that the proposal provides a method for protecting sensitive ecological areas and landscapes. We consider that the proposed Country Living Zoning, with associated environmental enhancements to be protected in perpetuity, would create a logical southern boundary to the township.
91. Water and wastewater servicing for the proposed residential portion of the site was confirmed to be feasible, planned to be funded and able to be facilitated through the subdivision and development process. We are satisfied that the infrastructure and subdivision provisions of the PDP will require appropriate servicing to be provided for development. While we acknowledge the benefits in undertaking a catchment wide stormwater analysis, as identified by Ms Paice, we do not see this as being required before the HVL site can be rezoned. In this case, sufficient analysis has been undertaken to demonstrate that a feasible stormwater solution can be achieved. We consider that stormwater issues can be suitably managed through the current PDP provisions and future resource consent processes.
92. While reverse sensitivity effects need to be examined due to the proximity of the HVL land to industrial activities, these effects relate to part of the site only and, in our view, do not make the entire proposal strategically inappropriate.
93. Overall, we consider that the HVL proposal has no fundamental inconsistencies with the statutory framework for growth (as set out in the overarching Rezoning Extents report) and the land can be considered for urban and rural-residential development. Further, we consider that sufficient technical assessments have been undertaken and there is enough surety on infrastructure servicing matters to support a live zoning

rather than a FUZ. It would, in our view, be more effective to incorporate this in the PDP rather than rely upon a future plan change or resource consent.

94. Having generally established that development is feasible and strategically appropriate on this site, we turn to consider the details of how the land should be developed. In doing so we note that opposition to the proposal was largely on the basis of landscape, cultural and reverse sensitivity effects of the residential component of the proposal (rather than the rural-residential part).
95. Opposing positions were presented to us on the relevance and importance of the RL100 line for managing both landscape and cultural effects. While it is clear to us that the Pōkeno Structure Plan no longer provides for the projected growth needs of Pōkeno, we consider that the Structure Plan direction to exclude all land at a level above RL100 from potential development remains a relevant matter that we must have regard to. We agree with Ms de Lambert that this land does not need to be classified as an ONL/F for it to be locally important to the identity and character of Pōkeno, and worthy of protection, to the extent that this could outweigh the general benefits of increased housing supply. With regards to the proposition that there are no limitations relating to RL100 included within the PDP, we note that the PDP zoned very little residential land above RL100 (only a very small part of the Munro Block), and such limitations have not been necessary to date. Rather, the need for such limitations is an appropriate consideration when rezoning proposals affecting such land are received.
96. Having considered the relevant statutory framework, it is our view that the RL100 contour does not necessarily need to be applied as a hard line and a nuanced approach may be possible, which still adequately achieves the intended Pōkeno Structure Plan outcomes. However, no such approach was presented to us by HVL and their proposal included a significant amount of residential development above RL100, some of which is on ridgelines (meaning that there is no higher elevated land above the proposed development that would be preserved as an open backdrop to Pōkeno). Our assessment of the evidence provided is that developing these areas will undermine the coherence of the southern natural backdrop to the town and will also have adverse cultural effects. As such, we have excluded land above RL100 from having a residential zoning and retained this land as Rural Zone.
97. We then considered whether any further restrictions or exclusions are required to address reverse sensitivity effects. We have carefully examined the potential effects of locating a residential development in proximity to Heavy Industrial activities, taking into account the mitigation measures incorporated into the HVL proposal. We agree with Mr Mead's interpretation of relevant PDP policies that adverse noise effects should be avoided and other reverse sensitivity effects should be mitigated.
98. In terms of noise effects, there was agreement between experts for HVL and Yashili on the noise provisions (noting that Hynds did not provide noise evidence with respect to the HVL proposal). We are satisfied that the proposed provisions relating to the

Pōkeno Industry Buffer no-build area, design requirements for dwellings in the 40 dB contour, and acoustic barrier requirement will achieve acceptable noise outcomes within the residential portion of the development.

99. We also accept the evidence that light emissions and air discharges from the industrial activities will be able to comply with relevant regional and district plan standards, as experienced at the proposed dwellings. However, despite industrial activities operating in compliance, we also accept that it is still possible for residents to experience perceived effects, and in fact this has been evidenced by the complaints received by Hynds to date. We do not consider that all views of industrial buildings from dwellings must be avoided, but we do accept that dominant views of lighting and air discharges from industrial activities and experiencing accompanying noise can generate concerns from residents. We also consider that the presence of nearby residential activities has the potential to influence the consideration of future industrial expansions during the consenting process. In particular, "Area 1" to the west of Transmission Hill, as identified by Ms de Lambert, is physically close to the Synlait site, at a high elevation and has an eastern outlook over the southern portion of the Hynds site.
100. We have reviewed the photographs provided by Mr Pryor and the cross sections prepared by Mr Pitkethley as well as undertaking our own site visits and we consider that the planting of the EPA will not provide enough screening of existing and future industrial activities from proposed dwellings in Area 1. We agree with Mr Mead's assessment that residential activity should be excluded from this area due to potential reverse sensitivity effects resulting from dominant views of lighting and air discharges, which would be difficult to minimise through subdivision design. The exclusion of this area, instead of adding the land into the EPA, will have the added benefits of extending the natural backdrop provided by Transmission Hill hilltop park and the EPA, and maintaining Transmission Hill as a visually prominent feature. These merits were apparent to us after examining the additional visual information representing the proposal, which we requested that HVL provide, following the hearing (see Figure 12 below).



Figure 12: Photograph from Pōkeno industrial area with proposed zones and overlays located<sup>19</sup>

101. We do not consider it necessary to exclude “Area 2”, as identified by Ms de Lambert, from residential development, due to the different profile of this land, because we are satisfied that subdivision design, earthworks contours and landscaping measures are able to address the potential for reverse sensitivity effects. In this regard, we agree with Mr Mead’s suggested amendments to the precinct provisions to include discretion over lot aspect and size at the subdivision stage. This will promote flexibility in how future homeowners are able to orientate their houses to minimise views of the industrial activities, which is particularly relevant for houses in “Area 2”.
102. As a result of these decisions, we are left with the zoning and overlay pattern shown in Figure 13 below for the HVL site. We have identified that some of the indicative roads also cross land above RL100, and that this is necessary to provide connection between the Residential zoned areas and through to Yashili Drive and Hitchen Road. For the most part, these roads follow existing farm tracks and paper roads. We are satisfied that the landscape effects of the roads would not be of the same degree as the landscape effects of residential development above RL100, and can be mitigated through the development process. We also support the intent of the matter of discretion for subdivision included in the latest version of the precinct provisions. These refer to road design and alignments avoiding and minimising visual and physical disturbance of the upper flanks of Transmission and Potters Hills.

<sup>19</sup> Havelock Location Plan Images – 6 August 2021 as provided by HVL.



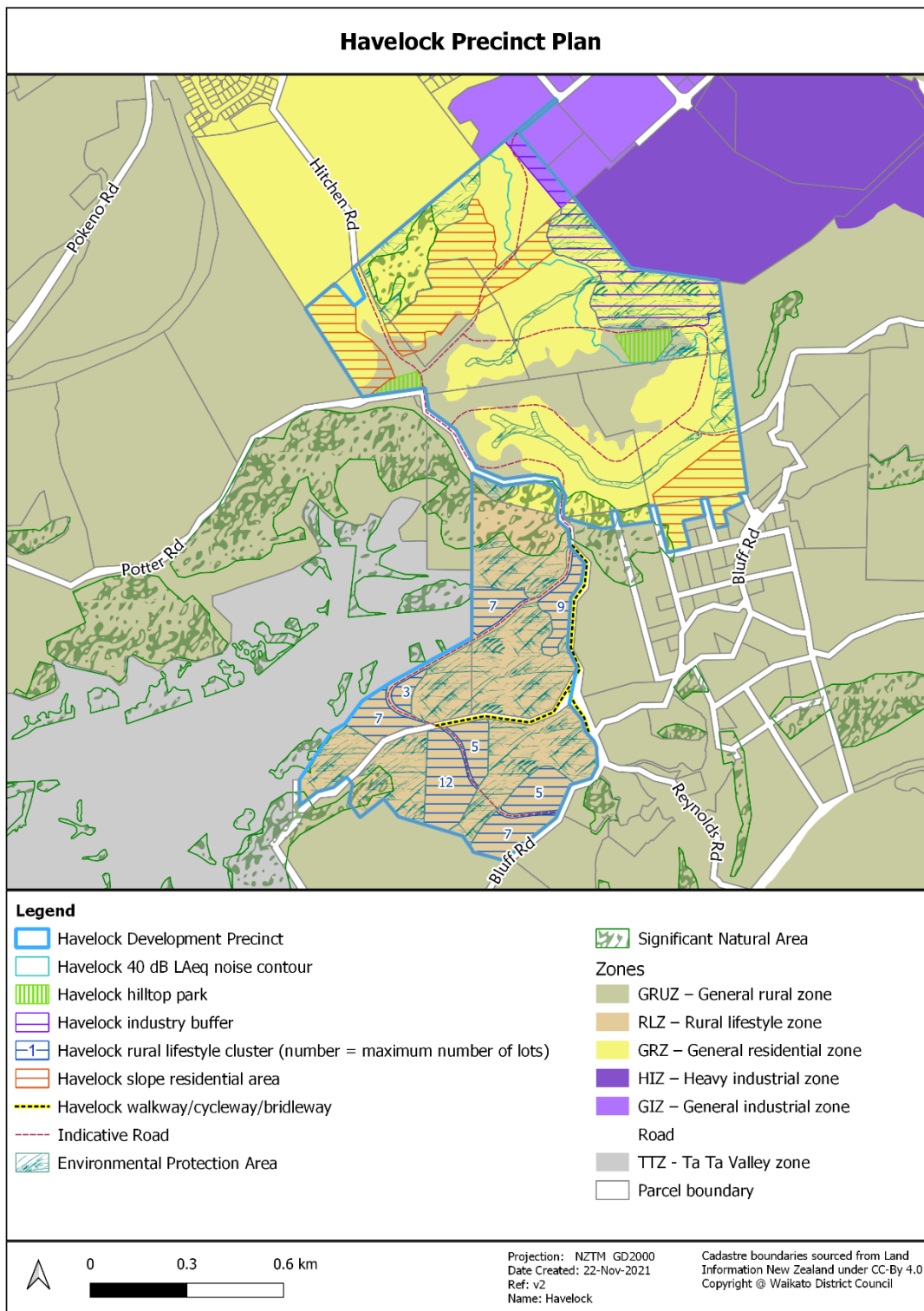


Figure 13: Revised precinct plan for HVL site

103. We have also concluded that the proposed Neighbourhood Centre should be removed, because it is on land above RL100. We do not see this as a significant issue as the need for, and suitable location of, a replacement neighbourhood centre can be

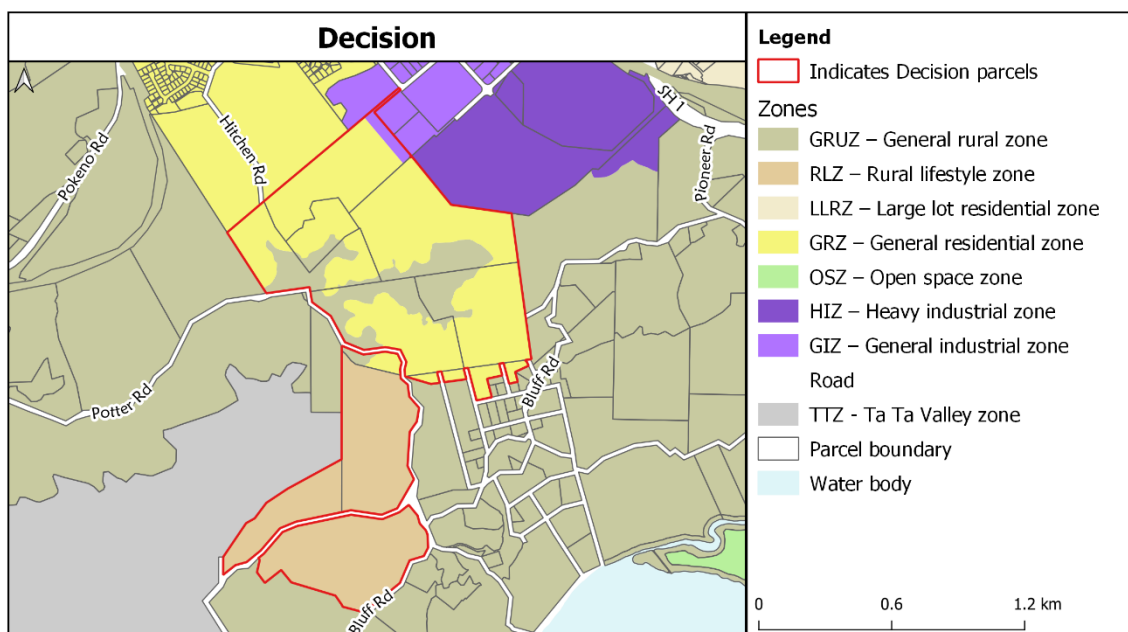
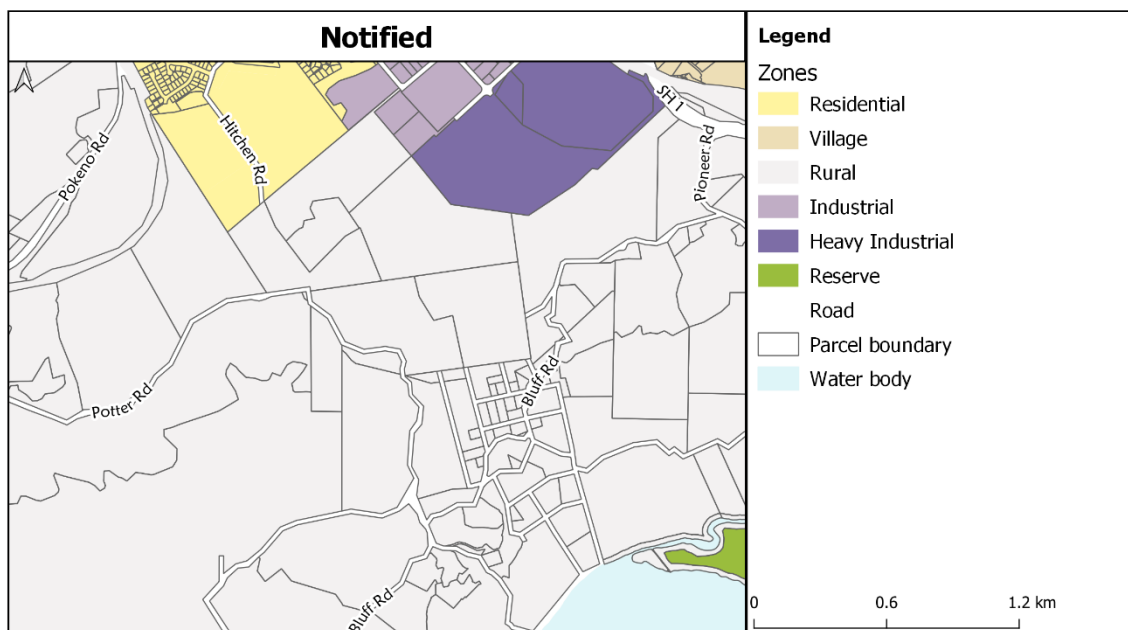
considered in light of the revised zoning arrangement and could potentially be established via a resource consent process in the future.

104. While we expect that the exclusion of land above RL100 from residential development will address some of the issues raised by Ngaati Tamaoho and Ngaati Te Ata, we acknowledge that some cultural concerns are likely to remain – a key one being landscape modifications for the construction of roads. We generally agree with the assessment of Mr Mead that the effects of earthworks will be able to be addressed and mitigated via future subdivision and development applications. The proposed development will not affect known historic and archaeological sites and the exclusion of buildings on land above RL100, as well as an enlarged buffer area on the south-western flank of Transmission Hill, will ensure visual presence of the ridgelines and the Hill as viewed from Pōkeno. We also consider that reserving discretion over cultural effects for subdivision consent applications will be of assistance in addressing cultural concerns.<sup>20</sup>
105. According to the rebuttal evidence of Mr Munro, the removal of land above RL100 will result in the HVL development yield being reduced by approximately one quarter.<sup>21</sup> As a result, we consider that the economic benefits identified by Mr Thompson, and associated social benefits from the increase in residential capacity, will be reduced as a result of our decision but are nevertheless still substantial.
106. Lastly, in respect of the transport effects of the proposal, we consider that the specific effects of the HVL proposal have been identified and suitably addressed by way of the proposed precinct provisions. We also acknowledge that there will be wider transport upgrades required as a result of the cumulative effects of Pōkeno's growth, but do not see the imperative to introduce Pōkeno-specific subdivision criteria to enable this to be addressed.
107. As a result of the above decision, we have amended the PDP maps as follows:

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<sup>20</sup>As included in the HVL precinct provisions dated 30 June 2021 and amended by us.

<sup>21</sup> Rebuttal evidence of Ian Munro for HVL, Paragraph 4.3(e)(iii), dated 3 May 2021.



108. The amended planning provisions for Havelock Village and the Havelock Village precinct plan are in **Attachment 1**.

109. We generally agree with much of the section 32AA evaluation undertaken by Mr Tollemache, as modified by Mr Mead when he evaluated that additional measures should be introduced to minimise reverse sensitivity effects for the industrial developments. Additionally, we have included a further change to remove land above RL100 from the rezoning. We therefore adopt the section 32AA analysis of Mr Tollemache, as modified by Mr Mead, except to the extent set out below.

*Other reasonably practicable options*

110. The options we evaluated included retaining the notified Rural Zone for the site (rejecting the HVL submission in full), accepting the HVL submission in full, and accepting a modified version of the rezoning request.
111. We concluded that the location is technically and strategically appropriate for residential growth, however restrictions over certain areas are required in order to address adverse effects. We consider it beneficial for the development capacity of the remainder of the land to be able to be realised. We therefore determined to accept the rezoning in part.

*Effectiveness and efficiency*

112. The modified rezoning and precinct provisions represent a balance between achieving the strategic objective of meeting residential capacity targets, and achieving other PDP objectives and related policies around managing reverse sensitivity effects and promoting well-functioning urban environments.
113. The objectives of the PDP are appropriately achieved through the application of the revised HVL zoning, precinct plan, precinct rules and assessment criteria. In the precinct provisions, we have added the ongoing legal protection of the EPA planting as a standard rather than a matter of discretion, as we consider this to be necessary if the level of mitigation provided by the planting is to be maintained in the long term.

*Costs and benefits*

114. The modified rezoning and precinct provisions reduce the housing yield, compared to the HVL proposal, by approximately 25%. The identified economic growth and employment benefits from housing development will reduce accordingly. The modified rezoning is, however, considered to have reduced social and cultural effects, as it excludes an area of particular cultural concern from residential development and better protects the local landscape character and identity of Pōkeno.
115. We agree with Mr Mead's assessment that the economic costs in respect of reverse sensitivity mitigation need to be seen in the context of the economic and social benefits delivered by the industrial activities and their ongoing role in the district.<sup>22</sup>

*Risk of acting or not acting*

116. There is sufficient information on the costs to the environment, and benefits to people and communities, to justify the amendment to the rezoning.

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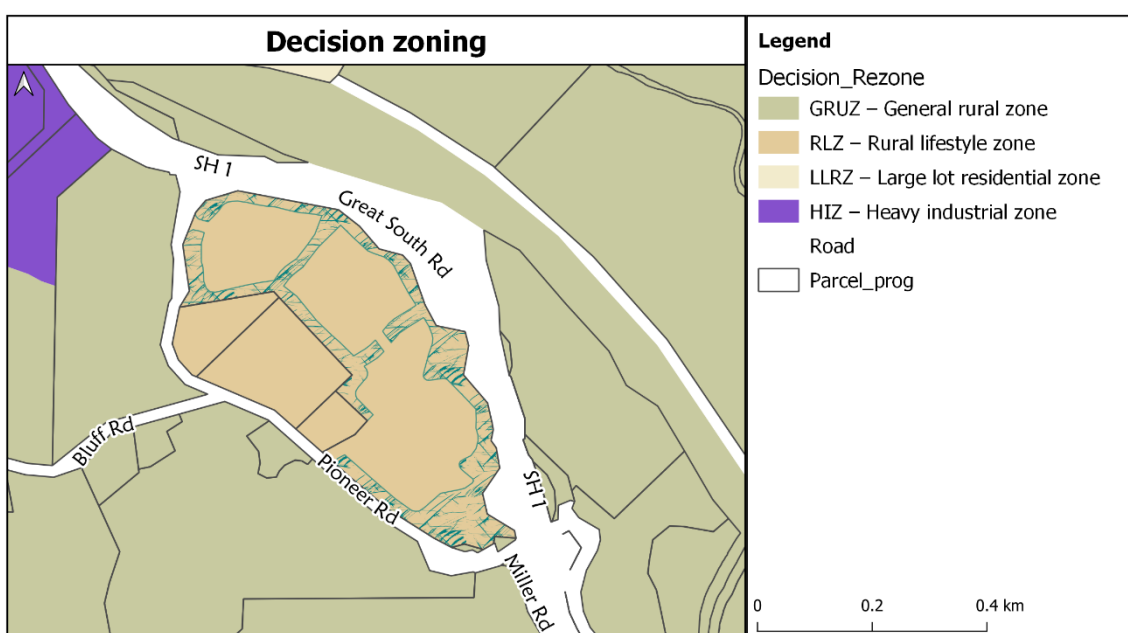
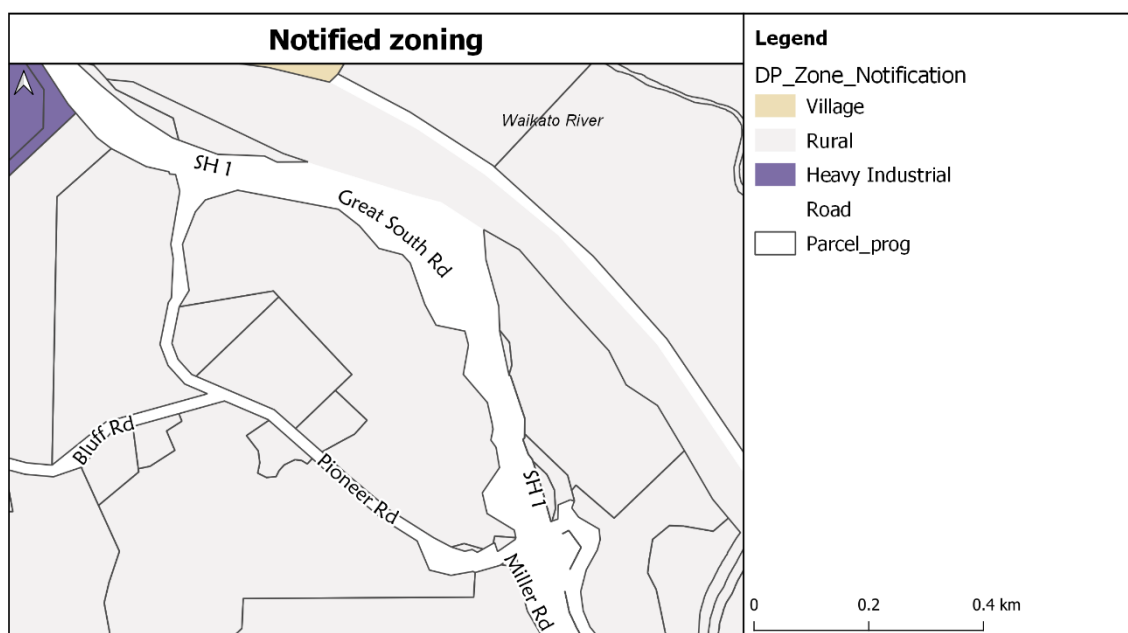
<sup>22</sup> Section 42A report: Zone Extents – Pokeno, by David Mead, Paragraph 355, dated 14 April 2021.

*Decision in respect of the most appropriate option*

117. For the above reasons, the amendments to the HVL rezoning request are considered to be a more appropriate way to achieve the objectives of the RPS and PDP than the proposal as advanced.

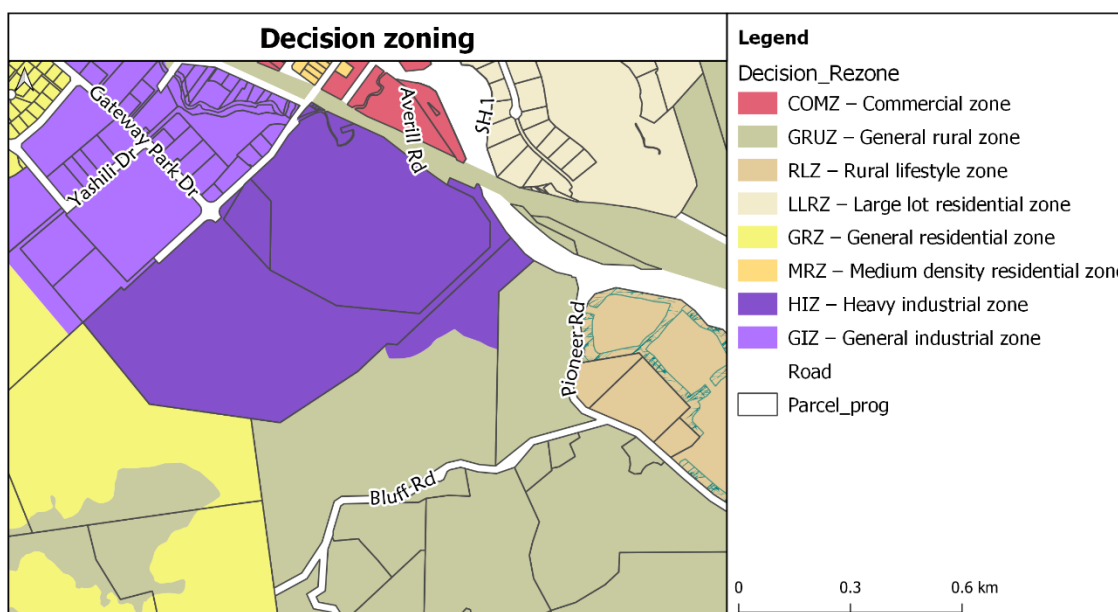
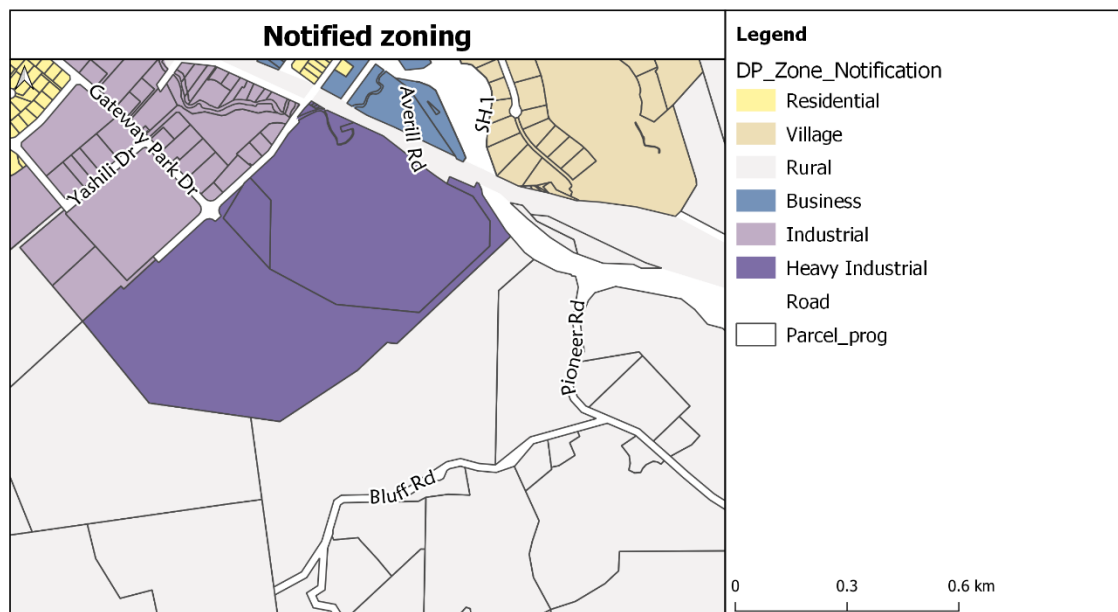
**6.3 Pioneer Road Country Living Zone**

118. We are satisfied with the revised version of the Hopkins proposal to rezone 67 Pioneer Road as Country Living Zone with an EPA overlay. This site can be developed to orientate dwellings towards the north-east, not looking directly over industrial land. We therefore do not consider it to have the same potential reverse sensitivity issues as the HVL land. Similar to the Country Living portion of the HVL proposal, we consider that the rural lifestyle development of this land, combined with the extensive EPA planting, would be able to provide a soft edge to the Pōkeno township and an appropriate transition from the SH1 motorway to Rural zoned land. As it is an isolated site and the EPA rules will require the legal protection of planted areas, as appropriate, we are satisfied that the area will not transition to having a more urban nature over time and result in urban 'creep'. We therefore amend the PDP maps to apply a Country Living Zone and EPA overlay to the site, and also amend the PDP provisions to promote subdivision in accordance with the lot layout indicated on the submitter's plan (Figure 5).



#### 6.4 Bluff Road Heavy Industrial Zone

119. Hynds sought a 4.27ha extension of the Heavy Industrial Zone over land adjacent to its factory. We accept the submission from Hynds in so far as it relates to the land outlined below. We agree with the section 32AA evaluation undertaken by Ms Nairn and Mr Chhima and consider that the additional area of Heavy Industrial Zone is appropriate given the need for additional Industrial zoned land. We further consider that the proposed revegetation of the Rural zoning of the majority of the site as a buffer to neighbouring properties is beneficial. We accept the evidence of Hynds' experts that the traffic, noise and lighting effects of the rezoning will be acceptable. We therefore make the following amendments to the PDP maps:



### 6.5 Pōkeno East

120. We consider that the TYP land in Pōkeno East is suitable for the application of the FUZ. This location is generally seen as appropriate for longer term growth by Future Proof 2017 and Waikato 2070. While infrastructure constraints currently exist, the evidence has demonstrated to us that these can be resolved. In particular, we are persuaded by the evidence of Mr Black that transport solutions are possible, and agree with him that these are appropriately addressed at plan change and resource consent stage. The need for an unfunded, larger scale State Highway project to take place particularly supports a FUZ being applied rather than a live zone in this case. We also find it relevant that Mr Wood’s evidence for Waka Kotahi supports the proposed FUZ.

We agree with the section 32AA assessment prepared by Mr Grala finding that the FUZ on the TYP land is the most appropriate way to meet the objectives in the PDP. The PDP maps should therefore be amended as follows:



## 6.6 Dean Road and Baird Road Village Zone

121. Pōkeno East Limited sought to extend the Village Zone to the east at 126 Baird Road, which was notified as Rural Zone, and rezone an adjoining area of Village Zone land to Residential Zone. Planning evidence only was provided by Mr Lawrie, and we agree with Mr Mead that the necessary technical analysis that would have been required to support the rezoning sought was not provided. Our concerns include infrastructure and access issues, topographical constraints, presence of wetlands and SNAs, and



potential for reverse sensitivity effects with adjoining farmland. The site also lies outside the Waikato 2070 Pōkeno East growth cell and would be an ad hoc extension to this existing area. For these reasons, we consider the rezoning sought to be inappropriate.

#### 6.7 North-West Pōkeno – Munro and CSL Blocks

122. We consider that the notified Residential Zone on the Munro Block is a suitable location to provide valuable additional housing capacity in Pōkeno, and that it should be retained. Of the four opposing submitters, evidence was only received on behalf of PVHL, who primarily opposed it on the basis of cumulative effects and wider strategic matters relating to infrastructure servicing (which we have already addressed in section 6.1 of this decision). We understand from Mr Moore that infrastructure servicing of the Munro Block is feasible, and we consider that the PDP provisions in the Infrastructure Chapter are robust enough to ensure that development does not proceed prior to water and wastewater servicing being available. We consider the minor encroachments of Residential Zone above the RL100 line on the Munro Block to be acceptable under these circumstances, given the small size of the encroachments and the continued retention of the rural land directly above the block extending up to Ridge Road that provides a rural backdrop.
123. We accept the reasoning of Sir William Birch and Mr Mead that the zone for the Munro Block should be solely Residential, and areas of MDRZ and Neighbourhood Centre Zone should not be applied within the block at this time. We acknowledge that a precinct plan showing indicative roads and open space was suggested to be applied to the Munro Block by Mr Munro, particularly if the medium density scenario was supported. We have not included such a precinct plan, however the developers will be able to utilise and implement their concept masterplan through the subdivision process.
124. We then turn to the neighbouring CSL Block, and we consider that the proposed Residential Zone portion of this land is a logical expansion of Pōkeno, contiguous with the existing urban area and the Munro Block. We consider that the Residential Zoning of this land, in conjunction with the Munro Block, will provide an integrated approach to urban form and infrastructure planning along the north-western urban periphery of Pōkeno. The viability of transport connections into the CSL Block from Helenslee Road has been demonstrated by Mr Hills. The infrastructure assessment provided by Mr Moore has demonstrated that the effects of development can be appropriately managed, including the generation of stormwater so as to not create any downstream effects.
125. Despite the evidence of Mr Thompson, we are not convinced that truly affordable housing will be provided on either the Munro or CSL Block, but in any case, we still see economic and social benefits arising from increasing residential land supply and increasing competition in the development market.

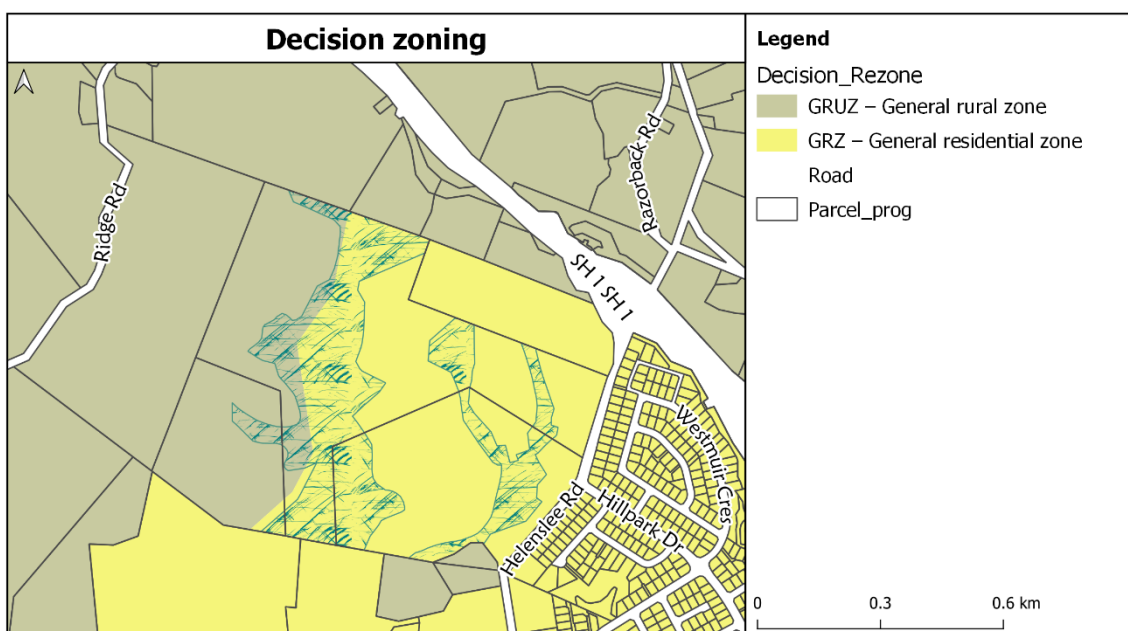
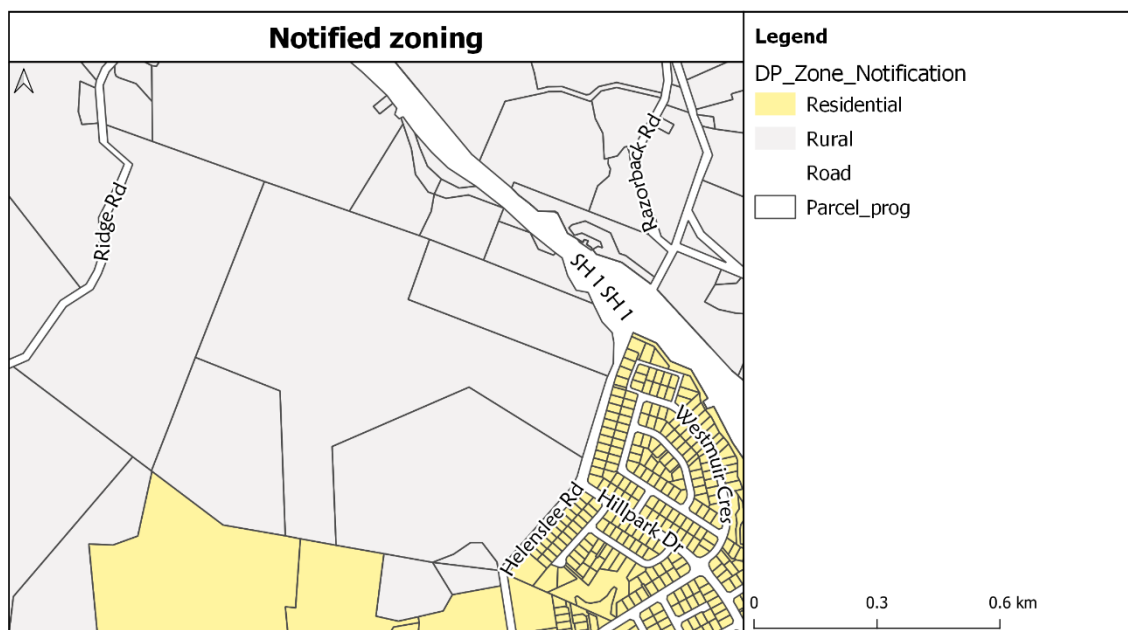
126. The proposed Country Living portion of the upper part of the CSL Block was a more difficult proposition. We accept the evidence of Mr Walsh that the development of the proposed Country Living zoned sites is geotechnically feasible, albeit needing to be comprehensively designed on the very steep land. We also acknowledge the ecological benefits that would result from the revised proposal to plant substantial EPA areas, providing additional protection of SNAs, instead of the current grazing use of the land. We also recognise the potential benefits of improved connectivity to Ridge Road from Pōkeno.
127. However, after careful consideration, we agree with Mr Mead that the upper part of the CSL Block should be retained as Rural Zone rather than being Country Living Zone. We are concerned that roading, services, building platforms and dwellings will substantially modify the landscape values present in this area and undermine the coherence of the town's northern rural backdrop. While the revised EPA proposal secures a higher degree of naturalness than the initial proposal, we have determined that the proposed development will still create a substantial change to rural character. We note that there was also iwi opposition to developing this steep, elevated land and we have residual concerns about the feasibility of providing safe connection(s) to Ridge Road.
128. Having determined that the Residential Zone should be applied to part of the CSL Block and remain on the Munro Block, we then considered the ecological effects and whether the proposed zoning gives effect to Te Ture Whaimana o te Awa o Waikato (Vision & Strategy for the Waikato River). We heard evidence from Ms Shanks and Mr Moore that the proposal could maintain and enhance streams and water quality through the stormwater management measures and riparian planting of waterways, thereby contributing to the restoration and protection of the health and wellbeing of the Waikato River (which this catchment ultimately drains to). However, we are concerned that under the standard PDP Residential Zone provisions there are no rules that actually require the development and implementation of an Ecological Management Plan, including riparian planting, as Ms Shanks had recommended for this land. As a result, we have included an Environmental Protection Area overlay over the areas on the CSL Block where Ms Shanks' evidence supported riparian planting (see dark green areas on Figure 14 below), which will have the effect of requiring planting upon subdivision. We have also added a provision in relation to the Munro Block that requires the consideration of planting stream margins at the subdivision consent stage.



Figure 14: Draft Concept Plan for CSL Trust and Top End Properties<sup>23</sup>

129. Having considered the evidence and the direction of the higher order planning documents, we accept the submission from Pokeno West Limited (originally Annie Chen Shiu) and accept in part the submission from CSL Trust and Top End Properties, as we consider that the CSL Block is most appropriately split zoned between Residential Zone and Rural Zone. We agree with the section 32AA evaluation as undertaken by Mr Oakley, and amended by Mr Mead, with the addition of mechanisms to secure the delivery of the expected riparian planting set out above. We amend the PDP maps as follows:

<sup>23</sup> Rebuttal evidence of Jennifer Shanks for CSL and Top End Properties, Appendix 3.



### 6.8 Business zones

130. We acknowledge the predicament of Z Energy with regards to the Town Centre zoning of their Pōkeno truck stop, and agree with Ms McPherson that using the resource consent process to facilitate any future developments of the Z Pōkeno truck stop may be challenging within the Town Centre Zone. However, on balance we consider that providing for the future environment and amenity of the town centre is a more important outcome than better facilitating the expansion of the current truck stop. The truck stop has existing use rights to continue to operate in its current form. We are disinclined to change the zoning of the site or make any special provision for the truck

stop within the zone rules. We consider that the notified Town Centre zoning and provisions are the most appropriate way to meet the PDP objectives.

131. Janet Elaine McRobbie sought the rezoning of two sites to Business Zone, and did not provide any evidence. We concur with Mr Mead that these are logical requests providing for additional business land and (in the case of the second site) avoiding reverse sensitivity effects of residential development adjacent to SH1. We agree with Mr Mead’s section 32AA assessment and consider that a Business Zone on these sites is the most appropriate way to meet the objectives in the PDP. We therefore accept these two submissions from Ms McRobbie, and amend the planning maps as follows:

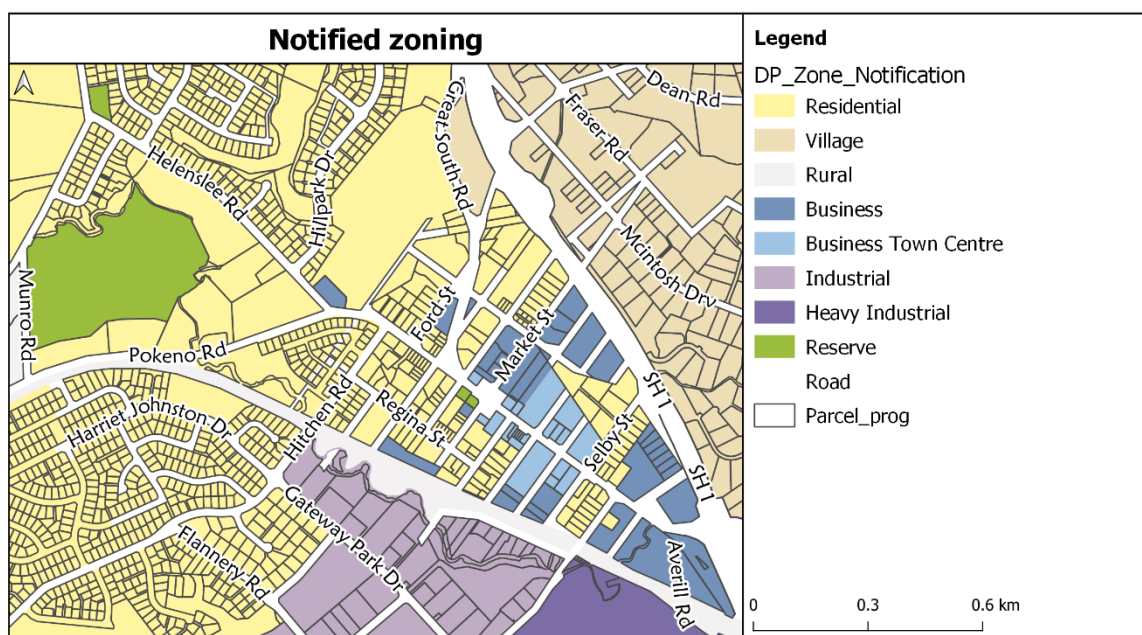


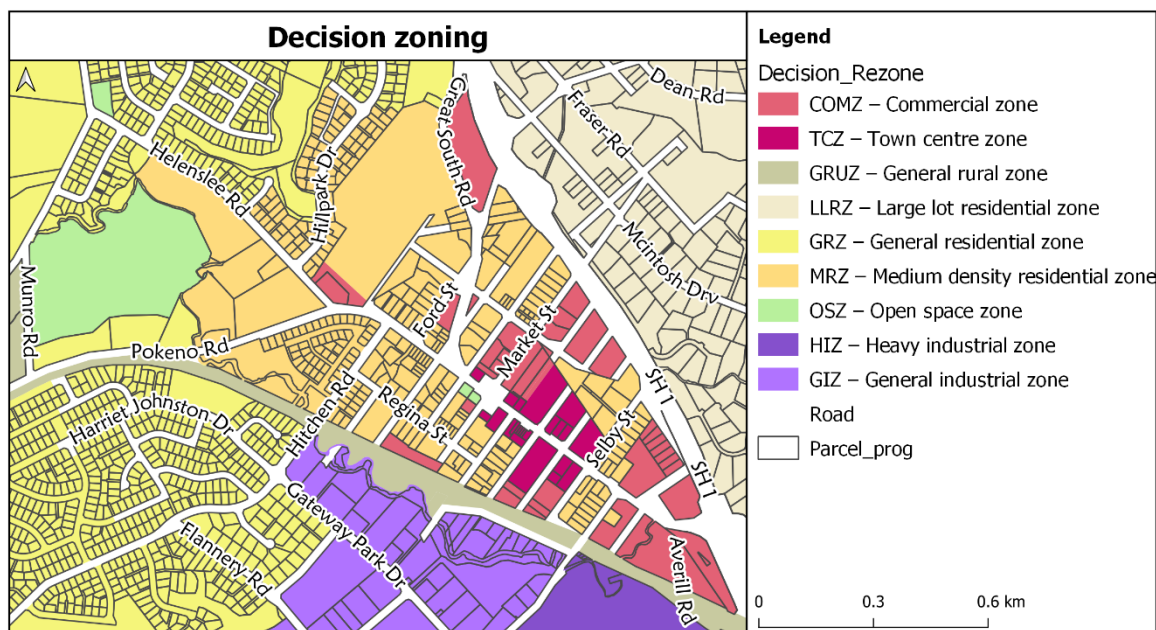
### 6.9 Medium Density Residential Zone (MDRZ)

132. Kāinga Ora sought the introduction of a new MDRZ and identified Pōkeno as being suitable. Having considered the submission, evidence and section 42A

recommendations, we consider that the MDRZ is appropriate in parts of Pōkeno, given the growth projections and demand for accommodation there. The MDRZ will enable more housing stock, provide lifestyle choice and give effect to NPS-UD Policies 3 and 4, which seek to improve land flexibility in existing urban boundaries through enabling and providing for higher density development in appropriate locations.

133. We now turn to consider the appropriate location of the MDRZ in Pōkeno. Mr Mead recommended some reductions to the extent of the zone sought in Mr Stickney's evidence. We disagree that there is any need to exclude the Pōkeno School or areas of recent development from the MDRZ, and consider that there is still merit in applying the MDRZ in these areas. We also prefer Mr Stickney's evidence that the south-eastern corner of the Town Centre area (currently Residential) should be zoned MDRZ rather than left for possible future town centre expansion, as the town centre plan in Waikato 2070 has indicated the area as being developed into townhouses (2-3 levels).
134. We agree with the section 32AA evaluation undertaken by Mr Stickney and consider that MDRZ for these sites is the most appropriate way to meet the objectives in the PDP. We therefore accept the submission from Kāinga Ora in respect of Pōkeno, and amend the planning maps in the following way:





## 6.10 Other submissions

135. Six locations on Figure 3 above remain to be discussed (2, 9, 10, 11, 17 and 19), and no evidence was presented to support any of these submissions. Five of these sought rezoning of Rural land on Pōkeno’s western edge to urban zones (generally Residential), and one sought to retain the notified Village Zone. In the absence of any evidence, we agree with Mr Mead’s analysis and recommendations in respect of the following submissions, and have made no changes to zoning at the relevant addresses:

- (a) M & J Balchin (27 Macks Road) – retain Village Zone;
- (b) Kwanghoon Yang (7 Munro Road) – retain Rural Zone;
- (c) Se Gi Noh (166 Pōkeno Road) – retain Rural Zone;
- (d) Withers Family Trust (135 Potter Road) – retain Rural Zone;
- (e) Anna Noakes (157 Potter Road) – retain Rural Zone; and
- (f) Clem & Alison Reeve (243 Pōkeno Road) – retain Rural Zone.

## 7 Conclusion

136. We accept the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.

137. Overall, we are satisfied that the zoning pattern in Pōkeno (and the activities / development enabled by those zones) will provide a suitable framework for managing growth within Pōkeno for the lifespan of the PDP.

**For the Hearings Panel**



**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**



## Attachment 1 - Amendments to Chapter 16 Residential Zone, Chapter 23 Rural Lifestyle Zone and Consequential Amendments

Amendments directly related to Havelock Village Limited in [blue track changes](#).

Amendments directly related to other Pōkeno submissions in [green track changes](#).

Other amendments ([red track changes](#)) are recommendations from section 42A reports for Hearings 10 and 12 for context.

### Amendments to Chapter 16 Residential Zone

#### [16.3.3.5 Height – Buildings or structures adjoining Hilltop parks – Havelock Precinct Plan Area](#)

<a href="#">P1</a>	<a href="#">A building or structure with a maximum height not exceeding 5m, measured from the natural ground level immediately below that part of the structure, where it is located within 50m (horizontal distance) of the boundary of the Hilltop parks identified on the Havelock Precinct Plan.</a>
<a href="#">D1</a>	<a href="#">A building or structure that does not comply with Rule 16.3.3.5 P1.</a>

#### 16.3.9.2 Building setback – Sensitive land use

<a href="#">P1</a>	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"> <li>(i) 5m from the designated boundary of the railway corridor;</li> <li>(ii) 15m from the boundary of a national route or regional arterial;</li> <li>(iii) 25m from the designated boundary of the Waikato Expressway;</li> <li>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; <del>and</del></li> <li>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; <del>and</del>.</li> <li>(vi) <a href="#">300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</a></li> </ul>
<a href="#">P2</a>	(a) <a href="#">Any new building or alteration to an existing building for a sensitive land use within the Havelock Precinct that is located outside the Pōkeno Industry Buffer shown on the planning maps.</a>

D1	Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P1.
<u>NC1</u>	<u>Any building for a sensitive land use that does not comply with Rule 16.3.9.2. P2.</u>

### 16.3.9.3 Building Design – Sensitive land use – Havelock Precinct

<u>P1</u>	<p>(a) <u>Any new building or alteration to an existing building for a sensitive land use located outside the Pōkeno Industry Buffer but within the 40 dB LAeq noise contour shown on the planning maps that is designed and constructed so that internal noise levels do not exceed 25 dB LAeq in all habitable rooms.</u></p> <p><u>provided that if compliance with clause (a) above requires all external doors of the building and all windows of these rooms to be closed, the building design and construction as a minimum:</u></p> <p>(i) <u>Is mechanically ventilated and/or cooled to achieve an internal temperature no greater than 25°C based on external design conditions of dry bulb 25.1 °C and wet bulb 20.1 °C.</u></p> <p>(ii) <u>Includes either of the following for all habitable rooms on each level of a dwelling:</u></p> <ul style="list-style-type: none"> <li>• <u>mechanical cooling installed; or</u></li> <li>• <u>a volume of outdoor air supply to all habitable rooms with an outdoor air supply rate of no less than:</u> <ul style="list-style-type: none"> <li>- <u>6 air changes per hour for rooms with less than 30% of the façade area glazed;</u></li> <li>- <u>15 air changes per hour for rooms with greater than 30% of the façade area glazed;</u></li> <li>- <u>3 air changes per hour for rooms with facades only facing south (between 120 degrees and 240 degrees) or where the glazing in the façade is not subject to any direct sunlight.</u></li> </ul> </li> </ul> <p>(iii) <u>provides relief for equivalent volumes of spill air.</u></p> <p><u>all as certified by a suitably qualified and experienced person.</u></p>
<u>D1</u>	<u>Any building or alteration to an existing building for a sensitive land use that does not comply with Rule 16.3.9.3. P1</u>

## 16.4 Subdivision

(1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, subject to compliance with the following:

- (a) Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
- (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
- (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
- (d) Rule 16.4.10 Subdivision of land containing heritage items;
- (e) Rule 16.4.11 Subdivision – Road Frontage;
- (f) Rule 16.4.12 Subdivision – Building Platform;
- (g) Rule 16.4.13 Subdivision creating reserves;
- (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
- (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
- (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.

(2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply:~~The following rules apply to specific areas and/or activities:~~

- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
- (b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area);
- (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold; and
- (f) Rule 16.4.17 – Subdivision – Havelock Slope Residential Area.

(3) The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
- (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4));
- (c) Rule 16.4.4 Subdivision – Multi-unit development;
- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;

- (f) [Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;](#)
- (g) [Rule 16.4.8 Title boundaries - Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;](#)
- (h) [Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;](#)
- (i) [Rule 16.4.10 Subdivision of land containing heritage items;](#)
- (j) [Rule 16.4.13 – Subdivision reserves;](#)
- (k) [Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;](#)
- (l) [Rule 16.4.15 – Subdivision of land containing mapped off-road walkways;](#)
- (m) [Rule 16.4.16 – Subdivision of land containing an Environmental Protection Area;](#)
- (n) [Rule 16.4.17– Subdivision – Havelock Precinct Slope Residential Area;](#)
- (o) [Rule 16.4.18 – Subdivision – Havelock Precinct; and](#)
- (p) [Rule 16.4.19 Subdivision – Munro Block, Pōkeno.](#)

[\(4\) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:](#)

- (a) [Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area;](#)
- (b) [Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area; and](#)
- (c) [Rule 16.4.17 – Subdivision – Havelock Precinct Slope Residential Area.](#)

#### 16.4.12 Subdivision - Building platform

RD1	<p>(a) Every proposed lot, other than one designed specifically for access, <u>or is a</u> utility allotment, must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> <li>(i) a circle with a diameter of at least 18m exclusive of yards; or</li> <li>(ii) a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards.</li> </ul> <p>(b) Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> <li>(ii) Shape of allotments;</li> <li>(iii) Ability of allotments to accommodate a practical building platform;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> </ul>
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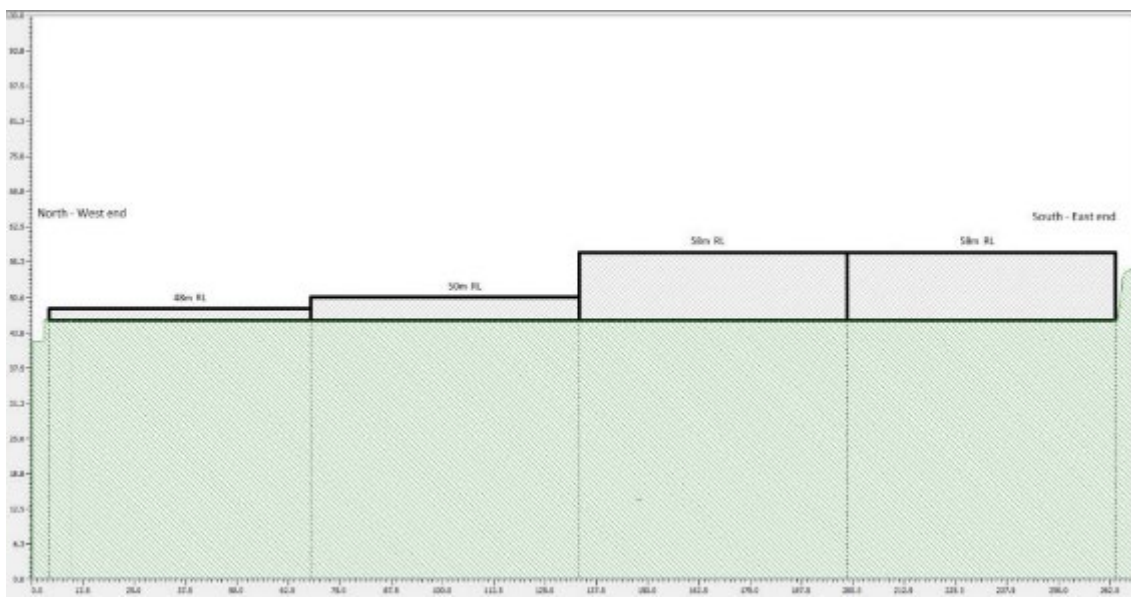
	<p>(v) Avoidance or mitigation of natural hazards;</p> <p>(vi) Geotechnical suitability for building; and</p> <p>(vii) Ponding areas and primary overland flow paths.</p>
<u>RD 2</u>	<p>(a) <u>Subdivision within the Havelock Precinct where every proposed lot, other than one designed specifically for access, or is a utility allotment, is capable of containing a building platform complying with Rule 16.4.12 RD1 located outside the Pōkeno Industry Buffer illustrated on the planning maps.</u></p> <p>(b) <u>Council’s discretion shall be restricted to the following matter:</u></p> <p>(i) <u>The discretions of Rule 16.4.12 RD1.</u></p>
D1	Subdivision that does not comply with Rule 16.4.12 RD1.
<u>NC1</u>	<u>Subdivision that does not comply with Rule 16.4.12 RD2.</u>

#### **16.4.17 Subdivision – Havelock Precinct Slope Residential Area**

<u>RD1</u>	<p>(a) <u>Subdivision within the Havelock Precinct Slope Residential Area where proposed lots (except where the proposed lot is an access allotment, utility allotment or reserve to vest) comply with all of the following standards:</u></p> <p>(i) <u>Have a minimum net site area (excluding access legs) of 2500m<sup>2</sup>; and</u></p> <p>(ii) <u>Are connected to public-reticulated water supply and wastewater.</u></p> <p>(b) <u>Council’s discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Ability of lots to accommodate a practical building platform, including geotechnical stability for building;</u></p> <p>(ii) <u>Likely location of future buildings and their potential effects on the environment;</u></p> <p>(iii) <u>Avoidance or mitigation of natural hazards;</u></p> <p>(iv) <u>Amenity values and streetscape landscaping;</u></p> <p>(v) <u>Landscaping of steeper slopes to manage erosion and stability;</u></p> <p>(vi) <u>Vehicle and pedestrian networks;</u></p> <p>(vii) <u>Consistency with the Havelock Precinct Plan; and</u></p> <p>(viii) <u>Provision of infrastructure, including water supply for firefighting purposes.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with 16.4.17 RD1.</u>

### 16.4.18 Subdivision: Havelock Precinct

RD1	<p>(a) <u>Subdivision within the Havelock Precinct that complies with all of the following standards:</u></p> <p>(i) <u>The first subdivision to create residential lots includes the indicative road connections from Hitchen Road and Yashili Drive as a road to vest.</u></p> <p>(ii) <u>The proposal includes the indicative roads as roads to vest, provided that this can be constructed and vested in stages.</u></p> <p>(iii) <u>The proposal includes the provision of the Hilltop Park and the creation of the Pōkeno Industry Buffer areas and Environmental Protection Areas (all as shown on the planning maps).</u></p> <p>(iv) <u>The proposal includes legal mechanisms to retain Environmental Protection Areas in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting).</u></p> <p>(v) <u>Either prior to or concurrent with subdivision in Lot 2 DP199997, an acoustic barrier (being a bund, building or structure, or any combination thereof) is constructed within the Havelock Precinct's GIZ - General industrial zone which is designed so as to:</u></p> <ol style="list-style-type: none"> <li>a. <u>achieve noise levels no greater than 45 dB L<sub>Aeq</sub> between 10pm and 7am in the Havelock Precinct GRZ – General residential zone; and</u></li> <li>b. <u>be at a height of no less than that illustrated on figure 16.4.18A below and a length along the entire common boundary between Lot 2 DP199997 and Lots 3 and 4 DP 492007 (excluding the Collector Road on the Precinct Plan and 5m front yard setback – Rules 20.3.4.1).</u></li> </ol>
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[Figure 16.4.18A](#)

[\(b\) Council's discretion shall be restricted to the following matters:](#)

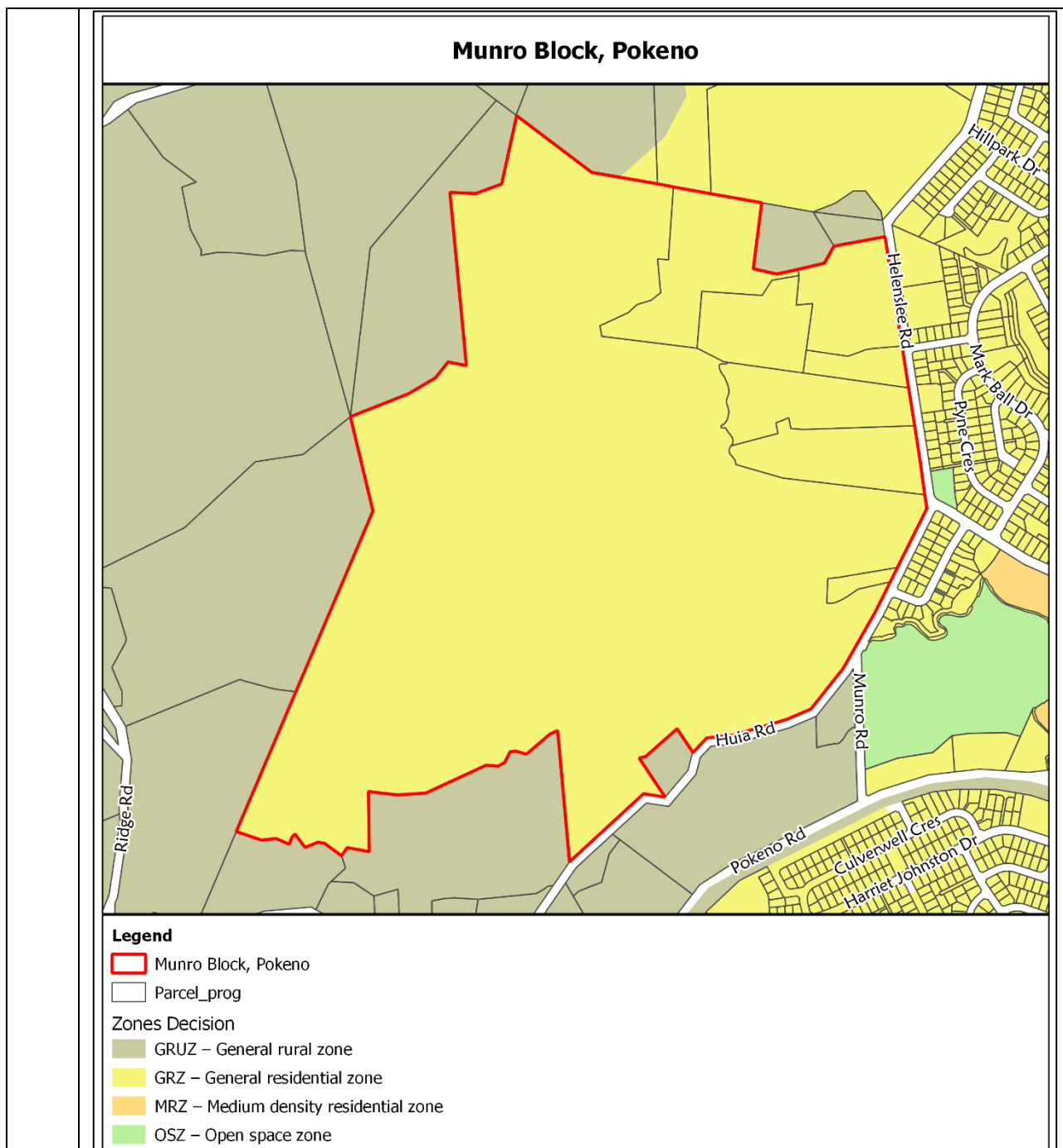
- [\(i\) Consistency with the Havelock Precinct Plan \(\[Appendix XX\]\(#\)\);](#)
- [\(ii\) Design and construction of the indicative roads and pedestrian networks;](#)
- [\(iii\) Design, location and timing of construction of the acoustic barrier within the Havelock Precinct's GIZ - General industrial zone;](#)
- [\(iv\) The design of, and potential effects on, the safe and efficient operation of the intersection of the Havelock Precinct's Collector Road and Yashili Drive, including the design to accommodate safe vehicle access and egress for activities in the adjacent GIZ - General industrial zone;](#)
- [\(v\) Design of the Hilltop Parks and adjoining park edge roads;](#)
- [\(vi\) Avoidance, minimisation or mitigation of visual and physical disturbance to the upper flanks of Transmission and Potters Hills \(where the hilltop parks are located\) resulting from road design and alignment;](#)
- [\(vii\) Potential effects on the safe and efficient operation of Bluff and Pioneer Roads \(including where these intersect with State Highway 1\) from roading connections to Cole Road;](#)
- [\(viii\) The design of, and potential effects on, the safe and efficient operation of the intersections of:
  - \[a. Yashili Drive and Gateway Park Drive;\]\(#\)
  - \[b. Gateway Park Drive and Hitchen Road; and\]\(#\)
  - \[c. Gateway Park Drive and McDonald Road.\]\(#\)](#)
- [\(ix\) Potential effects on the safe and efficient operation of the McDonald Road railway crossing;](#)
- [\(x\) Accessible, safe and secure pedestrian and cycling connections within the Precinct and to the existing transport network and public facilities;](#)
- [\(xi\) Provision within the Precinct design for future public transport;](#)
- [\(xii\) Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area;](#)
- [\(xiii\) Design of earthworks \(contours and aspect\), lot size and orientation, fencing and landscape treatment between the 40 dba noise contour and the Pōkeno Industry Buffer on the planning maps to minimise possible reverse sensitivity effects on nearby HIZ - Heavy industrial zone activities, including through limiting potential](#)

	<a href="#">for direct visual interaction from building platforms and associated future dwellings and outdoor living areas to industrial activities; and</a> (xiv) <a href="#">Cultural effects.</a>
<a href="#">D1</a>	<a href="#">Subdivision that does not comply with Rule 16.4.18(a)(i) – (iv) RD1.</a>
<a href="#">NC1</a>	<a href="#">Subdivision that does not comply with Rule 16.4.18(a)(v) RD1.</a>

**16.4.19 Subdivision – Munro Block, Pōkeno**

<a href="#">RD1</a>	(a) <a href="#">Any subdivision within the Munro Block, Pōkeno (see <b>Figure X</b> below)</a>
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**Figure X: Munro Block**

(b) Council’s discretion shall be restricted to the following matters:

- (i) Type, density and scale of riparian planting of the margins of permanent and intermittent streams.
- (ii) Consistency with the layout of the green network in Figure X below.



Figure X: Munro Block green network

**Consequential amendment to Rules 20.2.2.1A.P2.(b) and Rule 21.2.2.1A P2.(b)  
(Noise – Pōkeno)**

- (b) Noise measured within any site in any zone, other than the General Industrial and Heavy Industrial Zone, that does not exceed the permitted noise limits for that zone. For sites adjoining the Havelock Precinct (Appendix XX), the noise rating level from any activity must not exceed:
- i. 55dB  $L_{Aeq}$  7am to 10pm every day, 45 dB  $L_{Aeq}$  10pm to 7am the following day and 75 dB  $L_{AFmax}$  from 10pm to 7am the following day measured from any site outside of the Pōkeno Industry Buffer illustrated on the planning maps (compliance with the noise standard must not be measured from the GRZ – General residential zone boundary for this Precinct).
  - ii. Until the acoustic barrier has been constructed and made acoustically effective in accordance with Rule 16.4.18 RD1 (a)(v), the noise rating level from activities on Lots 3 and 4 DP 492007 must not exceed 55dB  $L_{Aeq}$  7am to 10pm every day, 45 dB  $L_{Aeq}$  10pm to 7am the following day and 75 dB  $L_{AFmax}$  from 10pm to 7am the following day measured from the unmitigated 45 dB  $L_{Aeq}$  noise contour illustrated on Figure 16.4.18B. When Rule 16.4.18 RD1 (a)(v) has been satisfied, clause (b)(i) above applies.

## Amendments to Chapter 23 Rural Lifestyle Zone

### 23.4 Subdivision rules

~~(1) Rule 23.4.1 lists Prohibited Subdivision in the Country Living Zone.~~

(1) Rule 23.4.2 provides for General Subdivision in the ~~Country Living~~ **Rural Lifestyle**

Zone and is subject to the following specific rules:

- (i) Rule 23.4.3 - Subdivision within identified areas;
- (ii) Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas;
- (iii) Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori;
- (iv) Rule 23.4.6 - Subdivision of land containing heritage items;
- (v) Rule 23.4.6B- Subdivision of land within the National Grid Corridor;
- (vi) Rule 23.4.7 - Subdivision - Road frontage;
- (vii) Rule 23.4.8 - Subdivision Building platform;
- (viii) Rule 23.4.9 – Subdivision for a Reserve;
- (ix) Rule 23.4.10 - Subdivision of land containing mapped off-road walkways;
- (x) Rule 23.4.11 - Subdivision of land containing all or part of an Environmental Protection Area;
- (xi) Rule 23.4.12 - Esplanade reserves and esplanade strips; and
- (xii) Rule 23.4.13 – Subdivision of land at 67 Pioneer Road, Pōkeno.

In the Havelock Precinct RLZ - Rural Lifestyle Zone, subdivision is subject to Rule 23.4.2A (as a replacement to the General Subdivision standards in 23.4.2) and is subject to the specific rules in 23.4.3 to 23.4.12 (as identified above), with the exception that Rule 23.4.8 – Building Platform has a specific standard for the Havelock Precinct RLZ - Rural Lifestyle Zone (RD2).

### 23.4.2A Subdivision: Havelock Precinct Rural Lifestyle Zone

<p><u>RD1</u></p>	<p>(a) <u>Subdivision within the Havelock Precinct RLZ - Rural lifestyle zone that complies with all of the following standards:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The number of lots, whether in a single or several applications, does not exceed a total of 55 and the maximum number identified in each cluster on the Havelock Precinct Plan (Appendix XX).</u></li> <li>(ii) <u>All proposed lots have a net site area of at least 2500m<sup>2</sup> (which may include land within the Environmental Protection Area) and a building platform located entirely within the cluster (Appendix XX).</u></li> <li>(iii) <u>The proposal includes the indicative road as a road to vest, provided that this can be constructed and vested in stages to provide the connection to Bluff Road.</u></li> <li>(iv) <u>The proposal offers the provision of any sections of the walkway/cycleway/bridleway within or adjacent to the site.</u></li> <li>(v) <u>The proposal includes a 5m planted landscape yard adjoining any road or indicative road.</u></li> <li>(vi) <u>The proposal includes legal mechanisms to retain Environmental Protection Areas in perpetuity and which prevent further subdivision of them (such as via covenants, consent notice or vesting).</u></li> </ul> <p>(b) <u>Council’s discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Consistency with the Havelock Precinct Plan;</u></li> <li>(ii) <u>Adverse effects on amenity values;</u></li> <li>(iii) <u>The provision of infrastructure, including water supply for firefighting where practicable;</u></li> <li>(iv) <u>Standard of design and construction of the walkway;</u></li> <li>(v) <u>Standard of design and construction of the indicative road;</u></li> <li>(vi) <u>Provision of planting, management plans for weed and pest control and their implementation, ownership and ongoing management of the Environmental Protection Area; and</u></li> <li>(vii) <u>Provision of planting and management plans to mitigate and offset the landscape and ecological effects earthworks and vegetation removal associated with road construction.</u></li> </ul>
<p><u>D1</u></p>	<p><u>Subdivision that does not comply with Rule 23.4.2A(a)(iv) to (vi) RD1.</u></p>
<p><u>NC1</u></p>	<p><u>Subdivision that does not comply with Rule 23.4.2A(a)(i) to (iii) RD1.</u></p>

### 23.4.8 Subdivision - Building platform

<p>RD1</p>	<p>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on <del>every the</del> proposed lot. <del>that</del>: The building platform must <u>meet all of the following conditions</u>:</p> <ul style="list-style-type: none"> <li>(i) has an area of 1000m<sup>2</sup> exclusive of boundary setbacks;</li> <li>(ii) has an average gradient no steeper than 1:8;</li> <li>(iii) has vehicular access in accordance with Rule 14.12.1 P1;</li> <li>(iv) is certified by a geotechnical engineer as geotechnically stable; <u>and suitable for a building platform</u>;</li> <li>(v) is not subject to inundation in a 2% AEP storm or flood event; and</li> <li>(vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</li> </ul> <p>(b) Council’s discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Earthworks and fill material required for building platform and access;</li> <li>(ii) Geotechnical suitability for a building;</li> <li>(iii) Avoidance or mitigation of natural hazards;</li> <li>(iv) Effects on landscape and amenity; and</li> <li>(v) Measures to avoid storm or flood events.</li> </ul>
<p>RD2</p>	<p>(a) <u>Subdivision in the Havelock Precinct RLZ - Rural lifestyle zone that provides a building platform on every proposed lot (other than an access allotment or utility allotment) that meets all of the following standards</u>:</p> <ul style="list-style-type: none"> <li>(i) <u>has an area of 500m<sup>2</sup> exclusive of boundary setbacks</u>;</li> <li>(ii) <u>has an average gradient no steeper than 1:8</u>;</li> <li>(iii) <u>has vehicular access in accordance with Rule 14.12.1 P1</u>;</li> <li>(iv) <u>is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform</u>;</li> <li>(v) <u>is not subject to inundation in a 2% AEP storm or flood event; and</u></li> <li>(vi) <u>a residential unit could be built on as a permitted activity in accordance with Rule 23.3.</u></li> </ul> <p>(b) <u>Council’s discretion is restricted to the following matters</u>:</p> <ul style="list-style-type: none"> <li>(i) <u>Earthworks and fill material required for building platform and access</u>;</li> <li>(ii) <u>Geotechnical suitability for a building</u>;</li> <li>(iii) <u>Avoidance or mitigation of natural hazards</u>;</li> </ul>

	(iv) <a href="#">Effects on landscape and amenity; and</a> (v) <a href="#">Measures to avoid storm or flood events.</a>
D1	Subdivision that does not comply with Rule 23.4.8 RD1 <a href="#">and RD2.</a>

**Rule 23.4.13 – Subdivision of land at 67 Pioneer Road, Pōkeno**

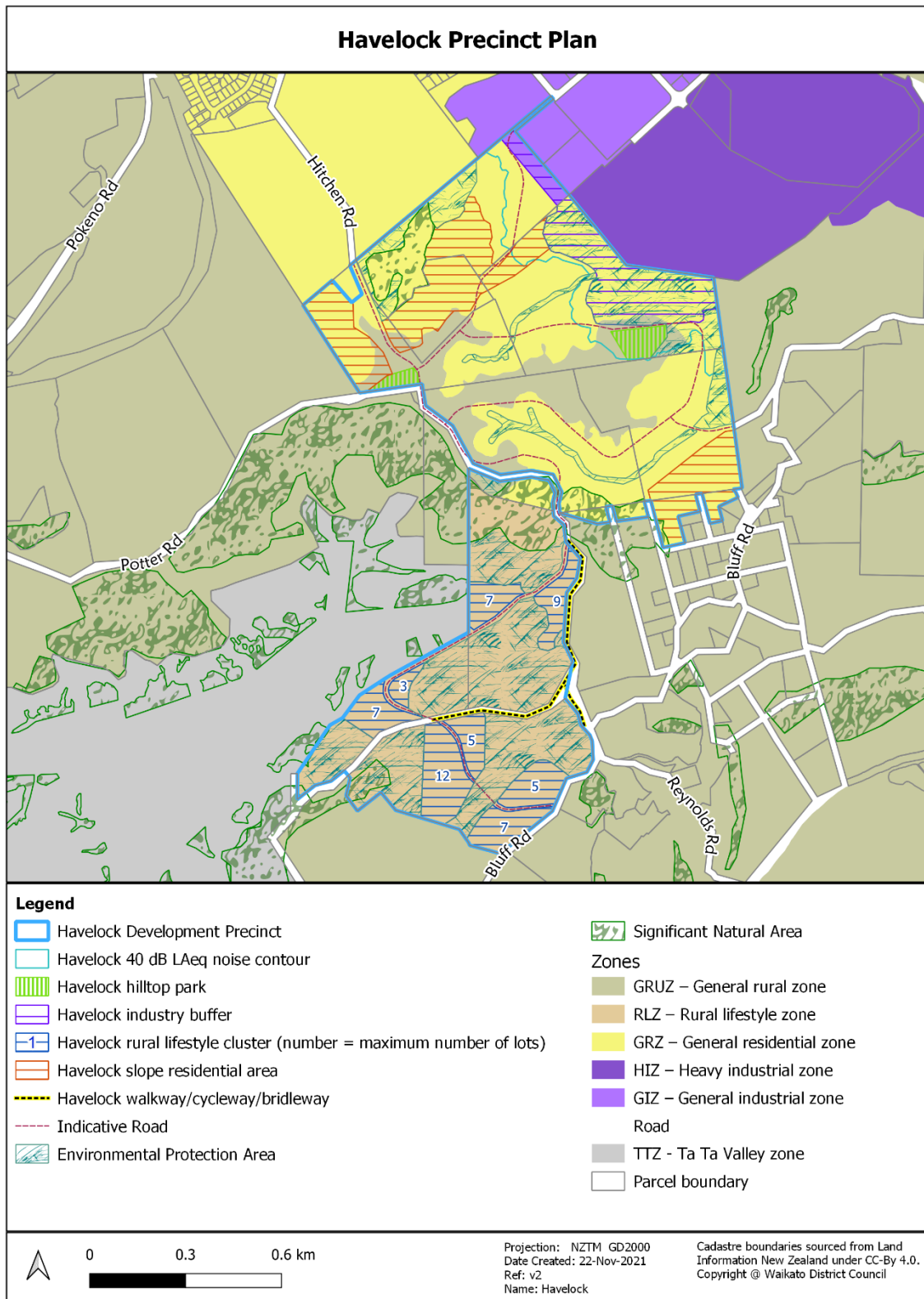
**RD1**

- (a) [Any subdivision at 67 Pioneer Road, Pōkeno \(Pt Lot 2 DP 199670\).](#)
- (b) [Council’s discretion shall be restricted to the following matter:](#)
  - (i) [Accordance with the subdivision layout on the \*\*figure\*\* below.](#)



**Figure X:** 67 Pioneer Road subdivision layout

**Appendix XX: Havelock Precinct Plan**





### APPENDIX C – HYNDS LAND FOR DEVELOPMENT



AREA 1



AREA 2



AREA 3



AREA 4

Area 1: 3.31 ha  
 Area 2: 1.67 ha  
 Area 3: 2.88 ha  
 Area 4: 1.52 ha  
 TOTAL: 9.38 ha (approx.)

## APPENDIX D – LIST OF PARTIES TO BE SERVED

### Respondent – Waikato District Council

District Plan Hearings Administrator  
 Waikato District Council  
 Private Bag 544  
 Ngaruawahia 3742  
 Email: Districtplan@waidc.govt.nz

### Waikato Regional Council

Waikato Regional Council  
 Attn: Andrew Tester  
 Senior Policy Advisor  
 Private Bag 3038  
 Waikato Mail Centre  
 Hamilton 3240  
 Email: andrew.test@waikatoregion.govt.nz  
 Cc: waikatoregion.govt.nz

### Submitters

<b>List of names and addresses of persons to be served with a copy of this notice</b>			
<b>Submitter</b>	<b>Contact/s</b>	<b>Postal Address</b>	<b>Email Address</b>
Hynds Foundation	Anna McLellan	PO Box 466 Pukekohe 2340	<a href="mailto:Anna@subdivision.co.nz">Anna@subdivision.co.nz</a>
Hynds Pipe Systems Limited	WS Loutit and K M Stubbing	Level 27 88 Shortland Street Private Bag 92518 Auckland 1141	<a href="mailto:bill.loutit@simpsongrierson.com">bill.loutit@simpsongrierson.com</a> <a href="mailto:kate.stubbing@simpsongrierson.com">kate.stubbing@simpsongrierson.com</a>
Pokeno Village Holdings Limited	SJ Simons / KA Storer	PO Box 3144 Shortland St Auckland 1140	<a href="mailto:kate@berrysimons.co.nz">kate@berrysimons.co.nz</a>
Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Lorraine Dixon	Private Bag 3044 Waikato Mail Centre Hamilton 3240	<a href="mailto:Lorraine.Dixon@tainui.co.nz">Lorraine.Dixon@tainui.co.nz</a>
Waikato Regional Council	Lisette Balsom	Private Bag 3038 Waikato Mail Centre Hamilton 3240	<a href="mailto:Lisette.balsom@waikatoregion.govt.nz">Lisette.balsom@waikatoregion.govt.nz</a>