

**IN THE MATTER**

of the Resource Management  
Act 1991 ("**the Act**")

**AND**

**IN THE MATTER**

of a submission pursuant to  
Clause 6 of Schedule 1 of the  
Act in respect of the  
**PROPOSED WAIKATO  
DISTRICT PLAN**

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**MEMORANDUM OF COUNSEL FOR POKENO VILLAGE HOLDINGS LIMITED  
HEARING 25 – ZONE EXTENTS  
Dated 28 JANUARY 2021**

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## **TO THE HEARING COMMISSIONERS**

### **1. INTRODUCTION**

- 1.1 This memorandum is filed on behalf of Pokeno Village Holdings Limited ("PVHL").
- 1.2 PVHL's interest in the Proposed Waikato District Plan ("PWDP") is to ensure that it provides an appropriate framework to enable urban growth in a way that will achieve good planning outcomes, particularly in terms of the growth of Pokeno.
- 1.3 The Section 42A Framework Report for the Zone Extents hearing ("Framework Report") has been prepared to "promote a consistent approach among the Council staff and its consultants preparing RMA section 42A reports on zoning submissions."<sup>1</sup> PVHL agrees that a consistent approach is appropriate and necessary.
- 1.4 There are, however, many aspects of the Framework Report which draw into question its credibility. PVHL will address these issues in detail at the hearing.
- 1.5 The most pressing issue is the reference to, and reliance upon, numerous materials which have not been made available to submitters.
- 1.6 The purpose of this memorandum is therefore to respectfully request that the Panel directs Waikato District Council ("WDC") to make available to submitters various materials that ARE referenced and relied upon in the Framework Report, in order that submitters are able to properly prepare for the hearing.
- 1.7 Specifically, this memorandum addresses the following:
  - (a) The information used to assess development capacity and demand (Section 2);
  - (b) The "technical inputs" used to identify the new "growth cells" shown in Waikato 2070 (Section 3);
  - (c) Clarification sought as to why Appendix 4 is missing from the Framework Report (Section 4); and
  - (d) The directions sought by PVHL (Section 5).

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1 Framework Report, paragraph 17.

## 2. **DEVELOPMENT CAPACITY AND DEMAND CALCULATIONS**

- 2.1 The Framework Report includes new information about estimated existing capacity in the district based on population, household and capacity research and analysis undertaken in the second half of 2020 on behalf of WDC.
- 2.2 This new analysis shows a “stepped increase in forecast household and population growth” and a “potential shortfall in the supply of zoned infrastructure ready and market feasible land supply”<sup>2</sup> since the PWDP was notified which, the Framework Report suggests, means that the PWDP does not provide for sufficient appropriately zoned land for residential and employment purposes. The implication is that additional rural land should be zoned for development.
- 2.3 This is a major change of position which should be interrogated through the hearing process. In order for submitters to properly participate in the hearing, all of the data and analysis relied upon by WDC should be available to submitters.
- 2.4 The Framework Report references in particular the *Market Economics, (2020) Draft 2020 Housing and Business Capacity Assessment: Waikato District Council* (“HBA Assessment”) which is due to be released “in the first half-2021.”<sup>3</sup> Recent correspondence from the Hearing Administrator indicates that this document does not yet in fact exist.<sup>4</sup> Submitters are directed instead to the raw data and Dr Davey’s report to WDC dated 14 December 2020.
- 2.5 That report includes graphs in which the latest population projections for the district have been allocated to townships across the district. These graphs also appear in Appendix 9 of the Framework Report showing “Growth Cell Capacity and Timing vs Household Projection”. No information has been provided about the methodology adopted to allocate demand across the district, in the absence of the HBA Assessment.
- 2.6 We therefore respectfully request that the Commissioners direct WDC to release details of this methodology to submitters as a matter of urgency, so that it can be used to inform evidence preparation.

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2 Report to Waikato District Council from Dr Mark Davey dated 14 December 2020.

3 Framework Report, paragraph 268.

4 Email from WDC Hearing Administrator to submitters, 28 January 2021.

### 3. **TECHNICAL INPUTS TO WAIKATO 2070**

- 3.1 The Framework Report appears to place a significant degree of weight on the Waikato Growth and Economic Development Strategy ("Waikato 2070"). Waikato 2070 provides for extensive new development in Pokeno, consistent with a number of submissions on the PWDP (for example, Havelock Village and Pokeno East).
- 3.2 The Framework Report refers to such areas as "growth cells". The report indicates that funding for servicing these "growth cells" will be allocated in the next Long Term Plan (to be released in mid 2021).
- 3.3 In parts of the report, such areas are treated in the same way as existing zoned areas, for example in Appendices 8 and 9 which show "Growth Cell Capacity" despite the fact that the question of whether they are appropriate for development has not yet been tested through the Schedule 1 process.
- 3.4 At paragraph 125 of the Framework Report, Dr Davey states:

*"Waikato 2070 was informed by a range of technical inputs and data from various divisions within Council, including: flood mapping, high class soil mapping, topography/slope analysis, pedestrian catchment modelling, 3-waters capacity assessment, employment and economic demand and land analysis, land capacity modelling, household and population projection modelling, field research and analysis, technical reports including research that was carried out to inform the PWDP and previous structure plans."*

- 3.5 These "technical inputs" have not, to date, been specifically identified nor made available by WDC. It is therefore unclear what is the technical basis for the decisions to identify new "growth cells".
- 3.6 Given the reliance on Waikato 2070 evidenced in the Framework Report and the strong inference that WDC is likely to support the rezoning of the identified "growth cells", it is respectfully submitted that submitters should have access to this information in order to prepare for the hearing.

### 4. **APPENDICES**

- 4.1 Finally the Framework Report does not contain an Appendix 4. We would be grateful if WDC would confirm whether this is an error or whether there is a document missing.

5. **DIRECTIONS SOUGHT**

5.1 In order for submitters, including PVHL, to properly prepare evidence for the hearing, PVHL respectfully requests that the Panel requests WDC to make the following materials available to submitters:

- (a) The methodology adopted to allocate development demand across the district to inform the graphs titled "Growth Cell Capacity and Timing vs Household Projection";
- (b) All "technical inputs and data" referenced at paragraph 125 of the Framework Report; and
- (c) Clarification as to whether Appendix 4 is missing from the Framework Report.

5.2 PVHL is grateful for the Panel's attention to this matter.

**DATED at AUCKLAND this 28th day of January 2021**

**POKENO VILLAGE HOLDINGS LIMITED**

by their solicitors and duly authorised agents  
**BERRY SIMONS**



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**S J Simons**