

Hearing Opening Statement

Hearing 25: Zone Extents Pokeno

Prepared by: David Mead

Date: 14 June 2021



Introduction

1. Good morning Chair, Commissioners and Submitters. My name is David Mead, and I am the s42A reporting planner for the Pokeno Zone Extents topic. My qualifications and experience are set out in the s42A report at page 6. I also confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it when preparing this report.
2. The township of Pokeno is a key growth area for the Waikato District, being located on the northern edge of Waikato district, close to the boundary with the Auckland region as well as its strategic location on State Highway One and intersection with State Highway Two. It is also bisected by the North Island main trunk rail line. Pokeno has a fast-growing resident population along with recent growth in the industrial sector with the arrival of two dairy factories and a number of other large manufacturing activities.
3. In 2010 Pokeno and Tuakau became part of the Waikato district following the Auckland-Waikato boundary adjustment. Formerly, Pokeno was administered by Franklin District Council. The Franklin District Council prepared the Pokeno Structure Plan (adopted in 2008) and Plan Change 24 inserted this plan, along with attendant provisions into the Operative Waikato District Plan (OWDP).
4. Since the Pokeno Structure plan was prepared, the settlement has grown strongly, with a current estimated size of approximately 1,400 households¹. Projections suggest continued fast growth. Council reports (for example the Framework report, page 93) estimate that Pokeno will grow from 1,400 dwellings to 6,370 by 2051, or an average increase of 165 per year, under a medium-growth scenario.² This growth will account for a substantial proportion of the overall growth of the district.
5. As shown on Figure 1 below, the Proposed Waikato District Plan (PWDP) provides for residential development (central and west), business and village centre activities (central - to east of SH1), industrial zones (south) and village type development to the east.
6. The only substantial zone changes that have been made to the township's zoning through the PWDP compared to the OWDP is the inclusion of the large residential zoned area (previously rural) to the west of Pokeno (known as the Munro block) and the removal of a large area zoned as aggregate extraction (rezoned to rural) to the south and east of the industrial zones.

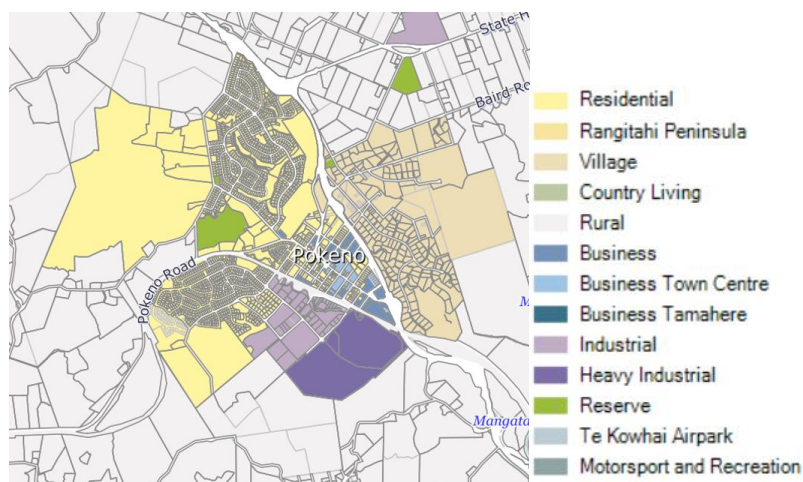


Figure 1: Proposed District Plan Zoning

7. Submissions were received from 25 separate parties seeking site specific rezonings and also raising general issues about rezonings in and around Pokeno. There is a total of 31 submission points; 6

¹ Population, Household and Land Supply Capacity Report – Waikato District Council, December 2020, page 6.

submission points are in support of the notified zoning and 25 seek to amend the zoning of specific properties. General themes are:

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

8. Figure 2 shows the geographic location of the submissions seeking rezonings.

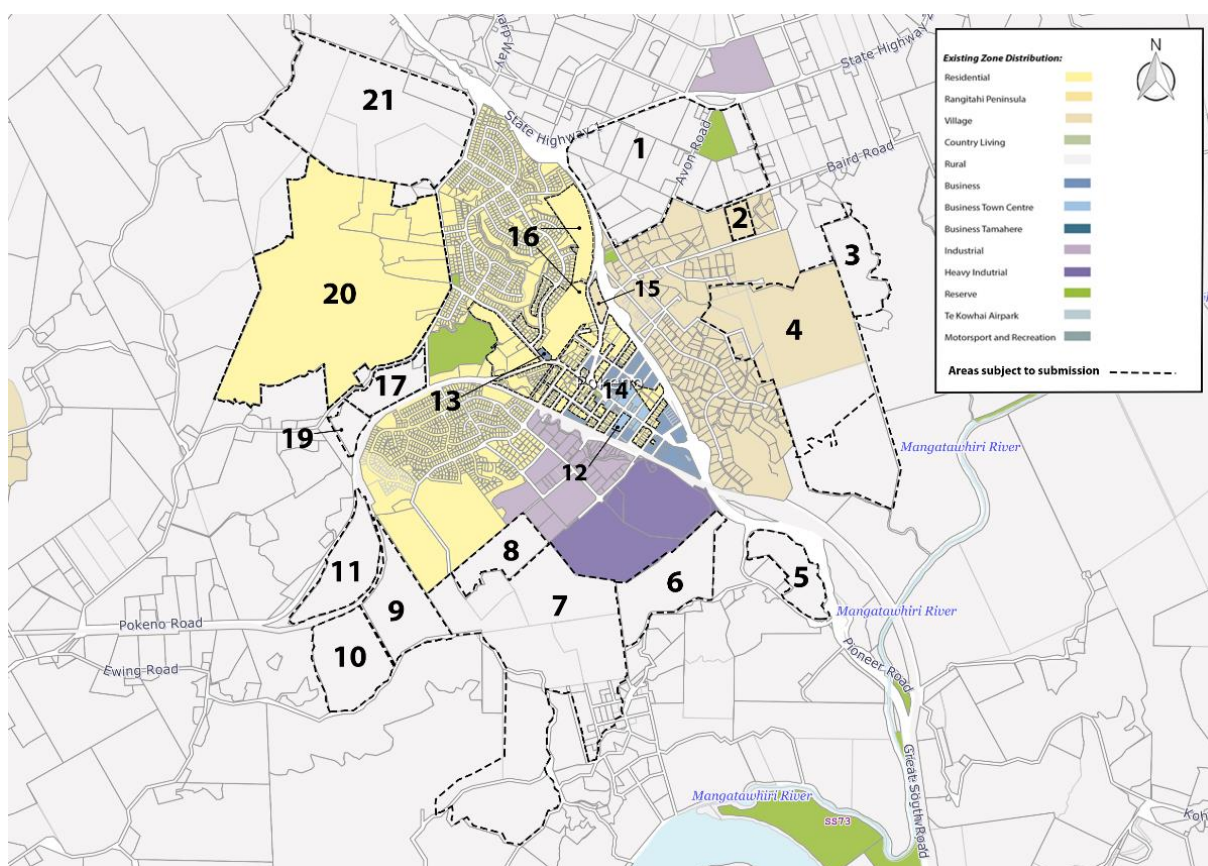


Figure 2: Geographical location of sites subject to submissions

9. The following table (Table 1) provides a list of the submitter's names and number and rezoning sought.

Table 1: Submitter reference for Figure 2

Map No.	Sub No.	Notified Zone	Zone Sought*
1	696.1	Rural	Future Urban
	735.1	Rural	Future Urban
	754.1	Rural	Country Living
	54.1	Rural	Future Urban
2	850.1	Village	Village
3	458.1	Rural	Village
4	458.2	Village & Rural	Residential
5	451.1	Rural	Village or Country Living
6	548.1	Rural	Heavy Industrial

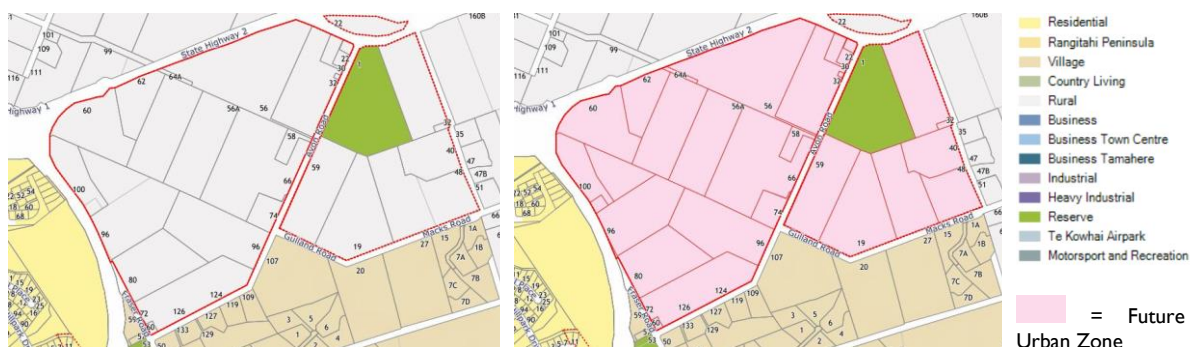
Map No.	Sub No.	Notified Zone	Zone Sought*
	983.1	Rural	Heavy Industrial and Rural
	72.1	Rural	Rural
	971.1	Rural	Rural
7	983.1	Rural	Anything but Residential
	862.1	Rural	Residential and Country Living
	971.1	Rural	Rural
8	205.1	Rural	Residential
9	524.35	Rural	Residential
10	598.25	Rural	Residential
11	668.1	Rural	Business
12	589.1	Business town centre	Business
13	684.3	Residential	Business
14	749.154	Residential, Business & Business town centre	Medium density
15	684.2	Village	Business
16	684.1	Residential	Residential
17	360.2	Rural	Residential
19	502.2	Rural	Residential
20	97.1	Residential	Residential, Medium density & Neighbourhood centre
	360.1	Residential	Rural
	502.1	Residential	Rural
	386.1	Residential	Rural
	524.35	Residential	Rural
	598.24	Residential	Rural
21	89.1	Rural	Country Living, Residential with neighbourhood centre and medium density

* Note: Zone sought is that most recently sought, i.e. as per submission or as advanced through evidence, if different.

Summary of Strategic Framework

10. The anticipated future urban form of Pokeno has been considered at a strategic level through both Future Proof 2017 and Waikato 2070, as shown in the two figures below.

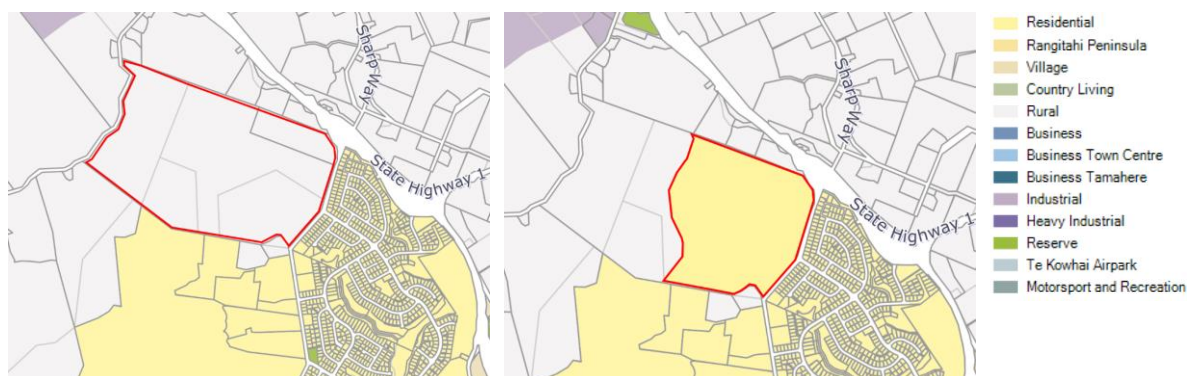
are resolved early, in my view the FUZ is still the most appropriate zone, given the transport and connectivity issues present.



As notified

As recommended

16. **CCL Trust and Top End Properties [89.1]**, shown in Figure 2 above as location 21, is recommended to be partly rezoned from Rural to Residential Zone, as per the image below. This recommendation is based on allowing for a natural extension of the live zoned residential area to the south of the site (Munro Block) providing for an integrated approach to urban form and infrastructure planning along the north-western urban periphery of Pokeno. There are some infrastructure related matters that need resolution, particularly around three waters, however, evidence provided by the submitters is that these issues can be resolved through the subdivision and development process. The Council will need to update its catchment management planning. The rezoning of this site would allow for additional capacity of approximately 360 dwellings.
17. I maintain that a Country Living Zone sought by the submitter for the elevated, north-western half of the site, be rejected on the basis of retaining an unmodified 'rural backdrop', consistent with the land to the south-west. The proposals for a number of EPAs to be identified is supported, but I retain concerns that roading, services, building platforms and dwellings will substantially modify the landscape values present and undermine the coherence of the town's northern backdrop (which is in my view, the 'strongest' of the township's landscape elements).



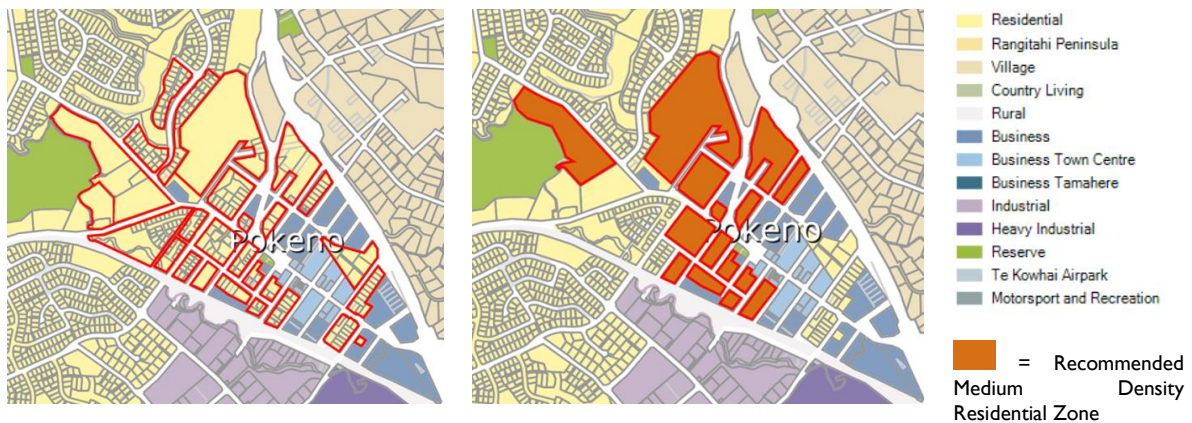
As notified

As recommended

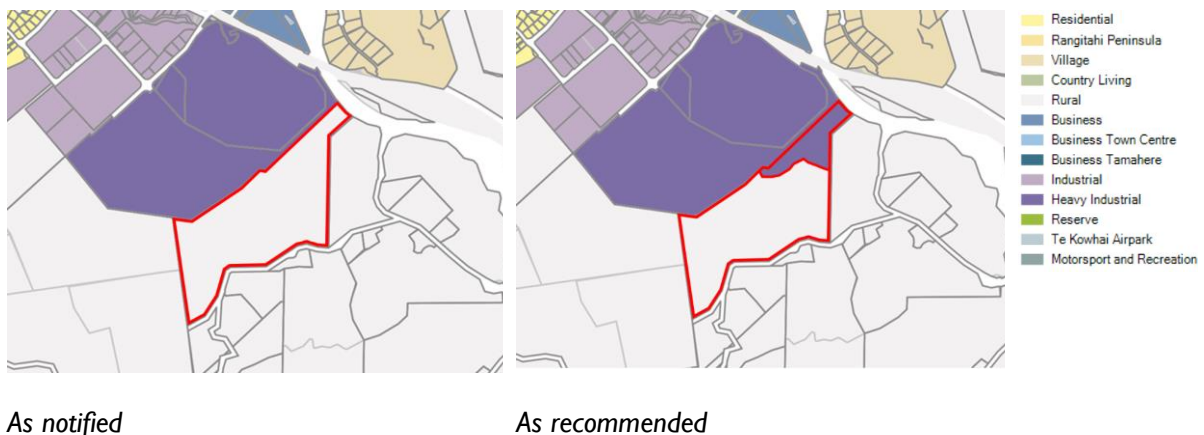
18. **Janet Elaine McRobbie [684.2] and [684.3]** sought the rezoning of two sites (locations 13 and 15 in Figure 2 above). 13 is an additional/expanded area of Business zoned land (from a Residential zoning) (see left hand images below) and location 15 is for rezoning of a wedge of land between SH1 and the SH1 onramp from Village to Business zone (see right hand images below). I have recommended both be rezoned as requested by the submitter as they are logical requests providing for additional business land and (in the case of 15) avoiding reverse sensitivity effects of residential development adjacent to the State Highway.



Kāinga Ora [749.154] sought the rezoning of large areas of Residential zoned land within the Pokeno town centre area from Residential to Medium Density Residential zone. I support Kainga Ora's general approach, however I recommended that the rezoning extent be drawn back to that shown in the right hand image below. This pairing back is based on not foreclosing a more comprehensive approach being taken to the zoning in the town centre area, avoiding blocks that have recently been subdivided and houses built and avoiding likely hazard areas.

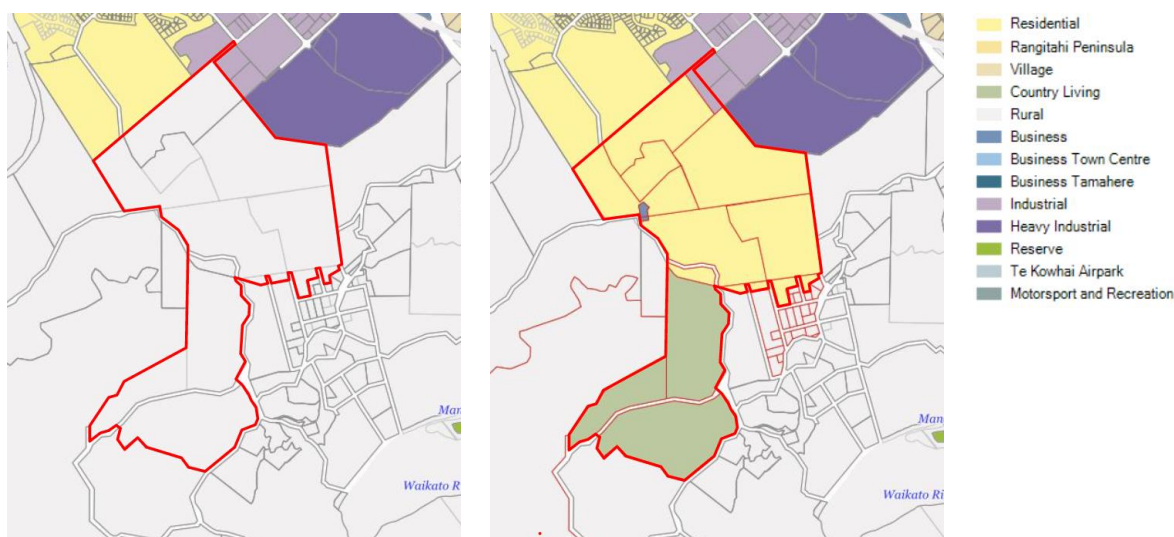


Hynds [Bill Loutit for Hynds Pipes [983.1] has sought the rezoning of a small area of Rural zoned land (location 6 in Figure 2 above) adjacent to Hynds site to Heavy Industrial. This rezoning (see images below) is appropriate given the need for additional Industrial zoned land, while the proposed revegetation of the Rural zoning of the majority of the site as a buffer to neighbouring properties is beneficial.



Remaining Matters of Contention

19. Based on the evidence on this topic from submitters, my understanding of the remaining matters of contention are as follows:
20. **CCL Trust and Top End Properties [89.1]** continues to seek the Country Living zone for the north-western portion of the site where I have instead recommended the retention of the current Rural zone. In their evidence the submitter has provided for proposed Environmental Protection Areas. These areas, while beneficial ecologically, do not resolve my concerns in relation to managing Pokeno's northern 'rural backdrop'. My position remains that the Country Living Zone is inappropriate for this part of the site.
21. **Z Energy [589]** sought the rezoning of their existing Z Truck Stop site in centra Pokeno from Business Town Centre to Business (location 12 in Figure 2 above), I did not support this request in my s42A report. Alternatively, Z Energy sought that if the Business Town Centre zoning was retained amendments are made to the relevant standards to recognise the operational and potential redevelopment needs of the Truck Stop. I have also not recommended any changes in relation to Business Town Centre zone standards in light of Z Energy's request. My reasoning is that the future environment and amenity of the town centre is a more important consideration than maintaining the current activity. I maintain my original position as outlined in the s42A report to retain the Business Town Centre zone and its relevant standards.
22. **Pokeno Village Holdings Ltd [386]** and **Hynds Pipes System [FS1341.3]** sought the rezoning of the Munro Block (location 20 in Figure 2 above) from Residential to Rural. Reasons cited included infrastructure constraints, visual effects of development above RL100, lack of structure planning and downstream flooding effects. My s42A report recommended the retention of the live zoning given that the technical assessments provided by the submitters in favour of the rezoning found infrastructure issues can be resolved; the rezoning provides for a natural extension of the existing urban area and provides necessary and immediate urban capacity (approximately 1400 dwellings). Visual effects are minimal with only small areas of the site extending above RL100. I maintain that PWDP Residential zoning is appropriate.
23. **David Lawrie for Madsen Lawrie Consultants [458]** sought the rezoning of 114 Deans Road from Village Zone to Residential Zone (location 4 of Figure 2) and 126 Baird Road from Rural Zone to Village Zone (location 3 of Figure 2). Evidence provided by the submitter did not supply any suitable technical analysis to support the rezonings. I do not recommend any rezoning in relation to the sites for a range of reasons including lack of information, infrastructure and access issues, topographical constraints, and presence of down stream wetlands and Significant Natural Areas.
24. I continue to have concerns over **Steven and Teresa Hopkin's [451]** submission (location 5 of Figure 2) seeking rezoning from Rural to Country Living. This area is disconnected from Pokeno village, with access via the State Highway. Rebuttal evidence provided by the submitter included EPAs, however these appeared to be more for amenity than ecological value. I maintain my original position that the Rural zoning of this site is appropriate. I am also concerned about the potential for 'urban creep', over time.
25. The **Havelock Village Limited [862.1]** submission (substantially modified from that initially put forward) seeks the rezoning of a large area of Rural zoned land to a mixture of Residential, Industrial, Business and Country Living zones. The submitter has also sought the inclusion of a precinct plan and various amendments and additions to the Residential and Country Living Zone Chapters of the PWDP to support the various elements of the development.



As notified

As recommended

26. The proposed residential area adjacent to the existing urban area of Pokeno is a natural extension allowing for necessary urban capacity in the near term. Waikato 2070 aligns with the recommended rezoning of this residential area. While there are some infrastructure and transport matters, these are manageable and can be resolved at the time of subdivision. The proposed rezoning does place housing on an elevated landscape and to an extent modifies the identity of the township as being located below enfolding ridgelines. There is mitigation proposed through the inclusion of an 'slope residential' overlay with reduced housing densities, a proposed 'Hill-top' park and the industrial buffer proposed on the eastern face.
27. The County Living zone that is proposed to extend over the south facing slopes of the sites comes with proposed large Environmental Protection Area's (EPA's) that will provide for environmental enhancement/improvement of the environment. The establishment of these EPA's will help to create a boundary to the Pokeno urban area. I have recommended that these EPAs be protected in perpetuity by a suitable legal mechanism.
28. The recommended rezoning of this site would allow for an anticipated additional 600 dwellings, providing helpful capacity for the short to medium term in Pokeno.
29. **Yashilli New Zealand Dairy Co Limited [Fs1086]** raised matters in relation to potential noise effects between their site and future dwellings on the Havelock Village site. It is understood that there is agreement between the noise experts as to how to manage noise issues.
30. The main issue that remains in contention is what may be termed 'amenity-based reverse sensitivity effects' as raised by **Hynds Pipe System Limited [FS 1341]** and the extent of the buffer area that has been proposed. Hynds have proposed a larger buffer to that of Havelock Village.
31. As set out in the s42A report, my reading of relevant policies is that in the urban context of Pokeno, placing people in a location where there is a potential for impact on people's health (such as noise affecting nighttime sleep) should be avoided, but other amenity effects that may trigger reverse sensitivity effects should be minimised. New residents will be aware of the industrial activities when they look at properties in the area, and in a compact urban context, there is always a need for some 'give and take'. Nevertheless, steps should be taken to minimise the potential for reverse sensitivity concerns to arise. To this end I consider that the current method of minimising these effects – separation – be augmented by subdivision design that limits as much as reasonable, direct overlooking. In the context of Pokeno, it is not possible, nor necessary to avoid all views of the heavy industrial activities, however, I accept that views of industrial activities can heighten reverse sensitivity concerns.

32. I visited the Havelock Village site on the 9 June with planning experts for Havelock Village and Hynds Pipes. I maintain my position that the Havelock Village buffer on the south-eastern corner of their site should be enlarged. This land has an elevated easterly aspect where it would be hard to minimise the potential for reverse sensitivity effects to be experienced through subdivision design. Separation is the only method that is practicable in this area.
33. Land to the north-east, near where the proposed Havelock Village buffer terminates with the proposed industrial strip also lies to the east and is elevated, but in this case, there is the intervening Synlait and Yashili facilities which do modify the outlook from this area (and noting that Synlait have not provided any evidence).
34. Otherwise, I maintain my position that subdivision design, earthwork contours and landscaping could help address reverse sensitivity amenity effects elsewhere along the eastern interface of the Havelock Village land, in addition to the buffer proposed by Havelock Village. The land has a complex profile and is amenable to modifications that can reduce the potential for reserve sensitivity effects to be generated. I consider this to be a better option than the larger buffer proposed by Hynds.
35. **Ngaati Te Ata** and **Ngati Tamaoho** oppose the Havelock Village Ltd proposal. They have raised concerns relating to:
- Effects on cultural values, relationships to Pokeno and the cultural landscape, the Paa maunga (transmission hill) and the Waikato River (and associated catchment);
 - Visual and physical effects on view shafts from the maunga and river to surrounding Paa, landscapes and natural features;
 - Archaeological significance of the area (stone processing areas) as well as proximity to burials and urupa. The history of the military road (Ara Paatu)
 - Visual effects of new residential areas on a significant ridgeline. In particular, development above RL100.
 - Creation of an “island site” which is disconnected from existing services and amenities that is car dependent.
 - Reverse sensitivity issues with the Industrial areas of Pokeno.
36. An archaeological assessment⁴ for the land notes two recorded sites within the proposed Country Living zone area (one being middens and the other the original Great South Road). The assessment also refers to the historic site know as Signal Station and Pa of Wiremu Te Wheoro, which is possibly located on Transmission Hill or Potters Hill. There are no sites of significance recorded in the PWDP in the area of the site proposed for residential development (although this does not preclude their presence). Ngaati Te Ata discusses a Paa on transmission hill; I support further discussion between both Havelock Village and Ngaati Te Ata as to how the “Hill Top” park could possibly afford some protection to this feature, if present.
37. I note that policy 2.12.1 of the Notified PWDP refers to a number of measures to recognise the relationship of Tangata Whenua with areas of significance, including waahi tapu, urupaa, maunga and other landforms. These include cultural value assessments, accidental discovery protocols, use of traditional place names, protection, enhancement and restoration of mauri, use of appropriate plant species and use of archaeological information and incorporation of traditional or sympathetic design elements.

⁴ prepared by Rod Clough, October 2018 for HVL

38. If archaeological remains exist, then the area would require recording as an archaeological site and would be subject to the NZHPT Act. As for the wider cultural landscape values raised, I note my recommendation for a larger buffer area on the south-western flank of Transmission Hill (discussed further above) and ensuring that the Hill Top park has some visual presence when viewed from afar. The eventual design of this open space area should reflect the cultural values present.
39. In my rebuttal statement I also raised the issue of Potters Hill. This lies outside the rezoning site, but the flank of the hill is within the site. My site visit on 9 June impressed on me that roading in the vicinity of both Transmission Hill and Potters Hill will need careful attention to design to reduce landscape effects associated with cut and fill and associated batters. Alternative alignments may be necessary (for example, a larger buffer on the south-eastern flank of Transmission Hill may obviate a need for a road across the north-eastern face of the hill). I would recommend a specific assessment matter to this end, such as:

Roading design and alignments should avoid where possible and otherwise minimise visual and physical disturbance of the upper flanks of Transmission and Potters Hills.

Conclusion

40. There continues to be arguments in relation to housing capacity requirements for Pokeno. I consider that the supplementary report⁵ by Mr Davey provides a reasonable picture of demand and supply, but note that any moves to reduce housing capacity (as some submitters seek) to that delivered by the above zoning recommendations will need to be 'compensated for' by additional re-zonings elsewhere, so as to maintain NPS-UD requirements. Longer term, there are likely to be options to expand east and west, but these options need investigation.
41. I look forward to hearing evidence presented by submitters and welcome any questions that the Panel may have.

⁵ Supplementary evidence on the Framework Report has been prepared by Dr Mark Davey, dated 28th April 2021