

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25: Zone Extents Pokeno

Report prepared by: David Mead

Date: 14 April 2021



TABLE OF CONTENTS

1	Introduction	6
2	Scope of Report.....	7
3	Statutory framework	16
4	General Growth - Spatial Planning.....	19
5	General Growth - Environmental Constraints.....	24
6	General Growth - Structure Plans	26
7	General Growth - Objectives and Policies.....	28
8	East Pokeno Zone Requests	40
9	Central Pokeno Business Zones	50
10	Central Pokeno Residential Zonings.....	57
11	West Pokeno - Munro Block.....	65
12	West Pokeno Residential Zonings.....	73
13	South Pokeno Industrial Interface.....	81
14	South Pokeno Residential Zonings	95
15	South West Pokeno Zone Requests.....	108
11	Conclusion.....	112
16	Appendix 1: Table of submission points.....	114
17	Appendix 2: Recommended amendments.....	115

List of submitters and further submitters addressed in this report

Original Submitter	Submitter Number
Anna Noakes	524
Annie Chen Shiu	97
Brenda and Gavin Butcher for Parkmere Farms	696
Cindy and Tony Young	735
Clem & Alison Reeve	668
CSL Trust and Top End Properties	89
David Lawrie for Madsen Lawrie Consultants	458
Havelock Village Limited	862
Hynds Pipes	983
Janet Elaine McRobbie	684
Kāinga ora	749
Kwanghoon Yang	360
Lynne Collins	72
M & J Balchin	850
Murray & Cathy McWatt for Grander Investments Limited	548
New Zealand Transport Agency	742

Further Submitter	Further Submitter Number
Annie Chen	FSI261
Auckland Transport	FSI273
Charlie Harris	FSI303
Cindy and Tony Young	FSI221
Craig Hall	FSI049
CSL Trust and Top End Properties Limited	FSI297
Department of Conservation	FSI293
Havelock Village Limited	FSI377
Horticulture New Zealand	FSI168
Housing New Zealand Corporation	FSI269
Hynds Foundation	FSI306
Hynds Pipe Systems Limited	FSI341
Jenny Forsyth	FSI090
Lynne Collins	FSI073
Mercury NZ Limited for Mercury B	FSI385
Mercury NZ Limited for Mercury C	FSI386

Ngati Tamaoho Trust	567
Ngati Te Ata	798
Penny Gallagher for Synlait Milk Ltd	581
Pieter Van Leeuwen	754
Pokeno Village Holdings Limited	386
Ray Bowater for Rainbow Water Ltd	205
Se Gi Noh	502
Steven & Teresa Hopkins	451
Stonehill Trustee Limited	971
Thorntree Orchards Ltd	54
Waikato District Council	697
Withers Family Trust	598
Z Energy Ltd	589

<i>Mercury NZ Limited for Mercury D</i>	<i>FSI387</i>
<i>Mercury E</i>	<i>FSI388</i>
<i>New Zealand Health Food Park Limited</i>	<i>FSI301</i>
<i>New Zealand Transport Agency</i>	<i>FSI202</i>
<i>Ngati Tamaoho Trust</i>	<i>FSI369</i>
<i>Ngati Te Ata</i>	<i>FSI248</i>
<i>Parkmere Farms</i>	<i>FSI283</i>
<i>Pokeno Nutritional Park Limited</i>	<i>FSI186</i>
<i>Pokeno Village Holdings Limited</i>	<i>FSI281</i>
<i>Robert & Barbara Wilson on behalf of R&B Wilson Family Trust</i>	<i>FSI000</i>
<i>Steven and Teresa Hopkins</i>	<i>FSI075</i>
<i>Synlait Milk</i>	<i>FSI322</i>
<i>TaTa Valley Limited</i>	<i>FSI340</i>
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>FSI108</i>
<i>The Surveying Company</i>	<i>FSI308</i>
<i>Thorntree Orchards Limited</i>	<i>FSI054</i>
<i>Turangawaewae Trust Board</i>	<i>FSI139</i>

<i>Waikato Regional Council</i>	<i>FSI277</i>
<i>Watercare Services Ltd</i>	<i>FSI176</i>
<i>Yashili Dairy Company Limited</i>	<i>FSI086</i>

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

1.1 Qualifications and experience

1. My full name is David William Arthur Mead. I hold the position of Director at Hill Young Cooper Ltd. I have been a Director since 2001 and have been employed at Hill Young Cooper Ltd since 1998.
2. I hold the qualifications of a Bachelor of Town Planning from Auckland University and am a full member of the New Zealand Planning Institute. In 2017, I received a Distinguished Service Award from the New Zealand Planning Institute.
3. I am also an Independent Hearing Commissioner and have considered plan changes, resource consents and notices of requirements.
4. I have been employed in planning roles in private consultancy and local government for over 30 years. Recent experience relevant to this hearing includes being the section 42A reporting planner on the Long Bay Precinct for the Auckland Unitary Plan, and reporting planner on a number of plan changes in the Drury area of Auckland. I have also provided expert planning evidence on urban growth issues for several Plan Change appeals to the Environment Court including Okura, Frankton Flats, Bayswater Marina, Omaha and Long Bay.
5. I have helped to prepare numerous plan changes relating to new urban developments, affordable housing, stormwater management and urban design. This has involved preparation of strategies and action plans, developing structure and precinct plans, development of Resource Management Act (RMA) plan provisions, consideration of alternatives, submission analysis, section 42A reporting and negotiation and mediation post council-level hearings.
6. Prior to joining Hill Young Cooper, I was a member of the strategic projects team at Waitakere City which was responsible for developing and implementing a range of integrated sustainable development/Agenda 21 projects, which included urban growth strategies. I was also a member of the core team that prepared the inaugural Waitakere District Plan.

1.2 Code of Conduct

7. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
8. I am authorised to give this evidence on the Council's behalf to the Hearings Commissioners.

1.3 Conflict of Interest

9. I, as well as other Hill Young Cooper Ltd staff, have had no prior involvement in the preparation of the Proposed Waikato District Plan (PWDP) or any submissions on the PWDP. I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

10. I am the author of this section 42A report.

11. Preparation of this report has involved reviewing relevant plans and strategies for Pokeno and the wider Waikato region; reviewing background to the PWDP; submissions to that plan; as well the evidence filed by submitters and further submitters.
12. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions.
13. In preparing this report, I have had a number of discussions with council staff, and a limited number of submitters (so as to understand their submissions). I have visited Pokeno on two occasions.

2 Scope of Report

2.1 Matters addressed by this report

14. This report is prepared in accordance with section 42A of the RMA. This report considers submissions and further submissions that were received by the Council in relation to the zoning of land within and immediately surrounding Pokeno, for the purpose of accommodating urban activities. The report provides background information that will assist the Hearing Commissioners and submitters, as well as my recommendations as to whether submissions should be accepted or rejected.
15. Recommendations to accept or reject primary submissions are detailed. Recommendations on further submissions are not detailed, as decisions on further submissions follow the 'direction' of the recommendation on the primary submission. That is, if a primary submission is recommended to be accepted, then further submissions that support the primary submission are also accepted, while further submissions that oppose the primary submission are recommended to be rejected. The same approach applies where submissions are accepted. For a full list of recommendations for submissions and further submissions, see Appendix B.

2.2 Overview of the town

16. Pokeno is located on the northern edge of Waikato district, close to the boundary with the Auckland region. It lies on State Highway One, at the intersection with State Highway Two and is bisected by the North Island main trunk rail line.
17. In 2010 the northern Waikato areas of 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).
18. Since the Pokeno Structure plan was prepared, the settlement has grown strongly, with a current estimated size of approximately 1,400 households¹. Adam Thompson for CSL Trust and Top End Properties notes that since 2015, new dwelling building consents in Pokeno have averaged 225 per year².

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

² Para 6.9, evidence dated 17 February 2021.

19. 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 increase of 165 per year, under a medium-growth scenario.³ This growth will account for a substantial proportion of the overall growth of the district.
20. The Pokeno Structure Plan and the PWDP (see Figure 1) concentrates intensive urban growth on the west side of State Highway One. Land to the east is identified as Village Zone under the OWDP and PWDP.

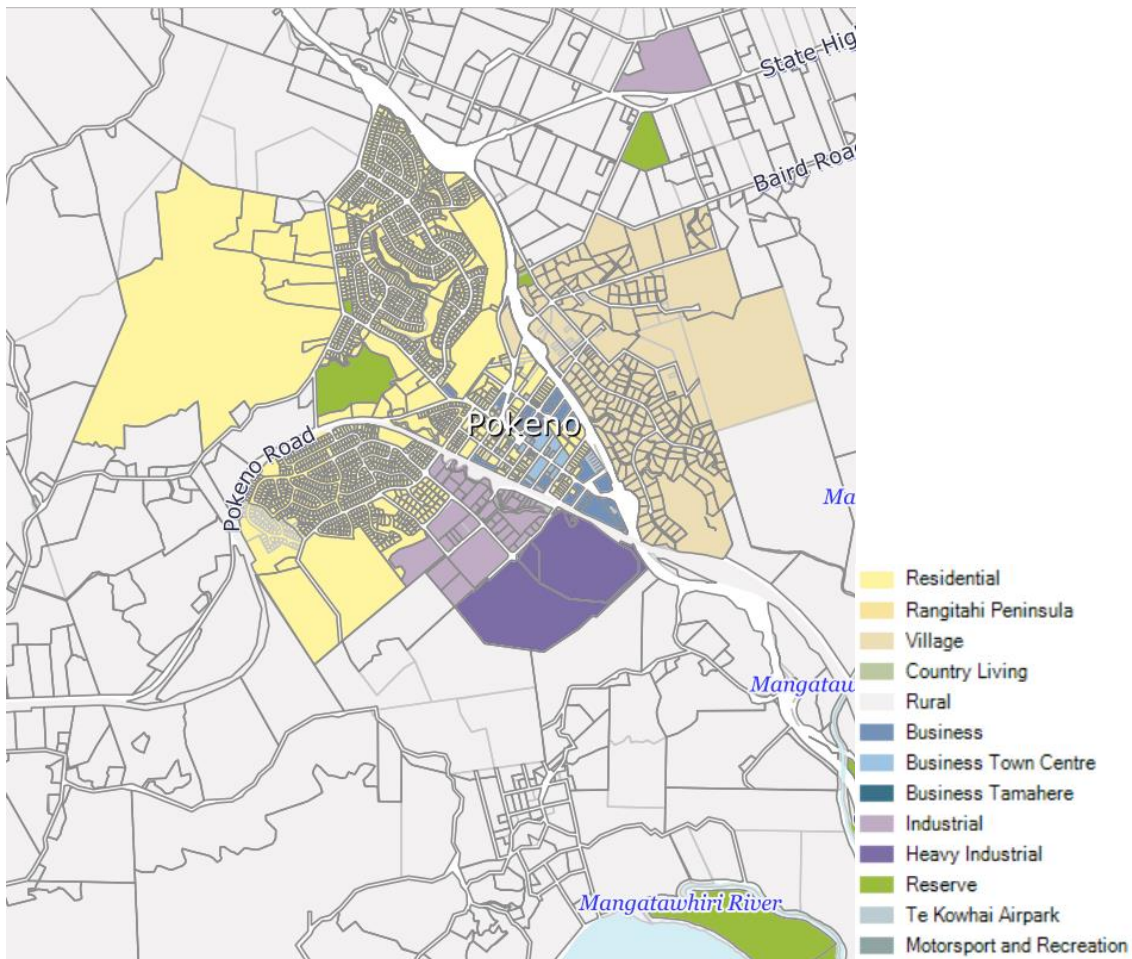


Figure 1: Proposed District Plan Zoning

21. To accommodate housing growth, the PWDP live zoned a large area of land to the west of Munro and Helenslee Roads (the Munro block).
22. To the south is a heavy industrial area. Under the operative plan, land to the immediate west and south of this industrial area was zoned for aggregate extraction (thereby providing a buffer to the industrial activities). Under the PWDP, this land is proposed to be zoned Rural. No changes were made in the PWDP to zoning of land in the town centre area, or to the east of State Highway 1.

³ I note that there is some debate as to the basis of these figures, such as the evidence of Fraser Colegrave on behalf of Pokeno Village Holdings Limited, who suggests that growth may be overstated. Mr Thompson for CSL Trust and Top End Properties suggests that growth may be understated.

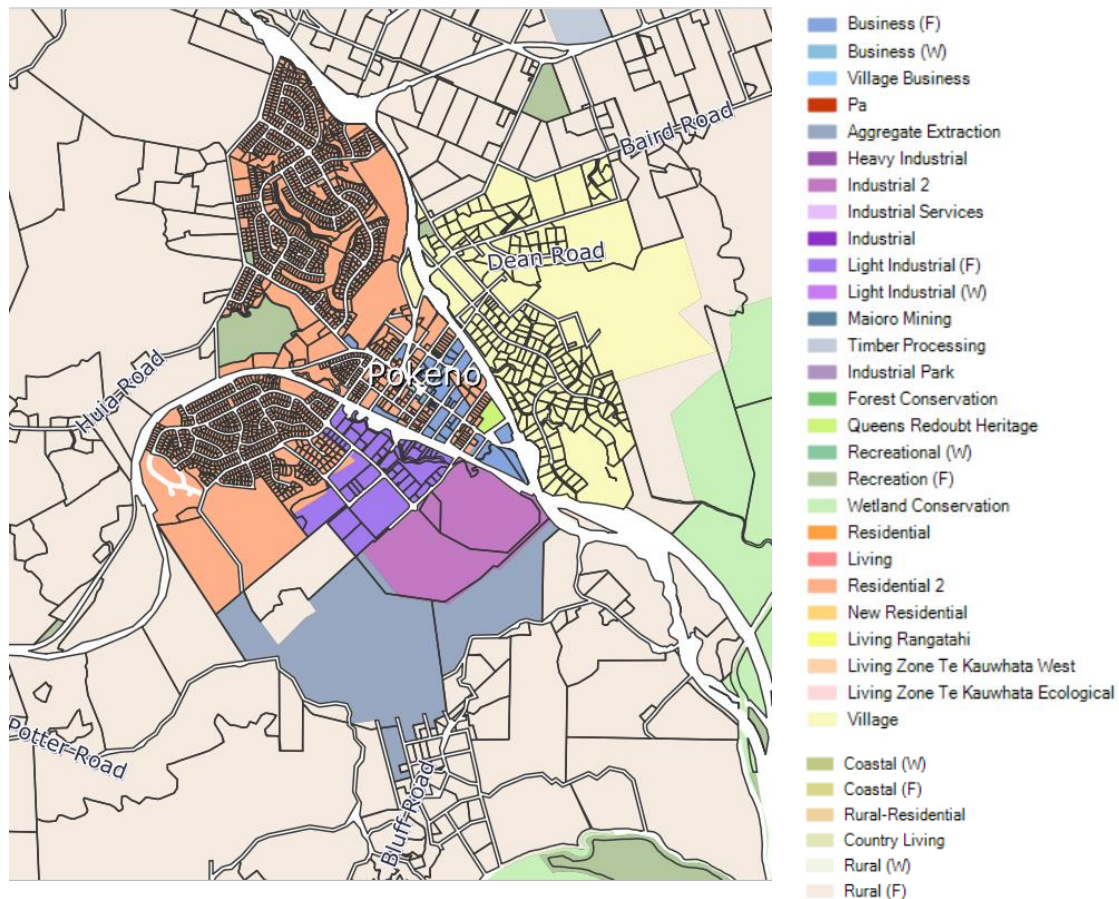


Figure 2: Operative District Plan Zoning

23. There are a number of Significant Natural Areas (SNAs) to the south-west and south-east of the township. National Grid Transmission lines, the State Highway and main trunk rail line are important national infrastructure that traverse the township north-south and which may generate some potential for reverse sensitivity effects along these infrastructure corridors.
24. Pokeno sits within a natural landscape 'bowl', with an elevated rural, hill backdrop visible in most directions, giving it a strong visual connection to the surrounding countryside. The surrounding ridgelines to the west and north, are an important natural feature within the wider landscape. The Pokeno Structure Plan identified that to ensure the rural setting of Pokeno is protected, "all land at a level above 100m should be excluded from potential development due to its visual sensitivity to the wider audience".
25. To the south of the township, once over the ridgeline that roughly follows Bluff Road, the land falls towards the Waikato River, and is part of a different visual and landscape catchment. To the east of the State Highway, landform provides less of a physical demarcation for the edge of the settlement.
26. In terms of strategic planning, Pokeno was identified as a growth node in the Franklin District Growth Strategy, with potential for further growth additional to that which was provided for by the Pokeno Structure Plan. In 2010, Plan Change 24 incorporated the Structure Plan into the District Plan, as well as new zones. Around 400ha of urban land was identified, located within the Tanitewhiora catchment and Helenslee sub catchment.
27. Plan Change 24 made a number of observations about the physical extent of Pokeno, including:
 - limited connectivity to the east of the motorway

- stormwater issues (headwaters) to the north-west
 - quarry activity to the south.
28. The Waikato Regional Policy Statement (WRPS) notes that the Franklin District Growth Strategy provides for the management of growth in that part of the Waikato and Hauraki Districts that was the former Franklin District, until such time as a replacement strategy has been adopted. The Future Proof Strategy 2017 (FPS 2017) update and Waikato 2070 are considered by the Waikato District Council to be the relevant replacements to the Franklin District Growth Strategy in terms of the WRPS. As such, the Franklin District Growth Strategy no longer has a statutory link to the WRPS.
29. FPS 2017 shows 'indicative' urban limits to the township, and states these limits are subject to investigation and confirmation. The limits cover a much larger area than the Pokeno Structure Plan. Pokeno is also identified as a 'strategic industrial node' in FPS 2017.

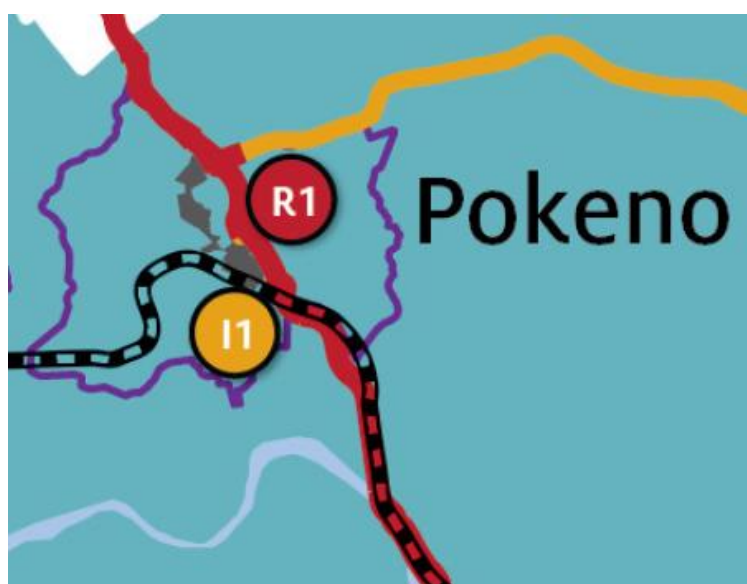


Figure 3: Future Proof 2017 Indicative Urban Limits (purple) – Pokeno
(Note: R1 = residential; I1 = strategic industrial node.)

30. Future Proof 2017 notes the following relevant growth management factors:
- rapidly growing settlement on Auckland's doorstep;
 - potential to become an important town in the district, particularly in relation to employment (given State Highway connectivity);
 - consideration of the provision of social infrastructure such as a school or healthcare facility;
 - better public transport and improved opportunities for walking and cycling; and
 - given the close proximity to Tuakau (7km), developing strong connections between the towns, including the ability to plan for shared community facilities and services.
31. Waikato 2070 continues to identify the need for on-going rezoning and expansion of the township to accommodate expected growth. Waikato 2070 is based on stronger growth projections than FPS 2017. Under Waikato 2070, land to the east of the motorway, as well as

land to the south are identified as possible growth areas, along with the western land live zoned in the PWDP.

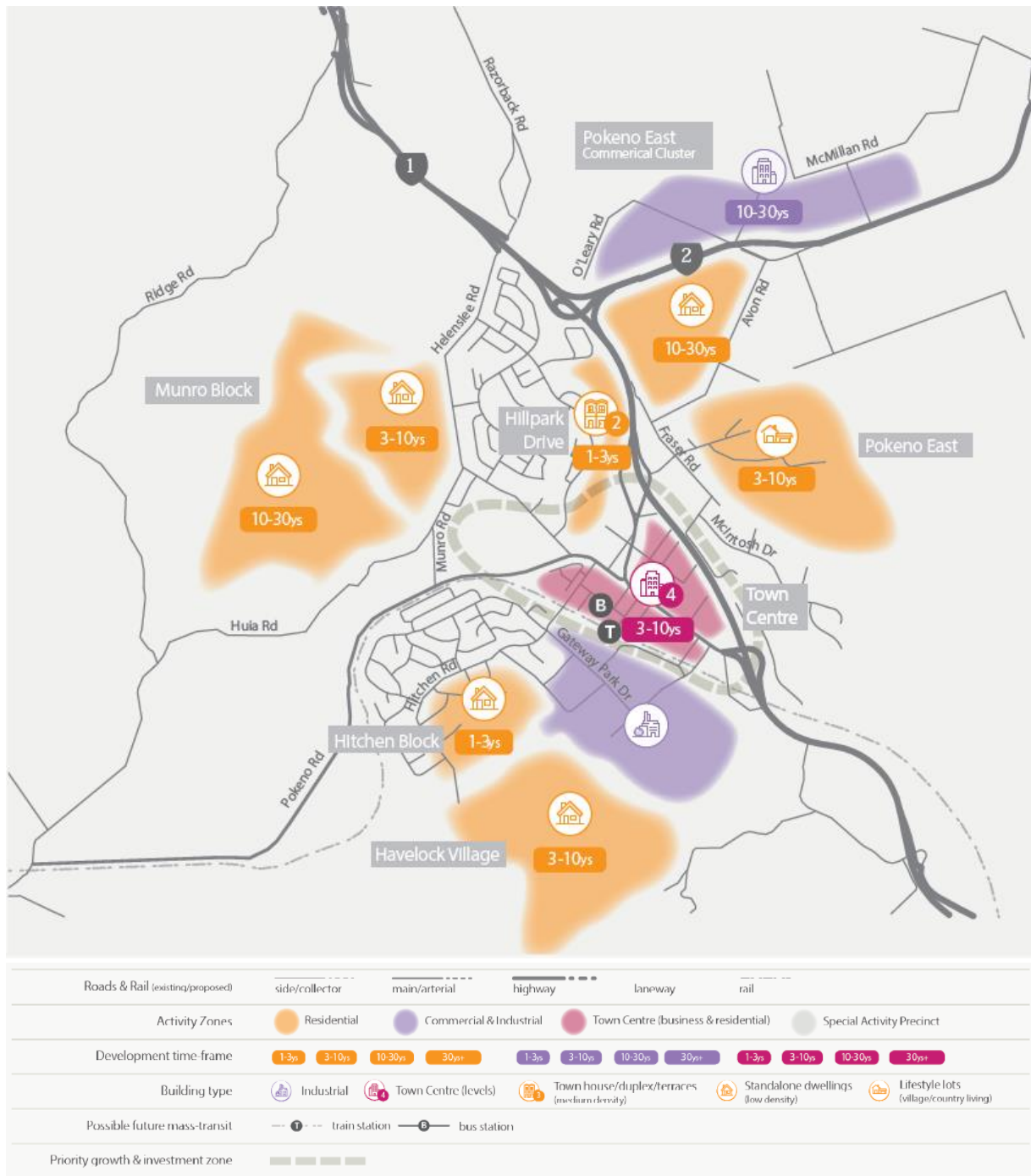


Figure 4: Pokeno Development Map (source: Waikato 2070)

32. Some evidence (such as Chris Scafton for Pokeno Village Holdings⁴) suggests that when considering rezoning submissions, more weight should be given to FPS 2017 than Waikato 2070 (as FPS 2017 foresees slower growth for Pokeno than Waikato 2070). I consider that

⁴ Evidence of Chris Scafton, 10 March 2021, page 4, para 2.8.

Waikato 2070 provides a more up to date and 'finer-grained' look at Pokeno's growth options than FPS 2017 and is therefore of more assistance when considering specific submissions.

33. Turning to the capacity to accommodate growth, OWDP zonings still provide for expansion in the Hillpark Drive area and the remaining areas of the Hitchen Block. As noted, in addition to these areas, the PWDP provides for the residential zoning of 160ha of land to the west of Munro Road in Pokeno West. The PWDP also provides limited opportunities for more intensive residential development in the existing residential area and mixed use development in the town centre. However, these types of developments are subject to consent processes and a degree of uncertainty as to market demand, at least in the short term.
34. Table I below is based on data provided in the Council's Framework report. This shows the estimated capacity under present operative and proposed zonings for 'greenfields' areas in the PWDP as notified. I note that Mr Botica, in his evidence for Pokeno Village Holdings Limited suggests that across current zonings (excluding the Munro block), there is capacity for just over 1,100 dwellings⁵. This is not dissimilar to the estimate in the Framework report of 940 dwellings in the Hillpark Drive and Hitchen blocks⁶. Mr Thompson⁷ for CSL Trust estimates a capacity of between 865 and 1,365 dwellings under the OWDP.
35. This capacity accommodates some but not all of the expected growth over the next 10 years. Further and additional live zonings will be required. Based on the Council's numbers in the Framework report, I estimate that to meet medium-term demands (next 10 years), feasible capacity for an additional 900 dwellings needs to be identified (as is discussed in more detail below in the section relating to the National Policy Statement – Urban Development (NPS-UD)).

Live Zoned (estimated capacity – dwellings)	
Munro Block (PWDP)	1,587
Hillpark Drive (OWDP)	484
Hitchen Block (OWDP)	458
Total additional	2,529

Table I: Capacity of PWDP zonings Source: Framework report, page 93

36. In terms of land zoned for employment activities (business and industrial), strategic plans identify the employment hub role of Pokeno and the associated need for more industrial zoned land. However, no moves are made in the PWDP to add additional industrial or business land. This partly reflects some vacant land in the existing Industrial Zoned areas, limited ability to extend the existing industrial area due to surrounding steep topography, and a lack of detailed analysis as to other options. It is noted that Waikato 2070 suggests a possible business area to the north of State Highway 2.

⁵ Para 3.11.

⁶ Page 93, Framework report

⁷ Para 7.9

37. An important issue is the staging of this future growth relative to infrastructure availability. The Waikato 2070 strategy identifies potential timing, but this is subject to a range of factors. This issue is addressed in relation to submissions questioning the zoning of specific areas and sites.

2.3 Overview of submissions

38. Submissions seek urban-type residential development to the east, west and south of Pokeno. There are also submissions seeking rezoning to enable more intense residential development close to the town centre.
39. Submissions from 25 separate parties seek rezonings at Pokeno. There is a total of 31 submission points; 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.

Figure 5 shows the geographic location of the submissions seeking rezonings. The following table (Table 2) provides a list of the submitter's names and number and rezoning sought.

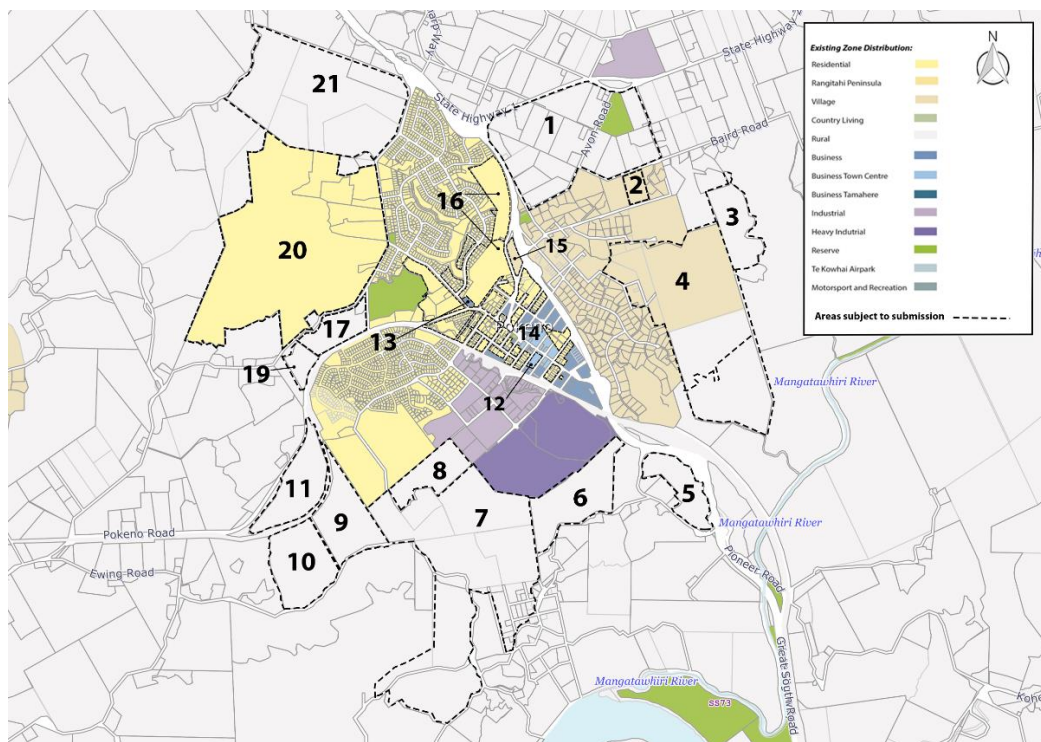


Figure 5: Geographical location of sites subject to submissions

Table 2: Submitter reference for Figure 5

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	458.1	Rural	Village
4	David Lawrie	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
	Bill Loutit for Hynds Pipes	983.1	Rural	Heavy Industrial and Rural
	Lynne Collins	72.1	Rural	Rural
	Stonehill Trustee Ltd	971.1	Rural	Rural
7	Bill Loutit for 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 Ltd	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	Village	Business
14	Kāinga Ora	749.154	Residential, Business & Business town centre	Medium density

Map No.	Submitter	Sub No.	Notified Zone	Zone Sought*
15	Janet Elaine McRobbie	684.2	Residential	Residential
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
	Pokeno 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

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

2.4 Structure of this report

40. For the purposes of this report, site- or area-specific submissions have been geographically grouped into four areas: Pokeno East, Pokeno Central, Pokeno West and Pokeno South. Preceding these geographically based submissions, there is analysis of submissions raising general issues as to the overall growth of Pokeno. Those submissions are grouped as 'General Growth: spatial planning, environmental constraints, structure plans and objectives and policies'.
41. The four geographic areas are briefly described as follows:
Pokeno East
42. Pokeno East is the area on the eastern side of State Highway 1 and south of State Highway 2. The area is within the FPS 2017 indicative urban limits and is shown as a possible growth area in Waikato 2070, with a mix of residential and large lot development, as well as industrial land to the north of State Highway 2. Council's Framework report identifies that the area is not provided with wastewater services and that there are currently no plans to extend wastewater to the area in the short to medium term.
43. Seven submission points were received from six submitters seeking to retain the notified zone or seeking to amend zoning to either Village Zone, Country Living Zone or Residential Zone in relation to four specific areas in east Pokeno.

Pokeno Central

44. Pokeno Central is the existing older, established urban/built up area including the town centre and the area contained to the west of State Highway 1, east of the rail line and generally south of Hillpark Drive.
45. The area is within the FPS 2017 indicative limits and is shown in Waikato 2070 as an area for town centre growth and more intensive residential development. No significant infrastructure constraints are identified, although flood hazards are present. Central Pokeno submissions are grouped further into Business Zone and Residential Zone sub-sections.

Pokeno West and Pokeno South-West

46. Pokeno West covers areas north-west of the existing urban/built up area along Helenslee and Munro Roads.
47. This land is within FPS 2017 indicative urban limits, but only part of it (the Munro block) is identified in Waikato 2070. Land to the north-east and south-west of the Munro block is not shown as a growth area in Waikato 2070. A key issue in this area is stormwater management.
48. Eight submission points were received from six submitters that seek to retain or modify the zones on specific sites as notified. Pokeno West submissions are grouped further into the Munro block and Residential Zone sub-sections.
49. A sub area called Pokeno South-West has been created to address three submissions for land near Pokeno Road to the west of the Hitchen block.

Pokeno South

50. Pokeno South covers land to the south of the Hitchen block and to the south and west of the industrial area. Land around Bluff and Pioneer Roads is included. Part of this area is within FPS 2017 indicative urban limits and Waikato 2070 (that is, the land that generally falls towards the north, adjoining the current urban area). South Pokeno submissions are grouped further into industrial interface and Residential Zone request sub-sections. Potential reverse sensitivity effects are a major issue in this area.
51. In addition to the above sections, the report contains two appendices:
Appendix 1 Table of submission points and further submissions
Appendix 2: Maps of recommended zone amendments.

3 Statutory framework

52. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for the Council (23 September 2019) and the opening planning submissions for the Council (23 September 2019, paragraphs 18-32). The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45).
53. In summary the main statutory tests related to rezoning requests could be summarised as⁸:

⁸ Based on 'Thumb Point Station v Auckland Council 2015, HCNZ 1035'

- what are the possible significant effects of the rezoning request?
 - will the requested zone better manage these effects, taking into account the requirements of Section 32, than the notified zoning?
 - does the request give effect to national and regional policies?
 - is the request consistent with relevant regional and district planning documents?
54. The Council's Framework report provides further detail on the NPS-UD, the Waikato Regional Policy Statement (WRPS), and relevant local planning documents. The following sections identify specific statutory provisions that are relevant to the consideration of submissions relating to Pokeno.

3.1 National Policy Statement for Urban Development

55. Pokeno is facing growth pressures and there is a need to identify additional land for housing and businesses. The NPS-UD requires that sufficient, feasible plan-enabled and infrastructure-ready zoning be provided to meet expected demands over a 10-year (medium) time horizon. Under Policy 3.4, sufficient capacity must be zoned in an operative or proposed district plan to accommodate demands in the short to medium term. This land must be infrastructure ready. Development capacity is infrastructure ready if, in relation to the short to medium term, there is adequate existing development infrastructure to support the development of the land or funding for adequate infrastructure to support development of the land is identified in a long-term plan.
56. In relation to the long term, capacity must be identified in a district plan or a growth strategy (such as a Future Development Strategy). Infrastructure funding must be identified in the relevant Infrastructure Strategy.
57. In other words, the NPS-UD does not require live zoning of land to provide for long-term capacity (10 years plus). However, it is good planning practice to anticipate capacity over a longer time frame than 10 years (in part due to the time involved in plan changes and plan reviews), provided relevant outcomes are met relating to infrastructure and environmental management.
58. As it currently stands, the Council's estimate is that in the short to medium term, there will be demand for an additional 2,600 dwellings in Pokeno (taking into account the 20% buffer required by the NPS-UD)⁹. Existing dwellings plus expected growth plus buffer take the projected total number of dwellings in the settlement to 4,862 by 2031 (i.e. in the short to medium term)¹⁰. This contrasts to the estimated capacity of the PWDP of 3,924¹¹ dwellings (assuming no uptake of current redevelopment options in that time frame). In other words, to meet the requirements of the NPS-UD, plan-enabled capacity needs to be expanded by approximately 900 dwellings – that is, land that is live zoned and can be developed over the next 10 years. In short, while the PWDP has taken some steps towards providing additional capacity, further live zoned land is needed to meet at least the medium-term demands. Where additional capacity can be provided that takes zoned capacity beyond the medium term, then

⁹ Framework report, page 93.

¹⁰ Mr Colegrave for Pokeno Village Holdings raises a number of issues with this projection, but in the absence of any alternative estimate, I maintain use of the Council's estimate. I consider Mr Thompson's estimate of annual demand for 400 to 500 dwellings (para 7.9(b) of his evidence) is based on an uncertain assumption about the extent of suppressed demand.

¹¹ 1,395 existing dwellings plus operative and proposed district plan zonings for 2,529 dwellings.

this should also be considered, provided that the capacity is consistent with planning outcomes and infrastructure availability.

59. In terms of where and how this growth is to be provided for (such as the balance between greenfields and brownfields) the NPS-UD largely leaves this to regional and district plans to resolve. There is however an acknowledgement in the NPS-UD of the benefits of intensification and redevelopment of existing urban areas. As an Urban Environment¹² in a Tier 1 Council area, Pokeno is subject to the intensification requirements of the NPS-UD; namely Policy 3 which states that district plans must provide for building heights and density commensurate with accessibility to a range of commercial activities and community services and relative demand for housing and business uses in central locations.

3.2 Waikato Regional Policy Statement

60. As noted in the Framework report, the WRPS favours consolidation of urban growth in and around existing townships and settlements, in line with strategic plans. Objective 3.12 refers to anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region. This is a clear reference to spill-over growth from the Auckland region.
61. At a high level, the WRPS supports intensification of existing settlements. Urban expansion is acknowledged where it is within the bounds of strategic planning documents (such as FPS 2017), although the Policy Statement (and the NPS-UD) recognises the potential for other urban development options to be considered through the alternative land release provisions. The Policy Statement also seeks to ensure integrated planning and co-ordination of land use development with the provision of infrastructure. Regional Policy supports structure planning of land to be urbanised so as to drive integrated outcomes and infrastructure co-ordination, but does not require this method to be followed before rezoning occurs.
62. In terms of the future extent of Pokeno, the WRPS does not identify any urban limits. As noted, FPS 2017 identifies 'indicative urban limits'. These limits provide for expansion to the east and west of Pokeno, but appear to provide for more limited expansion to the south. Also of relevance is Waikato 2070. However, this document has not been incorporated into FPS 2017, nor the WRPS. It is nevertheless a strategy under Section 742(b)(i) of the RMA that should be taken into account.
63. A specific issue for Pokeno is certainty of zoning for industrial activities. Pokeno is home to three substantial industrial activities, located in Industrial Zones (Hynds, Synlait and Yashili). Expansion of the residential component of the township towards the south raises potential for reverse sensitivity effects for these activities. The WRPS recognises the need to manage reverse sensitivity issues. Under the heading 'methods', section 6.1 of the Policy Statement says that consideration should be given to discouraging new sensitive activities, locating near existing and planned industrial uses.

¹² The NPS-UD defines Urban Environments as follows: means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people. Pokeno is considered to fall under this definition because of its housing and labour market links with Auckland, even though the population of the settlement is around 2,000 people.

3.3 Proposed district plan policy direction

64. The Framework report outlines in detail relevant PWDP policies and those are not repeated here.
65. Of note, Objective 4.1.2 seeks that urban growth and development is consolidated in and around existing towns and villages in the district. Policy 4.1.3 goes on to favour locating urban growth areas where they are consistent with the Future Proof Strategy Planning for Growth 2017.
66. Policy 4.1.4 recognises that subdivision, use and development in new urban areas can be managed (and staged) to integrate with infrastructure provision. The policy refers to subdivision being:
 - (i) located, designed and staged to adequately support existing or planned infrastructure, community facilities, open space networks and local services; and
 - (ii) efficiently and effectively integrated and staged to support infrastructure, stormwater management networks, parks, and open space networks.
67. Chapter 4 of the PWDP contains a Pokeno-specific policy, as follows:

4.1.1.1 Policy – Pokeno:

 - (a) Pokeno is developed to ensure;*
 - (i) Subdivision, land use and development of new growth areas does not compromise the potential further growth and development of the town;*
 - (ii) Walking and cycling networks are integrated with the existing urban area; and*
 - (iii) Reverse sensitivity effects from on the strategic transport infrastructure networks are avoided or minimised.*
68. In terms of methods, the PWDP does not require structure planning to occur before land is zoned for urban purposes, however it is a technique that is supported. Some submissions have prepared detailed structure plans to support rezoning, with an expectation that these structure plans will be incorporated into the plan. Others have undertaken initial investigations sufficient to justify rezoning, but (it is presumed) leaving actual layout to be determined through the subdivision and development consent process.
69. The Council has identified the benefits of additional zone-based methods such as a Future Urban Zone (FUZ) and a Medium Density Residential Zone (MDRZ), and these tools are referred to in this report where relevant.

4 General Growth - Spatial Planning

4.1 Submissions

70. This section addresses submissions and further submissions that raise general issues about rezonings in and around Pokeno. The submissions raise concerns about potential for ad hoc decisions ahead of comprehensive spatial planning and associated infrastructure roll out, with the potential for ‘over provision’ of live zoned land relative to infrastructure funding abilities.
71. Evidence has been received from Pokeno Village Holdings Limited and NZTA Waka Kotahi.

Submission Point	Submitter	Decision Requested
386.3	Pokeno Village Holdings Limited	Amend the Proposed District Plan to better give effect to the Regional Policy Statement. AND Any further, other or consequential relief necessary.
FS1377.79	Havelock Village Limited	Support
742.15	New Zealand Transport Agency	Defer or withdraw the live zoning of new residential industrial or commercial land in Pokeno from the planning maps until an appropriate structure plan is developed with coordinated sequencing and staging of infrastructure. AND Amend Policy 4.1.11(a) Pokeno as follows: (i) Subdivision, land use and development of new growth areas does not compromise the potential future growth and development of the town and is supported by existing or planned infrastructure. (ii) Safe walking and cycling networks are integrated with the existing urban area; and (iii) Reverse sensitivity effects from on the strategic transport infrastructure networks National Routes and Regional Arterials in accordance with Table 14.12.5.6 are avoided or minimised. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1075.8	Steven and Teresa Hopkins	Oppose
FS1261.35	Annie Chen	Oppose
FS1269.57	Housing New Zealand Corporation	Oppose
FS1273.82	Auckland Transport	Support
FS1281.44	Pokeno Village Holdings Limited	Support
FS1297.40	CSL Trust & Top End Properties Limited	Oppose
FS1108.134	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1176.253	Watercare Services Ltd	Support
FS1308.118	The Surveying Company	Oppose

FS1377.242	Havelock Village Limited	Support
FS1387.845	Mercury NZ Limited for Mercury D	Oppose

4.2 Analysis

72. **NZ Transport Agency [742.15]** (NZTA Waka Kotahi) is concerned that the proposed live zoning of areas for development within Pokeno (and Tuakau) without integrated planning, staging or sequencing of infrastructure has the potential to compromise liveable community outcomes. The Transport Agency's submission does not support any additional rezoning until this is resolved, although this position is amended to an extent through the evidence of Mr Wood who supports more of a case-by-case assessment, as discussed below.
73. In support of its position, the original submission sought amendments to Policy 4.1.11(a) as follows:
- (i) *subdivision, land use and development of new growth areas does not compromise the potential future growth and development of the town and is supported by existing or planned infrastructure.*
 - (ii) *safe walking and cycling networks are integrated with the existing urban area; and*
 - (iii) *reverse sensitivity effects ~~from on the strategic transport infrastructure networks~~ National Routes and Regional Arterials in accordance with Table 14.12.5.6 are avoided or minimised.*
74. **Auckland Transport [FS1273.82]** further submitted, supporting the withdrawal of live zoning, as referenced in the New Zealand Transport Agency submission, particularly as no evidence has been provided in preparation of the PWDP regarding the ability to serve development areas with infrastructure. Moreover, planning processes are underway to coordinate growth between the Auckland region and Waikato district, including the Hamilton-to-Auckland Corridor Plan, the Northern Waikato Programme Business Case and the Future Proof Strategy.
75. **Watercare [FS1176.253]** is a further submitter. It also supports the deferral or withdrawal of the live zoning of new residential, industrial and commercial land until an appropriate structure plan is developed with coordinated sequencing and staging of infrastructure. However, no detailed evidence has been supplied by Watercare.
76. The **Waikato Regional Council [FS1277]** has made further submissions in relation to a number of primary submissions that seek live zonings. The regional council submits that it is anticipated that the H2A project, including the Hamilton-Waikato Spatial Plan, and a 'Pokeno Spatial Plan', will inform decisions about the location, timing and form of future development. Decisions on the rezoning of land within the H2A corridor should be deferred until the relevant component of the corridor plan is complete to avoid undermining this important strategic planning process.
77. Evidence provided by the regional council has modified this position. The evidence generally supports urban development to the west of the State Highway that is in line with FPS 2017 and the location and timing set out in Waikato 2070. For East Pokeno, the regional council supports a FUZ for the northern part of the area and maintaining the Village zoning in the southern part of the area.

78. **Pokeno Village Holdings [386.3]** (PVH) refers to a number of objectives and policies that in its view have been drafted in a manner that does not adequately give effect to the Regional Policy Statement, including but not limited to policies 4.1.8 and 4.5.18. For example, Policy 4.1.8 refers to integration and connectivity across development areas. Evidence provided questions the extent of rezonings sought, suggesting that if all are adopted, then housing capacity will be well in excess of demand, and that this will have implications for infrastructure funding and delivery.
79. A particular issue raised by PVH in evidence is its view that comprehensive catchment planning of the Tanitewhiora catchment is needed prior to further urbanisation of land in West Pokeno. They are concerned that stormwater and down-stream flooding issues may be addressed on a site-by-site, rather than catchment-wide scale. The specific issues associated with the Tanitewhiora Stream are discussed in the section of this report dealing with submissions relating to West Pokeno. In a similar vein, through the evidence of Wes Edwards, concern is raised about the collective impact of rezonings on transport networks and associated required upgrades.
80. In contrast, the **Surveying Company [FS1308.118]** further submission notes that infrastructure provision and development of infrastructure can sit alongside the district plan. There is no need to stage live zoning within the district plan as properties can be live zoned and developed where infrastructure is available. A structure planning and a staged growth approach may delay the provision of land for development. There is a range of non-statutory mechanisms that can be used to determine the provision of infrastructure for live zoned properties.

Statutory Assessment

81. The NPS-UD and WRPS expect that spatial planning involving a high degree of co-ordination between infrastructure and land use planning will be undertaken before urbanisation occurs. While a range of spatial planning exercises have been undertaken, or are underway, the fast growth of Pokeno over the past five to 10 years has meant that these plans need to be constantly updated.
82. The Framework report addresses the issues of urban growth management and infrastructure planning and funding at a district-wide level. As is explained in the Framework report, in the case of Waikato District, infrastructure planning and funding is flexible so as to respond to a range of demands. Land may be live zoned, even if firm commitments are not set out in the LTP. The Framework report states¹³ that if short-term infrastructure capacity is not available, for example due to a disconnect between infrastructure delivery and developer readiness, this will be addressed with the developer at the time of subdivision and land use consent.
83. However, I acknowledge that this approach may place non-council agencies like NZTA Waka Kotahi and the WRC in some difficulty if their funding priorities do not align with the Council's. Equally, at a settlement-wide level, I acknowledge that urban form shaping actions like upgraded connections to the State Highway to support business growth, planning for public transport and transit connections to other urban areas and improved facilities for active modes are not easily addressed at a site-by-site analysis of infrastructure needs.
84. While I agree that integration of land use and infrastructure is very important, in the case of Pokeno, a number of factors suggest that such integration can occur without the need for

¹³ Page 5

halting live zoning of land until a comprehensive approach to township-wide structure planning has been undertaken. These factors include:

- the relatively small size of Pokeno
- work undertaken to date (e.g. Waikato 2070)
- the limited options for expansion
- the mechanisms that are in place to address council-level infrastructure funding issues
- assessment of subdivision and development proposals via the consent process
- the potential to identify land as 'Future Urban' so as to help stage growth and related infrastructure demands.

85. My reading of the evidence of Mr Wood for NZTA Waka Kotahi ¹⁴ essentially agrees with this approach. He identifies, from a transport perspective, a number of growth areas that could be advanced now, without the need for strategy-level work being undertaken (such as Pokeno West and Pokeno South). Equally, evidence for PVH, such as that of Dale Paice, is that from a stormwater perspective, rezoning for urban activities is appropriate, provided that catchment-wide stormwater planning is undertaken¹⁵. My understanding is that the two activities – rezoning and catchment wide stormwater (and transport) planning – can occur in parallel, with the output of the planning used to inform subsequent subdivision and resource consent processes, as well as council-initiated works. In fact, some certainty around the nature and extent of urban growth over the next 10 years is needed as an input into the catchment management and transport planning.
86. Furthermore, under the NPS-UD Pokeno lacks sufficient zoned land to meet expected growth demands over the medium term. Existing live zoned land is sufficient to meet the next three to five years growth (such as the Hitchens block and the Munro block), under a 'medium' growth scenario. In the medium term, more capacity is needed – both greenfields and brownfields. Even when live zoned, it can be a number of years between plans being prepared and houses being built. Waiting for a comprehensive structure plan to be prepared may see needed rezonings delayed.
87. In my opinion, the land use-infrastructure issues facing Pokeno are not of an order or scale that requires that no further land be live zoned (i.e. beyond that contained in the OWDP) until further, comprehensive spatial planning is completed (that is, an across-the-board hold on rezonings). However, there is justification to hold back live zoning of some land due to particular infrastructure issues.
88. In summary, halting live zoning until a settlement-wide structure plan is in place will not necessarily lead to better management of natural and physical resources. Furthermore, a settlement-wide structure plan is not needed to be consistent with national or regional policy.
89. I therefore recommend that the submission from NZTA Waka Kotahi be rejected. At a high level, I agree that amendments to the PWDP are required (that is, rezonings) to better give effect to the Regional Policy Statement and the NPS-UD. However, I recommend rejecting the submission from Pokeno Village Holdings as I do not see the PWDP as it relates to Pokeno not giving effect to the WRPS.

¹⁴ Evidence of Michael Wood, para 4.1.

¹⁵ Evidence of Dale Paice, para 2.7.

4.3 Recommendation

90. For the reasons above, I recommend that the Hearings Panel:

(a) **Rejects** Pokeno Village Holdings Limited [386.3]

(b) **Rejects** NZ Transport Agency [742.15].

4.4 Recommended amendments

91. No amendments are recommended.

4.5 Section 32AA Evaluation

92. No further evaluation is required.

5 General Growth - Environmental Constraints

5.1 Submissions

93. These submissions raise general concerns over the environmental effects of urban growth around Pokeno, such as potential adverse effects on cultural features and landscapes and adverse effects on receiving environments, such as the Whangamarino wetland.

94. Related to these submissions, Mercury Energy has made a number of further submissions raising concerns over flood hazards.

Submission Point	Submitter	Decision Requested
567.27	Ngati Tamaoho Trust	Amend the planning maps for Pokeno so that land is not rezoned where: land is steep and undevelopable without major earthworks; has an impact on the Whangamarino wetland RAMSAR site or any other significant ecological area; contains a Pa (within urban or industrial zones).
FS1108.99	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1281.25	Pokeno Village Holdings Limited	Support
798.22	Ngati Te Ata	No specific decision sought, but submission opposes inclusion of land within Pokeno which is steep and undevelopable without major earthworks.
FS1110.43	Synlait Milk Limited	Support
FS1281.48	Pokeno Village Holdings Limited	Support
FS1322.22	Synlait Milk	Support

FS1385.60	Mercury NZ Limited for Mercury B	Oppose
798.24	Ngati Te Ata	No specific decision sought, but submission opposes the inclusion of land in Pokeno that can impact on the Whangamarino wetland RAMSAR site or any other significant ecological area.
FS1281.49	Pokeno Village Holdings Limited	Support
FS1293.60	Department of Conservation	Support
FS1385.61	Mercury NZ Limited for Mercury B	Oppose
FS1387.1287	Mercury NZ Limited for Mercury D	Oppose
FS1202.107	New Zealand Transport Agency	Oppose
FS1387.1395	Mercury NZ Limited for Mercury D	Oppose
FS1202.26	New Zealand Transport Agency	Oppose

95. In addition to the above, in relation to Pokeno West, the PVHL submission notes that the Munro block in Pokeno West was live zoned when the land has steep slopes and associated erosion risks, and significant challenges associated with managing stormwater and flooding risk and a lack of defensible boundaries. The specific issues associated with Pokeno West are discussed in section 11 and 12 of this report.

5.2 Analysis

96. The submissions raise relevant points. The matters identified are issues that are addressed via assessment of rezoning proposals and subsequent subdivision and development applications. However, a concern can be that live zoning of land for residential and business activities can be taken to mean that environmental management has already been 'traded off' for greater urban capacity. Based on my experience, I do not consider that concern to be valid.
97. The Framework report and the Future Urban zone report note the benefit of structure planning where tensions between built and natural environment outcomes can often be resolved in a win-win manner. Where structure planning is not undertaken, regional and district provisions still apply at consent stage. National-level policy, such as the National Policy Statement on Freshwater, supports urban development occurring within biophysical parameters. I also note that techniques to manage sediment loads from large-scale earthworks and to mitigate urban run-off have progressed significantly over the past 10 years and now aim for high standards of mitigation of effects.
98. The above issues identified in the submissions have been inputs into my recommended responses to a number of rezoning requests, including rezoning land to the east of State Highway 1, as well as rezoning steeper land to the west and south. These points are discussed in relation to the relevant submissions.

Statutory Assessment

99. The submissions raise relevant environmental effects of urban development. In my view the WRPS and the PWDP contain sufficient policies and criteria to ensure that environmental constraints are given appropriate recognition in urban development, whether this be at the re-zoning stage or resource consent stage. In terms of the above submission points, the discussion below in relation to specific rezoning requests does address relevant environmental issues.
100. I recommended that the submissions be rejected (while noting that the general issues raised are addressed by a range of PWDP provisions).

5.3 Recommendation

101. For the reasons above, I recommend that the Hearings Panel:

- (a) **Rejects** Ngati Tamaoho Trust [567.27]
- (b) **Rejects** Ngati Te Ata [798.22]
- (c) **Rejects** Ngati Te Ata [798.24].

5.4 Recommended amendments

102. No amendments are recommended.

5.5 Section 32AA Evaluation

103. No further evaluation is required.

6 General Growth - Structure Plans

6.1 Submissions

104. This section addresses submissions and further submissions that raise concerns about the inclusion of various plan changes and structure plans into the PWDP.
105. Evidence in has been received from Pokeno Village Holdings Limited.

Submission Point	Submitter	Decision Requested
386.4	Pokeno Village Holdings Limited	Amend the Proposed Waikato District Plan to apply the provisions of Plan Change 24 and Plan Change 21 to the full extent of the Pokeno Structure Plan Area. AND Any consequential amendments to other parts of the Proposed District Plan to address the concerns raised in the submission.
581.11	Penny Gallagher for Synlait Milk Ltd	Add the Pokeno Structure Plan within the Proposed District Plan or incorporated by reference in the Proposed District Plan.

FS1281.29	Pokeno Village Holdings Limited	Support
FS1341.27	Hynds Pipe Systems Limited	Support
FS1377.153	Havelock Village Limited	Oppose

6.2 Analysis

106. **PVHL [386.4]** is concerned that the comprehensive planning approach to the development of Pokeno set out in the Pokeno Structure Plan and introduced through PC24 and PC21 and primarily implemented by Pokeno Village Holdings Limited (PVHL) has been ignored and dismissed through the review of the PWDP. Furthermore, the submitter opposes the rezoning of land if the required technical analysis supporting the rezoning is inadequate and not underpinned by a robust and comprehensive planning process. In contrast, Havelock Village Ltd [FS1377.153] supports live zoning where this is justified by adequate technical analysis (including development principles in the RPS) and is capable of being serviced by the necessary infrastructure.
107. **Synlait Milk Ltd [581.11]** seeks that the Pokeno Structure Plan be rolled over into the PWDP. This is presumably on the basis that the Pokeno Structure Plan restricted urban growth into the southern sector, near its plant.
108. Synlait also appears to be concerned that a structure plan for a particular site or area which is 'approved' by the Council, but not included in the district plan will take on the status of a rule through application of Policy 4.7.14 which refers to structure and master planning. The policy seeks to ensure that development and subdivision within approved structure or master plan areas is integrated with the development pattern and infrastructure requirements specified in the relevant approved structure or master plan. The concern appears to be that a structure plan for a site may be prepared and 'approved' outside RMA processes with limited or no involvement of other parties, yet take on importance when a consent is being assessed.
109. The Franklin section of the OWDP contained a structure plan for Pokeno. Given the strong growth that has occurred since it was prepared, the spatial extent of the township as defined by the structure plan has been amended through subsequent processes. The FPS 2017 strategy acknowledges that Pokeno needs to grow beyond the land identified in the Pokeno Structure Plan, as does Waikato 2070. While a range of spatial planning exercises have been undertaken and are continuing to address the next phase of Pokeno's growth, there is no comprehensive plan that could be inserted into the district plan for Pokeno.
110. Nevertheless, the principles that underpinned the Pokeno structure plan, such as a focus on West Pokeno, supporting the town centre and recognising landscape values are still relevant to the consideration of individual zoning proposals put forward by submitters.
111. In the absence of a comprehensive structure plan or similar for the township as a whole, an issue raised in evidence is the extent to which individual rezoning requests need to be supported by a structure plan that is to be incorporated into the district plan. For example, Chris Scrafton for Pokeno Village Holdings¹⁶ supports deferring additional live zonings through application of a Future Urban Zone (which would trigger the need for a plan change

¹⁶ Evidence of Chris Scrafton, 10 March 2021, page 35.

which would incorporate a structure plan for the land subject to the plan change). As noted, the PWDP does not require structure plans be prepared.

112. In my view, there is generally adequate discretion through the subdivision and development process to address 'structure plan' type issues, given the size of Pokeno, and size of lots involved. For example, I note that under Residential Zone Rule 16.4.1 Subdivision – General, the Council's discretion covers 'subdivision layout' and 'consistency with residential subdivision guidelines'. These guidelines include matters such as connectivity and low impact stormwater management. Nevertheless, where an appropriate structure plan has been prepared for a development area, then there would be benefits from incorporating the plan into the PWDP.

Statutory Assessment

113. As discussed in the previous section, there is no strong rationale to halt urban rezonings until a new settlement-wide structure plan has been prepared and adopted into the district plan. Neither is there justification to restrict urban development to the footprint identified in the Pokeno Structure Plan (given on-going growth pressures).
114. Structure plans for individual sites have been proposed through submissions for some sites, but not all may be in a form that could be inserted into the PWDP by way of submission. As noted in the Framework report, structure plans may not need to be prepared for all sites, to support rezoning, for example large sites in single ownership (although the risk of fragmentation of the site into smaller lots always exists). However adequate investigations need to be undertaken to determine that rezoning will not generate significant adverse effects that cannot be managed.
115. Structure plans that sit outside the district plan (such as those prepared by a landowner) have some relevance in resource consent processes (for example, being part of an AEE and another matter that is relevant under sec 104(1)(C)), but they would not have the status that may be implied by the Synlait submission.

6.3 Recommendation

116. For the reasons above, I recommend that the Hearings Panel:
- (a) **Rejects** Pokeno Village Holdings Ltd [386.4]
 - (b) **Rejects** Synlait [581.11].

6.4 Recommended amendments

117. No amendments are recommended.

6.5 Section 32AA Evaluation

118. No further evaluation is required.

7 General Growth - Objectives and Policies

7.1 Submissions

119. This section addresses submissions and further submissions that seek to either retain or amend objectives and policies relating to the nature and form of residential development.

Some submissions either seek district-wide amendments or Pokeno-specific wording for a number of policies.

I20. No specific evidence has been provided in relation to this topic.

Submission Point	Submitter	Decision Requested
862.3	Havelock Village Limited	Retain Objective 4.1.1 Strategic Objective.
FS1086.3	Yashili Dairy Company Limited	Support
FS1186.3	Pokeno Nutritional Park Limited	Support
FS1301.3	New Zealand Health Food Park Limited	Support
FS1303.3	Charlie Harris	Support
FS1340.150	TaTa Valley Limited	Support
FS1387.1396	Mercury NZ Limited for Mercury D	Oppose
862.4	Havelock Village Limited	Retain Policy 4.1.3 Location of Development
862.5	Havelock Village Limited	Amend Policy 4.1.5 Density to recognise that different housing densities may be appropriate in certain locations, particularly where such density has been included as part of an approved master plan; OR If the above relief is not accepted, add site-specific objectives and policies for Havelock Village, including a new Policy 4.2.20; AND Any consequential amendments or alternative relief to give effect to the matters raised in the submission.
FS1086.5	Yashili Dairy Company Limited	Support
FS1186.5	Pokeno Nutritional Park Limited	Support
FS1301.5	New Zealand Health Food Park Limited	Support
FS1303.5	Charlie Harris	Support
FS1340.152	TaTa Valley Limited	Support
FS1387.1398	Mercury NZ Limited for Mercury D	Oppose
862.6	Havelock Village Limited	Amend Policy 4.1.9 Maintaining Landscape Characteristics as follows: (a) <u>where practicable</u> , ensure that the fundamental shape, contour and

		<p>landscape characteristics are maintained during subdivision and development or alternatively any adverse effects on these characteristics are mitigated.</p> <p>OR</p> <p>If the above relief is not accepted, add site-specific objectives and policies for Havelock Village, including a new Policy 4.2.20;</p> <p>AND</p> <p>Any consequential amendments or alternative relief to give effect to the matters raised in the submission.</p>
FS1086.6	Yashili Dairy Company Limited	Support
FS1186.6	Pokeno Nutritional Park Limited	Support
FS1301.6	New Zealand Health Food Park Limited	Support
FS1303.6	Charlie Harris	Support
FS1306.56	Hynds Foundation	Oppose
FS1340.153	TaTa Valley Limited	Support
862.7	Havelock Village Limited	Retain Policy 4.1.11 Pokeno
FS1086.7	Yashili Dairy Company Limited	Support
FS1186.7	Pokeno Nutritional Park Limited	Support
FS1301.7	New Zealand Health Food Park Limited	Support
FS1303.7	Charlie Harris	Support
FS1340.154	TaTa Valley Limited	Support
862.8	Havelock Village Limited	Retain Objective 4.2.16 Housing options
FS1086.8	Yashili Dairy Company Limited	Support
FS1186.8	Pokeno Nutritional Park Limited	Support
FS1301.8	New Zealand Health Food Park Limited	Support
FS1303.8	Charlie Harris	Support
FS1340.155	TaTa Valley Limited	Support

FS1387.1399	Mercury NZ Limited for Mercury D	Oppose
862.9	Havelock Village Limited	Retain Policy 4.2.17 Housing types
FS1086.9	Yashili Dairy Company Limited	Support
FS1186.9	Pokeno Nutritional Park Limited	Support
FS1301.9	New Zealand Health Food Park Limited	Support
FS1303.9	Charlie Harris	Support
FS1340.156	TaTa Valley Limited	Support
862.11	Havelock Village Limited	Retain Objective 4.2.20 Maintain residential purpose.
FS1086.11	Yashili Dairy Company Limited	Support
FS1186.11	Pokeno Nutritional Park Limited	Support
FS1301.11	New Zealand Health Food Park Limited	Support
FS1303.11	Charlie Harris	Support
FS1340.158	TaTa Valley Limited	Support
FS1387.1401	Mercury NZ Limited for Mercury D	Oppose
862.12	Havelock Village Limited	<p>Add a new clause to Policy 4.2.26 Neighbourhood centres in structure plan areas, as follows: provide for new neighbourhood centres within structure plan areas or masterplan areas, that: (i) are for the daily retail and service needs of the community; and (ii) are located within a walkable catchment; <u>and (iii) provide for residential activities above the ground floor.</u></p> <p>OR</p> <p>If the above relief is not accepted, add site-specific objectives and policies for Havelock Village, including a new Policy 4.2.20;</p> <p>AND</p> <p>Any consequential amendments or alternative relief to give effect to the matters raised in the submission.</p>
FS1086.12	Yashili Dairy Company Limited	Support

FS1186.12	Pokeno Nutritional Park Limited	Support
FS1301.12	New Zealand Health Food Park Limited	Support
FS1303.12	Charlie Harris	Support
FS1340.159	TaTa Valley Limited	Support
FS1387.1402	Mercury NZ Limited for Mercury D	Oppose
862.13	Havelock Village Limited	Retain Policy 4.5.6 Commercial Purpose: Neighbourhood Centres
FS1086.13	Yashili Dairy Company Limited	Support
FS1186.13	Pokeno Nutritional Park Limited	Support
FS1301.13	New Zealand Health Food Park Limited	Support
FS1303.13	Charlie Harris	Support
FS1340.160	TaTa Valley Limited	Support
862.14	Havelock Village Limited	Retain Policy 4.7.4 Lot sizes
FS1086.14	Yashili Dairy Company Limited	Support
FS1186.14	Pokeno Nutritional Park Limited	Support
FS1301.14	New Zealand Health Food Park Limited	Support
FS1303.14	Charlie Harris	Support
FS1340.161	TaTa Valley Limited	Support
FS1387.1403	Mercury NZ Limited for Mercury D	Oppose
862.15	Havelock Village Limited	Retain Policy 4.7.5 Servicing requirements
FS1086.15	Yashili Dairy Company Limited	Support
FS1186.15	Pokeno Nutritional Park Limited	Support
FS1301.15	New Zealand Health Food Park Limited	Support
FS1303.15	Charlie Harris	Support

FS1340.162	TaTa Valley Limited	Support
FS1387.1404	Mercury NZ Limited for Mercury D	Oppose
862.16	Havelock Village Limited	Retain Policy 4.7.6 Co-ordination between servicing and development and subdivision
FS1086.16	Yashili Dairy Company Limited	Support
FS1186.16	Pokeno Nutritional Park Limited	Support
FS1301.16	New Zealand Health Food Park Limited	Support
FS1303.16	Charlie Harris	Support
FS1340.163	TaTa Valley Limited	Support
FS1387.1405	Mercury NZ Limited for Mercury D	Oppose
862.17	Havelock Village Limited	Retain Policy 4.7.7 Achieving sufficient development density to support the provision of infrastructure services
FS1086.17	Yashili Dairy Company Limited	Support
FS1186.17	Pokeno Nutritional Park Limited	Support
FS1301.17	New Zealand Health Food Park Limited	Support
FS1303.17	Charlie Harris	Support
FS1340.164	TaTa Valley Limited	Support
FS1387.1406	Mercury NZ Limited for Mercury D	Oppose
862.18	Havelock Village Limited	Retain Policy 4.7.8 Staging of Subdivision
FS1086.18	Yashili Dairy Company Limited	Support
FS1186.18	Pokeno Nutritional Park Limited	Support
FS1301.18	New Zealand Health Food Park Limited	Support
FS1303.18	Charlie Harris	Support
FS1340.165	TaTa Valley Limited	Support

862.19	Havelock Village Limited	Retain Policy 4.7.9 Connected Neighbourhoods
FS1086.19	Yashili Dairy Company Limited	Support
FS1186.19	Pokeno Nutritional Park Limited	Support
FS1301.19	New Zealand Health Food Park Limited	Support
FS1303.19	Charlie Harris	Support
FS1340.166	TaTa Valley Limited	Support
862.20	Havelock Village Limited	Retain Policy 4.7.10 Recreation and Access
FS1086.20	Yashili Dairy Company Limited	Support
FS1186.20	Pokeno Nutritional Park Limited	Support
FS1301.20	New Zealand Health Food Park Limited	Support
FS1303.20	Charlie Harris	Support
FS1340.167	TaTa Valley Limited	Support
862.22	Havelock Village Limited	Retain Policy 4.7.14 Structure and master planning
FS1086.22	Yashili Dairy Company Limited	Support
FS1186.22	Pokeno Nutritional Park Limited	Support
FS1301.22	New Zealand Health Food Park Limited	Support
FS1303.22	Charlie Harris	Support
FS1306.58	Hynds Foundation	Oppose
FS1340.169	TaTa Valley Limited	Support
FS1387.1408	Mercury NZ Limited for Mercury D	Oppose
862.30	Havelock Village Limited	Amend the Residential Zone provisions to provide for aggregate extraction activities, for the purpose of road supply for the Havelock Village development or development on adjacent sites as a Restricted Discretionary activity, including suitable matters of discretion and assessment. AND

		Any consequential amendments and alternative relief to give effect to the matters raised in the submission.
FS1086.30	Yashili Dairy Company Limited	Support
FS1186.30	Pokeno Nutritional Park Limited	Support
FS1301.30	New Zealand Health Food Park Limited	Support
FS1303.30	Charlie Harris	Support
FS1340.177	TaTa Valley Limited	Support
862.34	Havelock Village Limited	Retain Objective 4.1.2 - Urban growth and development.
FS1086.34	Yashili Dairy Company Limited	Support
FS1186.34	Pokeno Nutritional Park Limited	Support
FS1301.34	New Zealand Health Food Park Limited	Support
FS1303.34	Charlie Harris	Support
FS1340.181	TaTa Valley Limited	Support
FS1387.1412	Mercury NZ Limited for Mercury D	Oppose
862.35	Havelock Village Limited	Retain Policy 4.2.2.1- Maintain residential purpose.
FS1086.35	Yashili Dairy Company Limited	Support
FS1186.35	Pokeno Nutritional Park Limited	Support
FS1301.35	New Zealand Health Food Park Limited	Support
FS1303.35	Charlie Harris	Support
FS1340.182	TaTa Valley Limited	Support
FS1387.1413	Mercury NZ Limited for Mercury D	Oppose
862.38	Havelock Village Limited	Retain Policy 4.5.7 Commercial Purpose: Neighbourhood Centres in Structure Plans
FS1086.38	Yashili Dairy Company Limited	Support
FS1186.38	Pokeno Nutritional Park Limited	Support

FS1301.38	New Zealand Health Food Park Limited	Support
FS1303.38	Charlie Harris	Support
FS1340.185	TaTa Valley Limited	Support
862.40	Havelock Village Limited	Retain Objective 4.7.1 Subdivision and Land Use Integration
FS1086.40	Yashili Dairy Company Limited	Support
FS1186.40	Pokeno Nutritional Park Limited	Support
FS1301.40	New Zealand Health Food Park Limited	Support
FS1303.40	Charlie Harris	Support
FS1340.187	TaTa Valley Limited	Support
862.41	Havelock Village Limited	Retain Policy 4.7.2 Subdivision location and design
FS1086.41	Yashili Dairy Company Limited	Support
FS1186.41	Pokeno Nutritional Park Limited	Support
FS1301.41	New Zealand Health Food Park Limited	Support
FS1303.41	Charlie Harris	Support
FS1340.188	TaTa Valley Limited	Support
FS1387.1415	Mercury NZ Limited for Mercury D	Oppose
862.42	Havelock Village Limited	Retain Policy 4.7.3(a)(xiii) Residential subdivision
FS1086.42	Yashili Dairy Company Limited	Support
FS1186.42	Pokeno Nutritional Park Limited	Support
FS1301.42	New Zealand Health Food Park Limited	Support
FS1303.42	Charlie Harris	Support
FS1340.189	TaTa Valley Limited	Support
FS1387.1416	Mercury NZ Limited for Mercury D	Oppose

862.39	Havelock Village Limited	<p>Amend Policy 4.5.11 (a) Residential upper floors: Business Town Centre Zone and Business Zone, as follows: (a) maintain the commercial viability of the Business Town Centre Zone and Business Zone and <u>Neighbourhood Centre</u> while: (i) providing for mixed use developments, ensuring residential activities are located above ground floor; and (ii) avoiding residential activity located at ground floor.</p> <p>OR</p> <p>If the above relief is not accepted, add site-specific objectives and policies for Havelock Village including a new policy 4.2.20;</p> <p>AND</p> <p>Any consequential amendments or alternative relief to give effect to the matters raised in the submission.</p>
FS1086.39	Yashili Dairy Company Limited	Support
FS1186.39	Pokeno Nutritional Park Limited	Support
FS1301.39	New Zealand Health Food Park Limited	Support
FS1303.39	Charlie Harris	Support
FS1340.186	TaTa Valley Limited	Support
FS1387.1414	Mercury NZ Limited for Mercury D	Oppose
862.21	Havelock Village Limited	<p>Amend Policy 4.7.11 Reverse Sensitivity as follows: <u>Avoid manage</u> potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.</p> <p>OR</p> <p>If the above relief is not accepted, add site-specific objectives and policies for Havelock Village, including a new Policy 4.2.20;</p> <p>AND</p> <p>Any consequential amendments or alternative relief to give effect to the matters raised in the submission.</p>
FS1086.21	Yashili Dairy Company Limited	Support
FS1168.47	Horticulture New Zealand	Oppose
FS1186.21	Pokeno Nutritional Park Limited	Support

FS1301.21	New Zealand Health Food Park Limited	Support
FS1303.21	Charlie Harris	Support
FS1306.61	Hynds Foundation	Oppose
FS1340.168	TaTa Valley Limited	Support
FS1387.1407	Mercury NZ Limited for Mercury D	Oppose

7.2 Analysis

121. The support for specific objectives and policies is noted. Where opposition is raised by **Mercury NZ [FS1387.1407]** this is related to concern that natural hazards have yet to be addressed, rather than a fundamental opposition to the retention of the relevant objective or policy. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to confirming the policy framework. Hazards are being addressed in Stage 2 of the district plan review process, and any consequential changes to objectives and policies are best addressed at that stage.

122. Particular responses to specific submission points cover:

- Submission point 862.5. This submission requests amendment to Policy 4.1.5 that concerns the density of development. The submission seeks to recognise the ability for comprehensively planned new developments to incorporate a range of densities. Alternatively, a site-specific policy is sought. Hearing 10 has addressed Policy 4.1.5 and the reporting planner did not recommend any fundamental changes to the policy. I note that there are a range of objectives and policies that support a variety of house types in Pokeno, such as Objective 4.2.16, which refers to:

Housing options

(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.

(b) Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.

I do not see the need to amend Policy 4.1.5 or add a specific policy for Havelock Village. Rather, the Pokeno township policy – Policy 4.1.11 – could be amended to refer to enabling a range of densities in brownfields and greenfields areas, for example. Enabling a range of residential densities is one method to implement the objective of increasing housing options. Policy 4.1.11 could read:

(a) Pokeno is developed to ensure;

- subdivision, land use and development of new growth areas does not compromise the potential further growth and development of the town;
- walking and cycling networks are integrated with the existing urban area; and
- reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised

- iv. a range of densities and types of residential development are enabled in new subdivisions, as well as the existing urban area.
- Submission point 862.6. This requests a site-specific policy for the proposed Havelock Village development, or an amendment to policies associated with landscape management, particularly policy 4.1.9 (which refers to ensuring that the fundamental shape, contour and landscape characteristics are maintained during subdivision and development). Given that the policy refers to 'fundamental landform characteristics', I do not see the policy as acting as a constraint on the types of extensive earthworks typically associated with recent urban developments.
- Submission point 862.12 seeks to add a new clause to Policy 4.2.26 (Neighbourhood centres in structure plan areas) that provides for residential activities above the ground floor. Similarly, submission point 862.39 seeks to add neighbourhood centres to Policy 4.5.11 (which refers to residential activities in centres). In my opinion residential activities are appropriate in local centres, but this is a matter that needs to be addressed at a plan-wide level, rather than make Pokeno specific changes.
- Submission point 862.30 requests amendment of the Residential Zone to provide for aggregate extraction activities within the zone. The need for this amendment is not explained in evidence. I do not support this amendment as it would undermine the purpose of the Residential Zone and the amenity which it seeks to retain.
- Submission point 862.21 refers to residential development and reverse sensitivity effects. The proposed change to policy 4.7.11 (replacing the word 'avoid' with 'manage') has potential implications across the plan. I do not recommend any changes, while noting that the Council's section 42a report to Hearing H3 did suggest changes to this policy (as discussed in section 13.2).

Statutory Assessment

123. The submission points support a number of the objectives and policies of the PWDP as notified. Where amendments are proposed by the submission, I generally do not see the need to amend the policies. That is, the amendments do not improve the efficiency or effectiveness of the policy in terms of implementing the objectives. The one area where an amendment may assist in implementing an objective would be explicit reference to a range of residential densities in the Pokeno township policy. However, this is more a matter of clarification, rather than needing to fill a gap between an objective and associated policy.

7.3 Recommendation

124. For the reasons above, I recommend that the Hearings Panel:

- (a) **Accepts** Havelock Village Limited [862.3; 862.4; 862.7; 862.8; 862.9; 862.11; 862.13; 862.14; 862.15; 862.16; 862.17; 862.18; 862.19; 862.20; 862.22; 862.34; 862.35; 862.38; 862.40; 862.41; 862.42]
- (b) **Rejects** Havelock Village Limited [862.5; 862.6; 862.21; 862.30; 862.39; 862.12]

7.4 Recommended amendments

125. That Policy 4.1.11 be amended as follows:

- (a) *Pokeno is developed to ensure;*
 - i. subdivision, land use and development of new growth areas does not compromise the potential further growth and development of the town;

- ii. walking and cycling networks are integrated with the existing urban area; and
- iii. reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised
- iv. a range of densities and types of residential development are enabled in new subdivisions, as well as the existing urban area.

7.5 Section 32AA Evaluation

126. The proposed addition to Policy 4.1.11 is in the nature of a clarification rather than a substantive policy change. In terms of the matters set out in Section 32AA, no additional costs are generated, while there are benefits from supporting a range of appropriately located residential densities. There are no additional risks of acting or not acting. The amended policy will better implement the objective of increasing housing options (Objective 4.2.16).

8 East Pokeno Zone Requests

8.1 Submissions

127. East Pokeno is the area on the eastern side of State Highway 1 and south of State Highway 2. Seven submission points were received from six submitters seeking to retain the notified Rural Zoning or seeking to amend to either Village Zone, Country Living Zone or Residential Zone in relation to four specific sites in the East Pokeno area.
128. Evidence in support has been received from Thorntree Orchard Ltd; Cindy and Tony Young; Brenda and Gavin Butcher for Parkmere Farms (combined evidence); David Lawrie for Madsen Lawrie Consultants. NZTA Waka Kotahi and Waikato Regional Council has provided evidence in opposition.

Submission Point	Submitter	Decision Requested
54.1	Thorntree Orchards Ltd	Amend the zoning of the properties near Pokeno bounded by State Highway 2 to the north, State Highway 1 to the west, Baird Road to the east and existing Village Zone to the south from Rural Zone to Village Zone.
FS1054.1	Thorntree Orchards Limited on behalf of Thorntree Orchards Limited	Accept submission in its entirety and rezone the submission area to Village.
FS1221.1	Cindy and Tony Young	Support.
FS1277.1	Waikato Regional Council	Retain zoning as notified.
FS1281.1	Pokeno Village Holdings Limited	Oppose.
FS1283.1	Parkmere Farms	Support.
FS1369.1	Ngati Tamaoho Trust	Oppose.

Submission Point	Submitter	Decision Requested
FSI386.41	Mercury NZ Limited for Mercury C	Oppose.
458.1	David Lawrie for Madsen Lawrie Consultants	Amend the zoning of the property at 114 Dean Road, Pokeno to Residential Zone.
FSI277.29	Waikato Regional Council	Retain zoning as notified.
FSI281.15	Pokeno Village Holdings Limited	Oppose.
FSI108.173	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose.
FSI377.107	Havelock Village Limited	Support.
458.2	David Lawrie for Madsen Lawrie Consultants	Amend the zoning of the property at 126 Baird Road, Pokeno to Residential Zone.
FSI277.30	Waikato Regional Council	Retain zoning as notified.
FSI281.16	Pokeno Village Holdings Limited	Oppose.
FSI108.197	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose.
FSI202.113	New Zealand Transport Agency	Oppose submission point 458.2.
FSI202.119	New Zealand Transport Agency	Oppose submission point 458.2.
FSI377.108	Havelock Village Limited	Support.
696.1	Brenda and Gavin Butcher for Parkmere Farms	Amend the zoning of the properties in the area east of Pokeno, bounded by State Highway 2 to the north, Baird Road to the east, Avon Road to the south and State Highway 1 to the west from Rural Zone to Country Living Zone (Refer to map included in submission).
FSI054.2	Thorntree Orchards Limited on behalf of Thorntree Orchards Limited	Reject submission points seeking for the submission area to be rezoned to Country Living.
FSI277.2	Waikato Regional Council	Retain zoning as notified.
FSI281.40	Pokeno Village Holdings Limited	Oppose.

Submission Point	Submitter	Decision Requested
FSI108.174	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI108.200	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FSI202.121	New Zealand Transport Agency	Oppose submission point 696.1.
FSI377.201	Havelock Village Limited	Support.
FSI387.378	Mercury NZ Limited for Mercury D	Oppose
735.1	Cindy and Tony Young	Amend the zoning of the properties in the area east of Pokeno, bounded by State Highway 2 to the north, Baird Road to the east, Avon Road to the south and State Highway 1 to the west from Rural Zone to Country Living Zone (Refer to map included in submission).
FSI054.3	Thorntree Orchards Limited on behalf of Thorntree Orchards Limited	Reject submission points seeking for the submission area to be rezoned to Country Living.
FSI277.3	Waikato Regional Council	Retain zoning as notified.
FSI281.43	Pokeno Village Holdings Limited	Oppose.
FSI377.239	Havelock Village Limited	Support.
FSI387.816	Mercury NZ Limited for Mercury D	Oppose.
754.1	Pieter Van Leeuwen	Amend the zoning of the properties in the area east of Pokeno, bounded by State Highway 2 to the north, Baird Road to the east, Avon Road to the south and State Highway 1 to the west from Rural Zone to Country Living Zone (Refer to map included in submission).
FSI054.4	Thorntree Orchards Limited on behalf of Thorntree Orchards Limited	Reject submission points seeking for the submission area to be rezoned to Country Living.
FSI277.4	Waikato Regional Council	Retain zoning as notified.
FSI281.46	Pokeno Village Holdings Limited	Oppose.

Submission Point	Submitter	Decision Requested
FSI377.272	Havelock Village Limited	Support.
FSI387.1101	Mercury NZ Limited for Mercury D	Oppose.
850.1	M & J Balchin	Retain the Village Zone for the property at 27 Macks Road, Pokeno as notified.
FSI387.1387	Mercury NZ Limited for Mercury	Oppose.

129. For context, Waikato 2070 shows East Pokeno as having a mix of residential, large lot and business development, with the residential and business areas having a development timeframe of 10 to 30 years. See Figure 6.

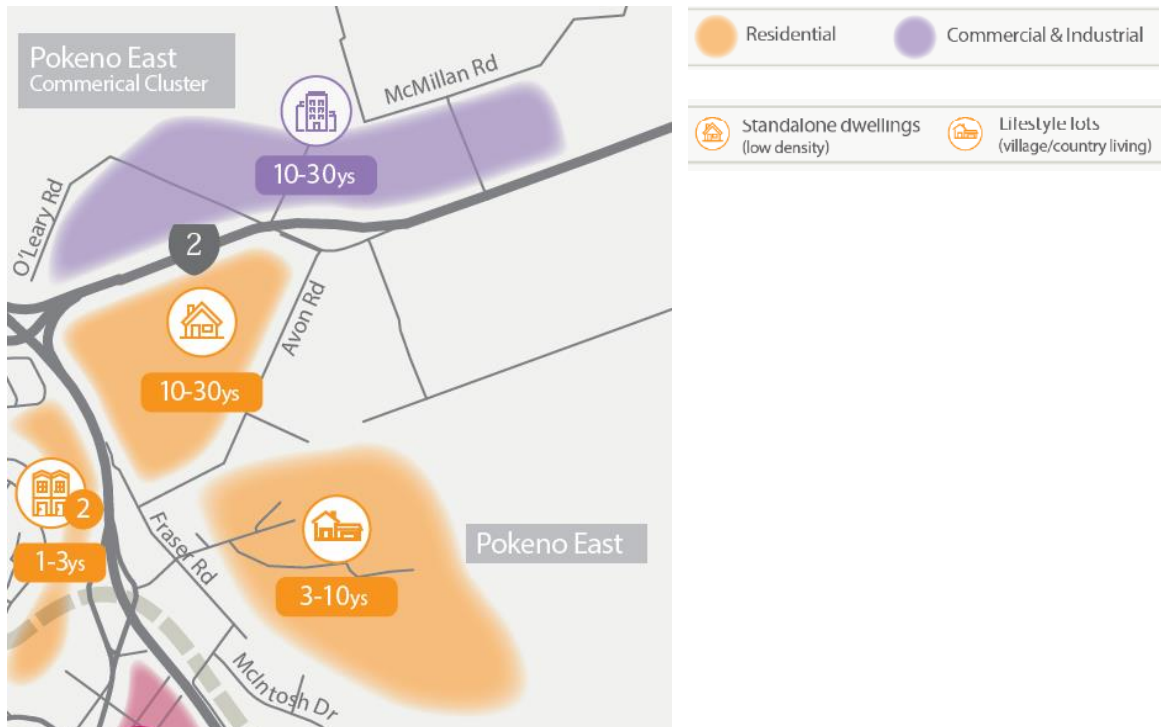


Figure 6: Extract from Pokeno Development Plan (source: Waikato 2070)

8.2 Analysis

130. **Thorntree Orchards Ltd [54.1]** in its original submission sought the rezoning of 88.85ha of land from Rural Zone to Village Zone. This area is made up of multiple lifestyle blocks bounded by State Highway 2 to the north, State Highway 1 to the west, Baird Road to the east and the existing Village Zone to the south (see Figure 7 below). This area is seen by the submitter as being suitable for a Village Zoning as it would complement and provide a logical northerly extension of the Village Zoning to the south and provide additional housing capacity

and choice in the form of up to 244 additional dwellings (on approximate 3,000m² sites). A concept plan was submitted showing a proposed layout of roads, riparian areas/ecological corridors, pedestrian and cycling trails and a possible underpass under State Highway 1 which would provide an east-west connection.

131. **Brenda and Gavin Butcher for Parkmere Farms [696.1], Cindy and Tony Young [735.1] and Pieter Van Leeuwen [754.1]** also submitted (and further submitted on Thorntree Orchards Ltd 54.1) with regard to the rezoning of the same sites that Thorntree Orchards Ltd. sought rezoning of. These submitters all seek rezoning from Rural Zone to Country Living Zone as it was a natural extension of the rural-residential development to the south. A further submission by Thorntree Orchards Ltd. [FS1054.2, 1054.3 & 1054.4] clarified that the request was for Village Zoning. Subsequently, Brenda and Gavin Butcher for Parkmere Farms, Cindy and Tony Young and Pieter Van Leeuwen were further submitters on Thorntree Orchards Ltd, submitting in support of rezoning the sites to Village Zone.
132. Reasons advanced by the submitters for the change in zoning include meeting projected population growth in the Pokeno area; suitability of the land for housing development; provision of additional housing choice; serviceability (infrastructure) of the sites; ecological enhancement (through retirement of farm streams) and defendability of State Highway 2 and other rural roads as a boundary to future expansion of the urban area.
133. Four further submissions were received opposing the rezoning of the sites. Reasons for opposition included: lack of technical analysis to support comprehensive planning; rezoning should not precede the outcomes/directions of the strategic growth documents (H2A project); the likely requirement for a State Highway 1 underpass; resulting development of topographically unsuitable land; and the need for regional flood hazard mapping to ensure land use changes do not create any further flood risk in the Waikato River Catchment.

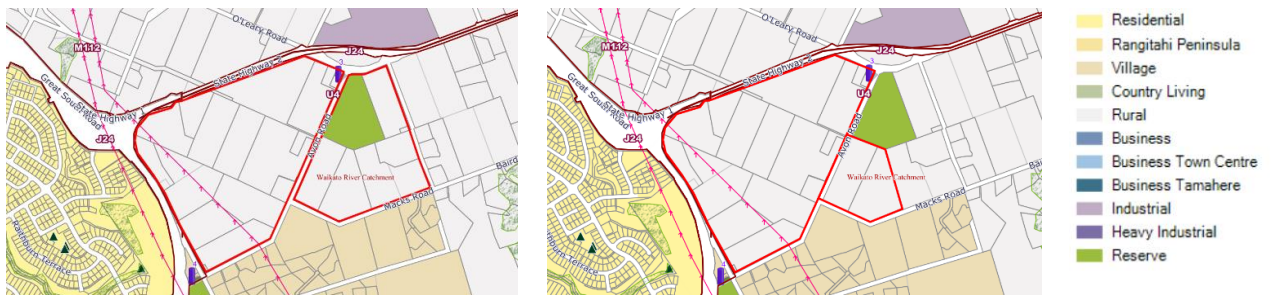


Figure 7: Original submission rezoning extent Figure 8: Submitter evidence rezoning extent

134. Subsequently, Thorntree Orchards Ltd, Brenda and Gavin Butcher for Parkmere Farms and Cindy and Tony Young have collaborated and produced evidence that instead of seeking a Village Zone, now seeks a Future Urban Zone, for those parcels of land in their ownership, shown in Figure 8 above. Pieter Van Leeuwen [754.1] has not provided any further evidence.
135. The subject sites are generally of rolling topography and in rural pasture and other agricultural/horticultural activities. The rural industries in the area seem to be largely fragmented and possibly uneconomic based on the parcel sizes. There are no significant natural areas (SNAs) mapped on the sites, but there is a stream and wetland area that runs in a general north-south direction. National Grid overhead electricity lines also run through the site, following the same path as the stream. State Highways 1 and 2 run along the north and western

boundaries. Reverse sensitivity effects for both the National Grid and the State Highways will be present. At the northern end of Avon Road, the historic St Mary's on the Hill church occupies a prominent corner, while the Pokeno Domain is located directly opposite on the eastern side of Avon Road. These are important fixtures for the social benefit of the current and future communities of Pokeno. State Highways 1 and 2, Macks Road and Bairds Road make a defensible boundary to the urban extent of this residential growth area.

136. Planning evidence provided by Nicholas Grala on behalf of the three submitters surmises that neither a Rural Zone nor a Village Zone (as originally sort in the submissions) are appropriate zones for the sites. These zones would likely preclude urban densities in the future and may not allow needed capacity for more housing to be provided for in the future. Further, Mr Grala identifies that a Village Zone is not appropriate as an intermediary zone prior to a Residential Zone being applied at a later date, as it does not allow for efficient provisioning of needed infrastructure. This is a matter supported by the Council's Framework report¹⁷.
137. Mr Grala also considered the options of seeking a live Residential zoning of the site or zoning as Future Urban Zone. Mr Grala relies on the evidence provided in the infrastructure evidence by Campbell Gregor who outlines that while the provision of infrastructure services to the site is plausible, the timing of this infrastructure coming online is uncertain. Mr Grala outlines that because of this, a Future Urban Zone for the site is most appropriate, and that this would also be consistent with the direction provided by Mr Cleese¹⁸ for Future Urban Zones.
138. Overall, I agree with the assessment made above by Mr Grala as it relates to the northern part of Pokeno East. Retaining the Rural Zone, or rezoning to a Village Zone will neither meet the longer-term NPS-UD capacity requirements for Pokeno nor meet the intentions for residential growth as outlined specifically for East Pokeno in Waikato 2070.
139. I also agree with Mr Grala's assessment in regard to the use of a Future Urban Zone for the site instead of a live Residential Zoning. From my discussions with WDC regarding infrastructure servicing to the site, I understand that while there is planned future water and wastewater upgrades and servicing, this work does not yet have a defined timeframe. A Future Urban Zone is an appropriate interim zoning to provide for future urbanisation of the area while also ensuring that no ad hoc development occurs in the interim (prior to infrastructure being upgraded) that may compromise an efficient and planned urban environment. I also consider that there are some important upgrades required to connections to the State Highway network, particularly the intersection of State Highway 2 and Avon Road. NZTA Waka Kotahi will need to be engaged and these matters addressed prior to the development of the site.
140. In further evidence from the WRC, the Regional Council supports a Future Urban Zone for the land identified in the above submissions¹⁹. NZTA Waka Kotahi²⁰ also supports a Future Urban Zone.
141. As to the extent of the area to be rezoned to FUZ, the original submission outlined in Figure 7 above sought the rezoning of the entire area between Avon Road, Baird Road and Gulland/Macks Road (except for the Domain). This area was reduced in evidence to just two sections east of Avon Road. However, I am of the opinion that the area identified in the original submissions should be rezoned to FUZ, as this would allow for a more defensible urban

¹⁷ Section 42a Report Hearing 25 Zone Extents Framework Report, paragraph 248 - 258

¹⁸ Section 42a Report Hearing 25 Zone Extents Future Urban Zones and Residential Medium Density

¹⁹ Evidence of Marie-Louise Foley, page 38.

²⁰ evidence of Mr Wood, para 7.10.

boundary and comprehensive development of the land surrounding the open space area of the Pokeno Domain. The larger area would also provide for longer-term residential land capacity that would assist with meeting the NPS-UD growth capacity requirements. While the land east of Avon Road is located outside of the Waikato 2070 growth cell for East Pokeno, it is a natural extension of this growth area and should allow for a simple extension of infrastructure services to provide for its development. I therefore consider that the entire area, as identified in the original submission, should be rezoned from Rural Zone to FUZ.

142. **David Lawrie for Madsen Lawrie Consultants [458.1 and 458.2]** seeks rezoning of 114 Dean Road and 126 Baird Road from Village Zone to Residential Zone and Rural to Village Zone, respectively. These areas of land are identified in Figure 9 below ²¹. The submitter outlines that the land is not of high quality nor subject to any natural hazards; that there is the possibility of wastewater infrastructure being available to the sites; and that rezoning to residential would be an efficient use of the land.

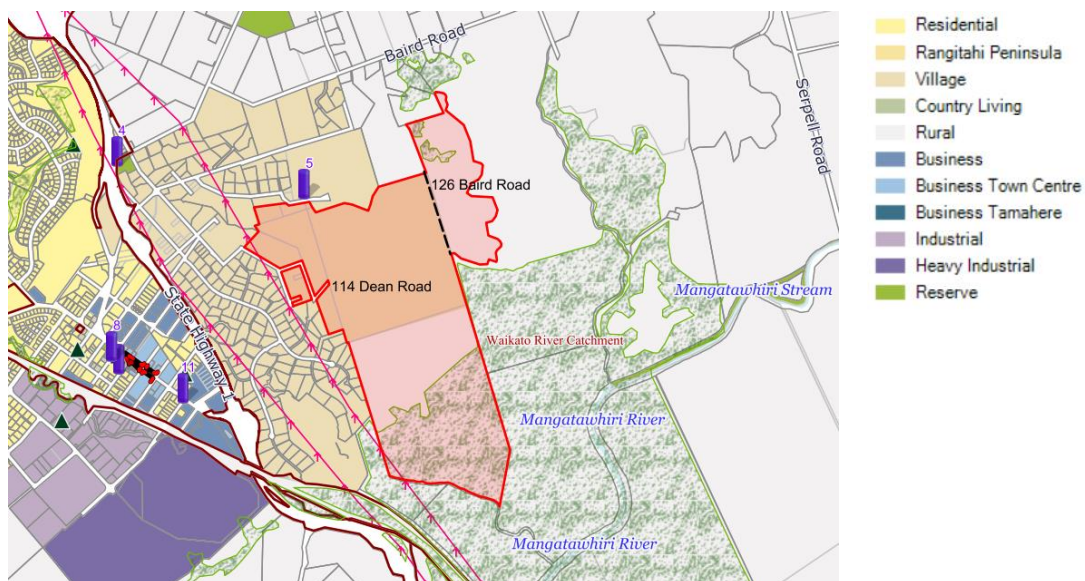


Figure 9: Submission areas

143. Across the two submission points, five further submissions were received in relation to the rezoning of the two sites. Most of the further submitters opposed the rezoning, for reasons including lack of technical analysis to support comprehensive planning; rezoning should not precede the outcomes/directions of the strategic growth documents (H2A project); and, that integrated planning, infrastructure sequencing and staging had not yet occurred to support the 'live' zoning of these areas. **Havelock Village Ltd [FS1377.108 and FS 1377.107]** provided general support for any 'live' zoning to achieve growth targets where technical analysis (including RPS development principles) and infrastructure provisioning supports the zoning.

²¹ Note: the spatial/parcel extent of these two addresses vary between that shown in the WDC GIS mapping and that of the submitters' evidence. The spatial extent shown by the submitters' evidence is to be used for the purposes of this section 42a report going forward for any recommendations/decisions in relation to the submission.

- I44. Evidence by the submitter has not provided any further assessment of the submission to seek rezoning of 114 Deans Road from Village Zone to Residential Zone. The evidence instead focuses on the rezoning of 126 Baird Road from Rural Zone to Village Zone.
- I45. The key reasons discussed in the evidence supporting the rezoning of 126 Baird Road are:
- the site is not considered to have versatile soils nor suitable for rural production
 - covenanted bush areas as well as wetland areas will be protected in perpetuity
 - the Village Zone will provide a buffer between the nearby rural production activities and Pokeno
 - the site adjoins existing Village Zone land (114 Deans Road) and would easily provide for an extension of the Village Zone
 - infrastructure servicing will be contained on individual sites (water, wastewater, stormwater). Access can be provided through the proposed development at 114 Deans Road.
- I46. While the proposal provides for what seems like a natural extension of the Village Zone on an adjacent parcel, I consider this to be an inappropriate rezoning request for the following reasons:
- the site contains steep topography with areas of SNAs and wetlands present and what appears to be a stream along the eastern boundary of the site. These features will likely omit large areas from development, and no evidence has been provided as to the practicalities for developing within these constraints.
 - the site lies outside the Waikato 2070 growth cell for Pokeno East lifestyle lot area.
 - the extension of the Village Zone to just this section does not allow for a well-considered expansion of the urban area, but rather would see an ad hoc extension to an existing area. The only access is through the adjoining site of 114 Deans Road. Ideally the consideration of road connections to the north (Baird Road) would have been provided for.
 - there appears to be a large farm directly adjacent and to the east of the site. The activities of this farm and the potential for reverse sensitivity effects have not been given due consideration. Such effects can impact on the future operation of the farm.
- I47. The rezoning of the site to Village Zone will not provide any significant amount of residential capacity for Pokeno.
- I48. Evidence from NZTA Waka Kotahi²² and WRC oppose the rezonings due to infrastructure issues.
- I49. With regards to 126 Baird Road, based on the above points, in my view there are significant adverse effects raised by the request to rezone the site from Rural Zone to Village Zone.
- I50. In relation to the request to rezone 114 Dean Road from Village Zone to Residential Zone, no evidence was provided in support of this particular rezoning request. I consider the rezoning of the site to be inappropriate for the following reasons:

²² Evidence of M Wood, para 7.3; evidence of M Foley, page 39.

- no strategy-level documents have considered this area for residential development, in particular, the growth cells for Pokeno East identified in Waikato 2070 show large lot development
 - there is no planned and funded infrastructure upgrades (wastewater, water, stormwater) to support any intensification on this site
 - there is no supporting evidence provided by the submitter that would support such a rezoning request.
151. Rezoning of the site would create an outlier in terms of surrounding land use which is all predominantly Village Zone or Rural.
152. For the above reasons, I disagree with the rezoning of 114 Dean Road from Village Zone to Residential Zone.
153. **M & J Balchin [850.1]** submitted in support of the retention of the notified zoning at 27 Macks Road as Village Zone. The submitter considers the site (Figure 10) is suitable for low density development, is in close proximity to the existing urban area and will provide for urban development capacity that will avoid rural areas with versatile soils.

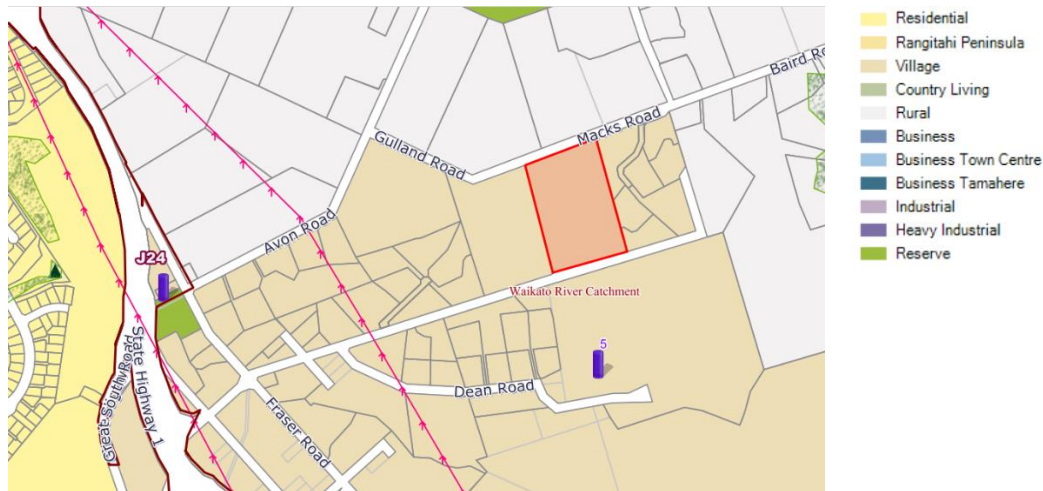


Figure 10: Submission area

154. One further submission was received opposing this submission point, however no reason for that opposition was provided.
155. This zoning is a carry-over from the OWDP; therefore the appropriateness of the zone for the site has previously been assessed as being suitable.

Statutory Assessment

156. Additional residential development in Pokeno East raises a number of potentially adverse environmental effects arising from limited services and inadequate transport connections and sensitivities of downstream receiving environments. Further large lot development also raises a number of landscape and rural environment effects, as well as potentially foreclosing some longer-term options for growth.

157. Pokeno East is identified in both Future Proof 2017 and Waikato 2070 as being a future residential growth area, with the northern area of Pokeno East being identified for development in 10-30 years.
158. In terms of the NPS-UD, Pokeno East is not 'infrastructure ready'. Both Waikato District and the New Zealand Transport Agency have raised infrastructure constraints associated with wastewater and transport, respectively. While the area is adjacent to the main Pokeno settlement, it remains physically disconnected by the State Highway.
159. Consistent with the NPS-UD, the WRPS identifies that there are a range of issues to be addressed as to infrastructure co-ordination before the land can be urbanised. In particular is Policy 6.3 Co-ordinating growth and infrastructure. This requires that management of the built ensures that the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure. Specific measures may also need to be put in place in relation to possible effects on the Whangamarino wetland. Urban development is possible once these issues are resolved.
160. In my opinion, live zoning of land for residential and further rural-residential development would be inconsistent with national and regional planning documents. However, as discussed above, a FUZ identification for the northern block would be a more effective strategy than maintaining the notified Rural Zoning. This is so as to manage land use change in the interim, before a comprehensive approach to the FUZ and existing Village Zoning in Pokeno East can be undertaken.

8.3 Recommendations

161. For the reasons above, I recommend that the Hearings Panel:
- (a) **Accepts in part** Thorntree Orchards Ltd [54.1]; Brenda and Gavin Butcher for Parkmere Farms [696.1] and Cindy and Tony Young [735.1], to the extent that the area identified in their submission is rezoned to FUZ.
 - (b) **Rejects** Pieter Van Leeuwen [754.1]
 - (c) **Rejects** David Lawrie for Madsen Lawrie Consultants [458.1]
 - (d) **Rejects** David Lawrie for Madsen Lawrie Consultants [458.2]
 - (e) **Accepts** M & J Balchin [850.1],

8.4 Recommended amendments

162. That the land bounded by State Highway 1 to the west, State Highway 2 to the north, Bairds Road to the east and Avon and Macks Road to the south be rezoned from Rural to Future Urban Zone. This area is shown below in dark purple (within red outline).

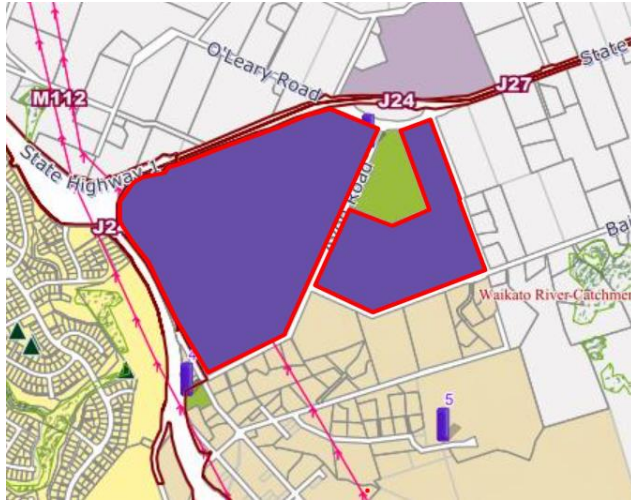


Figure 11: Recommended rezone area from Rural to FUZ

8.5 Section 32AA evaluation

163. Thorntree Orchards Ltd [54.1], Brenda and Gavin Butcher for Parkmere Farms [696.1] and Cindy and Tony Young [753.1] have provided a section 32AA assessment that supports the rezoning to Future Urban, and I adopt that assessment. This assessment notes that once infrastructure constraints have been addressed, then the land is appropriate for urban development. The FUZ provides a more effective means to manage effects in the interim, than the notified Rural Zone.
164. As outlined above, I consider it appropriate to extend the FUZ to the larger area covered by the original submission (and that this is in scope of the submission). I consider that the section 32AA analysis provided by Mr Grala is sufficient to also cover the issues raised by the extended area. I see no need for further analysis.

9 Central Pokeno Business Zones

9.1 Submissions

165. Four submission points were received that seek to retain or modify the Business Zones on specific sites, as notified.
166. Evidence in support or opposition has been received from Z Energy Ltd.

Submission Point	Submitter	Decision Requested
589.1	Z Energy Ltd	Amend the zoning of the property at 41 Great South Road, Pokeno from Business Town Centre Zone to Business Zone. OR Amend the provisions for Business Town Centre Zone to enable additions and alterations to the existing truck stop at 41 Great South Road, Pokeno to recognise the investment, the benefits to the community, the need to maintain and upgrade facilities, and not be consistent with urban design

Submission Point	Submitter	Decision Requested
		guidelines in the event that the rezoning request is not accepted. AND Amend the Proposed District Plan, including consequential amendments, to address the matters raised in the submission.
684.2	Janet Elaine McRobbie	Amend the zoning for Lot 1 DP 476779 in Pokeno (as illustrated in Figure 3 of the submission) from Village Zone to Business Zone.
FS1277.44	Waikato Regional Council	Retain zoning as notified.
FS1387.251	Mercury NZ Limited for Mercury D	Oppose
684.3	Janet Elaine McRobbie	Retain the notified Business Zone of the property at 2 Helenslee Road, Pokeno (Lot 2 DP 62619); AND Amend the extent of the Business Zone for the property at 2 Helenslee Road, Pokeno so that it aligns with the zone boundary at 2 Hillpark Drive, Pokeno (see Figure 4 of the submission).
FS1277.45	Waikato Regional Council	Retain zoning as notified.
697.332	Waikato District Council	Amend Business Town Centre zoning for the Pokeno Town Centre after undertaking further work to determine the correct zone based on the types of activities that operate in the area.
FS1281.41	Pokeno Village Holdings Limited	Support
FS1387.531	Mercury NZ Limited for Mercury D	Oppose

167. In addition to these submissions, Kāinga Ora [749.154] has made submissions that affect some of these sites (and which are addressed in the next section).
168. By way of context, Waikato 2070 shows a town centre (business and residential) area extending south of Pokeno Road, east of the rail line and south of Great South Road (the pink highlighted area in Figure 12). The strategy identifies the potential for up to four-storey duplexes and terraces in this area. (Note: the grey dashed line refers to a 'priority growth and investment area').

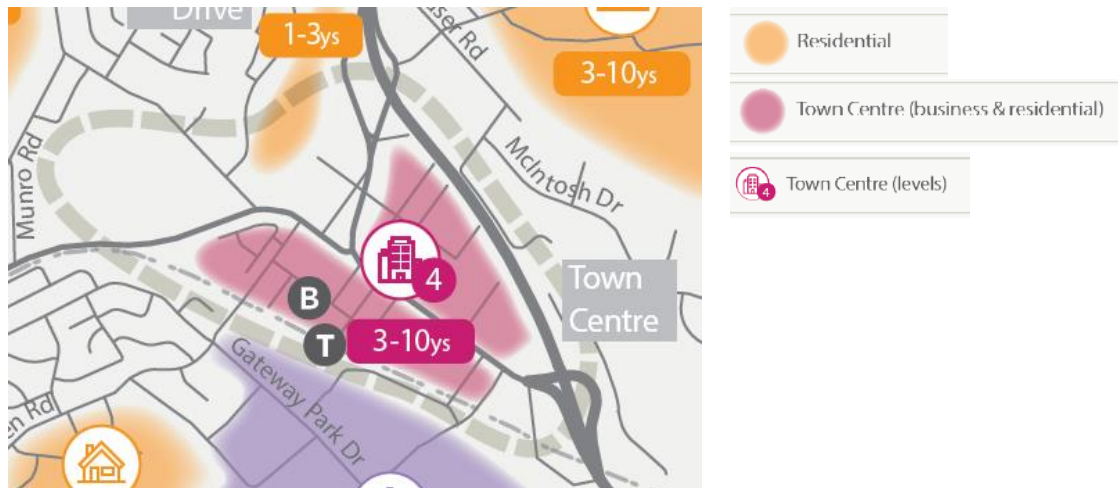


Figure 12: extract from Pokeno Development Plan (source Waikato 2070)

169. Waikato 2070 also contains a more detailed Pokeno Town Centre Plan which shows a number of possible adjustments to the town centre area, including a consolidated commercial area towards the north of the current centre, a town square, green corridors and surrounding medium density residential development.,

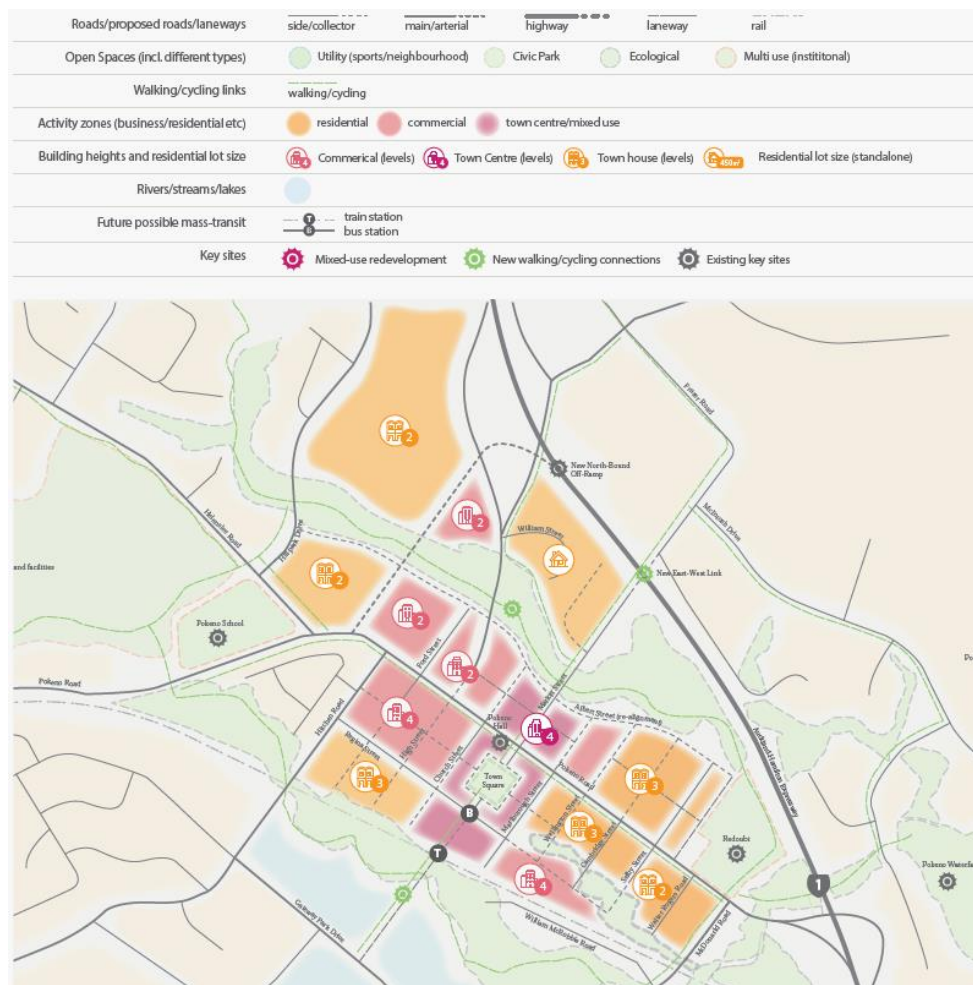


Figure 13: Pokeno Town Centre Plan (source Waikato 2070)

170. Realisation of this plan is likely to involve a range of actions by the Council. The town centre plan suggests a comprehensive rezoning of the wider town centre area, rather than a site-by-site approach.

9.2 Analysis

171. **Z Energy Ltd [589.1]** seeks the amendment of the notified zoning of its site at 41 Great South Road (corner of Cambridge Street) with a change from Business Town Centre Zone to Business Zone. Z energy operates a truck stop at this site and states that the activities associated with the Business Town Centre Zone are more focused on providing for small retail and commercial activities rather than that of the industrial nature of a truck stop, albeit, it is considered by the submitter that the activity is appropriately located with the business environment of the Pokeno town centre. The site was zoned Business under the OWDP.
172. In the event that the Business Town Centre Zoning is retained, the submitter requests that amendments are made to the relevant standards to better recognise the operational needs of the truck stop. For example, the submitter suggests that the verandah overlay be removed from the site.
173. Evidence provided by Georgina McPherson accepts that the Business Town Centre Zone should remain, provided that the standards of the Business Town Centre Zone are amended to ensure that adequate scope is made for additions or alterations or both to the existing truck stop. Amendments are sought to Policies 4.5.18 and 4.5.29, as well as the deletion of Policy 4.5.20 and the verandah overlay from the Z Pokeno Truck Stop site.
174. The truck stop site sits in the middle of the town centre environment. To the north-west lies residential zoned land, while to the south-west are Business-Zoned blocks. The truck stop is located in an area that the PWDP identifies as one that should have a pedestrian-orientated, retail or commercial focus. As the population of the settlement increases, it is expected that demand for commercial premises will increase, and the current town centre environment will become more coherent and consistent in terms of form and function.
175. In 2015 Waikato District Council adopted the Pokeno Town Centre: Architectural Form, Materials and Signage Design Guide²³ with the purpose of being a design guide for the development of sites along Pokeno's main street, Great South Road, from Market Street to Selby Street. At the time of adoption, the design guide was seen as an important opportunity given large areas of Business Zoned land were, and are currently still, undeveloped in the town centre therefore allowing community driven aspirations for the town centre to be addressed as these sites slowly developed.
176. The notified version of the district plan has adopted the design guide, and it is appended (Appendix 10.4) as part of the Town Centre Character Statements which set a range of outcomes and guidelines for the development of the town centre. Some of the guidelines are listed below:
- *Focus retailing activities along both sides of Great South Road and line this street with a continuous and active retailing strip from Market Street to Cambridge Street*
 - *Design new development along these main retail streets to:*
 - *Be small in scale (one to two storeys with narrow frontages)*
 - *Contain active frontages / transparent facades at ground level*

²³ Authored by Richard Knott Ltd.

- Contain buildings generally built out to the street boundary
- Provide clearly visible, conveniently located main building entries
- Provide footpaths sheltered by verandahs
- Locate parking, loading and storage at the rear of buildings wherever practical, and provide vehicle access by a side street or rear lane – to avoid breaks in the continuous retail frontage

177. In my opinion, the site should remain as Town Centre Zone and be subject to the associated standards and policies. This reflects the likely, future character of the area. This opinion stands, even if the relief sought of amendments to relevant policies and standards is rejected. Site-specific design issues, should Z Energy wish to redevelop their site, can be addressed through the resource consent process.
178. **Janet Elaine McRobbie [684.2]** seeks the rezoning of Lot 1 DP 476779 from Village Zone to Business Zone (see Figure 14).
179. The land is sandwiched between the State Highway and the associated on-ramp. The submission notes that the site is affected by noise, glare and emissions generated by the State Highway and associated traffic movement, and not suitable for residential development.

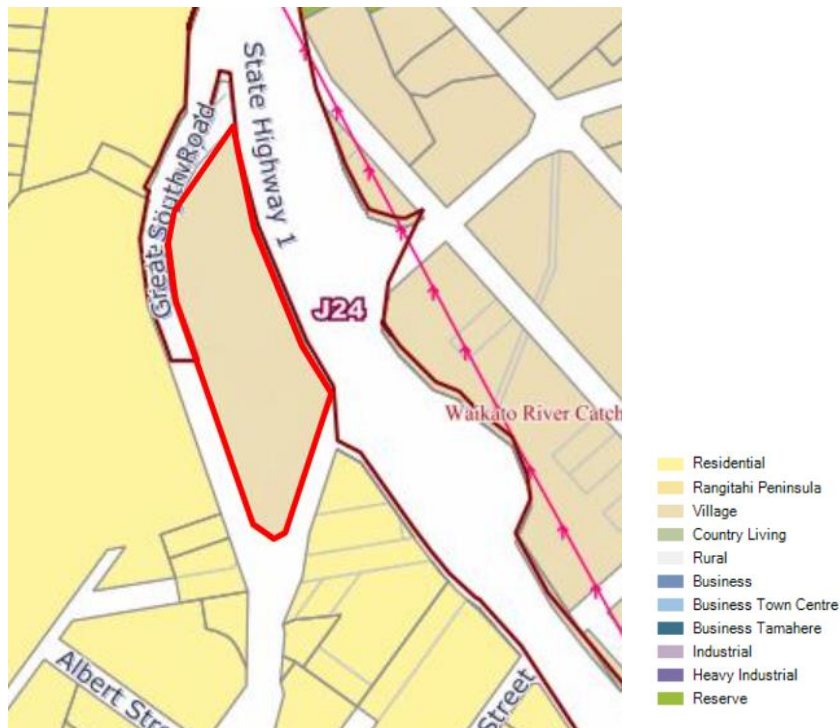


Figure 14: Submission area

180. I agree that the site is not appropriate for residential activities and is more appropriately zoned as Business. Access into and out of the site is likely to require specific assessment, and this can be managed at the development stage. A Business Zoning will mean that the site interfaces with residential land on the other side of Great South Road. In other words, future dwellings in the Residential Zone may have a different outlook than what might be anticipated from the district plan as notified. However, this effect is not significant given the land to the west is yet to develop.

181. While the WRC submitted in opposition to the change in zoning, they did not provide any evidence on this particular point.
182. **Janet Elaine McRobbie [684.3]** seeks that 2 Helenslee Road retain the notified Business Zone and that the extent of the Business Zone for the property at 2 Helenslee Road, Pokeno be extended so that it aligns with the northern boundary at 2 Hillpark Drive, Pokeno (see Figure 15).



Figure 15: Submission area.

183. The effect of the rezoning would be to see the Business Zoned land extend to the north to align with the northern boundary of the site (opposite an established childcare activity) and so the Business Zone fully occupies the corner frontage.
184. I support the submission on the basis of providing more Business Zone land and on the basis that the rezoning is more likely to result in better built form outcomes. There are no infrastructure issues.
185. **Waikato District Council [697.332]** submitted that the Business Town Centre Zoning for the Pokeno town centre should be reviewed after undertaking further work to determine the correct zone based on the types of activities that operate in the area.
186. The submission notes that for some activities, the Town Centre Zoning is too restrictive. However, no detail is provided and no expert evidence has been lodged. Pokeno Village Holding further submission supports the Council's submission, noting the example of "Woolworths" as being a site incorrectly zoned. I presume this is referring to the Countdown supermarket.
187. Unless further detail is presented at the Hearing, I see no need to adjust zonings in the wider town centre area at this stage, either in response to the particular submissions of Z Energy and Kāinga Ora (which is discussed in the next section), or as part of a wider move to implement the Waikato 2070 "Town Centre Plan", given no evidence to support the land use pattern identified in that plan.

Statutory Assessment

188. The Z Energy requests raise a number of adverse effects on the future character of the town centre and resulting conflict with the objectives of the PWDP relating to the long-term amenity of the town centre. In particular, PWDP policy recognises the pedestrian-orientated

qualities of the township. Policy 4.5.18 – Pokeno Town Centre – refers to prioritising and providing for pedestrian movement and safety; and discouraging vehicle access across footpaths, for example. I recommend rejecting the submission.

189. The two rezoning requests by J McRobbie addressed above do not raise any significant adverse environmental effects or issues of misalignment with regional or district policies, and I recommend accepting the submissions.

9.3 Recommendations

190. For the reasons above, I recommend that the Hearings Panel:

- (a) **Rejects** Z Energy Ltd [589.1]
- (b) **Accepts** Janet Elaine McRobbie [684.2]
- (c) **Accepts** Janet Elaine McRobbie [684.3]
- (d) **Rejects** Waikato District Council [697.332]

9.4 Recommended amendments

191. The following amendments are recommended:

- Adjust the zoning of 2 Helenslee Road to include the additional Business Zone indicated within the red outline below.



Figure 16: Recommended area (red outline) to be rezoned to Business.

- Rezone Lot 1 DP 476779 in Pokeno from Village Zone to Business Zone as shown below.

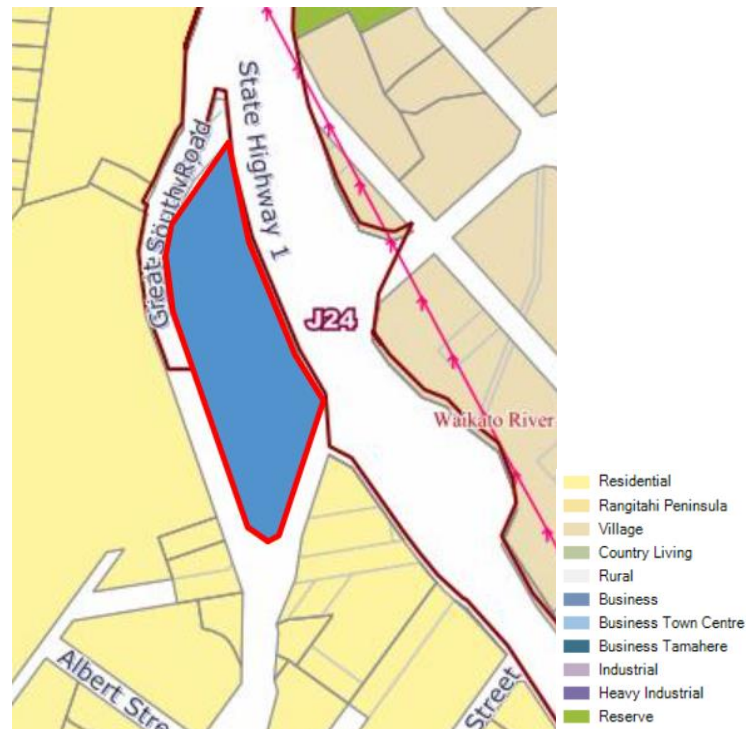


Figure 17: Recommended area (red outline) to be rezoned to Business.

9.5 Section 32AA evaluation

192. The recommended amendment to the Business Zoning of Lot 2 DP 62619 (2 Helenslee Road) is minor in nature and no further assessment is needed to support the change.
193. No specific assessment of the rezoning of Lot 1 DP 476779 has been provided by the submitter. However, the rezoning from Village to Business Zone accords with national and regional policy that seeks to provide capacity for business growth in Pokeno. The rezoning also recognises the need to reduce potential impacts on the operation of the State Highway network from nearby residential development.
194. In terms of PWDP objectives, the most relevant Objective is 4.1.2 – Urban growth and development is consolidated in and around existing towns and villages in the district. Policy 4.1.3 refers to subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided. Rezoning to Business better implements this objective than retaining the Village Zoning.

10 Central Pokeno Residential Zonings

10.1 Submissions

195. The main submission addressed in this section is the submission by Kāinga Ora which seeks a Medium Density Residential Zone (MDRZ) over much of central Pokeno.
196. Evidence has been received from Kāinga Ora.

Submission Point	Submitter	Decision Requested
749.154	Kāinga Ora/Housing NZ	Add a new Medium Density Residential Zone to the Proposed District Plan zone maps as contained in Attachment 4 of the submission for the following urban settlementsPokeno
684.1	Janet Elaine McRobbie	Retain the notified Residential Zoning of properties located at 34 Pokeno Road, Pokeno (comprising legal descriptions Lot 3 DP 478192, Lot 2 DP 478192 and Lot 3 DP 392649) as illustrated by Figure 2 in the submission.
FS1387.250	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>

10.2 Analysis

197. **Kāinga Ora/Housing NZ [749.154]** seeks to add a new residential zone (the MDRZ) into the PWDP that would provide for low-rise apartment, terrace housing and multi-unit developments – enabling higher intensity development than typically found in the notified General Residential Zone. The general issues raised by Kāinga Ora’s submission have been addressed in the Council’s report on the Future Urban Zone and Residential: Medium Density Zone. That report noted the benefits of a specific Medium Density Housing Zone. This report reviews the spatial extent of the zone as it relates to Pokeno.
198. In terms of the area which may be rezoned for medium density housing, evidence provided by Kāinga Ora has amended its original submission. The proposed spatial extent of the zone has been adjusted utilising ground truthing, slope analysis, walking catchment analysis, natural hazard analysis and is deliberately proposed close to town centres, strategic transport corridors and in proximity to community services/amenities (see Figure 18).

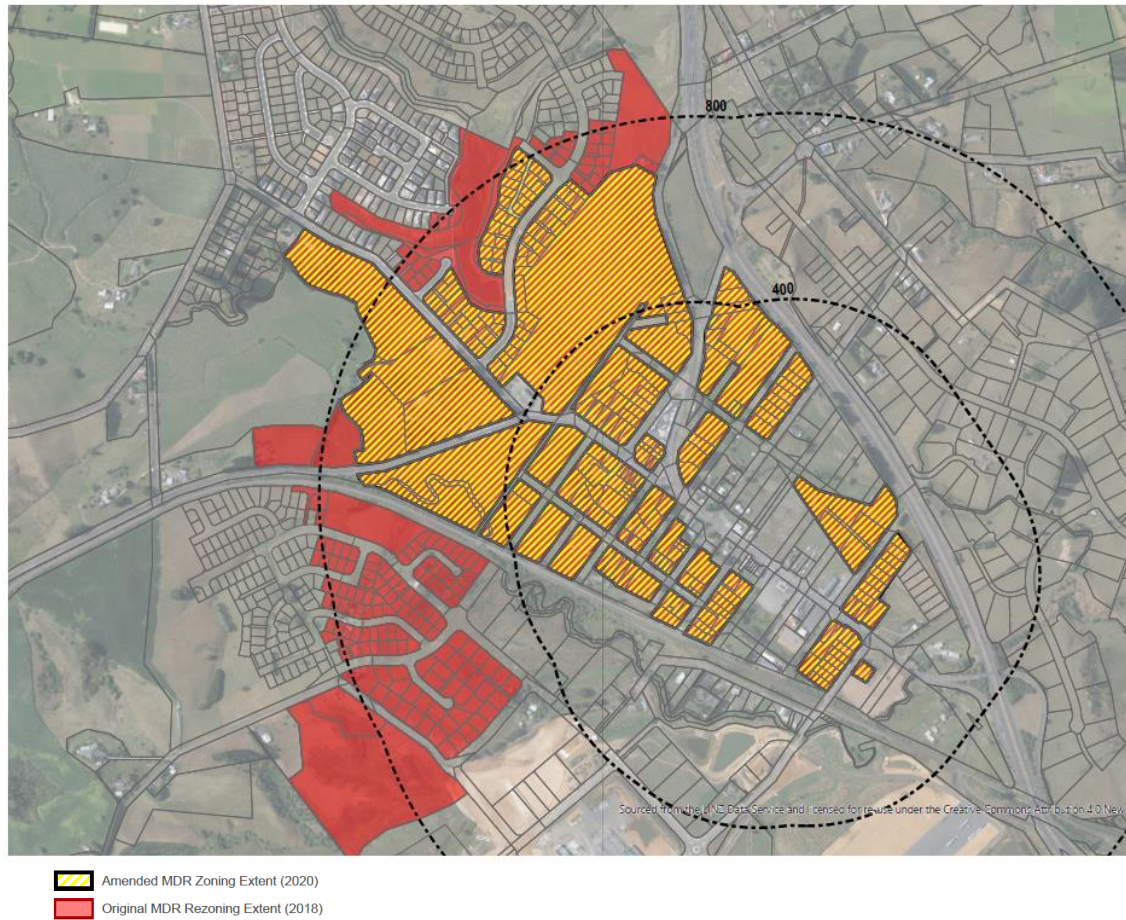


Figure 18: Submission area

199. Kāinga Ora's evidence provides a comprehensive analysis of factors that have influenced the proposed re-zonings, and I generally concur with that analysis, including:
- Excluding Pokeno East on the basis of limited connectivity
 - Focusing on an 800m walkable catchment.
 - Recognising the opportunity provided by land that is not yet subdivided, even if outside the 800m walkable catchment.
200. I note that there is no specific assessment of infrastructure constraints that may also influence the extent of zoning. The Pokeno town centre is subject to flood hazards, and the Council has commenced investigations as to how these hazards may be managed. Additional development and associated greater impervious cover may add to these problems (especially given that site-by-site redevelopment provides limited opportunities to manage off-site flows). Having said that, in the context of Pokeno, it is likely that intensification opportunities will only be realised incrementally. There should be time to investigate and instigate upgrades of infrastructure to avoid creating new risks. In addition to the town centre, to the north of Pokeno Road, there are flooding issues present in the vicinity of the sports fields. Avoidance of this hazard may require some adjustment of boundaries (or at least the location of future housing) in this area.

201. As to the proposed area to be rezoned, I question whether it is efficient and effective to zone areas for medium density development that have recently been subdivided and developed for housing. The revised zone extent proposed by Kāinga Ora pulls back the zoning from new development west of the rail line, but still includes a number of areas east of the rail line where recent development has occurred, with smaller lots and single level standalone houses occupying most of the site. A number of rear lots are also apparent from the aerial photos. In particular are the sites along Hillpark Drive and recent development around Hitchen Road. These sites contrast to the older areas of Pokeno with larger sections and lower building coverage. While not disagreeing with the principle of the application of a new Medium Density Housing Zone to established housing where this fits with walkability criteria, in the context of Pokeno it would be very unlikely that the opportunity provided by the MDRZ would be taken up in those areas that have recently developed. The context of tightly developed standalone houses also makes the insertion of medium density housing a difficult design prospect.
202. I also question whether the proposed MDRZ may foreclose town centre expansion options. There are three blocks zoned Residential in the southern part of the town centre, close to the rail line, State Highway and heavy industry (accessed from Selbey Street). Over time, these sites would be better suited to commercial, business and retail activities (and which could include a mixed use component, with residential above the ground floor). Medium density housing redevelopment may restrict such redevelopment. More housing may also introduce reverse sensitivity issues for town centre businesses and nearby industrial activities if the housing is not appropriately designed.
203. Turning to the feasible capacity that may be enabled by the re-zoning, I note that the Council's Framework report lists capacity as 698 dwellings by 2050 for the town centre area (or an increase of 582 over current numbers). In my opinion, only a small proportion of this total may be realised in the next 10 years. I would suggest that an infill rate of 10 to 20 dwellings per year may be reasonable within the area to be re zoned MDRZ, as well as what may occur in the town centre zone itself. In other words, a feasible capacity of say 150 dwellings over the short to medium term. Longer term, infill and redevelopment rates are likely to increase.
204. Part of the Kāinga Ora submission includes the site subject to Janet McRobbie's [684.1] submission which seeks the retention of the Residential Zone on land at 34 Pokeno Road, as identified in Figure 19.

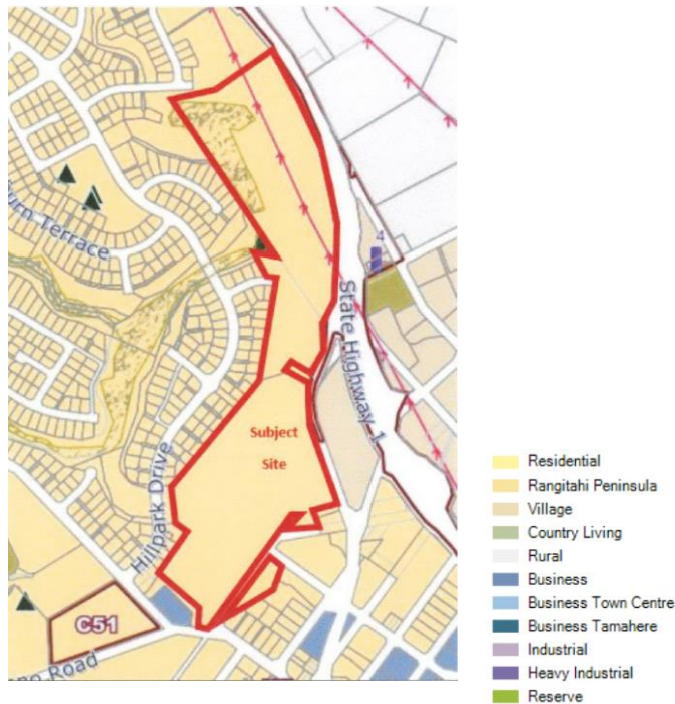


Figure 19: Submission area

205. I agree with the retention of the Residential Zoning, but note that the area of the site subject to the Kāinga Ora MDRZ submission would be appropriate for a higher density zoning, given the site's proximity to the Pokeno town centre and that the site would present a good opportunity to enable higher densities.

Statutory Assessment

206. At a settlement level, the benefits of intensification are acknowledged by the WRPS and PWDP. This is uncontested,
207. In terms of the spatial extent of zoning to accommodate intensification, the NPS-UD requires the following²⁴:

...in all other locations in the tier 1 urban environment, building heights and density of urban form commensurate with the greater of: (i) the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or (ii) relative demand for housing and business use in that location.

208. I note that there is limited information of relative demand for more intensive living options in Pokeno, which is not unexpected given that currently the type of housing to be enabled is not possible in much of the existing Residential Zone without triggering resource consent processes (which therefore may dampen take up). Kāinga Ora presents only high-level district-wide assessments of possible demand. I acknowledge that there will be growing demand over time for terrace type housing but my expectation would be that medium density living options will be a sub-set of the main housing market.

²⁴ NPS-UD Policy 3(d)

209. There are no planned improvements for active transport that I am aware of and there is limited public transport. There are no existing or planned separated bike lanes for example. Walking is likely to be the main active mode. The town centre is small in scale at the moment, but likely to grow as the town develops. These factors suggest that a 'modest' approach to MDRZ rezoning is appropriate in the case of Pokeno.
210. The PWDP has the following policy:
- Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space (Policy 4.1.5(a)).*
211. In my view the policy's reference to higher density housing 'supporting' centres provides some guidance that medium density housing should not foreclose town centre expansion options.
212. Also of some relevance is WRPS Objective 3.12 and Policy 6.16 which seeks that a level of commercial development is provided that meets the community's needs primarily through consolidating such activities in existing commercial centres
213. As set out above, Waikato 2070 contains a more detailed Pokeno Town Centre Plan (see Figure 12 above). This plan indicates two to three level town house development to the south-west of the centre and two level housing to the north-east (the Hillpark Drive block). Land around Hitchen Road (north side) is not identified for housing.
214. Taking into account the various plans and strategies, I agree with the proposal from Kāinga Ora to extend medium density housing along the western side of Helenslee Road and part of the Hillpark Drive block. These sites are yet to develop and as a result a MDRZ is likely to be effective in enabling intensification. From the point of view of housing capacity, inclusion of part of the Hillpark Drive block (with three storey rather than two storey development as envisaged by Waikato 2070) and the land to the west of Helenslee Road 'makes up for' not rezoning to MDRZ, residentially zoned sites identified in Waikato 2070. I am concerned that larger medium density housing areas proposed for the southern part of the centre may preclude appropriate business development (given the acknowledged shortage of business land). There are also reverse sensitivity issues associated with the heavy industry to the west.
215. Based on the above, I recommend:
- The blocks between Pokeno Road and Hitchen Road that have recently been subdivided (and where it is unlikely that these lots were designed with medium density development in mind) not be rezoned to MDRZ. Immediately to the north of these sites is the designated school site (C51) which will not redevelop or land that is subject to flood hazards, or both. These lots should also not be included.
 - I also do not support the rezoning of the small lots along Hillpark Drive. The evidence refers to their proximity to the linear reserve to the north as being a reason to include them. While I agree that proximity to open space is valuable to the amenity of medium density development, in my opinion, the rezoning of these properties is unlikely to generate feasible redevelopment opportunities within the near to medium-term future. The lot sizes and shapes are not conducive to well-designed terrace type housing.
 - I do not support the rezoning to MDRZ of the sites near the south-eastern corner of the town centre and consider that these would be more appropriately zoned Business or Business: Town Centre. This reflects their 'isolated' nature and proximity to other Business Zoned land and motorway off-ramps. My other concern is that a Medium Density Residential Zoning may preclude what would otherwise look to be a logical and appropriate expansion of the central business area. Alternatively, the Waikato

2070 town centre plan shows a larger medium density housing area. My understanding is that there are no submissions seeking rezoning of these residential sites to a Business or Town Centre Zone, or conversely supporting an expansion of the Residential Zone. As is discussed above in section 9.0, Waikato District Council did submit that the Business Town Centre Zone be reviewed to better reflect activities present. While this submission may provide some scope, the identified residential sites may be more appropriately zoned a mix of Town Centre and Business Zones. I am also concerned that the rezoning from Residential to some of form of Business Zone may not be one that could be foreseen by the relevant landowners if they reviewed the notified plan and submissions. I recommend that these sites remain General Residential until such time as a comprehensive look at zoning in-line with the aspirations of Waikato 2070.

- I do support the rezoning of the larger blocks of land along Hillpark Drive and west side of Helenslee Road from Residential to MRDZ, despite not all these areas being identified for intensive development in Waikato 2070. This is on the basis of meeting growth needs, as well as the suitability of the land to comprehensive medium density development.

10.3 Recommendations

216. For the reasons above I recommend that the Hearings Panel:

- Accepts in part** Kāinga Ora (749.154), to the extent as modified below
- Accepts in part** Janet Elaine McRobbie [684.1] to the extent that Kāinga Ora's submission rezones part of the land as Residential: Medium Density.

10.4 Recommended amendments

217. I recommend that the zoning plan put forward by Kāinga Ora in evidence be amended to include only those red areas shown in the map below.

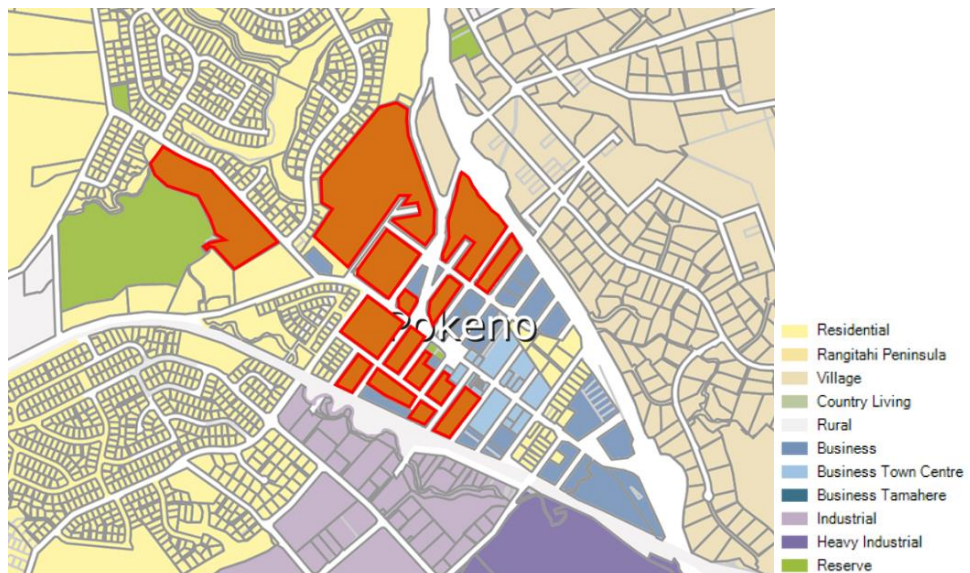


Figure 20: Recommendation for areas to be rezoned to Residential Medium Density are shown in orange.

10.5 Section 32AA evaluation

218. The evidence from Kāinga Ora provides a comprehensive analysis of options under section 32AA and I largely adopt that assessment. That assessment notes a medium density housing area accords with national and regional policy relating to intensification of urban areas and redevelopment. It will increase housing choices and housing supply. Adequate measures can be put in place to address amenity issues.

219. The recommendation set out above modifies the extent of rezoning sought. The following assessment highlights those points where I have a different opinion to that of Kāinga Ora that has led to my recommendation to avoid the rezoning of land that has recently developed, may be subject to significant hazards or which involves land that may logically transition into town centre-type uses.

Other reasonably-practicable options

220. The alternative option advanced in this report to that of the Kāinga Ora evidence is to not rezone land that has recently been subdivided and developed, is subject to flood hazards or which is likely to be better suited to town centre activities, in the future.

Effectiveness and efficiency

221. The recommended option recognises that rezoning of recently developed land containing single houses on small lots is unlikely to lead to redevelopment of these sites in the short to medium term, if not longer. The proposed rezoning is therefore likely to be ineffective in achieving the objective of enabling redevelopment and intensification. Zoning of flood-prone land raises longer-term liability issues.

222. In relation to the town centre, medium density development may preclude logical expansion of the town centre in the future, reducing the effectiveness and efficiency of the district plan in terms of enabling a range of non-residential activities locating in and around the centre, thereby reducing the focal point role of the centre.

Costs and benefits

223. I do not consider there to be any 'costs' from not rezoning land that has recently developed, which may be subject to significant hazards or which is within the town centre node. The land that would not be rezoned is unlikely to see redevelopment in-line with the proposed Medium Density Residential Zoning. As such there is no reduction in feasible capacity. There will be some longer benefits to the town centre and employment opportunities from not foreclosing options to infill and consolidate the town centre's commercial environment.

Risk of acting or not acting

224. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the rezoning.

Decision about most appropriate option

225. For the reasons above, the amendment to the rezoning is considered to be the more appropriate way to achieve PWDP objective 4.2.16 of enabling a range of housing choices.

II West Pokeno - Munro Block

II.1 Submissions

226. Five submissions were received in relation to a 160ha site identified as Pokeno West (sometimes referred to as the Munro block); this site is located on the western side of Helenslee and Munro Roads and its full extent is shown in Figure 21 below. One submitter seeks the retention of the Residential Zone, while the other four submitters sought rezoning to Rural. In all, there were 33 primary submissions and further submission points relating to this specific site with various stances of oppose or support.
227. Evidence in support or opposition has been received from Pokeno West Ltd (originally submitter Annie Chen Shiu), Pokeno Village Holdings Ltd and Hynds Pipes Systems Pipes Systems/Hynds Foundation (combined evidence).

Submission Point	Submitter	Decision Requested
97.1	Annie Chen Shiu	Retain the proposed Residential Zoning for 160ha land west of Helenslee Road and north of Huia Road, Pokeno (see map contained in the submission).
FS1281.5	Pokeno Village Holdings Limited	Oppose
FS1341.3	Hynds Pipe Systems Limited	Oppose
FS1369.4	Ngati Tamaoho Trust	Support/Oppose
FS1297.41	CSL Trust & Top End Properties Limited	Support
FS1377.36	Havelock Village Limited	Support
FS1386.75	Mercury NZ Limited for Mercury C	Oppose
360.1	Kwanghoon Yang	Amend zoning of the properties on the western side of Helenslee Road and north of Munro Road and Huia Road, Pokeno (see maps included in the submission) Residential to Rural Zone.
FS1281.8	Pokeno Village Holdings Limited	Oppose
FS1261.31	Annie Chen	Oppose
FS1297.43	CSL Trust & Top End Properties Limited	Oppose
FS1377.62	Havelock Village Limited	Support
FS1386.521	Mercury NZ Limited for Mercury C	Oppose
386.12	Pokeno Village Holdings Limited	Amend the zoning of 160ha west of Munro Road, Pokeno (known as Pokeno West) from Residential

		Zone to Rural Zone as it is in the Operative District Plan.
FS1341.5	Hynds Pipe Systems Limited	Support
FS1261.30	Annie Chen	Oppose
FS1297.42	CSL Trust & Top End Properties Limited	Oppose
FS1369.23	Ngati Tamaoho Trust	Support
FS1388.85	Mercury NZ Limited for Mercury E	Oppose
502.1	Se Gi Noh	Amend zoning of the properties on the western side of Helenslee Road and north of Munro and Huia Roads, Pokeno (see maps included in the submission) from the proposed Residential Zone to Rural Zone. The addresses are: (a) 53, 53A and 55 Munro Road (b) 87, 109, 119, 133, 145A, 145B and 145C Helenslee Road
FS1341.7	Hynds Pipe Systems Limited	Support
FS1261.32	Annie Chen	Oppose
FS1277.33	Waikato Regional Council	Oppose
FS1281.18	Pokeno Village Holdings Limited	Oppose
FS1297.44	CSL Trust & Top End Properties Limited	Oppose
FS1377.120	Havelock Village Limited	Support
FS1388.508	Mercury NZ Limited for Mercury E	Oppose
524.34	Anna Noakes	Amend Map 07 Tuakau/Pokeno and Environs, to examine all zoning options for growth within land in Pokeno and surrounds to provide for the required level of Residential for the next 30-year period as detailed within the Future Proof Strategy; AND Delay zoning the land until new legislative planning requirements, and revised regional growth strategies have been determined.
FS1202.97	New Zealand Transport Agency	Support
FS1261.33	Annie Chen	Oppose

FS1281.22	Pokeno Village Holdings Limited	Support
FS1297.36	CSL Trust & Top End Properties Limited	Oppose
FS1108.190	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support
FS1377.124	Havelock Village Limited	Oppose
FS1388.633	Mercury NZ Limited for Mercury E	Oppose
598.24	Withers Family Trust	Amend the extent of Residential Zoning at Pokeno (after examining all zoning options) to provide for growth within a 30-year time period as signalled in the Future Proof Strategy and potentially postpone zoning (including for the 160ha block known as 'Pokeno West') until new legislative requirements and revised regional growth strategies are determined.
FS1261.34	Annie Chen	Oppose
FS1281.33	Pokeno Village Holdings Limited	Support
FS1297.45	CSL Trust & Top End Properties Limited	Oppose
FS1377.180	Havelock Village Limited	Support
FS1388.1020	Mercury NZ Limited for Mercury E	Oppose

228. The Munro block is identified in Waikato 2070 and is within the indicative urban limits of FPS2017. Waikato 2070 shows a split timing for the Munro block, with part of the block having a three- to 10-year time frame and a larger area having a 10- to 30-year time frame.

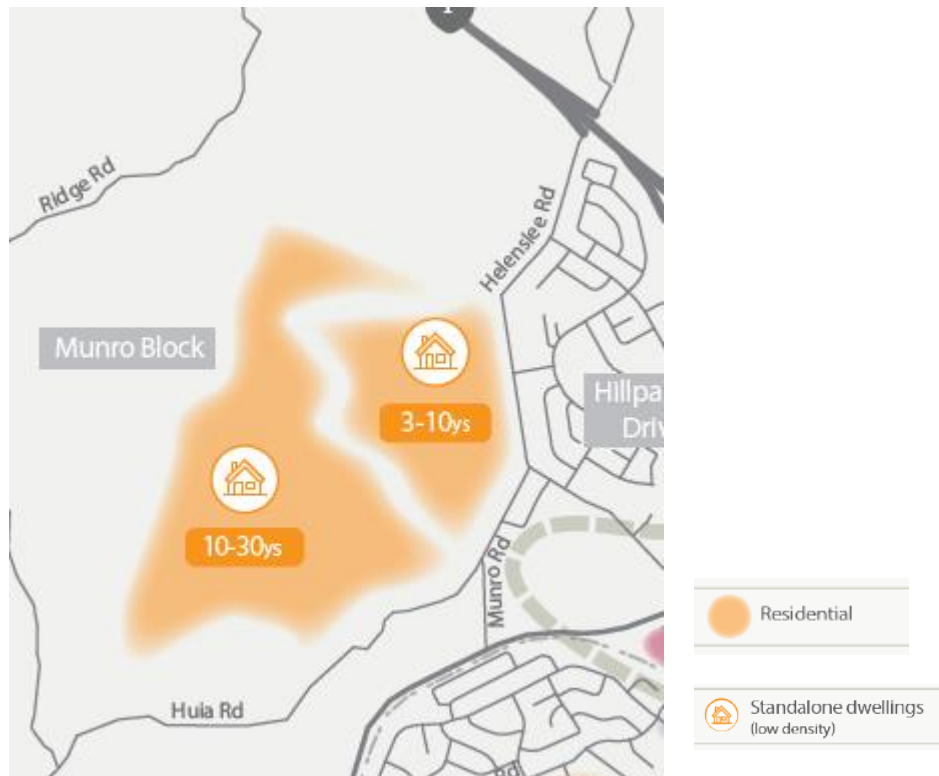


Figure 21: Extract from Pokeno Development Plan (source: Waikato 2070)

11.2 Analysis

229. **Annie Chen Shiu [97.1]** seeks to retain the Residential Zoning of the site (shown in Figure 22 below) as notified in the PWDP. The submission outlines that the site had previously (prior to notification of the PWDP) been subject to the early stages of a plan change process to rezone the site from Rural to Residential, before instead being included within the PWDP as a live Residential Zone. The submission from Annie Shiu refers to a possible neighbourhood centre and medium density housing within the site. Evidence submitted by Pokeno West Ltd. has refined concept plans for the site. In addition to the Residential Zone, the concept plan shows zones for:
- a Neighbourhood Centre which is to provide for the day-to-day needs of the residents to be located centrally within the site;
 - a Medium Density Residential Zone surrounding the centre.
230. If these zone changes are not supported, then the evidence seeks that these areas should instead be retained as Residential Zone.
231. Figure 23 below shows the area zoned Residential (yellow) as notified, and the areas to be rezoned Medium Density (orange) and Business Town Centre/Neighbourhood Centre (blue) as set out in evidence.

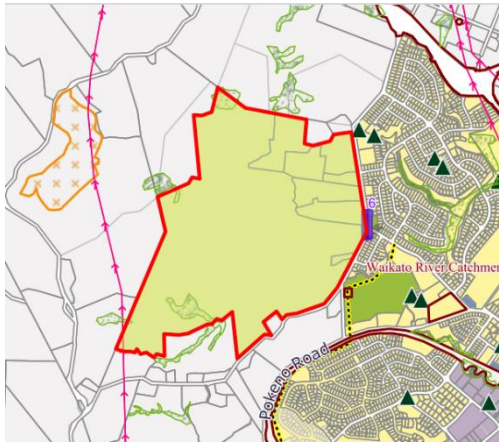


Figure 22: Submission Area

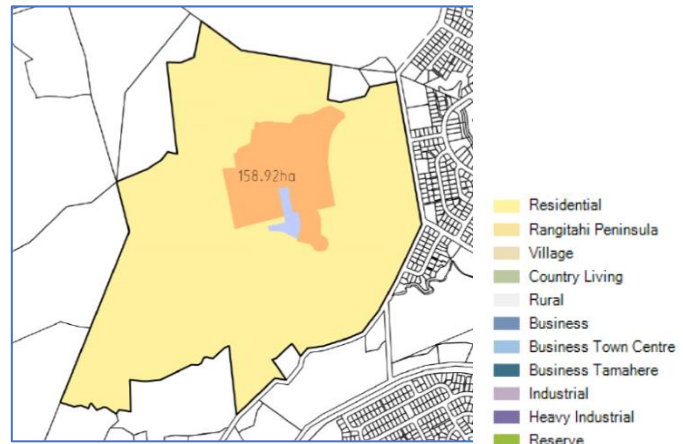


Figure 23: Zoning sought in evidence

232. Mr Oakley has provided planning evidence for Pokeno West which outlines that the MDRZ zoning is sought in the walkable catchment around the proposed neighbourhood centre. Mr Oakley identifies that with the utilisation of a MDRZ, yields will be much higher for the site, helping to attain the WRPS density targets. In terms of the Neighbourhood Centre Zone, Mr Oakley notes that given the scale of the site, this zone will be important for the provision of day-to-day needs of the future residents. Ian Munro, the submitter's urban design expert, has proposed the inclusion of a Precinct Plan with indicative road and open space areas to allow for a level of certainty of the layout of development and associated zones.
233. While I agree that including a MDRZ and Neighbourhood Centre Zone within the larger residential block is a good planning outcome and is supported (particularly for a greenfield development), the location and extent of these areas is based on a concept masterplan, and at this stage, without finalised transport, open space, stormwater and infrastructure plans in place this zoning may constrain and possibly inhibit the most appropriate layout for the site. There are also wider implications of the interactions with various other sites (subject to other rezoning requests) that need to be considered. For example, in the next section of this report I have recommended that land to the east be rezoned to Residential. It may be that in this context, a Neighbourhood Centre that can serve both new neighbourhoods (as well as the existing Helenslee block) is a better outcome. I therefore see some risks in including these additional zones (and precinct plan) in the PWDP until a finalised masterplan is in place. However, the proposed Residential Zoning can be retained.
234. I note that a subdivision consent process could allow for inclusion of appropriate super lots for subsequent MDRZ and neighbourhood centre development to occur within, with these lots either subject to specific consent processes to enable development, and/or possibly rezoned in an appropriate future plan change.
235. **Pokeno Village Holdings Ltd. [386.12]** and **Hynds Pipes System [FS1341.3]** outline concerns in relation to stormwater and flooding effects as a result of upstream urban intensification of the Tanitewhiora Stream catchment (for example from development of the Munro block). The Council's section 32 report appended a number of technical reports that

had been prepared for the Munro block, supporting the live zoning of the block in the notified district plan²⁵. These reports included assessment of stormwater and flooding issues.

236. These reports noted that in terms of stormwater management:
- peak flood flows from future development will need to be limited to pre-development levels
 - runoff from impervious areas will have to be treated so as to not adversely affect receiving environments.
237. A range of methods are referred to including protection of stream corridors and on-site measures to provide soakage, retention and detention, and off-line wetlands²⁶.
238. The technical evidence provided by Pokeno West Ltd and Pokeno Village Holdings Ltd concurs that stormwater mitigation measures can be put in place to adequately address stormwater from the area. Both sets of evidence identify the need for a catchment-based stormwater management plan to be developed that considers all development in the catchment and proposes the most appropriate measures for managing stormwater, including where larger-scale retention facilities should be located.
239. I agree that there is a need to update the stormwater catchment management plan for Tanitewhiora Stream. I understand that the Council is working on an update to a 2010 catchment management plan that supported the Pokeno Structure Plan. The main debate between the submitters' concerns whether the catchment management plan should be prepared before or after an urban zoning has been applied to the land. In my view, detailed catchment management planning can occur once the overall consideration of the extent of the Residential Zoning of the western edge of Pokeno has been settled. The detailed projects set out in the catchment management plan can be addressed through the subdivision and development process.
240. The urbanisation of Pokeno West will result in a substantial degree of change to the landscape setting of Pokeno, characterised by an urban village within a hilly, rural backdrop. PC24 and PC21 sought the retention of this character while also allowing for large amounts of urban development to occur (both residential and business) on the lower elevations. The capacity provided by the Pokeno Structure Plan has now been largely been taken up or committed to development.
241. **Pokeno Village Holdings Ltd. [386.12]** outlines major concerns with possible development on the ridgelines and landform above RL 100m. These areas were identified as important landscape components guided by consultation from residents and iwi through the Pokeno Structure Plan process. While I hold similar views about the value of retaining a rural landscape setting, I note that the RL 100m principle is not part of the PWDP.
242. A review of the topography of the site shows that there are only two small areas of the site that will sit above RL 100m, with a maximum of only 15 dwellings (based on the concept masterplan) located on or above RL 100m. The adjacent site to the west contains the majority of the land above RL 100m as it slopes up to Ridge Road. I am therefore satisfied that the site topography and concept masterplan allows suitable retention of the visual and landscape components identified through previous plan change processes. Figure 24 below shows the

²⁵ Section 32-2 report – Strategic Direction and Management of Growth Appendix 2.11, Pokeno West Engineering Report.

²⁶ Pokeno West Engineering Report, page 10.

proposed layout of the Munro block (and the adjacent CSL Trust/Top End Properties submission.). The black line is my estimate of the 100m contour line.



Figure 24 – 100m contour line – Pokeno West.

243. With the urbanisation of the site and creation of 1,300-1,600 additional dwellings, the existing transport network will require upgrades. Pokeno Village Holdings Ltd. [386.12] identifies the need for a comprehensive, integrated transport assessment to be undertaken due to the substantial amount of growth to occur. Evidence provided by Pokeno West discusses the need for upgrades to certain aspects of the transport network, however further modelling once all other zonings in the vicinity are accounted for will be the most appropriate timing to address necessary upgrades.
244. Neither NZTA Waka Kotahi nor WDC have noted any substantial concerns with regard to transport effects or other infrastructure. Any transportation issues can be addressed through subdivision processes and related LGA processes.
245. **Withers Family Trust [598.24]** opposed the Residential Zone due to concerns about the ability to meet minimum density targets on the site given the numerous constraints, as well as the burden on rate payers from the creation of large areas of open space. I agree that while there are issues around topography that reduce the areas available for development, the site provides for a contiguous extension of the existing urban area that is readily serviceable. There is also the opportunity to increase density on the site through medium density housing (either by way of resource consent or subsequent plan change).

Statutory Assessment

246. The planning evidence and supporting technical evidence provided by Pokeno West Ltd. provides sufficient analysis that supports the Residential Zone from a statutory framework assessment perspective. Potential environmental effects have been identified and management measures proposed.
247. The land is contiguous with the existing built-up area and can be provided with infrastructure. The size and location of the block means that it can make an immediate contribution to housing capacity requirements under the NPS-UD. The zoning is consistent with and gives effect to WRPS.

248. The analysis provided demonstrates a high degree of alignment with regional and district strategies for urban growth. The land in question is shown in Waikato 2070 as having a split timing, with the larger portion of the site shown as having a 10- to 30-year time frame. In my opinion, more integrated outcomes will be derived by retaining a Residential Zone over all of the block, and not some other combination (such as Future Urban Zone over that part shown in Waikato 2070 as having a 10- to 30-year development timeframe).
249. For the above stated reasons, I recommend accepting the submission of Annie Chen Shiu [97.1] and all further submissions which seek the retention of the Residential Zone of the Munro block and rejecting Pokeno Village Holdings Ltd. [386.12]; Withers Family Trust [598.24]; Si Gi Noh [502.1]; Kwanghoon Yang [360.1] and all further submitters who sought rezoning of Pokeno West from Residential Zone to Rural Zone.

11.3 Recommendations

250. For the reasons above I recommend that the Hearings Panel:
- (a) **Accepts in part** Annie Chen Shiu/Pokeno West Ltd. [97.1] to the extent that the site is retained as Residential Zone, but not rezoned to MDRZ and Business Town Centre.
 - (b) **Rejects** Pokeno Village Holdings Ltd. [386.12]; Withers Family Trust [598.24]; Se Gi Noh [502.1] and Kwanghoon Yang [360.1]

11.4 Recommended amendments

251. No amendments are recommended.

11.5 Section 32AA evaluation

252. The submitter has provided a section 32AA assessment of their proposed zone changes. No detailed section 32AA re-evaluation is required as to the Residential Zone, as the notified Residential Zone is to be retained. However, I have recommended not pursuing the proposed MDHZ and Neighbourhood Centre Zoning at this stage, due to uncertainties as to the final location of these features. The following analysis addresses different options to advance the suggested MDRZ and Neighbourhood Centre components.

Other reasonably-practicable options

253. The alternative advanced above in relation to the MDRZ and Neighbourhood Centre is to address the location of the neighbourhood centre and medium density housing area through subdivision/consent processes or undertake a plan change (private or public), or both, once the main layout of the block has been settled.
254. The other alternative is to zone all of the land Future Urban in anticipation of a structure plan being prepared for the whole of the western flank of Pokeno. That plan would then resolve the location of these features, and lead into a plan change.

Effectiveness and efficiency

255. The first option recognises that including the MDHZ and Neighbourhood Centre Zone in the district plan may foreclose other options (particularly as they relate to transport connections, open space and stormwater management), or that these aspects may be better located elsewhere, once the extent of live Residential Zones in the west of Pokeno is settled.

256. While a comprehensive structure plan for the western edge of Pokeno would be beneficial, waiting for such a plan to be prepared may see the district plan in breach of its requirements under the NPS-UD. This would then open the door to other ad hoc development.

Costs and benefits

257. I recognise that without appropriate zoning in place, resource consents for medium density housing and neighbourhood centre activities may face additional hurdles. However, if consent processes are timed correctly, with surrounding land still in the developer's ownership, these hurdles may not be large. The alternative of placing the area into a Future Urban Zone potentially has greater short-term costs in terms of reduced housing choices and supply.

Risk of acting or not acting

258. There are risks in both acting and not acting. In my view, there is sufficient information on the potential costs and benefits to the environment, and to people and communities to justify not including the requested MDHZ and Neighbourhood Centre at this stage, and instead relying upon co-operation of the landowners in the area to address the identified issues through the consent process or subsequent 'tidy up plan change', or both.

Decision about most appropriate option

259. For the reasons above, the amendment to the rezoning request of including the MDRZ and Neighbourhood Centre zone is not considered to be the most appropriate way to achieve the objectives of the PWDP as they relate to future residential areas.

12 West Pokeno Residential Zonings

12.1 Submissions

260. Three submissions were received seeking rezoning from the notified Rural Zone to a Residential Zone.
261. Evidence in support has been received from CSL Trust and Top End Properties and NZTA Waka Kotahi; with evidence in opposition from Pokeno Village Holdings Ltd.; Hynds Pipes Systems/Hynds Foundation (combined evidence); NZTA Waka Kotahi and Waikato Regional Council.

Submission Point	Submitter	Decision Requested
89.1	CSL Trust and Top End Properties	Amend zoning of the properties at 179 and 205 Helenslee Road, Pokeno from Rural Zone to a mixture of Country Living and Residential Zone with an identified Neighbourhood Centre and an additional Residential Zone to enable higher density development (minimum lot size 300m ² as identified in the Appendix A of the submission). OR Alternative amendments to resemble the relief sought.
FS1277.7	Waikato Regional Council	Oppose

FS1281.4	Pokeno Village Holdings Limited	Oppose
FS1341.2	Hynds Pipe Systems Limited	Oppose
FS1369.3	Ngati Tamaoho Trust	Support/oppose
FS1261.28	Annie Chen	Support
FS1377.35	Havelock Village Limited	Support
FS1386.69	Mercury NZ Limited for Mercury C	Oppose
FS1108.175	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1202.100	New Zealand Transport Agency	Oppose
360.2	Kwanghoon Yang	Amend the zoning of the property at 7 Munro Road, Pokeno, from Rural Zone to Residential Zone.
FS1281.9	Pokeno Village Holdings Limited	Oppose
FS1277.17	Waikato Regional Council	Oppose
FS1377.63	Havelock Village Limited	Support
FS1386.522	Mercury NZ Limited for Mercury C	Oppose
502.2	Se Gi Noh	Amend the zoning of the property at 166 Pokeno Road, Pokeno from Rural Zone to Residential Zone.
FS1277.34	Waikato Regional Council	Oppose
FS1281.19	Pokeno Village Holdings Limited	Oppose
FS1377.121	Havelock Village Limited	Support
FS1388.509	Mercury NZ Limited for Mercury E	Oppose

262. The sites discussed in this section are not identified as specific areas for growth (as residential or commercial/industrial) within Waikato 2070, however they are contained within the Pokeno urban limits as outlined in the 2017 Future Proof Strategy.

12.2 Analysis

263. **CSL Trust and Top End Properties [89.1]** (hereafter referred to as the CSL block) seek the rezoning of approximately 95ha of land at 179 and 205 Helenslee Road from Rural Zone to a mixture of Country Living and Residential Zones. The site is shown in Figure 24 below. It directly abuts the northern boundary of the Munro block. Evidence submitted provides for

some minor amendments as a consequence of refinements to the concept plan provided in the submission. The changes proposed are that:

- a Neighbourhood Centre is proposed to provide for the day-to-day needs of the residents to be located centrally within the site;
- a Medium Density Residential Zone surrounding the centre.

264. If these changes are not supported, then the evidence seeks that these areas should instead be retained as Residential Zone.

265. The extent of the zone areas sought are indicated in Figure 26 below. Residential Zone (yellow), Country Living Zone (green), Medium Density Residential Zone (orange) and Neighbourhood Centre (blue).



Figure 25: Submission area

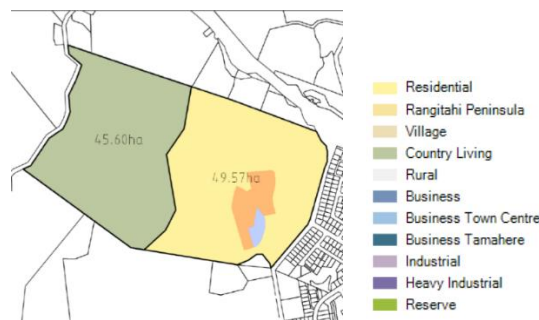


Figure 26: Zoning sought

266. The planning evidence and supporting technical evidence provided by CSL Trust and Top End Properties provides sufficient analysis to support the rezoning of the proposed residential portion of the site (that is, from Rural Zone to Residential Zone). There has been combined evidence provided between the submitter and Pokeno West Ltd which will allow for a more comprehensive and integrated approach to the urbanisation of the western flank of Pokeno; an outcome that might not otherwise occur if the site remained rural for the short/medium term and then is later rezoned for urbanisation.

267. The proposed Residential Zoned area, while not identified as a growth cell in Waikato 2070, is contiguous with the growth cell of Pokeno West, and is also contiguous with the urban area to the south-east of Helenslee Road. It provides a natural continuation of the existing urban area while also allowing efficiencies through comprehensive and integrated planning with adjacent land that is also to undergo development. This will be of assistance to infrastructure planning, particularly as it relates to stormwater, transport and wastewater.

268. The submission and evidence from CSL Trust / Top End Properties notes that there are wastewater capacity issues that are being resolved²⁷ (as there are for the live zoned Munro block). This includes pump stations, the rising main to Tuakau and the capacity of the Pukekohe wastewater treatment plant. The submission acknowledges that the development may need to be staged. The local wastewater network will need to be extended, with timing dependent upon development of the 'downstream' Munro block. Water supply will also need to be addressed. Funding of a reservoir to serve the area is not currently identified in the LTP, with my understanding that Watercare had indicated a possible timing of 2035 (based on the area not being identified in Waikato 2070). This matter - bringing forward the required water

²⁷ For example, section 5.2 of Appendix E, Engineering Report, Maven Associates.

supply projects - will need to be considered in the next LTP cycle. However, the potential for a 'gap' between live zoning and adequate infrastructure being available does not undermine the live zoning of the land.

269. Similar to Pokeno West, the submitter has also sought a MDRZ and Neighbourhood Centre Zones within the proposed residential area. While I agree it is good planning practice to include a range of densities and local activities in large greenfield developments, the proposed location of these activities is based only on a concept masterplan at this stage. Without finalised transport, open space, stormwater and infrastructure plans in place, the zoning of the land for MDRZ or Neighbourhood Centre may constrain and possibly inhibit the most appropriate layout for the site. As identified for the Munro block, there are also wider implications of interactions with the other proposed and established areas in Pokeno West that may lead to different spatial outcomes. In particular, one neighbourhood centre that serves both the existing and proposed western residential areas may be a more sustainable outcome. I therefore see risks in including these additional zones before a finalised masterplan or structure plan are in place. A further plan change or resource consent process can allow for inclusions of medium density housing and neighbourhood centre activities once the structure of the western flank is settled.
270. **Pokeno Village Holdings Ltd. [FS/281.4]** and **Hynds Pipe Systems [FS/341.3]** have raised concerns that part of the proposed rezoning would extend above the RL100m mark, creating adverse landscape outcomes. The Country Living Zone sought for the north-western 45ha of the site, adjacent to Ridge Road, is above the RL100 mark and is steep and likely to be challenging in terms of achieving developable areas without visible earthworks and landform changes.
271. The necessity of including this area of Country Living is questioned, given this area is very visible, while the equivalent urban expansion area of Pokeno West does not include a similar zoning of the ridge backdrop to that land. Retaining the Country Living area as Rural will help retain the significant landscape backdrop to the north and west of Pokeno.
272. I note that a portion of the proposed Residential Zone would appear to extend above the RL100m mark in the north-eastern corner of the site (see Figure 23 above). In this area, the Ridge Road ridge is climbing up and so there is considerable elevation above the 100m line before the ridgeline is reached. This means that there is still a substantial 'rural backdrop'. In my view, the appropriate detailed treatment of this aspect of the site can be addressed at the time of subdivision.
273. **Pokeno Village Holdings Ltd. [FS/281.4]** and **Hynds Pipe Systems [FS/341.3]** have raised similar concerns to those raised for the Munro block regarding downstream stormwater and flooding effects as well as incremental traffic implications of growth generated through the combined rezoning requests. The overall approach proposed by CSL/Top End to stormwater issues is the same as that set out for the Munro block.
274. As I discussed earlier in relation to Munro block, my understanding is that these effects can be suitably managed once the zoning requests for Pokeno are settled and more comprehensive planning around 'downstream' (or off-site) stormwater and transport infrastructure can be undertaken. It will be a requirement through the subdivision and development consent process that flooding hazards not be increased downstream through the provision of appropriate detention areas and devices within the development area.
275. It is also noted that **New Zealand Transport Authority [FS/202.100]** as a further submitter originally opposed the rezoning of the site. However, subsequent evidence provided

by NZTA Waka Kotahi assessed the most recent submitter transport evidence and found that the rezoning request is unlikely to have a detrimental impact on State Highway 1. NZTA Waka Kotahi has subsequently amended its position to no longer oppose and now maintains a neutral position on the rezoning request. Wes Edwards for PVH raises general concerns about the assumptions used by CSL Trust in its Integrated Transport Assessment, but these do not mean that the area should not be developed.

276. **Waikato Regional Council [FS1277.7]** evidence opposes the rezoning of the site. Reasonings provided include the area not being identified in Waikato 2070 and concerns over uncertainties related to infrastructure roll-out. Opposition to the proposed Country Living Zone is also noted. I agree with the concerns over the Country Living Zone component of the submissions. In other respects the residential component accords with regional policy to consolidate growth around existing urban areas. The evidence from CSL Trust/Top End properties notes that there are water and wastewater constraints, but that these constraints are being addressed²⁸. The evidence of Mr Moore²⁹ is that it is anticipated that wastewater upgrades will be completed prior to the development of the area.
277. I note that in the south-west corner of the site, sitting between the CSL Trust/Top End Property and the Munro blocks are two small properties that are not included in either submission. These properties are zoned Rural and there are no submissions seeking an Urban Zoning. Should the above recommendations be followed, and the CSL block be rezoned, then the Council is likely to need to undertake a plan change to incorporate these two properties into the urban area. In the absence of this rezoning, I do not consider that the Rural Zoning of these two lots will likely frustrate the logical and efficient subdivision of land in the western sector.
278. As identified in the evidence of CSL Trust/Top End Properties, as well as that of submitters, there are some uncertainties relating to stormwater management, water and wastewater capacity. Wastewater servicing is dependent on the development of the Munro site. Such service extension issues are not uncommon for developments of this nature and will be addressed at the time of subdivision. Watercare has not identified any overall wastewater capacity issues with the inclusion of the site. The budgeting issues associated with water supply can be addressed in the next LTP cycle. There are also final design layout issues that I have raised regarding the location of MDHZ and the Neighbourhood Centre. These issues may support a Future Urban Zoning, rather than a live urban zoning for the residential component of the site. However as noted above, live zoning of the Munro block but 'holding back' the development of the CSL block may result in outcomes that are not integrated across the two areas in terms of roading, open space, neighbourhood centres, stormwater management and network infrastructure. In my view, the benefits of an integrated approach outweigh the risks.
279. For the above stated reasons, I support in part CSL Trust and Top End Properties' submission; that is to rezone the south-eastern portion of the site to Residential Zone but retain the Rural Zone over the north-western portion.
280. **Kwanghoon Yang [360.2] and Se Gi Noh [502.2]** seek the rezoning of 7 Munro Road and 166 Pokeno Road from Rural Zone to Residential Zone. These two parcels of land are located directly adjacent to each other and are shown in the Figure 27 below. Both submissions identify reasons to support a Residential Zoning include proximity to bus routes and connections to the roading network as well as the PWDP Residential Zoning to the north

²⁸ Section 5.2, Appendix E - Engineering Report, attached to submission from CSL Trust/Top End Properties.

²⁹ Evidence of W Moore for Pokeno West and CSLTrust/Top End Properties, dated October 2020, Para 8.6.

(Pokeno West Ltd.) and the zoning to the south (Hitchen Block). No further supporting evidence or S32AA evaluation was received from either submitter.

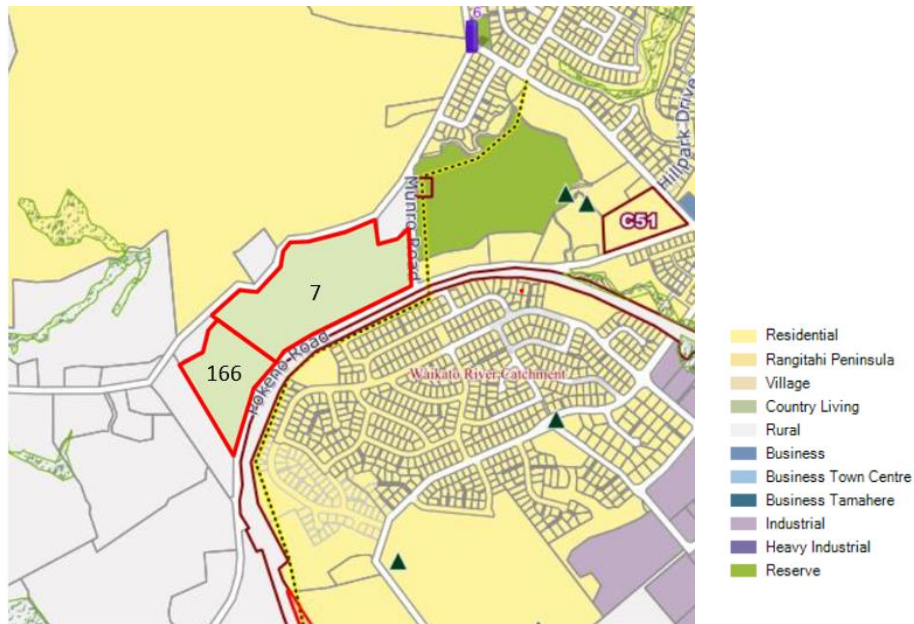


Figure 27: Submission areas

281. The two sites combined make up an area of approximately 16ha. The sites are generally elevated to the north and drop to the south, with a small stream running along the southern portion of the sites. Both sites are directly adjacent to Pokeno Road, while 7 Munro Road also has frontages to Munro Road and Hua Road.
282. Three further submitters opposed the rezoning request. **Waikato Regional Council [FSI277.17]** and **[FSI277.34]** opposes the rezoning requests given the two areas are not indicated on Waikato 2070 and that the sites are not presently serviced nor is there planned servicing for infrastructure.
283. While the area in question is not identified within Waikato 2070 it is relevant that the sites are 'sandwiched' between urban development to the north, south and east. It is therefore likely that the area will eventually give way to urban development in one form or another, given its location. With respect to infrastructure, while no evidence has been provided that supports the serviceability of the site, given the proximity to the existing urban area, infrastructure is unlikely to be an issue. Physical access can be accommodated along three of the site's boundaries.
284. I do have concerns with regard to potential flooding effects on the sites themselves. The adjacent site directly to the east contains the newly built Munro Sports Facility. The sports field site is subject to flooding and in order to accommodate a building platform, substantial earthworks were necessary to raise the ground level.
285. The sites are steep and will likely require significant earthworks.
286. Overall, while the sites seem logical for urbanisation, I am uncertain as to whether the stormwater and flooding implications of residential development of the land can be addressed at the subdivision and development stage. Geotechnical issues will also need to be addressed, for land stability.

287. A Future Urban Zoning is one option to address these uncertainties, but such zoning being applied to a small area raises issues as to the rationale for the FUZ zone. As is discussed in regard to the submissions covering land further to the west (Pokeno South-West), it is likely to be more effective to retain a Rural Zoning over these properties until more substantial investigations are undertaken as to a possible larger, longer-term western growth area.
288. For the above stated reasons, I consider that the submissions from Kwanghoon Yang [360.2] and Se Gi Noh [502.2] to rezone the two sites from Rural Zone to Residential Zone may generate a number of adverse effects which may not be able to be adequately mitigated if the land is rezoned.

Statutory Assessment

289. The evidence provided by CSL/Top End demonstrates that adverse effects of the residential component of the rezoning can be generally managed through the subdivision process. I have concerns over the adverse effects of the rural-residential component and the spatial layout of the neighbourhood centre and associated medium density housing.
290. The main statutory issue with CSL/Top End's proposal is that it is not in a growth cell identified by Waikato 2070, although the site is within the indicative urban limits of FPS 2017, and as a result there is a lack of clarity as to commitment to necessary upgrade of wastewater networks. In all other respects, the Residential Zone proposal aligns with the WRPS and PWDP's objectives of consolidating growth around existing settlements where there are not significant landscape or infrastructure constraints.
291. The housing capacity will address the next three to 10 years' growth of the settlement, and therefore the rezoning is supported by the NPS-UD.
292. In terms of the matters set out in regional and district plans, in my opinion the proposed residential rezoning accords with the relevant objectives and policies. In particular, the proposal accords with the development principles set out in Section 6A of the WRPS. These include supporting existing urban areas in preference to creating new ones; and development occur in a manner that provides clear delineation between urban areas and rural areas. Infrastructure issues are present, but my reading of the relevant evidence from the submitters and further submitters is that these issues can be addressed through the subdivision and development process. A Future Urban Zone for the residential component of the land would likely inhibit integrated planning with the adjacent Munro block.
293. The move to include a range of densities and activities in the residential area (through medium density housing and a possible Neighbourhood Centre Zoning) is supported by regional policy statement and district plan policies. However, at this stage of the process, I consider there to be too many uncertainties to be sure about the geographic extent of these zonings.
294. In relation to the submissions by Kwanghoon Yang [360.2] and Se Gi Noh [502.2], these sites are contiguous with the urban area, but there are a number of uncertainties with the environmental effects of development (landform, flood management) that need investigation before a live zoning could be justified. I do not consider that the proposal meets the requirements of Policy 6.1 of the WRPS: Planned and co-ordinated subdivision, use and development. In particular there is insufficient information to allow assessment of the potential long-term effects of subdivision, use and development.

12.3 Recommendations

295. For the reasons above I recommend that the Hearings Panel:

- (a) **Accepts in part** CSL Trust and Top End Properties [89.1] to the extent that the area to the east is rezoned to Residential Zone, and that the proposed Country Living Zone area to the north is retained as Rural Zone. I also recommend that the land proposed to be identified as MDRZ and Neighbourhood Zone be zoned Residential, as there is insufficient information at this stage to be certain as to location of these activities and associated zones.

- (b) **Rejects** Kwanghoon Yang [360.2] and Se Gi Noh [502.2]

12.4 Recommended amendments

296. That the eastern part of the CSL Trust/Top End Properties be rezoned from Rural to Residential as shown in the map below within the red outline with yellow infill).



Figure 28: Recommended area (red outline) to be rezoned to Residential.

12.5 Section 32AA evaluation

297. The evidence from CSL Trust and Top End Properties provides a comprehensive analysis of options under section 32AA and I largely adopt that assessment, except as it relates to the proposed Country Living Zone. In my opinion, the landscape and servicing issues associated with a Country Living Zoning have been discounted in the analysis.
298. In relation to the proposed residential area, I largely agree with the analysis. However, the recommendation set out above modifies the rezoning sought as it relates to the proposed residential area. The following assessment highlights those points where I have a different opinion to that of the CSL Trust and Top End Properties analysis that has led to the recommendation to avoid the rezoning of part of the land to MDRZ and Neighbourhood Centre.

Other reasonably practicable options

299. One alternative is to not rezone (at this stage) the identified land as MDHZ and Neighbourhood Centre, and either deal with these elements through a resource consent or later plan change processes (public or private) once key elements like roads, open spaces and an appropriate neighbourhood centre location for the wider West Pokeno area has been determined.

300. Another alternative is to re-zone the proposed residential area as Future Urban Zone and after completion of detailed master planning, rezone the land then.

Effectiveness and efficiency

301. Both options recognise that creation of specifically zoned areas for MDRZ and a Neighbourhood Centre Zone at this stage may not allow for comprehensive and integrated planning outcomes, given there are still stormwater and open space considerations as well as connections and interactions with adjacent sites that need to be considered. Rezoning these areas may also result in an 'insular' layout to development in order to meet the underlying zoning, when other arrangements may be more sustainable into the long term.

302. Rezoning to Future Urban zone is likely to see a delay in the rezoning of the land and is likely to be less effective than the first option. This option also raises issues with the co-ordination of development with the adjacent Munro block (which is already zoned Residential in the PWDP).

Costs and benefits

303. There are a number of benefits in the rezoning a portion of the site to MDRZ and Neighbourhood Centre Zone, in that this would provide for a range of economic and social benefits. However there are also costs in such rezoning ahead of more detailed master planning of the land and its interactions with adjacent sites. Rezoning the land now to Residential and dealing with the location and size of medium density residential and neighbourhood centre activities through the consent process is likely to be less time consuming than rezoning to Future Urban, then undertaking a future plan change.

Risk of acting or not acting

304. There are risks in acting and not acting. There is sufficient information on the costs and benefits to the environment and to people and communities to justify accepting the Residential Zoning of the land, but not the other zoning options advanced (Country Living, MDRZ and Neighbourhood Centre).

Decision about most appropriate option

305. For the reasons above, the residential rezoning is considered to be the most appropriate way to achieve the objectives of the PWDP to consolidate urban growth in and around existing settlements (for example, Objective 4.1.2: – Urban growth and development (a) Future settlement pattern is consolidated in and around existing towns and villages in the district).

I3 South Pokeno Industrial Interface

I3.1 Submissions

306. This section of the report addresses submissions relating to the southern sector of Pokeno, covering land adjacent to existing Industrial Zones. I consider these submissions in two sub areas: the southern industrial interface and the western industrial interface.

307. Evidence in support has been received from Havelock Village Ltd. Evidence in opposition has been received from Hynds Pipes Systems/Hynds Foundation (combined evidence) and Yashili New Zealand Dairy Co Ltd.

Submission Point	Submitter	Decision Requested
72.1	Lynne Collins	Retain the proposed Rural Zone for the property at 62 Bluff Road, Pokeno.
FS1049.7	Craig Hall	Support
FS1075.6	Steven and Teresa Hopkins	Support
FS1306.1	Hynds Foundation	Oppose
FS1341.1	Hynds Pipe Systems Limited	Oppose
FS1386.61	Mercury NZ Limited for Mercury C	Oppose
205.1	Ray Bowater for Rainbow Water Ltd	Amend the zoning of the property at 5 Hitchen Road (Lot 2 DP 199997), Pokeno from Rural Zone to Residential Zone.
FS1281.6	Pokeno Village Holdings Limited	Oppose
FS1341.4	Hynds Pipe Systems Limited	Oppose
FS1369.5	Ngati Tamaoho Trust	Oppose
FS1086.43	Yashili Dairy Company Limited	Support
FS1110.45	Synlait Milk Limited	Oppose
FS1277.10	Waikato Regional Council	Oppose
FS1322.25	Synlait Milk	Oppose
FS1377.44	Havelock Village Limited	Support
FS1386.221	Mercury NZ Limited for Mercury C	Oppose
386.5	Pokeno Village Holdings Limited	Amend the zoning of the property at Lot 19, Yashili Drive, Pokeno from a split Residential/Light Industrial Zoning to Light Industrial Zone AND Amend the zoning of the property at Lot 30 Yashili Drive, Pokeno from a split Residential/Light Industrial Zoning to Light Industrial Zone

Submission Point	Submitter	Decision Requested
FS1388.83	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
548.1	<i>Murray & Cathy McWatt for Grander Investments Limited</i>	<i>Amend the zoning of the property at 62 Bluff Road, Pokeno, from Rural Zone to Heavy Industrial Zone.</i>
FS1000.1	<i>Robert & Barbara Wilson on behalf of R&B Wilson Family Trust</i>	<i>Oppose</i>
FS1049.4	<i>Craig Hall</i>	<i>Oppose</i>
FS1073.1	<i>Lynne Collins</i>	<i>Oppose</i>
FS1075.5	<i>Steven and Teresa Hopkins</i>	<i>Oppose</i>
FS1341.9	<i>Hynds Pipe Systems Limited</i>	<i>Support</i>
FS1369.9	<i>Ngati Tamaoho Trust</i>	<i>Oppose</i>
FS1110.41	<i>Synlait Milk Limited</i>	<i>Support</i>
FS1277.36	<i>Waikato Regional Council</i>	<i>Oppose</i>
FS1281.24	<i>Pokeno Village Holdings Limited</i>	<i>Oppose</i>
FS1306.10	<i>Hynds Foundation</i>	<i>Support</i>
FS1322.10	<i>Synlait Milk</i>	<i>Support</i>
FS1377.134	<i>Havelock Village Limited</i>	<i>Oppose</i>
FS1388.768	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
971.1	<i>Stonehill Trustee Limited</i>	<p>Retain the proposed Rural Zoning at the land located to the south and west of McDonald Road, Pokeno, that is zoned Aggregate Extraction and Processing in the Operative District Plan (this land is identified in the submission at Annexure A).</p> <p>AND</p> <p>Amend the Proposed District Plan to make additional or consequential relief to address the matters raised in the submission.</p>
FS1110.47	<i>Synlait Milk Limited</i>	<i>Support</i>
FS1306.68	<i>Hynds Foundation</i>	<i>Oppose</i>
FS1322.26	<i>Synlait Milk</i>	<i>Oppose</i>

Submission Point	Submitter	Decision Requested
<i>FS1341.16</i>	<i>Hynds Pipe Systems Limited</i>	<i>Oppose</i>
<i>FS1377.303</i>	<i>Havelock Village Limited</i>	<i>Oppose</i>
983.1	Bill Loutit for Hynds Pipes	<p>Amend the zoning of the land surrounding the Industrial Zone Heavy in Pokeno from Rural Zone to an appropriate or new zoning which restricts residential activity (see Attachment A of the submission for the extent of the rezoning request).</p> <p>OR</p> <p>Amend the Rural Zone provisions to include appropriate activity rules and land use rules for residential development adjacent to land zoned Industrial Zone Heavy (including the property 9 McDonald Road, Pokeno)</p> <p>AND</p> <p>Amend the Proposed District Plan so that residential development or subdivision on Rural Zoned land adjacent to the Industrial Zone Heavy be prohibited or restricted.</p> <p>AND</p> <p>Any additional relief considered necessary or desirable as a consequence of the issues and concerns raised in the submission.</p>
<i>FS1110.2</i>	<i>Synlait Milk Limited</i>	<i>Support</i>
<i>FS1188.7</i>	<i>Stonehill Trustee Limited</i>	<i>Support</i>
<i>FS1306.69</i>	<i>Hynds Foundation</i>	<i>Support</i>
<i>FS1322.17</i>	<i>Synlait Milk</i>	<i>Support</i>
<i>FS1377.304</i>	<i>Havelock Village Limited</i>	<i>Oppose</i>

308. In regard to the submission sites discussed in this section, Waikato 2070 shows the industrial zoned land. To the west is the Havelock Village land, earmarked for residential growth within a 3- to 10-year timeframe. There are no areas to the south of the industrial land identified for any form of business/commercial or residential growth.

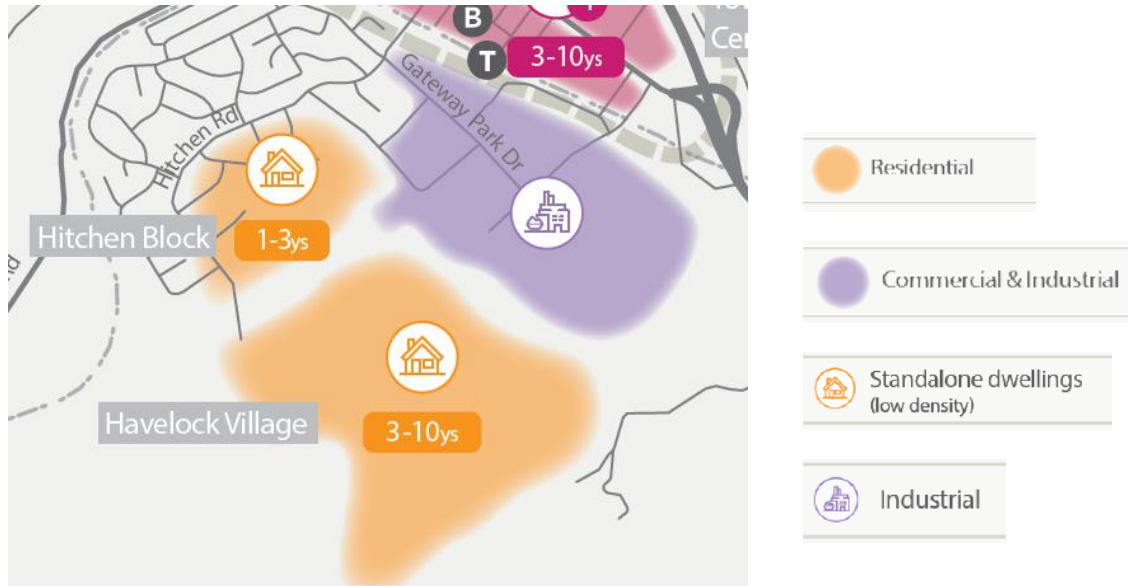


Figure 29: Extract from Pokeno Development Plan (Source: Waikato 2070)

13.2 Analysis

309. **Lynne Collins [72.1]** seeks that 62 Bluff Road (submission site shown in Figure 30) retains a Rural Zoning, as does **Stonehill Trustees [971.1]**. **Murray & Cathy McWatt for Grander Investments Limited [548.1]** request a Business Zoning for the site. **Hynds [983.1]** requests a zoning that does not enable residential development. Further submitters raise concerns over potential effects of business activities on the amenity of rural environments.

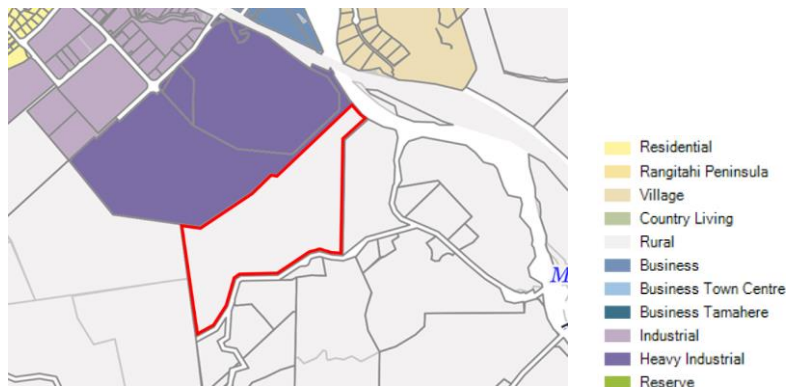


Figure 30: Submission area

310. The subject site was zoned Aggregate Extraction and Processing (AE&P) in the OWDP and is proposed to be zoned Rural in the PWDP.
311. I understand that the land in question (27.4ha in area) has been purchased by Hynds to prevent incompatible uses establishing next to the Hynds factory site and also to enable an expansion of the existing Hynds operation. Evidence from Hynds proposes that part of the site adjacent to the current Heavy Industry Zone be rezoned Business Heavy Industry, with the bulk of the site retaining a Rural Zoning, as shown in Figure 31.

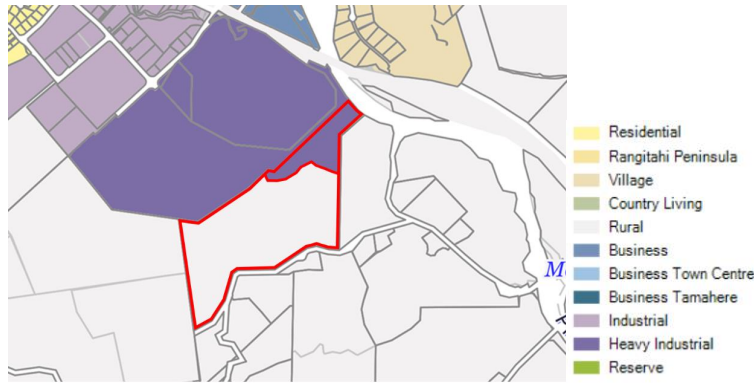


Figure 31: Zoning sought by Hynds through evidence

312. Hynds' evidence sets out proposals for revegetation and landscaping of the rural component of the site.
313. I note that the PWDP shows an SNA following a stream/watercourse within the area to be rezoned Heavy Industry as well as covering a pond/wetland in the upper part of the catchment (in the area to retain a Rural Zoning). Hynds states³⁰ that the SNA would be further enhanced as a part of this project and Hynds has sought expert landscape and ecology advice as part of design development for this proposal.
314. The extent of the SNA is being considered as part of Hearing 21A. Even if no SNA applies to the area proposed to be rezoned to Heavy Industry, if a watercourse exists, then this will be subject to the NPS-FW 2020.
315. Further evidence from Sir William Birch on behalf of Stephen and Teresa Hopkins [FS1075.5] is concerned that the enlarged Heavy Industrial Zone will reduce buffer distances between the Hopkin's property (which lies to the south-east) and Hynds. This reduction may constrain development options for their land. The evidence suggests that Hynds could expand on its existing site in preference to enlarging its site.
316. I agree with the assessment provided by Hynds. Various strategies note the need to provide further opportunities for industrial activities, which the rezoning of part of the site to Industrial will assist with. A change in zoning from Aggregate Extraction to a mix of a small area of Heavy Industry, with the rest of the site retained as Rural, may be overall beneficial to nearby landowners.
317. I note that the proposed boundary between the Rural Zone and the Heavy Industry Zone will not follow a property boundary but does follow a topographical feature. Given that Hynds (in one form or another) is likely to retain the whole site as a buffer to its operations, I consider the split zoning of the site to be appropriate.
318. **Hynds Pipes [983.1]** has submitted that – what it describes as “adjacent land” – should be restricted to rural, non-residential activities (see Figure 32) The company opposes residential development of this land (including rural-residential) due to reverse sensitivity concerns. **Synlait Milk Ltd. [FS1110.2]** and **Synlait Milk [FS1322.17]** (combined referred to as Synlait) support the submission.

³⁰ Para 5.11, evidence of Adrian Hynds

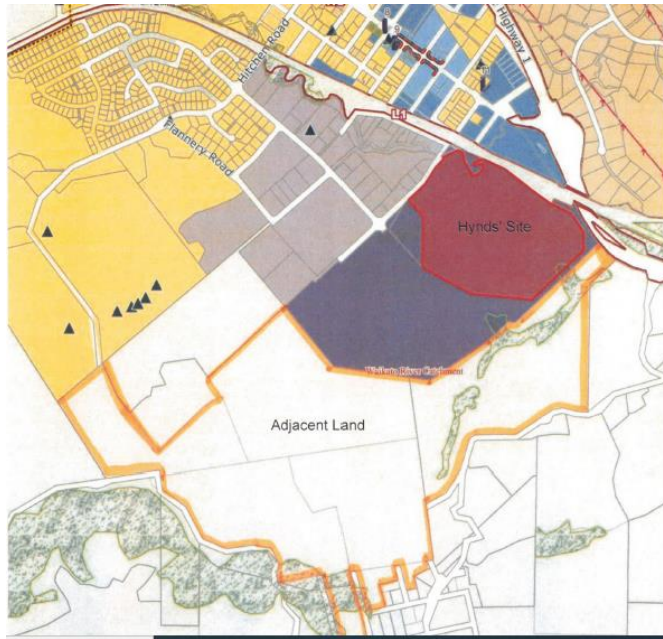


Figure 32: Adjacent lands to Hynds (as identified by submitter),
Image sourced from submitter evidence.

319. The subject land to the west of the industrial area is owned by Havelock Village Limited (HVL) which is proposing a residential development on the land. HVL's main submission is addressed in the next section. This part of the report considers the interface with the industrial activities.
320. **Yashili Dairy Company Limited [FS1086.43]** (Yashili) has submitted in support of Havelock Village's proposals provided inclusion of adequate mitigation measures, or an appropriate set back distance between the proposed residential development and its industrial site(s) within the provisions of the PWDP to address any potential adverse reverse sensitivity effects – in particular in respect of noise – or both.
321. The most relevant land along this interface is 88 Bluff Road and 5 Hitchin Road³¹. This land is now part of the Havelock Village proposal. The latest Havelock Village proposal (see Figure 32 below) shows an open space area flanking the western edge of the Heavy Industry Zoned land and an intention to exclude residential development within this buffer, which is based on a modelled 45dB LAeq noise contour. This approach would appear to partly satisfy concerns that residential development of the land may unduly constrain the business activities in the industrial area.
322. Both Hynds and Yashili have provided evidence questioning the appropriate size of the buffer, should land to the west be rezoned as Residential. Yashili seeks a larger buffer based on a 40dB LAeq noise boundary (this being the night time noise limit in Residential Zones). Either dwellings are excluded from this area, or they are designed to ensure the internal noise level does not exceed 25dB LAeq in all habitable rooms with ventilating windows open. In practice, for dwellings in the 40dB LAeq zone, the exposed windows will need to be closed and alternative ventilation system installed. However, no other form of acoustic upgrade to building facades would be required.
323. Hynds (and Yashili and Synlait) are also concerned about other reverse sensitivity effects arising from residential development that may overlook their sites. This is in terms of effects

³¹ Some evidence refers to this land at 5 Yashili Drive.

like light spill, odour, air discharges and visual amenity. For example, Laurie Cook's evidence for Hynds is that residents with a view of Hynds operation will experience and probably complain about lighting. They seek a larger buffer area covering the whole of the western face of the slopes that face the Synlait site. Mr Curtis for HVL suggests that a 150m wide buffer would be sufficient to deal with most air discharge related effects like dust and odour³².

324. I note that in the case of Hynds Pipes, the Synlait factory sits between its site and the HVL land. The Hynds site also lies close to Residential and Village Zones to the east, where no specific buffer applies.
325. In terms of effects like light spill, dust, odour and other nuisance effects, the industrial activities operate within parameters that authorise these effects, restricting the extent to which these effects are experienced on adjacent sites. If operating within these limits, then there are no grounds for objection. Nevertheless, there remains the potential for additional nearby residents to seek input into future consents and plan changes in order to seek greater protection of their amenity.
326. Accentuating these issues, the land that is sought to be re-zoned to Residential generally sits above the heavy industrial land. The elevated contour means that there is no option to surround the heavy industrial land with light industry, for example. As noted in the introduction to this section, the OWDP zoned land to the west and south of the heavy industrial areas as Aggregate Extraction and Processing zone. This has been amended to Rural in the PWDP. The Aggregate Extraction Zone provided a substantial buffer to the Heavy Industrial Zone, in part by its size, but also because of related rules that limited the ability of dwellings to be located close to the Aggregate Extraction Zone boundary (a 'buffer-upon-another-buffer', in simple terms).
327. Some form of residential development seems likely on the higher land to the west of the Industrial Zones, whether this be rural, rural-residential or residential. Comprehensive residential development does provide the opportunity to require a substantial, permanent buffer, compared to incremental development. While distance helps to mitigate potential reverse sensitivity effects, other measures such as reducing the extent of visual interaction between houses and their outdoor living areas and the industrial activities are also likely to be necessary.
328. The buffer area proposed by Havelock Village Limited (HVL) rezoning request extends part way up the east-facing slope that sits on the western boundary of the industrial area. A hill-top reserve is also proposed that creates further separation over part of the HVL site. The number of dwellings that may have a direct line of sight to Hynds is not identified in the HVL evidence nor the evidence from Hynds. Physical separation would be in excess of 500m. The land in question has a complex profile, and it may be that not all dwellings on the western portion of the HVL site will overlook the Hynds site. In addition to topography, the large Synlait plant lies between the proposed residential area and Hynds.
329. The buffer area will likely need to be revisited once earthwork profiles have been determined. One area where the 'no build' buffer may need to be extended is the south-eastern side of Transmission Hill. In this corner of the HVL site, it appears that houses would have a direct line of sight to the Hynds factory and yard and be relatively close. This area is approximately indicated in Figure 33 below.

³² Evidence of Andrew Curtis for Havelock Village Limited, para 6.2



Figure 33: Buffer area (source: submitter evidence)

330. The one place where the Light Industry Zone could be extended to help form a buffer relates to 5 Hitchen Road's interface with the Yashili site. In this case Havelock Village has proposed a small extension of the Industrial Zone into their land. They propose that industrial units be built on this extension, acting as a physical buffer/barrier. However, as pointed out by Yashili evidence, there does not seem to be a district plan-based mechanism to implement this proposal. It is also unclear as to how high the barrier buildings may need to be to provide an effective screen, and whether the zone height standard would accommodate such buildings.
331. In summary, the rezoning to Residential of land adjacent to existing heavy industry raises a number of potentially adverse environmental effects. In my view, these effects need to be better managed than indicated in the evidence of HVL.

Statutory Assessment

332. In terms of higher order statutory documents, the NPS-UD does not refer to reverse sensitivity issues or buffers. However, it does recognise that district plans must provide for the growth of both residential and business activities. In the case of the Pokeno industrial 'node', the activities present in the Industrial Zones are important to the local and regional economy and cannot easily relocate should their operations become constrained in the future. This is in contrast to residential activities, which do have alternative location options.
333. Policy 4.4 of the Waikato Regional Policy Statement provides for the avoidance or minimisation of the potential for reverse sensitivity in relation to regionally significant industry³³. Policy 4.4.1 (d) states that the potential for regionally significant industry and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimise the potential for reverse sensitivity effects must be recognised in district plans. Policy 6.1.2 recognises a range of spill-over effects as being a particular matter that should be addressed by local authorities when reviewing district plans. In particular, "*consideration should be given to discouraging new sensitive activities, locating near existing and planned land uses or activities that could be subject to effects including the discharge of substances, odour, smoke, noise,*

³³ Regionally significant industry - means an economic activity based on the use of natural and physical resources in the region and is identified in regional or district plans, which has been shown to have benefits that are significant at a regional or national scale. These may include social, economic or cultural benefits.

light spill, or dust which could affect the health of people and / or lower the amenity values of the surrounding area”.

334. The PWDP also addresses reverse sensitivity effects. Under Objective 4.7.1 - Subdivision layout and design facilitates the land use outcomes sought for the Residential, Business, Industrial, Reserve and Specific Purpose Zones - is listed Policy 4.7.1: Reverse sensitivity, which states:
- a. Development and subdivision design minimises reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
 - b. Avoid potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.
335. I understand that some amendments have been proposed to this policy in the H3 Strategic Directions hearing. These amendments introduce the words “*minimise the potential for reverse sensitivity where avoidance is not possible*”, for example.
336. Within Business areas, by way of Policy 4.5.31 reverse sensitivity within Business and Business Town Centre Zones is managed by ensuring residential activities and development are acoustically insulated to mitigate the adverse effects of noise.
337. No similar policy exists in terms of the interface of Residential Zones with Industrial Zones. Objective 4.6.6 for Industrial Zones requires industrial activities to manage their adverse effects on the amenity values of sensitive activities. This objective could mean that in the absence of a buffer, residential activities could come to expect over time that the established industrial activities near them will reduce the nature and extent of ‘spill-over’ effects like noise.
338. In summary, statutory planning documents provide a substantial degree of support to the on-going operation of industrial activities located in Industrial Zones and as part of this support, management of reverse sensitivity effects. However, the plans provide scope for both avoidance and mitigation approaches to managing such effects. In my view, an avoidance approach is appropriate for persistent, significant effects like noise. I am not convinced that concerns over visual amenity and outlook over the Synlait and Hynds sites by future residents constitutes a ‘significant reverse sensitivity effect’. In particular, the Synlait factory is very visible from many parts of Pokeno, for example. However, having said that I accept that having direct line of site to the industrial activities is likely to result in greater sensitivity to other effects like odour, light and air discharges.
339. For the southern interface, the partial rezoning of 62 Bluff Road to Heavy Industry assists with national, regional and local policies associated with business development and capacity for business growth while ensuring a buffer is provided to the south.
340. In terms of the western interface, I agree that a buffer needs to be provided between the industrial area and new residential activities so as to avoid reverse sensitivity effects arising from noise and to limit as much as possible other reverse sensitivity effects. This buffer should therefore be formed by a combination of separation, lot layout, building design and landscape treatment. In addition, for the land identified as a ‘no build’ area on the HVL precinct plan, policies are needed to clearly articulate the on going ownership and management of this land as a no build area.
341. In my opinion, the matters outlined by Hynds, Yashili and Synlait can be addressed by:

- requiring the creation of the buffer area identified on the Havelock Village precinct plan and avoiding noise sensitive activities in this area (i.e. the 45dB LAeq contour, but enlarged as necessary in the south-eastern corner).
 - clarification of the on-going management of this area.
 - requiring houses within the 40dB LAeq noise contour identified by Mr Hegley (but outside the Havelock Village buffer) to be designed to achieve a 25dB LAeq internal noise environment as per Yashili evidence.
 - for sites that sit between the buffer and 40dB LAeq noise contour, require lots to be designed so that outlook and outdoor living areas be orientated to the west or north (rather than east).
 - requiring appropriate landscape treatment of the properties that will border the open space area and which may have the closest visual interaction with the heavy industrial activities. This may include 2m high close boarded fencing or landscape treatment, or both.
342. On the issue of the treatment of the boundary with Yashili and the construction of barrier type buildings as a method to manage reverse sensitivity effects, I note that there are complexities in crafting district plan controls that can require such an outcome. Issues include the required scale of such development (length, height of building, yard and access arrangements) and the timing of such development (do the buildings need to be established before residential development commences, for example). This is a matter that the submitter may wish to address at the Hearing.
343. In addition to the above tools, I also note that some plans provide for (or at least acknowledge as a possible tool), the use of 'no complaints' covenants on new residential lots. This is a possible additional (back-up, but not alternative) method that could be offered by Havelock Village.
344. In conclusion, I agree with the concerns raised by Hynds, Yashili and Synlait that there is potential for reverse sensitivity effects to arise, while noting that possible risks can be avoided and minimised to an appropriate level through a number of measures. The measures would need to be incorporated into the district plan amendments set out by Havelock Village (and as discussed in the section below). They are:
- A policy that recognises the need for Havelock Village to provide a buffer area and to take measures to address reverse sensitivity issues, for example:

“Subdivision and development shall minimise the potential for reverse sensitivity effects to arise on the Havelock Precinct’s eastern boundary with Heavy and Industrial zoned land through a combination of physical separation, lot orientation, landscape treatment and building design”.
 - Review and confirmation of the proposed Pokeno Industrial Buffer once bulk earthworks are confirmed, particularly as it relates to the south-eastern edge,
 - An amendment to rule 16.3.9.2 Building Set back – Sensitive Land use that states:

Any new building or alteration to an existing building for a sensitive land use must be located outside the Pokeno Industrial Buffer illustrated on the planning maps.

Any new building or alteration to an existing building for a sensitive land use located outside the Pokeno Industrial Buffer but within the 40dB LAeq noise contour illustrated in the planning maps must be designed so that internal noise levels do not exceed 25dB LAeq in all habitable rooms with ventilating windows open.

- Amend new proposed rule 16.4.18 - Subdivision: Havelock Village Precinct Plan Area. The Council's discretion should cover:

Design of earthworks, lots and landscape treatment to reduce reverse sensitivity effects on nearby Heavy Industrial Zoned activities, including through limiting direct visual interaction from building platforms and associated future dwellings and outdoor living areas.

Ownership and on-going management of the EPA identified on the eastern edge of the residential area as a 'no-build' area.

345. While perhaps a 'belts and braces' approach, in my opinion a layered approach is warranted. The above measures may be seen to minimise the risk of reverse sensitivity effects, rather than avoid them, as set out in PWDP policy 4.7.11. In response, I note that the above methods should avoid noise related reverse sensitivity effects. For other effects, reverse sensitivity issues often come down to matters of personal opinion as to what is an acceptable effect. In my view an approach of 'minimising risks' for other types of possible spill-over effects is a realistic test in an urban setting.
346. Finally, I note that Yashili experts have questioned whether non-compliance with reverse sensitivity controls should be treated as a non-complying activity, rather than a discretionary activity (given the avoidance policy of the PWDP). I do not consider that there needs to be a shift to non-complying activity status for the directive nature of the policy to be taken into account and applied.
347. **Pokeno Village Holdings Limited [386.5]** submits that the zoning of the property at Lots 19 and 30, Yashili Drive should be Light Industrial Zone. It would appear that this submission has been overtaken by events. The Council's GIS shows Lots 19 and 30 as being entirely zoned as Light Industry Zone.

13.3 Recommendations

348. For the reasons above I recommend that the Hearings Panel:
- (a) **Accepts in part** Lynne Collins [72.1]
 - (b) **Accepts in part** M and C McWatt for Gander Investments [548.1]
 - (c) **Rejects** Stonehill Trustee Limited [971.1]
 - (d) **Accepts** Ray Bowater for Rainbow Water Ltd [205.1]
 - (e) **Accepts in part** Hynds Pipes [983.1], to the extent that land to the west of the Heavy Industrial Zone be rezoned Residential, but with controls that manage reverse sensitivity effects, and that portion of 62 Bluff Road be rezoned from Rural to Heavy Industry
 - (f) **Rejects** Pokeno Village Holdings Limited [386.5].

13.4 Recommended amendments

347. Recommended amendments:

- Rezone a portion of 62 Bluff road from Rural to Heavy Industrial as shown in the below figure:

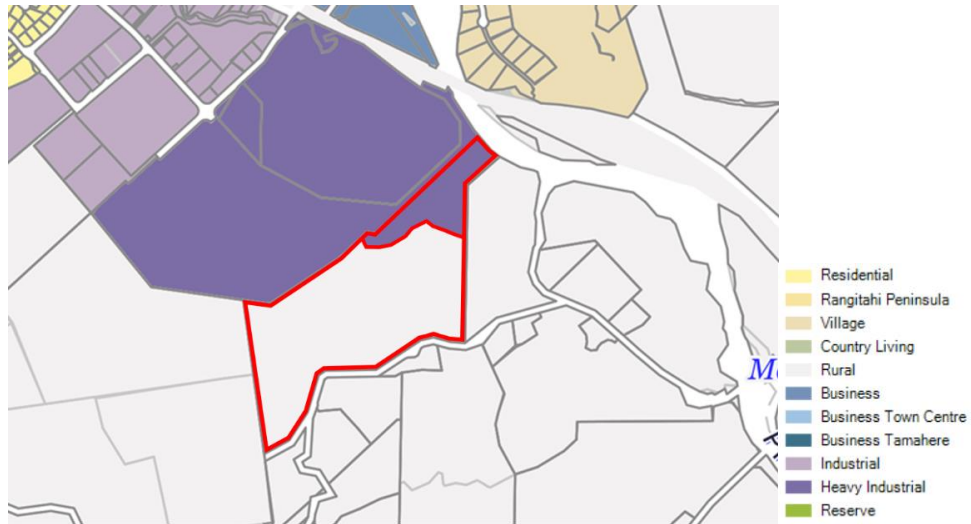


Figure 34: Recommendation to rezone land Heavy Industrial

- Insert into Chapter 16 a policy that recognises the need for Havelock Village to provide a buffer area and to take measures to address reverse sensitivity issues, for example:

“Subdivision and development shall minimise the potential for reverse sensitivity effects to arise on the Havelock Precinct’s eastern boundary with Heavy and Industrial Zoned land through a combination of physical separation, lot orientation, landscape treatment and building design”.

- Review and confirmation of the proposed Pokeno Industrial Buffer, particularly as it relates to the south-eastern edge
- Amend rule 16.3.9.2 Building Set back – Sensitive Land use as follows:

Any new building or alteration to an existing building for a sensitive land use must be located outside the Pokeno Industrial Buffer illustrated on the planning maps.

Any new building or alteration to an existing building for a sensitive land use located outside the Pokeno Industrial Buffer but within the 40dB LAeq noise contour illustrated in the planning maps must be designed so that internal noise levels do not exceed 25dB LAeq in all habitable rooms with ventilating windows open.

- Amend proposed new rule 16.4.18: Subdivision: Havelock Village Precinct Plan Area as follows:

The Council's discretion is restricted to the following matters:

(vi) Design of earthworks (contours), lots size and orientation and landscape treatment to reduce reverse sensitivity effects on nearby Heavy Industrial Zoned activities, including through limiting direct visual interaction from building platforms and associated future dwellings and outdoor living areas.

(vii) Ownership and on-going management of the Environmental Protection Area on the eastern edge of the residential area as a 'no-build' area

13.5 Section 32AA evaluation

349. The proposed rezoning of part of 62 Bluff Road as Heavy Industry is supported by appropriate assessments from the submitter, and no further assessment is needed. The assessment provided by Hynds notes the benefits arising from additional business capacity and securing a southern 'buffer', while working within the landscape values present.

350. The evidence from Havelock Village, Hynds, Synlait and Yashili canvasses a range of matters relating to their western interface. I generally agree with the analysis put forward by Havelock Village as to the overall benefit of their proposed rezoning, but recommend that additional measures be introduced to minimise reverse sensitivity effects, as outlined above.

Other reasonably practicable options

351. An option would be to increase the physical extent of the proposed open space buffer on the eastern edge of the Havelock Village land, for example to the recommended noise boundary line set out in the evidence of Mr Hegley³⁴. This would be instead of the proposed changes put forward above (that is, additional controls on house and lot design in the area between the noise boundary identified by Mr Hegley and the open space buffer identified by Havelock Village).

352. Another option would be to retain the notified Rural Zoning over the northern portion of the Havelock Village site.

Effectiveness and efficiency

353. A larger buffer may be the more effective method in reducing reverse sensitivity effects, but is likely to be less efficient than other options. Enhanced management of building (and lot design) is likely to be a more efficient response (in that it can enable some housing while managing potential adverse effects) than increasing the size of the buffer.

354. Retaining a Rural Zoning across the whole site would not be efficient nor effective in terms of implementing the PWDP of consolidating growth in and around existing centres.

Costs and benefits

355. A larger buffer area will see a reduction in housing capacity. As noted in Yashili's submission, it sees benefit in the additional housing options to be provided, including for its workers. The enhanced provisions relating to reverse sensitivity may increase the costs of the proposed development, in that specific attention will need to be paid to house and lot design near the eastern boundary of the Havelock Village land. The additional provisions may lead to a reduction in the overall housing capacity of the proposed rezoning. These costs need to be

³⁴ Evidence of N Hegley for Yashili NZ Ltd, Figure 3, page 10.

seen in the context of the economic and social benefits delivered by the industrial activities and their on-going role in the district.

Risk of acting or not acting

356. There are no additional risks in not acting. There is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the rezoning.

Decision about most appropriate option

357. For the reasons above, the amendments to the HVL rezoning request are considered to be the more appropriate way to achieve the objective of the WRPS and PWDP.

14 South Pokeno Residential Zonings

14.1 Submissions

358. This section addresses submissions seeking rezoning of land from Rural Zone to Residential or Village Zones in the South Pokeno area.
359. Evidence in support or opposition has been received from Havelock Village Ltd., Steven and Teresa Hopkins, Hynds Pipes Systems/Hynds Foundation (combined evidence), NZTA Waka Kotahi, Waikato Regional Council and Yashili New Zealand Dairy Co Ltd.
360. The industrial interface issues associated with Havelock Village's proposal have been addressed in section 13 above. This section addresses other possible effects arising from their proposal, such as landscape and infrastructure issues.

Submission Point	Submitter	Decision Requested
451.1	Steven & Teresa Hopkins	Amend the zoning at 67 Pioneer Road, Pokeno from Rural Zone to Village Zone.
FS1075.1	Steven and Teresa Hopkins	Support
FS1306.8	Hynds Foundation	Oppose
FS1341.6	Hynds Pipe Systems Limited	Oppose
FS1277.28	Waikato Regional Council	Oppose
FS1281.14	Pokeno Village Holdings Limited	Oppose
FS1108.172	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose

Submission Point	Submitter	Decision Requested
<i>FS1108.196</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FS1377.105</i>	<i>Havelock Village Limited</i>	<i>Support</i>
<i>FS1388.319</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
862.1	Havelock Village Limited	<p>Amend the zoning at 88, 242 (in part) and 278 Bluff Road, Pokeno, to Residential Zone (see Appendix E Figure 1 of the submission);</p> <p>AND</p> <p>Add a masterplan/precinct plan for the site at 88, 242 and 278 Bluff Road, Pokeno;</p> <p>AND</p> <p>Amend the zoning of 88, 242 and 278 Bluff Road, Pokeno to provide for a Neighbourhood Centre;</p> <p>OR</p> <p>If the rezoning to the Residential Zone is not accepted, amend the zoning of 88 Bluff Road, Pokeno, to an Aggregate Extraction Zone as it was in the Operative District Plan;</p> <p>AND</p> <p>Any consequential amendments or alternative relief to give effect to the matters raised in the submission.</p>
<i>FS1075.7</i>	<i>Steven and Teresa Hopkins</i>	<i>Support</i>
<i>FS1086.1</i>	<i>Yashili Dairy Company Limited</i>	<i>Support</i>
<i>FS1090.2</i>	<i>Jenny Forsyth</i>	<i>Oppose</i>
<i>FS1186.1</i>	<i>Pokeno Nutritional Park Limited</i>	<i>Support</i>
<i>FS1188.5</i>	<i>Stonehill Trustee Limited</i>	<i>Oppose</i>
<i>FS1301.1</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FS1303.1</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FS1261.29</i>	<i>Annie Chen</i>	<i>Support</i>
<i>FS1277.59</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FS1281.51</i>	<i>Pokeno Village Holdings Limited</i>	<i>Oppose</i>

Submission Point	Submitter	Decision Requested
<i>FS1297.38</i>	<i>CSL Trust & Top End Properties Limited</i>	<i>Support</i>
<i>FS1306.54</i>	<i>Hynds Foundation</i>	<i>Oppose</i>
<i>FS1341.15</i>	<i>Hynds Pipe Systems Limited</i>	<i>Oppose</i>
<i>FS1369.21</i>	<i>Ngati Tamaoho Trust</i>	<i>Oppose</i>
<i>FS1108.193</i>	<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	<i>Oppose</i>
<i>FS1202.107</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
<i>FS1340.148</i>	<i>TaTa Valley Limited</i>	<i>Support</i>
<i>FS1387.1395</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
862.2	Havelock Village Limited	<p>Add the Havelock Village masterplan, precincts and provisions to the Proposed District Plan noted in the original submission which will provide appropriate controls to give effect to the proposed lot sizes and configuration identified on the master plan.</p> <p>AND</p> <p>Any consequential amendments or alternative relief to give effect to the matters raised in the submission.</p>
<i>FS1086.2</i>	<i>Yashili Dairy Company Limited</i>	<i>Support</i>
<i>FS1186.2</i>	<i>Pokeno Nutritional Park Limited</i>	<i>Support</i>
<i>FS1248.1</i>	<i>Ngati Te Ata</i>	<i>Oppose</i>
<i>FS1301.2</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FS1303.2</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FS1306.55</i>	<i>Hynds Foundation</i>	<i>Oppose</i>
862.10	Havelock Village Limited	<p>Add a new policy within section 4.2 Residential Zone (after Policy 4.2.19), as follows (See Appendix E and N of the submission for the Master Plan and Precinct Plans): 4.2.20 Policy - Havelock Village Development of Havelock Village shall occur generally in accordance with the Havelock Village Masterplan and Precinct Plans. This includes a mixture of lot sizes and areas to be protected and set aside to protect significant landscape and ecological values.</p>

Submission Point	Submitter	Decision Requested
		AND Any consequential amendments or alternative relief to give effect to the matters raised in the submission.
FS1086.10	Yashili Dairy Company Limited	Support
FS1186.10	Pokeno Nutritional Park Limited	Support
FS1301.10	New Zealand Health Food Park Limited	Support
FS1303.10	Charlie Harris	Support
FS1306.57	Hynds Foundation	Oppose
FS1340.157	TaTa Valley Limited	Support
862.23	Havelock Village Limited	Amend residential and subdivision rules, development and standards and assessment criteria in Chapter 16 Residential Zone to ensure that the Havelock Village master plan and precinct plan are appropriately considered and implemented at the time of subdivision and resource consents. AND Any consequential amendments or alternative relief to give effect to the matters raised in the submission.
FS1086.23	Yashili Dairy Company Limited	Support
FS1186.23	Pokeno Nutritional Park Limited	Support
FS1202.74	New Zealand Transport Agency	Oppose
FS1301.23	New Zealand Health Food Park Limited	Support
FS1303.23	Charlie Harris	Support
FS1340.170	TaTa Valley Limited	Support
FS1387.1409	Mercury NZ Limited for Mercury D	Oppose
862.24	Havelock Village Limited	Amend the Proposed Waikato District Plan as required to reflect the zoning and masterplan precincts for the Havelock Village development. AND Any consequential amendments or alternative relief to give effect to the matters raised in the submission.

Submission Point	Submitter	Decision Requested
<i>FSI086.24</i>	<i>Yashili Dairy Company Limited</i>	<i>Support</i>
<i>FSI186.24</i>	<i>Pokeno Nutritional Park Limited</i>	<i>Support</i>
<i>FSI202.27</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
<i>FSI277.60</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>
<i>FSI301.24</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI303.24</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI306.59</i>	<i>Hynds Foundation</i>	<i>Oppose</i>
<i>FSI340.171</i>	<i>TaTa Valley Limited</i>	<i>Support</i>
862.32	Havelock Village Limited	In the event that the proposed Havelock Village Masterplan and Precinct are not accepted, amend the Proposed District Plan as necessary to enable the efficient development of the Havelock Village site; AND Any consequential amendments and alternative relief to give effect to the matters raised in the submission.
<i>FSI086.32</i>	<i>Yashili Dairy Company Limited</i>	<i>Support</i>
<i>FSI186.32</i>	<i>Pokeno Nutritional Park Limited</i>	<i>Support</i>
<i>FSI202.67</i>	<i>New Zealand Transport Agency</i>	<i>Oppose</i>
<i>FSI301.32</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>
<i>FSI303.32</i>	<i>Charlie Harris</i>	<i>Support</i>
<i>FSI340.179</i>	<i>TaTa Valley Limited</i>	<i>Support</i>
<i>FSI387.1411</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
862.36	Havelock Village Limited	Add site-specific objectives and policies for the Havelock Village in the Proposed District Plan to enable the development of Havelock Village in a manner consistent with the Havelock Village Masterplan, including a new policy 4.2.20 as sought elsewhere in the submission. AND

Submission Point	Submitter	Decision Requested
		Any consequential amendments and alternative relief to give effect to the matters raised in the submission.
FS1086.36	Yashili Dairy Company Limited	Support
FS1186.36	Pokeno Nutritional Park Limited	Support
FS1202.28	New Zealand Transport Agency	Oppose
FS1301.36	New Zealand Health Food Park Limited	Support
FS1303.36	Charlie Harris	Support
FS1306.60	Hynds Foundation	Oppose
FS1340.183	TaTa Valley Limited	Support

361. In regard to the submissions discussed in this section, Waikato 2070 shows a large area of residential growth to the south of Pokeno within the 3- to 10-year timeframe, identified as Havelock Village in the below diagram. There are no areas to the south-east of the commercial/industrial area identified for any form of business/commercial or residential growth.

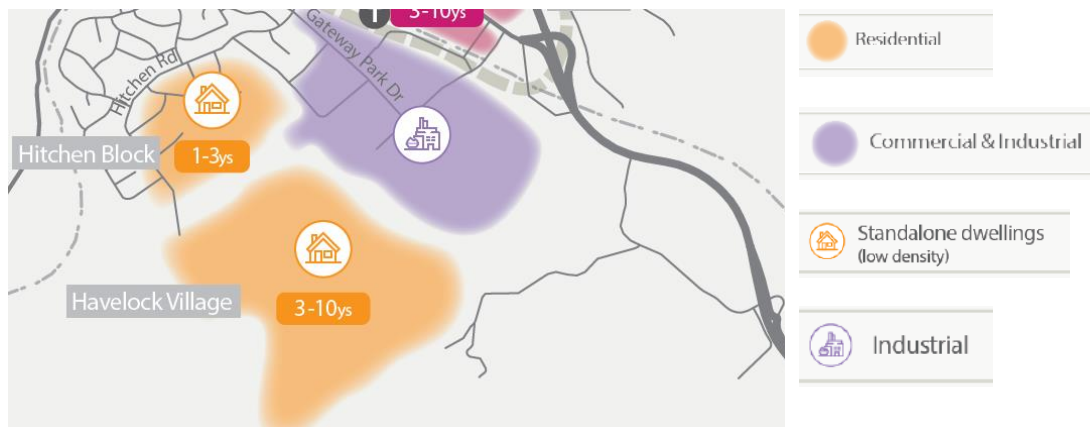


Figure 35: Extract from Pokeno Development Plan (Source: Waikato 2070)

14.2 Analysis

362. **Steven and Theresa Hopkins [451.1]** seek that 67 Pioneer Road be zoned Village or Country Living rather than Rural. The subject site is shown in Figure 36.

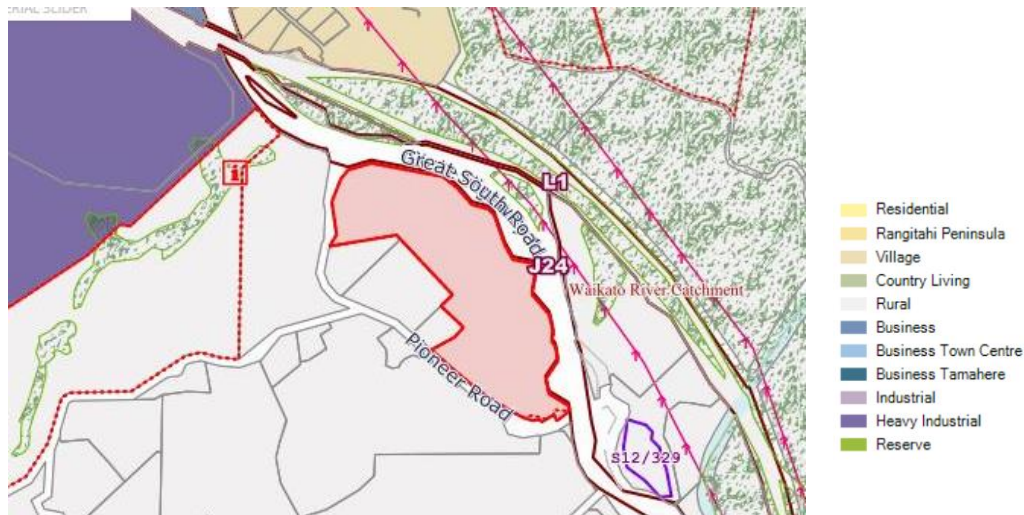


Figure 36: Hopkins Submission area

363. The submitter is seeking to undertake a large-lot residential development of the site that cannot be realised under the provisions of the Rural Zone. In the submitter's view, the site is located in close proximity to the Pokeno town centre while there are no site features or constraints that would limit large lot development. The land is not subject to any district plan overlays. The submitter notes that there is a strong desire for a variety of residential lifestyle options to be provided as part of responding to future growth demands.
364. Pioneer Road lies to the west of the State Highway, accessed by way of split on and off ramps (and including a single lane underpass). Access to the town centre requires use of the State Highway while there are no obvious pedestrian or cycling links that could be provided, although linkages may be provided in the future via the Havelock Village development. On-site water and wastewater services would need to be provided.
365. On the issue of capacity to accommodate growth, as outlined in this report, while Pokeno faces considerable growth pressures, there are a range of options to ensure sufficient supply over the medium term. There is no need to rezone the land to address capacity constraints.
366. **Havelock Village Limited [862.1, 862.2, 862.10, 862.23, 862.24, 862.32, 862.36]** (HVL) is seeking to rezone the land it controls from its proposed Rural Zoning to Residential, Business and Rural Lifestyle Zones³⁵. They wish to incorporate a precinct plan into the PWDP, along with supportive policies and methods.
367. Through evidence, HVL has proposed a revised scheme to that set out in its primary submission. While the changes are extensive, they are within scope of their submission. Figure 37 shows the area subject to the amended submission (red outline) as well as the zones and various aspects of the precinct plan now being sought.

³⁵ I note that Hearing 12 section 42A report recommended renaming the Country Living Zone (Chapter 23 of the PWDP) the Rural Lifestyle Zone to be consistent with the National Planning Standards.

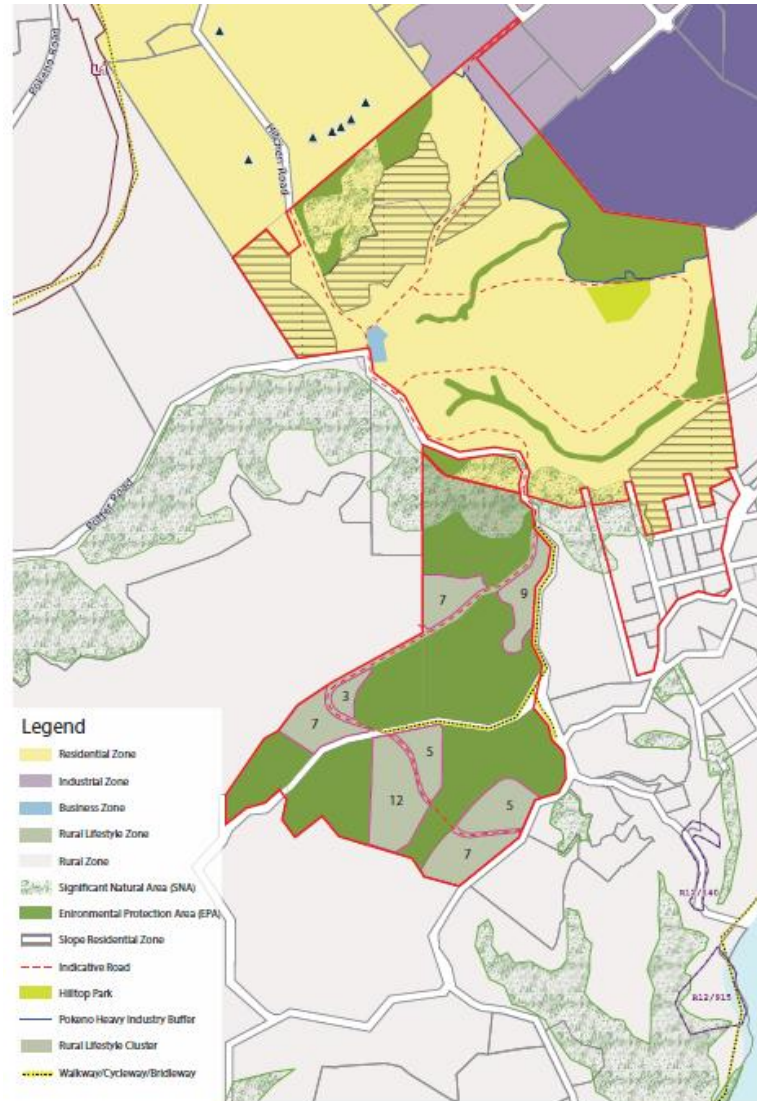


Figure 37: Submission area and zoning sought

368. The land subject to the submission lies to the south of Pokeno, and the general location of the development accords with Waikato 2070 and appears to be partly within the indicative urban limits of FPS 2017.
369. The land is generally steep and falls into two sectors, straddling a ridgeline: a north-facing sector (Transmission Hill) relates to the existing urbanised areas of Pokeno. The other sector lies to the south of the ridgeline, generally falling towards the Waikato River. Part of the site includes a Significant Natural Area. Road access to Pokeno is possible from Yashili Drive and Hitchen Road, and to the wider rural area by way of Bluff, Coles and Potter Roads.
370. As revised, a residential area is proposed adjacent to the existing Pokeno urban area on Transmission Hill while the Rural Lifestyle Zone is located to the south of the development to ensure a transition between the urban residential area and the proposed rural-based tourist development at TaTa Valley. These and other changes have resulted in the overall housing yield changing from the estimate in the original submission of 1,000 units to the current estimate of around 600 units. A small local neighbourhood centre is proposed in a Business Zoned area and there is a small slither of Industrial Zoned land sought adjacent to the boundary of the existing Industry area at 3 Yashili Drive and 82 McDonald Road.

371. The other significant change made is to introduce a buffer area to the industrial uses to the east (and as discussed in the section above). This buffer area coincides with much of the eastern face of Transmission Hill, assisting with maintaining a green backdrop to Pokeno. Retention of streams and natural wetlands and the enhancement of their edges and protection and enhancement of existing significant native bush is proposed.
372. The land at 5 Yashili Drive has been secured, providing for additional connectivity into the site, increasing the overall size of the proposed residential area and ensuring that it is connected to the Pokeno town centre.
373. Significant expert evidence has been provided and a structure plan is proposed that is recommended to be incorporated into the PWDP.
374. In terms of overall growth, Yashili's further submission is supportive of the ongoing growth and development of Pokeno. As a result, it supports the additional housing and population that would be created by the rezoning of the Havelock Village site. The submission notes that the additional population will assist to improve the economic vitality of Pokeno. The rezoning will provide much needed residential land and will promote more affordable houses and housing choice, including for employees at Yashili's plant.
375. 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, a point raised in further evidence by Rachel de Lambert on behalf of Hynds. By my estimation, housing would be located above the RL 100m contour line (a landscape reference point identified in the Pokeno Structure Plan but not in a policy or rule in the PWDP). HVL contends that this issue is mitigated to an extent by the proposed "Slope Residential" overlay, the proposed "Hill Top Park" and the industrial buffer on the eastern face. I also note that under the OWDP, the land was zoned Aggregate Extraction and Processing and therefore the landform could have been substantially modified under that zoning (although the zoning has not been rolled over into the PWDP). Nevertheless, in my opinion, it is important that the 'hill-top' park has sufficient visual presence to retain a landmark-type role. In my opinion the area involved in the park may need to be extended so that the park clearly sits above the roofs of surrounding houses, when viewed from the north and west (the eastern face of the park merges with the proposed buffer area). This is likely to require the park to have a 20 to 30m elevation above surrounding lots.
376. There are infrastructure issues to resolve, in particular extension of wastewater networks. The submission state that discussions with Watercare have confirmed that Watercare's current and future upgrade plan for the Pukekohe WWTP allows for residential growth expected by WDC in Pokeno. Extension of wastewater networks can be accommodated through the subdivision and development process.
377. Hynds' evidence (Campbell McGregor) has raised concerns about stormwater management for the land that drains to the east (that is, towards the Hynds site). The evidence identifies a number of existing problems in the vicinity of the Hynds site; works not yet undertaken to deal with these existing problems and the measures that need to be put in place to mitigate additional effects on downhill properties, from the HVL development. These measures are identified in Hynds' evidence as not being 'show stoppers', but Mr McGregor considers that they should be addressed before rezoning occurs, in particular the method to attenuate 1% AEP flows. I consider that these matters can be addressed at the subdivision stage, as the issues raised are essentially about how the HVL land should be developed for housing, rather than if the land should be developed.

378. Traffic and transport matters are also relevant. Yashili has provided evidence that questions whether measures should be put in place to trigger road upgrades, rather than rely upon the Council imposing relevant conditions at the time of subdivision and development or funding such works via Local Government Act processes (such as Development Contributions), or both. In particular
- a requirement to undertake specific assessment of effects on Yashili Drive and Gateway Park Drive
 - a safety audit of the level crossing of the North Island Main Trunk line at McDonald Road.
379. Hynds (through evidence of Todd Langwell) has raised similar concerns over residential traffic, walking and cycling use of McDonald Road.
380. While not directly stated, it would appear that the evidence seeks that any works required to address effects on Yashili Drive, Gateway Park Drive, McDonald Road and the safety of the main trunk rail line level crossing be directly funded by Havelock Village Ltd and be implemented at an early stage of their development.
381. I support the provision of a connection from Havelock Village land to Yashili Drive on the basis of connectivity and accessibility to the town centre and future public transport services. I also agree that there needs to be some consideration of transport conditions along Yashili Drive arising from this connection. A Yashili Drive connection will be used by future residents to access the town centre, for example, and will therefore involve a mix of resident and industrial traffic. Measures could include safer walking and cycling facilities. This matter could be addressed by extending the issues to be considered at subdivision stage. Proposed Rule 16.4.18 could include consideration of the effects on the safety and efficiency off Yashili Drive and McDonald Road, for example.
382. I note that NZTA Waka Kotahi's evidence is that the Havelock Village development does not pose any issues in terms of the State Highway network, apart from the potential for additional trips via Pioneer Road. NZTA Waka Kotahi seek that assessment criteria proposed by HVL be expanded to include assessment of the SH1/Pioneer Road intersections at the time of subdivision and development.
383. The Rural Lifestyle component on the south facing slopes raises issues with the wider concern over appropriateness of rural-residential development and the works required to provide road access. The Council's Framework report expresses concern over further countryside living and rural-residential type zoning options. In this case, landscape protection is being offered which will help to address issues of the potential for planning 'creep' (that is, the land being urbanised through a series of small steps). In my opinion the combination of rural residential development and landscape protection will help to restrict the likelihood of urban development 'spilling over' Transmission Hill into the south facing slopes.
384. The land in question will be reasonably accessible to local shops and services by way of new local road access, and will not be isolated from urban amenities. However, creation of the road access to the north will likely require vegetation clearance and large cuts to landforms. Enhancement planting will be required to off-set these effects. The proposed Precinct Plan shows Environmental Protection Areas to be created. A specific rule is proposed to manage subdivision within the Zone. One condition refers to 5m wide planting adjoining any road. I consider that the conditions should be expanded to clarify that more substantial replanting and restoration works are needed in the identified Environmental Protection Areas.

385. I support the proposed Rural Lifestyle Zoning and associated environmental enhancement proposed as a method to help lock in a southern boundary to the township.
386. The submission also seeks the inclusion of a small strip of Industrial Zoned land adjacent to the boundary with the existing industrial area at 3 Yashili Drive and 82 McDonald Road. As noted in section 13, the purpose of this zoning is to create a buffer area between the residential activities on the HVL site and the Yashili activities. A neighbourhood centre in the form of a Business Zone has been included to help accommodate future residents likely day-to-day needs. I support the inclusion of these two zones.
387. Overall, provided that the interface with the industrial activities to the east is appropriately managed, in my opinion the proposed rezonings provide a range of benefits, while adverse effects can be avoided or mitigated to an appropriate degree.
388. The amendments set out in the evidence of Mr Tollemache to Chapters 16 (Residential Zone) and Chapter 23 (Rural Lifestyle Zone) to include the Precinct Plan and relevant rules – as referenced in submissions 862.1, 862.2 and 862.23 and 862.24 - are appropriate, in my view.
389. In regards to HVL's submissions seeking inclusion of a new policy to support their Precinct Plan or other alternative supporting amendments (such as submissions 862.10, 862.32 and 862.36), I do not see the need to make specific, alternative policy amendments for the HVL land. I note that Council's section 42A report on the FUZ, at page 29, recognises the need for policies and assessment matters that refer to alignment of subdivisions with structure (or precinct) plans incorporated into the district plan. This is a more general matter that needs to be resolved at a plan-wide level.

Statutory Assessment

67 Pioneer Road

390. The rezoning of the site at 67 Pioneer Road to a Village or Country Living Zone may have some benefits for management of natural resources (for example planting of watercourses, retirement of land from grazing), but may have other adverse landscape and transport connectivity effects. I acknowledge that the land does not have the qualities or characteristics which mean that a rural-residential zoning would fall under implementation method 6.1.5 of the RPS (that is the land is not of high productive value, natural hazards etc).
391. As set out in the Council's Framework report, district plan policy supports a compact, consolidated form of urban growth. In this case, large lot residential development would be separated from the town centre and associated services. In my opinion, the site does not form a logical extension of the town. The development would place houses and people in a relatively disconnected location.
392. It is also noted that in the Council's Framework report at para 258 it is recommended that there be no additional zoning of further large-lot residential zones of either Country Living Zones or Village Zones in the Waikato District. This is on the basis that these types of large lot zones do not function well as transitional zones; in some cases, they may foreclose future logical extensions of urban areas; in other cases that may set in train a creeping form of urbanisation. While I acknowledge that the site in question does not have high productive potential, this is not a reason in itself to support rezoning. In my view, the rezoning would trigger a creeping form of urbanisation in an area that has not been identified as being appropriate for urban development in any spatial strategy.

Havelock Village

393. The large site enables a comprehensive approach to design and layout to be taken that will help deliver a range of benefits for environmental management. These benefits are secured through a precinct plan and associated plan provisions.
394. The capacity for housing to be provided will assist in meeting the medium-term capacity requirements of the NPS-UD. The evidence of the Waikato Regional Council supports the 'urban part' of the rezoning while the urban residential component of the revised proposal aligns with non-statutory planning documents (Waikato 2070 and FPS2017)
395. The main statutory issue is whether sufficient steps have been taken to avoid reverse sensitivity effects, and address effects associated with stormwater and transport. As outlined in the previous section, I consider that additional methods are required to manage reverse sensitivity effects, including controls on building design and layout along the eastern edge of the new development. Methods can be included in the PWDP to manage transport issues, while stormwater issues can be managed through current plan provisions and processes. Provided these measures are included, my opinion is that the proposed rezoning is appropriate in terms of the objectives and policies of the NPS-UD, WRPS and the PWDP.
396. The Rural Lifestyle Zone component of the rezoning involves significant enhancement of the landscape, and as such can be distinguished from other forms of large lot/rural-residential development.
397. The alternative to a live zoning is to identify the HVL sites as FUZ, with live zoning dependent upon a plan change (which may be a public or private plan change). The preparation of the plan change may result in a process that resolves the outstanding issues identified relating to reverse sensitivity, stormwater and roading. However, there is no certainty that a FUZ identification and subsequent plan change will address the issues identified. It may just delay development at a time when Pokeno is facing growth pressures and the Council has to meet its requirements under the NPS-UD. In my opinion, a live zoning is justified.

14.3 Recommendations

398. For the reasons above I recommend that the Hearings Panel:
- (a) **Rejects** Steven and Theresa Hopkins [451.1]
 - (b) **Accepts in part** Havelock Village Limited [862.1, 862.2, 862.23 and 862.24] to the extent of the amendments outlined below
 - (c) **Rejects** Havelock Village Limited [862.10, 862.32, 862.36].

14.4 Recommended amendments

399. Rezone the area affected by the Havelock Village Limited submission as outlined in the submission, as shown in Figure 38 and incorporate the proposed Precinct Plan, but subject to modifications to increase the size of the 'open space' buffer in the south-eastern corner.

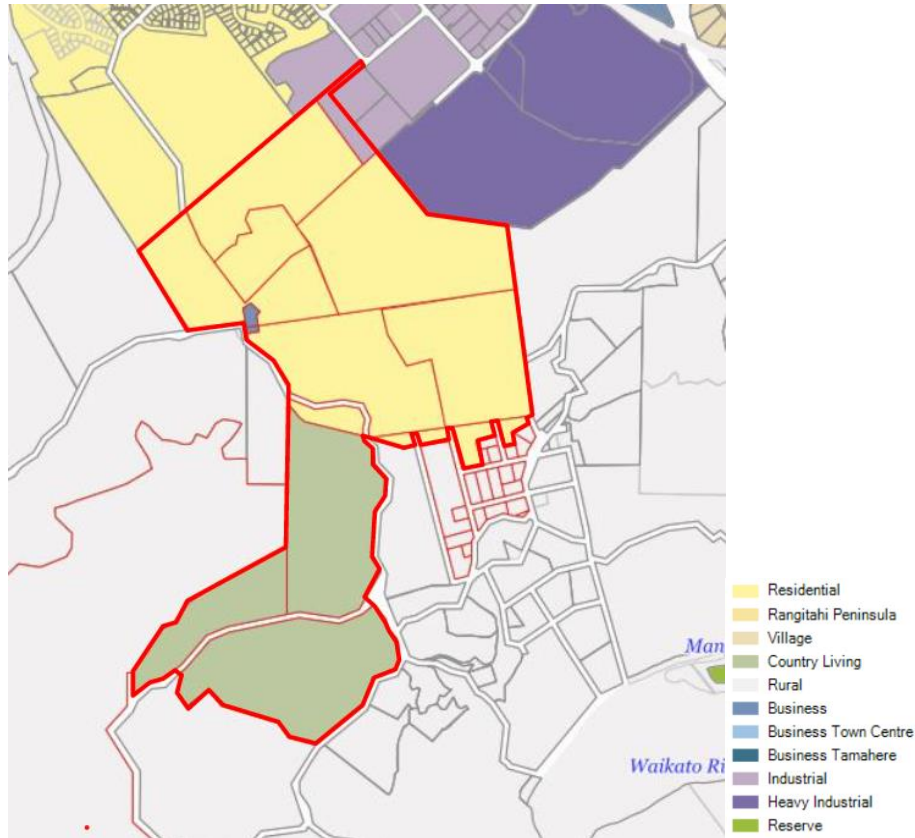


Figure 38: Recommended rezoning of the site

400. Amend Chapters 16 and 23 as set out in the evidence of M Tollemache, subject to the following changes:

- Add a policy that recognises the need for Havelock Village to provide a buffer area and to take measures to address reverse sensitivity issues, for example:

“Subdivision and development shall minimise the potential for reverse sensitivity effects to arise on the Havelock Precinct’s eastern boundary with Heavy and Industrial Zoned land through a combination of physical separation, lot orientation, landscape treatment and building design”.

- Amend rule 16.3.9.2 Building Set back – Sensitive Land use as follows:

P2 (a) Any new building or alteration to an existing building for a sensitive land use must be located outside the Pokeno Industrial Buffer illustrated on the planning maps.

P2 (b) Any new building or alteration to an existing building for a sensitive land use located outside the Pokeno Industrial Buffer but within the noise contour line

illustrated in the planning maps must be designed so that internal noise levels do not exceed 25dB LAeq in all habitable rooms with ventilating windows open.

- Amend proposed new Rule 16.4.18: Subdivision: Havelock Village Precinct Plan Area as follows:

The Council's discretion is restricted to the following matters:

(v) Potential effects on the safe and efficient operation of:

(i) Bluff and Pioneer Roads, including where these intersect with SH1 from roading connections with Cole Road

(ii) Yashili Drive and McDonald Road, including in relation to safe walking and cycling routes

(vi) Design of earthworks (contours), lots size and orientation and landscape treatment to reduce reverse sensitivity effects on near-by Heavy Industrial Zoned activities including through limiting direct visual interaction from building platforms and associated future dwellings and outdoor living areas.

(vii) Ownership and on-going management of the Environmental Protection Area identified on the eastern edge of the residential area as a 'no-build' area.

14.5 Section 32AA evaluation

401. HVL has provided a comprehensive section 32AA assessment relating to its proposed changes, and I agree with much of the content. However, as noted, I consider the provisions relating to the avoidance and mitigation of reverse sensitivity effects need to be strengthened.
402. The section 32AA analysis provided by HVL generally notes the benefits in terms of housing capacity and choice, while acknowledging the need to manage impacts on landscapes and the interface with the industrial activities, so as to appropriately mitigate potential adverse effects. A precinct plan and amendments to specific provisions will secure relevant outcomes. Rezoning via the PWDP process is a more effective method than relying upon a future private plan change, a council-initiated plan change or a resource consent process.
403. Section 13 above has provided a further evaluation of my recommended changes relating to the industrial interface, and I do not repeat that assessment here. I note that those amendments do not alter the overall conclusion that live zoning of the HVL site is appropriate.

15 South West Pokeno Zone Requests

15.1 Submissions

404. This section addresses zoning requests located south-west of Pokeno, being south of Pokeno Road and west of the current urban area (the Hitchen Block). Three submitters seek zone changes from the notified Rural Zone; two sought a Residential Zone and the other sought a Business Zone.
405. No evidence was received in support of these submissions.

Submission Point	Submitter	Decision Requested
524.35	Anna Noakes	Amend the zoning of the property at Lot 2 DP 176205, Pokeno from Rural Zone to Residential Zone.
FS1341	Hynds Pipe Systems Limited	Oppose
FS1277	Waikato Regional Council	Oppose
FS1281	Pokeno Village Holdings Limited	Oppose
FS1202	New Zealand Transport Agency	Oppose
FS1377	Havelock Village Limited	Support
FS1388	Mercury NZ Limited for Mercury E	Oppose
598.25	Withers Family Trust	Amend the zoning of the 27ha property located at 135 Potter Road, Pokeno (Lot 3 DP 176205) from Rural Zone to Residential Zone.
FS1277.41	Waikato Regional Council	Oppose
FS1281.34	Pokeno Village Holdings Limited	Oppose
FS1341.13	Hynds Pipe Systems Limited	Oppose
FS1108.198	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1202.117	New Zealand Transport Agency	Oppose
FS1377.181	Havelock Village Limited	Support
FS1388.1021	Mercury NZ Limited for Mercury E	Oppose
668.1	Clem & Alison Reeve	Amend the zoning of the property at 243 Pokeno Road, Pokeno, from Rural Zone to Business Zone or similar.
FS1277.42	Waikato Regional Council	Oppose
FS1281.39	Pokeno Village Holdings Limited	Oppose
FS1341.14	Hynds Pipe Systems Limited	Oppose

Submission Point	Submitter	Decision Requested
FS1108.199	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose
FS1202.118	New Zealand Transport Agency	Oppose
FS1377.187	Havelock Village Limited	Support
FS1387.130	Mercury NZ Limited for Mercury D	Oppose

406. The sites discussed in this section are not identified as specific areas for growth (residential or commercial/industrial) within Waikato 2070, however they are contained within the Pokeno urban limits as outlined in the 2017 Future Proof Strategy.

15.2 Analysis

407. **Anne Noakes [524.35]** and **Withers Family Trust [598.2]** sought the rezoning of two properties, 135 and 157 Potter Road, from Rural Zone to Residential Zone. These sites are shown in Figure 39.

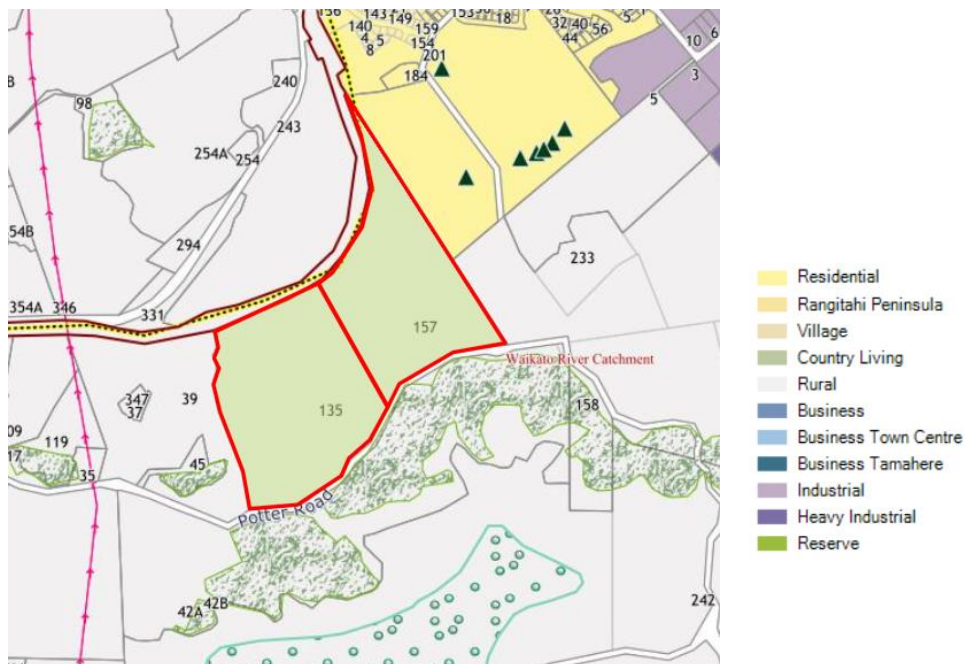


Figure 39: Submission areas

408. The submissions identified the immediacy of the Residential Zoning to the east (Hitchen block) and likely availability of infrastructure. In their view, the rezoning of the sites creates a good opportunity for the continued urban expansion of Pokeno. I generally agree with the submitters' analysis, and in the long term these sites may likely be appropriate for urban

expansion. However, presently, I do not consider the sites to be appropriate for a zone change under this PWDP process for the following reasons:

- proximity to existing urban development does not necessarily mean the availability of infrastructure capacity to accommodate the proposed development; no evidence has been received that indicates the serviceability of the sites;
- there are no clear and ready connections to the roading network. Potter Road is a gravel road, while possible connections to Hitchen Road are unclear, and access to Pokeno Road to the north is severed by the Railway line;
- the land is not identified in Waikato 2070.

409. Five further submitters (across nine further submission points) submitted in opposition to the two rezone requests, highlighting similar concerns to what I have outlined above. In particular, NZTA notes the lack of a transport assessment.

410. **Clem & Alison Reeve [668.1]** sought the rezoning of 243 Pokeno Road from Rural Zone to Business Zone. This site is identified in Figure 40.

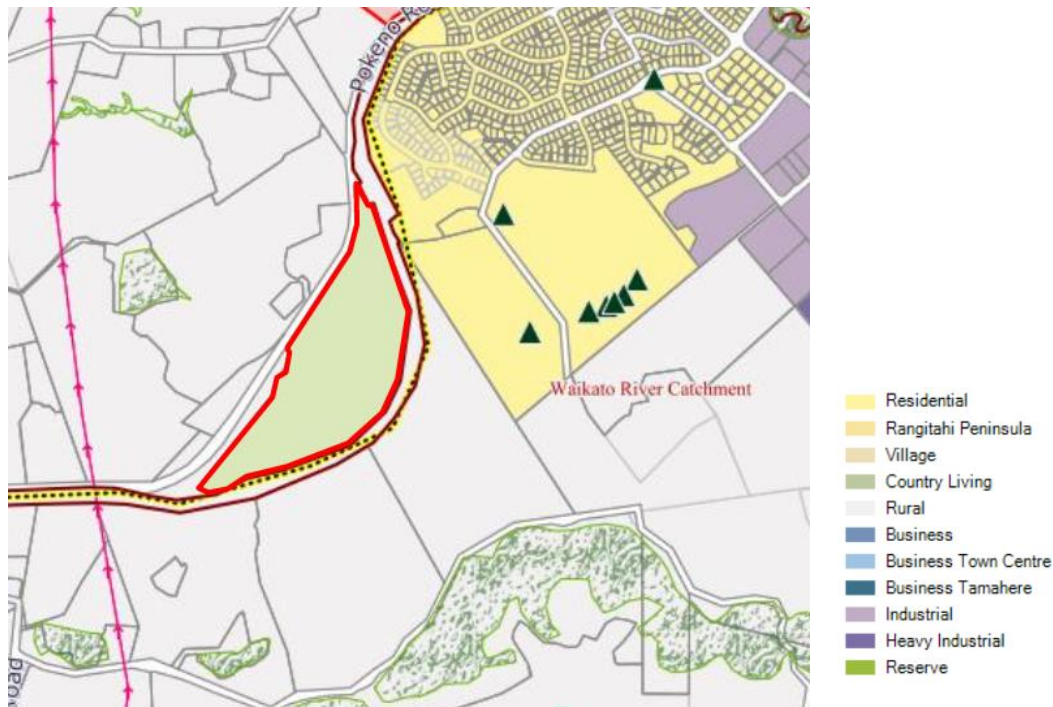


Figure 40: Submission area

411. The submitter notes the proximity to Pokeno Road and the railway line, as well as the urban expansion occurring to the east of the site, as reasons for the rezoning request.

412. Business Zoned land in Pokeno is presently limited and increasing the availability of industrial land would be a desirable outcome. However, in my opinion, the rezoning of the site as part of the PWDP process is not appropriate for the following reasons:

- provision of infrastructure (three waters) to the site is unclear. While development is occurring generally to the west there has been no feasibility check to ascertain the availability of services to the site;

- while the site has substantial frontage to Pokeno Road, no assessment regarding potential transportation effects or necessary upgrades has been undertaken;
- the site is not identified within Waikato 2070 as a location for future business land;
- no planning or technical evidence, nor s32AA evaluation has been submitted to support a zone change, therefore an assessment of the potential effects cannot be undertaken.

413. Six further submitters submitted in opposition to the rezoning request, highlighting similar concerns to what I have noted above. NZTA's evidence notes the lack of an Integrated Transport Assessment.

Statutory Assessment

414. The combined potential effects of the rezoning of the three sites are unknown. This uncertainty means that it is unclear whether rezoning would lead to a better outcome than the notified (Rural) Zoning, even accounting for the identified demand for additional business land.

415. The three sites are not identified within Waikato 2070 as locations for future residential or business growth, while there are infrastructure issues that need to be addressed, particularly transport connections. It is uncertain whether the sites would meet the alternative land release criteria of the WRPS.

416. In accordance with this report's recommendations, Pokeno's NPS-UD medium-term growth targets and live zoning requirements are suitably accommodated in other live zoned and rezoning request areas.

417. An option would be to zone the relevant sites FUZ. However, it is more appropriate to wait for a comprehensive look at larger south-eastern expansion options, than rezone some land Future Urban at this stage.

15.3 Recommendations

418. For the reasons above I recommend that the Hearings Panel:

- (a) **Rejects** Clem & Alison Reeve [668.1]
- (b) **Rejects** Anne Noakes [524.35] and Withers Family Trust [598.25]

15.4 Recommended amendments

419. No amendments are recommended.

15.5 Section 32AA evaluation

420. No s32AA evaluation is required as no zone changes are recommended to be accepted.

11 Conclusion

421. This report has addressed submissions and further submissions that request the rezoning of land in and around Pokeno for urban activities.

422. At a strategic level, the report identifies the need for additional live zoned residential land to meet the requirements of the NPS-UD to cater for future growth. The report supports expansion of the township towards the west and south, in preference to expansion to the

east. A more substantial extension of the settlement to the south-west (along Pokeno Road towards Tuakau) may be needed in the longer term.

423. Three main opportunities to add further 'live' zonings that can provide the necessary additional medium-term housing capacity and choice, while not triggering large infrastructure issues have been identified These are:
 - (d) Pokeno West – CSL Trust/Top End (in combination with the Munro block) – say 360 dwellings
 - (e) Central Pokeno Medium Density Zone – say 200 dwellings
 - (f) Pokeno South – Havelock Village – say 550 (reduced from 600 to account for enhanced interface management).
424. Combined, these three areas could accommodate up to a further 900 to 1,200 dwellings, taking live zoned capacity to above the expected demand over the next 10 years (and thereby satisfying requirements under the National Policy Statement - Urban Development).
425. Longer term, there are options to expand to the east, as well as the south-west. But these options need investigation and appropriate structure planning (as both options are likely to involve larger scale transport investments in new and upgraded roading links, wastewater extensions, as well as covering multiple properties).
426. Expansion of the urban area to the south does raise particular reverse sensitivity issues with existing heavy industry that will require specific management responses, and these measures have been identified. Expansion to the north-west will likely require extensive on-site stormwater management.
427. I recommend that the submissions should be accepted, accepted in part or rejected as set out in Appendix 1, for the reasons set out above.
428. Appendix 2 contains recommended amendments to the district plan maps.

16 Appendix I: Table of submission points

Appended separately to this document

I 7 Appendix 2: Recommended amendments

Appended separately to this document