

BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT COUNCIL

UNDER the Resource Management Act 1991

AND

IN THE MATTER of hearing submissions and further submissions on the
Proposed Waikato District Plan

Hearing 25 – Zone Extents

PARTIES REPRESENTED **STEPHEN AND TERESA HOPKINS**

**STATEMENT OF EVIDENCE FROM SIR WILLIAM BIRCH FOR STEPHEN AND TERESA
HOPKINS IN REBUTTAL TO THE SUBMISSIONS BY OR ON BEHALF OF THE HYNDS
FOUNDATION AND THE HYNDS PIPE SYSTEMS LTD**
11 March 2021

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MAY IT PLEASE THE PANEL

1. Introduction

- 1.1. My full name is William Francis Birch. I am a Consultant at Birch Surveyors Limited (BSL), a consulting firm with surveyors, planners and engineers based in Auckland but with satellite offices in Hamilton, Tauranga and Tairua.
- 1.2. This is a statement of evidence on behalf of Stephen and Teresa Hopkins relating to the proposed zoning of land for Heavy Industrial purposes on land owned by the Hynds Group on 62 Bluff Road and which adjoins the Hynds Factory Site at 9 McDonalds Road, Pokeno.

2. Qualifications and experience

- 2.1. I am a Registered Professional Surveyor and a Fellow of the New Zealand Institute of Surveyors and a member of the New Zealand Urban Design Forum.
- 2.2. My relevant professional experience spans my professional lifetime between 1952 and the present time. My professional career was interrupted somewhat by 27 years as a Member of Parliament between 1972 and 1999 during which time I served for 15 years as a Senior Cabinet Minister including portfolios such as Energy, National Development, Regional Development, Science and Technology, Labour, Treasurer, Finance and Revenue. Since leaving Parliament, I have been continuously involved as a consultant involved in Planning and Land Development primarily across the Auckland and Waikato regions.
- 2.3. My recent experience that is relevant to Pokeno West includes:
 - a) Preparing various submissions and providing evidence on the Notified Auckland Unitary Plan (AUP)
 - b) Managing the preparation of a request for a Plan Change to the Auckland Council to rezone 82.6has. of Land in Pukekohe from Future Urban/Special Purpose Zone to residential/Light Industrial Zone. Managing the preparation of a Plan Change request for another Plan Change in Pukekohe (yet to be lodged) to rezone some 80has. Of land from Future Urban two residential and light industrial zones. Preparation and lodgements of numerous applications to Auckland Council and other Councils for development approval and Resource Consents under the Resource Management Act. In most of the numerous land development projects that I have been involved in over many years, I have supervised the planning applications, overseen the detailed design of the project and supervised the construction through to final certification by the consenting authorities.

3. Purpose and scope of evidence

- 3.1. The purpose of this evidence is two-fold:
 - a) To provide rebuttal evidence in respect of the evidence recently submitted on behalf of the Hynd's Group to further extend the Heavy Industrial Zone on their site at 9 McDonalds Road, Pokeno to include 4.27 hectares of the land located on land owned by the Hynds Group at 62 Bluff Road Pokeno.
 - b) to canvas the actual and potential effects associated with the activities enabled by the proposal. This is a warranted exercise given the scale of the proposal and can be viewed in line with the requirement for plan change requests to assess environmental

effects as per Clause 22(2) (Schedule 1) of the Resource Management Act 1991 (RMA).

4. Expert Witness Code of Conduct

- 4.1. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses and agree to comply with it. I confirm that I have considered all of the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my areas of expertise, except where I state that I am relying upon the evidence of another person.

5. Context and background

- 5.1. The context and background of the proposal to rezone the Hopkins Land for countryside living lies in the fact that the land is close to the historic village of Havelock and forms a buffer between the industrial land to the east and with the Great South Road to the north and east. The land is an isolated pocket of low producing rural land which needs to have a future in the community of Pokeno.
- 5.2. The opportunity here, is to utilise this land to provide an alternative large lot un-serviced rural/residential development within the natural boundaries of the village of Pokeno and which would add to the supply of housing for the village. At the same time a country life style development in this vicinity would add a useful alternative to the existing and proposed urban areas of Pokeno
- 5.3. Despite the proposal of a sculpture park as a buffer runs contrary, the properties in Pioneer Road and Bluff Road enjoy a quality of life made possible by the environmental setting and its potential to provide lower density housing in a countryside living setting.
- 5.4. The proposed residential developments in Havelock Village and the Tata Valley tourism developments link to the lifestyle blocks on Bluff Road and will form an important component of the City of Pokeno in the future
- 5.5. The proposal to extend the heavy industrial zone toward pioneer Road reduces the natural buffer between the lifestyle blocks and the potential countryside living zone despite the proposal to build a Sculpture Park

6. Overview of submission

- 6.1. Our original submission for Hopkins property proposed that the land be village zoning. This view was partly based on some earlier survey and design work undertaken by McInnes, Read and Lucas and which is shown on the plan below. This design is indicative only but does demonstrate the suitability of the property for low density housing or Countryside living



6.2. The variety in the lot sizes is largely driven by the relative steep topography in part and other natural features. The photo below confirms the close proximity to the village and the opportunity to provide an alternative to conventional urban development.



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

6.3. This further photo demonstrates the attractiveness of the site for an alternative housing development.



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

- 6.4. The evidence confirms the attractiveness of the site for large lot un-serviced residential development whether it is by way of a village zone or a country lifestyle zone.
- 6.5. The singular purpose of the RMA is to promote the sustainable management of natural and physical resources. Understandably the district plan must be changed in accordance with the purpose (s5), and Part 2 of the RMA as a whole (as per s74(1)(b)). The sections comprising Part 2 are assessed in turn.
- 6.6. The rezoning of the Hopkin’s property area aligns with this function as it would provide a significant amount of residential capacity to accommodate the growth of the township. This is pertinent as the bulk of Pokeno has already been developed and there is limited appropriate room for immediate urban expansion.

7. Proposal by the Hynds Group to extend the Heavy Industrial Zone.

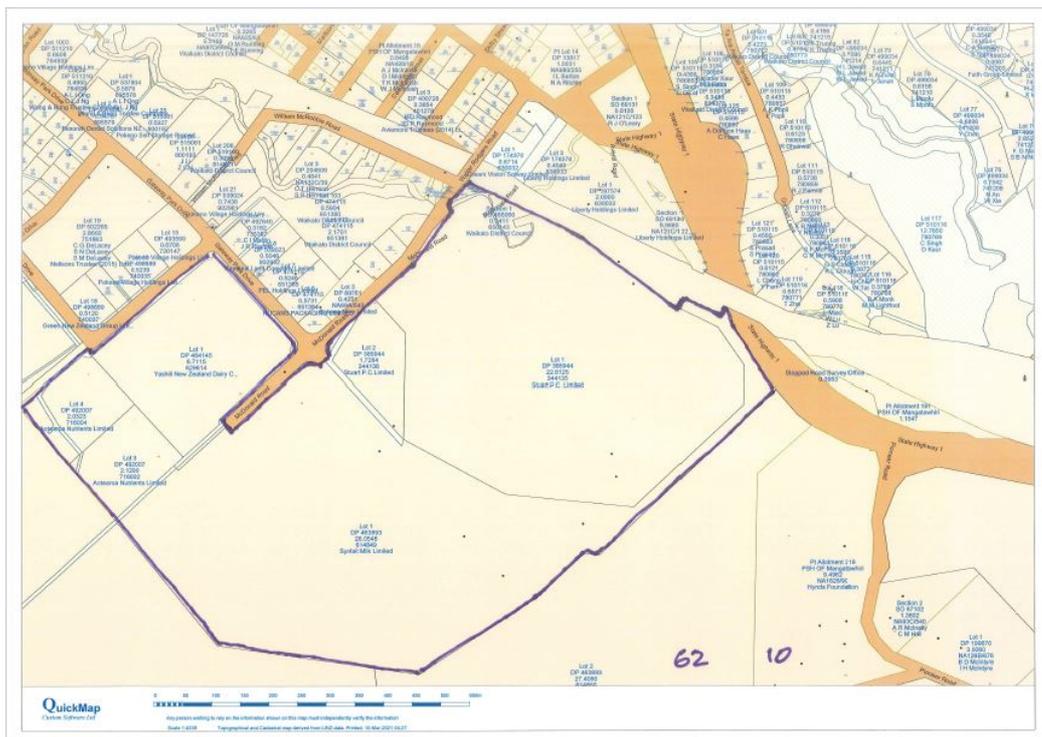
- 7.1. The extension of the Heavy Industrial Zones is strongly opposed on several grounds and can be summarised in the four reasons advanced below:
 - a) The need for further Heavy Industrial activity in Pokeno was not identified in the Proposed Waikato District Plan (PWDP) and has not been demonstrated in the evidence produced by the Hynds Group. The extension of the Heavy Industrial Zone towards Pioneer Road is undesirable from a planning view point as it narrows the buffer between the Heavy Industrial Activity and the existing lifestyle blocks and the potential low density residential area proposed in our earlier evidence.
 - b) The Corporate Evidence by Mr A.D.Hynds of the Hynds Group claims in Para 5.6 claims that the existing Hynds Factory site is “nearing capacity and there is no room left to develop or expand. The attached aerial photos below taken from Google Earth in November 2021 demonstrate that there is approximately 9.38has. that is currently available for expansion or more than twice the area that is being proposed for the expansion of the current zone





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

- c) .The third reason for opposing the rezoning to heavy industry is that no certainty can be attached to the construction of the Sculpture Park as pro10 Bluff Road and 62 Bluff Road is to be admired and respected but without a mechanism to ensure that such a facility is built prior to the advent of further posed by the Hynds evidence and is maintained in perpetuity to a high standard by the Hynds Group.
- d) The final reason for opposing an extension of the Heavy Industrial Zone is that the industrial park in Pokeno has activities that are heavily weighted to the production of Infant formula and nutrients. It is these activities that characterise the other activities in the industrial park through the investments by Sinlait Milk Ltd, Yashili NZ Dairy, Aotearoa Nutrients Ltd and Pokeno Nutritional Park as demonstrated on the Cadastral Plan below.



8. Summary

- 8.1. In my evidence today I appreciate that the Hynds Group has made a sincere attempt to provide a significant buffer between their proposed extension of their Heavy Industrial Zone and the properties in Pioneer and Bluff Road. It is also recognised that, that is a big improvement from that originally proposed by the previous owners of 10 and 62 Pioneer Road.
- 8.2. Nonetheless, the proposal to extend the Heavy Industrial Zone cannot be supported either on the grounds of need or from the point of view of the impacts on the current residents of Bluff Road or Pioneer road and particularly the Hopkins family and their aspirations to provide large lot residential development on their property in Pioneer Road