

IN THE MATTER of the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER of a submission pursuant to Clause 6 of Schedule 1 of the Act in respect of the **PROPOSED WAIKATO DISTRICT PLAN** by Pokeno Village Holdings Limited (submitter no. 368 / further submitter no. 1281)

STATEMENT OF EVIDENCE OF COLIN BOTICA ON BEHALF OF POKENO VILLAGE HOLDINGS LIMITED (HEARING 25 - REZONING)

1. **INTRODUCTION**

- 1.1 My name is Colin Botica. I am a Director and Project Manager of Pokeno Village Holdings Limited ("PVHL"). I have held this project management position since the Pokeno development inception in 2005.
- 1.2 PVHL is a wholly owned subsidiary company of Dines Group and Fulton Hogan, with each having a fifty percent stake in the company. PVHL is the architect and developer of the Pokeno Village Estate and the Pokeno Gateway Business Park which have transformed the community of Pokeno from a small settlement to a vibrant urban village.
- 1.3 My role has included overseeing the preparation of the Pokeno Structure Plan ("PSP"), Plan Change 24 ("PC24") (which incorporated the PSP into the Franklin District Plan) and Plan Change 21 ("PC21") process (which authorised an extension of the PSP area.
- 1.4 My role now includes managing the implementation of PC24 and PC21 by way of development of residential and industrial lots, construction of infrastructure and creation of local amenities.
- 1.5 **Purpose and scope of evidence**
- 1.6 The purpose of my evidence is to explain the reasons for PVHL's interest in the rezoning submissions relating to Pokeno and outline the particular matters which PVHL considers should be taken into account by the Hearing Panel when determining submissions seeking rezoning of land in Pokeno.

1.7 Specifically, my evidence will:

- (a) Provide an overview of the PSP and PVHL's involvement in the development of Pokeno (Section 3);
- (b) Explain the rationale for PVHL's involvement in the PWDP rezoning hearing (Section 4);
- (c) Provide an overview of the constraints on development which I consider relevant to decision making by the Panel (Section 5); and
- (d) Provide a brief conclusion (Section 6).

1.8 A summary of my evidence is contained in Section 2.

2. **SUMMARY OF EVIDENCE**

2.1 PVHL is developing land at Pokeno as the Pokeno Village Estate and the Pokeno Gateway Business Park. PVHL's vision for Pokeno is to:

- (a) Create an urban village to thrive within a rural backdrop, offering a mix of residential, employment and recreational opportunities; and
- (b) Give businesses the benefit of a town that is growing alongside their needs, where employees can live and work in Pokeno.

2.2 The PSP has to date provided the framework for the growth and development of Pokeno. Extensive consultation was undertaken with stakeholders during the Pokeno structure planning processes, and has been ongoing during the implementation phase. In my opinion, the principles that have informed the development of Pokeno remain relevant and it would be a great loss if they were simply disregarded in the PWDP decision making process.

2.3 PVHL has had a dominant role in the growth of Pokeno and is uniquely placed to assist the Panel in making decisions about the expansion of Pokeno. PVHL has a number of concerns about the submissions seeking rezoning and the guidance provided by WDC about the manner in which they should be considered. The overarching concern is that the PWDP does not provide a mechanism to ensure a holistic approach to consideration of submissions.

2.4 Although WDC appears to support the rezoning of areas identified for development in Waikato 2070, I am unaware of any analysis of the cumulative impacts of development in technical areas such as stormwater and transportation. The construction of stormwater and transport

infrastructure in Pokeno is already lagging, so significant investment would be required to support growth.

- 2.5 PVHL also opposes urban development above RL100, which in my opinion would undermine one of the key principles which has guided development to date – that development sits within the surrounding ridgelines, creating an urban village in a rural setting.
- 2.6 The submission by Havelock Village Limited seeks to zone land for residential use immediately adjacent to and elevated above Pokeno's industrial area. The industrial area of Pokeno was carefully located to avoid conflict with residential and other activities and industrial businesses have located there because of this. I am concerned that zoning adjacent land for residential use will undermine the usefulness of employment zoned areas of Pokeno as a result of reverse sensitivity issues. I understand that this is a major concern for a number of the industrial operators, including Hynds Pipe Systems. PVHL owns two warehouse and office facilities in the Gateway Business Park, and is lodging consent for a third facility. PVHL therefore shares Hynds' concerns about the Havelock Village Limited submission as a long-term industrial building owner in Pokeno.
- 2.7 PVHL does not oppose in principle the growth of Pokeno. There is clearly demand for growth which should be provided for. However, I am concerned that in providing for that growth, we should not undermine the very things that have made Pokeno such a success to date.
- 2.8 This means in particular keeping development off the ridgelines, providing for an appropriate balance of residential and commercial land and only "live" zoning land which can be supported by existing and planned infrastructure.
- 2.9 In my opinion, Future Urban zoning could be used where there is uncertainty about the availability of infrastructure to service growth, particularly in terms of stormwater and transport infrastructure.

3. **THE POKENO STRUCTURE PLAN**

- 3.1 In my evidence for Hearing 3, I provided an overview of the PSP and its implementation.¹ For ease of reference, this is reproduced in this section, with updated figures and information where appropriate.

Overview

1 EIC Botica, Hearing 3, 15 October 2019.

3.2 The overall development of the PSP area is planned to cover 400 hectares and includes the following:

- (a) Over 2,400 residential sections, of which PVHL owns sufficient land for 1,850 sections;
- (b) Extensive recreational parks and sports grounds;
- (c) Additional school facilities;
- (d) Neighbourhood walkways with native planting and open spaces;
- (e) Revitalization of the existing town centre; and
- (f) 80 ha of industrial land for the Gateway Business Park, 30 Ha of which was owned by PVHL (the majority of the 30 ha is now sold to industrial users).

3.3 The Pokeno Structure Plan Map is attached as **Attachment A**.

Pkeno Structure Plan - fundamental principles

3.4 The purpose of the PSP was to create a framework for the development of Pokeno over the next 20 years (to 2028) and to “inform the next district plan review”.²

3.5 The PSP contains a series of principles to guide growth, which are as follows:

- (a) The urban growth for Pokeno should be compact and contained and the existing settlement of Pokeno should remain the focus of “future” Pokeno.
- (b) Pokeno should provide a mix of residential, employment and recreational opportunities to ensure a sustainable live work play community.
- (c) Pokeno should establish as an “urban village in a rural setting”.
- (d) The urban growth of Pokeno should occur in a manner which maintains or enhances locally significant landforms, vegetation, water quality and key watercourses.

- (e) The urban growth of Pokeno should occur in a manner which maintains or enhances significant elements of the existing amenity values and character of Pokeno village and the surrounding area.
- (f) Activities with incompatible effects should be located at an appropriate distance from more sensitive activities to enable any incompatible effects to be appropriately managed on site or mitigated by distance or design.
- (g) Pokeno should grow in an integrated manner particularly with respect to land use and transport to support a range of transport options is available.

3.6 The “urban village in a rural setting” concept has been central to the Pokeno developers’ vision for Pokeno. As the PSP explains, Pokeno sits in a natural bowl, giving it an elevated rural backdrop. Development to date has protected that backdrop, consistent with the guidelines in the PSP which provide that:

- (a) All land at a level above the RL 100m contour should be excluded from potential development due to its visual sensitivity to a wider audience; and
- (b) Land between the RL 60m to RL 100m contour lines also has a visual sensitivity at a more local level and therefore any development requires careful consideration to ensure low impact.”

3.7 The “urban village in a rural settling” concept was supported by the local community and community groups, local authorities and other interested stakeholders, together with local Iwi; and furthermore, one Iwi group reflected that the concept aligned in the manner of utilizing natural makers by Maori.

3.8 A panoramic drone photo of the Helenslee Block (oriented to the north) is attached as **Attachment B** to visually demonstrate how the “urban village in a rural setting” concept is being implemented.

Development progress

3.9 PC24, PC21 and Plan Change 14, (Pokeno East), (combined) envisaged the following outcome for residential land in the wider Pokeno area:

Residential Block	Total for PC24/PC21/PC14 Areas – No. Lots	Population – based on 2.8 people Per Lot	PVHL Area – No. Lots	PVHL Area - Population
Helenslee	920	2,576	771	2,159
School Block	100	280	0	0
Town Centre	400	1,120	64	179
Hitchen	1,030	2,884	1,015	2,842
PC14 (Pokeno East)	250	700	0	0
TOTAL	2,700	7,560	1,850	5,180

- 3.10 To date, some 1,500 residential lots have been sold by PVHL or are under contract and 1,400 titles have been issued. Approximately 1,200 houses have been built, (on PVHL land only).
- 3.11 At the time of writing, there is still capacity for 650 additional dwellings on PVHL land, and spare capacity of approximately of 1,150 additional dwellings on PC24, PC21 and PC14 land combined.
- 3.12 The estimate of occupied houses, (PC24+PC21+PC14+existing houses in Town Centre), through to the end of 2027 is as follows:
- (a) 1,550 as at 28 February 2021.
 - (b) 1,750 by 31December 2021.
 - (c) 1,950 by 31 December 2022.
 - (d) 2,100 by 31 December 2023.
 - (e) 2,250 by 31 December 2024.
 - (f) 2,400 by 31 December 2025.
 - (g) 2,550 by 31 December 2026.

(h) 2,700 by 31 December 2027.

- 3.13 PVHL anticipates that it will have concluded the spatial development of its land in Pokeno within the next 3 to 5 years after which we do not intend to undertake further subdivision and development.

Infrastructure provision

- 3.14 The infrastructure required for PC24 growth was underwritten via a Development Contributions Agreement between Waikato District Council and PVHL. PVHL has designed, built, and funded much of the infrastructure in Pokeno to date. The positive working relationship between WDC and PVHL has enabled the efficient roll out of infrastructure and has provided the solid platform for growth.
- 3.15 In my opinion, there is much uncertainty whether the infrastructure required to support the PWDP submissions seeking rezoning is economically feasible, or possible in the context of a large number of landowners who all require their land to be serviced.

Preparation of the Pokeno Structure Plan

- 3.16 The PSP was the result of a rigorous structure planning exercise carried out over many years. It was informed by 26 technical reports, (plus two cultural impact assessments), all of which were peer reviewed.
- 3.17 Additionally, extensive consultation was undertaken with tangata whenua, the local community, local and central government authorities. This emphasis on consultation enabled the structure planning process to be iterative and to evolve considering the many inputs received from the experts, the community and tangata whenua, with a view to a long horizon.
- 3.18 The PSP formed the basis for a private plan change that was prepared by a landowners' consortium comprising Dines Group, Fulton Hogan, Hynds Pipe Systems and Winstone Aggregates and adopted by the Franklin District Council and became PC24 to the Franklin District Plan. Twenty three expert witnesses provided evidence at the hearing.³ PC24 became operative in 2010.

3 In planning (four witnesses), economics (two witnesses), urban design (two witnesses), landscape architecture, ecology, infrastructure, acoustics, civil engineering, contamination, geotechnical engineering, transport engineering (three witnesses), stormwater engineering.

- 3.19 Twenty-six hectares of land (known as the "Graham Block") was subsequently rezoned for residential development and incorporated into the PSP Area in 2018.
- 3.20 The preparation of that plan change request (PC21) was also supported by eleven specialist technical reports. Thirteen technical experts presented evidence at the hearing.⁴
- 3.21 In my opinion, the process was rightly very rigorous – from the beginning, the goal of the Pokeno developers has been that Pokeno expands in a way that is sustainable and consistent with the fundamental principles for growth that were established through the lengthy consultation process.
- 3.22 We believe that the success of the Pokeno growth to date can be credited to the project and planning processes having a clear set of guiding principles and vision.

4. **THE RATIONALE FOR PVHL'S INVOLVEMENT IN REZONING HEARING**

- 4.1 PVHL is fully alert to the aspirations of WDC, Futureproof and other parties to grow and expand Pokeno. Indeed, the demand for growth reflected in submissions is testament to the success of the structure planning process. PVHL supports growth that will maintain the values that have driven that success.
- 4.2 We have invested heavily in development of Pokeno over many years. A huge amount of work has gone into consultation, development of the concept and preparation of the plan change requests.
- 4.3 PVHL's subdivisions are nearing completion. PVHL has no plans to undertake further development in Pokeno or elsewhere in the surrounding area. We therefore have no vested interest in preventing or limiting development in Pokeno per se.
- 4.4 In my opinion PVHL is uniquely placed to assist the Panel in making decisions about the expansion of Pokeno. We have intimate knowledge of Pokeno's development history, its constraints and the rationale for various planning decisions that have been made over the years.

4 In economics, geotechnical engineering, civil engineering, transport, contamination, landscape and visual effects, terrestrial ecology, freshwater ecology, arboriculture (two experts), archaeology, acoustic engineering and planning.

5. **OVERVIEW OF CONCERNS ABOUT THE PWDP AND SUBMISSIONS SEEKING REZONING**

Failure to incorporate the PSP

- 5.1 As a general principle, given the social capital that is reflected in the PSP (and the fact that it was prepared with the intention that it would inform the next plan review), PVHL was surprised and disappointed that it has not been recognized or referenced in the PWDP at all.
- 5.2 In my opinion, nothing has changed so dramatically since the PSP was drafted that would justify dropping the PSP and its principles entirely.
- 5.3 Even if the PSP is not taken forward, in my opinion, a new framework for development in Pokeno should be included in the district plan, to ensure that Pokeno expands in a logical way, rather than simply because of *ad hoc* development.
- 5.4 In my opinion, the Waikato District Plan should recognize the various constraints that are relevant to Pokeno's growth. The issues that PVHL is concerned about are addressed by PVHL's technical experts. However, I also summarise them below based on my own firsthand knowledge of the issues facing Pokeno.

Transport

- 5.5 Issues relating to transport infrastructure are addressed in Mr. Edwards' evidence. Extensive traffic modelling was undertaken for the PC24 process. I am unaware of any modelling that has been undertaken by WDC or others which assesses the impacts of the major growth sought by submitters on the transport network.
- 5.6 In my opinion, before extensive growth is enabled in Pokeno, a full and comprehensive revision of the Integrated Traffic Assessment, (including traffic modelling), should be undertaken to properly analyse the potential impacts of growth.

Stormwater

- 5.7 Issues related to stormwater are addressed in Ms Dale Paice's evidence. The 2008 Pokeno Stormwater Catchment Management Plan, (PSCMP), identified significant flooding risks on land subject to the District Plan Review.
- 5.8 The 2008 Pokeno Structure Plan Document reads (at p66);

"It is also considered that the upper catchment of the Tanitewhiora Stream, located to the west of Helenslee and Munro Roads should be excluded from urban growth due to the potential flooding risks associated with the area in combination with topography."

- 5.9 The PSCMP identifies 6 significant infrastructure upgrades to avoid flooding (sec 8.5 p62 of PSCMP). To date only one of these, the McDonald Road Bridge upgrade replacement, has been completed. Until these upgrades are completed there is flooding risk to the existing township and land zoned urban under PC24 and PC21, let alone any additional urban areas.
- 5.10 In my opinion, before extensive growth is enabled in Pokeno, a full and comprehensive revision of the PSCMP should be undertaken, (including revised stormwater modelling), to properly analyse the potential impacts of growth. In my opinion, given the amount of land prone to flooding any attenuation should be designed to match 80% of predevelopment flows, not 100%.

Pokeno West/sports park

- 5.11 Submissions made by counsel for the landowners of the land described as "Pokeno West" in the PWDP⁵ indicated that there is a proposal under discussion to utilise the Pokeno Sports Park at Munro Road as a stormwater attenuation device to service residentially rezoned land upstream of the sports park. The evidence filed by those parties does not address this, but nevertheless I discuss it here in the event that it remains a live proposal.
- 5.12 Although it is positive that flooding and erosion risk is being recognised in developing land upstream of the sports park, it is entirely inappropriate to assume that the sports park can be utilised as a stormwater facility at the expense of the Pokeno community.
- 5.13 The sports park is a structural element in the PSP and was the result of years of consultation with the local community, sporting bodies, the Ministry of Education and iwi. Furthermore, the sports park land and associated improvements / facilities are included in WDC's Long Term Plan and in a Development Contributions Agreement with PVHL.
- 5.14 The concept of such facilities as rugby, soccer, and cricket fields along with netball courts have been promoted by WDC to existing and future residents for several years. The Pokeno School is expanding rapidly and as a result its current school fields are being compromised, however the sports park's

5 Opening submissions of counsel for Annie Chen Shiu, CSL Trust and Top End Properties 4 October 2019.

location, being near the school, opens up the potential for school use on a daily basis. There have been numerous discussions between PVHL, the Pokeno School, the Ministry of Education and WDC regarding the use of the sports park by Pokeno School children.

- 5.15 The proposal to use the sports park for flood attenuation is an example of the type of *ad hoc* planning that is potentially enabled by the absence of the PSP from the PWDP, to the detriment of the Pokeno community.
- 5.16 Ironically the removal of a centrally located sports park at the same time as trying to realise significant growth in Pokeno would inevitably mean a drastic reduction in the community's ability to meet the amenity needs not only of the existing population but incoming residents as well as there is probably not a better place to have such a facility.

Supply of business land

- 5.17 It is important to ensure there is an appropriate balance between residential and non-residential land as Pokeno grows, so that there are adequate opportunities to live, work and play locally.
- 5.18 While some future residents will naturally choose to commute to Auckland for work, it would be remiss to inadvertently encourage this via a lack of local business land, and hence a shortage of proximate work opportunities. Accordingly, it is important that consideration also be given to the balance between residential and non-residential land when deciding which rezoning proposal to possibly accept, and which to possibly deny.

Landscape and visual effects

- 5.19 The PWDP shows greenfield land at Pokeno West zoned for residential development. The upper section of this land is above RL100. In addition, submissions by Havelock Village Limited and CSL Trust and Top End Properties seek to rezone additional land above RL 100 for residential purposes.
- 5.20 The visual effects associated with development of land above RL100 are addressed from a technical perspective by Rachel de Lambert. I have major concerns about this proposal because it is entirely inconsistent with the principles which have underpinned the development of Pokeno to date.
- 5.21 The cornerstone of the vision for Pokeno is that "Pokeno should establish as an urban village in a rural settling". The proposed development of land on major ridgelines is inconsistent with the PSP and the many technical and

cultural reports informing the PSP. The proposed development of land on major ridgelines is also inconsistent with the Vision for Pokeno and totally ignores what we have heard from residents and Iwi for the past 16 years.

- 5.22 A 2008 Cultural Assessment Report received from Iwi reads;

"There is general support for the design concept of an urban village in a rural setting and recognition of the physical hard edges to the limits of the proposed development. General design factors have been well covered. The design concept demonstrates urban containment, the concentration of development and the preservation of the rural character, all of which are supported."

- 5.23 Protection of the surrounding areas and vistas are paramount. My understand is that this reflects the fact that iwi boundaries are more aligned to physical and natural markers. For instance, the natural borders of puke (hills), prominent tihi (summit of a hill), awa (river) and wetland areas are all elements that define tribal boundaries.
- 5.24 In recent consultation exercises, (face to face meetings, and telephone conversations), with local Iwi, there has be a re-confirmation of the support for the design concept of an urban village in a rural setting.

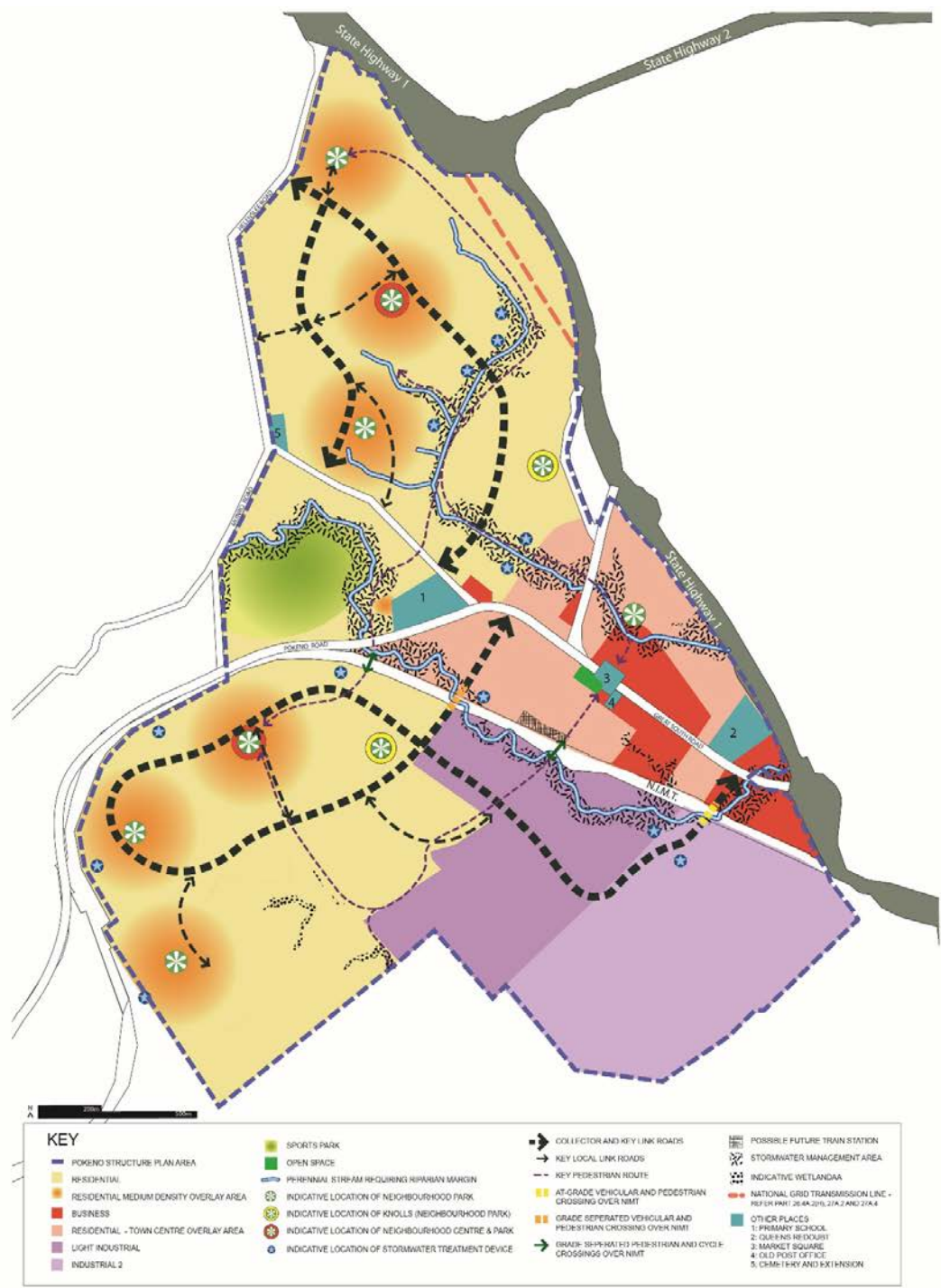
6. **CONCLUSIONS**

- 6.1 I recognise that there is demand for growth in Pokeno and I support enabling growth to occur, however, that should not be at the expense of the values that have made Pokeno such a success to date.
- 6.2 I am concerned that extensive areas of Pokeno should not be live zoned without a better understanding of the impacts of that growth, including in terms of stormwater management and transport infrastructure, and certainty that the necessary infrastructure will be provided to support that growth.
- 6.3 In my opinion, the use of Future Urban zoning with a subsequent structure planning process would be an appropriate means by which long term growth could be enabled without undermining the principles which have made Pokeno so successful to date.

Colin Botica

10 March 2021

ATTACHMENT A
POKENO STRUCTURE PLAN MAP



PLAN CHANGE 24 AND 21

ATTACHMENT B
PANORAMIC PHOTO OF THE HELENSLEE BLOCK

