

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 CHRISTOPHER JAMES SCRAFTON ON BEHALF OF POKENO VILLAGE HOLDINGS LIMITED (HEARING 25 – REZONING)

1. INTRODUCTION

1.1 My full name is Christopher James Scrafton. I am a Technical Director – Planning in the consultancy firm of Beca.

Qualifications and experience

1.2 I hold the qualifications of a Bachelor of Arts in Geography from the University of Hull (1999), a Postgraduate Certificate in Town Planning from the South Bank University, London (2002) and a Masters in Town Planning from the South Bank University, London (2005). I have over 20 years' experience in town planning.

1.3 I am a full member of the New Zealand Planning Institute and am an accredited Commissioner under the Ministry for the Environment and Local Government New Zealand "Making Good Decisions" 2006 Programme.

1.4 Since I came to New Zealand in 2005 I have held the following positions:

(a) Senior Planner, Associate at the Consultancy Firm of Harrison Grierson;

(b) Senior Planner at the consultancy firm MWH¹;

¹ Now known as Stantec New Zealand.

- (c) Principal Planner at the consultancy firm MWH;
- (d) Technical Discipline Leader - Planning at the consultancy firm MWH;
and
- (e) Technical Director – Planning at the consultancy firm Beca.

Involvement in planning for Pokeno

1.5 I have been involved in the urban development of Pokeno for over 10 years which has included the following:

- (a) In 2006 to 2008 I was the lead planner in the development of the Pokeno Structure Plan which was adopted by Franklin District Council in 2008;
- (b) I was a lead planner in the development of Plan Change 24 (“PC24”) to the Franklin District Plan which provided the statutory framework for the implementation of the Pokeno Structure Plan;
- (c) I developed and assisted in the implementation of the consultation strategy associated with PC24.
- (d) I was an expert planning witness in the hearings for PC24;
- (e) I led the resource consent process (on behalf of the applicant) for all resource consents required for the implementation of PC24 between 2006 and 2010; and
- (f) In 2017, I led the development of Plan Change 21 (“PC21”) and the associated Assessment of Effects on the Environment (“AEE”) and Section 32 Report on behalf of Pokeno Village Holdings Limited (“PVHL”).

Purpose and scope of evidence

1.6 I have been engaged by PVHL to prepare and present this planning evidence to the Hearings Panel in relation to PVHL’s submission and further submission points. The purpose of my evidence is to review and assess Council’s proposed approach to rezoning and to set out what I consider the appropriate approach to consideration of the rezoning requests.

1.7 This statement of evidence addresses:

- (a) The statutory framework relevant to development capacity (Section 3).
- (b) Council's proposed approach to providing development capacity (Section 4); and
- (c) Having regard to the above matters, my recommended approach to providing sufficient development capacity (Section 5).

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

Expert Witness Code of Conduct

1.9 I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it. I can confirm that the issues addressed in this statement are within my area of expertise and that in preparing my evidence I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SUMMARY OF EVIDENCE

2.1 Section 75(3) of the RMA sets out the RMA planning documents that a district plan must give effect to. In my view, the most relevant documents in terms of development capacity are:

- (a) The National Policy Statement for Urban Development 2020 ("NPS:UD"); and
- (b) The Waikato Regional Policy Statement ("RPS").

2.2 In my view the NPS:UD is the most directive, recent and highest order policy direction relevant to enabling urban growth. Broadly, the objectives of the NPS:UD relate to guiding the outcomes of urban environments in New Zealand to ensure they result in well-functioning urban environments; guiding the outcomes of planning decision makers; and ensuring decisions are based on evidence.

2.3 In my view, the NPS:UD policy direction regarding the provision of sufficient development capacity to meet expected demand for housing and business land over the short, medium and long term lies at the crux of the rezoning considerations. Of particular relevance to the rezoning considerations, the RPS provides a number of implementation methods relating to "where

development capacity should be located” which, in my view, supplement the requirements of the NPS:UD.

- 2.4 Section 74(2)(b) of the RMA sets out the documents that territorial must have regard to in preparing and changing district plans. In my view, the relevant documents to the rezoning consideration are Future Proof 2017 and Waikato 2070.
- 2.5 In my view, the following are the key matters to consider in terms of the PWDP giving effect to the NPS:UD and the RPS with regards to providing sufficient development capacity and achieving well-functioning urban environments:
- (a) How much development capacity should the PWDP enable to achieve sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term;
 - (b) How should the PWDP enable sufficient development capacity for the short, medium and long term;
 - (c) What, in addition to sufficient development capacity must the PWDP enable to achieve well-functioning urban environments;
 - (d) Where development capacity should be provided.
- 2.6 Based on my review of the relevant statutory framework, in my opinion, the question of how much development capacity should be provided at Pokeno can be distilled to whether the PDWP should give greater weighting to Future Proof 2017 or Waikato 2070, which are both documents that the PWDP is required to have regard to in accordance with section 74(2)(b)(i) of the RMA.
- 2.7 Overall, in terms of identifying sufficient development capacity for the short to medium term (i.e. live zoned land), I am of the view that Future Proof 2017 should be given greater weighting than Waikato 2070.
- 2.8 Future Proof 2017 identified long-term demand for an additional 2,300 dwellings in Pokeno over the next 30 years including buffers, whereas the new projections put that figure closer to 5,250. This represents an increase of nearly 130%, but there is very little supporting information to support or justify the 130% increase² and as per the evidence of Mr Colegrave, there are a number of factual errors underpinning the projections for Pokeno deriving from the 2021 HBA. In addition, I also consider that development

² Paragraph 3.16, Primary Statement of Evidence of Fraser James Colegrave.

capacity identified through Waikato 2070 does not meet either the medium term or long term development infrastructure requirements of the NPS:UD as the LTP and associated infrastructure strategy are yet to be finalised.

2.9 Having regard to the statutory framework and the evidence of Mr Colegrave³, I consider that:

- (a) Short term development capacity⁴ within Pokeno is provided by the current operative district plan regardless of whether the 2017 HBA or draft 2021 HBA projections are used. As such, I consider that the PWDP appropriately provides for short term development capacity in a manner consistent with the NPS:UD requirements.
- (b) Medium term development capacity within Pokeno is provided by the current operative district plan if the 2017 HBA projections are used. Additional development capacity (approximately 1,000 dwellings) beyond that already zoned is required if the draft 2021 HBA projections are used.
- (c) Additional development capacity is required in Pokeno to provide long term development capacity if the 2017 HBA projections are used (less than 1,000 dwellings) or if the draft 2021 HBA projections are used (approximately 4,000 dwellings).

2.10 The NPS:UD does not require long term development capacity to be enabled through "live zoned" land in either an operative or proposed district plan and in my opinion development capacity beyond 10 years (plus appropriate buffers) shouldn't be live zoned.

2.11 With regard to plan-enabled long term development capacity, I note that I have previously provided evidence to this panel regarding the gap in the implementation method in the PWDP in terms of the identification of future growth areas and the prevention of fragmented subdivision, use and development⁵ and suggested the inclusion of a Future Urban Zone (FUZ) or similar. In my view, a FUZ combined with the requirement for and implementation of structure plans to enable urbanization of FUZ land should be included in the PWDP to provide for an appropriate portion of the long-term development capacity.

³ Figs 2 and 3, Primary Statement of Evidence of Fraser James Colegrave
NPS:UD definition for short and medium term includes 20% competitive margin and for long term includes 15% competitive margin.

⁵ Primary Statement of Evidence, Christopher James Scafton, Hearing 3.

2.12 I largely agree with the recommended FUZ provisions outlined in Section 145 of the FUZ and MDZ Report and I consider that the application of the FUZ zone should be intrinsically linked to the anticipated long-term development capacity for Pokeno. In my view, the use of Future Urban Zones and the requirement of structure planning process for the urbanisation of the FUZ is appropriate practice in terms of encouraging compact urban form and intensification as opposed to enabling urban sprawl. I consider that the use of a Future Urban Zone and the requirement for structure planning to be effective planning mechanisms that can assist the WDC in meeting its requirements under the NPS:UD and providing sufficient development capacity.

3. STATUTORY FRAMEWORK RELEVANT TO DEVELOPMENT CAPACITY

3.1 I am familiar with the relevant legal tests and statutory framework for plan making and understand this will be outlined in the legal submissions to be presented on behalf of PVHL. In accordance with Section 75(3) of the RMA, a district plan must give effect to:

- (a) Any national policy statement;
- (b) Any New Zealand coastal policy statement; and
- (c) A national planning standard; and
- (d) Any regional policy statement.

National Policy Statement on Urban Development, 2020

3.2 The PWDP must be in accordance with⁶ and give effect to⁷ the National Policy Statement on Urban Development, 2020 ("NPS:UD"). In my view, and having regard to the other requirements of Sections 74 and 75 of the RMA, the NPS:UD is the most directive, recent and highest order policy direction relevant to enabling urban growth.

3.3 Section 1.3 of the NPS:UD states that the NPS:UD applies to all local authorities that have all or part of an urban environment within their district or region. The Appendix to the NPS:UD identifies Waikato District Council as a Tier 1 local authority but does not identify any Tier 1 or 2 urban environments within the Waikato District.

⁶ Section 74(1)(ea) of the RMA.

⁷ Section 75(3)(a) of the RMA.

- 3.4 Broadly speaking, I consider that the objectives of the NPS:UD relate to:
- (a) Guiding the outcomes for urban environments in New Zealand to ensure they result in well-functioning environments⁸;
 - (b) Guiding the outcomes of planning decision makers⁹; and
 - (c) Ensuring decisions are based on evidence¹⁰
- 3.5 More specifically:
- (a) Objective 1 of the NPS:UD aims for New Zealand to have well-functioning urban environments.
 - (b) Objective 3 directs regional policy statements and district plans to enable more people to live in, and more businesses and community services to be located in, areas of an urban environment where one or more the following apply:
 - (i) The area is in or near a zone or other area with many employment opportunities;
 - (ii) The area is well serviced by existing or planned public transport;
 - (iii) There is high demand for housing or for business land in the area, relative to other areas within the urban environment.
 - (c) Objective 7 directs local authorities to have robust and frequently updated information about their urban environments and to use it to inform planning decisions.
- 3.6 To implement the objectives, the NPS:UD includes a number of policies (in Part 2) and implementation methods that must be undertaken to give effect to the objectives and policies of the NPS:UD (in Part 3)¹¹.
- 3.7 Policy 1 requires planning decisions to contribute to well-functioning urban environments and provides a definition of urban environments noting that they, as a minimum:
- (a) Have or enable a variety of homes that:

⁸ Objectives 1,3,4 and 8.

⁹ Objective 2, 5,6 and 7.

¹⁰ Objective 2, 5,6 and 7.

¹¹ Clause 3.1, NPS:UD.

- (i) Meet the needs, in terms of type, price, and location, of different households; and
- (ii) Enable Maori to express their cultural traditions and norms; and
- (b) Have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
- (c) Have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
- (d) Support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
- (e) Support reductions in greenhouse gas emissions; and
- (f) Are resilient to the likely current and future effects of climate change.

3.8 Policy 2 of the NPS:UD directs local authorities to, at all times provide at least sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term. As defined in the NPS:UD, development capacity means the capacity of land to be developed for housing or for business use based on:

- (a) The zoning, objectives, policies, rules and overlays that apply in the relevant proposed and operative RMA planning documents; and
- (b) The provision of adequate development infrastructure¹² to support the development of land for housing or business use.

3.9 As per Section 3.2 of the NPS:UD, "sufficient" in this context means:

- (a) Plan enabled;
- (b) Infrastructure ready;
- (c) Feasible and reasonably expected to be realised;
- (d) Meets the expected demand plus the appropriate competitive margin.

¹² Network infrastructure for 3 waters and land transport to the extent they are controlled by a local authority or CCO.

3.10 The table below sets out how the NPS:UD applies criteria (a), (b) and (d) across the various development timeframes to define sufficient development capacity:

Term	Timeframe¹³	Plan enabled¹⁴	Infrastructure Ready¹⁵	Competitive Margin¹⁶
Short term	Within next three years	Zoned for that purpose in operative plan	Adequate existing development infrastructure to support the development of the land	20%
Medium term	Between 3 and 10 years	Zoned for that purpose in operative plan or proposed plan	As above or funding for adequate infrastructure to support development of land is identified in a long-term plan.	20%
Long term	Between 10 and 30 years	Zoned in plan or proposed plan for that purpose or identified for future urban use in FDS or if FDS not required - in any other relevant plan or strategy.	As medium term or the development infrastructure to support development capacity is identified in the infrastructure strategy (as required as part of LTP).	15%

3.11 With regard to criterion (c), section 3.26 of the NPS:UD states that a local authority may use an appropriate method but must outline and justify the methods, inputs and assumptions used to arrive at the estimation of what is feasible and reasonably expected to be realised.

3.12 Having regard to the above, I consider the following to be the key matters to consider in terms of the PWDP giving effect to the NPS:UD:

- (a) How much development capacity should the PWDP enable to achieve sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term;
- (b) How should the PWDP enable sufficient development capacity for the short, medium and long term;

¹³ Clause 1.4, NPS:UD.

¹⁴ Clause 3.4(1), NPS:UD.

¹⁵ Clause 3.4(3) NPS:UD.

¹⁶ Clause 3.22, NPS:UD.

(c) What, in addition to sufficient development capacity must the PWDP enable to achieve well-functioning urban environments.

3.13 I address these matters below in Section 5. Prior to considering these matters, I consider it appropriate to address how other matters under sections 74 and 75 RMA interact or influence how the PWDP should give effect to the NPS:UD.

Waikato Regional Policy Statement

3.14 The PWDP must give effect to the Waikato Regional Policy Statement ("RPS") and the RPS must give effect to the NPS:UD¹⁷. The RPS became fully operative in 2016, but from my recollection was notified in November 2010 just after the amalgamation of the Auckland Councils¹⁸ which resulted in Pokeno and Tuakau shifting from the jurisdiction of Franklin District Council to WDC and from Auckland Regional Council to WRC.

3.15 In terms of providing development capacity, the RPS is, in my view, largely influenced by the adoption of the 2009 version of Future Proof (Future Proof 2009)¹⁹. However, Future Proof 2009 was developed and adopted prior to the amalgamation of Auckland Councils and as such the urban growth of Pokeno and Tuakau are not provided for within Future Proof 2009. To address this, the RPS includes Policy 6.12 which directs growth within those parts that are now within the RPS jurisdiction and were formerly under the jurisdiction of the Franklin District Council to be managed in accordance with the Franklin District Growth Strategy, 2007 ("FDGS"). In particular, management of the built environment should be in accordance with the general visions and development directions within the FDGC.

3.16 The urban growth of Pokeno as identified in the FDGS is largely consistent with the growth of Pokeno as set out through the Pokeno Structure Plan ("PSP") which in my view has been given effect to through the implementation of Plan Change 24 ("PC24") to the Waikato District Plan ("WDP"). As such, I consider that, with regards to providing development capacity within Pokeno, the requirements of the RPS have largely been achieved.

3.17 Policy 6.1 of the RPS directs (amongst other things) development of the built environment to occur in a planned and co-ordinated manner and to have

¹⁷ Section 62(3), RMA.

¹⁸ 31 October 2010.

¹⁹ Policy 6.14, RPS.

regard to the development principles set out at Section 6A of the RPS. To implement Policy 6.1:

- (a) Implementation method 6.1.1 confirms that local authorities shall have regard to the development principles in Section 6A when preparing, reviewing or changing district plans;
- (b) Implementation method 6.1.7 encourages territorial authorities to ensure that, prior to providing new urban zoning, urban development planning mechanisms such as structure plans and town plans are produced to allow for proactive decisions about future urban development and allow for the information in Implementation method 6.1.8. to be considered.
- (c) Implementation method 6.1.8 sets out the information requirements that are required to support new urban zoning.

3.18 Overall, I consider there is reasonable consistency between the RPS implementation methods 6.1.1, 6.1.8 and the associated 6A development principles and the requirements of the NPS:UD in terms of policy direction relating to “sufficient development capacity” and “contributing to well-functioning urban environments”. However, I consider that the RPS includes a number of implementation methods relating to “where development capacity should be located” that are not provided for in the NPS:UD. For example, requirements to provide information to support urban growth relating to (amongst other things):

- (a) How existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed²⁰;
- (b) How potential natural hazards and how the related risks will be managed²¹;
- (c) How stormwater will be managed having regard to a total catchment management approach and low impact design methods²².

3.19 With regard to the Development Principles at 6A of the RPS, I consider these generally support the “well-functioning urban environment” policy direction

²⁰ Implementation Method 6.1.8(d), RPS.

²¹ Implementation Method 6.1.8(e), RPS.

²² Implementation Method 6.1.8(g), RPS.

of the NPS:UD. For example, the RPS encourages new development capacity to (amongst other things):

- (a) Support existing urban areas in preference to creating new ones²³;
- (b) Occur in a manner that provides clear delineation between urban areas and rural areas²⁴;
- (c) Make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas²⁵;
- (d) Promote compact urban form, design and location to²⁶:
 - (i) Minimise energy and carbon use;
 - (ii) Minimise the need for private motor vehicle use;
 - (iii) Maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can
 - (iv) In the future be served efficiently by public transport;
 - (v) Encourage walking, cycling and multi-modal transport connections; and
 - (vi) maximise opportunities for people to live, work and play within their local area;

3.20 Having regard to the above, I consider that it is necessary to refer back to the NPS:UD in terms of:

- (a) How much development capacity should be enabled to achieve sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term; and
- (b) How the PWDP should enable sufficient development capacity for the short, medium and long term.

²³ Development principle 6A(a), RPS.

²⁴ Development principle 6A(b), RPS.

²⁵ Development principle 6A(c), RPS.

²⁶ Development principle 6A(i), RPS.

- 3.21 However, in my view the RPS introduces additional considerations for development capacity particularly relating to defining and achieving well-functioning urban environments which broadly relate to:
- (a) What, in addition to sufficient development capacity must the PWDP enable to achieve well-functioning urban environments; and
 - (b) Where development capacity should be provided.
- 3.22 In my view, the PWDP needs to address all matters identified above to give effect to the NPS:UD and those parts of the RPS that relate to development capacity.
- 3.23 Section 74(2)(b) of the RMA directs a territorial authority to (when preparing and changing its district plan) have regard to (amongst other things) management plans and strategies prepared under other Acts.

Future Proof 2017

- 3.24 Future Proof 2017 is a 30 year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. Future Proof 2017 was developed to address:
- (a) How much development capacity should be enabled within the sub-region; and
 - (b) At a high level, where development capacity should be provided.
- 3.25 I understand that Future Proof 2017 is a strategy prepared under the Local Government Act (LGA) and as such decision making on the PWDP must have regard to it²⁷.
- 3.26 Future Proof is identified as being a two phased process²⁸ with Future Proof 2017 constituting phase 1. Future Proof 2017 (amongst other things):
- (a) Focuses on growth management and settlement pattern implementation; and
 - (b) Includes the northern Waikato areas.
- 3.27 Phase 2 is noted as addressing the requirements of the NPS:UDC and I assume that this will be updated to reflect the change from the NPS:UDC to the NPS:UD. The Future Proof website notes that it is anticipated that a draft

²⁷ Section 74(2)(b), RMA.

²⁸ Page 11, Future Proof Strategy Summary Report

Future Proof Phase 2 document will be completed early 2021 with public consultation occurring early-mid 2021²⁹.

- 3.28 Future Proof 2017 projects a population of 11,954 by 2045 for Pokeno³⁰. These population projections are informed by the Future Proof Housing and Business Development Capacity Assessment, 2017 (2017 HBA) which is identified as being a Housing and Business Development Capacity Assessment (HBA) prepared in accordance with the National Policy Statement on Urban Development Capacity (NPS:UDC)³¹. From my review of the NPS:UDC HBA requirements, I consider that there is little difference to a HBA developed to meet the NPS:UD and NPS:UDC requirements.
- 3.29 The Framework Report Section 42A Reporting Officer (Framework Reporting Officer) notes that the 2021 Future Proof HBA (draft 2021 HBA) is due to be published in the first half of 2021³² and I understand from the evidence of Mr Colegrave that data from the draft 2021 HBA has been utilised to inform Waikato 2070 and the Framework Report.

Waikato 2070

- 3.30 Waikato 2070 is described by WDC as a Growth and Economic Development Strategy that provides a long-term plan to achieve the Council's vision of creating liveable, thriving and connected communities³³. Like Future Proof 2017, Waikato 2070 sets out growth projections for the various settlements, unlike Future Proof 2017, Waikato 2070:
- (a) Has a 50-year planning horizon (as opposed to 30); and
 - (b) Is limited to the Waikato District.
- 3.31 Waikato 2070 is intended to help deliver on the Future Proof Strategy (Phase 1 Review) and some of the emerging thinking in the Hamilton to Auckland Corridor Initiative spatial plans³⁴. Waikato 2070 was prepared under the Special Consultative Procedure of the Local Government Act (LGA)³⁵ and as such, the PWDP must have regard to it³⁶.

²⁹ <https://futureproof.org.nz/the-strategy/>

³⁰ Pages 92 -94 Future Proof Strategy, 2017 - Total of University of Waikato medium projections: 2,736 for 2016-2025; 4,806 for 2026 - 2035; 2,280 for 2036 - 2045; and the 2016 current population of 2,132.

³¹ Paragraph 1, Housing and Business Development Capacity Assessment, Future Proof, 2017
³² Paragraph 268, Framework Report.

³³ Paragraph 01.1, Waikato 2070.

³⁴ Section 1.2 of Waikato 2070 (noting that the River Communities Spatial Plan and the Hamilton-Waikato Metropolitan Spatial Plan were both under development at the time of Council adopting Waikato 2070).

³⁵ Page 2, Waikato 2070.

³⁶ Section 74(2)(b), RMA.

- 3.32 Waikato 2070 acknowledges that the expansion of the Waikato District boundary to encompass Tuakau and Pokeno presented new challenges in relation to supporting future growth and protecting the environmental wellbeing of the district³⁷.
- 3.33 Waikato 2070 sets out a vision for “liveable, thriving and connected communities”³⁸ and outlines focus areas that seek to support the vision³⁹. In my view, the focus area to “grow our communities” and the supporting section of “identifying where and when growth can occur”⁴⁰ are of particular relevance to this hearing.
- 3.34 In terms of Pokeno, Waikato 2070 identifies a possible population of 16,000 by 2070 (although I note that the development of the identified growth cells only provides for growth up to 2050). Growth cells (residential, commercial and town centre) are identified for a period of 1 to 30 years and the Waikato 2070 states that the strategy provides the indicative extent and timing for future growth cells and that these are subject to further investigation and feasibility.⁴¹
- 3.35 In terms of further investigations of future growth cells, Waikato 2070 states that⁴²:
- (a) Structure plans for growth cells identified within Waikato 2070 will be developed.
 - (b) The purpose of a structure plan is to give landowners/developers direction on the extent and type of development that is sought within a growth cell.
 - (c) A structure plan must be informed by consultation, particularly with tangata whenua, and must consider the roading, cycling and pedestrian network, public transport, infrastructure and servicing costs, current land use and proposed district plan controls and appropriate technical assessments.
 - (d) The development of a structure plan is required prior to the re-zoning of a site in a District Plan. This is to ensure that there is a clear direction and plan for the development of the growth cell.

³⁷ Section 1.5, Waikato 2070.

³⁸ Page 8, Waikato 2070.

³⁹ Section 3, Waikato 2070.

⁴⁰ Section 4, Waikato 2070

⁴¹ Section 1.2, Waikato 2070

⁴² 05.2, Waikato 2070

4. COUNCIL'S PROPOSED APPROACH TO PROVIDING DEVELOPMENT CAPACITY

4.1 At the direction of the PWDP Hearings Panel:

- (a) A Section 42A Framework Report (Framework Report) was prepared by Dr Mark Davey dated 19 January 2021 and sets out a framework for assessing zoning submissions on the PWDP; and
- (b) A Section 42A "Zone extents – Future Urban Zone and Residential Medium Density Zone ("FUZ and MDZ Report") Report was prepared by Mr Jonathan Cleese dated 26 January, 2021.

Framework Report

4.2 The Framework Report sets out Council's framework for section 42A reporting officers and submitters to follow for assessing zoning submissions on the PWDP⁴³. Amongst other things, the purpose of the Framework Report is to:

- (a) Promote a consistent approach among the Council staff and its consultants preparing RMA section 42A reports on zoning submissions⁴⁴;
- (b) Set out the relevant statutory tests and statutory considerations to avoid repetition⁴⁵;
- (c) Summarise the basis upon which the zones and zone boundaries in the notified version of the PWDP were selected⁴⁶;
- (d) Outline the strategic context for the PWDP in respect to growth for the s42A authors and the Hearings Panel⁴⁷
- (e) Identify planning and resource management issues facing the District for the Hearings Panel to consider⁴⁸.

4.3 I consider there is merit in the above stated purposes of the Framework Report, however as set out in more detail below, I do not consider that the Framework Report adequately achieves its stated purposes.

⁴³ Paragraph 1, Framework Report.
⁴⁴ Paragraph 17(a), Framework Report.
⁴⁵ Paragraph 17(b), Framework Report.
⁴⁶ Paragraph 17(f), Framework Report.
⁴⁷ Paragraph 17(g), Framework Report.
⁴⁸ Paragraph 17(h), Framework Report.

4.4 To ensure a consistent approach to rezoning submissions, the Framework Report establishes a Rezoning Assessment Framework which is intended to assist the Panel and promote a consistent approach in the preparation of S42A report on rezoning submissions. The rezoning framework consists of the following three lenses:

(a) **Lens 1:** Assessment of Relevant Objectives and Policies in the PWDP

(b) **Lens 2:** Alignment and consistency with higher order documents

(c) **Lens 3:** Assessment against best practice guidance.

4.5 The first lens of the framework requires an analysis against the intent of the notified version of objectives and policies of the PWDP. As per the Framework Report, where a section 42A Reporting Officer determines that a proposed rezoning is inconsistent with the notified objectives and policies, they should recommend that those submission points should be rejected⁴⁹.

4.6 In my view the Lens 1 requirement is inappropriate, most fundamentally because it is not consistent with the hierarchy of matters that must be considered by a territorial authority when changing its plan under sections 74 and 75 of the RMA. I am unaware of any legal basis for treating proposed objectives and policies as the primary assessment framework for rezoning decisions.

4.7 I consider that the recommendation that a finding that a request for rezoning is inconsistent with the notified objectives and policies should result in a that request being rejected is inappropriate and inconsistent with the RMA. Furthermore, I consider that the Lens 1 assessment raises a number of further practical issues that I address below.

Purpose of the objectives and policies

4.8 In my opinion, the notified objectives and policies of the PWDP have not been developed with the purpose of enabling development capacity in mind. This is acknowledged by the Framework Reporting Officer who notes that⁵⁰:

(a) The PWDP does not contain objectives and policies that enable zone changes or describe circumstances where changes in zoning over time would be desirable; and

⁴⁹ Paragraphs 43 – 46, Section 42A Framework Report.

⁵⁰ Paragraph 51, Section 42A Framework Report.

(b) The approach to drafting the objectives and policies was inward looking rather than outward looking. That is, they were drafted for the zones to address effects in the zones.

4.9 In my view, the proposed objectives and policies are not sufficiently specific to enabling development capacity and are lacking principles or guidance as to how development capacity should be enabled. This is not surprising given they were not drafted or notified with this purpose in mind.

4.10 Rather than trying to utilise objectives and policies that are recognised as being inward looking, I consider it more appropriate for the PWDP to include specific objectives and policies in the plan that have been developed for the purpose of guiding the provision of development capacity. Such objectives and policies should include details on Councils expectations for technical investigations that are required to support urbanisation in a manner consistent with the NPS:UD and the RPS implementation requirements. In my view, a district plan should be developed in a manner that recognises that changes in the environment will occur over the life of the plan and as such should include objectives and policies that enable zone changes or describe circumstances where changes in zoning over time would be desirable.

Proposed objectives and policies not operative

4.11 The objectives and policies are in a proposed form and in many cases have already been challenged through the submission and hearing process to date.

4.12 There are many cases where submitters and Councils experts have formed the view that changes to objectives and policies from the notified version are required. For example, the Reporting Officer for Hearing 18 (Rural), Mr Clease, recommended significant changes (which I generally agree with) to Objective 5.1.1 which limits the “avoid” policy directive of the policy to subdivision, use and development that has no functional need to be located in the Rural Zone. Mr Clease also concluded that, given the content and breadth of the objectives relating to the Rural Zone, they see no need for Objective 5.1.1. to have an elevated status⁵¹. However, the Framework Reporting Officer recommends applying the notified version of Objective 5.1.1 for the lens 1 assessment stating that Objective 5.1.1 has primacy over all other objectives and policies in Chapter 5⁵².

⁵¹ Paragraph 15, Closing Statement for Hearing 18: Rural Zone.

⁵² Paragraph 689, Section 42A Framework Report.

- 4.13 Whilst I acknowledge that no decision has been made on Objective 5.1.1, it is clear that the Hearing 18 Reporting Officer noted issues (which I agree with) with the notified version of this objective for its purpose as an objective in the Rural Zone hence the recommended changes. Despite this, the Framework Reporting Officer has recommended uplifting this objective as notified and expanding its application for a purpose that it was not developed for despite noting that a strict interpretation of the notified version of Objective 5.1.1 leads to a conclusion that all urban development is to be avoided throughout the rural environment⁵³.
- 4.14 With respect, in my view rather than attempting to apply the notified version of objectives and policies to a function they were not developed for, it would be more appropriate to consider what new provisions should be developed for the purpose of guiding the provision of development capacity. In my view, such provisions should be embedded in the PWDP to guide further urban growth beyond this plan review process.
- 4.15 The District Plan Review process is lengthy with future opportunities for appeals to both the Environment Court and High Court which provide scope for continued changes to the proposed planning and policy framework beyond this hearing process. Such processes could result in either the deletion of or significant changes to objectives and policies that have been heavily relied on to support or oppose rezoning to ensure consistency with the higher order planning documents. In my view, it is therefore inappropriate to put any significant weight on the notified objectives and policies when assessing the merits or otherwise of zoning requests. For the above reasons I consider that:
- (a) The first lens (and its required analysis against the intent of the proposed objectives and policies of the PWDP) is inappropriate and should be disregarded; and
 - (b) New provisions should be developed for the purpose of guiding the provision of development capacity. In my view, such provisions should be embedded in the PWDP to guide further urban growth beyond this plan review process.

Lens 2: Assessment against higher order policy documents

- 4.16 Lens 2 of the S42A Framework Report requires a determination about whether a rezoning proposal is consistent with and/or “gives effect to”

⁵³ Paragraph 71, Section 42A Framework Report.

relevant higher order policy documents in accordance with sections 74 and 75 of the RMA. Paragraphs 96 – 158 of the Framework Report contains the Lens 2 assessment which is generally consistent with the statutory requirements, although the language used is not always accurate – for example, the use of the term “consistency” when “give effect to” is what is meant. I provide an assessment of the RMA planning documents relevant to enabling sufficient development capacity above at Section 3.

Lens 3: Assessment against best practice guidance

- 4.17 The S42A Framework report directs that site-specific rezoning requests require site specific assessments to be undertaken⁵⁴. As a result, the framework somewhat limits a holistic review of the rezoning requests to be undertaken.
- 4.18 Lens 3 of the Section 42A Framework Report seeks to provide best practice planning guidance for considering submissions on zoning. The Framework Report Author derives best practice planning guidance from the Independent Hearings Panel for the Proposed Auckland Unitary Plan. I was involved in the Auckland Unitary Plan hearings and I am familiar with the referenced guidance. Whilst not strictly a statutory requirement, I consider there is merit in applying this good practice guidance.
- 4.19 I note that an important component of the best practice guidance for the Auckland Unitary Plan has not been included as a consideration for zoning submissions for the PWDP – namely the “overall impact” listed in 1.2 of the guidance⁵⁵. In my view, consideration of the overall impact directs the assessment to a holistic consideration of potential rezoning at a macro level and I consider that this requirement should be included in lens three.
- 4.20 In my view, a holistic consideration of zoning submissions at a broader scale is important to enable the sustainable development and evolution of Pokeno and other areas within the Waikato District and would enable the following matters (amongst others) to be considered:
- (a) What variety of homes should be provided to meet the needs in terms of type, price and location of future communities.

⁵⁴ Paragraph 5, Section 42A Framework Report.
⁵⁵ Page 6 of the best practice planning guidance.

- (b) What is the appropriate balance of residential and employment land within the catchment and whether it is sufficiently balanced to support residential growth and to reduce commuting requirements.
- (c) Whether the volume and spatial distribution of residential zoned land will promote compact urban form⁵⁶ or encourage sprawl.
- (d) What accessibility, for all people, is required between housing, jobs, community services, natural and open spaces by way of public or active transport.
- (e) What "other infrastructure" as defined by the NPS:UD is required to ensure WDC can satisfy themselves that urban development of Pokeno is sufficiently supported to meet the requirements of Policy PA2 of the NPS:UD.
- (f) What linkages are needed to enable additional residential capacities and new communities to be connected safely to the established town centre and facilitate their integration effectively.
- (g) What physical infrastructure is needed to support the urban expansion.

4.21 In my view, the above considerations are important factors in achieving well-functioning urban environments and meeting the requirements of the RPS. While live zoning plays an important part in enabling development and growth to occur, I am of the view that a considered, deliberate and holistic approach is needed.

Background to the Zoning Approach in the PWDP

4.22 The Framework Report identifies several outcomes to be secured as part of the process of selecting zone boundaries in the PWDP⁵⁷. In my view, the relevant outcome listed in relation to Pokeno and the zone boundaries in the PWDP is in relation to (d): *the identification of some new growth areas*.

4.23 The Framework Report acknowledges that the largest growth areas are at Tuakau, Pokeno and Te Kowhai with the basis for these changes explained in the S32 report (Strategic Direction and Management of Growth).⁵⁸ The Strategic Direction and Management of Growth report was released by the WDC in July 2018. The purpose of the report was to outline the rationale and

⁵⁶ Development Principle 6A(i), RPS.

⁵⁷ Paragraph 191, Framework Report.

⁵⁸ Paragraphs 202 and 203 of S42A Framework Report.

logic informing the objectives and policies and rules which provide the strategic direction and management of growth in the PWDP⁵⁹.

- 4.24 Whilst the Strategic Direction and Management of Growth report includes a table⁶⁰ which projects land use and population density and calculates an additional need of 314 hectares of Residential Lifestyle/Residential low density land between 2020 and 2030, I am unable to find any further justification or rationale for decisions regarding zone boundaries.
- 4.25 The Strategic Direction and Management of Growth report states that a substantial amount of information informed the S32 analysis and includes a list of 19 reports and technical studies⁶¹. Included in the listed supporting information is the July 2018 Market Economics report "S32 Growth Areas Evaluation". I reviewed this report with a view of understanding the rationale for identifying new growth areas. The report provides a framework for Council's assessment of provisions, however, in my view it provides minimal clarity regarding the decision for zone boundaries and growth areas in the district.
- 4.26 Overall, while the Framework Report includes a purpose of summarising the basis upon which the zones and zone boundaries in the notified version of the PWDP were selected, this process is not articulated within the report or, to the best of my knowledge, the referenced documentation.

Identification of planning and resource management issues

- 4.27 One of the stated purposes of the Framework Report is: "*the identification of planning and resource management issues facing the District for the Hearings Panel to consider in [in light of the zones and zone boundaries]*".
- 4.28 Based on my review of the Framework Report, there is no clear identification of planning and resource management issues associated with rezoning. The Framework Report touches on certain themes such as "the spill-over effects from Auckland and Hamilton creating heightened demand"⁶² that could be considered as resource management and planning issues however they are not identified as issues. Resource management issues are identified in the S32 report⁶³. Of relevance these include:

⁵⁹ Section 1 of the Strategic Direction and Management of Growth Report, July 2018.

⁶⁰ Table 14 in section 2.1.5.1 of the Strategic Direction and Management of Growth Report.

⁶¹ Section 1.4 of the Strategic Direction and Management of Growth Report, July 2018.

⁶² Paragraph 164, Framework Report.

⁶³ Section 1.8 of Strategic Direction and Management of Growth S32 Report, WDC, July 2018.

- (a) Enabling sufficient housing stock in appropriate locations to meet population growth projections;
- (b) Enabling housing choice and providing for a variety of densities;
- (c) Supporting a compact urban form;
- (d) Retention and enhancement of local character;
- (e) A failure to include a strategic framework for growth has adverse effects on the ability to achieve connected and integrated communities; and
- (f) Development around the edges of existing towns can compromise the ability of the area to be fully developed and effectively serviced for its intended future use.

4.29 In my view, these are pertinent resource management and planning issues that should be considered through the PWDP. I consider that (a) above is considered within the Framework Report but that the other matters are not given adequate consideration. As a result, I consider there to be a gap between the identified resource management and planning issues and the manner in which rezoning (as a method to address these issues) is proposed to be applied. I discuss this in more detail below.

5. RECOMMENDED APPROACH TO PROVIDING SUFFICIENT DEVELOPMENT CAPACITY

5.1 As set out in Section 3 of this statement of evidence, I consider the NPS:UD and the RPS to be the primary RMA planning documents relevant to providing development capacity that the PWDP must give effect to. From my assessment of the NPS:UD and RPS, the statutory requirements for providing sufficient development capacity can broadly be categorised as:

- (a) How much development capacity should be enabled to achieve sufficient development capacity to meet expected demand for housing and for business land over the short, medium and long term.
- (b) How the PDWP should enable sufficient development capacity for the short, medium and long term.
- (c) What, in addition to sufficient development capacity must the PWDP enable to achieve well-functioning urban environments.
- (d) Where should development capacity be provided.

How much development capacity should the PWDP enable?

- 5.2 Based on my review of the relevant statutory framework, in my opinion, the question of how much development capacity should be provided at Pokeno can be distilled to whether the PDWP should give greater weighting to Future Proof 2017 or Waikato 2070, which are both documents that the PWDP is required to have regard to in accordance with section 74(2)(b)(i) of the RMA.
- 5.3 In considering which growth strategy should be given greater weight I note the following:
- (a) Future Proof 2017 has clearly been utilised to inform the notified version of the PWDP and has continued to be the preferred growth strategy through the urban environment and strategic direction hearings. For example, I note that the recommendations of the Urban environment reporting officer continues to recommend reference to Future Proof 2017 in Policy 4.1.3(b)⁶⁴.
 - (b) Whilst it is not a NPS:UD requirement for WDC to prepare a HBA for its urban environments as none of the Waikato District urban environments are identified as Tier 1 or 2 urban environments in the NPS:UD, I do consider it good practice to undertake this analysis to identify sufficient development capacity and I note that this is the approach that Future Proof partners have adopted for Future Proof 2017 and WDC have adopted for Waiakto 2070. I also note that the purposes of a HBA include to inform RMA planning documents and long term plans⁶⁵. Whilst both growth strategies are informed by HBAs, I note that:
 - (i) The 2017 HBA has informed Future Proof 2017 which has been adopted by the Future Proof partners and the 2017 HBA has been made publicly available as part of the Future Proof process.
 - (ii) The 2021 HBA is yet to be completed or formally adopted by Future Proof partners or, as I understand it, by WDC.
 - (c) As per the evidence of Mr Colegrave:
 - (i) Future Proof 2017 identified long-term demand for an additional 2,300 dwellings in Pokeno over the next 30 years

⁶⁴ Policy 4.1.3(b), Appendix 3, Chapter 4 Urban Environment.

⁶⁵ Clause 3.20(1)(b), NPS:UD.

including buffers, whereas the new projections put that figure closer to 5,250. This represents an increase of nearly 130%, but there is very little supporting information to support or justify the 130% increase⁶⁶. I understand the information was requested from Council by PVHL but was never received.

(ii) There are a number of factual errors underpinning the projections for Pokeno deriving from the 2021 HBA⁶⁷;

(d) The NPS:UD directs local authority decisions affecting urban environments to be responsive to plan changes that would add significant development capacity and contribute to well functioning urban environments even if the development capacity is:

(i) Unanticipated by RMA planning documents; or

(ii) Out of sequence with planned land release⁶⁸.

5.4 Mr Colegrave considers that there is little evidence to support the increase in development capacity between Future Proof 2017 and Waikato 2070. In this regard I reiterate that clause 3.26(c) of the NPS:UD states that a local authority:

(a) May use an appropriate method to identify sufficient development capacity; but

(b) Must outline and justify the methods, inputs and assumptions used to arrive at the estimation of what is feasible and reasonably expected to be realised.

5.5 I agree with Mr Colegrave that some caution should be exercised when determining how much additional land will be required to meet dwelling demand growth over time⁶⁹. This view is further reinforced when, taking into account the development infrastructure requirements associated with providing development capacity as set out above at Paragraph 3.13. To summarise:

(a) For the short term there must be adequate existing development infrastructure to support the development of the land;

⁶⁶ Paragraph 3.16, Primary Statement of Evidence of Fraser James Colegrave.

⁶⁷ Paragraphs 3.4 – 3.10, Primary Statement of Evidence of Fraser James Colegrave.
Policy 8, NPS:UD.

⁶⁹ Paragraph 3.19, Primary Statement of Evidence of Fraser James Colegrave.

- (b) For medium term development infrastructure must at least have funding identified within the long-term plan; and
- (c) For the long term, development infrastructure must at least be identified in the infrastructure strategy as required as part of the LTP.

5.6 Having regard to the above and the evidence of Mr Colegrave, I consider that:

- (a) In terms of identifying sufficient development capacity for the short to medium term (i.e. live zoned land), Future Proof 2017 should be given greater weighting than Waikato 2070;
- (b) Adopting the Future Proof 2017 demand projections indicates that there is sufficient capacity already zoned through the WDP to provide for the short and medium term with additional capacity only required over the long term⁷⁰.
- (c) While it is generally good to provide a generous supply of zoned land to meet future demand, a gross oversupply can pose considerable economic risks and challenges, particularly the costs of providing infrastructure⁷¹.
- (d) Giving greater weighting to Waikato 2070 than Future Proof 2017 (in terms of enabling sufficient development capacity) would be inconsistent with clause 3.26 of the NPS:UD.

5.7 With regard to the provision of infrastructure, I note that the Framework Report suggests that additional zoning for urban land uses in and around existing towns can be serviced by existing and planned infrastructure⁷². The Reporting Officer also states that Waikato's settlements (including Pokeno) have existing infrastructure networks (roading, waters, community facilities) which either have capacity or, with investment, are scalable to support growth. I note that there is no specificity in these statements in terms of how much capacity is available to provide for how much development capacity. The Framework Report also notes that:

- (a) The growth cell timings in Waikato 2070 illustrate Councils indicative plans related to when service provision for these growth cells will be provided for by Council⁷³.

⁷⁰ Paragraph 3.13, Primary Statement of Evidence of Fraser James Colegrave
⁷¹ Paragraph 5.2, Primary Statement of Evidence of Fraser James Colegrave
⁷² Paragraph 7q of the S42A Framework Report for H25 Zone Extents
⁷³ Paragraph 134, S42A Framework Report

- (b) Waikato 2070 is a key document for the Council in respect to informing the Asset Management Planning process within Council which in turn informs the 30-year Infrastructure Strategy and the LTP. Asset groups, including three waters and roading are considering the growth capacity and timing of growth cells in Waikato 2070 to determine servicing and servicing cost⁷⁴.
- (c) The process from now until 1 July 2021, when the new LTP comes into effect, is as follows:
 - (i) The required infrastructure projects are costed and then compiled/aggregated⁷⁵;
 - (ii) Once this is complete, the total package of works across all asset groups is costed through a budget model to determine the financial implications of this investment on Council over the 10-year life of the LTP⁷⁶;
 - (iii) This is then worked through with elected members prior to the release of the LTP for public consultation⁷⁷.

5.8 The details of which infrastructure projects are to be taken forward will therefore not be available to the Hearing Panel for the purpose of the rezoning hearings.

5.9 Having regard to the above, I conclude that the additional development capacity identified through Waikato 2070 does not meet either the medium term or long term development infrastructure requirements of the NPS:UD as the LTP and associated infrastructure strategy are yet to be finalised.

5.10 The Framework Report states 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 or land use consent⁷⁸. It is not clear from the Framework Report or the PWDP how this will be achieved. As set out in the evidence of Mr Botica, the cost of infrastructure provision associated with PC24 was subject to a Development Contributions agreement between PVHL and WDC. I understand that this process is significant and apportioning its

⁷⁴ Paragraph 135, S42A Framework Report.

⁷⁵ Paragraph 136(a), S42A Framework Report.

⁷⁶ Paragraph 136(b), S42A Framework Report.

⁷⁷ Paragraph 136(C), S42A Framework Report.

⁷⁸ Paragraph 7q of the S42A Framework Report.

value across different time periods and onto different land-owners is complex.

- 5.11 Overall, I consider that greater certainty regarding the provision of development infrastructure than that put forward through the Framework Report is required to meet the requirements of the NPS:UD.

How should the PDWP enable sufficient development capacity for the short, medium and long term

- 5.12 As set out above at Paragraph 3.11, the NPS:UD requires a district plan to provide sufficient, plan enabled development capacity for the short, medium and long term. In terms of “plan enabled” development capacity:

- (a) Short term (0-3 years) capacity is zoned for that purpose in the operative plan;
- (b) Medium term (3-10 years) capacity is zoned for that purpose in either the operative plan or a proposed plan;
- (c) Long term (10-30 years) capacity is zoned for that purpose in either the operative plan or a proposed plan or it is on land identified by the local authority for future urban use or urban intensification in a Future Development Strategy (FDS) or, if the local authority is not required to have an FDS, any other relevant plan or strategy.

- 5.13 I note that the NPS:UD does not require a district plan to provide for development capacity beyond 30 years and as such, in my view it is inappropriate for a district plan to include development capacity beyond a 30 year timeframe.

- 5.14 In terms of development capacity beyond the medium term, I note that the NPS:UD enables 10 year plus development capacity to be provided by means other than live urban zoning in an operative or proposed plan. In my view this is appropriate practice in terms of encouraging compact urban form and intensification as opposed to enabling urban sprawl. I also note section 70 of the RMA requires a local authority to commence a review of provisions of a district plan every 10 years where those provisions haven’t already been subjected to a review or change.

- 5.15 Having regard to the evidence of Mr Colegrave⁷⁹, I understand that:

⁷⁹ Figs 2 and 3, Primary Statement of Evidence of Fraser James Colegrave.

- (a) Short term development capacity⁸⁰ within Pokeno is provided by the current operative district plan regardless of whether the 2017 HBA or draft 2021 HBA projections are used. As such, I consider that the PWDP appropriately provides for short term development capacity in a manner consistent with the NPS:UD requirements.
- (b) Medium term development capacity within Pokeno is provided by the current operative district plan if the 2017 HBA projections are used. Additional development capacity (approximately 1,000 dwellings) beyond that already zoned is required if the draft 2021 HBA projections are used.
- (c) Additional development capacity is required in Pokeno to provide long term development capacity if the 2017 HBA projections are used (less than 1,000 dwellings) or if the draft 2021 HBA projections are used (approximately 4,000 dwellings).

5.16 The NPS:UD does not require long term development capacity to be enabled through "live zoned" land in either an operative or proposed district plan and in my opinion development capacity beyond 10 years (plus appropriate buffers) shouldn't be live zoned.

5.17 With regard to plan-enabled long term development capacity, I note that I have previously provided evidence to this panel regarding the gap in the implementation method in the PWDP in terms of the identification of future growth areas and the prevention of fragmented subdivision, use and development⁸¹ and suggested the inclusion of a Future Urban Zone (FUZ) or similar. In my view, a FUZ should be included in the PWDP to provide for an appropriate portion of the long-term development capacity. A FUZ (with appropriate provisions) can be utilised to:

- (a) Protect currently rural land from uses and development that might be incompatible with its future urbanisation while continuing to enable a range of (typically) rural activities until the land is 'ready' for development;
- (b) Identify land that is suitable for likely future urban development (subject to appropriate tests) and thereby set clear expectations to

⁸⁰ Definition for short and medium term includes 20% competitive margin and for long term includes 15% competitive margin.

⁸¹ Primary Statement of Evidence, Christopher James Scafton, Hearing 3.

landowners, developers and the wider community of where future growth is expected to occur;

- (c) Signal likely future infrastructure requirements to infrastructure providers and Council, who can in turn plan for its provision and its funding mechanism;
- (d) Provide Council, landowners and/or developers an opportunity to undertake any required spatial planning process to consider how landuses can be distributed, infrastructure can be integrated with landuse and areas of natural value protected.

5.18 I note that the National Planning Standards include a FUZ and that it is a relatively common mechanism used in district plans to signal an intention for future urban development. I understand that, of the 13 Tier 1 authorities under the NPS-UD, nine authorities include future or deferred provisions within their operative or proposed district plans⁸². This includes local authorities within the Waikato Region (Hamilton City Council and Waipa District Council).

5.19 In Paragraph 26 of the FUZ and MDZ report, the author suggests that it is anticipated that submitters may wish to respond to the following (as relevant to the consideration of the FUZ):

- (a) Whether there is merit in the concept of a FUZ as part of the suite of zones available;
- (b) If the recommended FUZ provisions function as effectively as they might;
- (c) The geographic application of the FUZ.

5.20 I do not intend to repeat my previous reasoning for the benefits of a FUZ set out in my evidence for Hearing 3 and instead provide a summary with reference to the above questions:

⁸² The Tier 1 District Authorities that have specific Future Urban Zones or similar Auckland Council, Hamilton City Council, Waipa District Council, Western Bay of Plenty District Council, Wellington City Council, Porirua City Council (proposed) Hutt City Council (through Rural Residential Activity areas) Kapiti Coast District Council and Selwyn District Council (proposed through development areas and outline development plans).

The Merit of the FUZ

- 5.21 I discuss the merits of a FUZ above and in my evidence for Hearing 3. In conclusion, I consider there are a lot of benefits to be gained from the application of a FUZ.

Effectiveness of the FUZ provisions

- 5.22 In my view, the recommended FUZ provisions outlined in Section 145 of the section 42A FUZ and MDZ Report are likely to provide the benefits outlined above (in Section 5.17). While the recommended provisions differ to the example provisions that I provided in Hearing 3, their intent and likely outcome appear to be similar. In addition, and to assist the Panel, I have compiled a list of structure plan guidance at **Attachment A** to supplement the matters identified in Policy 1.4 of Appendix 2 to the FUZ and MDZs Report.

Geographic Application of the FUZ

- 5.23 In my view, the application of the FUZ zone should be intrinsically linked to the anticipated long-term development capacity for Pokeno. In summary, I agree with Mr Clease's conclusion that, overall, the FUZ framework is considered to provide more efficient and effective method for giving effect to the higher order policy direction than the status quo zones in the Proposed Plan as notified⁸³.
- 5.24 In terms of the FUZ application in Pokeno, I consider that the Panel should be guided by both the NPS-UD and Waikato 2017 in relation to the amount of development capacity required in the long term.

Where should development capacity be provided in Pokeno

- 5.25 As noted above, I consider that both Future Proof 2017 and Waikato 2070 set out where development capacity should be provided within the Future Proof catchment at a high level. In my view, further work is required to implement the growth strategy at a local level prior to providing additional development capacity.
- 5.26 I consider that Pokeno has benefited from a defined purpose for its development as set out in the Pokeno Structure Plan. This has also provided guidance for the integration of growth and infrastructure provision.

⁸³ Paragraph 18, FUZ and MDZ Report.

5.27 As noted above, Policy 6.1 of the RPS directs the planned and coordinated development of the built environment. This Policy is supported by implementation method 6.1.7 which encourages planning mechanisms such as structure plans to be developed to inform rezoning for urban development. Such methods appear to have been adopted within Future Proof 2017 and Waikato 2070. For example:

- (a) Future Proof 2017 notes that, for Decade 3 (2036 – 2045) in both the low and medium growth projections, insufficient capacity in Pokeno will be addressed once a structure plan is complete⁸⁴.
- (b) Waikato 2070 states that structure plans for growth cells identified within Waikato 2070 will be developed⁸⁵.
- (c) The purpose of a structure plan is to give landowners/developers direction on the extent and type of development that is sought within a growth cell⁸⁶.
- (d) A structure plan must be informed by consultation, particularly with tangata whenua, and must consider the roading, cycling and pedestrian network, public transport, infrastructure and servicing costs, current land use and proposed district plan controls and appropriate technical assessments⁸⁷.
- (e) The development of a structure plan is required prior to the re-zoning of a site in a District Plan. This is to ensure that there is a clear direction and plan for the development of the growth cell⁸⁸.

5.28 Notwithstanding the above, the Framework Report considers that there is no pre-requisite for a structure plan to be prepared in order for a submission on zoning to be considered, nor is a structure plan required for the s42A author to recommend the submission on zoning be accepted⁸⁹ although the PWDP Section 4.7 may necessitate a structure planning exercise to occur before greenfield subdivision can proceed⁹⁰.

5.29 I consider that the RPS encourages the use of structure plans and other such planning mechanisms to inform district plan rezoning exercises. In my view this encouragement is equally apt to a plan review or plan change process.

⁸⁴ Page 94, Future Proof Strategy 2017.

⁸⁵ 05.2, Waikato 2070.

⁸⁶ 05.2, Waikato 2070.

⁸⁷ 05.2, Waikato 2070.

⁸⁸ 05.2, Waikato 2070.

⁸⁹ Paragraph 7w, Section 42A Framework Report.

⁹⁰ Paragraph 7x, Section 42A Framework Report.

I also consider that both Future Proof 2017 and Waikato 2070 anticipate the development of structure plans prior to any rezoning exercise for Pokeno. I do not consider that Future Proof 2017 or Waikato 2070 differentiate between a plan review or plan change process.

- 5.30 I am unclear as to how the Framework Report Section 42A Reporting Officer has reached a conclusion that structure planning should not be undertaken to inform rezoning as part of this plan review process. In this regard, I note that the section 32 report on Strategic Direction and Management of Growth stated under Option 3 for identifying further areas for development for deferred zoning that the use of comprehensive structure plans and master planning would ensure that the new growth areas were well planned and integrated with existing development⁹¹.
- 5.31 As set out in my evidence for Hearing 3, I consider that the section 32 evaluation does not give Option 3 sufficient consideration and instead discards this option in its entirety on the basis that enabling rezoning by way of a "Council Resolution" is ultra vires. I understand that the remainder of the zone provisions (objectives, policies and rules excluding the requirement for a "Council Resolution"), and structure planning requirements of the Deferred Zone are not ultra vires and, in my opinion (subject to drafting), would form an appropriate framework for giving effect to Objective 4.1.1 of the PWDP.
- 5.32 I note that similar methods are utilised throughout New Zealand, with structure planning being implemented through district plan provisions and a Schedule 1 process rather than a "Council Resolution". For example, the "Future Urban" zone adopted in the Auckland region.
- 5.33 I note that the FUZ and MDZ Section 42A Reporting Officer appears to have a similar view regarding the use of structure plans noting that:
- (a) (in reference to the implementation of Waikato 2070) these indicative growth areas will be further refined through a consultative structure plan process. The outcomes of the structure planning process then feeds into a plan change to rezone the site⁹².
 - (b) In my view, the higher order documents include clear direction that in order for urban growth to be well-managed and to achieve positive outcomes for the community, such growth needs to be undertaken

⁹¹ Page 66, Section 32 Report (Strategic Direction and Management of Growth), Waikato District Council, July 2018.

⁹² Paragraph 86, S42A Report MDZ and FUZ.

in a coordinated and connected manner. Such coordination is best undertaken through a structure planning process, with the structure plan then informing the layout of more detailed subdivision consents⁹³

5.34 Notwithstanding whether the projections of Waikato 2070 or Future Proof 2017 should be applied, I agree with the FUZ and MDZ Section 42A Reporting Officer and consider that structure planning in the context of Pokeno can contribute to achieving a well-functioning urban environment as envisaged by the NPS:UD and RPS. I also generally agree with the FUZ and MDZ Section 42A Reporting Officer about the typical elements that should be identified on a structure plan⁹⁴.

5.35 I note that the FUZ and MDZ Section 42A Reporting Officer recognises that the timing of the district plan review has meant that the development of structure plans has not yet occurred⁹⁵ and that the Panel are therefore faced with four options in considering rezoning submissions including:

- (a) Rezone blocks without structure plans;
- (b) Submitters collaborate to progress a single coherent structure plan for combined growth areas;
- (c) Deferring the live zoning of the block; or
- (d) Live zoning and incorporating matters of discretion that would require structure plans to be developed as part of a subdivision consent.

5.36 As set out above, I consider that structure plans should be utilised to support rezoning, as such I do not support (a).

5.37 With regards to (b), I consider that there is value in the development of structure plans that are more holistic and subsequently cross property boundaries and are therefore better equipped to deal with a broader spectrum of development requirements than structure plans for smaller and individual sites. In my view, the progress that submitters have made regarding detailed technical investigations provide a good baseline to further develop and refine structure plans. However, I consider that community and stakeholder engagement are key requirements of structure planning

⁹³ Paragraphs 102 – 116, S42A Report FUZ and MDZ.

⁹⁴ Paragraph 104, S42A Report Zone FUZ and MDZ.

⁹⁵ Paragraph 102, S42A Report Zone FUZ and MDZ.

exercises and I am unclear how this can be incorporated through a structure planning process that is confined to this plan review process.

- 5.38 With regards to (d), I am unclear how land can be live zoned for urbanisation and still require a structure plan process for its implementation. From my experience, confirmation of what land should be live zoned forms part of the structure planning process.

I consider option (c) should be preferred where deferring live zoning includes the utilisation of a FUZ. In my view a Future Urban zoning would be an appropriate mechanism combined with the requirement for and implementation of structure plans.

What, in addition to sufficient development capacity must the PWDP enable to achieve well-functioning urban environments

- 5.39 Closely related to the requirement to provide sufficient development capacity for housing and business land set out in the NPS-UD, is the availability of additional infrastructure. Implementation method 3.5 of the NPS-UD requires that:

"Local authorities must be satisfied that additional infrastructure to service the development capacity is likely to be available"

Section 1.4 of the NPS-UD defines additional infrastructure as:

- (a) *public open space*
- (b) *community infrastructure as defined in section 197 of the Local Government Act 2002*
- (c) *land transport (as defined in the Land Transport Management Act 2003) that is not controlled by local authorities*
- (d) *social infrastructure, such as schools and healthcare facilities*
- (e) *a network operated for the purpose of telecommunications (as defined in section 5 of the Telecommunications Act 2001)*
- (f) *a network operated for the purpose of transmitting or distributing electricity or gas*

- 5.40 The Waikato Blueprint was prepared to provide a high-level spatial picture of how the Waikato District could progress over the next 30 years. It seeks to address the community's social, economic and environmental needs, and

respond to its regional context. The Blueprint provides some insight into the additional services and infrastructure that may be required as a result of anticipated growth rates.

- 5.41 Specifically, the Blueprint identifies the need to establish a library, community and customer facilities and a sports ground as all high priorities for Pokeno. Of these facilities, I note that the Waikato District Council Long Term Plan (LTP) has assigned \$3.1 million in funding for a new library and service centre in Pokeno by 2022 and \$1.4 million in funding for a new sports park which was proposed to be developed by 2020, although to the best of my knowledge, this hasn't occurred.
- 5.42 In my view, the requirement for additional infrastructure is yet to be adequately addressed and it is unclear what additional infrastructure would be required to support Pokeno's proposed growth.
- 5.43 In my view, the consideration of additional development capacity should be coordinated with the identification of additional infrastructure capacity required to support growth. This process will require engagement with a range of service providers and, in my view, should be undertaken as part of a structure planning processes.

Christopher James Scrafton

10 March 2021

APPENDIX A DRAFT STRUCTURE PLAN GUIDELINES

To assist the Panel, I have compiled structure plan guidelines from other plans to identify what matters should be considered through this process. The below guidelines, predominately from Auckland⁹⁶ are in my view good planning practice.

Structure Plan Guidelines:

A structure plan is to identify, investigate and address the matters set out below.

Urban Growth

1. The future supply and projected demand for residential and business land in the structure plan areas to achieve an appropriate capacity to meet the subregional growth projections.
2. The phases and timing for the staged release of greenfield land or the staged conversion of land within the existing urban area to a more intensive activity for urban development or for comprehensive redevelopment, in coordination with infrastructure.
3. The location, type and form of the urban edge, its appropriateness to the structure plan area and the surrounding area and how transitions between the area to be urbanised and other areas with different activities, building types and densities or levels of intensity are to be managed.
4. Linkages and integration with existing urban-zoned and/or rural-zoned land adjoining the structure plan area through careful edge or boundary treatment.
5. Opportunities to improve access to landlocked parcels, including Māori land.

⁹⁶ Appendix 1 Structure plan guidelines, Auckland Unitary Plan Operative in Part, 2016.

Natural Resources

6. The protection, maintenance and enhancement of natural resources, particularly those that have been scheduled in the Plan in relation to Mana Whenua, natural resources, and the coastal environment.
7. Demonstrate how proposed subdivision, use, and development will protect, maintain and enhance the values of the resources identified above.
8. The integration of green networks (such as freshwater and coastal water systems, and ecological corridors) with open space and pedestrian and cycle networks, showing how they reflect the underlying natural character values and provide opportunities for environmental restoration and biodiversity.
9. Measures to manage natural hazards and contamination.
10. The location of mineral resources and how access to regionally significant extractable deposits is to be managed.

Natural and Built Heritage

11. The existence of natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage.

Use and Activity

12. Contribution to a compact urban form and the efficient use of land in conjunction with existing urban areas to give effect to the regional policy statement.
13. The adoption of standard methods and provisions where possible to ensure a consistent approach across the district by all of the following:
 - a) seeking to avoid the introduction of additional zones;
 - b) recognising the values of natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character through identification of sites or places to be scheduled and the use of existing overlays in the Plan; and
 - c) recognising specific place-based provisions through the use of precincts.

- d) A mix of residential intensities sufficient to support the vitality of centres and communities and to provide housing and transport choice.
- e) A mix and distribution of land uses within the structure plan area to provide opportunities for business activities and employment, community facilities and open space close to where people live.
- f) The location and protection of infrastructure and management of reverse sensitivity effects on infrastructure from subdivision, use and development.
- g) The location and protection of use and development and management of reverse sensitivity effects on use and development.

Urban Development

14. A desirable urban form at the neighbourhood scale including all of the following:
- a) a layout providing pedestrian connectivity with a network of streets and block sizes which allow for a choice of routes, particularly near centres and public transport facilities;
 - b) provision of a diversity of site sizes within blocks to enhance housing choice, accommodate local small-scale community facilities and where appropriate enable a range of business activity and mixed use;
 - c) provision of open spaces which are highly visible from streets and of a scale and quality to meet identified community needs;
 - d) appropriate transitions within and at the edge of the structure plan area between different land use activities, intensities and densities; and
 - e) the application of an integrated stormwater management approach within developments to reduce impacts on the environment while enhancing urban amenity.

Transport Networks

15. Integration of land use and development with the local and strategic transport networks.
16. Layout of the transport network and facilities in a manner that is safe, attractive, efficient, and resilient to hazards, well connected to local facilities and integrated with land uses, the surrounding area and the wider transport network.
17. Support for transport and accessibility that is multi-modal and interconnected with an appropriate number and location of access points.
18. Transport effects on land uses and the management of these effects.

Infrastructure

19. The location and protection of existing and planned infrastructure, including network infrastructure corridors.
20. The location, scale and capacity of existing and new infrastructure to serve the structure plan area.
21. The location, scale and function of stormwater management facilities based on the principles of an integrated stormwater management approach, including the retention of natural water systems and the primary use of onsite flow and quality controls (and related impervious area limits) to manage stormwater runoff from proposed sites and roads.
22. The location, scale, function and provision of community facilities, including educational, health, welfare and cultural facilities and open space to cater for the needs of communities in the structure plan area and neighbouring areas.

Feedback from Stakeholders

23. Feedback from landowners, infrastructure providers, council controlled organisations and communities gained through consultation during the structure planning process.