

**BEFORE THE HEARINGS COMMISSIONERS FOR THE WAIKATO DISTRICT
COUNCIL**

UNDER the Resource Management Act 1991

AND

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

Hearing 25 – Zone Extents

PARTIES REPRESENTED **STEPHEN AND TERESA HOPKINS**

**STATEMENT OF EVIDENCE FROM SIR WILLIAM BIRCH FOR STEPHEN
AND TERESA HOPKINS**
19 February 2021

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MAY IT PLEASE THE PANEL

Introduction

1. My full name is William Francis Birch. I am a Consultant at Birch Surveyors Limited (**BSL**), a consulting firm with surveyors, planners and engineers based in Auckland but with satellite offices in Hamilton, Tauranga and Tairua.
2. This is a statement of evidence on behalf of Pokeno West relating to the zoning of land on Helenslee Road/Munro Road, Pokeno (**Pokeno West**). Pokeno West is subject to the district plan review process of the Proposed Waikato District Plan (**PWDP**).

Qualifications and experience

3. I am a Registered Professional Surveyor and a Fellow of the New Zealand Institute of Surveyors and a member of the New Zealand Urban Design Forum.
4. My relevant professional experience spans my professional lifetime between 1952 and the present time. My professional career was interrupted somewhat by 27 years as a Member of Parliament between 1972 and 1999 during which time I served for 15 years as a Senior Cabinet Minister including portfolios such as Energy, National Development, Regional Development, Science and Technology, Labour, Treasurer, Finance and Revenue. Since leaving Parliament, I have been continuously involved as a consultant involved in Planning and Land Development primarily across the Auckland and Waikato regions.
5. My recent experience that is relevant to Pokeno West includes:
 - a. Preparing various submissions and providing evidence on the Notified Auckland Unitary Plan (AUP)

- b. Managing the preparation of a request for a Plan Change to the Auckland Council to rezone 82.6has. of Land in Pukekohe from Future Urban/Special Purpose Zone to residential/Light Industrial Zone. Managing the preparation of a Plan Change request for another Plan Change in Pukekohe (yet to be lodged) to rezone some 80has. Of land from Future Urban two residential and light industrial zones. Preparation and lodgements of numerous applications to Auckland Council and other Councils for development approval and Resource Consents under the Resource Management Act. In most of the numerous land development projects that I have been involved in over many years, I have supervised the planning applications, overseen the detailed design of the project and supervised the construction through to final certification by the consenting authorities.

Involvement in the Pokeno West project

6. My involvement in the Pokeno section of the Waikato District Wide Plan Review commenced in January 2018 when I was instructed to represent various property owners in advising and submitting on the Proposed District Plan.
7. Since my involvement began, I have become heavily involved in the project. These responsibilities have included organising and attending numerous meetings with the technical staff at the Waikato District Council.
8. Co-ordinating work by a wide range of consultants so that technical reports were available to Council to demonstrate the feasibility of the Pokeno West properties for residential development and to provide housing to meet the demands of the population growth in Pokeno.
9. I subsequently led the project team in the preparation of a Master Plan for Pokeno West and the subsequent technical reports culminating in the Submissions to the Hearing Panel on the PWDP. In this work I was ably assisted by Mr James Oakley.

Purpose and scope of evidence

10. The purpose of this evidence is two-fold:

- a. to address how the rezoning of the property owned by Stephen and Teresa Hopkins aligns with the statutory framework which it is subject to and passes the relevant statutory tests; and
- b. to canvass the actual and potential effects associated with the activities enabled by the proposal. This is a warranted exercise given the scale of the proposal and can be viewed in line with the requirement for plan change requests to assess environmental effects as per Clause 22(2) (Schedule 1) of the Resource Management Act 1991 (**RMA**).

Expert Witness Code of Conduct

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

Context and background

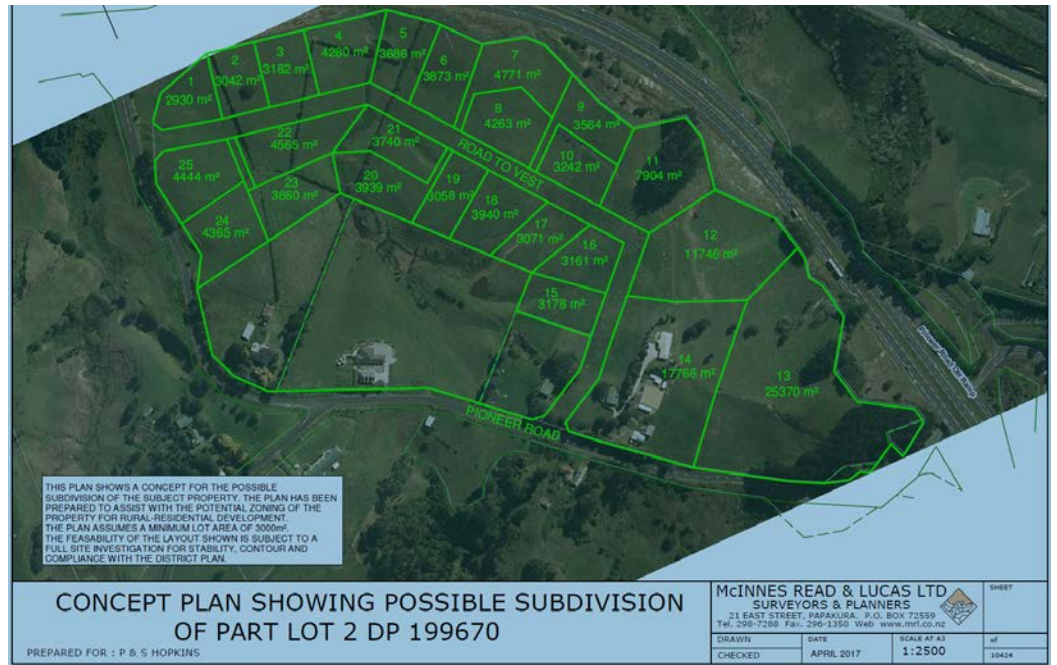
12. The context and background of the proposal to rezone the Hopkins Land for countryside living lies in the fact that the land is close to the historic village of Havelock and forms a buffer between the industrial land to the east and with the Great South Road to the north and east. The land is an isolated pocket of low producing rural land which needs to have a future in the community of Pokeno.

13. The opportunity here, is to utilise this land to provide an alternative large lot un-serviced rural/residential development within the natural boundaries of the village of Pokeno and which would add to the supply of housing for the village. At the same time a country life style development in this vicinity would add a useful alternative to the existing and proposed urban areas of Pokeno.

14. It is appreciated that the locality is outside of the agreed Future Proof settlement pattern for urban growth in the village.

Overview of submission

15. Our original submission for this property proposed that the land be village zoning. This view was partly based on some earlier survey and design work undertaken by McInnes, Read and Lucas. See drawing below



- 16.

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



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

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



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

19.

20. The evidence confirms the attractiveness of the site for large lot un-serviced residential development whether it is by way of a village zone or a country lifestyle zone.

STATUTORY FRAMEWORK

The proposal to zone this property is subject to the statutory framework of the RMA as follows:

- a. Part 2 – purpose and principles (s5 – 8);
- b. s31 – functions of territorial authorities under this act;
- c. s32 – requirements for preparing and publishing evaluation reports;
- d. s32AA – requirements for undertaking and publishing further evaluations;
- e. s74 – matters to be considered by territorial authority; and

- f. s75 – contents of district plans.

Part 2 – Purpose and Principles

21. The singular purpose of the RMA is to promote the sustainable management of natural and physical resources. Understandably the district plan must be changed in accordance with the purpose (s5), and Part 2 of the RMA as a whole (as per s74(1)(b)). The sections comprising Part 2 are assessed in turn.

Section 5 – Purpose

22. As previously mentioned, the purpose of the RMA is to promote the sustainable management of natural and physical resources. In this instance, the land to which this evidence relates is a natural and physical resource. Situated within the locality of Pokeno which is experiencing significant growth, the rezoning of the land to enable countryside living development would align with the purpose as it would provide for the economic and social well-being of the Pokeno community now and in the future. Cultural well-being is addressed later in this evidence.

23. In addition, Pioneer Road and Bluff Road are both characterised by existing lifestyle developments and further development of that nature will enable the preservation of that character and the natural features within that area.

Section 6 – Matters of national importance

24. The particular matters of national importance that are relevant to the proposal include: 6(a), (c), (d), (e), (h). These matters have been addressed in the provisions of lower-level policy documents such that detailed assessment here is not necessary.

Section 7 – Other matters

25. The particular other matters that are relevant to the proposal include: 7(a), (b), (c), (d), (f) and (i). These matters have been addressed in the provisions of lower-level policy documents such that detailed assessment here is not necessary.

Section 8 – Treaty of Waitangi

26. The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) have been taken into account in the development of the PWDP by Council. This has involved meaningful engagement with an Iwi Reference Group comprising representatives from iwi, hapu and marae. This engagement can be taken further at later development stages by working with iwi to consider how future development on the site can respectfully and meaningfully incorporate cultural values.

Section 31 – Function of territorial authorities

27. s31 outlines the functions of territorial authorities under the RMA. In this instance, subsection (1)(aa) requires Councils to provide for future development capacity for housing and business land uses to meet the expected demands of the district.

28. The rezoning of this property area aligns with this function as it would provide a significant amount of residential capacity to accommodate the growth of the township. This is pertinent as the bulk of Pokeno has already been developed and there is limited appropriate room for immediate urban expansion.

Section 32 – Preparing and publishing evaluation reports

29. The residential zoning of Pokeno West was present in the PWDP as notified meaning this decision is covered by the s32 evaluation provided by Council. The s32 report titled 'strategic direction and management growth' contains an evaluation of the reasonably practicable options to achieve the following objectives which are focused on high-level growth outcomes:

a. 4.1.1 Objective – Strategic

i. (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.

ii. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.

b. 4.1.2 Objective – Urban Growth and Development

i. (a) Future settlement pattern is consolidated in and around existing towns and villages in the district.

30. From the evaluation¹, Option 4 (proactively rezone areas for urban development) was determined as the most appropriate option to achieve the previously stated objectives. This option “involves the identification of sufficient land adjoining existing towns and villages to accommodate growth. These areas would be live-zoned as residential”².
31. With the provision of technical reports showing that residential development was feasible and internal discussions and workshopping by Council, the Council has identified Pokeno West area as a suitable “urban growth area”. As such, the area was identified with Residential zoning in the notified PWDP.
32. Waikato 2070 has taken into account revised population growth figures and has gone even further by recognising the Havelock Village area for residential zoning. This addition also achieves a much-desired link with Waikato River and achieves much better connectivity for the residents of Bluff Road and Pioneer Road to the centre of Pokeno and its facilities without venturing on to the Sothern Motorway.

Section 32AA – Undertaking and publishing further evaluations

33. As per directions issued from the Hearing Commissioners on May 12th 2020, submitters seeking rezoning are required to provide a s32AA evaluation to support their proposal.
34. A s32AA evaluation has been undertaken and attached to this evidence.

Section 75 – Contents of district plans

35. s75(3) identifies documents that a district plan must ‘give effect to’. The documents of relevance to Pokeno West include-

¹ s32 report (Strategic Direction and Management of Growth) (pg. 68-70)

² s32 report (Strategic Direction and Management of Growth) (pg. 68)

- a. any national policy statement (**NPS**); and
- b. a national planning standard; and
- c. any regional policy statement (**RPS**).

36. s75(4)(b) states that a district plan must not be inconsistent with a regional plan for any matter specified in section 30(1).

37. In this instance, the specific documents comprise:

- a. The National Policy Statement on Urban Development (**NPS-UD**);
- b. The National Policy Statement for Freshwater Management (**NPS-FW**);
- c. The National Planning Standards; and
- d. The Waikato Regional Policy Statement (**WRPS**).

ASSESSMENT OF STATUTORY FRAMEWORK

38. This section of my evidence provides an assessment of the property owned by the Hopkin's family proposal against the relevant documents identified in the statutory framework. Specifically, these include the previously identified documents and other non-RMA documents which have varying weight under s74(2)(b)(i) whereby Council is required to have regard to them.

39. These non-RMA documents include the:

- a. Waikato District Growth Strategy 2070;
- b. Waikato Blueprint;
- c. Hamilton-Auckland Corridor Plan; and the
- d. Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao.

NPS-UD

40. The NPS-UD replaced the NPS for Urban Development Capacity 2016 (**NPS-UDC**) coming into effect on the 20th August 2020. The intent of the

NPS-UD is to 'improve the responsiveness and competitiveness of land and development markets'³ as part of the Government's Urban Growth Agenda (**UGA**) and general aspiration to improve the productivity and function of cities in New Zealand.

41. The key changes between the NPS-UDC and the NPS-UD include (but are not limited to):

- a. Inserting a requirement for planning decisions to 'contribute to well-functioning urban environments'⁴;
- b. Including specific references to the following matters: amenity, values, climate change, housing affordability and the Treaty of Waitangi (Te Tiriti o Waitangi);
- c. Enabling greater intensification in strategic areas such as around centres and rapid transit network (**RTN**) stops;
- d. Removing minimum car parking rates in district plans; and
- e. Requiring local authorities to consider and respond to unexpected plan change requests that would contribute to the outcomes desired by the NPS. Unexpected in this instance refers to proposals that are unexpected by RMA planning documents or out of sequence.

42. The NPS-UD contains a raft of objectives and policies that must be given effect to in planning decisions made by local authorities. Under the NPS-UD, Hamilton is identified as a Tier 1 urban environment with the Tier 1 local authorities for Hamilton being the Waikato Regional Council, Hamilton City Council, Waikato District Council and the Waipā District Council.

43. The relevant objectives and policies of the NPS-UD with comments on how the proposal is consistent with them are provided below. Where appropriate, the objectives and/or policies have been bundled together.

³ Introductory Guide to the National Policy Statement on Urban Development 2020 (pg. 6)

⁴ National Policy Statement on Urban Development 2020 (pg. 10)

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

44. Objective 1 mirrors the purpose of the RMA. The proposed planning of Pokeno West will provide for the future growth of Pokeno by accommodating some of the significant growth in population that is projected. Waikato 2070 also recognises the potential for the Havelock Village area are sought to be rezoned so as to contribute to the forecast growth.

45. Pokeno West and Havelock village will contribute to a competitive land market as the bulk of the development in Pokeno to date has primarily been driven by the Dines Fulton Hogan joint venture under the Pokeno Village Estate development. .

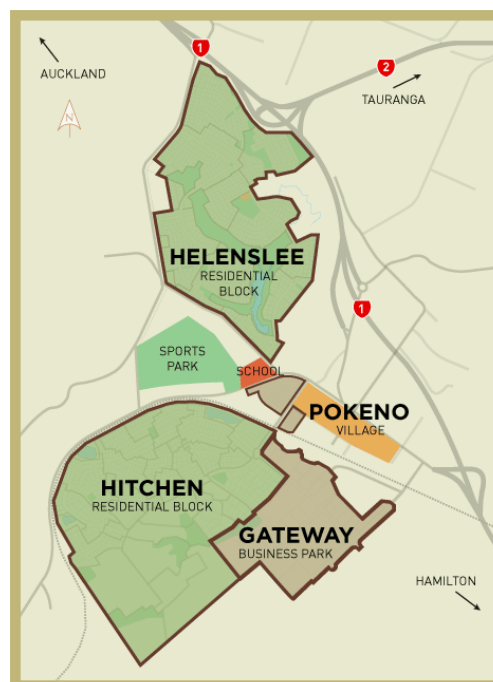


Figure 1: Development plan of Pokeno Village Estate (Source: Pokeno Village Estate website)

Figure 1 shows all of the land that has been developed or is currently under development by the joint venture. According to the website as at **15 October, 2020** all of the Helenslee residential block has sold out and the first five stages (out of

14) of the Hitchen residential block have sold out. Figure 1 provides an indication of the clear scale of the development in Pokeno that has been overseen by Dines Fulton Hogan and reinforces the benefits that could be reaped for consumers through establishing a more competitive land market.

46. What should not be overlooked are other parts of the community that can contribute to the well-being of Pokeno through development and by offering alternatives to convention urban subdivision.

Objective 3: Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

(a) the area is in or near a centre zone or other area with many employment opportunities

(b) the area is well-serviced by existing or planned public transport

(c) there is a high demand for housing or for business land in the area, relative to other areas within the urban environment.

47. For objective 3, the relevant aspect to Pokeno is sub-section (c). Urban environment in the NPS-UD means:

Any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

(a) is, or is intended to be, predominantly urban in character; and

(b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.

48. Pokeno has previously been viewed as a rural village but it is fast urbanising as evidenced by the previous and ongoing residential/industrial development. The development a Countdown supermarket is also an indicator of the fast growth given the critical mass of population required to support this amenity. Whilst it will no doubt retain peripheral rural character in the future, it is not unreasonable to say that Pokeno is intended to be predominantly urban in character.

49. Pokeno currently has a population estimated at 2,132 (from 2016) but it is projected to reach a population of 11,954 by 2045⁵. Whilst nearby areas like Tuakau and Te Kauwhata are experiencing growth⁶, the rate at which this is occurring is surpassed by Pokeno. This is attributed to the confluence of factors such as the advantageous location of Pokeno and development in the Auckland region which is causing cross-boundary spillover effects making Pokeno a much more attractive location to live in.
50. To support the growth of Pokeno, it is integral that room to grow is provided for. Council is conscious of this and in my opinion have correctly taken a proactive approach identifying the Pokeno West site as Residential Zone to enable the expansion of the town in the future. This is especially important given the absence of logical areas to accommodate future growth that are connected to the existing urban core. The Site is currently separated from the established residential area and offers a readily available opportunity for development that extends towards the steeper slopes around Ridge Road (which provides a defensible boundary).
51. What is equally important is that other sites and opportunities are not overlooked and the development of Pioneer and Bluff Roads does provide alternatives to conventional urban form but still meets the needs of achieving a compact urban area and connectivity.

Objective 6: Local authority decisions on urban development that affect urban environment are:

- (a) integrated with infrastructure planning and funding decisions; and*
- (b) strategic over the medium term and long term; and*
- (c) responsive, particularly in relation to proposals that would supply significant development capacity.*

⁵ Waikato District Blueprint 2019 (pg. 65)

⁶ As per the Waikato District Blueprint 2019, Tuakau has a population of 4,639 (2016 estimate) and is projected to reach 10,147 by 2045 (pg. 62). Te Kauwhata has a population of 1,769 (2016 estimate) and is projected to reach 3,093 by 2045 (pg. 73).

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and*
 - (ii) enable Māori to express their cultural traditions and norms; and**
- (b) have or enable a variety of sites that are suitable for different business sections 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.*

52. It is not proposed to provide waste water services to Pioneer Road as the lifestyle development will be self-serviced like many other semi-rural communities. What it will do is to add to the choice of housing types and building lots that will be available to the population of Pokeno. The provision of varying dwelling typologies will be provided through the application of the subdivision/development controls. In the PWDP there is only a single urban residential zone however Kāinga Ora have been seeking to add an additional residential zone that will enable higher-density development. Notwithstanding the success of Kāinga Ora's proposal, ultimately the market will drive the lot size outcomes in terms of what is provided by future developers but the choice of some larger self-serviced lots will be welcomed by the market.

53. The benefit of Pokeno West in creating a more competitive land/development market is evident in opening up Pokeno to be developed by other parties. This would be beneficial as Pokeno Village

Estate has been the driver of the majority of development in Pokeno to date.

54. Reductions in greenhouse gas emissions and the effects of climate change are already captured in existing policy documents below the NPS-UD. These are addressed in various sections of this evidence.

Policy 2: Tier 1, 2 and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

55. As a Tier 1 local authority, the Waikato District Council is bound by this policy. For reference, the NPS-UD defines the short term as meaning within the next three years, the medium term as between three and ten years and the long term as between ten to 30 years. The addition of some lifestyle developments around the fringe of Pokeno will be welcomed by the market...

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to any area, and those changes:*
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

56. A modest amount of life style development on the steeper land on the fringes of the proposed urban development for Pokeno will be consistent with the above.

57. The effects of climate change are already captured in existing policy documents below the NPS-UD and are addressed in various sections of this evidence.

Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is:

(a) unanticipated by RMA planning documents; or

(b) out-of-sequence with planned land release.

58. There is no formal land release strategy for Pokeno. However, the Waikato District Growth Strategy 2070 (**Waikato 2070**) which the PWDP is required to 'have regard to' identifies 'development time-frames'. For Pokeno West these are 3-10 years and 10-30 years for the land adjoining Helenslee Road and the land further westward respectively. The rate of development in that urban area will be driven by market demand and the gradual extension of essential infrastructure.

59. Providing for a small amount of lifestyle development on larger un-serviced lots will not offend the intentions of Policy 8.

NPS-FW

60. The NPS-FW replaced the NPS for Freshwater Management 2014 (amended in 2017) coming into effect on the 3rd September 2020. The NPS-FW provides an updated direction on how local authorities should manage freshwater.

Any of the small intermittent streams on the subject property will be protected as part of the requirements of resource consents at the time of development.

National Planning Standards

61. The stated purpose of the National Planning Standards is ‘to improve the efficiency and effectiveness of the planning system⁷’ through the provision of national consistency on matters such as structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility.
62. The standards have been incorporated into the PWDP as far as practicable as per earlier minutes/directions from the Hearing Commissioners issued in February and April 2020.

WRPS

63. A broad assessment of the relevant provisions is provided in the following sections.

Chapter 2 – Te Ture Whaimana o Te Awa o Waikato – Vision and Strategy for the Waikato River

64. Chapter 2 of the WRPS enacts s11 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 stipulating that the Vision and Strategy for the Waikato River (Te Ture Whaimana o Te Awa o Waikato) is part of the WRPS. The overall vision of the strategy is detailed below:

‘Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.’

65. The relationship between the Site and the Waikato River is that the river is the ultimate receiving environment for runoff and discharge from the immediate receiving environment.
66. In my opinion, the rezoning of the site would not be contrary to the Vision and Strategy but would in fact give effect to the provisions. Of particular relevance are those objectives that relate to the general health and wellbeing of the river given the site is not located in close proximity to the actual river. These objectives include 2.2.2 (a), (e), (f), (g), (h).

⁷ National Planning Standards 2019 (pg. 5)

67. Whilst a Life style zoning across the site enables development and a significant increase in impervious area, this can be undertaken in a manner that will ensure three-waters management does not adversely affect the river. This will be guided by the provisions of the PWDP and implemented by conditions that arise at the consenting stages.

68. Stormwater will be managed through wetland ponds for attenuation and treatment, on-site measures and Water Sensitive Design (**WSD**) measures such as raingardens. Collectively, these interventions will control stormwater quantity and quality which will have not have adverse flow-on effects for the river.

69. Wastewater reticulation will not be provided to the site as it will be self - serviced.

70. *Objective 3.12 Built Environment*

71. Objective 3.12 directs that the:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes.

72. The objective is supported by a number of different clauses. Those which are considered particularly relevant are addressed below:

- a. Clause a) refers to positive indigenous biodiversity outcomes. These will be primarily achieved through the retention of vegetation on-site with ecological value.
- b. Clause c) and d) refer to the integration of land use and infrastructure planning for future growth areas.
- c. Clause g) refers to minimising land use conflicts/the potential for reverse sensitivity. Reverse sensitivity will only result from the expansion of the Industrial zone. It is not an issue with the current location of industries and can be controlled by buffers on the properties supporting those industries.

Clause h) refers to responding to changing land use pressures outside of the Waikato region. This clause is especially pertinent for Pokeno given its location just south of the Auckland region and the spillover effects that are currently being experienced. Living in Pokeno has become a significantly more attractive alternative to living in Auckland due to the lower property costs whilst maintaining the accessibility of Auckland with SH1 passing through Pokeno.

Objective 3.14 Mauri and values of freshwater bodies

73. Objective 3.14 directs that the mauri and identified values of fresh water bodies are maintained or enhanced. Given the Vision and Strategy for the Waikato River is embedded in the WRPS and is more directive in its wording⁸, achieving the objectives and policies of Chapter 2 will also achieve this objective.

Policy 6.1 Planned and co-ordinated subdivision, use and development

74. Policy 6.1 directs that:

Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) has regard to the principles in section 6A;*
- b) recognises and addresses potential cumulative effects of subdivision, use and development;*
- c) is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and*
- d) has regard to the existing built environment.*

75. The section 6A development principles are addressed later in this evidence. The other matters in b), c) and d) are generally canvassed throughout my evidence and do not require a targeted assessment in this section.

Policy 6.3 Co-ordinating growth and infrastructure

⁸ The Vision and Strategy uses words like 'restore', 'protect', 'recognise' whereas Objective 3.14 uses 'maintain or enhance'.

76. Policy 6.3 is focused on the delivery of infrastructure and of the relevant aspects that relate to this such as funding, sequencing and implementation.

77. It is not proposed to extend existing public infrastructure to service Bluff Road and Pioneer Road. As mentioned earlier these areas are characterised by self serviced life style blocks. *Policy 6.12 Implementing Franklin District Growth Strategy*

78. Policy 6.12 directs that growth be managed in accordance with the Franklin District Growth Strategy (**FDGS**). In particular:

Management of the built environment should be in accordance with the general visions and development directions described for the relevant towns and rural character areas in Sections 7 and 8, and Map 1.0 of the Franklin District Growth Strategy; and

New industrial development should predominantly be located in the strategic industrial nodes in Table 6-3.

79. The FDGS projected that by 2051 the population of Pokeno would be 5,200+ people⁹. By contrast, the 2019 Waikato Blueprint projects growth in Pokeno to reach 11,954 by 2045¹⁰. Because of this, certain aspects of the FDGS have since been rendered obsolete due to the unanticipated growth in Pokeno since the FDGS was first published. Comments on the status of the FDGS have been provided in para. 139 of the s42A Framework Report (**s42A**) whereby the author states that “the WRPS provisions relating to the Franklin Strategy have been superseded and should be disregarded¹¹”.

Policy 6.14 Adopting Future Proof land use pattern

80. Policy 6.14 directs the following:

Within the Future Proof area:

⁹ Franklin District Growth Strategy 2007, (pg. 113)

¹⁰ Waikato District Blueprint 2019, (pg. 65)

¹¹ s42A Framework Report (pg. 32)

New residential (including rural-residential) development shall be managed in accordance with the timing and population for growth areas in Table 6-1 (section 6D);

6D Future Proof tables

Table 6-1: Future Proof residential growth allocation and staging 2006-2061

Growth areas	Residential population¹²			
	2006	2021	2041	2061
Waikato Rural Villages	2350	3300	4290	5330

81. It is noted that the Future Proof map (map 6C) (showing the Future Proof area) that is embedded in the current WRPS does not show the boundaries extending into Pokeno. Notwithstanding this, the map (Future Proof Settlement Pattern) in the FPGS does extend into Pokeno and shows indicative urban limits which the site is located within.

82. To implement Policy 6.14, the WRPS has two methods:

- a. Implementation method (6.14.1) directs Territorial Authorities to ‘review or prepare changes to their district plans and structure plans to identify locations and limits for future urban development, including future areas of major commercial and industrial development. The district plans shall ensure that urban development is located and managed in accordance with Policy 6.1.4’.
- b. Implementation method (6.14.2) directs the Territorial Authorities to ‘ensure the land is zoned and appropriately serviced in accordance with Policy 6.14, Tables 6-1, 6-2 and 6-3 in section 6D’.

¹² The above population figures in any given location do not take account of growth associated with marae and papakāinga development. Consequently, actual population figures may exceed the above figures in some areas.

Policy 6.15 Density targets for Future Proof area

83. Policy 6.15 directs that Council:

...shall seek to achieve compact urban environments that support existing commercial centres, multi-modal transport options, and allow people to live, work and play within their local area. In doing so, development provisions shall seek to achieve over time the following average gross density targets.

Development type and location	Average gross density target
Greenfield development in Waikato District rural Villages where sewerage is reticulated	8 – 10 households per hectare

84. To implement Policy 6.15, there is one stated method which directs Council to include suitable provisions in the district plan (and any other mechanisms). Council has done this through density Policy 4.1.5(b) in Chapter 4 (Urban Environment) of the PWDP which states:

Achieve a minimum density of 12-15 households per hectare in the Residential Zone.

85. It is agreed the low-density lifestyle development will not support density targets but it will achieve a much better utilisation of larger unproductive pockets of rural land.

Achieve a minimum density of greater than 10 households per hectare in the Residential Zone within Pokeno.

86. See comments above.

Recognise that the minimum potential yield may not be achieved where there are proven geotechnical and topographical constraints.

87. This is recognised in lifestyle developments assessments and in the by identifying these areas as open space. As a result, this has generated an indicative density that is below the desired density of 10 households per

hectare. On the other hand where pockets of unproductive land are 6A
Development Principles

88. Section 6A contains a set of principles that guide the development of the built environment in the Waikato region. Subdivision, use and development are required to 'have regard' to the principles. It is noted that the WRPS recognises that meeting all of the principles is not always feasible and that trade-offs may occur. As such, general consistency with the principles is encouraged¹³.

89. The principles that are of particular relevance to Pioneer Road are addressed in turn:

a) support existing urban areas in preference to creating new ones.

90. Pioneer Road is close to the existing urban area of Pokeno which currently exists on the eastern side of Helenslee Road. This comprises the established Pokeno Village that is more or less fully developed. This is a logical area for expansion that does not give rise to the potential adverse effects associated with isolated development away from what currently exists.

b) occur in a manner that provides clear delineation between urban areas and rural areas;

91. Delineation is already achieved in Pioneer Road by the character of the development.

c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;

92. This development principle is not relevant to Pioneer Road as the proposal is not for urban intensification or redevelopment.

d) Not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;

¹³ Waikato Regional Policy Statement (pg. 92)

93. Transport infrastructure in Pioneer and Bluff Road will be enhanced by the improved connectivity to the Pokeno centre via the propose Havelock Village urban development. This will eliminate the need to maintain the very dangerous Pioneer Road Motorway connection currently being used.

e) connect well with existing and planned development and infrastructure;

94. See comments above

f) identify water requirements necessary to support development and ensure the availability of the volumes required;

95. The water supply requirements for Pioneer Road is supplied by the residents through their own water harvesting and it is proposed that this system continue.

g) be planned and designed to achieve the efficient use of water;

96. See comments above.

h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;

97. Pioneer Road is not subject to any of the extraction planning controls (Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area) in the PWDP.

98. promote compact urban form, design and location to:

a. minimise energy and carbon use;

b. minimise the need for private motor vehicle use;

c. maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;

d. *encourage walking, cycling and multi-modal transport connections; and*

e. *maximise opportunities for people to live, work and play within their local area;*

99. The close proximity of Pioneer and Bluff Road to the Pokeno village centre and the opportunity of enhanced connectivity through the Havelock Village development will encourage the use of public transport and other modes of transport in the future.in the future.

f. *maintain or enhance landscape values and provide for the protection of historic and cultural heritage;*

100. There are no recognised significant landscape values as evidenced by the absence of landscape controls (Outstanding Natural Features, Outstanding Natural Landscapes, Natural Character or Significant Amenity Landscapes) identified over the site.

101. In terms of the general transformation of the site from rural to urban this will be mitigated by: the low pre-existing landscape values of the site, the retention of natural features/landscaping and the pace of the urbanisation over time which will be gradual and not immediate.

102. There are also no recognised Heritage Items, Battlefield View Shafts or Heritage Precincts on the site.

g. *Promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habits of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged.*

103. There are no Significant Natural Features on the subject site but intermittent streams will be protected and the open nature of low density lifestyle blocks will be in character with Pioneer and Bluff Road

h. *Maintain and enhance public access to and along the coastal marine area, lakes and rivers;*

104. The linkage of Pioneer Road and Bluff Road with Havelock Village will provide enhanced access to the Waikato River

i. Avoid as far as practicable adverse effects on natural hydrological characteristics and process (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);

105. LIUDD and water sensitive design methods will be implemented for the management of stormwater on-site.

j.adopt sustainable design technologies, such as the incorporation of energy-efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;

106. The adoption of sustainable design technologies can be addressed at resource consenting stage where detailed designs are provided.

k. not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;

107. The site is already a well-established lifestyle area in character, and although significant industries have established in recent years on the industrial zone, south of the village centre, there is adequate room for the existing industries to maintain a buffer on their own properties to avoid reverse sensitivity risks.

l. be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;

108. The low density and low impact design will take into account climate change requirements.

m. consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;

109. The effects on tāngata whenua relationships has been addressed in my commentary provided on the Vision and Strategy for the Waikato River.

110. Opportunities to recognise tāngata whenua connections can be considered at a later date when specific elements of the future development are being deliberated.

n. support the Vision and Strategy for the Waikato River in the Waikato River catchment;

111. This has been addressed previously in my evidence.

o. encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and

112. Implementing waste minimisation and resource efficient methodologies can be addressed at resource consenting stage where detailed designs are provided.

p. recognise and maintain or enhance ecosystem services.

113. Ecosystem services will be will be enhanced primarily through the restoration and protection of degraded freshwater (streams) ecosystems. This will be achieved by removing stock from the site and establishing green corridors with riparian planting.

Summary

114. Based on the analysis provided in the preceding sections, it is my opinion that the Subject property and life style zoning proposal strongly aligns with the relevant provisions of the WRPS and will not negatively affect the requirement for District Plans to 'give effect' to a regional policy statement as per s75(3)(c).

Future Proof Growth Strategy

115. The Future Proof Growth Strategy (**FPGS**) is the product of collaboration between various territorial authorities (Hamilton City Council, Waipa District Council, Waikato Regional Council and Waikato District Council), tāngata whenua, the NZTA and the Waikato District Health Board. The purpose of the FPGS is to guide and manage the growth of the Hamilton, Waipa and Waikato sub-region over the next 30 years.

116. Section 1.3 of the FPGS contains a number of guiding principles which the strategy states:

‘apply in respect of the Strategy and its implementation. The ongoing application of these principles is key to effective implementation and should be used in assessing and measuring proposals against the Strategy and any subsequent changes that are made to it¹⁴’

117. Commentary on the relevant guiding principles is provided in the following sections. Where there is considerable overlap with the 6A Development Principles of the WRPS, this is noted.

Ensure the sub-region’s towns and villages retain their individual and distinct identities with thriving town centres that support people to live, work, play, invest and visit.

118. The rezoning of the Subject land would add to the growth of Pokeno which would enhance it as area to live, work, play, invest and visit. Currently the land is zoned Rural and is limited in its ability to contribute to Pokeno in this manner. It is also noted that the rezoning and future development would not detract from the character and identity of the town which is a combination of urban and rural on the periphery.

Promote increased densities in new residential development and more intensive redevelopment of existing urban areas.

119. The subject land has a single dwelling on 15.6 ha. and the density would be greatly enhanced by lifestyle development. The rezoning from Rural to Countryside living will provide for a material increase on the capacity for residential development in Pokeno.

¹⁴ Future Proof Growth Strategy (pg. 10)

Encourage development to locate adjacent to existing urban settlements and nodes in both the Waikato and Waipa Districts and that rural-residential development occurs in a sustainable way to ensure it will not compromise the Future Proof settlement pattern or create demand for the provision of urban services.

120. Pioneer Road is consistent with this principle as the area is within the physical confines of the village of Pokeno and will offer lifestyle choices.

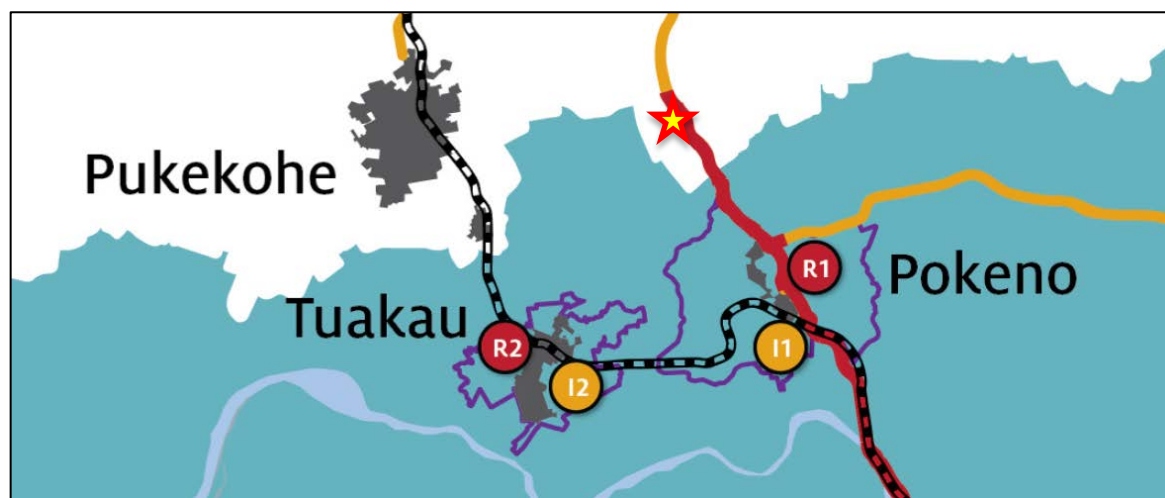
Provide housing and lifestyle choice within defined locations, including papakāinga, with greater emphasis on good urban design outcomes. Where possible, respond to government policies on land supply and housing affordability.

121. The rezoning will contribute the supply of zoned land in Pokeno and as mentioned above contribute to lifestyle choices.

Maintain the separation of urban areas by defined and open space and effective rural zoning.

122. The interface between rural and urban areas has been previously addressed.

Recognise and provide for the growth of urban areas and villages within indicative urban and village limits. As discussed previously Pioneer Road and Bluff Road are recognised as within the recognised urban limits of Pokeno



Support existing commercial centres, towns and villages within the sub-region so these places remain vibrant and valued.

123. The lifestyle development proposed would add to the redevelopment and growth of the town centre as there would be a sizeable increase to the population base to support existing services/amenities. This would also have positive flow-on effects as Pokeno becomes a more attractive area to invest in. Currently there is a Countdown supermarket under development which was only made possible by having a sufficient critical mass to support this venture. Adding to the growth of Pokeno will enable other similar opportunities to arise such as the potential establishment of a high school in the future.

Maintain and enhance the cultural and heritage values of the sub-region.

124. Cultural and heritage matters can be addressed at the resource consenting stage when detailed designs are being provided. This is an appropriate response as the site does not contain any unique or special cultural/heritage items recognised in the PWDP.

Ensure development in established settlements to support existing infrastructure.

125. Pioneer and Bluff Road is part of the historic part of Pokeno and deserves to be recognised as such as part of the District Wide Review .

Ensure development is planned to support safe and efficient transport infrastructure, including public transport provision and reduced dependence on motor vehicles.

126. As Pioneer and Bluff Road adjoins the existing urban area of Pokeno, the provision of appropriate cycling infrastructure to encourage its use of a sustainable mode of transport to the town centre is feasible.

127. The further growth of Pokeno could lead to the establishment of additional public transport services if the critical mass is there to support its uptake and sustained patronage.

OTHER RELEVANT STRATEGIC DOCUMENTS

128. This section briefly canvasses other non-RMA documents that have relevance to the Pokeno West proposal. These include:

- a. Waikato District Growth Strategy 2070;
- b. Waikato Blueprint;
- c. Hamilton-Auckland Corridor Plan; and the
- d. Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao.

Waikato District Growth Strategy 2070

129. The Waikato District Growth Strategy 2070 (**Waikato 2070**) strategy is a 'guiding document that the Waikato District Council uses to inform how, where and when growth occurs in the district over the next 50-years¹⁵. Hearings on the strategy took place in February 2020 with the strategy being finalised in 19 May 2020.

130. As mentioned previously in Section 34(d) of this evidence, Pokeno has been growing significantly due to immense growth in Auckland. Waikato 2070 acknowledges the existence of these spillover effects as evidenced by the following statement:

'High immigration coupled with increased internal migration patterns and overseas investment led to significant growth in Auckland and rising property prices. Whilst initially causing a two-speed economy, Auckland and the rest of the country, an overflow effect on Hamilton and the Waikato district began to be experienced. Over a decade this eventually led to rapid growth in Pokeno and Te Kauwhata, as well as development pressures elsewhere in the district, which has rarely been seen in recent decades¹⁶.

131. The relevance of the statement above is that it confirms the need to proactively identify new growth areas (such as the subject area) in Pokeno to accommodate the pressures that are currently being experienced and will continue to occur in the future.

132. The importance of Waikato 2070 is captured in the fact that it is a recently developed strategy that has been prepared with public input pursuant to

¹⁵ Waikato District Growth Strategy 2070 (pg. 2)

¹⁶ Waikato District Growth Strategy 2070 (pg. 10)

section 83 (Special consultative procedure) of the Local Government Act 2005.

133. On this basis, Waikato 2070 should be afforded the appropriate weighting required by s74(2)(b)(i) of the RMA as a strategy prepared under another Act that Council is required to 'have regard' to.

Waikato Blueprint

134. The Waikato Blueprint is a non-statutory document comprising a series of district and local area blueprints. These provide a high-level view of how development could take place over the next 30 years.
135. . Canvassing the top priority initiatives, these broadly relate to providing additional community amenities and facilities to meet the growing population demand. These include additional employment opportunities, potential new education facilities and recreation spaces.
136. The impact of this proposed Country Side Living Zone will be small but will be significant signal that old Pokeno has not been forgotten. The rezoning impact will be small but will help to support the overall growth of the town. In turn this will add to the critical mass required to accommodate additional community amenities and facilities such as a potential sports park.

Hamilton-Auckland Corridor Plan

137. The Hamilton-Auckland Corridor Plan (**H2A**) is part of Central Government's Urban Growth Agenda (UGA) which is a programme to facilitate urban development around the country.
138. The H2A makes strong references to Pokeno identifying the township as an urban growth area with a particular focus on the Papakura-Pokeno corridor. Similar to the local area blueprint for Pokeno, the H2A is proposing significant growth initiatives for Pokeno the most significant of which is the integration of Pokeno with the areas to the north along the Papakura-Pokeno corridor (Tuakau, Pukekohe, Drury). This could include the extension of transit services (rail/bus) to Pokeno providing greater freedom of movement throughout the corridor. Pokeno West would

positively contribute to the H2A through the additional patronage needed to ensure the viability and growth of such services.

Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao

139. The Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao (**WTEP**) is relevant as a document required to be taken into account pursuant to Section 74(2A). The overarching purpose of the WTEP is to 'provide a map or pathway that will return the Waikato-Tainui the modern day equivalent of the environmental state that it was in when Kiingi Taawahiao composed his maimai aroha¹⁷..

140. Chapter 6 outlines the expectations Waikato-Tainui have for consultation and engagement stressing that beginning this process early is encouraged. In this instance, consultation and engagement has been undertaken by the Council Policy Team in the preparation of the PWDP with an Iwi Reference Group comprising representatives from various Iwi/Hapu/Marae.

141. According to documentation (Appendix 1.1 – Iwi Consultation Clause 3) supporting the Introduction s32 Report, quarterly meetings were held as early as 2014 to discuss various District Plan matters¹⁸.

142. Chapter 11 relates to the Waikato Raupatu Claims (Waikato River) Settlement Act (2010). The purpose of the settlement is to 'restore and protect the health and wellbeing of the Waikato River for future generations¹⁹..

In this instance, the River is relevant as it relates to the management of stormwater on-site and earthworks. Stormwater will be addressed in a new Stormwater Management Plan for the district (**SMP**) which will promote a Water Sensitive Design approach. Earthworks will be guided by existing standards and guidance such as the WRC Erosion and Sediment Control Guidelines.

CONSIDERATION OF ENVIRONMENTAL EFFECTS

¹⁷ WTEP (pg. 16)

¹⁸ Iwi Consultation (pg. 1)

¹⁹ WTEP (pg. 76)

143. This section of my evidence provides commentary on the actual and potential effects associated with the implementation of the proposal.

Economic

1. Several economic reports have recently emphasised the need for the Review of the Plan to adequately provide for the growth of Pokeno and to assist with the housing crisis. In short, these Economic reports conclude that the demand for housing in the Waikato District is not likely to be met by the housing capacity enabled by the PWDP. This point is echoed by the contents of the s42A which openly acknowledges that additional residential zoned land is needed to meet the demand of the district and to comply with the NPS-UD.
2. Upon review of this evidence and the absence of economics matters raised by other submitters on the proposal, it is my opinion that there is nothing relating to economic effects that precludes the proposed rezoning. Alternatively, there are numerous significant economic benefits that would be generated by the proposal.

ISSUES RAISED BY INITIAL AND FURTHER SUBMITTERS

3. Primary submissions (that raised issues) were received from Pokeno Village Holdings Limited (#386) (**PVHL**), Anna Noakes (#524) and Terry Withers (#598).
4. Further submissions (that raised issues) were received from Mercury NZ Limited (#1384) (**Mercury**), Ngati Tamaoho (#1369) and Hynds Pipe Systems (#1341) (**Hynds**) and PVHL (#1281).

Comments on s42A Framework Report

5. The s42A Framework Report (**s42A**) was released on the 19th January, 2021 with a stated function to achieve a consistent approach for the consideration of rezoning submissions.

6. The three-lens methodology outlined in the s42A has been integrated into this evidence with the assessment of relevant PWDP objectives and policies contained in **Attachment A** along with the required s32AA evaluation. Demonstration of alignment/consistency with the higher order documents is provided throughout this evidence.

CONCLUSIONS

7. The current District Wide Plan review represents a momentous opportunity in Pokeno to provide significant capacity for residential development that would generate numerous other benefits. Given the rapid growth the town is currently experiencing (and projected to experience in the future) it is integral that appropriate areas for growth are enabled.
8. As proposed areas for urban development which adjoins the existing urban core and are within the urban growth limits identified in the FPGS in my opinion are appropriate area for rezoning. This is coupled with the proposal meeting the relevant statutory tests in the RMA, alignment with other strategic planning documents and the ability to appropriately manage any adverse effects that are generated.
9. With the absence of readily available land to develop in Pokeno, the proposal is a logical expansion of the town. This avoids creating growth areas in Pokeno that could potentially detract from what currently exists.
10. What should not be lost sight of is that there are other pockets of land that should be considered because they too deserve a place in the extensive development that is about to take place in this fast-growing urban area.

SIR WILLIAM BIRCH

19 February 2021

ATTACHMENT A – s32AA EVALUATION

