

**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** **CSL TRUST & TOP END PROPERTIES LTD (89)**

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**STATEMENT OF PLANNING EVIDENCE FROM JAMES GILBERT OAKLEY  
FOR CSL TRUST & TOP END PROPERTIES LTD (89)**

*17 February 2021*

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## **MAY IT PLEASE THE PANEL**

### **Introduction**

1. My full name is James Gilbert Oakley. I am a resource planner 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 planning evidence on behalf of CSL Trust & Top End Properties Ltd (submitter #89) (the **submitters**) relating to the zoning of land on Helenslee Road, Pokeno (the **site**) which is subject to the district plan review process of the Proposed Waikato District Plan (**PWDP**).

### **Qualifications and experience**

3. I have a Bachelor of Arts degree and a Masters of Urban Planning & Urban Design (Hons) degree both obtained from the University of Auckland. I am an Intermediate Member of the New Zealand Planning Institute, a member of the Resource Management Law Association and a member of the New Zealand Urban Design Forum.
4. My relevant professional experience spans three years whereby I have been involved in many consenting and policy projects primarily across the Auckland and Waikato regions.
5. My recent experience that is relevant to the proposal includes:
  - a. Co-authoring the suite of planning reports for a private plan change request to be lodged rezone some 82.6ha of land in Pukekohe from Future Urban Zone/Special Purpose Zone to residential/light industrial use, and to apply bespoke planning controls in the form of a new precinct.
  - b. Co-authoring the suite of planning reports for another plan change request in Pukekohe (also yet to be lodged) to rezone some 80ha of land from Future Urban Zone for residential/light industrial use.

- c. Preparing submissions and/or evidence for other Plan Changes in Auckland (Plan Change 20 – Rural Activity Status, Plan Change 5 – Whenuapai Plan Change).

### **Involvement in the project**

6. My involvement in the project commenced in mid-2018 following the notification of the PWDP for primary submissions. Prior to this, other planning staff at BSL had overseen the commissioning of technical reports to support the submission and the lodgement of submissions on the Draft Proposed District Plan.
7. Since my involvement began, I have become heavily involved in the project. These responsibilities have included lodging the primary and further submissions on the PWDP, drafting evidence and other materials that have been submitted or tabled at hearings and attending a number of the hearings.

### **Purpose and scope of evidence**

8. The purpose of this evidence is two-fold:
  - a. to address how the rezoning of the Site 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 RMA.

### **Expert Witness Code of Conduct**

9. 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.

### **Other relevant evidence**

10. My evidence relies on, and should be read alongside the evidence of the following technical experts:

- a. Adam Thompson – economics.
- b. Will Moore – engineering.
- c. Fraser Walsh – geotechnical.
- d. Jennifer Shanks – ecology.
- e. Leo Hills – traffic.
- f. Rob Pryor – landscape/visual.
- g. Billy Ho – urban design.
- h. Sir William Birch – land development.

### **Context and background**

11. Discussions on pursuing the rezoning of the site commenced in 2017. Following approval from the submitters, engagement with consultants to prepare technical assessments of the proposal began with a view to lodging a submission on the PWDP seeking a change from rural to urban zoning.

### **Overview of submission**

12. As outlined in the useful background information contained in the evidence of Mr Birch, considerable work has gone into the development of the rezoning proposal. Since the time of notification in 2018, initial and further submissions have been lodged to Council for the sought rezoning of the land and to respond to other submitters whom have expressed opposition to it for reasons addressed later in this evidence.

13. Additional technical support has also been obtained to further reinforce the suitability of the site for future development. In turn, this has resulted in various amendments and modifications to the concept masterplan for the site but no variation to the underlying relief that is sought. This is summarised as follows:

- a. The entirety of the site which comprises approximately 95ha of land to be rezoned to a mixture of Residential Zone and Country Living Zone as per the zoning plan. It is noted that on the supplied zone plan (**Attachment A**) some of this land has been identified as Medium Density Residential Zone (**MDRZ**). The proposal to establish this zoning in the plan is being led by Kāinga Ora – Homes and Communities (**Kāinga Ora**). In their supplied plans, Kāinga Ora have not identified any MDRZ on the site. Notwithstanding this it is considered that there are logical areas on-site that lend themselves to the MDRZ. If MDRZ on the site is not agreeable, the entirety of the residential area is sought to be zoned Residential; and
- b. A Neighbourhood Centre is proposed to provide for the day-to-day needs of future residents. This is sought to be identified on the planning maps.

## **STATUTORY FRAMEWORK**

14. The proposal is subject to the statutory framework of the Resource Management Act 1991 (**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**

15. 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, and Part 2 of the RMA as a whole (as per s74). The sections comprising Part 2 are assessed in turn.

#### Section 5 – Purpose

16. In this instance, the site which is subject to the rezoning proposal is a natural/physical resource. Approval of the relief sought aligns with the purpose of the RMA through the provision of additional residential capacity to accommodate the growth of Pokeno and the wider-district. This supports people and communities socially and economically providing an area for those in the housing market to reside. Cultural well-being can be addressed at the development stage where site-specific development decisions are being made.

17. Further to the social and economic benefits, restoration and enhancement of the environment can be undertaken generating ecological benefits relating to the Significant Natural Areas (**SNA**) on-site and the various watercourses.

#### Section 6 – Matters of national importance

18. 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

19. 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

20. 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**

21. One of the key functions of Council is to stated under s31(1)(aa) which is “the establishment, implementation, and review of objectives, policies and methods to ensure that there is sufficient development capacity, in respect of housing and business land to meet the expected demands of the district”.
22. In this instance, the expected demands of the district are well-known as evidenced by the suite of recent reporting released<sup>1</sup>. This is supported by comments in the Framework s42A Report (**s42A**) and the supporting technical data which signals the need for additional residential zoned land above that identified in the PWDP.

### **Section 32AA – Undertaking and publishing further evaluations**

23. As per directions issued from the Hearing Commissioners on May 12<sup>th</sup> 2020, submitters seeking rezoning are required to provide a s32AA evaluation to support their proposal. This has been prepared in accordance with the guidance provided by Council and is contained within **Attachment B**.

### **Section 74 – Matters to be considered by territorial authority**

24. s74 identifies matters which a territorial authority must prepare and change its district plan *in accordance with*. For the most part the sections have been previously discussed such as the functions under s31, Part 2 and s32. Of particular note for determining alignment with higher order documents are those prepared under s74(2) whereby Council is required to *have regard to* them. These documents include the following which are management plans and strategies prepared under other Acts (s74(2)(b)(i):

- a. Waikato District Growth Strategy 2070 (**Waikato 2070**).

25. There are also relevant planning documents recognised by an iwi authority which the territorial authority must *take into account*.

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<sup>1</sup> 2020 Update of Population, and Family and Household, Projections for Waikato District, 2013-2063 (Cameron, 2020)

- a. Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao (**WTEP**).

### **Section 75 – Contents of district plans**

26. s75(3) identifies documents that a district plan must 'give effect to'. The documents of relevance to the proposal include-

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

27. 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**

28. This section of my evidence provides an assessment of the proposal against the relevant documents identified in the statutory framework. Specifically, these include the previously identified documents and other statutory documents including the:

- a. The Vision and Strategy for the Waikato River;
- b. Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao;
- c. Future Proof Strategy Planning for Growth 2017 (**FPS**)
- d. Waikato District Growth Strategy 2070 (**Waikato 2070**);



## NPS-UD

29. The NPS-UD replaced the NPS for Urban Development Capacity 2016 (**NPS-UDC**) coming into effect on the 20<sup>th</sup> August 2020. The intent of the NPS-UD is to 'improve the responsiveness and competitiveness of land and development markets'<sup>2</sup> as part of the Governments Urban Growth Agenda (**UGA**) and general aspiration to improve the productivity and function of cities in New Zealand.

30. 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'<sup>3</sup>;
- 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.

31. 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.

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<sup>2</sup> Introductory Guide to the National Policy Statement on Urban Development 2020 (pg. 6)

<sup>3</sup> National Policy Statement on Urban Development 2020 (pg. 10)

32. 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.

*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.*

33. Objective 1 is similar to s5 of the RMA regarding the focus on social, economic and cultural wellbeing. In terms of the proposal, the rezoning of the land would assist with accommodating the immense growth of Pokeno generating positive social and economic outcomes. Providing additional residential capacity will help to ensure Pokeno can continue to grow and will support those in the housing market. Historically Pokeno has shown to be a popular place to reside and this trend is set to continue into the future.

34. Housing affordability will be supported through the increase in competition in the Pokeno land market. To date, the bulk of the development within Pokeno has been undertaken by the Dines Fulton Hogan joint venture and the Pokeno Village Estate (**PVE**) development as shown in **Attachment C**. The addition of a new developer into the market will positively contribute to competition as those in the housing market will have greater variety in choice. Also, the supply of additional land for development will positively affect prices.

*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.*

35. 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.*

36. 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.

37. Pokeno currently has a population estimated at 2,132 (from 2016) but it is projected to reach a population of 11,954 by 2045<sup>4</sup>. Whilst nearby areas like Tuakau and Te Kauwhata are experiencing growth<sup>5</sup>, 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. Mr Thompson touches on this topic in his overview of the Auckland housing market and how this has expedited the growth of Pokeno as an attractive location to live for young families and young singles and couples that may be considering starting a family.

38. To support the growth of Pokeno, it is integral that room to grow is provided for. 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 only by

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<sup>4</sup> Waikato District Blueprint 2019 (pg. 65)

<sup>5</sup> 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).

Helenslee Road and offers a readily available opportunity for development that extends towards the steeper slopes around Ridge Road (which provides a defensible boundary).

*Objective 6: Local authority decisions on urban development that affect urban environments 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.*

39. Refer to the evidence of Mr Moore for commentary on engineering matters.

40. The rezoning proposal is of a significant size with the site being some 95ha in size and offering an indicative yield of 400 – 600 lots as per the concept masterplan. These characteristics mean that the proposal can make a meaningful contribution to addressing residential supply issues in Pokeno in the medium-long term.

*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.*

41. A range of dwelling typologies is enabled through the rezoning that is sought. The proposed Residential Zone and MDRZ provide outcomes that are comparable to what already exists in Pokeno and alternative higher-density outcomes. The CLZ offers large lot living outcomes which is a desirable response given the lay of the land.

42. Further discussions with Iwi can be held at later development stages regarding appropriate ways to meaningfully express their cultural traditions and norms.

43. No strict business zoning is proposed to be applied on the site but a Neighbourhood Centre is sought to be established that will provide for the day-to-day needs of residents. This is warranted given the large size of the proposal. The centre will be of a scale that avoids potential adverse competition effects with the existing Pokeno Town Centre. Refer to the evidence of Mr Thompsons for commentary on centres in Pokeno.

44. The site is contiguous with the existing urban area and can be viewed as a logical extension of Pokeno. Because of the close proximity, new and existing amenities will be accessible and can effectively be shared. The site is also well-located in relation to transport infrastructure such as State Highway 1 (**SH1**) and State Highway 2 (**SH2**) allow for easy access to the surrounding regions.

45. As previously mentioned, the bulk of the development in Pokeno to date has been through the PVE development. The rezoning proposal will enable new developers to enter the market and increase competition.

46. 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.*

47. 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 rezoning proposal assists with this requirement providing an appropriate solution to accommodating the residential growth of Pokeno over the medium to long terms.

*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.*

48. The rezoning proposal would make a meaningful contribution to contributing to Council's requirements to provide sufficient capacity for residential growth. The current situation in Pokeno as per the Framework s42A Report (**s42A**) and supporting documents is that the demand for growth surpasses that identified in the notified PWDP. Rezoning of the site would contribute to plugging this gap and ensuring sufficient land was available for development in the medium-long term.

49. 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 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.*

50. The rezoning proposal is neither a plan change nor is it within the planned land release strategy of Waikato 2070. Notwithstanding this, the site is identified in the indicative urban limits contained within the Future Proof Strategy for Growth (**FPS**) and is contiguous with already developed urban zoned land. On this basis, it is considered that because of the development capacity that can be added and the potential contribution to the well-functioning urban environment of Pokeno that the site should be rezoned to enable urban land uses.

## **NPS-FW**

51. 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.

## **National Planning Standards**

52. The stated purpose of the National Planning Standards is 'to improve the efficiency and effectiveness of the planning system<sup>6</sup>' through the provision of national consistency on matters such as structure, format, definitions, noise and vibration metrics and electronic functionality and accessibility.

53. 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.

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<sup>6</sup> National Planning Standards 2019 (pg. 5)

54. The proposal does not involve any aspects (e.g., site specific controls) that might otherwise be affected by the standards. As such, the proposal does not affect the ability for the plan to give effect to the standards as required by s75(ba).

### **Waikato Regional Policy Statement**

55. A targeted assessment of a selection of the Waikato Regional Policy Statement (**WRPS**) provisions was provided as an appendix to the further submission. This was done in response to comments by Pokeno Village Holdings Limited (**PVHL**) in their primary submission (submitter #386). Notwithstanding this, a broader 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*

56. 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.’*

57. 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. In the case of the site, it is the development enabled by the rezoning which should be the focus on the inter-relationship with the river.

58. 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).



59. Whilst Residential zoning across the site enables a large scale of urban 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.
60. 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. Refer to Mr Moore's evidence for further detail on stormwater management.
61. Wastewater reticulation will be provided to the site through an expansion of the existing public network. To manage wastewater flows, development of the site will require additional wastewater pump stations. The treatment of wastewater will be catered for by the Pukekohe Wastewater Treatment Plant (**PWTP**) which has recently been upgraded and can accommodate further growth in Pokeno. Refer to Mr Moore's evidence for further detail on wastewater servicing.

*Objective 3.12 Built Environment*

62. 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.*

63. 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. This includes (but is not limited to) the bulk of the SNAs which will be contained in open space areas away from development. Refer to Mrs Shanks evidence for further detail on the SNAs.

- b. Clause c) and d) refer to the integration of land use and infrastructure planning for future growth areas. Refer to Mr Moore's evidence for further detail on the integration with infrastructure.
- c. Clause g) refers to minimising land use conflicts/the potential for reverse sensitivity. This can be achieved as the site directly adjoins the existing urban area of Pokeno rather than being isolated and disconnected. Whilst the area surrounding the site would also be rural in nature, conflicts can be managed through buffers and setbacks which are appropriate mechanisms.
- d. 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. Refer to Mr Thompson's evidence for further detail on the effects on Pokeno from growth in Auckland.

*Objective 3.14 Mauri and values of freshwater bodies*

64. 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 wording<sup>7</sup>, achieving the objectives and policies of Chapter 2 will also achieve this objective.

65. Refer to Mr Moore evidence for further detail on stormwater management methodologies.

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

66. Policy 6.1 directs that:

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<sup>7</sup> The Vision and Strategy uses words like 'restore', 'protect', 'recognise' whereas Objective 3.14 uses 'maintain or enhance'.

*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.*

67. 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*

68. 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.

69. For the rezoning proposal, the site is benefitted by its location on the western rural-urban divide of Pokeno. This means that there is existing public infrastructure that can be utilised and extended to service the site. Where necessary, infrastructural upgrades will be provided.

70. Refer to Mr Moore's evidence for detail on the delivery of three-waters infrastructure and timing.

*Policy 6.12 Implementing Franklin District Growth Strategy*

71. Policy 6.12 directs that growth be managed in accordance with the Franklin District Growth Strategy (**FDGS**). Comments on the status of the FDGS have been provided in para. 139 of the Framework s42A Report (**s42A**) whereby the author states that "the WRPS provisions relating to the Franklin Strategy have been superseded and should be disregarded<sup>8</sup>".

*Policy 6.14 Adopting Future Proof land use pattern*

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<sup>8</sup> Framework s42A Report (pg. 32)

72. Policy 6.14 directs the following:

*Within the Future Proof area:*

*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 population <sup>9</sup>			
	2006	2021	2041	2061
Waikato Rural Villages	2350	3300	4290	5330

73. 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 current version of the FPGS does extend into Pokeno and shows indicative urban limits which the site is located within. This is provided in **Attachment D**.

74. 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'.

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<sup>9</sup> 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.

- 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'.

75. In this case, Council has the opportunity to undertake both implementation methods (6.14.1) and (6.14.2) through the proactive identification of the site as a future growth area. The site is currently zoned Rural under the Operative Waikato District Plan (**OWDP**) but is sought to be rezoned. The site is a logical extension of the existing urban area of Pokeno that can be feasibly developed without adversely affecting the existing township or the surrounding environment.

76. Further to the requirements to adopt the FPS settlement pattern, the Framework s42A Report summarises the current growth situation in the district where the need for residential capacity is not anticipated to be met by the notified PWDP. As a result, even more additional live zoned land is required<sup>10</sup> with the report suggesting that decision makers err on the side of providing more zone capacity. I agree with the authors remark that this additional capacity still needs to pass the relevant policy tests and provided it does, it will provide more certainty for future growth.

77. This is reinforced by the new national direction provided by the NPS-UD which contains its own requirements on providing for urban growth. For the PWDP, this is recognised as the competitiveness margin<sup>11</sup> which requires providing a margin of development capacity over and above the expected demand in order to support choice and competitiveness in housing markets. For the short and medium term this is 20% and for the long term this is 15%. In accordance with s75 of the RMA, the PWDP must "give effect" to the NPS-UD, so the additional capacity recommended in the s42A report, and in the evidence of Mr Thompson, is necessary in my view to meet this statutory test.

*Policy 6.15 Density targets for Future Proof area*

78. Policy 6.15 directs that Council:

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<sup>10</sup> Para. 7

<sup>11</sup> s3.22 of the NPS-UD

*...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.*

79. For Pokeno, the applicable density target in the WRPS is shown below:

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

80. However, this has since been superseded by the targets identified in the FPS.

Development type and location	Average gross density target
Greenfield in Waipa and Waikato District growth areas	12 – 15 households per hectare

81. 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.*

82. Through the evidence exchange process of Hearing 3 (Strategic Objectives), Policy 4.1.5 was evaluated and recommended to be amended to better implement the Franklin District Growth Strategy (**FDGS**) as per Policy 6.12 of the WRPS. Specifically, the density target outlined in Principle 2 of Section 7.6.1 (Live) in the FDGS was sought to be included. The amendment included in the Council rebuttal version is as follows:

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

83. Assessing this density target against an indicative density figure for the rezoning proposal it is evident that achieving a density in excess of 10 households per hectare may not be viable due to areas with a challenging topography. Such a reality has been recognised in the objectives and policies of the Council rebuttal version of Chapter 5 (Urban Environment) as shown in Policy 4.7.7 (Achieving sufficient development density to support the provision of infrastructure services in areas without a structure plan) whereby (b) reads:

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

84. In this instance the site is outside of the extent of the Pokeno Structure Plan (**PSP**) and is subject to some geotechnical/topographical constraints. This has been addressed in previous geotechnical assessments and in the evidence provided by Mr Walsh by identifying these areas as open space to be free of any development or through engineering interventions. As a result, this could generate a density that is below the desired density of 10 households per hectare.

85. Notwithstanding this, it is possible that yields on the site can be increased either through the provision of multi-unit developments or through the provision of a Medium Density Residential Zone (**MDRZ**) if this is realised. Such outcomes will be market-driven within the framework of physical constraints and the planning provisions/consenting process. Refer to Mr Thompsons evidence for detail on the Pokeno land development market.

86. Ultimately, the rezoning proposal still provides a sizeable development yield and is therefore considered to be suitable for accommodating future growth. This is notwithstanding the non-compliance with the desired yields in the Residential Zone.

#### *6A Development Principles*

87. 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 encouraged<sup>12</sup>.

88. The principles that are of particular relevance to the rezoning proposal are addressed in turn:

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

89. The site directly adjoins the existing urban area of Pokeno which currently exists on the eastern side of Helenslee Road. This comprises the established Pokeno Village the bulk of which has already been 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;*

90. Delineation between the site and the surrounding rural zoned land can be achieved through measures such as buffers, setbacks and landscaping.

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

91. This development principle is not relevant to the rezoning proposal as it is not for urban intensification or redevelopment. Instead, development on the greenfield site is proposed which is considered to be an acceptable response given the limited opportunities for intensification/redevelopment that currently exist in Pokeno. Furthermore, development of the site is an expansion of the established residential area rather than the creation of a new area of development.

*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;*

92. The thrust of this principle has been captured in the assessment of Policy 6.1 and 6.3 of the WRPS.

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<sup>12</sup> Waikato Regional Policy Statement (pg. 92)



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

93. The site adjoins the existing urban area of Pokeno and therefore rezoning would represent an extension of the town. As a result, this means that utilising the existing transport infrastructure such as SH1 and the three-waters, power supply and telecommunication infrastructure can be readily achieved as outlined in the evidence of Mr Hills and Mr Moore.

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

94. High-level water supply requirements for site have been identified. These can be accommodated through the extension and upgrading of existing infrastructure on the eastern side of Helenslee Road which can be achieved in a staged process. This is further addressed in the evidence of Mr Moore.

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

95. The efficient use of water will be factored into stormwater management on-site which will implement water reuse methodologies. This is further addressed in the evidence of Mr Moore.

*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;*

96. The site is not subject to any of the extraction planning controls (Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area) in the PWDP.

97. The Ridge Road Quarry is located to the south-west of the site which is partially overlaid by the Aggregate Extraction Area Overlay. However, the site at its nearest boundary is sufficiently separated (some 620m away) for the extraction activities to not be compromised by the proposal. Furthermore, the quarry operators have not raised any issues or opposition to the proposal through the submissions process.

98. The site is not subject to any of the hazards identified in the Stage 2 review of the PWDP as per the IntraMaps mapping. With regards to potential

geotechnical and natural hazards these are addressed in the evidence of Mr Walsh and Mr Moore respectively.

99. According to the Landcare Research Information Systems (**LRIS**) portal the site is predominantly underlain by Land Use Capability (**LUC**) class 6e 3 and LUC class 4e 4 soils. However, there is a portion of LUC 3e 3 soil which I note is not recognised as high-class soils as per the strict definition in the PWDP<sup>13</sup>.
100. Regardless of the small portion of LUC 3 soil which still has value, it is my opinion that rezoning of the site for urban land uses is acceptable for the following reasons:
  - a. The Framework s42A Report (**Framework**) provides guidance on how to resolve the conflict between rural and urban provisions with regards to growth capacity being provided on areas with high class soils. In particular, it is the overarching rural objective (5.1.1 ) that clashes with the policy direction for growth to be located on the periphery of existing towns in contiguous areas. In this scenario, the report recommends recourse to the higher order documents such as the WRPS, NPS-UD and the purpose of the RMA. I agree that such an approach is warranted to determine what is an appropriate situation for urban zoning to be applied to a land with high class soils. Assessment of the proposal against the higher order documents yields the conclusion that the characteristics of the site being contiguous with the urban area and within the indicative urban limits of the FPS should exceed the retention of this land for the soils. On this point I reiterate that the NPS-UD requires the provision of growth capacity that has been identified in the Framework report as not currently met in the notified PWDP. Furthermore, the NPS-UD does not restrict residential supply being identified/provided on land with high class soils. Whilst, the loss of the soils would very likely be irreversible, the social, economic and environmental benefits of utilising the area to

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<sup>13</sup> High class soils: Means those soils in Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability Class IIIe1 and IIIe5, classified as Allophanic Soils, using the New Zealand Soil Classification.

accommodate future growth is in my opinion a better use of the land than the continuation of rural activities.

- b. Other relevant factors have been mentioned in the discussion documents on the National Policy Statement on Highly Productive Land (**NPS-HPL**)<sup>14</sup>. These include matters such as the limitations of the LUC system which is not fully accurate due to map scaling factors, discrepancies in different sources on what land comprises high class soils and the long time that has elapsed the information was last updated. Whilst such matters are not the crux of why the rezoning proposal trumps the retention of the soils they are not irrelevant when considering the true extents shown in **Attachment F**. It is also noted that the NPS-HPL has not yet been made final.
- c. A broad brush analysis of the land surrounding Pokeno using the LRIS portal service shows that there are limited areas that are directly contiguous with the urban core that could serve as appropriate growth areas (as it relates to soil). There is the Havelock Village rezoning proposal to the south of the Pokeno industrial hub that is not underlain by high class soil as per the portal. Otherwise, there are limited large greenfield development opportunities.
- d. The site directly adjoins the existing urban area of Pokeno meaning the continued use of the land for rural productive activities could give rise to reverse sensitivity effects given the site is only separated by Helenslee Road.

101. It is also reiterated that rezoning of the site represents a co-ordinated expansion of the urban area of Pokeno that is necessary to accommodate future growth due to its strategic and advantageous location. Given the scarcity of readily available land to expand Pokeno, there is a functional need for the land to be rezoned to accommodate future growth.

*i) promote compact urban form, design and location to:*

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<sup>14</sup> Valuing highly productive land: a discussion document on a proposed national policy statement for highly productive land (2019) (pg. 16).

- 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;*

102. As a direct extension of the existing Pokeno township, the site can positively contribute to the growth of the area in a way that maintains a compact urban form. Due to the significant size of the site and the potential development yield, the critical mass will be there to support infrastructure for active modes of transport (walking/cycling). The current public transport system in Pokeno comprises the BUSIT service which is limited to providing connections to the nearby towns (Tuakau and Pukekohe). However, the growth of site can support the potential for new internal public transport connections in the future and add to the patronage of the existing services. Refer to the evidence from Mr Hills for further detail on transport matters in Pokeno as they relate to the rezoning proposal.

- j) *maintain or enhance landscape values and provide for the protection of historic and cultural heritage;*

103. 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.

104. 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. Refer to the evidence of Mr Pryor for further details.

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

*k) 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.*

106. The site contains a number of Significant Natural Areas (**SNA**), the bulk of which have been accommodated into indicative open space areas and thus will be protected from the effects of development. The recommendations of previous reporting done by Mrs Shanks will also be considered which promotes the protection and the enhancement of native vegetation on-site.

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

107. Public access can be provided to the watercourses on-site in the form of open space areas.

*m) 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);*

108. LIUDD and water sensitive design methods will be implemented for the management of stormwater on-site. Refer to Mr Moore's evidence regarding the implementation of these methods.

*n) 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;*

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

*o) 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;*

110. The site is not located adjoining any nearby land uses that are considered to be incompatible or that might cause reverse sensitivity effects to arise. The surrounding rural land forms an appropriate rural backdrop to the site and is commonplace in Pokeno. In addition, there are no intensive farming activities in the locality that might otherwise constrain residential development (or vice-versa).

111. The Ridge Road Quarry is present in the locality but these activities are separated by some 620 from the extent of the Aggregate Extraction Activity overlay as identified in the PWDP. This is considered to be a sufficient separation distance from the site which is benefitted by the varying topography in-between the sites.

*p) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;*

112. The effects of climate change have been considered in the flood modelling for the site as outlined by Mr Moore. Otherwise, the site will feature large green networks that will positively contribute to offsetting higher temperatures associated with climate change.

*q) 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;*

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

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

*r) support the Vision and Strategy for the Waikato River in the Waikato River catchment;*

115. This has been addressed previously in my evidence.

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

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

*t) recognise and maintain or enhance ecosystem services.*

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

118. Refer to Mrs Shanks evidence for further detail on environmental enhancement.

#### *Summary*

119. Based on the analysis provided in the preceding sections, it is my opinion that the rezoning 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).

#### **The Vision and Strategy for the Waikato River**

120. The Vision and Strategy for the Waikato River is embedded in Chapter 2 of the WRPS which has been previously addressed.

#### **Future Proof Strategy 2017**

121. The Future Proof Strategy (**FPS**) 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 FPS is to guide and manage the growth of the Hamilton, Waipa and Waikato sub-region over the next 30 years.

122. Section 1.3 of the FPS 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 it<sup>15</sup>’

123. 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.*

124. The rezoning of the site 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 in the OWDP 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.*

125. The rezoning proposal identifies land that could be identified with MDRZ which will enable more intensive development outcomes. Notwithstanding the outcome of the MDRZ, the rezoning from Rural to Residential will still provide for a significant increase on the capacity for residential development in Pokeno.

*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.*

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<sup>15</sup> Future Proof Growth Strategy (pg. 10)



126. The site is consistent with this principle as the it adjoins the existing urban area of Pokeno. This ensures that there is existing infrastructure in the vicinity that can be upgraded/extended as necessary. The location of the site also avoids the creation of unanticipated demand for infrastructure in areas located well away from what is already developed.

*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.*

127. The rezoning proposal is supported by comprehensive urban design reporting that was provided to Council at the primary submission stage. Separate urban design evidence has been prepared in support of the submission.

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

128. 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.*

129. The site is contained within the indicative urban limits of Pokeno as shown on **Attachment D**.

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

130. Development of the site 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.*

131. 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.*

132. Rezoning of the site would represent an expansion of the existing urban area of Pokeno the bulk of which has already been developed on. Because of the locality, the extension of existing structure will be utilised to service future development with upgrades provided for as necessary. Refer to Mr Moore's evidence for further commentary on servicing matters.

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

133. The site 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.

134. 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.

135. Pokeno has the established Gateway Industrial Park that is continuing to grow providing a source of local employment opportunities in in the industrial sector. This will be bolstered by additional growth, for example as the town centre is revitalised creating additional jobs in the construction and service sector.

136. Refer to Mr Hill's evidence for further commentary on transport matters.

## **OTHER RELEVANT STRATEGIC DOCUMENTS**

### **Waikato District Growth Strategy 2070**

137. This section briefly canvasses other documents that have relevance to the rezoning proposal and that Council are required to *have regard to*. These include:

- a. Waikato District Growth Strategy 2070 (**Waikato 2070**); and the
- b. Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao (**WTEP**).

*Waikato 2070*

138. 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-years'. Hearings on the strategy took place in February 2020 with the strategy being finalised in 19 May 2020.

139. 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 decades<sup>16</sup>'.*

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

141. It is noted that the site is not identified in the strategy although the land adjoins the 'Munro Block' growth cell. This land has a development timeframe of 3-10 years with the land closer to Ridge Road having a timeframe of 10-30 years.

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<sup>16</sup> Waikato District Growth Strategy 2070 (pg. 10)

The building type for both areas is 'standalone dwellings' with the density identified as 'low'.

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

#### *WTEP*

143. 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 Taawhiao composed his maimai aroha '.
144. 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 generations '.
145. 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 (**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. These topics are addressed more thoroughly in the evidence of Mr Moore.

#### **OTHER RELEVANT NON-STATUTORY DOCUMENTS**

146. This section briefly canvasses other non-RMA documents that have relevance to the proposal. These include:
- a. Waikato Blueprint; and the
  - b. Hamilton-Auckland Corridor Plan;

#### *Waikato Blueprint*

147. The Waikato Blueprint provides high-level analysis on growth throughout the district looking forward the next 30 years. This document was finalised in 2019 and during its development process there was a significant amount of consultation undertaken.
148. Looking at the local area blueprint for Pokeno reveals that site has been identified as a potential area for future growth as shown in **Attachment E**. This is shown through initiative PO5.1 and PO5.2 which suggest considering residential and village expansion generally consistent with the rezoning proposal although Country Living Zone is sought in this instance.
149. It is also noted that the extent of the land identified extends past the boundaries of the site into other land that is not subject to a rezoning submission.
150. Whilst the blueprint is not a statutory document that directly influences the PWDP, it is a useful indicator of

*Hamilton-Auckland Corridor Plan*

151. 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.
152. 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. The rezoning proposal would positively contribute to the H2A through the additional patronage needed to ensure the viability and growth of such services.

## CONSIDERATION OF ENVIRONMENTAL EFFECTS

153. This section of my evidence provides commentary on the potential effects that could arise from the implementation of the proposal.

### *Economic*

154. Mr Thompson has undertaken an economic impact assessment (**EIA**) of the proposal. In short, the EIA concludes 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.

155. Upon review of the evidence prepared by Mr Thompson 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.

### *Engineering*

156. Mr Moore has provided evidence confirming that servicing of the Site with three-waters connections is feasible.

157. His evidence also touches on the potential for flooding. Whilst portions of the site are identified adjacent to 1% annual exceedance probability (**AEP**) floodplains, this can be addressed through adherence to the Regional Infrastructure Technical Specifications (**RITS**). The RITS require specified minimum floor levels to be implemented to comply with the freeboard requirements. Mr Moore advises that no future development will occur in 1% AEP floodplains.

### *Geotechnical*

158. Mr Walsh has assessed the geotechnical conditions of the Site outlining areas that are not constrained for development and interventions that are recommended to remediate areas that need it. These are addressed in his statement of evidence.

159. Any effects arising from the required interventions can be addressed at the resource consenting stage of development.

160. Upon review of the evidence prepared by Mr Walsh and geotechnical matters raised by other submitters on the proposal, it is my opinion that there is nothing relating to geotechnical effects that precludes the proposed rezoning.

#### *Ecology*

161. Mrs Shanks has canvassed the ecological effects of the rezoning the Site concluding that there are no aspects that preclude the relief being sought. The Site is currently in a degraded ecological state from its current use and transitioning from this would generate immediate benefits e.g., the cessation of livestock grazing.

162. Whilst there will be effects from future development, these can be addressed by implementing best practice impact management methodologies. Ultimately, the rezoning and eventual development will allow for the rehabilitation of the Site and the degraded ecological systems.

#### *Traffic*

163. Mr Hills has assessed the traffic related effects from the rezoning of the proposal. Whilst further modelling is needed to account for the volume of growth areas in Pokeno, it is my opinion that no matters have been identified by Mr Hills which preclude the Site from being rezoned.

164. A number of transport infrastructure upgrades have been identified in the area which can be revisited once further modelling has taken place.

#### *Landscape/Visual*

165. Mr Pryor has undertaken an assessment of the landscape and visual effects based on the concept masterplan.

166. His assessment concludes that the rural-residential properties adjoining the Site are those that will be affected the most by future urban development. Notwithstanding this, effects on these properties would be offset by the following:

- a. The urbanisation of the Site being a gradual process and one that would allow for the incremental acceptance of visual changes in the locality (which I note is considerably urban in nature east of Helenslee Road); and
- b. The proposed green network of SNAs, watercourses and open space areas which will fragment the urban appearance of the Site when it is developed.

167. Upon review of the evidence prepared by Mr Pryor and the absence of landscape/visual matters raised by other submitters on the proposal, it is my opinion that there is nothing relating to landscape/visual effects that precludes the proposed rezoning.

#### *Urban Design*

168. Mr Ho has prepared evidence addressing the urban design outcomes that could arise from the rezoning proposal and the implementation of the concept masterplan. The evidence demonstrates that a residential development can be realised that generates positive urban design outcomes and aligns with best practice guidance. This is shown by the references to Council documentation including (but not limited to) the Urban Design Guidelines for Residential Subdivision (2018).

#### **ISSUES RAISED BY INITIAL AND FURTHER SUBMITTERS**

169. Further submissions (that raised issues) were received from Waikato Tainui (FS #1108), New Zealand Transport Agency (**NZTA**) (FS #1202), Waikato Regional Council (**WRC**) (FS #1277), Pokeno Village Holdings Limited (**PVHL**) (FS #1281), Hynds Pipe Systems (**Hynds**) (FS #1341), Ngati Tamaoho (FS #1369) and Mercury NZ Limited (FS #1384) (**Mercury**).

170. The issues raised in these submissions generally relate to:

- a. Alignment and integration with high-level strategic planning processes such as the Hamilton to Auckland (**H2A**) project.
- b. The breadth and depth of technical analysis provided to support the rezoning proposal;



- c. Natural hazards and flooding;
- d. The topography of the land and its suitability for development; and
- e. The provision of infrastructure.

171. The bulk of these issues have been previously addressed in this evidence and in the evidence of the consultants to whom this evidence should be read in conjunction with. Notwithstanding this, general comments are provided:

- a. The H2A Plan was completed in November, 2020. The Papakura-Pokeno Area is one of the focus areas of the plan with Pokeno specifically identified as one of the main future housing and employment growth clusters.
- b. The mapping to support Stage 2 of the PWDP does not identify any natural hazards on the site. This is supported by geotechnical and engineering reporting and evidence.

#### **FRAMEWORK S42A REPORT**

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

#### **Three-Lens Methodology**

173. 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 B along with the required s32AA evaluation. Demonstration of alignment/consistency with the higher order documents is provided throughout this evidence. Comments on zoning guidance is provided below:

- a. There are no known issues debated in recent plan changes that affect the rezoning proposal.
- b. The only overlay on the site is the SNA overlay. In my opinion, such an overlay is not incompatible with the zoning change that is sought given these areas can be protected from development and

contained in open space areas. Such a benefit is recognised in para. 28 of Appendix 3 of the Framework s42A.

- c. The underlying natural/physical characteristics of the site have been factored into the rezoning proposal. Land that is more variable or steep in topography has been identified as Country Living Zone which is more responsive given it is large lot in character and not serviced. The proposal is also supported by a suite of technical reports addressing these matters.
- d. Whilst the site has historically been used for dry stock grazing, no known activities on the Hazardous Activities and Industries List (**HAIL**) have been undertaken previously. Further investigation into potential contamination can be undertaken at the consenting stage.
- e. A LUC soils map is provided in **Attachment F** showing the quality of the underlying soil. It has been noted previously that none of the identified soils meet the definition of high quality soil in the PWDP.
- f. Looking at the locality, the only matters on compatibility that warrant comment in my opinion are the presence of the established quarry/industrial operations and SH1. In both instances, there are adequate setbacks from these features such that rezoning as per the proposal will not cause undue reverse sensitivity effects. The Ridge Road quarry is over 620m south-west of the site and will be able to continue its operations. The Holcim site and a smaller farm quarry are located to the north of the site the latter of which adjoins the property. As the area of the site closest to these operations is proposed to be Countryside Living Zone, the density is more compatible with these operations in the vicinity. For SH1, the site is well-separated from the road corridor and offers the opportunity to assist with providing new access for those adjoining properties who gain direct access to SH1 which I understand the NZTA are interested in seeing happen. Where necessary, further mitigation interventions can be developed at later stages.

- g. Regarding defensible boundaries, the site for the rezoning proposal occupies land between Helenslee Road and Ridge Road. The split zoning between the proposed Residential Zone and Country Living Zone is generally separated by the watercourse that bisects the site. In my opinion, this is a logical boundary between the two areas and aligns with para. 46<sup>17</sup> of the Appendix 3 which advises for a distinguishable boundary between urban and rural land. On either side of the watercourse the character will be noticeably different, furthermore, alteration of the boundary is not likely given it is an established natural feature.
- h. The proposed zoning boundaries are fully contained within the site and follow the property boundaries with the exception of where the proposed Country Living Zone and Residential Zone boundaries meet. As previously mentioned, the zone divide is an established natural feature which aligns with para. 53<sup>18</sup> of the Appendix 3.
- i. The rezoning proposal is not for spot zoning.

174. The other content of relevance to the rezoning proposal from the s42A report is commentary on the residential land supply in the district. As per para. 7b – 7g it is discussed that the demand in the district has increased since the notification of the PDP and that providing additional zoned capacity (rather than less) is advisable subject to meeting the relevant tests. The topic of economic growth is addressed in the evidence from Mr Thompson.

#### **FUTURE URBAN ZONE / MDRZ S42A REPORT**

175. Concurrent with the release of the Framework s42A Report, a s42A report addressing the potential Future Urban Zone (**FUZ**) and MDRZ was released on the 26 January 2021. Unlike the Framework which is a procedural/guiding document, the FUZ/MDRZ s42A report provides recommendations on the

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<sup>17</sup> “The inherent economic incentives to convert rural land to urban use mean that any weakness in the boundary will be tested. The arguments around this will centre on whether there is a logical reason for the urban zone to finish where it does, and if the land on the rural side is distinguishable and, in some way, less suitable for urban development” (pg. 74)

<sup>18</sup> “If there is a compelling reason to split a property between two zones, then the zone boundary should be easily identifiable on the ground. This could be achieved by projecting the zone boundary from existing survey marks, or by reference to an obvious natural or built feature” (pg. 75)

inclusion of these zones into the District Plan 'toolbox'. This report warrants comment, in particular for the MDRZ as this is sought to be applied to the site as part of the rezoning proposal.

### **Future Urban Zone**

176. The report discusses the prospect of including a FUZ and the merits of such an inclusion. Ultimately the author recommends that a FUZ be included into the District Plan as an option for identifying future growth areas. Whilst I do not oppose the inclusion of the zone, it is my opinion that the site lends itself to live zoning in the first instance. This is demonstrated by this evidence and other evidence provided which is to be read in conjunction. Collectively the evidence shows that the relevant statutory tests can be met and that the site should not be precluded from live zoning on matters such as infrastructure provision.
177. The report also discusses the use of structure plans to guide future development for growth areas. Whilst no "structure plan" by name has been produced for the rezoning proposal, a comprehensive concept masterplan has been prepared identifying the features typically present on structure plans such as key roads, open space areas and the Neighbourhood Centre.
178. In addition, the site comprises only two separate titles held by two different registered owners. Therefore, this aligns with the observation by the report author that land in this circumstance is more viable to be rezoned without a guiding structure plan (para. 17).

### **Medium Density Residential Zone**

179. The s42A recommends that submitters seeking the MDRZ be introduced address their preferred provisions and provide clear rationale for the geographic application of the zoning if that is sought. For the rezoning proposal, For the rezoning proposal, the draft provisions offered by Kāinga Ora are generally acceptable, although the submitter will consider and comment on the final proposed provisions when they have been formally received in evidence before the Panel. The submitter did take up the opportunity to meet with Kāinga Ora in December 2021 and did provide some without prejudice suggestions on the draft provisions.

180. Regarding the application of the zoning, it is sought that this be applied on the site in a walking catchment around the proposed Neighbourhood Centre. Whilst this does not strictly meet the criteria applied by Kāinga Ora, the report helpfully discusses how greenfield areas can accommodate such zoning (para. 216). In my opinion, the proposal embodies the described situation being a masterplanned greenfield development that is contiguous with the urban area of Pokeno (and therefore, not isolated away from the town centre).
181. It is noted that with the advent of electric bikes and other mobility devices, walkability connectivity assumptions from the past are now being reviewed and a 2km radius is now more appropriate if there are pedestrian/cycling accessways.

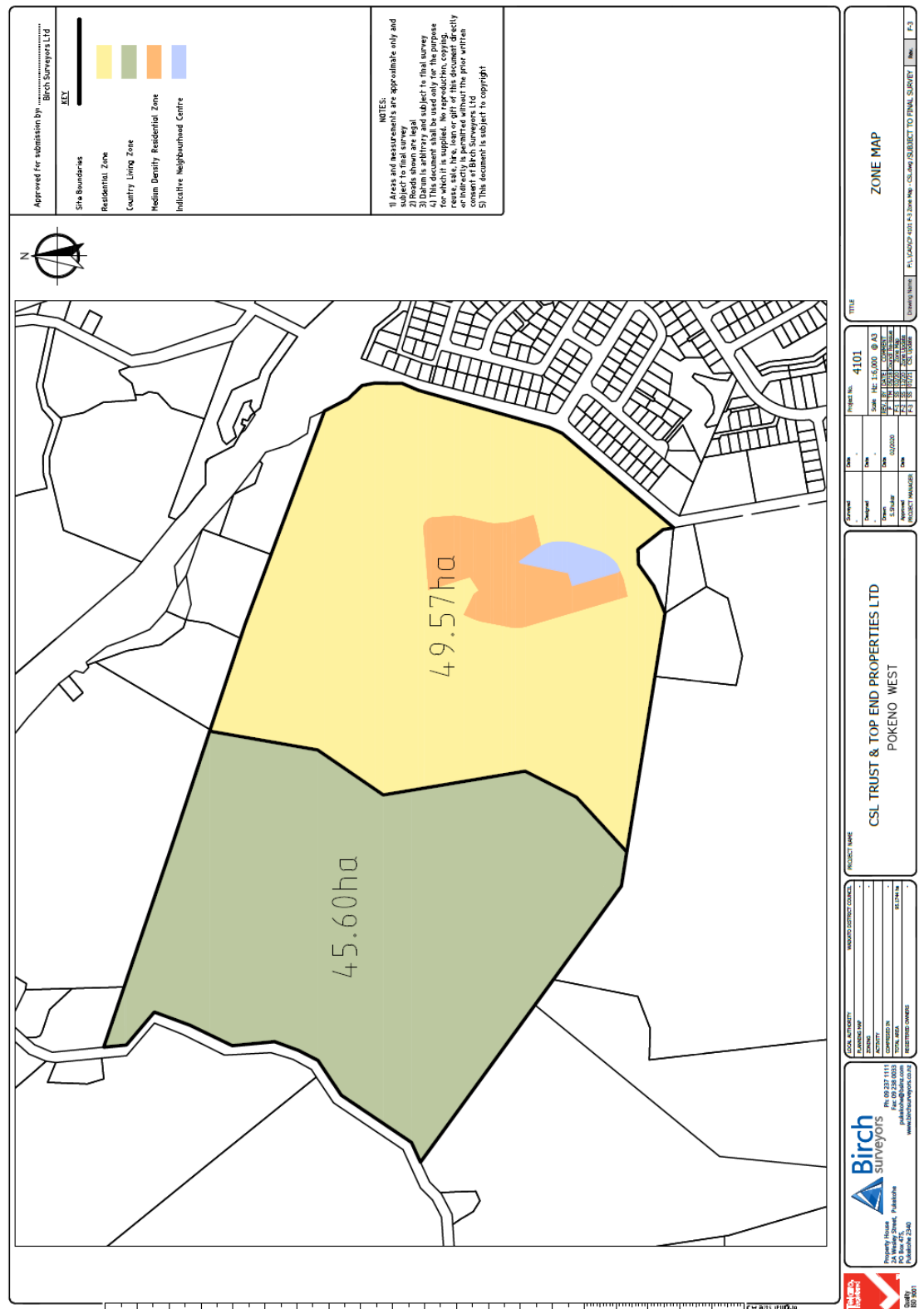
## **CONCLUSIONS**

182. In this evidence I have undertaken an assessment of the statutory framework that the rezoning proposal is subject to as well as canvassing the environmental effects that could be generated from the realisation of the proposal. In my opinion, the results of both of these exercises have yielded the conclusion that there is no material matter that should preclude the site from being rezoned in accordance with the relief sought.
183. The site is contiguous with the urban area of Pokeno and provides the opportunity for the logical expansion of the township rather than the creation of an isolated settlement. This is consistent with the policy direction of the higher order statutory documents and provides an appropriate growth area for Pokeno that can “round out” development in the north-west of the town as the land to the south is identified as Residential Zone in the PWDP.
184. Given the available data demonstrating the urgent need to bolster the supply of land for residential development and the requirements to provide for the long term growth of the district, serious consideration should be given to the rezoning proposal and the many social and economic benefits it would generate.

**James Gilbert Oakley**

**17 February 2021**

## ATTACHMENT A – ZONING PLAN (NOT TO SCALE)



**ATTACHMENT B – s32AA EVALUATION**

**ATTACHMENT C – POKENO VILLAGE ESTATE MASTERPLAN  
(NOT TO SCALE)**

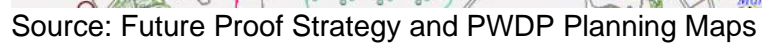
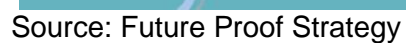


Source: Pokeno Village Estate Website (12/2/21)

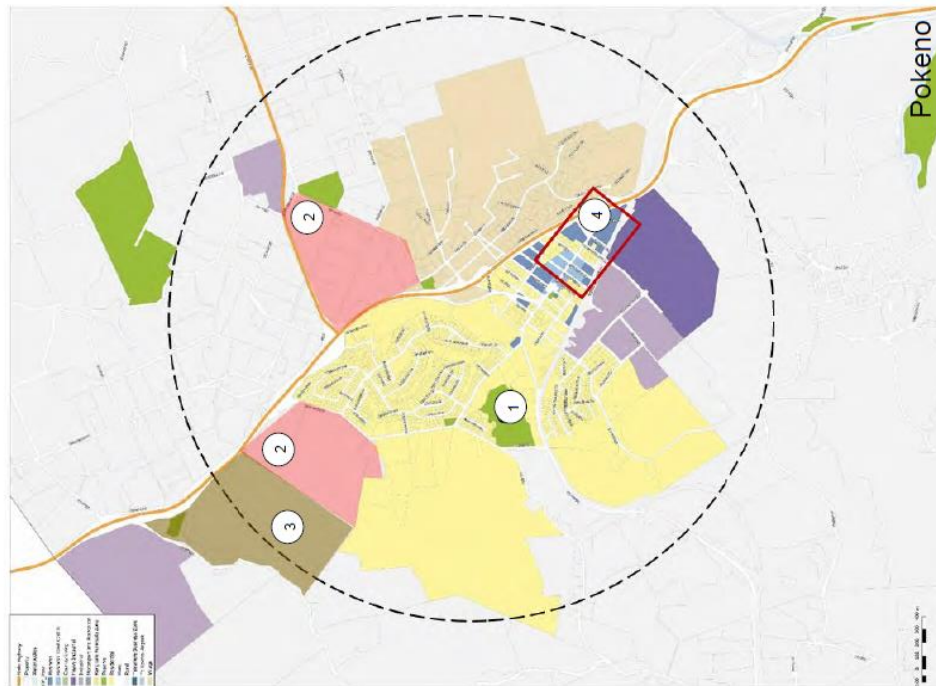


Source: Pokeno Village Estate Website (12/2/21)





## ATTACHMENT E – WAIKATO DISTRICT BLUEPRINT – PROPOSED INITIATIVES FOR POKENO (NOT TO SCALE)



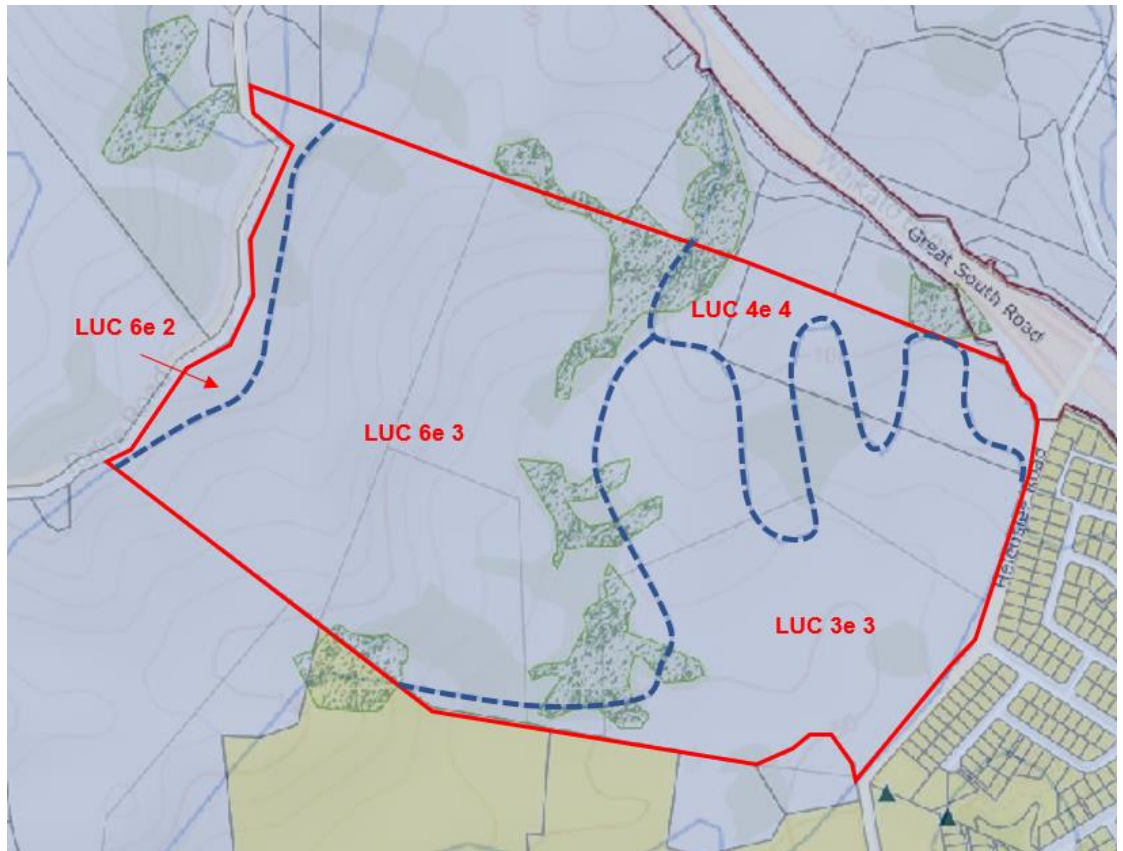
WAIKATO BLUEPRINT PAGE 66

### Proposed initiatives for Pokeno

Theme	NO.	Action	Priority
Identity	PO1.1	Build a strong identity based on the river corridor, and the unique qualities of the local area (refer to DW1.1 to 1.4). For Pokeno, recognise the position as the gateway to the north and the Waikato, and consider the dairy industry, markets, ice cream, and bacon.	Top
Communities	PO4.1	Consider the need for a sports park. Consider whether Munro Reserve can be improved for this or whether the park in the western growth area can be expanded (1).	Top
	PO4.2	Establish library, community and customer services and / or facilities.	Top
	PO4.3	Work with MOE to provide adequate schooling facilities for the current and future population.	Very high
Growth	PO5.1	Consider support residential expansion (2).	Medium
	PO5.2	Consider supporting the Village Zone expansion (3).	Very high
Economy	PO6.1	Prepare a detailed retail needs calculation, preliminary transport and open space options (4), followed by the production of a town centre strategy that reconciles the current and future retail, employment, community facility, and open space needs.	Top
	PO6.2	Establish an Advanced Food Processing Cluster.	High
	PO6.3	Identify if, how much, and where, possible additional employment land for office development is needed beyond the zoning in the Proposed District Plan.	High
	PO6.4	Identify if, how much, and where, possible additional employment land for retail development is needed beyond the zoning in the Proposed District Plan.	High

continued overleaf

**ATTACHMENT F – INDICATIVE SOIL QUALITY MAP  
(NOT TO SCALE)**



Source: LRIS Portal and PWDP Planning Maps