

**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 **POKENO WEST LIMITED (97)**

**STATEMENT OF PLANNING EVIDENCE FROM JAMES GILBERT OAKLEY
FOR POKENO WEST LIMITED**

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 evidence on behalf of Pokeno West Limited 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 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 Pokeno West includes:
 - a. Co-authoring the suite of planning reports for a private plan change request to 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 private plan change request in Pukekohe (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 Pokeno West project

6. My involvement in the Pokeno West project commenced in mid-2018 with the notification of the PWDP for primary submissions. Prior to this, my involvement was limited to assisting other planning staff at BSL with 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 initial and further submissions on the PWDP, drafting evidence and other materials that have been submitted/tabled at hearings and attending a number of the hearings. Other involvement has included general project management responsibilities involved in the refinement of the proposal over time.

Purpose and scope of evidence

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

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. Ian Munro – urban design.
- h. Sir William Birch – land development.

Context and background

11. The context and background of the Pokeno West proposal and the previous collaboration with the Waikato District Council (**WDC**) (**Council**) is fulsome. Reference should be made to the evidence by Sir William Birch as this covers it comprehensively.

12. In short, since early 2017 discussions have been held with the Council policy planning and engineering teams about the residential expansion of western Pokeno. Initially these discussions were focused on preparing a Private Plan Change application to rezone the land however this was eventually folded into the District-wide plan review.

Overview of submission

13. As outlined in the context and background of the evidence by Sir William Birch, considerable work has gone into the development of the Pokeno West proposal. Numerous workshops were held with Council in the leadup to the notification of the PWDP with technical reports provided demonstrating that future residential development is feasible. This ultimately culminated in the land being identified as Residential Zone when the PWDP was notified for

submissions. The technical reports provided to Council have since been appended to the Council s32 report on the topic of 'strategic direction and growth'.

14. Since the time of notification in 2018, initial and further submissions have been lodged to Council to support the identified Residential zoning on the land and to respond to other submitters whom have expressed opposition to it for reasons addressed later in this evidence.

15. Additional technical support has also been obtained to further reinforce the suitability of the site for future residential development. In turn, this has resulted in various amendments and modifications to the concept plan 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 158.92ha of land to be retained as Residential Zone. It is noted that on the supplied rezoning 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. They have not identified any MDRZ to be on the Pokeno West site but it is considered that there are logical areas on-site that lend themselves to be MDRZ. In the event that the Kāinga Ora proposal is not successful it is sought that the areas identified as MDRZ be retained as Residential Zone; and
- b. A Neighbourhood Centre is proposed to provide for the day-to-day needs of future residents. This is a logical response to a residential development of the proposal scale. The centre is sought to be identified on the planning maps.

STATUTORY FRAMEWORK

16. The Pokeno West proposal 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

17. 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

18. 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 residential 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.

19. In addition, Pokeno West will be able to preserve large areas of the existing natural environment with notable ecological value such as Significant Natural Areas (**SNA**) and watercourses which achieves (5b) and the imperative to safeguard the life-supporting capacity of air, water, soil, and ecosystems.

Section 6 – Matters of national importance

20. 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

21. 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

22. 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

23. 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.

24. The rezoning of the Pokeno West 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

25. 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.*

26. 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.

27. With the provision of technical reports showing that residential development was feasible and internal discussions and workshopping by Council, the Pokeno West area was consequently recognised as a suitable “urban growth area”. As such, the area was identified with Residential zoning in the notified PWDP.

Section 32AA – Undertaking and publishing further evaluations

28. 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.

29. As Pokeno West was already identified with Residential zoning in the notified PWDP, a s32AA evaluation is not warranted in this instance. Instead, a supplementary s32 evaluation has been provided to complement the work previously completed by Council prior to the notification of the PWDP. This is contained within **Attachment B**.

Section 74 – Matters to be considered by territorial authority

30. 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

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

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

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**).

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

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

Section 75 – Contents of district plans

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

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

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

34. 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

35. This section of my evidence provides an assessment of the Pokeno West proposal against the relevant documents identified in the statutory framework as previously unpacked.

NPS-UD

36. 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 Governments Urban Growth Agenda (**UGA**) and general aspiration to improve the productivity and function of cities in New Zealand.

37. 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.

38. 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.

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

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

39. 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.

40. Objective 1 mirrors the purpose of the RMA, Pokeno West will provide for the future growth of Pokeno by accommodating the significant growth in population that is projected. Whilst, other areas are sought to be rezoned, Pokeno West represents a logical expansion of the urban area that can support future development which in turn will have positive flow-on effects for aspects such as social, economic and cultural wellbeing.

41. Pokeno West 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.

42. **Attachment C** shows all of the land that has been developed or is currently under development by the joint venture. **Attachment C** 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. This is covered in the evidence of Mr Thompson.

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.

43. 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.*

44. 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.

45. 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. 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.

46. 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

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).

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).

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.*

47. Refer to the evidence of Mr Moore and Sir William Birch for commentary on infrastructure matters.

48. The decision to identify the site as Residential Zone in the PWDP by Council is a strategic one as it will assist with providing for residential growth during the medium and long term.

49. Pokeno West is approximately 158.92ha in size meaning it would provide significant development capacity. Indicative yields from the concept plan development show that some 1400 - 1600 lots can potentially be created, although this will vary depending on the market at the time when subdivision is proposed and the outcome of the MDRZ, as this would readily enable higher density development outcomes.

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.*

50. 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 influence the lot size outcomes in terms of what is provided by future developers.

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

52. 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 Mr Thompsons evidence for comments on the convenience retail market.

53. Pokeno West adjoins the existing urban area of Pokeno and thus is well located to the current amenities in the township. The site is also benefitted by the location of Pokeno in relation to State Highway 1 (**SH1**) and State Highway 2 (**SH2**) which is readily accessible off Helenslee Road. This linkage provides easy access to the regions comprising the "Golden Triangle".

54. 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. Refer to Mr Thompsons evidence for comments on a competitive land development market in Pokeno.

55. 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.

56. 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. Pokeno West assists with this 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.

57. Pokeno West would positively contribute to Council fulfilling its duties under (d) by providing for the logical expansion of Pokeno. In turn, this would positively affect the rest of the district. In my opinion, maintaining the Residential zoning on the site would allow for Pokeno to grow in an appropriate way that would not create an isolated growth area from the established township and its existing amenities. This would also be at a large scale with the site able to accommodate a significant amount of development whilst preserving sizeable open space areas and natural features.

58. 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.

59. Whilst Pokeno West is not a private plan change, it is my opinion that the proposal is not unanticipated by RMA planning documents as the proposal has been previously considered by Council resulting in the land being identified with Residential zoning in the notified PWDP.

60. 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. Given these timeframes, and the NPS-UD requirements, it is recommended that land release for development should occur in the short-medium term (refer to the evidence of Mr Thompson).

NPS-FW

61. 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

62. 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.

63. 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.

64. The Pokeno West 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 PWDP to give effect to the standards as required by s75(ba).

WRPS

65. A targeted assessment of a selection of WRPS provisions was provided in the further submission lodged for Pokeno West 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

66. 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:

⁷ National Planning Standards 2019 (pg. 5)

'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.'

67. 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 Pokeno West, it is the development enabled by the rezoning which should be the focus on the inter-relationship with the river.
68. 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).
69. 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.
70. 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.
71. 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

72. 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.

73. 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 integration with infrastructure.
- c. Clause g) refers to minimising land use conflicts/the potential for reverse sensitivity. This has been achieved through the identification of Pokeno West with Residential zoning as this area directly adjoins the existing urban area of Pokeno rather than being isolated and disconnected. Whilst the area surrounding the site is 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

74. 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.

75. Refer to the evidence of Mr Moore for further detail on stormwater management methodologies.

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

76. 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.*

77. 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

78. 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.

79. For Pokeno West, the site is benefitted by its location on the western rural-urban divide of Pokeno. This means that there is existing public infrastructure

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

that can be utilised and extended to service the site. This has been factored into the proposed staging of the development which is a gradual westward shift out from Helenslee Road. Where necessary, infrastructural upgrades will be provided.

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

Policy 6.12 Implementing Franklin District Growth Strategy

81. 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.

82. Pokeno West aligns with the FDGS as Map 1.0 identifies Pokeno as an area for 'new urban housing' which the proposal will provide. It is noted that whilst the FDGS provides a strategic direction until 2051, a key element of Pokeno not captured in the strategy is the scale of immense growth that has historically occurred and is projected to continue.

83. 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".

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

¹⁰ Waikato District Blueprint 2019, (pg. 65)

¹¹ s42A Framework Report (pg. 32)

Policy 6.14 Adopting Future Proof land use pattern

84. 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 population¹²			
	2006	2021	2041	2061
Waikato Rural Villages	2350	3300	4290	5330

85. 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. This is provided in **Attachment D**.

86. 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'.

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.

- 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'.

87. In the case of Pokeno West, both implementation method (6.14.1) and (6.14.2) have been undertaken by Council as evidenced by 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 was identified as Residential Zone when the PWDP was notified for primary submissions. 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. This is demonstrated in the evidence provided in support of the rezoning proposal and the previously undertaken technical reporting.

88. 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 required¹³ 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.

89. 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 margin¹⁴ 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.

¹³ Para. 7

¹⁴ s3.22 of the NPS-UD

Policy 6.15 Density targets for Future Proof area

90. 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

91. 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.

92. 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.

93. Assessing this density target against an indicative density figure for Pokeno West 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.

94. In this instance Pokeno West 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 has generated an indicative density that is below the desired density of 10 households per hectare.

95. 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.

96. Ultimately, Pokeno West still provides a sizeable development yield and is suitable for accommodating future growth notwithstanding the non-compliance with the desired yields in the Residential Zone.

6A Development Principles

97. 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 encouraged¹⁵.

98. The principles that are of particular relevance to Pokeno West are addressed in turn:

¹⁵ Waikato Regional Policy Statement (pg. 92)

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

99. Pokeno West directly adjoins 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;

100. Delineation between Pokeno West 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;

101. This development principle is not relevant to Pokeno West as the proposal 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;

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

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

103. Pokeno West adjoins the existing urban area of Pokeno and therefore is an extension of the township. 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 Mr Moore's evidence.

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

104. The water supply requirements for Pokeno West 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;

105. 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;

106. Pokeno West is not subject to any of the extraction planning controls (Coal Mining Area, Aggregate Extraction Area or Aggregate Resource Area) in the PWDP.

107. The Ridge Road Quarry is located to the 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 400m 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.

108. Pokeno West 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 natural hazards these are addressed in the evidence of Mr Walsh and Mr Moore.

109. It is noted that the National Grid does traverse through the site in a small portion in the south-western most corner, however this does not pose a significant constraint on future development or restriction against the site

being zoned Residential. The interaction between future development and the National Grid will be managed by district plan provisions

110. According to the Landcare Research Information Systems (**LRIS**) portal, the site is predominantly underlain by Land Use Capability (**LUC**) class 2s e and LUC class 3e 3 soils. An indicative plan showing the soil classes is provided in **Attachment X**. It is acknowledged that these LUC classifications are recognised as high class soils in the definition¹⁶ in the notified PWDP and are sought to be protected from urban development. However, it is my opinion that the Pokeno West proposal is acceptable in this instance for the following reasons:

- a. The Framework s42A Report (**s42A**) 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 (5.1.1¹⁷) that clashes with the policy direction for growth to be located on the periphery of existing towns in contiguous areas. In this scenario, the report¹⁸ 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

¹⁶ 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.

¹⁷ Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5. (a) Subdivision, use and development within the rural environment where: (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while maintaining or enhancing the rural environment; (iii) urban subdivision, use and development in the rural environment is avoided.

¹⁸ Para. 74.

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 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**)¹⁹. 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 G**. 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). The land to the north of the site is subject to its own rezoning proposal and advantageously only contains a portion of LUC 3e 3 soil. There is also 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 no other 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.

¹⁹ Valuing highly productive land: a discussion document on a proposed national policy statement for highly productive land (2019) (pg. 16).

- e. The proposal has been subject to a rigorous strategic planning process by Council which ultimately culminated in the land being identified as Residential Zone when the PWDP was notified.

111. Pokeno West 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 requirement for the land to be rezoned to accommodate future growth.

i) 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;*

112. As a direct extension of the existing Pokeno township, Pokeno West positively contributes 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 Pokeno West will 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 proposal.

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

113. 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.

114. 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.

115. 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.

116. Pokeno West 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;

117. 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);

118. 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;

119. 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;

120. 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).

121. The Ridge Road Quarry is present in the locality but these activities are separated by some 400m 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 and the fact that the development of the site right up to the western-most boundaries is unlikely given the presence of SNA and the unfavourable topography.

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

122. The effects of climate change have been considered in the flood modelling for the site as outlined by Mr Moore. Otherwise, Pokeno West 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;

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

124. 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;

125. 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

126. 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.

127. 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.

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

Summary

129. Based on the analysis provided in the preceding sections, it is my opinion that the Pokeno West proposal strongly aligns with the relevant provisions of the WRPS and will 'give effect' to the regional policy statement as per s75(3)(c).

Future Proof Growth Strategy

130. 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.

131. 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 it²⁰’

132. 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.

133. The rezoning of Pokeno West 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.

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

²⁰ 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.

135. Pokeno West is consistent with this principle as the area that has been rezoned in the PWDP 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.

136. Pokeno West is supported by comprehensive urban design reporting that was provided to Council prior to the notification of the PWDP. This has been peer reviewed by Mr Munro with urban design commentary provided in his evidence.

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

137. 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.

138. Pokeno West is contained within the indicative urban limits of Pokeno as shown on Map 1 of the FPGS and **Attachment D**.

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

139. Development of Pokeno West 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.

140. 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.

141. Pokeno West is 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.

142. As Pokeno West 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.

143. 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.,

144. 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.

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

OTHER RELEVANT STRATEGIC DOCUMENTS

146. This section briefly canvasses other documents that have relevance to the Pokeno West 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

147. The 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-years²¹'. Hearings on the strategy took place in February 2020 with the strategy being finalised in 19 May 2020.

148. 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 decades²²'.

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

²¹ Waikato District Growth Strategy 2070 (pg. 2)

²² Waikato District Growth Strategy 2070 (pg. 10)

150. With regards to Pokeno West in the Waikato 2070 strategy, the land is identified on the Pokeno Development Plan (pg. 29) as the 'Munro Block'. This is shown in **Attachment E**. The land immediately adjoining Helenslee Road has a development timeframe of 3-10 years with the land closer to Ridge Road having a timeframe of 10-30 years. The building type for both areas is 'standalone dwellings' with the density identified as 'low'.
151. 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.
152. 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

153. The 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 aroha²³'.
154. Regarding the Pokeno West proposal, the WTEP provisions of particular relevance are Section B (Chapter 6) (Consultation and engagement with Waikato-Tainui) and Section C (Chapter 11) (The vision and strategy for the Waikato River).
155. 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.
156. According to documentation (Appendix 1.1 – Iwi Consultation Clause 3) supporting the Introduction s32 Report, quarterly meetings were held as early

²³ WTEP (pg. 16)

as 2014 to discuss various District Plan matters²⁴. As such, it is my opinion that the Pokeno West proposal is generally consistent with the WTEP as the Residential Zone applied on the land was a decision made prior to the notification of the PWDP and in conjunction with Councils engagement with the Iwi Reference Group.

157. 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 generations²⁵'.

158. 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

Waikato Blueprint

159. 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.

160. The blueprint for Pokeno shows Pokeno West with the Residential Zone applied as per the PWPD. 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. A copy of the blueprint plan for Pokeno is provided in **Attachment F**.

161. The impact of Pokeno West on the proposed initiatives is that the residential growth of the site 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.

²⁴ Iwi Consultation (pg. 1)

²⁵ WTEP (pg. 76)

Hamilton-Auckland Corridor Plan

162. 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.
163. 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.

CONSIDERATION OF ENVIRONMENTAL EFFECTS

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

Economic

165. 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.
166. 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. The economic growth and employment opportunities of the rezoning (s32(2)(a)), will be significantly greater than the current rural land use.

Infrastructure/Servicing

167. Mr Moore has provided evidence confirming that servicing of the Site with three-waters connections is feasible and that this has been confirmed by the WDC and WRC. This is confirmed in Appendix 5: Assessment of Growth Cell Servicing – Waters to the s42A which addresses the 'Munro Block'.
168. 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

169. 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.
170. Any effects arising from the required interventions can be addressed at the resource consenting stage of development.
171. 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

172. 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.
173. 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

174. 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.
175. A number of transport infrastructure upgrades have been identified in the area which can be revisited once further modelling has taken place. The most appropriate time for this work is after the Pokeno West and other zonings in the vicinity have been confirmed, and at the time of subdivision and land use consent, when the yield and the exact nature of traffic effects can be better understood.

Landscape/Visual

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

178. 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

179. Mr Munro has completed a peer review of the urban design work previously prepared by Construkt. No issues relating to urban design matters have been identified with support for the assessment and conclusions of the previous work generally expressed.
180. Of note is the recommendation by Mr Munro that a precinct plan be added to the rezoning proposal to guide future development with the identification of features such as key roads, open space etc. The addition of this mechanism is supported given it provides an additional layer of certainty on the delivery of the concept masterplan. As Mr Munro remarks, such a mechanism only adds to the original proposal but does not materially change it other than to enhance the certainty. As such, it should be considered to be within the scope of the original submission.

ISSUES RAISED BY PRIMARY AND FURTHER SUBMISSIONS

181. Primary submissions (that raised issues) were received from Pokeno Village Holdings Limited (#386) (**PVHL**), Anna Noakes (#524) and Terry Withers (#598).
182. 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).
183. The issues raised in these submissions generally relate to:
- a. the servicing potential of the site;
 - b. the potential for natural hazards due to the topography;
 - c. concerns about flooding;
 - d. the suite of technical reports commissioned to support the rezoning;
 - e. planning processes e.g., consultation, demonstrating consistency with higher order documents; and
 - f. the consideration of cultural values.

184. These matters have been addressed in the preceding sections of this evidence.

FRAMEWORK s42A REPORT

185. 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 and to provide background information for the authors of the area-specific s42A Reports.

Three-Lens Methodology

186. The three-lens methodology outlined in the Framework has been integrated into this evidence with the assessment of relevant PWDP objectives and policies (lens 1) contained in **Attachment B** along with the required s32AA evaluation. Demonstration of alignment/consistency with the higher order documents (lens 2) is provided throughout this evidence. Comments on zoning guidance (lens 3) is provided below:

- a. There are no known issues debated in recent plan changes that affect the rezoning proposal.
- b. The only overlays on the site are the SNA overlay and the National Grid Overlay. In my opinion, the SNA 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. The National Grid Overlay does traverse through a small portion of the site in the south-western corner although this is not significant enough to preclude the rezoning proposal from being realised. Any site specific effects can be resolved at the subdivision stage where detailed designs are provided.
- c. The underlying natural/physical characteristics of the site have been factored into the rezoning proposal. Land that is too steep to reasonably be developed in the future has generally been left as open space in the concept masterplan. The proposal is also supported by a suite of technical reports addressing these matters.

- d. Whilst the site has historically been used for rural production activities, 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 G** showing the quality of the underlying soil. The conflict between providing for urban growth and this taking place on areas of high class soils has been previously addressed in line with the guidance provided in the Framework.
- f. Looking at the locality, the only matters on compatibility that warrant comment in my opinion are the presence of the established Ridge Road Quarry. These operations are well set back from the site and no issues have been raised by the operators during the primary and further submissions period. Notwithstanding this, interventions to mitigate any potential reverse sensitivity effects can be explored at later stages if deemed necessary.
- g. Regarding defensible boundaries, the extent of the rezoning proposal is defined by the various properties that comprise the site. The boundary between the Rural Zone and the notified Residential Zone ends at the edges of these properties. It is noted that para. 46²⁶ of Appendix 3 (Further discussion on guidance of selection of zones and zone boundaries) of the Framework advises for a distinguishable boundary between urban and rural land. In this case, the area between the site and the surrounding rural land is typified by steep topography (further westward towards Ridge Road) and Huia Road to the south. The land to the north is subject to a separate rezoning proposal to be identified

²⁶ “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)

with urban zoning which would be compatible with this proposal and round out the western area of Pokeno.

- h. The proposed zoning boundaries are fully contained within the site and follow various property boundaries.
- i. The rezoning proposal is not for spot zoning.

187. The other content of relevance to Pokeno West from the s42A report is commentary on the supply of zoned land in the district. As per para. 7b – 7g it is discussed that the demand in the district has increased since the notification of the PWDP 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

188. 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 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

189. The report discusses the prospect of including a FUZ and the merits of such an inclusion. Ultimately the report 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 because the Pokeno West site was notified in the PWPD as Residential Zone there are no valid grounds for this land to be changed to FUZ. 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. Such a conclusion has been accepted with the site identified in Waikato 2070 as a growth cell.

190. 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 indicatively identifying the key features typically present on structure plans including (but not limited to) key roads, open space areas and the Neighbourhood Centre.
191. Whilst the site comprises a number of separate titles, the submitter is the largest landholder and “integrated management” is achieved across the neighbouring titles of key elements such as the “indicative” roading pattern. I also note the conclusion of Mr Munro, a very experienced urban designer, that the masterplan and its supporting technical information satisfies what is commonly included in a “structure plan”. This situation aligns with the conclusion by the s42A report author that land in this circumstance is more viable to be rezoned without the need for any new guiding structure plan (para. 17).

Medium Density Residential Zone

192. 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, the draft provisions offered by Kāinga Ora are generally acceptable, and no input on that topic is provided. Pokeno West will consider and comment on the final proposed provisions when they have been formally received in evidence before the Panel. Pokeno West did take up the opportunity to meet with Kāinga Ora in December 2021 and did provide some without prejudice suggestions on the draft provisions.
193. 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).

194. The evidence from Mr Ian Munro also provides urban design commentary on how the site can accommodate MDRZ and he notes 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

195. Pokeno West 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.

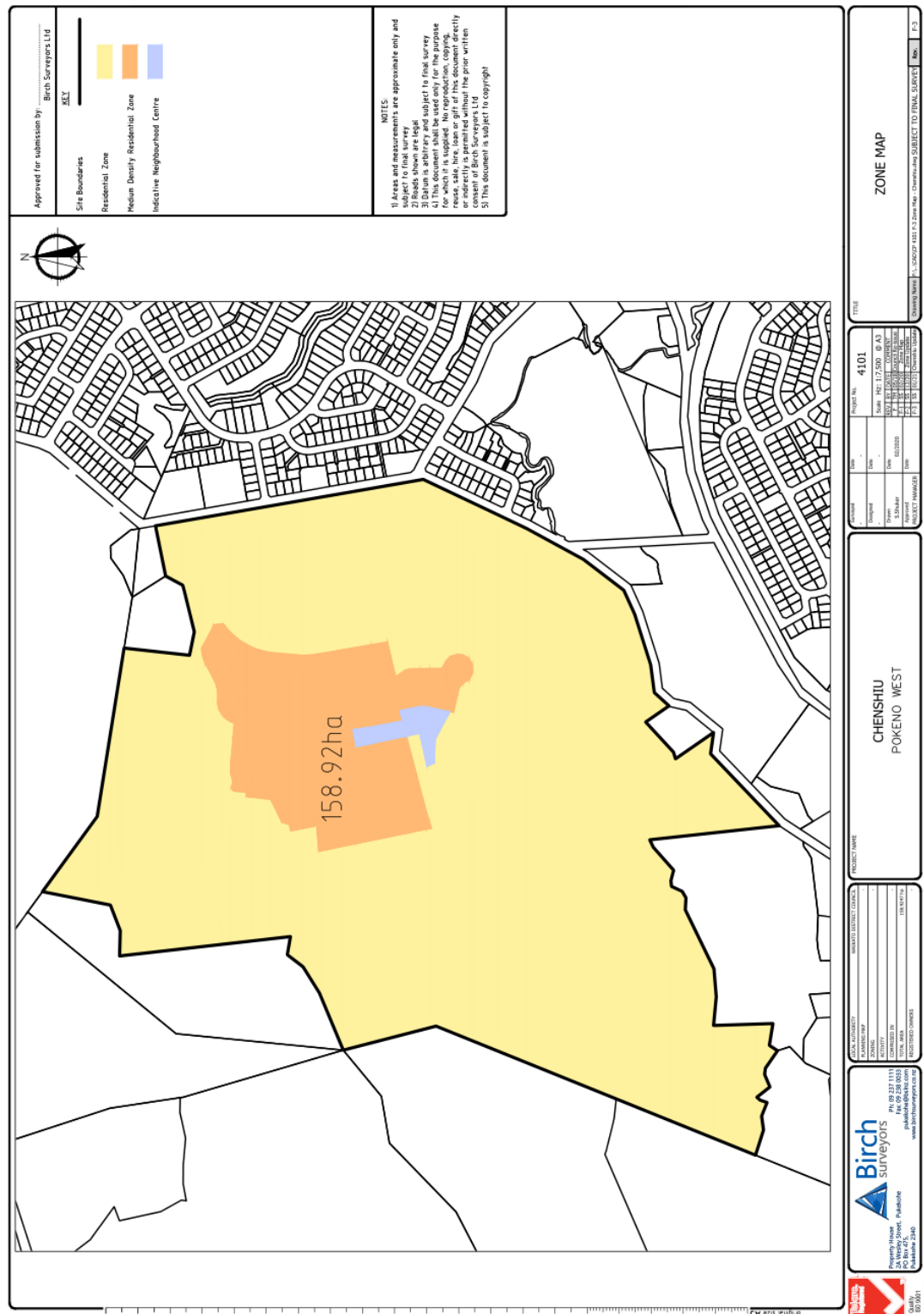
196. As Pokeno West adjoins the existing urban core and is within the urban growth limits identified in the FPGS it is my opinion that this is an appropriate area for rezoning. This is coupled with the proposal meeting the relevant statutory tests in the RMA, alignment with other strategic planning documents and the ability to appropriately manage any adverse effects that are generated.

197. 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.

James Gilbert Oakley

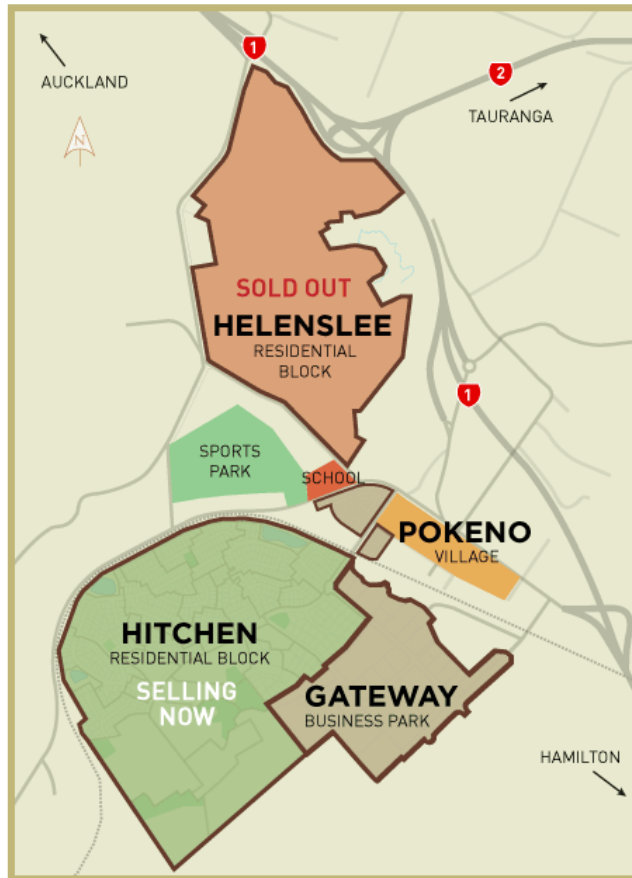
17 February 2021

ATTACHMENT A – ZONING PLAN (NOT TO SCALE)



ATTACHMENT B – s32AA EVALUATION

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

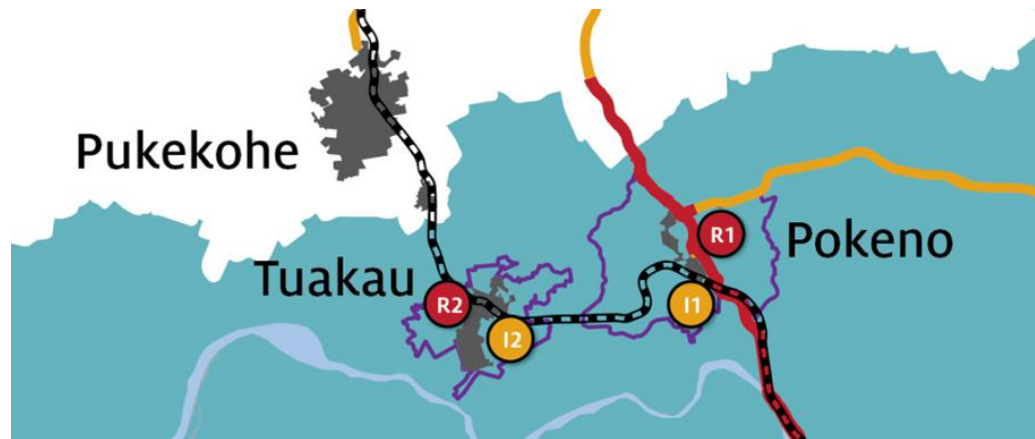


Source: Pokeno Village Estate Website (12/2/21)

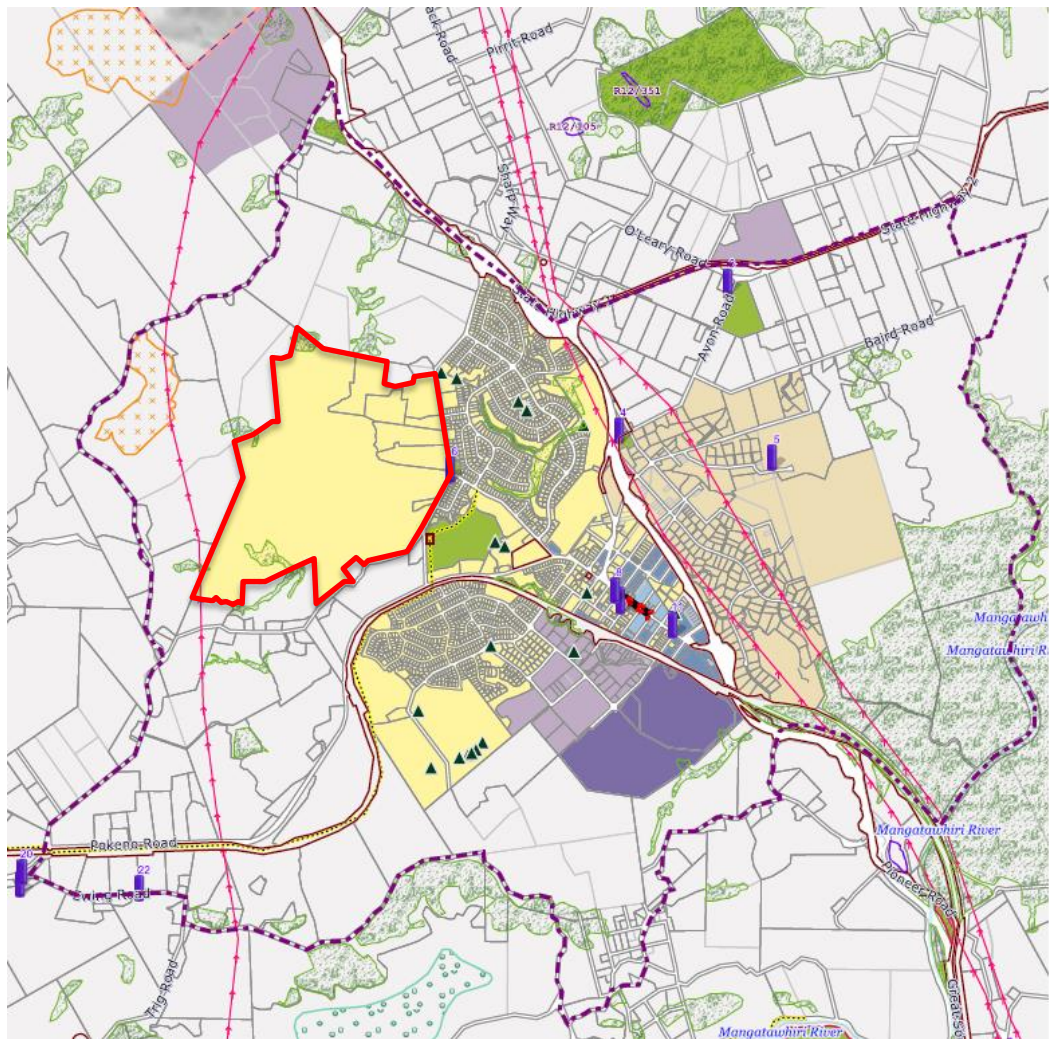


Source: Pokeno Village Estate Website (12/2/21)

**ATTACHMENT D – FUTURE PROOF – INDICATIVE URBAN LIMITS
(NOT TO SCALE)**

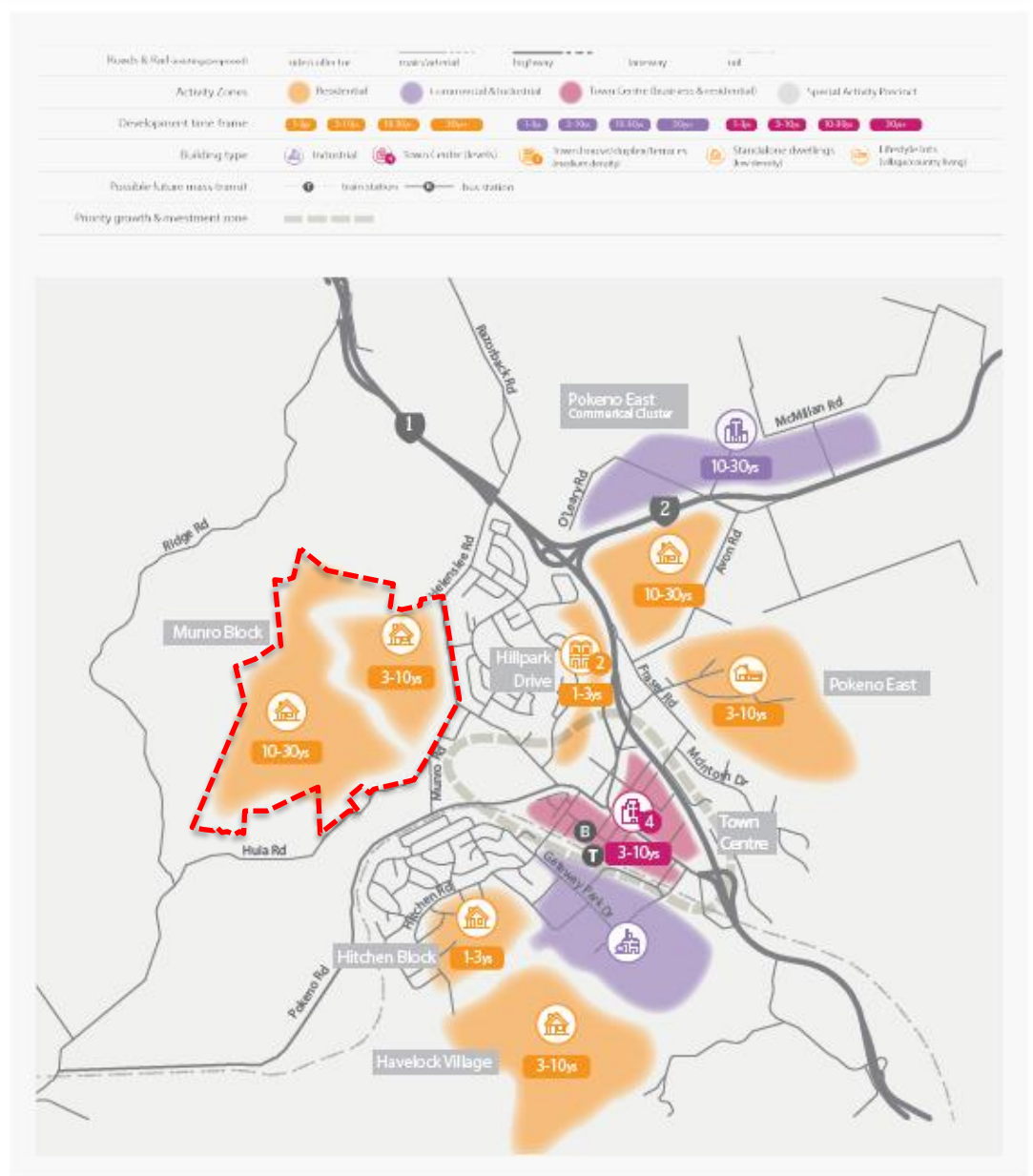


Source: Future Proof Strategy 2017



Source: Future Proof Strategy 2017 and PWDP Planning Maps

ATTACHMENT E – WAIKATO 2070 – POKENO DEVELOPMENT PLAN (NOT TO SCALE)



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

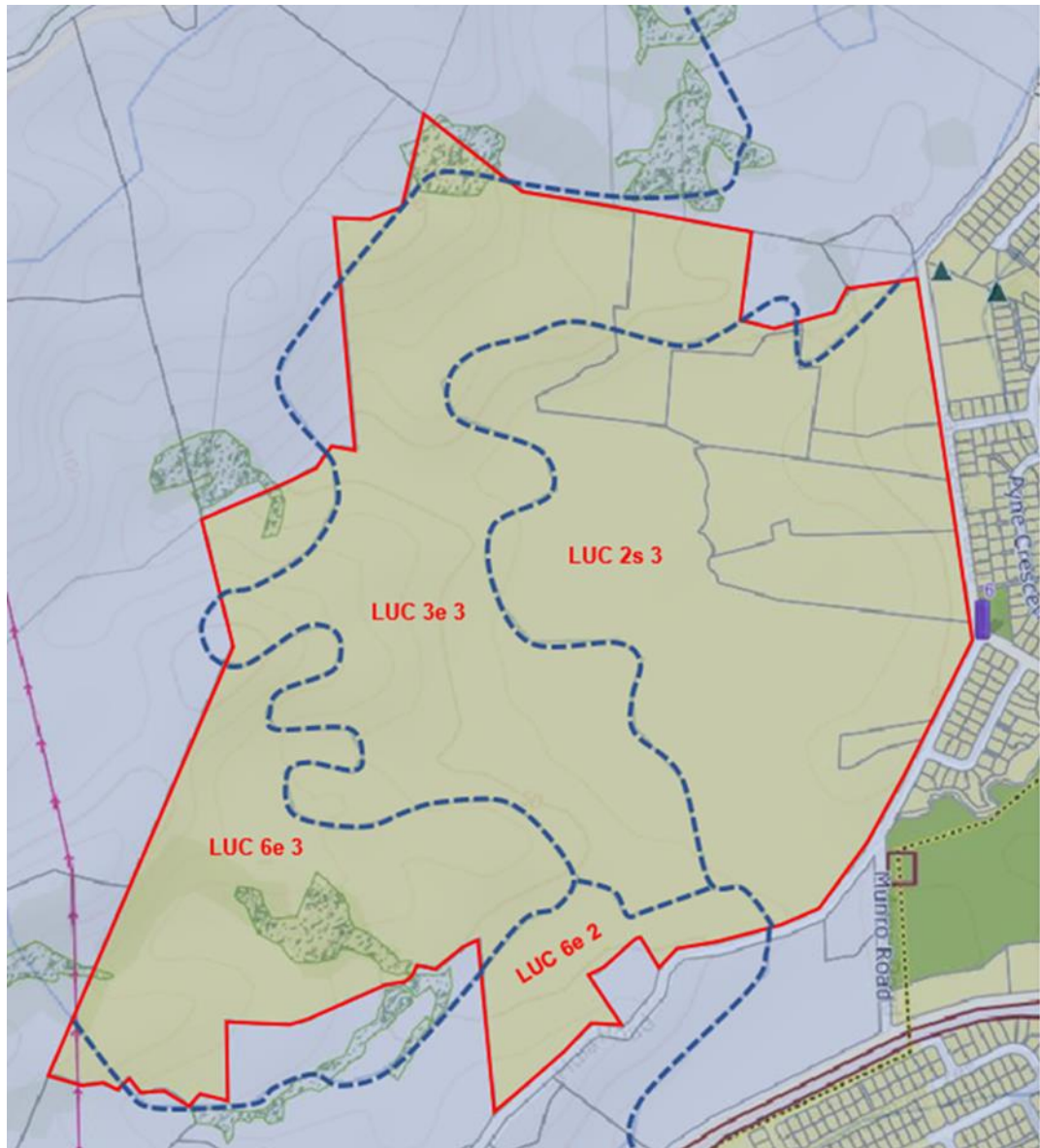


Proposed initiatives for Pokeno

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 G – INDICATIVE SOIL QUALITY MAP
(NOT TO SCALE)**



Source: LRIS Portal and PWDP Planning Maps