

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

AND

IN THE MATTER of a submission pursuant to Clause 6 of Schedule 1 of the Act in respect of the **PROPOSED WAIKATO DISTRICT PLAN**

**STATEMENT OF REBUTTAL EVIDENCE OF CHRISTOPHER JAMES SCRAFTON
ON BEHALF OF POKENO VILLAGE HOLDINGS LIMITED**

1. **INTRODUCTION**

1.1 My name is Christopher James Scrafton. I am a Technical Director – Planning at Beca Group Limited. I have over 20 years' experience in planning.

1.2 I have outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ("EIC").

Purpose and scope of rebuttal evidence

1.3 The purpose of this statement of evidence is to address the matters raised in the Council's section 42A report. Specifically, this statement of evidence addresses the following:

- (a) How much development capacity should be provided through a district plan.
- (b) The implications of deferring the assessment of the effects of enabling urban development to the resource consent stage instead of adequately considering the effects through the plan review stage.

2. **DEVELOPMENT CAPACITY**

2.1 I address development capacity throughout my primary statement of evidence noting amongst other things that:

- (a) Short term development capacity within Pokeno is provided by the current operative district plan regardless of whether the 2017 HBA or draft 2021 HBA projections are used. As such, I consider that the

PWDP appropriately provides for short term development capacity in a manner consistent with the NPS:UD requirements.

- (b) Medium term development capacity within Pokeno is provided by the current operative district plan if the 2017 HBA projections are used. Additional development capacity (approximately 1,000 dwellings) beyond that already zoned is required if the draft 2021 HBA projections are used¹.

2.2 Mr Mead concludes that, based on Councils estimates, to meet medium term demands, feasible capacity for an additional 900 dwellings (in addition to what is proposed through the PWDP) needs to be identified². Informed by the evidence of Mr Colegrave, I disagree with this conclusion noting that:

- (a) The additional development capacity required is in addition to that provided as per the operative district plan; and
- (b) The proposed (as notified) zoning of Pokeno West already provides for an additional 1,500 new homes³ meaning that medium term development capacity (as identified through Waikato 2070) can be adequately provided for through the PWDP as notified.

2.3 Mr Mead states that:

- (a) It is good planning practice to anticipate capacity over a longer timeframe than 10 years (in part due to the time involved in plan changes and plan reviews), provided relevant outcomes are met relating to infrastructure and environmental management⁴.
- (b) Where additional capacity can be provided that takes zoned capacity beyond the medium term, then that should also be considered, provided that capacity is consistent with planning outcomes and infrastructure availability⁵.
- (c) The Framework report considers the WDC approach to infrastructure planning and funding to be flexible so as to respond to a range of demands. Land may be live zoned even if firm commitments are not set out in the LTP⁶.

¹ Paragraph 5.15, Primary Statement of Evidence, Hearing 25, Christopher James Scrafton.
² Paragraph 58, Section 42A Report: Pokeno.
³ Page 33, Pokeno West Expansion Urban Design Report.
⁴ Paragraph 57, Section 42A Report: Pokeno.
⁵ Paragraph 58, Section 42A Report: Pokeno.
⁶ Paragraph 82, Section 42A Report: Pokeno.

- (d) The land use-infrastructure issues facing Pokeno are not of an order or scale that requires that no further land be live zoned until further, comprehensive spatial planning is completed⁷.
- 2.4 I agree with Mr Mead that the time and resources associated with plan changes and reviews can be significant. However I consider that the NPS:UD acknowledges this and provides additional policy support for plan changes seeking to provide development capacity beyond a plan review process where proposed plan changes would:
- (a) Add significant development capacity; and
 - (b) Contribute to well-functioning urban environments⁸.
- 2.5 With regard to the LTP approach to infrastructure planning and funding, I do not consider that live zoned land without adequate infrastructure to support its development identified in a long term plan can be considered as “infrastructure ready” under the NPS:UD. Subsequently, it cannot be considered as contributing to development capacity. As set out in my primary statement of evidence, as I understand it, the Long Term Plan (LTP) and associated infrastructure strategies to implement Waikato 2070 are yet to be finalised.
- 2.6 With regard to the specific infrastructure issues facing Pokeno:
- (a) As set out in my primary statement of evidence⁹ national and regional policy guidance outline the requirements and directives for infrastructure integration and land use planning. In my view, these requirements apply to Pokeno regardless of the scale of the issues.
 - (b) It is unclear how Mr Mead has identified that the scale of the land-use infrastructure issues facing Pokeno are not of an order or scale that warrant further consideration.

3. **DEFERRING ASSESSMENTS OF EFFECTS**

- 3.1 In my primary statement of evidence I outline the importance of considering zoning submissions at a broader scale¹⁰ to support the achievement of well-functioning urban environments.

⁷ Paragraph 87, Section 42A Report: Pokeno.

⁸ Policy 8, National Policy Statement on Urban Development.

⁹ Paragraph 3.9, 3.19, Primary Statement of Evidence Christopher James Scrafton.

¹⁰ Paragraph 4.20 Primary Statement of Evidence Christopher James Scrafton.

3.2 Mr Mead:

- (a) Suggests that rezoning and catchment wide stormwater and transport planning can occur in parallel and concludes that the output of catchment planning can be used to inform subsequent subdivision and resource consent processes¹¹.
- (b) Notes a concern that live zoning of land for residential and business activities can be taken to mean that environmental management has already been 'traded off' for greater urban capacity. Based on his experience, he does not consider that concern to be valid¹².
- (c) Considers that there is generally adequate discretion through the subdivision and development process to address 'structure plan' type issues, given the size of Pokeno, and size of lots involved¹³.

3.3 With regards to 3.2(a) and 3.2(b), whilst I agree with Mr Mead that at stormwater and transport planning can be undertaken at an individual development scale, I note that:

- (a) Deferring consideration of such issues to resource consent processes cannot:
 - (i) provide for wider spatial planning considerations such as the balance of land uses and how they contribute to well-functioning urban environments. In addition, I note Mr Edwards concerns¹⁴ regarding the lack of evidence available to confirm that appropriate transport infrastructure can be provided.
 - (ii) Provide sufficient certainty that the cumulative issues associated with infrastructure capacity and provision can be adequately considered.
- (b) No evidence of broader scale transport or catchment planning assessment has been provided through this plan review process and therefore there are no opportunities for this information to inform future subdivision and resource consent processes.

¹¹ Paragraph 85, Section 42A Report: Pokeno.

¹² Paragraph 96, Section 42A Report: Pokeno.

¹³ Paragraph 112, Section 42A Report: Pokeno.

¹⁴ Paragraph 3.1, Statement of Rebuttal Evidence, Wesley John Edwards.

- (c) As noted by Mr Edwards¹⁵, this approach does not allow for the possibility that it may not be possible to provide some infrastructure components, or at least that they may be economically prohibitive to provide. Mr Edwards has identified proposed development areas that he considers there is little to no likelihood that sufficient transport infrastructure could be provided. Based on the advice of Mr Edwards, I consider that these areas should retain their rural zoning.
- (d) There are no requirements in the proposed provisions for catchment planning to be undertaken and therefore there will be no future opportunities for this information to inform subdivision and consent processes.

3.4 With regard to 4.2(c) above, I note that under the proposed Residential Zone Rule 16.4.1 – Subdivision – General¹⁶, when considering the application, Council will restrict its discretion to matters relating to:

- (a) Subdivision layout;
- (b) Shape of lots and variation in sizes;
- (c) The ability of lots to accommodate a practical building platform including geotechnical stability for building;
- (d) Likely location of future buildings and their potential effects on the environment;
- (e) Avoidance or mitigation of natural hazards;
- (f) Amenity values;
- (g) Reverse sensitivity effects;
- (h) Streetscape landscaping;
- (i) Consistency with matters contained within Appendix 3.1- Residential Subdivision Guidelines (Appendix 3.1);
- (j) Vehicle and pedestrian networks;
- (k) Consistency with any relevant structure plan or master plan included in the plan;

¹⁵ Paragraph 2., Statement of Rebuttal Evidence, Wesley John Edwards.

¹⁶ Section 14, Hearing 10 – Council Rebuttal Evidence.

- (l) Avoidance or mitigation of conflict with gas transmission infrastructure; and
- (m) Provision for new infrastructure and the operation, maintenance, upgrading and development of existing infrastructure.

- 3.5 Whilst I consider the subdivision process adequately provides for assessment of effects at the development level, overall, I am of the view that the proposed subdivision and development process (including the activity status, objective and policy framework and matters of discretion) does not adequately provide for broader spatial planning issues that would be considered at the structure planning stage and that such consideration has to date been absent from this plan review process. While the matters described above enable a broad range of effects to be considered, these typically relate to the development area itself (i.e. the site) or its immediate periphery (i.e. interface treatments and immediately adjoining connections).
- 3.6 In my primary statement of evidence¹⁷ I outline that the Pokeno Structure Plan enabled guidance for the integration of growth and infrastructure provisions which, in turn, provided guidance for the development of Pokeno. Mr Mead states that the principles that underpinned the Pokeno Structure Plan, such as a focus on West Pokeno, supporting the town centre and recognising landscape values are still relevant to the consideration of individual zoning proposals put forward by submitters¹⁸. I agree with Mr Mead that they should be, however, there is no evidence provided within the S42A analysis that assessment against these principles has been undertaken.
- 3.7 In my view, disregarding higher level and overarching strategy documents limits the ability to undertake a holistic planning approach to the development of Pokeno and may result in imbalances of land use zonings. For example, Mr Mead states that land for employment activities (business and industrial) are not proposed within the PWDP¹⁹. While I note that some additional employment land is now recommended to be rezoned, there is no clear evidence that provides an analysis for how much employment land should be provided to sustain a community of the anticipated scale.
- 3.8 I agree with Mr Mead that, where an appropriate structure plan has been prepared for a development area, then there would be benefits from

¹⁷ Paragraph 5.26 of primary evidence of Chris Scrafton.

¹⁸ Paragraph 110, Section 42A Report: Pokeno.

¹⁹ Paragraph 36, Section 42A Report: Pokeno.

incorporating the plan into the PWDP²⁰. Despite the acknowledgement of its benefits, Mr Mead does not make recommendations in relation to how this can be achieved in practice through the PWDP provisions. As a result, I am of the view that these potential benefits will not get realised due to the missing link between the structure plan and a statutory requirement for its implementation.

4. POKENO'S RURAL BACKDROP

4.1 As noted by Ms De Lambert in both her primary and rebuttal statements of evidence, the Pokeno Structure Plan put some emphasis on the retention of the rural character of Pokeno and identified the 100mRL line and the protection of rural character above it as being important aspects of retaining Pokeno's rural character.

4.2 Ms De Lambert considers that the RL100 limit to urban development should be retained for Pokeno to assist in retaining a rural backdrop thereby maintaining the distinctive local character and identity of the settlement and protecting the cultural values associated with the ridgeline landforms²¹. I agree with Ms De Lambert that retention of the RL100 limit to urban development will assist in retaining the rural backdrop of Pokeno.

Chris Scrafton

3 May 2021

²⁰ Paragraph 112, Section 42A Report: Pokeno.

²¹ Paragraph 4.1, Rebuttal Statement of Evidence of Rachel Virginia De Lambert.