

Before an Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter hearing submissions and further submissions on the
Proposed Waikato District Plan (Stage 1):
Topic 25 – Zone Extents

**Rebuttal Evidence of Sir William Birch on behalf of Pokeno West Limited, CSL and
Top End Properties (Submitter #97 #89)**

(Development Considerations)

Dated 3 May 2021

Introduction

1. I confirm that I have the qualifications and expertise previously set out in paragraphs 2.2 and 2.3 of my primary evidence.
2. I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that my evidence has been prepared in accordance with that Code.

Rebuttal Evidence

3. My evidence is in rebuttal of criticisms by Pokeno Village Holdings Limited and others that the proposals to rezone the West Pokeno properties is unsuitable or unnecessary to meet the population growth of Pokeno.

Whole of catchment considerations

4. The point of submitting rebuttal evidence for the two adjacent submitters is that the properties combine to reflect almost the whole of the West Pokeno hydraulic catchment and facilitate its planning in a holistic way and on a whole of catchment basis. For the most part, the catchment is bound by Helenslee Road in the East, Ridge Road in the West and the Auckland-Hamilton motorway in the North. In this rebuttal evidence, I refer to the area covered by Annie Chen's (hereon referred to as Pokeno West Limited) original submission and the CSL Trust and Top End Properties submission as "West Pokeno". This catchment area (#89.1 and #360.1) is shown on the drawing below taken from Dr Mark Davey's supplementary evidence to the Framework s42A Report dated 28th April 2021.

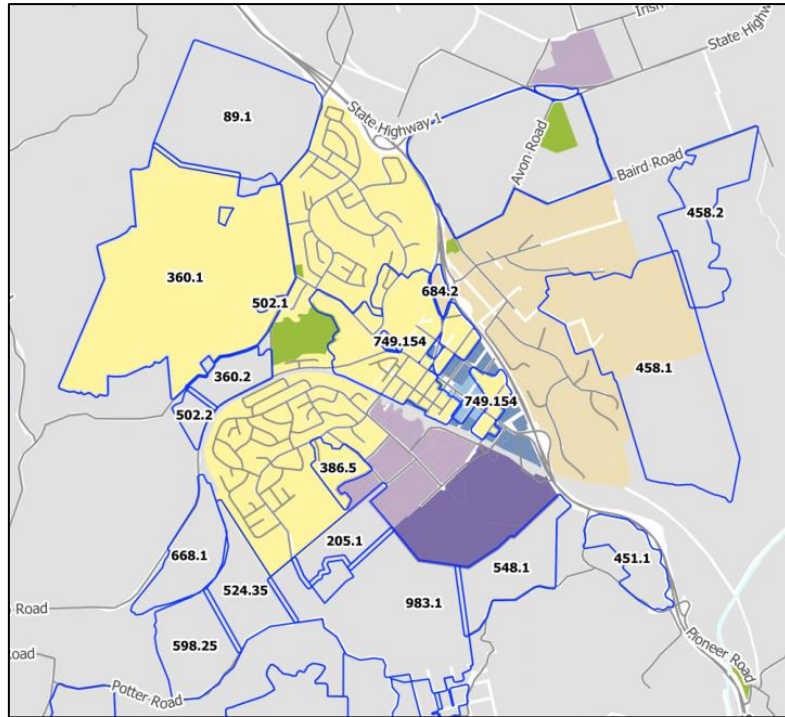


Figure 1: Notified zoning with approximate submission locations. (Source: Supplementary evidence to the Framework s42A Report).

5. The area now proposed for residential zoning in the s42A report includes the whole of the land in the submission on behalf of Pokeno West Limited, the whole of the Top End Property and the eastern half of the CSL Trust property. The properties proposed to be residential lie below the RL100 contour except for two small areas identified in Mr James Oakley’s evidence and thus are not an issue in considering the extent of the proposed Residential Zone from a landscape point of view. The rural-residential area within the CSL property which has been excluded from rezoning deserves further consideration.

Pokeno’s predicted population growth and options to expand

6. There is no doubt from the various estimates provided by way of the economic evidence of Adam Thompson and others that the substantial and growing demand for residential sections in Pokeno can only be met by the provision of significant greenfield sites of which the West Pokeno catchment is the most logical because of its proximity to the existing Pokeno Village facilities and because of its ease of servicing via existing infrastructure.

7. The choice of Pokeno West has been supported by the Civil engineering evidence of Maven Consultants, the geotechnical evidence of Fraser Walsh from Ground Consulting Ltd, the Integrated Traffic Assessment of Leo Hills from Commute, the ecological evidence of Jenni Shanks from JS Ecology Ltd, Landscape evidence of Rob Pryor from LA4 Landscape Architects, Urban Design advice from Construkt, Billy Ho, and more recently from Ian Munro, the planning evidence from Mr. James Oakley from Birch Surveyors plus the Legal submissions from Peter Fuller, barrister.

8. The collective evidence of these experienced technical experts has confirmed that the extension of existing infrastructure by developers of this West Pokeno catchment will make a major contribution to meeting the demand for residential sites in Pokeno in a logical way leading to a compact community. This development along with the Havelock Village proposal will create a competitive property market that will lead to a choice of house sites for new residents for the foreseeable future.

Medium Density Residential Zone, Future Urban Zone, Neighbourhood Centre and Precinct Plan

9. I have followed the debate amongst various submitters about the use of a Future Urban Zone and Medium Density Residential Zone. Whilst I agree with Mr. Oakley's evidence that it is important to achieve higher density targets where appropriate, they also can be achieved with flexible rules in the Residential Zone as noted by Mr David Mead. Looking at these issues from the point of view of facilitating future residential development with desirable outcomes and the choice of locations of neighbourhood centres, I am of the view that the s42A report on behalf of the Council by Mr Mead arrives at the right conclusion in that he recommends that the land be zoned Residential without a Medium Density Residential Zone, Neighbourhood Centre, or precinct plan. There are several reasons from a practical point of view why I believe that his recommendations are correct. They are:
 - a. Future Urban Zones require a further plan change before development can take place and involves substantial repetition of reporting and further

hearings. This process is very time delaying and expensive and helps to explain the current shortage of residential development in Auckland.

- b. Once zone boundaries are established, they create an inflexible wall around which further planning for development is required to respect. Zone boundaries should be avoided where possible and as an alternative it is better to provide flexibility in the residential zone rules so that at the detailed design stage, the choice of housing typologies, neighbourhood centres and open space areas can influence the form and location of these features.

RL100 Contour

10. As Mr Ian Munro has noted in his rebuttal evidence, if development was not intended to occur above RL100, Council would have included it within the Operative District Plan at the time the Pokeno Structure Plan was prepared and rolled-into the District Plan through the subsequent Plan Change. The alternative would have been to identify these landforms as an Outstanding Natural Landscape, which we understand neither the ODP or PDP has done or sought to do, respectively. I therefore wish to return to this matter in my evidence today to discuss the benefits of applying an Environmental Protection Area (**EPA**) Overlay to protect the existing ecological areas and to apply an attractive transition area to the rural countryside beyond the natural boundary of the Catchment which is Ridge Road.

Western Part of CSL property

11. Mr Mead in his s42A report of 14 April 2021 recommends that the Country Living proposal contained in the submissions be retained as a Rural zone. As referred to previously, I believe that this recommendation deserves further consideration by the Panel. The reason for this is that the land has limited value for rural production because of its steep topography and important ecological features. The land is bounded by Ridge Road in the West and this also forms the outer limit of the Pokeno West catchment. The land falls steeply from Ridge Road at RL175/170 to the valley floor at RL 40. The valley floor also represents the approximate location of the western limit of the proposed residential zone

recommended by David Mead. Within the area are several identified Significant Natural Areas as well as several stands of Kahikatea canopy trees that are at risk of terminal damage from cattle grazing. Jenni Shanks identifies these risks to the ecology in her evidence and recommends the use of this land for low impact countryside living.

12. The Panel is currently being asked to accept a recommendation for the use of existing Rule 23.4.11 to create an EPA to form a transition between the residential on the southern side of Havelock Village and the river with large scale planting of native species to form a transition between town and country. A similar approach by planting the steeper slopes and riparian areas in the gullies would accommodate low density country living with an EPA Overlay between the proposed Residential Zone, the Country Living Zone up to Ridge road.

13. I am attaching a plan prepared by Billy Ho on behalf of CSL Trust and Top End Properties which is designed to achieve this effect. This plan is indicative only but identifies areas suitable for low density housing which will be screened by the planting from the rest of Pokeno and provide an attractive fringe to the village. The standards for this development would be in accordance with Rule 23.4.11 of the PWDP and which currently applies to parts of Te Kauwhata and which is proposed to be applied to parts of the Havelock Village. We seek on behalf of CSL further consideration for the zoning of this area as we believe that an EPA in this location would provide a very attractive feature for Pokeno.



View of western part of CSL property looking towards Ridge Road. Area proposed for residential zone in foreground

Sir William Birch

3 May 2021