

Before the Hearings Panel

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

And

In the Matter Hearing 25: Zone Extents for the Proposed District Plan (the 'PDP')

**Summary Statement of Nicholas Colyn Grala on behalf of Thorntree Orchards,
Cindy and Tony Young and Parkmere Farms**

Dated 12 May 2021

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Overview of key conclusions of my evidence

1. This statement provides a summary of the key points of my primary statement dated 17 February 2021.
2. The Submitters are all landowners within an area that is defined by State Highway 1, Avon Road and State Highway 2 ('Pokeno East'). This roughly triangular area of land comprises some 63ha and is split between 24 different landowners.
3. The submissions made by the submitters broadly sought for Pokeno East to be rezoned from Rural to Village zone under the PDP. They were prepared and submitted prior to the gazetting of the National Policy Statement for Urban Development 2020 (NPSUD) and were predicated on the basis that the proposed Village zoning was sufficient to meet the (different) housing demand requirements of the National Policy Statement on Urban Development Capacity 2016 (NPSUDC) that applied at the time.
4. Pokeno East has already been identified as a future growth area by the relevant growth documents for the Waikato Region, including Future Proof 2017, the Regional Policy Statement, Waikato 2070, the Hamilton to Auckland Corridor Plan 2020 and the Pokeno Local Area Blueprint.
5. Section 75(3)(a) of the Resource Management Act requires district plans to give effect to national policy statements. Pokeno East has been included within the areas required to be residentially zoned to meet the projected demand for Pokeno by reference to the NPSUD. This means that the notified rural zoning that the PDP has applied to Pokeno East cannot be retained if Waikato District Council are to meet the requirements of the NPSUD and it clearly must be rezoned to enable some form of residential use in line with the projected demand for Pokeno, and the strategic growth documents.
6. I concluded that the Future Urban zone (FUZ) was the most appropriate zoning that should be applied to Pokeno East within the PDP. This was instead of a live residential zone but I noted that if, prior to decisions being released on the PDP, either Watercare or Waikato District Council were to provide

alternative guidance that it was feasible / likely to be able to provide the required infrastructure connection to Pokeno East within the next 10 years, then the Panel could equally apply a live residential zoning to Pokeno East. This was on the assumption that the detailed design for urban development would occur as part of the resource consent stage, noting the suite of evidence that was prepared on behalf of the submitters and culminating in the indicative Masterplan for Pokeno East covers much of the same ground that would be addressed in a structure plan process. Chapters 6 and 14 Infrastructure and Energy of the Proposed District Plan ensure development is accompanied by appropriate infrastructure.

7. Mr Campbell has provided an update that has occurred since I prepared my primary statement, having subsequently met with Watercare and determining that Pokeno East will be capable of being serviced (in conjunction with some local upgrades) with both wastewater and potable water in the next 5 years. This means that the availability of suitable transport connections for Pokeno East, and specifically any upgrades that exceed what would normally be expected to be undertaken by a land developer, is the only obvious remaining barrier to achieving a live residential zoning for Pokeno East.
8. I identified that the approach prescribed within the Framework Report (and specifically the three lenses approach) was flawed but that Pokeno East was able to pass through each of the gateways created by the three lenses in any case.
9. I supported the overall intent of the FUZ but identified several issues with provisions as they were drafted by Mr Cleese:
 - a. The first issue that needed to be resolved was whether the objectives and policies are there to guide where the zone should be located, or whether they are there to manage how the zone will be used once it is in place, or both. My preference was for the objectives and policies to focus on the management of the zone, with the direction of where it should be located remaining within Chapter 4 and/or the Regional Policy Statement.

- b. The second issue was that the provisions conflate the interim use of the FUZ with providing guidance to any subsequent plan changes that may seek a residential zoning. This is like the Lens 1 scenario, where any plan change that was seeking to achieve a residential zoning would not need to demonstrate consistency with the FUZ objectives and policies because that is not what it would be applying for. If there is a desire by either Council or the Panel to provide guidance on what needs to be achieved to enable a residential zoning then this guidance should be located elsewhere in the District Plan. My preference was to include this within Chapter 4 because this is where the District Plan guides urban development and urban form within the Waikato District – and it is something that any plan change would need to demonstrate consistency with if it were to be approved.
 - c. I preferred the objectives and policies that were promoted by Pokeno Village Holdings Limited because they were concise and focused on the purpose of the zone. I recommend the inclusion of one additional policy that is intended to control landuse given that Policy 2 only relates to subdivision. This is because it is also possible for certain land uses to compromise urban development from occurring in the future (even if no subdivision is involved).
10. Finally, I provided an assessment of the proposed change from Rural to FUZ under Section 32AA of the Act. This assessment concluded that the proposed zoning is the most appropriate way to achieve the relevant objectives of the PDP, and that overall, the proposed zoning for Pokeno East best meets the purpose of the Act and gives effect to the Regional Policy Statement.

Nick Grala

Date: 12 May 2021