

Before an Independent Hearings Panel

The Proposed Waikato District Plan (Stage 1)

IN THE MATTER OF the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF hearing submissions and further submissions on the Proposed
Waikato District Plan (Stage 1):

Topic 25 – Zone Extents

**HIGHLIGHTS PACKAGE
SIR WILLIAM BIRCH ON BEHALF OF POKENO WEST LTD, CSL AND TOP END
PROPERTIES**

(Development Considerations)

11 May 2021

Counsel Instructed:

Peter Fuller
LLB, MPlan, DipEnvMgt, BHortSc.
Barrister
Quay Chambers
Level 7, 2 Commerce Street
PO Box 106215
Auckland 1143
021 635 682
Email: peter.fuller@quaychambers.co.nz

1. SUMMARY OF EVIDENCE

- 1.1 These three subject sites combine to reflect almost the whole of the West Pokeno hydraulic catchment and facilitate the planning and management of the entire catchment in an integrated manner.
- 1.2 There is a substantial and growing demand for residential sections in Pokeno to meet the projected population growth established by Adam Thompson and other economists.
- 1.3 This demand for live residentially zoned land can only be met by the provision of significant greenfield sites of which the West Pokeno catchment is the most logical choice because of its proximity to the existing Pokeno Village facilities and because of its ease of servicing via existing and planned infrastructure.
- 1.4 The choice of Pokeno West for live residential development is supported by the technical reports of the following consultants:
 - A. Civil Engineering reports - Maven Civil Engineering Consultants
 - B. Geotech Reports - Ground Consulting Ltd – Geotech specialists
 - C. Integrated Transport Impact reports - Commute – Transportation Consultants
 - D. Ecological report - JS Ecology Ltd – Ecologists
 - E. Landscape Reports - LA4 – Landscape Architects
 - F. Urban Design reports – Construkt - Billy Ho Architects – Ian Munro
 - G. Planning assessments – James Oakley – Planner from Birch Surveyors Ltd
- 1.5 The collective evidence of these experienced technical experts has confirmed that the extension of live zonings to this Pokeno West catchment will make a major contribution to meeting the demand for residential housing in Pokeno in a logical way leading to a compact future community.
- 1.6 This development, along with the Havelock village proposal, will create a more competitive property market that will lead to a choice of house sites for new Pokeno residents for the foreseeable future. This meets the purpose to the National Policy Statement – Urban Development 2020, to have a well-functioning urban environment and to “limit as much as possible adverse impacts on, the competitive operation of land and development markets” (Policy 2.2 (d)).

- 1.7 The area now proposed for Residential Zoning in the Sec. 42A report includes the whole of the land in the submissions on behalf of Pokeno West Ltd., (identified by the Waikato District Council in the PWDC Plan), the whole of the Top End property and the eastern half of the CSL property.
- 1.8 The whole of these properties falls below the RL 100m contour except for two very small areas.
- 1.9 The rural residential area within the CSL property which has been excluded from rezoning deserves further consideration and will be referred to later in this summary of evidence.
- 1.10 I am aware of the debate amongst various submitters about the use of Future Urban Zones and Medium Density Residential Zones. My view is that the Sec.42A report by Mr Mead arrives at the preferred conclusion in that he recommends that the residential 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 involves time delays and significant costs.
 - (b) Zone boundaries create inflexibility when it comes to the details of design and layout. Flexibility available with the proposed residential zone will lead to better and more practical ultimate design
- 1.11 The western part of the CSL property deserves further consideration. The land is generally steeper and has limited value for rural production. Within this area are a number of 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 recommends the use of this land for low impact countryside living with the planting of the steeper slopes and ecological areas. Without development occurring, acting as a trigger for proper protection, that important ecological areas she has identified are likely to continue to be degraded.
- 1.12 My evidence proposes that an Environmental Protection Area be established to provide an attractive transition between the residential zone and the rural zone further beyond Ridge Road.

Cluster or hamlet development with restricted dwelling sites similar to those recommended by Mr Mead for the Havelock village EPA area, based on the evidence of Mr Tollemache and other witnesses, would work equally well in this location.

1.13 In conclusion, the proposed Pokeno West development coupled with the EPA area between the proposed residential zone and Ridge Road would not only protect further SNA's but would also fulfil the requirements (NPS-UD etc) to provide sufficient residential capacity through an opportunity for an innovative and environmentally sustainable urban development.

Sir William Birch

11 May 2021