

**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 CSL TRUST AND TOP END PROPERTIES
LIMITED (89)**

SUMMARY STATEMENT OF EVIDENCE OF JAMES GILBERT OAKLEY

12 May 2021

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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. I have previously outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct.
3. The purpose of this statement is to summarise my evidence in chief and s 32AA evaluation (dated 17 February 2021) (**EIC**) and my rebuttal evidence (dated 3 May 2021). Specifically, the statement focuses on the relevant planning matters relating to the rezoning of the CSL Block as required under the RMA and a number of matters raised by other submitters.

STATUTORY FRAMEWORK & ENVIRONMENTAL EFFECTS

4. The thrust of my EIC was an assessment of the proposal against the statutory framework¹ that it is subject to and a broad assessment of the anticipated environmental effects.
5. Whilst my EIC pre-dated the pre-hearing conference on the Framework s 42A Report, the tests I applied (and the weighting given to them) are consistent with those agreed by the attendees of the conference and the minute and directions by the Hearing Commissioners (dated 15 March 2021).
6. Based on my assessment of the statutory framework it has been shown that:
 - a. The proposal gives effect to Part 2 of the RMA, the WRPS and the National Policy Statement on Urban Development. Rezoning of the CSL Block would provide for significant growth capacity in an area that is a logical expansion of Pokeno as it adjoins the existing urban extent. Economic evidence by Mr Thompson² and other modelling projections from Council³ show that Pokeno is anticipated to experience considerable growth in the future. I note that future development would also generate numerous social, economic and cultural benefits.

¹ I note that other non-statutory documents were also addressed.

² Section 5, Rebuttal Statement of Evidence of Adam Jeffrey Thompson.

³ The Framework s 42A Report and Supplementary Evidence.

- b. The proposal is consistent with the Future Proof Strategy 2017. The block is identified within the indicative urban limits and aligns with the settlement pattern and guiding principles of the strategy.
 - c. The CSL Block is not identified within Waikato 2070 as a residential growth node. Notwithstanding this, the PWDP is only required to *have regard to* the strategy. Looking at the block in relation to the surrounding locality, it makes sense that the despite not being identified that the area be made available for residential development. The block is a logical extension of the Munro Block and the existing urban area. Rezoning of the site would also round out the western flank of Pokeno. These (and other factors) demonstrate that not being identified within Waikato 2070 should not preclude rezoning.
7. My EIC considered the environmental effects that may arise as a result of the proposal. On these matters I referred to the evidence prepared by the other experts where appropriate. In general, any effects were found to be able to be sufficiently addressed. Alternatively, the benefits (e.g. economic⁴ and ecological⁵) from rezoning were found to outweigh any costs.
8. On matters such as transport and servicing, I consider that sufficient certainty has been provided to not preclude the CSL Block from live zoning. There are appropriate mechanisms under the RMA and other Acts that can be implemented to address these matters after the land is rezoned and resource consents are applied for. The evidence of Mr Hills and Mr Moore confirms the above.

SPECIFIC ISSUES RAISED BY FURTHER SUBMITTERS

Growth in Pokeno

9. The issue of whether there is sufficient growth capacity in Pokeno under the Operative District Plan has been raised as it relates to providing for future growth areas. Rebuttal evidence from Mr Thompson⁶ supports the conclusion that additional growth capacity is required based on development that is projected to actually be realised. This is reinforced by the Supplementary Evidence on the Framework s 42A Report and the comments made on Pokeno⁷.

The Future Urban Zone and structure planning

⁴ Section 19, Primary Statement of Evidence of Adam Jeffrey Thompson.

⁵ Section 3, Rebuttal Statement of Evidence of Jennifer Carolyn Shanks.

⁶ Section 5, Rebuttal Statement of Evidence of Adam Jeffrey Thompson.

⁷ Fig. 15-17, Supplementary Evidence of Dr Mark Nairn Davey.

10. The inclusion of a Future Urban Zone (**FUZ**) and associated structure planning process have been raised by many submitters as a method for identifying future growth areas. I do not oppose this; however exercising caution is warranted given the projected growth of Pokeno and the need to provide residential capacity to accommodate this. Furthermore, in this instance, the CSL Block adjoins the Munro Block and collaboration between the two parties is ongoing. Therefore, in this instance, I agree with Mr Mead's stance⁸ in the Pokeno s 42A Report that identifying the CSL Block with FUZ could negatively affect the integration of development across the entire western flank.
11. Given the FUZ is essentially a holding zone, that can stop any development on the land, it should not be loosely applied. The proposed pathway to live zoned land from FUZ requires structure planning and then a Schedule 1 plan change process which could take several years. This ultimately affects the requirements to adhere to the NPS-UD to provide sufficient zoned capacity as FUZ is not a live zone so does not meet the definition of measurable capacity that is both "feasible" and "reasonably expected to be realised" (Clause 3.26).
12. For the avoidance of any doubt, I oppose any notion that the CSL or Top End Blocks should be identified as FUZ for the previously stated reasons and those expressed by the other experts. Sufficient information has been provided for live zoning and this land is needed now, to meet the medium-term capacity "housing bottom lines" of the NPS-UD, and in accordance with the expert demographic and economic evidence of Council and CSL/Top End.

Development in the rural landscape of Pokeno

13. The rural landscape in west Pokeno was raised as a feature that should preclude zoning above a stated contour (RL100). For the CSL Block, RL100 does traverse through the middle-western part of the site in the area that is proposed to be Country Living Zone (**CLZ**). Notwithstanding this, development at or above this contour is not a strict plan provision that is proposed. If it was intended that the RL100 contour line have legitimate weighting, it should have been included in the previous District Plan when the matter was under discussion during the Pokeno Structure Plan process or it should have been identified under one of the relevant Natural Environmental Overlays of the PWDP⁹. To my knowledge, none of the previous actions have occurred, as such I see no planning barrier to the rezoning sought.

⁸ Para. 302, Pokeno s 42A Report by David William Arthur Mead.

⁹ Outstanding Natural Feature, Outstanding Natural Landscape or Significant Amenity Landscape.

14. There is little merit in adopting the RL 100 line as a constraint in any event, for the technical and amenity reasons outlined in the Urban Design evidence of Mr Munro and the Landscape Evidence of Mr Pryor.
15. Instead of simply rezoning the land as CLZ, the identification of Environmental Protection Areas (**EPA**) amongst the proposed CLZ was offered as an alternative with a plan showing the EPAs included in the evidence of Sir William Birch. The suitability of the EPA approach has been assessed in the evidence of Mr Pryor who agrees with its merits. Mr Pryor also concluded that any adverse landscape and visual effects would be sufficiently mitigated. The evidence of Ms Shanks confirms the ecological merits of further revegetating in the CLZ area.

COUNCIL s 42A REPLY

16. I have reviewed the s 42A Council Reply by Mr Mead (dated 10 May 2021). There has been no change to the recommendation that the Residential Zone area of the CSL Block be live zoned. I continue to agree with this recommendation in light of the previous evidence provided by myself and that of other experts acting on behalf of CSL Trust and Top End Properties Ltd.

17. Regarding the CLZ aspect of the proposal, Mr Mead noted the following in para. 32:

“The proposed form of countryside living put forward in rebuttal evidence does not appear to require a clustered approach to housing development, where the majority of the land is to be replanted and retired and housing is located in the less obtrusive areas of the land. This is an important distinction to the proposal put forward by Havelock Village (which is also located in a different visual catchment).”

18. Whilst no strict clustered development is currently proposed, I consider that the large lot nature of the underlying CLZ (min. 5000m² lots) lends itself to cluster-type outcomes, particularly if averaging of lots is allowed. This is evident in the urban design work by Mr Ho enclosed within the primary submission which shows a concept masterplan development with clustered CLZ lots. Based on the above I continue to support CLZ for the western portion of the CSL Block and consider that the identification of EPA in conjunction with other matters that can be addressed at resource consenting stage will provide sufficient scope to address any landscape/visual matters.

CONCLUSION

19. The proposal passes the relevant statutory tests for land to be rezoned and I concur with Mr Mead's recommendation the Residential Zone component should be

accepted. Based on the evidence of other experts I am not aware of any reason why the CSL Block should be precluded from live zoning.

20. On the CLZ component, I consider that identifying EPAs to be revegetated will assist in ensuring that the landscape and visual environment will not be adversely affected. This will also generate numerous ecological benefits as identified by Ms Shanks. Regarding a cluster layout, the identification of EPAs (by requiring areas be revegetated and not physically developed) will informally create areas where cluster development can take place without strictly regulating this. Notwithstanding the above, a cluster development approach, as proposed by HVL, would in my opinion also work in the CLZ area on the CSL Block.

James Gilbert Oakley

12 May 2021