

**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 **POKENO WEST LIMITED (97)**

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 Munro 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 Munro 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

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.

that future development would also generate numerous social, economic and cultural benefits.

- 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 proposal is consistent with Waikato 2070 as the block is identified within the document as a residential growth node.
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 Munro 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.

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.

The Future Urban Zone and structure planning

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. Given the FUZ is essentially a holding zone, it should not be applied liberally. The pathway to live zoned land requires structure planning and then a Schedule 1 plan change process which can be time-consuming and ultimately affect the requirements to adhere to the NPS-UD. For the avoidance of any doubt, I oppose any notion that the Munro Block should be identified as FUZ for the previously stated reasons.

Development in the rural landscape of Pokeno

11. The rural landscape in west Pokeno was raised as a feature that should preclude zoning above a stated contour (RL100). For the Munro Block, the presence of RL100 is so limited such that it is not logical that the small areas at (or above) this elevation be retained as Rural Zone. This opinion is also shared in the urban design rebuttal of Mr Munro and the landscape and visual rebuttal of Mr Pryor. If it was intended that RL100 have legitimate weighting, it would have been included in the previous District Plan when the matter was under discussion or it would be identified under one of the relevant Natural Environmental Overlays of the PWDP⁸. To my knowledge, none of the previous actions have occurred, as such I oppose the idea that rezoning be restricted by the RL100 contour.

COUNCIL s 42A REPLY

12. I have reviewed the s 42A Council Reply by Mr David Mead (dated 10 May 2021). There has been no change to the recommendation that the Munro Block be live zoned Residential Zone. 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 Pokeno West Limited.

⁸ Outstanding Natural Feature, Outstanding Natural Landscape or Significant Amenity Landscape.

CONCLUSION

13. The proposal passes the relevant statutory tests for land to be rezoned and I concur with Mr Mead's recommendation that it should be accepted. Based on the evidence of other experts I am not aware of any reason why the Munro Block should be precluded from live zoning as per the relief sought.

James Gilbert Oakley

12 May 2021