

Private Plan Change 21: Graham Block Development

Section 32 Analysis

Prepared for:
Pokeno Village Holding Limited

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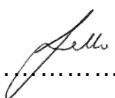
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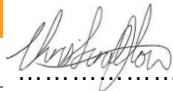
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Pokeno Village Holdings Limited

Private Plan Change 21

Graham Block Development

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1 Introduction

This section 32 Report has been prepared in support of a Private Plan Change which seeks to enable the future residential development of the site located at 201 Hitchen Road (identified as the 'Plan Change Area'). Specifically, Pokeno Village Holdings Limited (the applicant), proposes a Private Plan Change to the Waikato District Plan (the District Plan) to re-zone the Plan Change Area.

The Plan Change proposes to:

- (a) Re-zone an area of 26ha from Rural to Residential 2 Zone (one of the suite of zones currently applied to the Pokeno area). This is anticipated to accommodate the development of 100 standalone residential dwellings;
- (b) Remove the Large Lot Overlay which currently applies to the northern extent of the Plan Change Area, thereby enabling a denser, more efficient development of the land resource. This is anticipated to enable the development of an additional 50 standalone residential dwellings within an area which is currently zoned for residential development;
- (c) Apply the Large Lot Overlay to the southern extent of the Plan Change Area.
- (d) Incorporate the Plan Change Area into the existing Pokeno Structure Plan Area;
- (e) Delete two Taraire Trees (ITEM C.33) from Schedule 8A: Historic Buildings, Structures, Trees and Areas;
- (f) Schedule a Rewarewa Tree and Taraire Tree located within the Plan Change Area;
- (g) Identify Wetland 1 and Wetland 2 (and associated areas) on the Pokeno Structure Plan Area map; and
- (h) Remove the Central Rural Management Area from the Plan Change Area

The Plan Change therefore requires amendments to the Pokeno Structure Plan, Planning Maps and provisions contained within the Waikato District Plan, as detailed in Section 2 of this Plan Change.

2 Section 32 Analysis

2.1 Resource Management Issue

Pokeno's suitability as a growth node was recognised in the Pokeno Structure Plan 2000, and the Franklin District Growth Strategy 2007. While the former document saw Pokeno's environs as being suitable for rural/residential development, the Growth Strategy 2007 was informed by more contemporary planning requirements and growth projections and recognised the appropriateness of Pokeno as a suitable location to accommodate an additional population of approximately 5,200 by 2051.

The recent District Growth Strategy builds upon this, and reiterates the doubling of the Waikato District's population over the next 50 years. The Strategy states notes that due to an increase in large-scale employment opportunities, development will be centred around Pokeno and Hampton Downs (the "northern corridor")¹ adding that the planned expansion of Pokeno adds to the competitive advantage of the area.²

As such, there is a need to ensure a housing supply that will:

- (a) Enable a range of housing types, sizes and densities;
- (b) Relieve pressure on surrounding rural areas to accommodate development and growth;
- (c) Encourage connectivity between new development and the existing town centre;
- (d) Enable growth in a manner consistent with the District Growth Strategy, and;
- (e) Provide for an increased employment base within Pokeno and the surrounding area.

2.2 Proposal

The Plan Change Area (201 Hitchen Road, Pokeno) is adjacent to the Pokeno Town Centre. The site is zoned Residential 2 and Rural, and is subject to a Large Lot Overlay on the northern boundary of the site. A portion of the site is within the Pokeno Structure Plan Area.

On the portion of land that is zoned Rural, any subdivision would require consent as a non-complying activity. An initial assessment of the relevant objectives and policies suggests that the subdivision of land (under the currently applicable District Plan provisions) may not be consistent with Policy 17C.2.2(6), which seeks to avoid the proliferation and dispersal of rural subdivision outside the Environmental Enhancement Overlay.

In summary, the proposed Plan Change seeks to:

- (a) rezone land currently zoned Rural to Residential 2;
- (b) remove the Large Lot Overlay from the northern extent of the Plan Change Area;
- (c) apply Large Lot Overlay the southern extent of the Plan Change Area;
- (d) include the remainder of the Plan Change Area into the Pokeno Structure Plan Area,
- (e) identify Wetland 1 and 2 on the Pokeno Structure Plan Area map; and
- (f) delete and schedule trees in Schedule 8A; and
- (g) remove the Central Rural Management Area from the Plan Change Area.

¹ Waikato District Growth Strategy

² Summary ([link](#))

As the Plan Change adopts existing provisions within the Waikato District Plan (Franklin section) no new objectives, policies, rules or other methods are introduced. It is considered that the existing zones and their provisions will provide for the scale of subdivision that is proposed.

2.3 Section 32 Evaluation

Section 32 (1)(b) requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must also assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

This evaluation must be undertaken in a manner that contains a level of detail cognisant of the scale on effects of the proposal.

As noted above, this Plan Change simply adopts existing provisions within the Waikato District Plan's Franklin Section, meaning that there are no new objectives introduced that would be subject to a normal s 32 evaluation. Instead, the purpose of the proposal (re-zoning, etc.) is adopted in place of objectives for this evaluation, in accordance with s 32(6)(a)(ii).

A summary of the alternative approaches identified and the extent to which they are the most appropriate is provided below.

Table 2-1: Options and extent to which most appropriate

Option	Summary	Extent to which it is the most appropriate
Option 1: Status Quo	No re-zoning of the subject site; application for resource consent as a non-complying activity.	As noted above, a subdivision consent may not be consistent with s104D of the RMA with regard to the objectives and policies of the relevant plan, and as such, there is a possibility that the application may not be able to pass the s 104D gateway test. As such this Option was not considered to be the most appropriate method as there is no guarantee that growth will be provided for.
Option 2: Bespoke zone	Draft new objectives, policies, rules and other methods to accommodate the subdivision	Plan Change 24 introduced new zones and provisions (specifically the Residential 2 Zone and Pokeno Structure Plan Area) that sought to enable a range of residential and business uses. The suite of objectives, policies and methods were considered to be the most appropriate way to achieve the purpose of the Act, and to assist Council in carrying out its statutory functions. Although a bespoke zone could be tailored to this specific subdivision, by creating a bespoke zone, the Plan Change would likely result in the

Option	Summary	Extent to which it is the most appropriate
		duplication of existing provisions. This would be neither efficient or appropriate. Additionally, the bespoke zone may not be able to be utilised in other parts of the District resulting in an overly complicated District Plan.
Option 3: Re-zone and amend rules	Re-zone the entire Plan Change Area from Rural to Residential 2	This is not considered to be an appropriate option as, given the existing contour of the proposed plan change area, it is disingenuous to create an expectation that the whole plan change area can be subdivided in a manner enabled by the Residential 2 Zone without applying additional provisions to restrict lot sizes where there are topographical constraints.
Option 4: Utilise existing provisions where appropriate	Adopt existing zones and provisions with minor modifications, and include the Plan Change Area in the Pokeno Structure Plan Area	This option provides an approach to the development of the plan change area that is consistent with the established planning framework thus providing certainty for the community and avoiding unnecessarily new provisions (objectives, policies, rules and methods).

Option 4 was considered to be most appropriate for the reasons set out below, with respect to each specific element of the Plan Change:

Re-zoning from Rural to Residential 2

The Residential 2 Zone was specifically created for the Pokeno Structure Plan area. This zone introduced specific objectives and policies for the Residential 2 Zone which relate to urban form and amenity values and issues, objectives and policies which relate to neighbourhood centres and was developed in accordance with section 32 of the RMA. The Residential 2 Zone was drafted so that it could be applied elsewhere in the District if appropriate. As the Plan Change Area is adjacent to the existing Pokeno Structure Plan area, the application of the Residential 2 Zone in this instance is considered to be appropriate as it consistent with the physical impact of the plan change i.e. the spatial extension of the Pokeno Structure Plan area. Furthermore, the proposed subdivision is largely consistent with the provisions of the existing Residential 2 Zone.

The Residential 2 provisions broadly seek to provide for a range of residential lifestyle choices in and adjacent to Franklin's existing urban areas e provisions seek to enable subdivision, by zoning those areas suitable for development. Given its proximity to the Pokeno Town Centre and Pokeno Structure Plan Area, the Plan Change Area is considered to be suitable for development. Overall, this is intended to enable the continued growth of the Pokeno area in accordance with the Franklin District Growth Strategy.

Apply the Large Lot Overlay to the southern extent of the Plan Change Area

The Large Lot Overlay provides for less intensive subdivision to manage possible reverse sensitivity issues that can arise where new residential development is located in close proximity to quarrying. As part of this Plan Change, it is proposed to apply the Large Lot Overlay over the southern portion of the Plan Change Area. Notwithstanding this, it is noted that the Aggregate Extraction zoned land is not currently utilised for quarrying and would require resource consent to undertake this activity. It is considered that obtaining consent for quarrying may be difficult, taking into account the growth which has occurred in Pokeno since the land was zoned and upgrades required to the transport network to address adverse effects associated with quarry truck movements.

Further to this, the land directly adjoining the Plan Change Area at 5 Hitchen Road (LOT 2 DP 199997) acts as a buffer between the Plan Change Area and the land zoned for aggregate extraction. Covenants are in place on the title of 5 Hitchen Road to restrict land use on this site, in order to protect future quarrying activities.

It is proposed to apply the Large Lot Overlay to the southern portion of the Plan Change Area in order to enable subdivision which responds to the topographic constraints in this extent of the Plan Change Area. The application of the Large Lot Overlay of this purpose is considered appropriate and further to this, the overlay will assist with the protection of significant indigenous vegetation.

Removal of the Large Lot Overlay from the northern extent of the Plan Change Area

The Large Lot Overlay was established within the Pokeno Structure Plan Area to manage possible reverse sensitivity issues that can arise where new residential development is located in close proximity to quarrying and vineyard activities. It is considered appropriate to remove the Large Lot Overlay from the northern extent of the Plan Change Area to enable higher density subdivision. Since the PC24 process, the applicant has entered into an agreement with the owner of the vineyard, to purchase the site. The vineyard activity will cease, to enable the development of the Plan Change Area. Further to this, it is considered that the adverse effects with regard to reverse sensitivity on quarrying activities can be managed by existing methods in the Waikato District Plan, namely the noise rules which require compliance at the residential boundary.

Removal of Central Rural Management Area

The Central Rural Management Area contains objectives and policies to protect rural industry and major industrial activities which may be adversely affected by more intensive settlement patterns and potential reverse sensitivity issues. The uplifting of the Central Rural Management Area is a consequential change of rezoning the Plan Change Area from rural to residential.

Inclusion of the Plan Change Area into the Pokeno Structure Plan Area

The Pokeno Structure Plan Area is identified on the zoning maps, which are marked with cross reference to the applicable rules and the Structure Plan Area map itself. At the time of subdivision (in all zones), all applications within this area will be assessed (among other things) with regard to the extent to which they are consistent with the Pokeno Structure Plan.

The Plan Change seeks to amend the boundary of the Pokeno Structure Plan area to include the Plan Change Area, so that applications for subdivision are considered accordingly. An alternative to this would be to not include the Plan Change Area within the Pokeno Structure Plan Area. If this were to occur, there will be no assessment against how the subdivision is consistent with the wider Pokeno Structure Plan, to which it is immediately adjacent and will be connected with. This is not considered an appropriate option from a plan implementation perspective.

Futhermore, given its proximity to the Pokeno Town Centre and its partial inclusion in the Pokeno Structure Plan Area, the inclusion of the Plan Change Area into the Pokeno Structure Plan Area is a logical progression as it avoids the inappropriate and wide dispersal of lots which the District Plan seeks to manage.

Identifying Wetland 1 and 2 on the Pokeno Structure Plan Area map

Identifying Wetland 1 and 2 on the Pokeno Structure Plan Area map is considered to be appropriate, as subdivision applications will be considered against the provisions of Pokeno Structure Plan which includes policies to protect, maintain and enhance significant vegetation and watercourses.

Amendments to the Protected Tree Schedule

The Plan Change requires that two scheduled trees be removed from the Protected Tree Schedule (Schedule 8A). However, areas of native vegetation have been identified in the technical reports that warrant protection. Their inclusion in the Protected Tree Schedule will ensure that they will be retained and protected.

An alternative to this approach would be to seek consent for the removal of scheduled trees, or to not schedule new trees, and thus offer no protection. As such, the amendments proposed as part of this Plan Change are considered to be appropriated as it relates to the protection of native vegetation.

An assessment of the extent to which the Plan Change is the most appropriate way to achieve the purpose of the RMA is provided in the Assessment of Environmental Effects Report.

2.3.1 Benefits and costs of the environmental, economic, social and cultural effects

Overall, the plan change is anticipated to generate both costs and benefits to the environment should it be adopted as operative provisions.

An assessment of the economic costs and benefits (as directed by s 32(2)(a) and (b) of the RMA) is provided in the Market Economic Reports attached at Technical Report D. The key findings of this report, as well as social and environmental benefits and costs, are described in the table below.

Table 2-2: Assessment of benefits and costs

Benefits	Costs
Environmental	
Encourages development to be located in and around and existing centre (Pokeno) thereby avoiding fragmentation and sprawl;	The Plan Change will facilitate the removal of native vegetation (acknowledged as being poor quality specimens in Technical Report A);



Benefits	Costs
- Protects significant natural features from inappropriate development through including trees in the Protected Tree Schedule; - Encouraging development to occur within the existing centre will result in a reduction in the overall contaminant/nutrient loading of stormwater entering the catchment (when compared to existing rural practices). In the long term, this will contribute to an improvement in the water quality of the receiving environment (ultimately the Waikato River) - Change of use ultimately enables the remediation of contaminated soils and reduces the amount of contaminants in the soil/air generated by current rural practices;	- Increases the amount of stormwater runoff being generated by new impervious surfaces, which has the potential to increase contaminant yields and reduce stormwater quality if not appropriately managed; - Loss of 13 per cent of the upper reaches of Wetland 1;
Social, Cultural and Economic	
- Release land for development, thereby enabling people to provide for their socio-economic wellbeing through the provision of additional housing supply; - Relieves pressure on surrounding rural areas to accommodate development and growth; - Efficient use of the land resource means that, comparatively, less infrastructure investment required to support additional development in and around an existing centre due to existing infrastructure being utilised (as compared to greenfield development in other areas surrounding Pokeno); - Encourages connectivity between new development and the existing town centre - Consistent with District Growth Strategy - Provides an increased employment base within Pokeno and will assist in the viability of the development industrial/commercial precincts ensuring employment generating activities are more likely to be located within Pokeno;	- Although this area is acknowledged as being a relatively low-quality rural landholding, re-zoning rural production land to residential will result in the loss of land available for these activities - Costs associated with the provision of additional infrastructure to service growth will be primarily borne by Waikato District Council; - Will ultimately result in a change to the rural backdrop of Pokeno, however this is considered negligible in terms of the current viewpoints - Has the potential to generate reverse sensitivity effects on the surrounding industrial land uses, however this is addressed through appropriate mitigation measures



2.3.2 Risk of acting or not acting if there is uncertain or insufficient information

Section 32(2)(c) requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change. This plan change includes a number of technical reports that have been prepared to understand the effects of the plan change. These reports canvas matters relating to arboricultural, archaeological, ecological, geotechnical, transportation, landscape and visual, stormwater, noise and ground contamination, and also included a consideration of economic impacts.

Based on the above, it is considered that sufficient information has been gathered to justify proceeding with the proposed Plan Change and that the risk of acting on this information is less than not acting and adopting a reactive stance to unplanned development within the Plan Change Area (and thus the Pokeno Structure Plan Area).

It is considered that there is sufficient information to enable the processing of the Plan Change to commence and for the Plan Change to be approved by Council.



3 Conclusion

The purpose of the proposed Plan Change is to rezone the applicant's land from Rural to Residential 2 as detailed in Section 2 of this Plan Change. The spatial extent of the Plan Change comprises approximately 26 hectares, which is anticipated to accommodate another 150 dwellings

The Plan Change process has been identified as the most appropriate resource management technique to enable the development of the Plan Change Area for residential purposes, as evaluated in Section 3 of this Plan Change.

The proposed Plan Change will assist in meeting the purposes of the RMA (i.e. the sustainable management of natural and physical resources of the District). Furthermore, the plan change will provide a range of positive economic, social, environmental, and cultural outcomes thereby supporting the wellbeing of the Pokeno community, the wider Waikato District, and the future inhabitants within these regions.

As discussed in the Assessment of Environmental Effects Report, the Plan Change will give effect to the National Policy Statement for Urban Land Supply and Waikato District Council's District Growth Strategy 2007, by enabling the release of greenfield land to support the residential growth which has occurred within Pokeno to date. The Plan Change supports, and gives effect to, the strategic approach within Council's District Plan, and the Waikato Regional Policy Statement by protecting areas of significant indigenous vegetation.

