Attachment 1:

Applicants s32AA RMA Further Evaluation

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Report

Waikato District Plan Private Plan Change 21 – Section 32AA RMA Further Evaluation

Prepared for Pokeno Village Holdings Limited

Prepared by Beca Limited

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Appendix A

Proposed Plan Change 21 including Further Amendments – Track Change Version

Appendix B

Proposed Plan Change 21 including Further Amendments – Clean Version

1 Introduction

This section introduces the background to the Pokeno Structure Plan and Private Plan Change 21 ('PPC21' of the 'Plan Change') along with the submissions which were received following the notification of the Plan Change.

1.1 Pokeno Structure Plan

Pokeno's suitability as a growth node was first recognised in the Pokeno Structure Plan 2000, and the Franklin District Growth Strategy 2007. In 2008, the Pokeno Structure Plan and associated Plan Change 24 to the Franklin District Plan were adopted by the former Franklin District Council. The Pokeno Structure Plan recognised the appropriateness of Pokeno as a suitable location to accommodate an additional population of approximately 5,200 by 2051. Plan Change 24 provided the statutory provisions to enable the urban development of Pokeno.

1.2 Plan Change 21 to the Waikato District Plan

Plan Change 21 was notified in November 2017. The plan change, amongst other things, proposed to:

a) Re-zone an area of 26ha from Rural to Residential 2 Zone. This is anticipated to accommodate the development of 100 stand-alone 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 stand-alone 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.

1.3 Scope of this Section 32AA Analysis

This section 32AA Report has been prepared in support of changes to Private Plan Change 21 (PPC21) (publicly notified by Waikato District Council ('WDC') on 9 November 2017) proposed subsequent to notification of PPC21. PPC21 seeks to enable the future residential development of the site located at 201 Hitchen Road (identified as the 'Plan Change Area'). Pokeno Village Holdings Limited ('the applicant' or 'PVHL') proposed a Private Plan Change to the Waikato District Plan ('the District Plan' or 'WDP') to re-zone the Plan Change Area.

Further amendments to PPC21 are proposed in response to submissions and, in particular, relate to giving effect to the Waikato Regional Policy Statement ('WRPS') Policies 11.1 and11.2. A full set of proposed changes to the WDP, including the notified PPC21, is contained in Appendix A.

WDC received three submissions following notification of PPC21 from the New Zealand Transport Agency ('NZTA'), Future Proof and the Waikato Regional Council ('WRC'). Two further submissions were received in support of WRC's submission from Ngāti Te Ata and Ngāti Tamaoho. WRC raised concerns regarding PPC21 with regards to whether PPC21 adequately gives effect to Policies 11.1 and 11.2 and the associated implementation methods of the Waikato Regional Policy Statement ('WRPS') on the matter of the protection, maintenance and enhancement of indigenous biodiversity.

2 Waikato Regional Council Submission – Indigenous Biodiversity

This section of the Report provides a summary of WRC's submission, the planning framework relevant to how the submission relates to PPC21 and provides a rationale for why it is considered further changes to PPC21 are required. The latter forms the context and basis for this further evaluation report (contained in section 4) under section 32AA of the Resource Management Act 1991 ('RMA' or 'the Act').

2.1 Submission

Through their submission to PPC21 WRC has raised the following key points:

1. The WRPS:

    a) Contains direction on the management of indigenous biodiversity generally (including areas that have not been assessed as significant) in Policy 11.1 and associated methods.

    b) Requires that district plans maintain or enhance indigenous biodiversity, including by providing for positive indigenous outcomes when managing activities including subdivision and land use change (WRPS Implementation Method 11.1.1).

    c) Requires that where loss or degradation of indigenous biodiversity is authorised adverse effects are avoided, remedied or mitigated (WRPS Implementation Method 11.1.3).

    d) The WRPS contains policy for managing areas of significant biodiversity value (Policy 11.2). This policy required the protection of these areas, and Implementation Method 11.2.2 sets out a framework as to how district and regional plans are to manage adverse effects on these areas, including emphasis on avoiding adverse effects as a preference.

2.2 Planning Framework

Taking into account the submission received by WRC and the relevant sections of the RMA, in the context of the WRPS (Policies 11.1 and 11.2), the following is noted:

a) Sections 67(3)(c) and 75(3)(c) of the RMA requires a "plan" (both district and regional) to give effect to any regional policy statement.

b) Section 30 of the RMA requires a regional council to include objectives, policies rules and methods within a Regional Plan for the maintenance of indigenous biological diversity.

c) Section 31 of the RMA requires a district council territorial authority to control any actual or potential effects of the use, development, or protection of land for the purpose of maintenance of indigenous biological diversity.

d) Section 62(1)(i)(iii) of the RMA requires a RPS to state the local authority responsible in the whole or any part of the region for specifying objectives, policies and methods for the control of the use of land to maintain indigenous biodiversity.

e) The Waikato RPS identifies both the Regional and District Councils as being responsible for the maintenance of indigenous biodiversity through Implementation Method 11.1.1 (Maintain or enhance

indigenous biodiversity) and Implementation Method 11.2.2 (Protect areas of significant indigenous vegetation and significant habitats of indigenous fauna).

As such, in this case we consider the responsibility for protecting areas of indigenous biodiversity to be shared between the Regional and the District Council. It is therefore appropriate to undertake an evaluation in the first instance as to whether the Waikato Regional Plan ('WRP') or the WDP (individually or collectively) give effect to the WRPS in terms of the issue of indigenous biodiversity and what it seeks to achieve.

2.3 Waikato Regional Policy Statement

The WRPS includes a number of objectives, policies and implementation methods relevant to the maintenance, protection and enhancement of indigenous biodiversity (namely 11.1, 11.2, 11.1.1 and 11.2.2) and these are primarily located in section 11. We do not intend to assess every relevant objective and policy of the WRPS, however, in our view, in the whole they seek to:

1. Avoid the loss or degradation of indigenous biodiversity as a preference to remediation or mitigation.

2. Require mitigation and remediation in preference to offsetting.

3. Require the achievement of no net loss of indigenous biodiversity values.

Importantly, in our view, the policies and implementation methods do not require the avoidance of adverse effects on wetlands or indigenous biodiversity.

2.4 Waikato Regional Plan

As per rule 3.7.4.7 of the WRP:

a) The creation of drains after the date of notification of the Plan (28 September 1998), and

b) The deepening (relative to the wetland water level) of the invert level (bed) of lawfully established or authorised drains constructed prior to the date of notification of the Plan

within a wetland that is an area of significant indigenous vegetation and/or significant habitat of indigenous fauna are discretionary activities.

As such any proposal to drain either wetland within the Graham Block will be considered as a discretionary activity under the WRP and subject to assessment against (amongst other things) the objectives and policies of the RPS as well as the relevant objectives and policies of the WRP.

Policy 3.7.3.1 seeks to ensure that land drainage activities within wetlands that are areas of significant indigenous vegetation and/or significant habitats of indigenous fauna, or immediately adjacent to wetlands avoids changes to water level that lead to (amongst other things):

a) Shrinking or loss of the wetland, or

b) Adverse effects on the natural character of wetlands

and remedy or mitigate otherwise.

Having regard to the above, in our view, the WRP:

a) Partly implements method 11.2.2 insofar that the WRP:

i. Affords protection to significant indigenous vegetation and significant habitats of indigenous fauna by requiring resource consent for a discretionary activity for activities that seek to shrink or lose wetland areas.

ii. Places preference to avoidance of adverse effects ahead of remediation and mitigation by requiring regard to be had to the avoidance of adverse effects that will result in the shrinking or loss of wetlands and for adverse effects to be otherwise remedied or mitigated.

b) Partly doesn't implement method 11.2.2 insofar that the WRP does not:

i. Recognise that remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable; and

ii. Have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists.

2.5 Waikato District Plan (including PPC21)

PPC21 proposes to rezone the majority of the area subject to the plan change (The Graham Block) from Rural to Residential 2 with a proportion of the (steeper) area also being subject to a large lot overlay. PPC21 also identifies parts of Wetlands 1 and 2 as "indicative wetland area" on the Pokeno Structure Plan map (Appendix 54.15A).

As per rule 26.2.A of the Waikato District Plan (WDP), subdivision within the Pokeno Structure Plan area is a restricted discretionary activity. As per rule 26.4A(2)(d), any application for a subdivision will be assessed against whether it is consistent with the relevant structure plan and does not preclude the achievement of the structural elements identified therein. Parts of Wetlands 1 and 2 are proposed to be identified on Appendix 54.15A as part of the plan change and as such will be considered as "structural elements".

For any resource consent for subdivision, Council will restrict its discretion to (amongst other things) whether the subdivision will preclude the achievement of the wetlands (which are a structural element on the structure plan map).

In addition, rule 26.4A.2(c)(i) requires any application for a subdivision to be assessed against whether it is in general accordance with the relevant subdivision design assessment criteria in Part 54. Of particular relevance:

a) Rule 54.15.2.1(3)(a): subdivision and development should be in general accordance with Appendix 54.15A.

b) Rule 54.15.2.2(3)(c): Subdivision and development should avoid, remedy or mitigate the effects of urban development by protecting, maintaining and enhancing significant vegetation and landforms.

Having regard to the above, we consider that the WDP:

a) Partly implements methods 11.1.1 and 11.2.2 insofar that the WDP:

i. Affords protection of significant and insignificant indigenous vegetation and habitats of indigenous fauna by (amongst other things) restricting discretion of a restricted discretionary activity resource consent application for subdivision to (amongst other things):

- Whether the subdivision and development is in general accordance with Appendix 54.15A

- Whether proposed subdivision and development is in general accordance with the criteria requiring the protection, maintenance and enhancement of significant vegetation.

b) Partly doesn't implement methods 11.1.1 and 11.2.2 insofar that the WDP does not:

i. Require that activities avoid the loss or degradation of areas of indigenous vegetation and habitats of indigenous fauna in preference to remediation or mitigation;

ii. Recognise that remediation, mitigation and offsetting may not be appropriate where the indigenous biodiversity is rare, at risk, threatened or irreplaceable; and

iii. Have regard to the functional necessity of activities being located in or near areas of significant indigenous vegetation and significant habitats of indigenous fauna where no reasonably practicable alternative location exists.

2.6 Conclusions

a) The WRP does not effectively give effect to Methods 11.1.1 and 11.2.2 of the WRPS.

b) The WDP, inclusive of PPC21, does not effectively give effect to Methods 11.1.1 and 11.2.2 of the WRPS.

c) Neither the WRP nor the WDP individually or combined fully implement methods 11.1.1 and/or 11.2.2 of the RPS.

As such, we consider that further amendments to PPC21 are required to ensure that PPC21 adequately gives effect to the WRPS.

3 Statutory Context

3.1 RMA Section 32AA

Section 32AA of the RMA requires that any changes that have been made to, or are proposed for, PPC21 since the initial s32A report was developed are subjected to similar analysis as the initial evaluation report required under s32 of the RMA.

Section 32AA outlines the requirements for further evaluation. A further evaluation must include all matters in s32 RMA, but only in relation to the changes that have been made to a proposal since the evaluation report for it was completed.

Section 32 of the RMA includes the following obligations:

a) 32(1)(a) requires an evaluation of the extent to which the objective of the further amendments is the most appropriate way to achieve the purpose of the Act;

b) 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.

The level of detail of the further evaluation must correspond to the scale and significance of the changes.

4 Further Evaluation

4.1 Introduction

This further evaluation will:

a) Examine the extent to which the objective of these further amendments is the most appropriate way to achieve the purpose of the Act (s32(1)(a) RMA).
b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives including efficiency, effectiveness, costs and benefits (ss32(1)(b)(i) and (ii) RMA).
c) Summarise the reasons for deciding on these proposed provisions (s32(1)(b)(iii) RMA).
d) Relate to the provisions and objectives of the amending proposal (s32(3) RMA).
e) Summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1 (s32(4A)(a) RMA).

4.2 The extent to which the objective is the most appropriate way to achieve the purpose of the Act (s32(1)(a) RMA)

Section 6(c) RMA outlines the matters of national importance which includes '*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna'*.

Section 7(d) RMA requires, as an 'other matter' to have regard to, consideration of the intrinsic values of ecosystems.

Part 2 of the RMA outlines the purpose (sustainable management) and principles of the Act. In order to manage the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety, Part 2 (Section 5(2)(b)) outlines that the safeguarding of the life-supporting capacity of air, water, soil and ecosystems is required.

All persons exercising functions and powers under the Act, to achieve its purpose, shall recognise, provide for and have regard to the life-supporting and intrinsic value of significant indigenous biodiversity and ecosystems.

The WRPS includes a number of objectives, policies and methods relevant to the maintenance, protection and enhancement of indigenous biodiversity. These are primarily located in Section 11. In particular Policies 11.1 and 11.2.

Policy 11.1 seeks to maintain or enhance indigenous biodiversity with a focus on providing for positive indigenous biodiversity outcomes and achieving no net loss of indigenous biodiversity at a regional scale. Policy 11.2 seeks to protect significant indigenous vegetation and significant habitats of indigenous fauna, requiring that activities avoid the loss or degradation of indigenous biodiversity as a preference to remediation or mitigation, however if adverse effects are unavoidable, then the effects are remedied or mitigated, or offset, the latter being the least preferable. Based on the outcomes sought by the policies 11.1 and 11.2, including the implementation methods, in our view the provisions of the WRPS relating to indigenous biodiversity, in the whole, seek to:

1. Avoid the loss or degradation of indigenous biodiversity as a preference to remediation or mitigation.

2. Require mitigation and remediation in preference to offsetting.

3. Require the achievement of no net loss of indigenous biodiversity values.

4.2.1 Reasonably Practicable Options

Having regard to the above, we consider that there are four reasonably practicable options going forward in terms of both an objective of these further amendments:

1. The status quo;

2. An objective which has a restrictive presumption. E.g. an objective which would require the avoidance of the loss or degradation of indigenous biodiversity.

3. An objective which had a permissive, or enabling, presumption. E.g. an objective which would enable the loss or degradation of indigenous biodiversity.

4. A moderate, or 'middle-ground', approach. E.g. an objective that seeks to maintain indigenous biodiversity.

The Status Quo

As discussed in section 2 of this report, we have concluded that the status quo, inclusive or exclusive of PPC21 as notified, does not effectively give effect to policies 11.1 and 11.2 of the WRPS. As such, this option is taken no further.

An objective and set of provisions which has a restrictive presumption (Option A)

The first option to be considered will involve an objective which were restrictive in terms of its approach to the loss of indigenous biodiversity. For example, the objective may seek to avoid the loss of significant and insignificant indigenous biodiversity. The set of provisions would therefore likely include:

a) Restrictive policies which seek to avoid any loss;

b) A restrictive activity status for activities involving the loss of indigenous biodiversity.

An objective and set of provisions which has an enabling presumption (Option B)

The second option to be evaluated constitutes an enabling objective in terms of its approach to the loss of indigenous biodiversity. For example, the objective may seek to enable or encourage the loss of indigenous biodiversity. The set of provisions would therefore likely include:

a) Enabling policies which provide for the loss of indigenous biodiversity;

b) A permissive activity status for activities involving the loss of indigenous biodiversity.

Moderate approach to an objective and provisions in terms of the matter of indigenous biodiversity (Option C)

The third and final option to be analysed involves an objective that neither seeks to enable nor avoid the loss or degradation of indigenous biodiversity; but rather would seek to maintain or enhance it. The set of provisions would seek to avoid as a preference, yet would also include policies where loss of indigenous biodiversity were provided for in appropriate circumstances and where adverse effects would need to be remedied or mitigated as a preference to being offset. The set of provisions would therefore likely include:

a) Policies that seek to carefully manage any loss of indigenous biodiversity;

b) Resource consent processes for activities involving the loss of indigenous biodiversity.

4.2.2 Assessment of Options

Table 1 below provides an evaluation of the three objective options in terms of their appropriateness in achieving the purpose of the Act.

Table 1 - Objective Evaluation

Options	Extent of Appropriateness
Option A **An objective which seeks to avoid the loss of indigenous biodiversity.**	An objective that restricted any loss of indigenous biodiversity, would achieve full protection of the vegetation and habitats. However when considered in the overall context of Part 2 RMA (namely Sections 5 and 6), would not provide an appropriate balance between protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna and management of use and development to enable people and communities to provide for their well-being. As such, this is not considered to appropriately achieve the purpose of the Act.
Option B **An objective which seeks to enable the loss or degradation of indigenous biodiversity.**	Part 6(c) RMA requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna in achieving sustainable management. An objective that were overly enabling would not protect indigenous biodiversity and therefore is considered to not appropriately achieve the purpose of the Act.
Option C **An objective which seeks that indigenous biodiversity values are maintained and enhanced.**	This more 'middle-ground' objective does not specifically provide for, or restrict, use, subdivision or development, but seeks an outcome of maintenance and enhancement of indigenous biodiversity. In the context of Part 2 RMA, this is considered to be the most appropriate objective to provide that significant and insignificant indigenous biodiversity is protected whilst allowing for a regime to be put in place that provides for use and development, if those values are maintained and/or enhanced.

4.2.3 Summary

Option C is considered to be an appropriate approach to an objective for the management of indigenous biodiversity values and ecosystems. The intent is to maintain or enhance indigenous vegetation and habitats of indigenous fauna in the Graham Block.

This approach has been formulated in the context of Part 2 of the RMA and will promote the sustainable management of natural and physical resources. The objective provides a setting to maintain and enhance indigenous biodiversity, whilst not excluding use, development or subdivision, thereby providing for social, economic and cultural well-being.

Option C is therefore considered to be the most appropriate way to achieve the purpose of the RMA.

4.2.4 Proposed Objective

Following the assessment above, the objective of these proposed further amendments to PPC21 seeks the following outcome:

"Indigenous biodiversity values and indigenous ecosystems are maintained or enhanced".

4.3 Whether the provisions in the proposal are the most appropriate way to achieve the objectives (ss32(1)(b)(i) and (ii) RMA)

4.3.1 Identifying reasonably practicable options for achieving the objectives (section 32(1)(b)(i))

Table 2 below assesses the extent of the appropriateness of the provisions that would be associated with each of the three options as identified in section 4.2.2 above.

Table 2: Effectiveness of Options

Reasonably Practicable Options	Summary	Extent of Effectiveness
Option A **Highly restrictive or avoiding adverse effects**	To propose a set of District Plan provisions that seek to avoid loss or degradation of indigenous biodiversity. E.g.: To include plan provisions that provide for indigenous biodiversity loss as a non-complying or prohibited activity with policies which seek to avoid adverse effects.	To have overly restrictive or prohibitive provisions for this activity would not appropriately achieve the objective of this further amendment to the plan change nor would it enable WDC to perform their duties and functions under the RMA adequately. This option is not considered to be the most effective.
Option B **Enabling adverse effects**	To propose a set of District Plan provisions that are enabling of the loss or degradation of indigenous biodiversity. E.g.: introducing policies which encourage use and development in relation to the loss of indigenous biodiversity, a low threshold for permitted activities and restricted discretionary standards, with permissive assessment criteria.	Enabling provisions is likely to lead to the loss of significant indigenous biodiversity, without replacement, offsetting, enhancement or mitigation. Cultural and environmental values of the catchment and locality would be lost without adequate mitigation. This option would not adequately achieve what the WRPS seeks to achieve, and therefore such provisions would not allow WDC to perform their functions under Part 2 and Sections 31 and 62 RMA. This option would also not maintain or enhance Indigenous biodiversity values and indigenous ecosystems and would therefore not achieve the proposed objective.
Option C **Moderate approach to the management of adverse effects on indigenous biodiversity**	Provisions which seek to avoid to the greatest extent practicable, yet would also include policies where loss of indigenous biodiversity were provided for in appropriate circumstances and where adverse effects would need to be remedied or mitigated as a preference to being offset. Implementation of a restricted discretionary activity status for any removal with assessment criteria following the	This approach to a new set of provisions would follow the hierarchy of implementation methods from the WRPS. The restricted discretionary activity status for any removal, loss or degradation of indigenous biodiversity is coupled with assessment criteria also based off of the implementation methods (criteria) of the WRPS. We consider that this approach would: (1) Interpreted the WRPS in an appropriate manner, and therefore (2) Will give effect to policies 11.1 and 11.2 and the implementation methods of the WRPS, thereby providing for the maintenance and enhancement of indigenous biodiversity and significant indigenous vegetation and significant habitats of indigenous fauna. (3) Would therefore appropriately implement and give effect to the objective of this proposal.

Reasonably Practicable Options	Summary	Extent of Effectiveness
	approach of the corresponding policies.	

4.3.2 Efficiency of the provisions in achieving the objectives

Table 3 provides an assessment of efficiency, including costs and benefits, of the provisions of each of the three identified options in achieving the objective of the further amendments to PPC21 (in accordance with s32(2) RMA).

Table 3: Efficiency of Options

Options	Benefits	Costs
Option A **Provisions which restrict or avoid adverse effects**	■ Would not result in the managed loss of indigenous biodiversity.	■ Could potentially result in the loss of indigenous biodiversity through inactivity. ■ Further restrictions on landowner rights and development opportunities.
Option B **Provisions which enable adverse effects**	■ Enabling of landowner development rights and opportunities. ■ Fewer resource consent costs. ■ Uncomplicated resource consent process.	■ Likely to result in the loss of indigenous biodiversity. ■ Would result in the degradation of existing areas of indigenous biodiversity.
Option C **Moderate approach to the management of adverse effects on indigenous biodiversity**	■ Will achieve 'no net loss' of indigenous biodiversity values. ■ Will result in the improvement of existing areas of indigenous biodiversity	■ Resource consent costs.

4.4 Summary of reasons for preferred option (s32(1)(b)(iii) RMA)

Tables 2 and 3 above, pursuant to sections 32(1)(b)(i) and (ii) (inclusive of s32(2)(a) and (b)) RMA, have undertaken an evaluation of the effectiveness and efficiency of three reasonably practicable options for achieving the objective of these further amendments to PPC21. It is concluded that Option C is the most appropriate. A set of proposed new provisions to include in PPC21 have been formulated following the outcomes of the assessments above and these are contained in **Appendix A** (track change version) and **Appendix B** (clean version).

The proposed new provisions within PPC21 are considered to be the most appropriate way to achieve the purpose of the Act (where the 'appropriateness' assessment has had regard to alternative options, efficiency, effectiveness, costs, benefits, economic growth and employment opportunities) because:

1) The existing WDP (FS), in addition to and including PPC21 as notified (The 'status quo'), does not appropriately give effect to the WRPS Policies 11.1 and 11.2 and their associated implementation methods. Therefore the status quo (both including and excluding PPC21 as notified) risks undermining indigenous biodiversity values of the Graham Block, which is not considered to be an appropriate way to achieve the purpose of the Act.

2) Enabling provisions would allow for adverse effects on indigenous biodiversity values without appropriate mitigation or replacement it would also enable the further degradation of biodiversity values. This would not enable the plan change provisions to achieve the purpose and principles under Part 2 RMA or perform the proper functions under s31 and s62 RMA.

3) Restrictive provisions, which seek to avoid adverse effects and do not regard the enabling elements of the assessment regime of the WRPS, in relation to the loss or degradation of indigenous biodiversity, would not appropriately give effect to Section 11 of the WRPS (therefore not being appropriately in accordance with s31 and s62 RMA). Such an approach would place restrictions on landowner rights and development opportunities, would involve additional resource consent costs and an overly restrictive and complicated process.

4) The social, economic, cultural and environmental benefits of the outcomes that the amended provisions seek to achieve are considered to outweigh the costs. In particular, the proposed provisions for the Graham Block require no net loss of indigenous biodiversity values. And, through the ongoing maintenance and enhancement criteria proposed, providing a regime for long-term benefits to achieve no net loss.

4.5 Uncertainty or insufficient information about the subject matter of the provisions (32(2)(c) RMA)

The subject matter of the proposed additional provisions to PPC21 is associated with:

a) Giving effect to Policies 11.1 and 11.2 of the WRPS, including associated Implementation Methods, and therefore

b) Will provide that the ecological values of significant and non-significant indigenous biodiversity are maintained and enhanced.

The Ecological Report submitted with the original documentation with PPC21 has identified the significant and non-significant areas of indigenous biodiversity within the Graham Block. The identification and technical specialist assessment (on the topic of indigenous biodiversity) has not been questioned or disputed by any party to this plan change. Moreover, the information contained within the Ecological Report has been relied upon as background and justification for the submission from the WRC (in particular the definition and assessment of what is 'significant'). As such, it is considered that the subject matter of these provisions is clearly understood, and there is not a level of uncertainty nor is there insufficient information which would require an assessment under Section 32(2)(c) RMA.

4.6 Summary of Advice from Iwi Authorities (s32(4A) RMA)

In accordance with s32(4A) RMA, this assessment will summarise all advice received from iwi authorities concerning PPC21 and will provide a response to the advice, including any provisions of this revised proposal that are intended to give effect to the advice.

4.6.1.1 Ngāti Te Ata

Advice from Ngāti Te Ata was received in the form of a report entitled: *Iwi Cultural Assessment Report – Ngāti Te Ata, Private Plan Change 21: Graham Block Development*, prepared for Pokeno Village Holdings Limited, dated 2017. The report was received after notification of PPC21. Ngāti Te Ata, in section 7.2 of their report, state that they support PPC21 (as notified) on the condition that the issues and recommendations contained in the report are provided for. This would therefore meet Ngāti Te Ata's expectations in relation to Sections 6, 7 and 8 of the RMA.

The following table summarises and responds to the advice and recommendations received from Ngāti Te Ata in the context of the proposed amendments to PPC21.

Table 4: Summary of Advice from Ngāti Te Ata

Summary of Advice	Response to Advice
That further discussions take place with Pokeno Village Holdings Ltd regarding: ■ The proposed stormwater system including the mechanics around how that could be better managed, redesigned and utilised with the wetlands. ■ Additional offsetting and mitigation for the parts of the wetlands proposed to be lost. ■ Promotion and use of native tree and vegetation within the build footprint. ■ Incorporating the wetlands as part of the walkway and cycleway. ■ Ongoing protection of the bush blocks. ■ That iwi are afforded naming rights of streets, roads and reserves.	■ Any matters related to the flow and management of stormwater (beyond flooding) are under the jurisdiction of the WRC and subsequently will be addressed through regional consent processes. ■ Road, street and reserve naming authority sits outside of the jurisdiction of this plan change process. In terms of those requests to: ■ provide additional mitigation and offsetting of the effects resulting from the loss of the wetlands, and ■ ongoing protection of the bush blocks, and ■ use of natives: – The proposed objectives, policies and assessment criteria are considered to provide an appropriate regime to ensure that the purpose and principles of the Act and the WRPS provisions are given effect to. Any application under the proposed new provisions will be required to provide mitigation or offsetting to achieve no net loss of wetlands (significant indigenous biodiversity) and will need to include indigenous species in that restoration or mitigation planting, and will need to consider ongoing protection and management processes / plans for the areas of bush and the wetlands on the site. Incorporating the wetlands as part of the walkway and cycleway. ■ PVHL intends to provide walking tracks in the future development of the Graham Block, however WDC are the authority to accept or reject reserve areas to be vested with Council.
That cultural monitoring of the earthworks enabled by PPC21 is provided for.	■ The proposal will require regional land use resource consent for the earthworks. The WRP policy regime will require consideration of the effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity and the effects on the

Summary of Advice	Response to Advice
	ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.
That the vision and objectives as outlined in Te Ture Whaimana o Te Awa o Waikato is taken into full account in all decisions that affect the Waikato River regarding the proposed plan change. In particular, that there is a collective responsibility for restoring and protecting the health and wellbeing of the Waikato River.	■ PVHL welcomes Iwi input into the Pokeno development and values the relationships forged with Iwi, in particular Ngāti Te Ata, over the last 15 years. It is their intention and wish that they continue to work together on the Pokeno development and to find acceptable and appropriate solutions for the recommendations made.
That should there be any significant changes to proposed Private Plan Change 21 (Graham Block Development) then Ngāti Te Ata is to be notified immediately and reserve the right to reconsider any earlier decisions made.	■ PVHL has informed Ngāti Te Ata of their intention to propose further amendments to PPC21 following submissions received.

4.6.1.2 Ngāti Tamaoho

Advice from Ngāti Tamaoho was received in the form of a Cultural Values Assessment Report entitled: *Ngāti Tamaoho Cultural Values Assessment – Proposed Plan Change Pokeno (Graham Block)*, no date. The report was received after notification of PPC21.

The following table summarises and responds to the advice and recommendations received from Ngāti Tamaoho in the context of the proposed amendments to PPC21.

Table 5: Summary of Advice from Ngāti Tamaoho

Summary of Advice	Response to Advice
That, in terms of pre-physical works, Ngāti Tamaoho can oversee or have input into the following: ■ Site blessing prior to works, ■ Cultural induction for contractors, ■ Cultural monitoring of topsoil removal in areas to be agreed.	■ PVHL welcome site blessings and cultural inductions and monitoring of soils. Such arrangements will be made between iwi and land owner as part of the resource consent processes.
Physical works, detail and methodology recommendations include: ■ All new proposed stormwater forebays, with artificial wetland treatment to be off-line from the natural wetland. ■ Replant to a mutually agreed width/depth the main Pond J with riparian plants where the forebay discharges into the main pond. ■ Additional ‘‘offset’’ mitigation for the loss of the natural wetland.	■ Any matters related to the flow and management of stormwater (beyond flooding) are under the jurisdiction of the WRC and subsequently will be addressed through regional consent processes. In terms of those requests to: ■ provide additional and agreed upon mitigation for the offsetting of the effects resulting from the loss of the wetlands, and ■ covenant bush areas and implement pest management, and

Summary of Advice	Response to Advice
■ Ensure the new proposed wetlands are not piped where they leave the site and do not discharge into Pond J. ■ Covenant all lots to ensure roof rain tanks are installed for reuse as well as recharge. ■ Reconfigure the proposed roading so new lots do not "back onto" the natural wetland feature. ■ Provide for walking / cycling tracks that appreciate the natural wetland features to be enhanced and protected. ■ Ensure native trees / plants only are provided for within all new plantings including street scape. ■ Ensure all bush areas within the proposed Plan Change are covenanted and fenced, with an appropriate pest management plan. ■ Any wetland / stream crossings are bridges not culverts.	■ ensuring only native trees are replanted, and ■ not piping new proposed wetlands, – The proposed objectives, policies and assessment criteria are considered to provide an appropriate regime to ensure that the purpose and principles of the Act and the WRPS provisions are given effect to. Any application under the proposed new provisions will be required to provide mitigation or offsetting to achieve no net loss of wetlands (significant indigenous biodiversity) and will need to include indigenous species in that restoration or mitigation planting, and will need to consider ongoing protection and management processes / plans for the areas of bush and the wetlands on the site. *Covenant all lots to ensure roof rain tanks are installed for reuse as well as recharge.* ■ This recommendation is better directed at a Stormwater Consenting process, as opposed to a Plan Change. *Reconfigure the proposed roading so new lots do not "back onto" the natural wetland feature.* ■ PVHL will take this recommendation into consideration at the time of forthcoming subdivision consents. *Provide for walking / cycling tracks that appreciate the natural wetland features to be enhanced and protected.* ■ PVHL intends to provide walking tracks in the future development of the Graham Block, however WDC are the authority to accept or reject reserve areas to be vested with Council.

5 Conclusion

The WDP, inclusive or exclusive of PPC21 as notified, does not effectively give effect to Implementation Methods 11.1.1 and 11.2.2 of the WRPS. Further amendments to PPC21 are required to ensure that PPC21 adequately gives effect to the WRPS.

Under sections 32 and 32AA of the RMA, this further evaluation has:

a) Examined the extent to which the objective of these further amendments is the most appropriate way to achieve the purpose of the Act (s32(1)(a) RMA).
b) Examined whether the provisions in the proposal are the most appropriate way to achieve the objectives including efficiency, effectiveness, costs and benefits (s32(1)(b)(i) and (ii) RMA).
c) Summarised the reasons for deciding on these proposed provisions (s32(1)(b)(iii) RMA).
d) Related to the provisions and objectives of the amending proposal (s32(3) RMA).
e) Summarised all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1 (s32(4A)(a) RMA).

The evaluation has concluded that an objective which seeks to maintain or enhance indigenous vegetation and habitats of indigenous fauna in the Graham Block is the most appropriate way to achieve the purpose of the Act. This approach has been formulated in the context of Part 2 of the RMA and will promote the sustainable management of natural and physical resources.

In terms of the proposed provisions (further amendments to PPC21), an evaluation of options has been undertaken, concluding that provisions which seek to avoid, to the greatest extent practicable, yet would also include policies where loss of indigenous biodiversity were provided for in appropriate circumstances and where adverse effects would need to be remedied or mitigated as a preference to being offset is the most appropriate way to achieve the objective of these further amendments to PPC21.

The social, economic, cultural and environmental benefits of the outcomes that the amended provisions seek to achieve are considered to outweigh the costs. In particular, the proposed provisions for the Graham Block require no net loss of indigenous biodiversity values. And, through the ongoing maintenance and enhancement criteria proposed, providing a regime for long-term benefits to achieve no net loss.

We therefore consider that the proposed provisions as contained in Appendix A to this report are the most appropriate way to achieve the purpose of the Act, give effect to the WRPS and to maintain or enhance indigenous vegetation and habitats of indigenous fauna in the Graham Block.

We have reviewed, summarised and responded to the recommendations and advice from Ngāti Te Ata and Ngāti Tamaoho.

Appendix A

Proposed Plan Change 21 including Further Amendments – Track Change Version

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Report

Plan Change 21 - Track Change Version - 22/02/18

Prepared for

Prepared by Beca Limited

22 February 2018

KEY:

Blue ~~strikethrough~~ and underscore – proposed changes as notified

Red ~~strikethrough~~ and underscore – changes proposed by the applicant in response to changes proposed by submitters

Plan Provision Number	Recommended New Text
Add: 19.7.1	**19.7.1 Indigenous Vegetation and Habitats of Indigenous Fauna within the Graham Block of the Pokeno Structure Plan Area**
Add: 19.7.1.1 Explanation	**19.7.1.1 Explanation** The following objective and policies apply to the Graham Block within the Pokeno Structure Plan Area (Appendix 54.15A) only.
Add: 19.7.1.2 Objective	**19.7.1.2 Objective** (a) Indigenous biodiversity values and indigenous ecosystems are maintained or enhanced.
Add: 19.7.1.3 Policies	**19.7.1.3 Policies** (a) Avoid the loss or degradation of the characteristics that contribute to the significance of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna to the greatest extent practicable.
	(b) Where the avoidance of the loss or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna is demonstrated to be not practicable the remediation, or mitigation of adverse effects shall be undertaken to achieve no overall net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna values to the greatest extent practicable.
	(c) Where remediation or mitigation cannot achieve no net-loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna offsetting of adverse effects shall be undertaken to achieve no overall net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.

Plan Provision Number	Recommended New Text
	(d) Recognise that in some instances, remediation and mitigation of the adverse effects on Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna may be inappropriate when: i. The remediation, mitigation and offsetting proposed is not of equal or greater value than that indigenous biodiversity lost at the impact site ii. Indigenous biodiversity is rare, at risk, threatened or irreplaceable iii. The success of the remediation, mitigation or offsetting cannot be adequately demonstrated.
	(e) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna should be managed in a way that protects long-term ecological functioning and indigenous biodiversity value.
	(f) Require no overall net-loss of indigenous vegetation and habitats of indigenous fauna.
Amend: 26.4A Assessment of Restricted Discretionary Activities	26.4A.1 For subdivision consent applications provided for in Rule 26.2A the Council has restricted its discretion to the consideration of the following matters (refer 2. below for assessment criteria), and may impose conditions of consent in relation to these: (a) Servicing (b) Density in the Residential 2 Zone outside of a Large Lot Overlay (c) Design and Layout (d) A Structure Plan (refer to Part 54) (e) Stormwater management and riparian planting (f) Geotechnical matters (g) [Intentionally blank] (h) Proximity to national grid transmission lines (refer to planning maps) (i) Maintenance of opportunity for NEIGHBOURHOOD CENTRES (as identified by Part 54, planning maps or Part 29D.1). (j) EARTHWORKS, silt and sediment control. (k) Retention of appropriate vegetation (l) Noise attenuation 2. Applications for Restricted Discretionary Activity resource consent for subdivision will be assessed against the following criteria unless the matters are specified as not applicable to that zone. (a) Servicing

Plan Provision Number	Recommended New Text
	(i) Whether sites can be adequately serviced for stormwater, wastewater, water supply water supply for fire fighting purposes and utilities. (ii) (ii) The effects on the public services the Council is responsible for in the locality or district and which the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which financial contributions may be required to offset adverse effects). (iii) The undergrounding of any utility lines within or outside the site being subdivided. (iv) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that subdivision, development and the provision of infrastructure keep pace with each other. (b) Density Whether residential subdivision in the Residential 2 Zone (inclusive of any lots created for future MEDIUM DENSITY HOUSING*) achieves an average minimum density of: - Pokeno Structure Plan Area: 10 DWELLING HOUSES per gross hectare**. This criteria does not apply to the Large Lot Overlay. …
Add: Rule 27A.1.10 (new permitted activity)	27A.1.10 Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area.
Add: Rule 27A.2.5 (new restricted discretionary activity)	27A.2.5 Indigenous vegetation clearance in the Graham Block in the Pokeno Structure Plan Area that does not comply with the Permitted Activity standards.
Add: Rule 27A.5.14 (development standards)	**27A.5.14 INDIGENOUS VEGETATION CLEARANCE WITHIN THE GRAHAM BLOCK IN THE POKENO STRUCTURE PLAN AREA** Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area is permitted if: 1. it is for the following purposes: a) removing vegetation that endangers human life or existing buildings or structures, or b) maintaining tracks and fences, or c) maintaining existing farm drains, or d) conservation fencing to exclude stock or pests, or

Plan Provision Number	Recommended New Text
	e) gathering of plants in accordance with Maaori custom and values.
Amend: Rule 27A.8.1 (matters of discretion)	27A.8.1 Other than Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area, activities which are otherwise Permitted that infringe no more than one of the standards listed in Part 27A.5.
Add: Rule 27A.8.5 (matters of discretion)	27A.8.5 Indigenous Vegetation Clearance within the wetlands identified on the Pokeno Structure Plan Area (Appendix 54.15A) within the Graham Block that does not meet the Permitted Standards of Rule **27A.5.14:** 1. Whether the proposal has adequately demonstrated that the avoidance of the loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna is not practicable having regard to: a) The degree of significance of the indigenous vegetation and habitats of indigenous fauna. b) Whether consideration of alternative options that could result in reduced loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna has been undertaken. c) The functional need of activities to result in the loss, fragmentation, isolation or degradation of areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. d) Whether the proposal promotes the efficient use of resources. e) Any positive effects of the proposed activities. 2. Whether measures have been adopted to minimise the loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna value to the greatest extent practicable. Measures to achieve this may include: a) Using existing cleared areas that are suitable to accommodate development in the first instance. b) Using any practicable alternative locations and methods that would reduce the need for vegetation removal. c) Retaining indigenous vegetation and natural features which contribute to the ecological significance of a site where appropriate.

Plan Provision Number	Recommended New Text
	3. Whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. Measures may include: a) Animal and pest plant control. b) Enhancement and restoration planting with pioneer indigenous species. c) Restoration and infill planting of indigenous species in degraded areas. d) Removal of exotic species. e) Adding woody debris in outer edges of bush areas. f) The planting of areas between existing habitat creating improved connectivity and habitat integrity. g) Extending the width of buffer areas. h) Removal of livestock. i) Removing fish migration barriers such as culverts and ponds. j) Protection from sediment inflow and improved hydrology.
Add: Rule 27A.8.6 (matters of discretion)	27A.8.6 Indigenous Vegetation Clearance: a) Within the Graham Block in the Pokeno Structure Plan Area (Appendix 54.15A); but b) Not within the wetlands; and c) that does not meet the Permitted Standards of Rule 27A.5.14: 1. Whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of Indigenous Biodiversity. Measures may include: a) Animal and pest plant control. b) Enhancement and restoration planting with pioneer indigenous species. c) Restoration and infill planting of indigenous species in degraded areas. d) Removal of exotic species. e) Adding woody debris in outer edges of bush areas. f) The planting of areas between existing habitat creating improved connectivity and habitat integrity. g) Extending the width of buffer areas. h) Removal of livestock. i) Removing fish migration barriers such as culverts and ponds. j) Protection from sediment inflow and improved hydrology

Plan Provision Number	Recommended New Text
Add definition to Section 50	Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna means areas of indigenous biodiversity that meet one or more of the criteria of Section 11A of the Waikato Regional Policy Statement, 2016.
Amend: 54.15.1 (context)	**54.15.1 Context** The Pokeno Structure Plan Document (October 2008) sets out a vision for the Pokeno Structure Plan Area which is informed by FutureProof and the Waikato Regional Policy Statement and is based on Council's aspirations, community feedback and technical studies to provide a comprehensive framework for the staged growth of the village into a town. Although situated along State Highway 1, Pokeno is located within a rural setting. The green backdrop and ridgelines that surround the village provide it with a distinctly rural feel. The Pokeno Structure Plan Document envisages growth within this rural setting, contained within clear boundaries and having strong physical and visual connections to the surrounding rural environment. The Structure Plan Document envisages that this growth will be guided by the following general principles: 1. That growth of Pokeno should be compact and contained within legible boundaries. 2. That Pokeno should provide a mix of residential densities and housing types, employment, commercial, services, social infrastructure and recreational opportunities to support a sustainable community. 3. That Pokeno should provide opportunities for urban infrastructure whilst retaining its rural setting. 4. That Pokeno should develop in an integrated manner, particularly with respect to land use and transport to support a multimodal (private vehicles, public transport, walking and cycling) transport system. The provisions of this section of the PLAN are intended to apply these principles.
Amend: 54.15.2.2.1 (Issue)	54.15.2.2.1 Explanation …The Pokeno Structure Plan Area contains some locally significant landforms, wetlands, vegetation and watercourses which are sensitive to development and warrant protection, conservation or a limitation on development. Development can enhance existing watercourses in the Pokeno Structure Plan Area, introducing open space elements to the urban form of Pokeno, enhancing ecological resources and restoring degraded ecosystems. The Pokeno Structure Plan and adopted Stormwater Catchment Management Plan for the Pokeno Structure Plan Area identifies the main perennial stems of the Tanitewhiora and Helenslee Streams in particular as well as two wetlands that are considered areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.

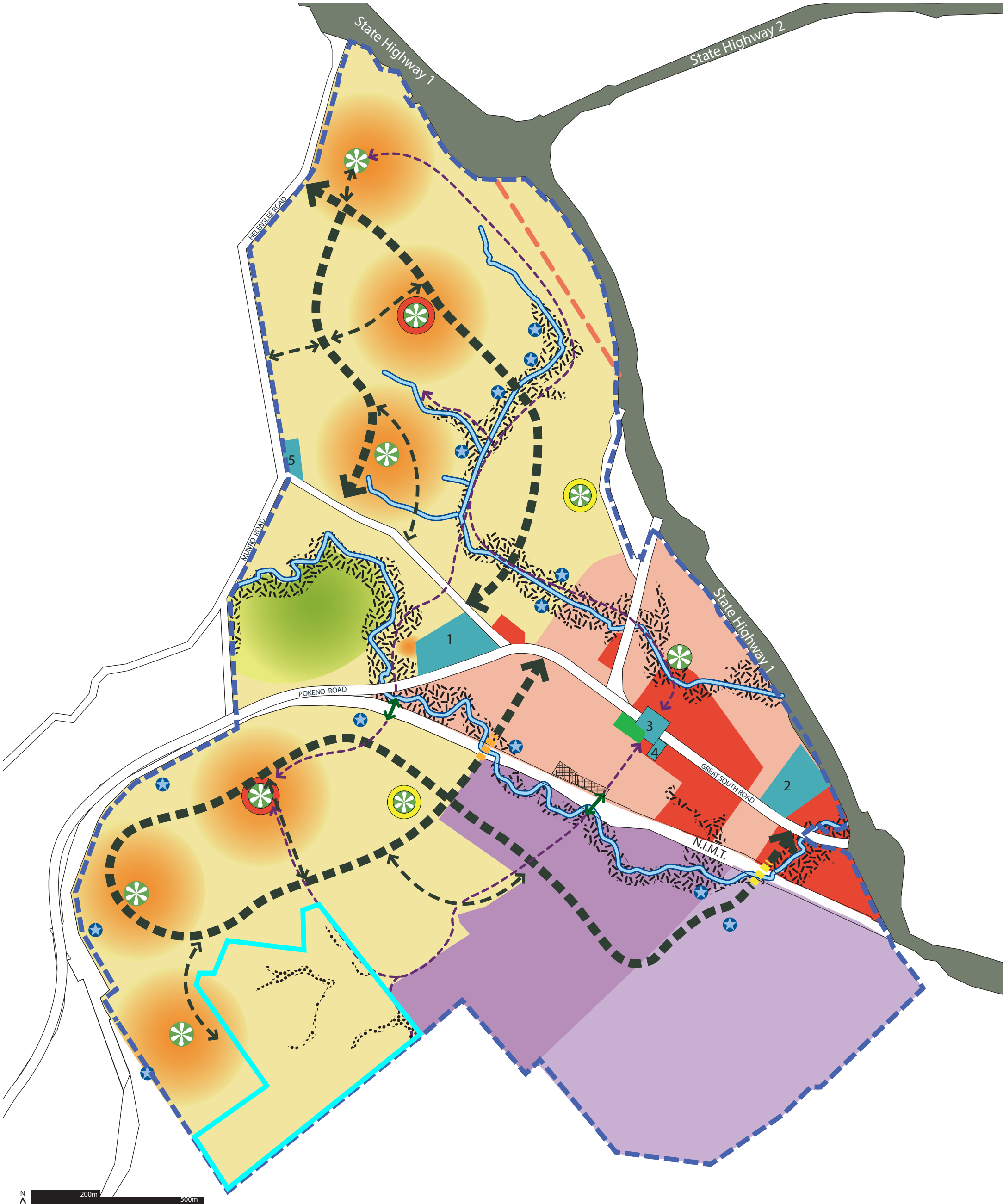
Plan Provision Number	Recommended New Text
Amend: 54.15.2.2.2 (Objective)	2. Objective To achieve development which maintains locally significant landforms, wetlands and vegetation and maintains or enhances water quality and identified watercourses and wetlands.
Amend: 54.15.2.2.3 (Policy)	54.15.2.2.3 Policy Subdivision and development should avoid, remedy or mitigate the effects of urban development by: a) having regard to the adopted Pokeno Stormwater Catchment Management Plan (and/or approved discharge consent); b) establishing the open space and stormwater reserves and the stormwater infrastructure (quality and detention) in an appropriate and timely manner; c) protecting, maintaining and enhancing significant vegetation and landforms; d) protecting, maintaining and enhancing watercourses and wetlands identified on the Pokeno Structure Plan; e) maintaining water quality and managing earthworks to avoid siltation and sedimentation of watercourses and adjoining properties; and f) appropriately managing earthworks during subdivision to avoid, as far as practicable, the need for further significant earthworks and retaining during the development of buildings.
Amend: 54.15.2.2.4 (Explanation)	54.15.2.2.4 Explanation The Pokeno Structure Plan Area is relatively unconstrained in environmental terms, and can accommodate the level of subdivision and development proposed within the Pokeno Structure Plan Area. However, it contains some areas of locally significant vegetation, two wetlands, landforms and two locally significant watercourses. Downstream are the Mangatawhiri Wetlands which are recognised as a Site of Special Wildlife Interest in the Plan. The protection and enhancement of streams can maintain and enhance water quality within them. The protection of streams and vegetation also has the potential to provide ecological linkages and improve habitat quality, and will contribute to the green spacious character of the area. Development also has the potential to adversely affect water quality (and ultimately to damage downstream ecology) through sediment run-off during development and pollutant run-off from impervious surfaces. Development can enhance existing watercourses in the Pokeno Structure Plan Area, introducing open space elements to the urban form of Pokeno, enhancing ecological resources and restoring degraded ecosystems. Water quality and riparian areas will be safeguarded through the incorporation of stormwater treatment mechanisms in the structure plan area through the subdivision consent process, through the requirement for detention devices, for riparian enhancement of identified streams (perennial), through appropriate building setbacks and through the avoidance of earthworks in these areas. Areas of locally significant vegetation will be protected through the requirements to retain them at subdivision stage, and through the addition of these to the Council's protected tree schedule (Schedule 8A). Subdivision and development should have regard to the recommendations of the adopted Stormwater Catchment Management Plan and/or discharge consent for the area which includes measures to avoid or mitigate the potential for flooding.

Plan Provision Number	Recommended New Text
	The Pokeno Structure Plan anticipates modification of ephemeral streams to allow development.
Amend: 54.15.2.5.3 Residential Density	54.15.2.5.3 Policy Subdivision and development should: (a) Achieve an average gross density of ten dwelling houses per hectare in residential areas excluding the Large Lot Overlay; (b) Provide a range of lot sizes and urban densities; ~~(c) Provide larger low density lots to provide a buffer between the Light Industry Zone and urban residential areas.~~ (d) Provide for higher housing densities in locations where it is supportive of pedestrian, cycle and public transport and the viability and vibrancy of the town centre. (e) Provide for higher housing densities within walkable catchments of proposed neighbourhood centres and neighbourhood parks. (f) Generally limit the spatial extent of development with higher housing densities to identified areas so as to maintain a variety of urban densities and housing choice across the structure plan area. Additional areas of medium density housing development (to a density no greater than 1:300m^2) may be appropriate in smaller pockets adjacent to or across the road from the reserve network.
Amend: 54.15.2.6 Interface with Aggregate Extraction and Processing Zone	**54.15.2.6.4 Explanation** Reverse sensitivity issues can arise where new residential development or other sensitive business and community activities are located in close proximity to quarrying activities. Residents and occupants may suffer adverse health, safety and amenity effects (particularly noise effects) and there is potential for the operational efficiency of the quarry activity to be adversely affected by residents seeking to resolve these effects. ~~The approach taken by the Plan is to ensure adequate separation between the Aggregate Extraction and Processing Zone and the Pokeno Residential Zone, the establishment of a Large Lot Overlay Area on Hitchen Roaddiscouragement of residential activities and limitation of sensitive community, educational or medical activities in the Industrial 2 and Light Industrial Zones. Some provision is made for more sensitive education and medical facilities in the Light Industrial Zone, but in a location that is well separated from the Aggregate Extraction and Processing Zone.~~
Amend: Planning Maps	• Rezone NA75C/41 from Rural to Residential 2 • Identify Wetlands 1 and 2 on the Pokeno Structure Plan (Appendix 54.15A).

Plan Provision Number	Recommended New Text	
	• Identify the "Graham Block" on the Pokeno Structure Plan Area (Appendix 54.15A).	
Delete: Item C.33: Appendix 2 Inventory of Historic Buildings, Structures, Trees and Areas Group C: Trees	~~ITEM C.33~~ ~~Type:~~ ~~Location~~ ~~Valuation Number~~ ~~Legal Description~~ ~~Description~~	~~Name: Taraire Trees – indigenous~~ ~~Taraire – INDIGENOUS~~ ~~201 Hitchen Road, Pokeno Vineyard~~ ~~03800/104.00~~ ~~Pt Allotment 16, Parish of Mangatawhiri 03800-10400~~ ~~Mature trees in good health and form~~
Add: C.33 Appendix 2 Inventory of Historic Buildings, Structures, Trees and Areas Group C: Trees	ITEM C.33 Type: Location Valuation Number Legal Description Description	1 Taraire Tree and 1 Rewarewa Tree – indigenous Taraire and Rewarewa - INDIGENOUS 201 Hitchen Road, Pokeno 03910/510.00 Pt Allotment 16, Parish of Mangatawhiri 03800-10400 1 Taraire and 1 Rewarewa surrounded by native bush including Puriri, Kahikatea and Tawa

25 FEBRUARY 2010 (DECISION)
XX MAY 2017 (PROPOSED)

APPENDIX 54.15A: POKENO STRUCTURE PLAN AREA



KEY

- POKENO STRUCTURE PLAN AREA
- RESIDENTIAL
- RESIDENTIAL MEDIUM DENSITY OVERLAY AREA
- BUSINESS
- RESIDENTIAL - TOWN CENTRE OVERLAY AREA
- LIGHT INDUSTRIAL
- INDUSTRIAL 2
- SPORTS PARK
- OPEN SPACE
- PERENNIAL STREAM REQUIRING RIPARIAN MARGIN
- INDICATIVE LOCATION OF NEIGHBOURHOOD PARK
- INDICATIVE LOCATION OF KNOLLS (NEIGHBOURHOOD PARK)
- INDICATIVE LOCATION OF NEIGHBOURHOOD CENTRE & PARK
- INDICATIVE LOCATION OF STORMWATER TREATMENT DEVICE
- THE GRAHAM BLOCK
- COLLECTOR AND KEY LINK ROADS
- KEY LOCAL LINK ROADS
- KEY PEDESTRIAN ROUTE
- AT-GRADE VEHICULAR AND PEDESTRIAN CROSSING OVER NIMT
- GRADE SEPERATED VEHICULAR AND PEDESTRIAN CROSSING OVER NIMT
- GRADE SEPERATED PEDESTRIAN AND CYCLE CROSSINGS OVER NIMT
- POSSIBLE FUTURE TRAIN STATION
- STORMWATER MANAGEMENT AREA
- INDICATIVE WETLANDAA
- NATIONAL GRID TRANSMISSION LINE - REFER PART 26.4A.2(H), 27A.2 AND 27A.4
- OTHER PLACES
  1: PRIMARY SCHOOL
  2: QUEENS REDOUBT
  3: MARKET SQUARE
  4: OLD POST OFFICE
  5: CEMETERY AND EXTENSION

Appendix B

Proposed Plan Change 21 including Further Amendments – Clean Version

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Report

Plan Change 21 - Clean Version - 22/02/18

Prepared for

Prepared by Beca Limited

22 February 2018

Plan Provision Number	Recommended New Text
Add: 19.7.1	**19.7.1 Indigenous Vegetation and Habitats of Indigenous Fauna within the Graham Block of the Pokeno Structure Plan Area**
Add: 19.7.1.1 Explanation	**19.7.1.1 Explanation** The following objective and policies apply to the Graham Block within the Pokeno Structure Plan Area (Appendix 54.15A) only.
Add: 19.7.1.2 Objective	**19.7.1.2 Objective** (a) Indigenous biodiversity values and indigenous ecosystems are maintained or enhanced.
Add: 19.7.1.3 Policies	**19.7.1.3 Policies** (a) Avoid the loss or degradation of the characteristics that contribute to the significance of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna to the greatest extent practicable.
	(b) Where the avoidance of the loss or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna is demonstrated to be not practicable the remediation, or mitigation of adverse effects shall be undertaken to achieve no overall net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna values to the greatest extent practicable.
	(c) Where remediation or mitigation, cannot achieve no net-loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna offsetting of adverse effects shall be undertaken to achieve no overall net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.
	(d) Recognise that in some instances, remediation and mitigation of the adverse effects on Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna may be inappropriate when: i. The remediation, mitigation and offsetting proposed is not of equal or greater value than that indigenous biodiversity lost at the impact site ii. Indigenous biodiversity is rare, at risk, threatened or irreplaceable iii. The success of the remediation, mitigation or offsetting cannot be adequately demonstrated.

Plan Provision Number	Recommended New Text
	(e) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna should be managed in a way that protects long-term ecological functioning and indigenous biodiversity value.
	(f) Require no overall net-loss of indigenous vegetation and habitats of indigenous fauna.
Amend: 26.4A Assessment of Restricted Discretionary Activities	26.4A.1 For subdivision consent applications provided for in Rule 26.2A the Council has restricted its discretion to the consideration of the following matters (refer 2. below for assessment criteria), and may impose conditions of consent in relation to these: (a) Servicing (b) Density in the Residential 2 Zone outside of a Large Lot Overlay (c) Design and Layout (d) A Structure Plan (refer to Part 54) (e) Stormwater management and riparian planting (f) Geotechnical matters (g) [Intentionally blank] (h) Proximity to national grid transmission lines (refer to planning maps) (i) Maintenance of opportunity for NEIGHBOURHOOD CENTRES (as identified by Part 54, planning maps or Part 29D.1). (j) EARTHWORKS, silt and sediment control. (k) Retention of appropriate vegetation (l) Noise attenuation 2. Applications for Restricted Discretionary Activity resource consent for subdivision will be assessed against the following criteria unless the matters are specified as not applicable to that zone. (a) Servicing (i) Whether sites can be adequately serviced for stormwater, wastewater, water supply water supply for fire fighting purposes and utilities. (ii) (ii) The effects on the public services the Council is responsible for in the locality or district and which the residents or occupants of the subdivided or developed area would make use of, generate a need for, or have an impact on (and for which financial contributions may be required to offset adverse effects). (iii) The undergrounding of any utility lines within or outside the site being subdivided.

Plan Provision Number	Recommended New Text
	(iv) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that subdivision, development and the provision of infrastructure keep pace with each other. (b) Density Whether residential subdivision in the Residential 2 Zone (inclusive of any lots created for future MEDIUM DENSITY HOUSING*) achieves an average minimum density of: - Pokeno Structure Plan Area: 10 DWELLING HOUSES per gross hectare**. This criteria does not apply to the Large Lot Overlay. …
Add: Rule 27A.1.10 (new permitted activity)	27A.1.10 Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area.
Add: Rule 27A.2.5 (new restricted discretionary activity)	27A.2.5 Indigenous vegetation clearance in the Graham Block in the Pokeno Structure Plan Area that does not comply with the Permitted Activity standards.
Add: Rule 27A.5.14 (development standards)	**27A.5.14 INDIGENOUS VEGETATION CLEARANCE WITHIN THE GRAHAM BLOCK IN THE POKENO STRUCTURE PLAN AREA** Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area is permitted if: 1. it is for the following purposes: a) removing vegetation that endangers human life or existing buildings or structures, or b) maintaining tracks and fences, or c) maintaining existing farm drains, or d) conservation fencing to exclude stock or pests, or e) gathering of plants in accordance with Maaori custom and values.
Amend: Rule 27A.8.1 (matters of discretion)	27A.8.1 Other than Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area, activities which are otherwise Permitted that infringe no more than one of the standards listed in Part 27A.5.

Plan Provision Number	Recommended New Text
Add: Rule 27A.8.5 (matters of discretion)	27A.8.5 Indigenous Vegetation Clearance within the wetlands identified on the Pokeno Structure Plan Area (Appendix 54.15A) within the Graham Block that does not meet the Permitted Standards of Rule **27A.5.14:** 1. Whether the proposal has adequately demonstrated that the avoidance of the loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna is not practicable having regard to: a) The degree of significance of the indigenous vegetation and habitats of indigenous fauna. b) Whether consideration of alternative options that could result in reduced loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna has been undertaken. c) The functional need of activities to result in the loss, fragmentation, isolation or degradation of areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. d) Whether the proposal promotes the efficient use of resources. e) Any positive effects of the proposed activities. 2. Whether measures have been adopted to minimise the loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna value to the greatest extent practicable. Measures to achieve this may include: f) Using existing cleared areas that are suitable to accommodate development in the first instance. g) Using any practicable alternative locations and methods that would reduce the need for vegetation removal. h) Retaining indigenous vegetation and natural features which contribute to the ecological significance of a site where appropriate. 3. Whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. Measures may include: a) Animal and pest plant control.

Plan Provision Number	Recommended New Text
	b) Enhancement and restoration planting with pioneer indigenous species. c) Restoration and infill planting of indigenous species in degraded areas. d) Removal of exotic species. e) Adding woody debris in outer edges of bush areas. f) The planting of areas between existing habitat creating improved connectivity and habitat integrity. g) Extending the width of buffer areas. h) Removal of livestock. i) Removing fish migration barriers such as culverts and ponds. j) Protection from sediment inflow and improved hydrology.
Add: Rule 27A.8.6 (matters of discretion)	27A.8.6 Indigenous Vegetation Clearance: a) Within the Graham Block in the Pokeno Structure Plan Area (Appendix 54.15A); but b) Not within the wetlands; and c) that does not meet the Permitted Standards of Rule 27A.5.14: 1. Whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of Indigenous Biodiversity. Measures may include: a) Animal and pest plant control. b) Enhancement and restoration planting with pioneer indigenous species. c) Restoration and infill planting of indigenous species in degraded areas. d) Removal of exotic species. e) Adding woody debris in outer edges of bush areas. f) The planting of areas between existing habitat creating improved connectivity and habitat integrity. g) Extending the width of buffer areas. h) Removal of livestock. i) Removing fish migration barriers such as culverts and ponds. j) Protection from sediment inflow and improved hydrology
Add definition to Section 50	Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna means areas of indigenous biodiversity that meet one or more of the criteria of Section 11A of the Waikato Regional Policy Statement, 2016.
Amend: 54.15.1 (context)	**54.15.1 Context** The Pokeno Structure Plan Document (October 2008) sets out a vision for the Pokeno Structure Plan Area which is informed by FutureProof and the Waikato Regional Policy Statement and is based on Council's aspirations, community feedback and technical studies to provide a comprehensive framework for the staged growth of the village into a town.

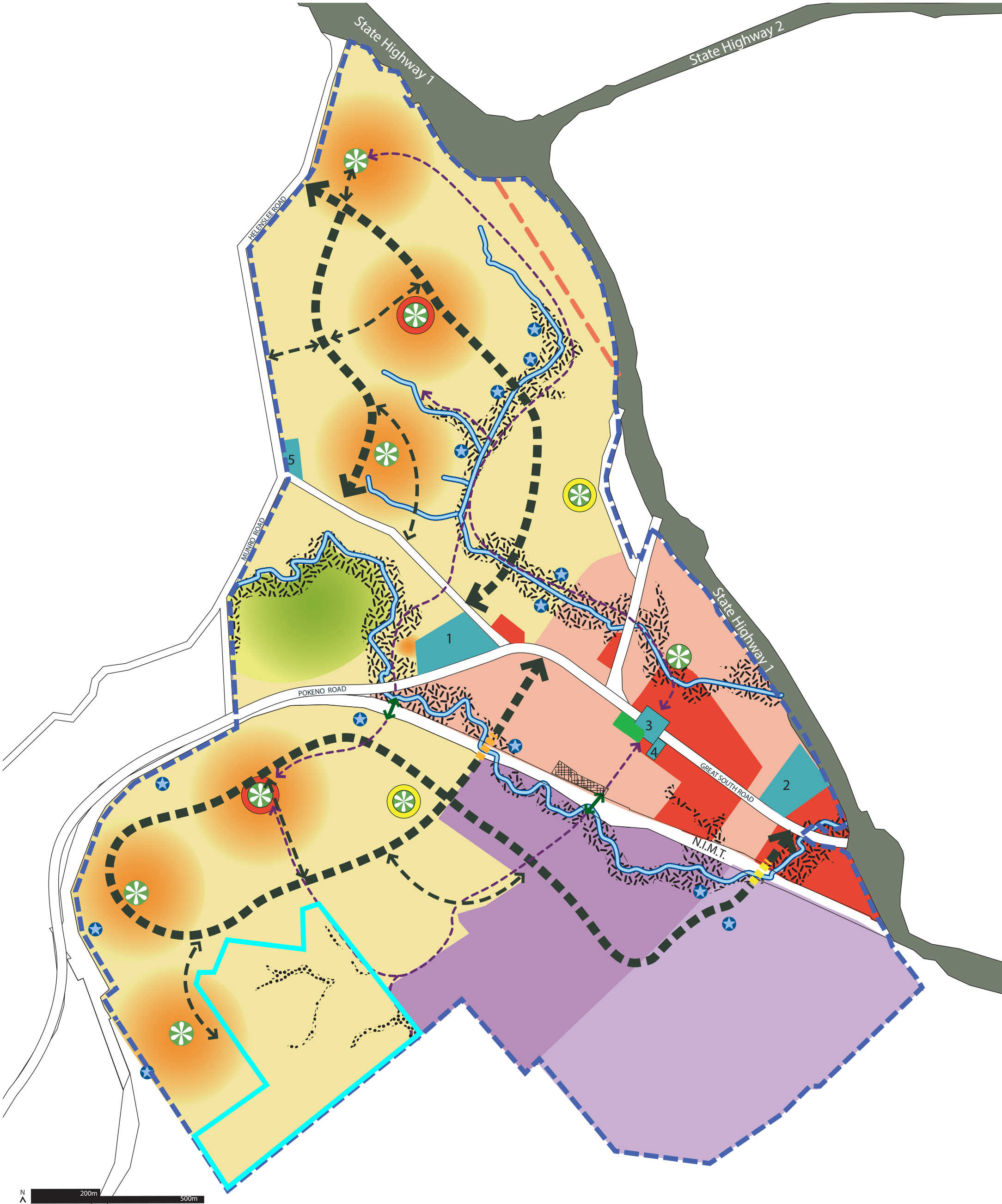
Plan Provision Number	Recommended New Text
	Although situated along State Highway 1, Pokeno is located within a rural setting. The green backdrop and ridgelines that surround the village provide it with a distinctly rural feel. The Pokeno Structure Plan Document envisages growth within this rural setting, contained within clear boundaries and having strong physical and visual connections to the surrounding rural environment. The Structure Plan Document envisages that this growth will be guided by the following general principles: 1. That growth of Pokeno should be compact and contained within legible boundaries. 2. That Pokeno should provide a mix of residential densities and housing types, employment, commercial, services, social infrastructure and recreational opportunities to support a sustainable community. 3. That Pokeno should provide opportunities for urban infrastructure whilst retaining its rural setting. 4. That Pokeno should develop in an integrated manner, particularly with respect to land use and transport to support a multimodal (private vehicles, public transport, walking and cycling) transport system. The provisions of this section of the PLAN are intended to apply these principles.
Amend: 54.15.2.2.1 (Issue)	54.15.2.2.1 Explanation …The Pokeno Structure Plan Area contains some locally significant landforms, wetlands, vegetation and watercourses which are sensitive to development and warrant protection, conservation or a limitation on development. Development can enhance existing watercourses in the Pokeno Structure Plan Area, introducing open space elements to the urban form of Pokeno, enhancing ecological resources and restoring degraded ecosystems. The Pokeno Structure Plan and adopted Stormwater Catchment Management Plan for the Pokeno Structure Plan Area identifies the main perennial stems of the Tanitewhiora and Helenslee Streams in particular as well as two wetlands that are considered areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.
Amend: 54.15.2.2.2 (Objective)	2. Objective To achieve development which maintains locally significant landforms, wetlands and vegetation and maintains or enhances water quality and identified watercourses and wetlands.
Amend: 54.15.2.2.3 (Policy)	54.15.2.2.3 Policy Subdivision and development should avoid, remedy or mitigate the effects of urban development by: a) having regard to the adopted Pokeno Stormwater Catchment Management Plan (and/or approved discharge consent); b) establishing the open space and stormwater reserves and the stormwater infrastructure (quality and detention) in an appropriate and timely manner; c) protecting, maintaining and enhancing significant vegetation and landforms; d) protecting, maintaining and enhancing watercourses and wetlands identified on the Pokeno Structure Plan;

Plan Provision Number	Recommended New Text
	e) maintaining water quality and managing earthworks to avoid siltation and sedimentation of watercourses and adjoining properties; and f) appropriately managing earthworks during subdivision to avoid, as far as practicable, the need for further significant earthworks and retaining during the development of buildings.
Amend: 54.15.2.2.4 (Explanation)	54.15.2.2.4 Explanation The Pokeno Structure Plan Area is relatively unconstrained in environmental terms, and can accommodate the level of subdivision and development proposed within the Pokeno Structure Plan Area. However, it contains some areas of locally significant vegetation, two wetlands, landforms and two locally significant watercourses. Downstream are the Mangatawhiri Wetlands which are recognised as a Site of Special Wildlife Interest in the Plan. The protection and enhancement of streams can maintain and enhance water quality within them. The protection of streams and vegetation also has the potential to provide ecological linkages and improve habitat quality, and will contribute to the green spacious character of the area. Development also has the potential to adversely affect water quality (and ultimately to damage downstream ecology) through sediment run-off during development and pollutant run-off from impervious surfaces. Development can enhance existing watercourses in the Pokeno Structure Plan Area, introducing open space elements to the urban form of Pokeno, enhancing ecological resources and restoring degraded ecosystems. Water quality and riparian areas will be safeguarded through the incorporation of stormwater treatment mechanisms in the structure plan srea through the subdivision consent process, through the requirement for detention devices, for riparian enhancement of identified streams (perennial), through appropriate building setbacks and through the avoidance of earthworks in these areas. Areas of locally significant vegetation will be protected through the requirements to retain them at subdivision stage, and through the addition of these to the Council's protected tree schedule (Schedule 8A). Subdivision and development should have regard to the recommendations of the adopted Stormwater Catchment Management Plan and/or discharge consent for the area which includes measures to avoid or mitigate the potential for flooding. The Pokeno Structure Plan anticipates modification of ephemeral streams to allow development.
Amend: 54.15.2.5.3 Residential Density	54.15.2.5.3 Policy Subdivision and development should: (a) Achieve an average gross density of ten dwelling houses per hectare in residential areas excluding the Large Lot Overlay; (b) Provide a range of lot sizes and urban densities; (c) [Deleted]

Plan Provision Number	Recommended New Text
	(d) Provide for higher housing densities in locations where it is supportive of pedestrian, cycle and public transport and the viability and vibrancy of the town centre. (e) Provide for higher housing densities within walkable catchments of proposed neighbourhood centres and neighbourhood parks. (f) Generally limit the spatial extent of development with higher housing densities to identified areas so as to maintain a variety of urban densities and housing choice across the structure plan area. Additional areas of medium density housing development (to a density no greater than 1:300m^2) may be appropriate in smaller pockets adjacent to or across the road from the reserve network.
Amend: 54.15.2.6 Interface with Aggregate Extraction and Processing Zone	**54.15.2.6.4 Explanation** Reverse sensitivity issues can arise where new residential development or other sensitive business and community activities are located in close proximity to quarrying activities. Residents and occupants may suffer adverse health, safety and amenity effects (particularly noise effects) and there is potential for the operational efficiency of the quarry activity to be adversely affected by residents seeking to resolve these effects.
Amend: Planning Maps	• Rezone NA75C/41 from Rural to Residential 2 • Identify Wetlands 1 and 2 on the Pokeno Structure Plan (Appendix 54.15A). • Identify the "Graham Block" on the Pokeno Structure Plan (Appendix 54.15A).
Delete: Item C.33: Appendix 2 Inventory of Historic Buildings, Structures, Trees and Areas Group C: Trees	C.33 [Deleted in entirety]
Add: C.33 Appendix 2 Inventory of Historic Buildings, Structures, Trees and Areas Group C: Trees	1 Taraire Tree and 1 Rewarewa Tree – indigenous Taraire and Rewarewa - INDIGENOUS 201 Hitchen Road, Pokeno 03910/510.00 Pt Allotment 16, Parish of Mangatawhiri 03800-10400 1 Taraire and 1 Rewarewa surrounded by native bush including Puriri, Kahikatea and Tawa

25 FEBRUARY 2010 (DECISION)
XX MAY 2017 (PROPOSED)

APPENDIX 54.15A: POKENO STRUCTURE PLAN AREA



KEY

- POKENO STRUCTURE PLAN AREA
- RESIDENTIAL
- RESIDENTIAL MEDIUM DENSITY OVERLAY AREA
- BUSINESS
- RESIDENTIAL - TOWN CENTRE OVERLAY AREA
- LIGHT INDUSTRIAL
- INDUSTRIAL 2
- SPORTS PARK
- OPEN SPACE
- PERENNIAL STREAM REQUIRING RIPARIAN MARGIN
- INDICATIVE LOCATION OF NEIGHBOURHOOD PARK
- INDICATIVE LOCATION OF KNOLLS (NEIGHBOURHOOD PARK)
- INDICATIVE LOCATION OF NEIGHBOURHOOD CENTRE & PARK
- INDICATIVE LOCATION OF STORMWATER TREATMENT DEVICE
- THE GRAHAM BLOCK
- COLLECTOR AND KEY LINK ROADS
- KEY LOCAL LINK ROADS
- KEY PEDESTRIAN ROUTE
- AT-GRADE VEHICULAR AND PEDESTRIAN CROSSING OVER NIMT
- GRADE SEPERATED VEHICULAR AND PEDESTRIAN CROSSING OVER NIMT
- GRADE SEPERATED PEDESTRIAN AND CYCLE CROSSINGS OVER NIMT
- POSSIBLE FUTURE TRAIN STATION
- STORMWATER MANAGEMENT AREA
- INDICATIVE WETLANDAA
- NATIONAL GRID TRANSMISSION LINE - REFER PART 26.4A.2(H), 27A.2 AND 27A.4
- OTHER PLACES
  1: PRIMARY SCHOOL
  2: QUEENS REDOUBT
  3: MARKET SQUARE
  4: OLD POST OFFICE
  5: CEMETERY AND EXTENSION

Attachment 2:

Submissions Received

Proposed Private Plan Change 21
Graham Block Development

Waikato District Plan – Franklin Section

Submission form

ECM Project: DPC21-03
ECM # ……
Submission # …….

RMA Form 5

Submitter

Please print *This form will be photocopied. Please do not print outside the frame.*

Name: Future Proof Implementation Committee (Mr / Mrs / Ms / Miss)

Contact person: *(if applying on behalf of an organisation)* Bill Wasley, Future Proof Independent Chair

Address for correspondence: P O Box 381, Tauranga 3141

Phone: 027 471 3006

E-mail: bill@wasleyknell.co.nz

Fax:

I ~~could☐~~/could not☐ gain an advantage in trade competition through this submission.

~~I am☐/am not☐ directly affected by an effect of the subject matter of the submission that:~~

~~(a) Adversely affects the environment; and~~

~~(b) Does not relate to trade competition or the effects of trade competition~~

This is a submission on Private Plan Change 21

Please use a separate form for each provision of the Plan Change you wish to submit about

The specific provision of the Plan Change that my submission relates to is Whole of the Plan Change

Other identification – eg Attachment, Paragraph

~~I/~~ We support ✓ ~~oppose ☐ seek amendments ☐ to~~ the provision named above.

The reasons for my / our views are

Details of our submission are contained overleaf.

I /We seek the following decision from the Waikato District Council: *(give precise details)*

Future Proof supports Proposed Plan Change 21. We seek that its provisions be retained and that the Plan Change be upheld.

I / We wish to be heard in support of my / our submission: **Yes ✓** **No☐**

If others make a similar submission, I / we will consider presenting a joint case with them at hearing: **Yes ✓** **No ☐**

Signed: Date: 9 Oct 2017

(A signature is not required if you make your submission by electronic means.)

Future Proof Implementation Committee
c/o Bill Wasley
Future Proof Independent Chair
P O Box 381
TAURANGA 3141

12 October 2017

Waikato District Council
Private Bag 544
NGARUAWAHIA 3742
By e-mail: districtplan@waidc.govt.nz

To whom it may concern

FUTURE PROOF IMPLEMENTATION COMMITTEE SUBMISSION ON PROPOSED PLAN CHANGE 21 (GRAHAM BLOCK DEVELOPMENT - POKENO) TO THE WAIKATO DISTRICT PLAN - FRANKLIN SECTION

This submission is lodged by the Future Proof Implementation Committee (FPIC) in **support** of *Proposed Plan Change 21 (Graham Block Development - Pokeno) to the Waikato District Plan – Franklin Section* (PC21).

The FPIC is the implementation arm of the Future Proof Growth Strategy (Future Proof, or Strategy). The FPIC includes representatives from the Hamilton City Council (HCC), the Waipa District Council (Waipa DC), the Waikato District Council (Waikato DC), the Waikato Regional Council (WRC) and tāngata whenua. As the administering authority for PC21, the Waikato DC has abstained from forming a part of this submission. The Future Proof partners may still make individual submissions.

The FPIC supports the plan change as it forms part of the Future Proof Strategy settlement pattern. The detailed matters of support are set out in our formal submissions attached to this letter.

The FPIC is willing to appear in support of its submission. If others make a similar submission, the FPIC would also be prepared to consider presenting a joint case with them at the submissions hearing.

Yours sincerely

Bill Wasley
Independent Chair, Future Proof Implementation Committee

The specific provision of the proposal that my submission relates to is:	State whether you support, support in part or oppose this provision	State the reasons for your views	I seek the following decision from the Council on this provision:
Whole of Plan Change	✓ Support	In general, the whole of PC21 is supported by Future Proof. When the Future Proof Strategy was first developed Pokeno was not part of the sub-region. The Future Proof Strategy is currently being updated and will incorporate Pokeno as a growth area for Waikato District Council. It is a key principle of the Future Proof Strategy to encourage development into existing settlements and growth areas.	Retain as notified.
Appendix 54.15A – Pokeno Structure Plan Area	✓ Support	Future Proof supports the changes to the structure plan area including: ▪ Rezoning the Plan Change Area from Rural to Residential 2 Zone; ▪ Removing the Large Lot Overlay from the northern extent of the Plan Change Area; ▪ Applying the Large Lot Overlay to the southern extent of the Plan Change Area; ▪ Incorporating the Plan Change Area into the existing Pokeno Structure Plan Area.	Retain as notified.
Plan Change Report – general comment	✓ Support with amendment	Future Proof generally supports the Plan Change Report[1], however it would be useful if the documentation referenced the Future Proof Strategy and the Waikato Regional Policy Statement, in particular part 6 on the built environment. Under section 75(3)(c) of the RMA 1991 the District Plan must give effect to the Regional Policy Statement. Under section 74(2)(b)(i) of the RMA 1991 any plan changes shall also have regard to management plans and strategies prepared under other Acts – Future Proof was prepared under the framework of the Local Government Act 2002.	Reference the Future Proof Strategy and the Waikato Regional Policy Statement in the plan change documentation.

[1] *Private Plan Change 21: Graham Block Development,* August 2017, prepared for Pokeno Village Holding Ltd by MWH/Stantec

File No: 25 05 00G
Document No: 11187067
Enquiries to: Leslie Vyfhuis

13 October 2017

Waikato District Council
Private Bag 544
Ngaruawahia 3742

Email: districtplan@waidc.govt.nz

Waikato Regional Council Submission to Proposed Private Plan Change 21: Graham Block Development

Please find attached the Waikato Regional Council's submission in regard to Proposed Private Plan Change 21, Graham Block Development, in Pokeno.

Should you have any queries regarding the content of this document please contact Leslie Vyfhuis, Team Leader Policy Implementation, directly on (07) 859 0587 or by email Leslie.Vyfhuis@waikatoregion.govt.nz.

Regards

Tracey May
Director Science and Strategy

Waikato Regional Council

Submission on Proposed Private Plan Change 21: Graham Block Development

13 October 2017

1.0 SUBMITTER DETAILS

Submitter:	Waikato Regional Council
Contact person:	Leslie Vyfhuis (Team Leader – Policy Implementation)
Email:	Leslie.Vyfhuis@waikatoregion.govt.nz
Phone:	(07) 859 0587
Post:	Private Bag 3038, Waikato Mail Centre, Hamilton 3240

I could not gain an advantage in trade competition through this submission.

I am not directly affected by an effect of the subject matter of the submission that:
(a) does not adversely affect the environment; and
(b) does not relate to trade competition or the effects of trade competition.

2.0 INTRODUCTION

2.1 Waikato Regional Council (WRC) appreciates the opportunity to make a submission to Proposed Private Plan Change 21 (PPPC21). WRC's primary interest is in relation to Waikato Regional Policy Statement (RPS). District Plans, including Plan Changes such as this one, are required to give effect to the RPS (RMA s75(3)(c)).

2.2 In this case, the key areas of interest relate to the management of the built environment (RPS Chapter 6), and the management of indigenous biodiversity values (RPS Chapter 11).

3.0 SUBMISSION ON PRIVATE PLAN CHANGE 21

Provision	Support/ Oppose	Submission	Decision sought from the Council
Amendment to Pokeno Structure Plan Area Map (Appendix 54.15A) to accommodate additional residential growth	Neutral	Notwithstanding other matters raised in this submission, WRC acknowledges that urban development at Pokeno is anticipated in a number of documents, including the Franklin District Growth Strategy. Map 1.0 of the strategy identifies Pokeno as an 'existing urban area' and a node for 'new urban housing'. RPS Policy 6.12 is about implementing the Franklin District Growth Strategy. RPS Method 6.12.3 states that the Future Proof Growth Strategy is to be amended to incorporate the part of Waikato District that was the Franklin District. This process is currently underway, with Pokeno identified as a residential growth management area in the Draft Future Proof Strategy May 2017, which is currently going through a public consultation process. The draft document also identifies that Pokeno has the potential for further growth (in addition to what has already been provided for in the Pokeno Structure Plan; Pokeno Stage 1).	Retain as notified (subject to any amendments sought in relation to specific submission points that follow).

Managing areas of significant indigenous vegetation within the structure plan area	Oppose in part	Based on the ecological assessment, three areas have been identified as having significant biodiversity values. These are the bush block referred to as SE1, and Wetlands 1 and 2. SE1 is currently listed as item C.34 in Schedule 8A of the Franklin District Plan (Historic Buildings, Structures, Trees and Areas). It is proposed that Wetlands 1 and 2 will be identified on the Pokeno Structure Plan Map, however there are no corresponding changes proposed to the district plan or structure plan provisions that would provide for the management of these areas. In addition, the s32 report (page 7) states that the proposal will result in the loss of 13 per cent of the upper reaches of Wetland 1. It appears that this will be as a result of stormwater management, specifically the construction of four pre-treatment forebays (Ecological Assessment, page 51). The RPS contains policy for managing areas of significant biodiversity value (Policy 11.2). This policy requires the protection of these areas, and implementation method 11.2.2 sets out a framework as to how district and regional plans are to manage adverse effects on these areas, including an emphasis on avoiding adverse effects as a preference. Given the requirements of s76 RMA, areas of significant indigenous vegetation within urban environment allotments need to be scheduled in the plan. The Pokeno Structure Plan lists Schedule 8A as one of the methods to implement policy 54.15.2.3. It should also be noted that stormwater discharge consents will be required from WRC. WRC does not support online treatment devices, and these should be constructed offline rather than in the receiving environment.	Add Wetland 1 and 2 to Schedule 8A, or similar relief to ensure that the plan provides for the protection of these identified areas of significant indigenous vegetation and habitat. AND Amend Section 54.15.2.2 of the Pokeno Structure Plan as follows to include reference to Wetlands 1 and 2 (or like relief to provide for the management of wetlands to give effect to RPS Chapter 11): 1. *Issues* *… The Pokeno Structure Plan area contains some locally significance landforms, <u>wetlands,</u> vegetation and watercourses which are sensitive to development and warrant protection, conservation or a limitation on development…* *The Pokeno Structure Plan and adopted Stormwater Catchment Management Plan for the Pokeno Structure Plan Area identifies the main perennial stems of the Tanitewhiora and Helenslee Streams in particular. <u>The Pokeno Structure Plan also identifies two significant wetlands.</u>* 2. *Objective* *To achieve development which maintains locally significant landforms, <u>wetlands,</u> and vegetation and maintains or enhances water quality and identified watercourses <u>and wetlands.</u>* 3. *Policy* *Subdivision and development should avoid, remedy or mitigate the effects of urban development by:* *…*

			(d) protecting, maintaining and enhancing watercourses <u>and wetlands</u> identified on the Pokeno Structure Plan; *4. Explanation* *…However, it contains some areas of locally significant vegetation, landforms, ~~and~~ two locally significant watercourses<u>, and two significant wetlands.</u>*
Managing areas of indigenous biodiversity within the structure plan area	Oppose in part	The structure plan area includes gully systems, perennial and ephemeral watercourses, as well as indigenous riparian and terrestrial vegetation that has not been identified as significant in the ecological assessment. The RPS contains direction on the management of indigenous biodiversity generally (including areas that have not been assessed as significant) in Policy 11.1 and associated methods. The RPS requires that district plans maintain or enhance indigenous biodiversity, including by providing for positive indigenous outcomes when managing activities including subdivision and land use change (RPS Implementation Method 11.1.1). The RPS also requires that where loss or degradation of indigenous biodiversity is authorised adverse effects are avoided, remedied or mitigated (RPS Implementation Method 11.1.3). Chapter 8 of the RPS also contains policy direction regarding the management of freshwater bodies. Implementation Method 8.3(e) refers to where practicable, avoiding the modification of fresh water bodies including the piping, excavation, infilling, widening or straightening of the fresh water body. Whilst these activities are controlled by Waikato Regional Council, the policy and associated method have implications in relation to the proposed structure plan layout.	Relief to ensure that adverse effects on areas of indigenous biodiversity within the Graham's Block area (including gully systems, perennial and ephemeral watercourses as well as indigenous riparian and terrestrial vegetation) are avoided as a preference, and that where loss or degradation is proposed, there is a process to ensure the effects are assessed and appropriately managed. AND Amend the following explanation in 54.15.2.2.4: *~~The Pokeno Structure Plan anticipates modification of ephemeral streams to allow development.~~*

		With respect to the Waikato River and its catchments, the RPS also includes the Vision and Strategy for the Waikato River (RPS Part 2), which contains objectives and policies that relate to the restoration and protection of the health and wellbeing of the Waikato River. These include a recognition and avoidance of adverse cumulative effects, and a recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities. These provisions are relevant for the management of the gully systems within the plan change area (which are within the Waikato River catchment). The ecological assessment report makes a number of recommendations regarding the management of ecological values within the structure plan area (pages 49 – 52) and these are generally supported, however no changes are proposed to the structure plan to implement these recommendations. The existing structure plan includes policy regarding significant vegetation, and identified watercourses (54.15.2.23(c) and (d)). The plan change does not propose any amendments to the structure plan that will provide for the management of indigenous biodiversity other than areas assessed as significant, and no additional watercourses have been identified on the structure plan map. The plan change proposes that existing text which states that modification of ephemeral streams to allow development is anticipated will be retained (section 54.15.2.2.4). This is not consistent with the Vision and Strategy for the Waikato River or the RPS. It should be noted that any proposals to divert or infill any wetland or ephemeral stream systems will need resource consents from Waikato Regional Council.	
Whole Plan Change	Neutral	It is noted that a number of consents are likely to be required from WRC in accordance with the Waikato Regional Plan, including stormwater discharge, earthworks, diversion or infilling of wetland or stream systems, and any structures on or over the bed of any	No change.

		stream or wetland area. It is anticipated that all wastewater will be tied into the municipal system and will not require separate WRC consents.	

3.0 FURTHER INFORMATION AND HEARINGS

3.2 WRC **wishes to be heard** at the hearings for Plan Change 21 in support of this submission and is prepared to consider a joint submission with others making a similar submission.

3.3 WRC **could not** gain an advantage in trade competition through this submission.

TRANSPORT AGENCY SUBMISSION ON:

PROPOSED PRIVATE PLAN CHANGE 21 – GRAHAM BLOCK DEVELOPMENT

In accordance with Schedule 1 of the Resource Management Act 1991

TO: Waikato District Council
Private Bag 544
NGĀRUAWĀHIA 3742

REFERENCE: ECM Project: DPC21-03

SUBMITTER: NZ Transport Agency
PO BOX 973
Waikato Mail Centre
HAMILTON 3240

ATTENTION: Jenni Fitzgerald
PHONE: 07 958 7957
E-MAIL: jenni.fitzgerald@nzta.govt.nz

Introduction

1. This submission relates to **Proposed Private Plan Change 21 – Graham Block Development** (PPPC21).

The NZ Transport Agency's Role

2. The NZ Transport Agency (the Transport Agency) is a Crown entity with the sole powers of control for all purposes of all State Highways. The Transport Agency is also a significant investor in the local road network. The Transport Agency's objective, functions, powers and responsibilities are derived from the Land Transport Management Act 2003 (LTMA), and the Government Roading Powers Act 1989 (GRPA).

The statutory objective of the Transport Agency is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest[1].

The Transport Agency's Submission

3. The NZ Transport Agency notes that PPPC21 may be inconsistent with the Waikato Regional Policy Statement 2016 (RPS) and the Future Proof Growth Strategy (Future Proof). The NZ Transport Agency supports these documents and the processes that led to their development, having invested significant resources in both. Both of these documents look to ensure an integrated approach is taken to managing growth within the Waikato Region. The dwelling density that would be achieved by PPPC21 is inconsistent with the Future Proof density target of 12-15 households per hectare. PPPC21 documents refer to a land area of 26ha which '*…is anticipated to accommodate the development of 100 standalone residential dwellings'*. This is significantly less than the targeted density.

4. The Agency acknowledges that changes to the land use pattern for Pokeno are currently being proposed through the Future Proof Growth Strategy review and the North Waikato Integrated Growth Management Programme Business Case; but these are not yet finalised. Notwithstanding this, the Agency considers that the broader strategic framework and development principles are well understood and accepted. The Agency considers that ideally PPPC21 should be consistent with the outcomes of these two projects, including the Future Proof density targets; and regardless must be assessed against the RPS, including Section 6A. We note that the plan change documents refer to topographical constraints meaning that part of the site is best suited to 'large lot' development. However the Residential 2 zoning sought for the remainder of the site would achieve a density of approximately 10 households per hectare which is less than the applicable density identified in Future Proof and the RPS. There is no analysis or consideration in the plan change documentation that justifies this against the RPS. The only reference to PPPC21 giving effect to the RPS is in relation to protecting areas of significant indigenous vegetation.

5. North Waikato is experiencing unprecedented growth in population and demand for housing and other development. This growth is largely driven by the growth being experienced in Auckland. Auckland has a current population of 1.6 million people and this is expected to grow by an additional million people over the next 30 years. This continued growth will increase pressure and demand in north Waikato. The pace of growth is challenging the ability of service providers (including Waikato District Council) to future proof decision making.

[1] LTMA Section 94

6. As Waikato District Council staff will be aware there are currently multiple processes underway to better understand the scope, scale and impact of growth on north Waikato. These include:

   - the North Waikato Integrated Growth Management Programme Business Case currently being developed jointly by the Transport Agency, Waikato District Council, Waikato Regional Council, Hamilton City Council, Auckland Council and Auckland Transport. The purpose of this piece of work includes developing a high level land use strategy for north Waikato and to use this to identify future essential community services, local transport needs, and inter-regional transport infrastructure. This project is expected to be recommended to the respective organisations for adoption later in 2017. Whilst it is recognised that this business case is still in draft form, it does provide direction that Pokeno will be a key residential growth node for the north Waikato over the next 30 years.
   - the Future Proof Strategy Review. One of the key information streams is the review of population projections for the Future Proof area which have led to recommendations for changes to the Future Proof settlement pattern, including expansion in Pokeno. The current Future Proof growth strategy was developed prior to Pokeno becoming part of the Waikato District and therefore does not include reference to Pokeno. The draft Strategy was notified on the 12th of June and as notified now includes the north Waikato settlements including Pokeno in the proposed settlement pattern and density targets. Density targets for greenfield development in Pokeno are 12-15 households per hectare[2].

7. Both of the projects identified above will produce information that is highly relevant, if not critical, to effective planning for growth and land use change. At the same time WDC is progressing its full district plan review. The Transport Agency considers that it will be important to test the assumptions used to develop PPPC21 against the updated information, once available.

8. We acknowledge that the plan change subject area does not include any state highway infrastructure; however, development in this area has the potential to impact on the function of the nationally significant Waikato Expressway. In addition, the Transport Agency has an interest in this plan change as a co-investor in the local transport network. The NZ Transport Agency requests that the Hearings Committee ensure it is satisfied that PPPC21 promotes an integrated approach to managing growth and infrastructure generally, and specifically by giving effect to higher level documents.

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[2] Draft Future Proof Growth Strategy – Planning for Growth May 2017; Page 30; Table 1 Future Proof and RPS density targets. http://www.futureproof.org.nz/file/draft-future-proof-strategy-update-120617-final-draft.pdf

9. The NZ Transport Agency in principle supports the intent of Proposed Private Plan Change 21 inasmuch as it provides for urban development within an existing urban area. The subject land is a logical extension of Pokeno Village. Notwithstanding this, the Transport Agency is not satisfied on the basis of the plan change documentation as notified that sufficient consideration has been given to the appropriate strategic framework and higher order RMA documents; or that the requested zoning change will not undermine the outcomes sought in these. For example, PPPC21 Section 1.2 refers to:

   - giving effect to the National Policy Statement for Urban Land Supply [sic] – we assume this is intended to be reference to the National Policy Statement on Urban Development Capacity 2016 (NPSUDC). The only justification or explanation for how PPPC21 gives effect to the NPSUDC is that it enables "the release of greenfield land to support the residential growth which has occurred within Pokeno to date". The Transport Agency notes that Objective Group B, C and D in the NPSUDC have a strong focus on robust and up-to-date evidence being used to inform planning decisions; planning for short-, medium- and long-term wellbeing; local authorities adapting and responding to evidence; and coordination and alignment within and across local authority boundaries. These objectives are all evident in the processes referred to in paragraph 6; processes which WDC is a party to.
   - giving effect to WDC's District Growth Strategy 2007. No mention is made of the Waikato District Development Strategy adopted by WDC in 2015, which was prepared to replace and update the Waikato District Growth Strategy (2009) and the Franklin District Growth Strategy (2008)[3]. Notwithstanding the fact the earlier strategy has been replaced, the only justification or explanation for how PPPC21 gives effect to it is the same as for the NPSUDC outlined above.
   - supporting and giving effect to the strategic approach within the Council's District Plan. There is no discussion of what this strategic approach is or how PPPC21 supports and/or gives effect to it.
   - supporting and giving effect to the Waikato Regional Policy Statement "by protecting areas of significant indigenous vegetation". The RPS has a much broader focus and application than this.

10. The Transport Agency respectfully suggests that the Council cannot be satisfied on the basis of the information provided that Proposed Private Plan Change 21 meets the necessary statutory tests, including in particular giving effect to the RPS No or insufficient analysis against the higher level documents has been provided in the information notified. The Transport Agency considers that in addition to giving effect to the RPS, PPPC21 should be not inconsistent with outcomes of the Future Proof review. Pokeno is a key node for urban growth within the north Waikato and as such it is

[3] Waikato District Development Strategy (September 2015), p3. https://wdcsitefinity.blob.core.windows.net/sitefinity-storage/docs/default-source/your-council/plans-policies-and-bylaws/strategies/waikato-district-development-strategy---final-report.pdf?sfvrsn=16c4b6c9_4

imperative that future land use recognises this and is consistent with Waikato District Council aspirations for the long term development of the Pokeno community.

11. The Transport Agency opposes Proposed Private Plan Change 21 as notified and seeks that Waikato District Council:

    - reject Proposed Private Plan Change 21 in its entirety in the absence of a thorough analysis of consistency of this plan change with relevant strategic documents, demonstrating appropriate strategic fit of the proposal; or
    - ensure that decisions made in relation to PPPC21 provide for the integration of proposals for future development at Pokeno; in particular consideration as to whether or not the densities achieved through this plan change are appropriate given the targets provided in the Waikato Regional Policy Statement and draft Future Proof strategy.

12. Overall, the Transport Agency requests that the Council remains open to revisiting any decisions made through this process following the conclusion of the projects listed in paragraph 6 above. The Waikato District Plan review process would be an ideal vehicle to re-test the development proposed in PPPC21 in light of any outcomes of these projects available at that time (or against the evidence underpinning them). This may include an opportunity to review the household densities being achieved on this site and the wider Pokeno Structure Plan area to better meet the appropriate density targets and give effect to the National Policy Statement on Urban Development Capacity and Regional Policy Statement.

The Transport Agency **does** wish to be heard in support of this submission.

The Transport Agency **does not** wish to present joint evidence.

_____

Signed by Jenni Fitzgerald
Under delegated authority of
The NZ Transport Agency

_____

Date: 13 October 2017

NGATI TE ATA

"Ka whiti te ra ki tua o rehua ka ara a Kaiwhare i te rua"

23rd Nov 2017

Kevin Stokes
Strategic Planner
Waikato District Council

Ref: Further Submissions regarding Private Plan Change 21: Graham Block, Pokeno

Tena Koe Kevin

Having missed the opportunity to make a formal first submission, we would like to make a submission SUPPPORTING the following submission:

Waikato Regional Council (WRC)
Leslie Vyfhius (Team Leader - Policy Implementation)
Private Bag, Waikato Mail Centre, Hamilton 3240

In particular, the following points made in that submission:

1. Section Managing Areas of significant indigenous vegetation within the structure plan area – quote:

   "It should be noted that stormwater discharge consents will be required from WRC. WRC does not support online treatment devices, and these should be constructed offline rather in the receiving environment."

The Cultural Values Assessment Reports

In this regard we reference the following sections in our cultural values reports that were submitted as part of the plan change documentation:

Recommendations 7.3 (points 1 and 2) – quote:

We therefore recommend the following:

1. *That further discussions take place with Pokeno Village Holdings Ltd regarding the proposed stormwater system including the mechanics around how that could be better managed, redesigned and utilised with the wetlands. Ngati Te Ata promotes the regeneration of any wetland, even if degraded, as wetlands feature prominently as nature's natural filters. Our cultural stormwater policies and preferences (Pg 15) would be the starting point to initiate the discussion.*

2. *That other topics for further discussion would include;*

    - *The exploration of further additional offset mitigation for the parts of the natural wetland gully that will have been lost (filled in).*

    - *The promotion and use of native tree and vegetation within the build footprint (inner roads, streetscape, reserves, etc.)*

    - *Incorporating the wetlands as part of the walkway and cycleway 'theme' as done in the other residential parts of Pokeno.*

Heoi ano
Na

Karl Flavell
Manager Environment and Heritage
Ngati Te Ata
karl_flavell@hotmail.com

Kathryn Drew

From: Kevin Stokes <Kevin.Stokes@waidc.govt.nz>
Sent: Friday, 24 November 2017 1:15 p.m.
To: Sam Foster
Subject: FW: Further submission to PC21, Grahams Block Pokeno

Hi Sam
I have also received this one as well.
Thanks

From: Lucie Rutherfurd [mailto:rmaofficer@tamaoho.maori.nz]
Sent: Friday, 24 November 2017 12:21 p.m.
To: Kevin Stokes
Cc: Hero Potini; Dennis Kirkwood
Subject: Further submission to PC21, Grahams Block Pokeno

Kevin Stokes

Strategic Planner

Waikato District Council

Ref: Further Submissions regarding Private Plan Change 21: Graham Block, Pokeno

Tena Koe Kevin

Having missed the opportunity to make a formal first submission, we would like to make a submission SUPPPORTING the following submission:

Waikato Regional Council (WRC)

Leslie Vyfhius (Team Leader - Policy Implementation)

Private Bag, Waikato Mail Centre, Hamilton 3240

In particular, the following points made in that submission:

1. Section Managing Areas of significant indigenous vegetation within the structure plan area – quote:

"It should be noted that stormwater discharge consents will be required from WRC. WRC does not support online treatment devices, and these should be constructed offline rather in the receiving environment."

"Add Wetland 1 and 2 to Schedule 8A, or similar relief to ensure that the plan provides for the protection of these identified areas of significant indigenous vegetation and habitat."

The Cultural Values Assessment Reports

In this regard we reference the following sections in our cultural values reports that were submitted as part of the plan change documentation:

Ngati Tamaoho CVA Report submitted August 21st, (references) ….

13.4 Ngati Tamaoho has consistently promoted wetlands not ponds as stormwater treatment, and we have also consistently promoted "off line" stormwater treatment. This proposal does not provide for off line treatment.

13.12 There are two large area of wetland systems proposed to be filled to enable further development. The off set mitigation of enhancing the remaining wetlands is not considered to be adequate as the riparian planting and enhancement of a 10meter riparian margin [either side of the feature], is considered to be a part of the mitigation of any development, and is therefore not considered as "off set mitigation".

Relief Sought

Ngati Tamaoho seek the following relief …

- For Ngati Tamaoho and the applicant to continue to work together to provide for the recommendations as set out in our CVA report
- All new proposed stormwater forebays, with artificial wetland treatment to be off-line from the natural wetland
- Explore opportunities for mitigation for any wetland features to be filled
- Ensure all bush areas within the proposed Plan Change are covenanted and fenced, with an appropriate pest management plan.

We wish **to be heard** with respects to our further submission

Naku noa na

Lucie Rutherfurd

NGĀTI TAMAOHO TRUST

Lucie Rutherfurd
RMA Technical Officer
Phone: 09 274 4220
Mobile: 0211708543
Email: rmaofficer@tamaoho.maori.nz
P.O Box 61 156
Otara, Auckland 2159
112 Bairds Road, Otara
Website: www.tamaoho.maori.nz

Attachment 3:

NZTA Correspondence

Kathryn Drew

From:	Jenni Fitzgerald <Jenni.Fitzgerald@nzta.govt.nz>
Sent:	Tuesday, 20 February 2018 5:59 p.m.
To:	Kathryn Drew
Cc:	Sue Simons; Kate Storer
Subject:	Proposed Private Plan Change 21 – Position of the NZ Transport Agency

Hi Kathryn

The purpose of this email is to formally advise Waikato District Council of the NZ Transport Agency's position on Proposed Private Plan Change 21 to the Waikato District Plan.

In summary, on receipt and review of further information as requested in our submission, the Transport Agency is neutral with respect to Proposed Plan Change 21 as described in the notified documentation and the additional information supplied to the Agency (Attachment 1).

The Transport Agency was a submitter to Proposed Private Plan Change 21. The Transport Agency requested the following relief sought:

> "*The Transport Agency opposes Proposed Private Plan Change 21 as notified and seeks that Waikato District Council:*
>
> - *reject Proposed Private Plan Change 21 in its entirety in the absence of a thorough analysis of consistency of this plan change with relevant strategic documents, demonstrating appropriate strategic fit of the proposal; or*
> - *ensure that decisions made in relation to PPPC21 provide for the integration of proposals for future development at Pokeno; in particular consideration as to whether or not the densities achieved through this plan change are appropriate given the targets provided in the Waikato Regional Policy Statement and draft Future Proof strategy."*

Following the close of the submission period the Transport Agency was advised that the requested analysis against relevant strategic documents had been undertaken but had not been included in the material notified by WDC in error. This information was subsequently provided to the Transport Agency by the proponents' planning consultants. This information was reviewed by the Transport Agency and it was concluded that it addressed the concerns at bullet point 1 of the Agency's relief sought. This was then communicated to Council staff and the proponents' planning consultant.

Given the Agency's satisfaction with the further information provided it is no longer opposed to Proposed Plan Change 21; and no longer requests to be heard in support of its submission.

Jenni Fitzgerald / Principal Planning Advisor
Consents & Approvals / System Design & Delivery

DDI 64 7 958 7957 / **M** 64 21 941 351
E Jenni.Fitzgerald@nzta.govt.nz / **w** nzta.govt.nz

Hamilton Office / Level 1, Deloitte Building
24 Anzac Parade, PO Box 973, Hamilton 3240, New Zealand

Attachment 4:
Future Proof Correspondence

Kathryn Drew

From: Chris Scrafton <Chris.Scrafton@beca.com>
Sent: Wednesday, 28 February 2018 10:15 p.m.
To: Kathryn Drew; Sam Foster
Subject: FW: PC21 - Pokeno Plan Change to Waikato District Plan

Hi both,

See below correspondence.

From: Ken Tremaine [mailto:ken@kentremaine.co.nz]
Sent: Wednesday, 28 February 2018 10:13 p.m.
To: Chris Scrafton <Chris.Scrafton@beca.com>
Subject: RE: PC21 - Pokeno Plan Change to Waikato District Plan

Chris,

Apologies for the delay in getting back to you.

Have taken a read of the latest plan change material and am happy with what you have done. There is no need for Future Proof to appear at the hearing.

Many thanks.

Cheers,

Ken Tremaine
Future Proof
Implementation Advisor

ph. 09-309 2515
mb. 027 476 8300
email. ken@kentremaine.co.nz

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From: Chris Scrafton [mailto:Chris.Scrafton@beca.com]
Sent: Thursday, 22 February, 2018 2:49 PM
To: Ken Tremaine
Subject: RE: PC21 - Pokeno Plan Change to Waikato District Plan

Hi Ken,

Hope you are well.

To update you on this:

a) NZTA have confirmed they don't want to be heard,
b) We have reached agreement with WRC and I am just trying to confirm that they are happy to not be heard also.
c) We are in discussions with Ngati Tamaoho and Ngati Te Ata to reach agreement with them as well.

As discussed earlier, we are hoping to either avoid or really minimise any hearing process.

I have attached the latest agreed version of provisions. Reference to FutureProof is provided at 54.15.1.

Hope this works for you, please feel free to call if you wish to discuss further.

Kind regards,

Chris.

Chris Scrafton
Technical Director - Planning
Beca
Ph +64-9-300 9000 Fax +64-9-300 9300
DDI +64-9-336 9494 Mob: +64 27 290 4605
www.beca.com | igniteyourthinking.beca.com

From: Ken Tremaine [mailto:ken@kentremaine.co.nz]
Sent: Wednesday, 24 January 2018 10:16 p.m.
To: Chris Scrafton <Chris.Scrafton@beca.com>
Subject: RE: PC21 - Pokeno Plan Change to Waikato District Plan

Chris,

Happy with this course of action.

Cheers

Ken Tremaine
FutureProof
Implementation Advisor

ph. 09-309 2515
mb. 027 476 8300
email. ken@kentremaine.co.nz

****
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From: Chris Scrafton [mailto:Chris.Scrafton@beca.com]
Sent: Wednesday, 24 January 2018 10:04 p.m.
To: Ken Tremaine <ken@kentremaine.co.nz>
Subject: Re: PC21 - Pokeno Plan Change to Waikato District Plan

Hi ken.

You are correct. When submissions closed you were the only submitter. Council were late in informing us that the nzta and wrc also submitted. Ngati te ata and ngati tamaoho further submitted on wrcs submission. We hope to avoid a hearing but chances are slim. We hope to refine issues. Perhaps best course of action is for me to get back to you once further advanced with other submitters?

Kind regards.

Chris.

Get Outlook for iOS

From: Ken Tremaine <ken@kentremaine.co.nz>
Sent: Wednesday, January 24, 2018 9:56:26 PM
To: Chris Scrafton
Subject: RE: PC21 - Pokeno Plan Change to Waikato District Plan

Chris,

No I haven't. But am happy to do so from earlier discussions when you advised that we were the only submitter.

I understand that this is not the case. There are at least 3 and the matter is proceeding to a hearing.

Can you investigate and get back to me please.

Cheers

Ken Tremaine
FutureProof
Implementation Advisor

ph. 09-309 2515
mb. 027 476 8300
email. ken@kentremaine.co.nz

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From: Chris Scrafton [mailto:Chris.Scrafton@beca.com]
Sent: Wednesday, 24 January 2018 4:57 p.m.
To: Ken Tremaine <ken@kentremaine.co.nz>
Subject: PC21 - Pokeno Plan Change to Waikato District Plan

Hi Ken,

Hope you are well and had a good break. Just checking in re: PC21 in the Waikato. As discussed earlier, I see no reason to not agree to the relief sought by Futureproof and we will provide an updated version of the plan change that reflects that to Council to assist with their s42A reporting.

Have you spoken to WDC about withdrawing your submission on this basis?

Attachment 5:

Recommended Amendments to the Waikato District Plan – Franklin Section

Attachment 5

Plan Change 21

S42A Recommended Amendments to the Waikato District Plan – Franklin Section

Throughout this document, text in blue identifies changes to the plan as notified. Text in red identifies recommended changes to the text as a result of submissions.

Plan Provision Number	Recommended New Text
Add: 19.7.1	**19.7.1 Indigenous Vegetation and Habitats of Indigenous Fauna within the Graham Block of the Pokeno Structure Plan Area**
Add: 19.7.1.1 Explanation	**19.7.1.1 Explanation** The following objective and policies apply to the Graham Block within the Pokeno Structure Plan Area (Appendix 54.15A) only.
Add: 19.7.1.2 Objective	**19.7.1.2 Objective** (a) Indigenous biodiversity values and indigenous ecosystems are maintained or enhanced.
Add: 19.7.1.3 Policies	**19.7.1.3 Policies** (a) Avoid the loss or degradation of the characteristics that contribute to the significance of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna to the greatest extent practicable.
	(b) Where the avoidance of the loss or degradation of Significant Indigenous-Vegetation and Significant Habitats of Indigenous Fauna is demonstrated to be not practicable the remediation, or mitigation of adverse effects shall be undertaken to achieve no overall net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna values to the greatest extent practicable.
	(c) Where remediation or mitigation cannot achieve no net-loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna offsetting of adverse effects shall be undertaken to achieve no overall net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.

Plan Provision Number	Recommended New Text
	(d) Recognise that in some instances, remediation and mitigation of the adverse effects on Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna may be inappropriate when: i. The remediation, mitigation and offsetting proposed is not of equal or greater value than that indigenous biodiversity lost at the impact site ii. Indigenous biodiversity is rare, at risk, threatened or irreplaceable iii. The success of the remediation, mitigation or offsetting cannot be adequately demonstrated.
	(e) Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna should be managed in a way that protects long-term ecological functioning and indigenous biodiversity value.
	(f) Require no overall net-loss of indigenous vegetation and habitats of indigenous fauna.
Amend: 26.4A Assessment of Restricted Discretionary Activities	26.4A.1 For subdivision consent applications provided for in Rule 26.2A the Council has restricted its discretion to the consideration of the following matters (refer 2. below for assessment criteria), and may impose conditions of consent in relation to these: (a) Servicing (b) Density in the Residential 2 Zone outside of a Large Lot Overlay (c) Design and Layout (d) A Structure Plan (refer to Part 54) (e) Stormwater management and riparian planting (f) Geotechnical matters (g) [Intentionally blank] (h) Proximity to national grid transmission lines (refer to planning maps) (i) Maintenance of opportunity for NEIGHBOURHOOD CENTRES (as identified by Part 54, planning maps or Part 29D.1). (j) EARTHWORKS, silt and sediment control. (k) Retention of appropriate vegetation (l) Noise attenuation 2. Applications for Restricted Discretionary Activity resource consent for subdivision will be assessed against the following criteria unless the matters are specified as not applicable to that zone. (a) Servicing (i) Whether sites can be adequately serviced for stormwater, wastewater, water supply water supply for fire fighting purposes and utilities. (ii) (ii) The effects on the public services the Council is responsible for in the locality or district and which the residents or occupants of the subdivided or

Plan Provision Number	Recommended New Text
	developed area would make use of, generate a need for, or have an impact on (and for which financial contributions may be required to offset adverse effects). (iii) The undergrounding of any utility lines within or outside the site being subdivided. (iv) Whether subdivision provides appropriate infrastructure in a coordinated manner, ensuring that subdivision, development and the provision of infrastructure keep pace with each other. (b) Density Whether residential subdivision in the Residential 2 Zone (inclusive of any lots created for future MEDIUM DENSITY HOUSING*) achieves an average minimum density of: - Pokeno Structure Plan Area: 10 DWELLING HOUSES per gross hectare**. This criteria does not apply to the Large Lot Overlay. …
Add: Rule 27A.1.10 (new permitted activity)	27A.1.10 Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area.
Add: Rule 27A.2.5 (new restricted discretionary activity)	27A.2.5 Indigenous vegetation clearance in the Graham Block in the Pokeno Structure Plan Area that does not comply with the Permitted Activity standards.
Add: Rule 27A.5.14 (development standards)	**27A.5.14 INDIGENOUS VEGETATION CLEARANCE WITHIN THE GRAHAM BLOCK IN THE POKENO STRUCTURE PLAN AREA** Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area is permitted if: 1. it is for the following purposes: a) removing vegetation that endangers human life or existing buildings or structures, or b) maintaining tracks and fences, or c) maintaining existing farm drains, or d) conservation fencing to exclude stock or pests, or e) gathering of plants in accordance with Maaori custom and values.
Amend: Rule 27A.8.1 (matters of discretion)	27A.8.1 Other than Indigenous Vegetation Clearance within the Graham Block in the Pokeno Structure Plan Area, Activities which are otherwise Permitted that infringe no more than one of the standards listed in Part 27A.5.
Add: Rule 27A.8.5 (matters of discretion)	27A.8.5 Indigenous Vegetation Clearance within Wetlands 1 and 2 in the Pokeno Structure Plan Area that does not meet the Permitted Standards of Rule **27A.5.14:**

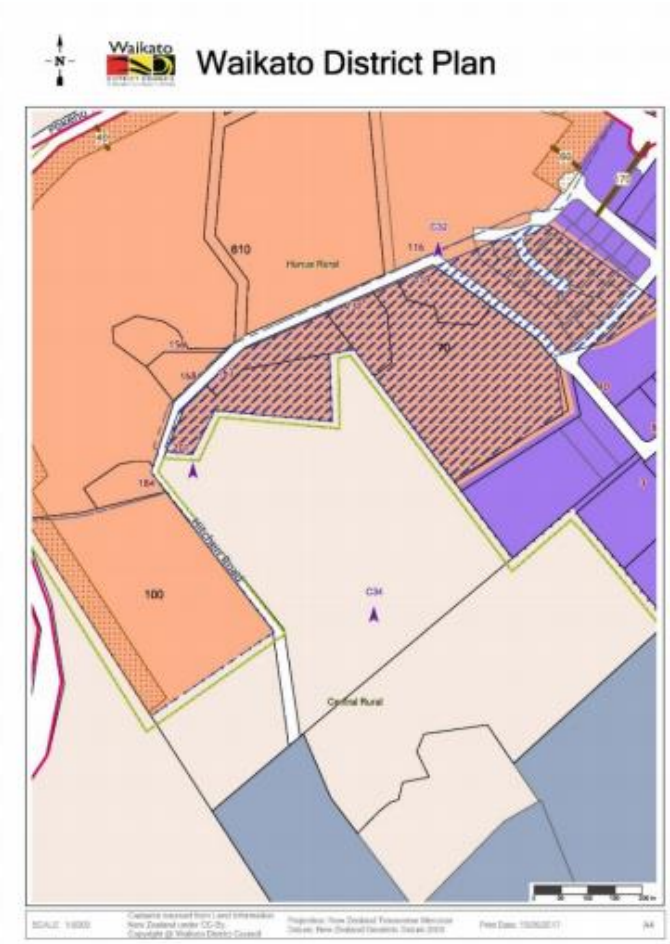
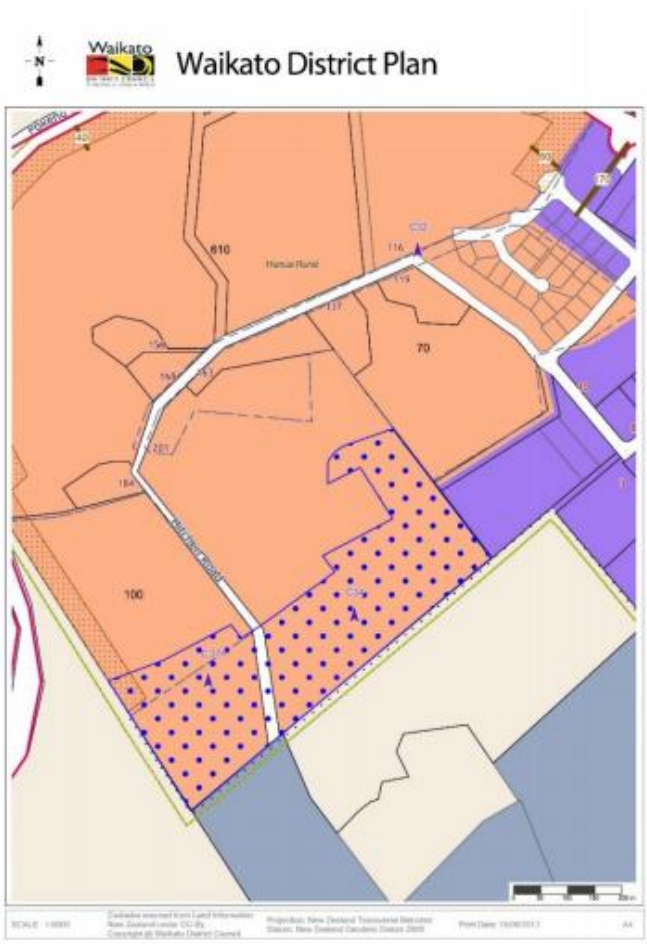
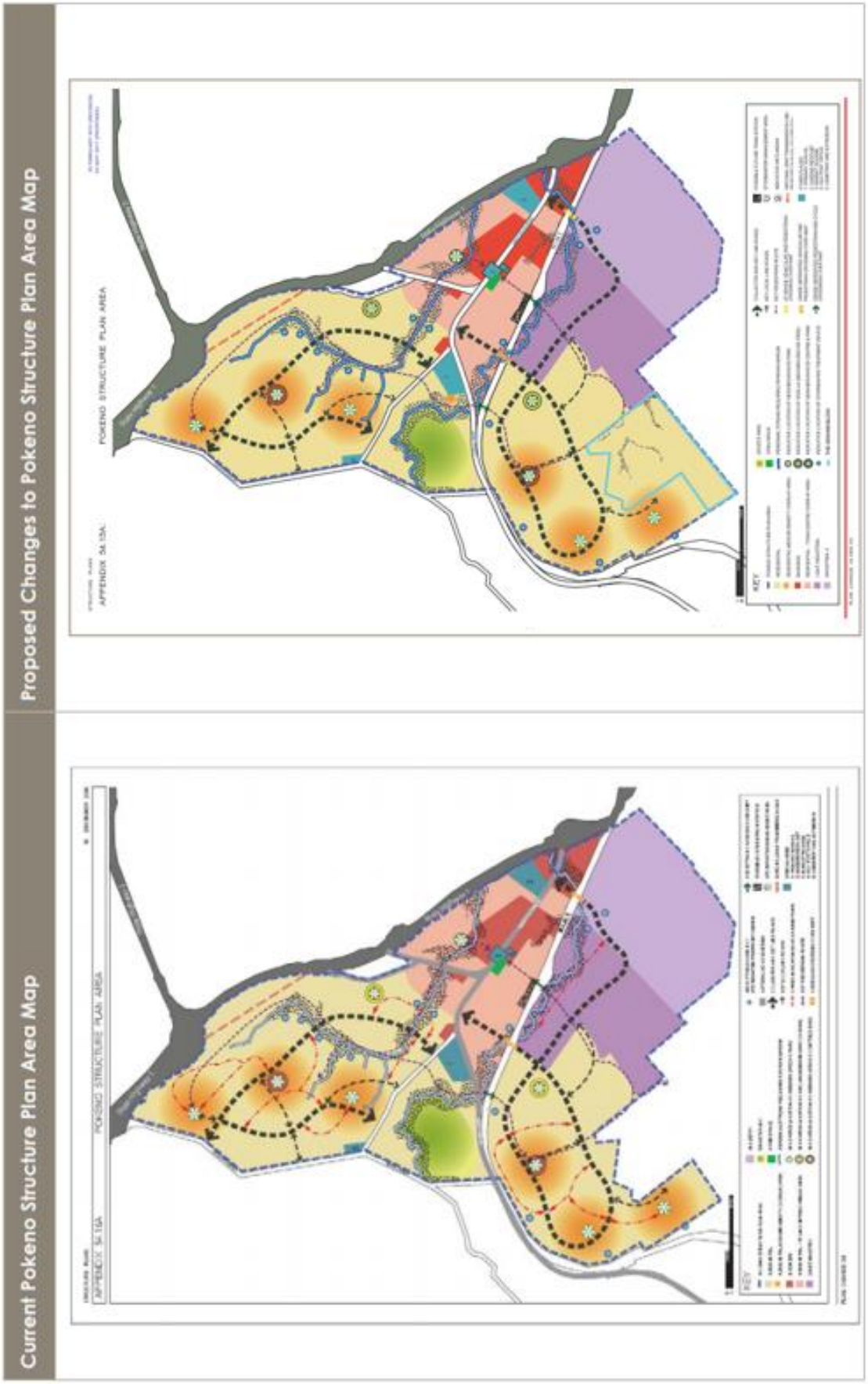
Plan Provision Number	Recommended New Text
	1. Whether the proposal has adequately demonstrated that the avoidance of the loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna is not practicable having regard to: a) The degree of significance of the indigenous vegetation and habitats of indigenous fauna. b) Whether consideration of alternative options that could result in reduced loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna has been undertaken. c) The functional need of activities to result in the loss, fragmentation, isolation or degradation of areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. d) Whether the proposal promotes the efficient use of resources. e) Any positive effects of the proposed activities. 2. Whether measures have been adopted to minimise the loss, fragmentation, isolation or degradation of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna value to the greatest extent practicable. Measures to achieve this may include: a) Using existing cleared areas that are suitable to accommodate development in the first instance. b) Using any practicable alternative locations and methods that would reduce the need for vegetation removal. c) Retaining indigenous vegetation and natural features which contribute to the ecological significance of a site where appropriate. 3. Whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna. Measures may include: a) Animal and pest plant control. b) Enhancement and restoration planting with pioneer indigenous species. c) Restoration and infill planting of indigenous species in degraded areas. d) Removal of exotic species. e) Adding woody debris in outer edges of bush areas. f) The planting of areas between existing habitat creating improved connectivity and habitat integrity. g) Extending the width of buffer areas.

Plan Provision Number	Recommended New Text
	h) Removal of livestock. i) Removing fish migration barriers such as culverts and ponds. j) Protection from sediment inflow and improved hydrology.
Add: Rule 27A.8.6 (matters of discretion)	27A.8.6 Indigenous Vegetation Clearance: a) Within the Graham Block in the Pokeno Structure Plan Area; but b) Not within Wetlands 1 and 2; and c) that does not meet the Permitted Standards of Rule 27A.5.14: 1. Whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of Indigenous Biodiversity. Measures may include: a) Animal and pest plant control. b) Enhancement and restoration planting with pioneer indigenous species. c) Restoration and infill planting of indigenous species in degraded areas. d) Removal of exotic species. e) Adding woody debris in outer edges of bush areas. f) The planting of areas between existing habitat creating improved connectivity and habitat integrity. g) Extending the width of buffer areas. h) Removal of livestock. i) Removing fish migration barriers such as culverts and ponds. j) Protection from sediment inflow and improved hydrology
Add definition to Section 50	Significant indigenous vegetation and significant habitats of indigenous fauna means areas of indigenous biodiversity that meet one or more of the criteria of Section 11A of the Waikato Regional Policy Statement, 2016.
Amend: 54.15.2.2.1 (Issue)	54.15.2.2.1 Explanation …The Pokeno Structure Plan Area contains some locally significant landforms, wetlands, vegetation and watercourses which are sensitive to development and warrant protection, conservation or a limitation on development. Development can enhance existing watercourses in the Pokeno Structure Plan Area, introducing open space elements to the urban form of Pokeno, enhancing ecological resources and restoring degraded ecosystems. The Pokeno Structure Plan and adopted Stormwater Catchment Management Plan for the Pokeno Structure Plan Area identifies the main perennial stems of the Tanitewhiora and Helenslee Streams in particular as well as two wetlands that are considered areas of Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna.

Plan Provision Number	Recommended New Text
Amend: 54.15.2.2.2 (Objective)	2. Objective To achieve development which maintains locally significant landforms, wetlands and vegetation and maintains or enhances water quality and identified watercourses and wetlands.
Amend: 54.15.2.2.3 (Policy)	54.15.2.2.3 Policy Subdivision and development should avoid, remedy or mitigate the effects of urban development by: a) having regard to the adopted Pokeno Stormwater Catchment Management Plan (and/or approved discharge consent); b) establishing the open space and stormwater reserves and the stormwater infrastructure (quality and detention) in an appropriate and timely manner; c) protecting, maintaining and enhancing significant vegetation and landforms; d) protecting, maintaining and enhancing watercourses and wetlands identified on the Pokeno Structure Plan; e) maintaining water quality and managing earthworks to avoid siltation and sedimentation of watercourses and adjoining properties; and f) appropriately managing earthworks during subdivision to avoid, as far as practicable, the need for further significant earthworks and retaining during the development of buildings.
Amend: 54.15.2.2.4 (Explanation)	54.15.2.2.4 Explanation The Pokeno Structure Plan Area is relatively unconstrained in environmental terms, and can accommodate the level of subdivision and development proposed within the Pokeno Structure Plan Area. However, it contains some areas of locally significant vegetation, two wetlands, landforms and two locally significant watercourses. Downstream are the Mangatawhiri Wetlands which are recognised as a Site of Special Wildlife Interest in the Plan. The protection and enhancement of streams can maintain and enhance water quality within them. The protection of streams and vegetation also has the potential to provide ecological linkages and improve habitat quality, and will contribute to the green spacious character of the area. Development also has the potential to adversely affect water quality (and ultimately to damage downstream ecology) through sediment run-off during development and pollutant run-off from impervious surfaces. Development can enhance existing watercourses in the Pokeno Structure Plan Area, introducing open space elements to the urban form of Pokeno, enhancing ecological resources and restoring degraded ecosystems. Water quality and riparian areas will be safeguarded through the incorporation of stormwater treatment mechanisms in the structure plan area through the subdivision consent process, through the requirement for detention devices, for riparian enhancement of identified streams (perennial), through appropriate building setbacks and through the avoidance of earthworks in these areas. Areas of locally significant vegetation will be protected through the requirements to retain them at subdivision stage, and through the addition of these to the Council's protected tree schedule (Schedule 8A). Subdivision and development should have regard to the recommendations of the adopted Stormwater Catchment Management Plan and/or discharge consent for the area which includes measures to avoid or mitigate the potential for flooding. The Pokeno Structure Plan anticipates modification of ephemeral streams to allow development.

Plan Provision Number	Recommended New Text	
Amend: 54.15.2.5.3 Residential Density	54.15.2.5.3 Policy Subdivision and development should: (a) Achieve an average gross density of ten dwelling houses per hectare in residential areas excluding the Large Lot Overlay; (b) Provide a range of lot sizes and urban densities; ~~(c) Provide larger low density lots to provide a buffer between the Light Industry Zone and urban residential areas.~~ (d) Provide for higher housing densities in locations where it is supportive of pedestrian, cycle and public transport and the viability and vibrancy of the town centre. (e) Provide for higher housing densities within walkable catchments of proposed neighbourhood centres and neighbourhood parks. (f) Generally limit the spatial extent of development with higher housing densities to identified areas so as to maintain a variety of urban densities and housing choice across the structure plan area. Additional areas of medium density housing development (to a density no greater than 1:300m^2) may be appropriate in smaller pockets adjacent to or across the road from the reserve network.	
Amend: 54.15.2.6 Interface with Aggregate Extraction and Processing Zone	**54.15.2.6.4 Explanation** Reverse sensitivity issues can arise where new residential development or other sensitive business and community activities are located in close proximity to quarrying activities. Residents and occupants may suffer adverse health, safety and amenity effects (particularly noise effects) and there is potential for the operational efficiency of the quarry activity to be adversely affected by residents seeking to resolve these effects. ~~The approach taken by the Plan is to ensure adequate separation between the Aggregate Extraction and Processing Zone and the Pokeno Residential Zone, the establishment of a Large Lot Overlay Area on Hitchen Road discouragement of residential activities and limitation of sensitive community, educational or medical activities in the Industrial 2 and Light Industrial Zones. Some provision is made for more sensitive education and medical facilities in the Light Industrial Zone, but in a location that is well separated from the Aggregate Extraction and Processing Zone.~~	
Amend: Planning Maps	• Rezone NA75C/41 from Rural to Residential 2 • Identify Wetlands 1 and 2 on the Pokeno Structure Plan (Appendix 54.15A). • Identify the "Graham Block" on the Pokeno Structure Plan (Appendix 54.15A).	
Remove: Item C.33: Appendix 2 Inventory of Historic Buildings, Structures, Trees and Areas Group C: Trees	~~ITEM C.33~~ ~~Type:~~ ~~Location~~ ~~Valuation Number~~	~~Name: Taraire Trees – indigenous~~ ~~Taraire – INDIGENOUS~~ ~~201 Hitchen Road, Pokeno Vineyard~~ ~~03800/104.00~~

Plan Provision Number	Recommended New Text	
	~~Legal Description~~ ~~Description~~	~~Pt Allotment 16, Parish of Mangatawhiri 03800-10400~~ ~~Mature trees in good health and form~~
Add: C.34 Appendix 2 Inventory of Historic Buildings, Structures, Trees and Areas Group C: Trees	ITEM C.33 Type: Location Valuation Number Legal Description Description	1 Taraire Tree and 1 Rewarewa Tree – indigenous Taraire and Rewarewa - INDIGENOUS 201 Hitchen Road, Pokeno 03910/510.00 Pt Allotment 16, Parish of Mangatawhiri 03800-10400 1 Taraire and 1 Rewarewa surrounded by native bush including Puriri, Kahikatea and Tawa

Current Zoning in Waikato District Plan (Franklin Section)	Proposed Mapping Changes (Refer to Appendix B for a survey accurate map of the Large Lot Overlay)
	

Recommended Structure Plan Update