

**Before an Independent Hearings Panel**

**The Proposed Waikato District Plan (Stage 1)**

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

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

**Topic 25 – Zone Extents**

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**PRIMARY EVIDENCE OF MARK SEYMOUR MANNERS TOLLEMACHE  
ON BEHALF OF HAVELOCK VILLAGE LIMITED  
(PLANNING)**

**19 February 2021**

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## 1. SUMMARY OF EVIDENCE

- 1.1 My full name is Mark Seymour Manners Tollemache. I am a town planner.
- 1.2 I am providing planning evidence in relation to the proposed rezoning sought by Havelock Village Ltd (**HVL**)<sup>1</sup> of the land at 5 Yashili Drive,<sup>2</sup> 88 Bluff Road, 242 (in part) and 278 Bluff Road, Pokeno (**Site**).
- 1.3 I have visited the Site on numerous occasions since my engagement in 2019. I was not involved in the preparation of the original submission or further submission.
- 1.4 The Site is located to the south-west of Pokeno, and is contiguous with the Residential Zone on Hitchen Road<sup>3</sup> and the Pokeno Gateway Business Park.<sup>4</sup> It has vehicle access to Pokeno from Yashili Drive and Hitchen Road, and to the wider rural environment from Bluff, Coles and Potter Roads.
- 1.5 The approach outlined in this evidence to the zoning, the precinct plan<sup>5</sup> and map annotations for the Site is based on modifying and simplifying matters from that outlined in the HVL original submission and the Construct masterplan.<sup>6</sup> The approach that both Mr Munro and I propose is to adopt the Waikato District Council's Proposed Waikato District Plan (**PWDP**) provisions", zones and annotations<sup>7</sup> wherever possible (as opposed to the original relief by HVL seeking a series of bespoke zones and provisions). This is on the basis that using the provisions of the PWDP would provide consistency between Havelock and other greenfields growth areas within the urban settlements of the District.
- 1.6 The proposed zones and Precinct Plans are in **Annexure 1** and the provisions in **Annexure 2**. The Site (also identified as "Havelock") has been divided into the "Transmission Hill" covering the high ground associated with 88 Bluff Road and 5 Yashili Drive where predominantly residential zoning is proposed, and the "Rural Lifestyle Precinct" (also referred to as the "Tail") associated 242 Bluff Road and 278 Bluff Road where a Rural Lifestyle Zone is proposed.

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<sup>1</sup> Submitter 862 and further submitter 1291.

<sup>2</sup> This site is recorded with varying addresses, 5 Yashili Drive by NZPost and 5 Hitchen Road by WDC (even though the site only has legal frontage to Yashili Drive)

<sup>3</sup> Land within the Graham Block rezoned Residential 2 Zone by Plan Change 21 to the OWDP (proposed as Residential Zone in the PWDP)

<sup>4</sup> Industrial and Heavy Industrial Zones of the PWDP (Light Industry and Industry 2 Zones of the OWDP)

<sup>5</sup> With reference to the National Planning Standards terms as a substitute for the term 'structure plan' utilised in the Operative Waikato District Plan and the PWDP.

<sup>6</sup> Included in the HVL submission as part of the relief sought and statutory justification for the rezoning

<sup>7</sup> Utilising the provisions on the PWDP as outlined in the Council Officers' Right of Reply Version associated with the Section 42A reports for various topics.

- 1.7 The approach for Havelock utilises the Residential associated with the rezoning of the land on Transmission Hill, Business (for a small neighbourhood centre) and Industrial Zones (for a buffer to 3 Yashili Drive). It utilises the Rural Lifestyle Zone<sup>8</sup> for the Rural Lifestyle Precinct to provide for rural cluster housing development, within a framework of landscape and ecology enhancements utilising the Environmental Protection Area overlay of the PWDP.
- 1.8 The HVL relief inserts the Havelock precinct plans (x2) into the PWDP, mimicking aspects of the Council’s approach to Te Kauwhata, and incorporating the Significant Natural Area overlay (SNA),<sup>9</sup> the Environmental Protection Area overlay,<sup>10</sup> the Indicative Road overlay (including direct road connection from Pokeno to Bluff Road) and the Walkway/Cycleway/Bridleway overlay.<sup>11</sup>
- 1.9 The precinct plans also include annotations addressing the proposed Pokeno Industry Buffer<sup>12</sup> overlay, the lower density “Slope Residential” overlay,<sup>13</sup> Hilltop Park overlay<sup>14</sup> (retaining the hill top as a public space) and Rural Lifestyle Cluster overlay.<sup>15</sup>
- 1.10 The provisions attached as **Annexure 2** show the proposed changes to the Residential and Rural Lifestyle chapters of the PWDP.
- 1.11 I have reviewed the planning merits of the HVL submission on the basis of relevant National, Regional and District planning directives. HVL raised concerns in its submission that the PWDP fails to provide for the expected, realistic future residential growth in Pokeno because the population and growth projections are unrealistic, and consequently inadequate areas are identified for future growth. It is understood that this concern is recognised by Dr Davey in the Section 42A Framework Report and the Waikato 2070 Growth and Economic Development Strategy (**Waikato 2070**). Waikato 2070, being a strategy developed through the Local Government Act 2002, identifies Havelock as an opportunity to accommodate projected population growth in Pokeno.
- 1.12 Based on the assessments provided by Dr Davey and Mr Thompson, I do not consider that the PWDP, in its current form, gives effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**).

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<sup>8</sup> Was proposed to be renamed from Rural Countryside Living by the Hearing 12 S42A report to align to the National Planning Standards

<sup>9</sup> Addressed by rules 16.2.4.3, 16.2.8, 16.4.8, 23.2.3.3, 23.2.8 and 23.4.5 of the PWDP

<sup>10</sup> Addressed by rules 16.3.9.4, 16.4.16 and 23.4.11 of the PWDP

<sup>11</sup> Addressed by rule 23.4.10 of the PWDP

<sup>12</sup> Proposed new rules 16.3.9.2 P2 and 16.4.12 RD2

<sup>13</sup> Proposed new rule 16.4.17

<sup>14</sup> Proposed new rule 16.4.18 RD1 (a)(iii)

<sup>15</sup> Proposed new rule 23.4.2A and 23.4.8 RD2

- 1.13 I consider that successive growth strategies undertaken by Future Proof and the Waikato Regional Council, the former Franklin District Council and the Waikato District Council significantly under predicts the growth and market demand associated with Pokeno and more generally North Waikato.
- 1.14 Pokeno is ideally located to provide for urban growth, close to Auckland and adjoining major transportation networks. Spill over growth from Auckland, along with clear market demand has resulted in a current level of construction activity of approximately 200 dwelling per year in Pokeno. Based on this rate of demand, the notified PWDP will result in a significant deficit in land supply for Pokeno over the medium term.
- 1.15 In respect to the submissions on the PWDP, the Havelock Site:
- (a) Can provide for up to 600 households in a high quality designed neighbourhood, contiguous with the existing settlement. Given the topography, it will offer residential sites with high amenity, views and vistas not currently accessible in Pokeno.
  - (b) Has direct access to the town centre and key transport routes without being severed by the state highway.
  - (c) Offers the only opportunity for future connections between Pokeno and the Waikato River.
  - (d) Will contribute to Council meeting its residential supply targets under the NPS:UD in respect of Pokeno and to creating a well-functioning urban environment. Rezoning the Site for Residential will strongly give effect to the NPS-UD.
  - (e) Implements part of the Council's growth management strategy for Pokeno, as outlined in Waikato 2070. Havelock is expressly identified as a growth cell within Waikato 2070.
- 1.16 The Havelock Site is an ideal location for growth in Pokeno and gives effect to the Waikato Regional Policy Statement (**WRPS**) in respect of the following matters:
- (a) It is located in an area of high growth.
  - (b) Pokeno is already experiencing dwelling construction rates that exceed the medium and high projections of the District and Regional Councils.

- (c) It provides a logical extension of the existing urban area of Pokeno, forming a new neighbourhood contiguous with existing and planned growth. The refined proposal will help to 'round out' the town to the south and help retain as much spatial centrality as possible to the town centre, by way of a counterbalance to ongoing expansion north, west and east.
  - (d) It would be consistent with a compact urban form and support the existing town.
  - (e) The Site is well connected to Pokeno and can support walking and cycling connections to the town.
  - (f) It includes a new local neighbourhood centre with a range of amenities and commercial services.
  - (g) It provides opportunities for open spaces and the protection and enhancement of Significant Natural Areas (**SNA**).
- 1.17 Havelock is included within the Council's planned upgrades for bulk water and wastewater. HVL will provide all necessary connections to that infrastructure.
- 1.18 Adjoining landowners<sup>16</sup> have raised concerns with potential reverse sensitivity effects between residential development on the Site and the adjoining Pokeno Gateway Business Park.
- 1.19 Acoustic specialist Mr Styles has modelled an appropriate separation distance associated with managing reverse sensitivity from the adjoining Synlait, Hynds and Yashili activities in the adjoining Pokeno Gateway Business Park. The outcome of the modelling is the Pokeno Industry Buffer overlay which illustrated on the proposed Havelock maps, and the land within it is identified as Environmental Protection Area for enhancement planting. Rules 16.3.9.2 P2 and 16.4.12 RD2 are proposed by HVL and these apply to the management of noise sensitive activities, whereby these are not anticipated in the Buffer. The Buffer also addresses reverse sensitivity associated with lighting, odour and dust.
- 1.20 In my opinion setbacks are an appropriate and common method to manage the potential for reverse sensitivity effects. However, the separation distances should not be so great so as to result in the inefficient use of a scarce land resource in Pokeno, or a pattern of development that does not support the wellbeing of future residents or limit growth. In

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<sup>16</sup> Synlait and Hynds.

the case of the proposed Pokeno Industry Buffer overlay, this aligns with the steeper areas of land which are not suitable from a geotechnical perspective.

- 1.21 Having considered the efficiency, effectiveness, costs and benefits of the Havelock provisions I consider these to reflect the optimal outcome to address the objectives and policies of the PWDP. The urban land resource in Pokeno is scarce, and the Site is ideally located to provide a new residential neighbourhood. Havelock offers an optimal planning outcome based on the relevant statutory documents, and is an efficient solution to accommodate projected growth in this community.
- 1.22 I consider Havelock meets all the zoning criteria outlined in the Section 42A Framework Report.

## **2. INTRODUCTION**

- 2.1 My full name is Mark Seymour Manners Tollemache.
- 2.2 I have the qualifications of a Bachelor of Planning (Hons) (1996) and Master of Planning (Merit) (1999) from the University of Auckland.
- 2.3 I have over 22 years' experience in planning. I have been an independent planning consultant since 2004 as Director of Tollemache Consultants Ltd. Prior to that, I held senior planner and planner positions at North Shore City Council and Common Ground Urban Design Ltd.
- 2.4 I have extensive experience in the preparation of District Plans, Plan Changes, resource consent applications, assessments of environmental effects and being an expert witness at hearings. Local experience includes Plan Changes associated with Pokeno, Belmont - Pukekohe, Kingseat, Franklin District's Rural Plan Change 14, Waikato District's Plan Change 2 / Plan Variation 13, Drury Plan Variation 15 / Plan Change 6 and Rotokauri North Plan Change and Special Housing Area, along with resource consents associated with Kingseat village, Karaka North village, Tuakau industrial, and Bombay quarry and managed fill.
- 2.5 I have extensive experience in the preparation of District Plans, Plan Changes, resource consent applications, assessments of environmental effects and being an expert witness at hearings.

## **Involvement in the Project**

- 2.6 I was engaged by HVL<sup>17</sup> in October 2019, after its submission and further submission to the PWDP had been made. I was not involved in preparing those.
- 2.7 I have visited the Site on 6 occasions, including all of Pokeno, development at Dean Road and McIntosh Drive east of SH1, and the land between Pokeno and Waikato River. I have also driven around south Pokeno via Pokeno Road, Ewing Road, Potter Road, Cole Road and Bluff Road back to Pioneer Road. My last visit was in December 2020. I have been involved in structure planning and plan changes associated with Pokeno since 2005, and am therefore familiar with the settlement and the background to its planned form.
- 2.8 I record that upon review I identified that I did not entirely support the full extent of urban development signalled by the concept plan by Construkt Architects Ltd; or the extent of land use zones that were identified. I participated in a review process with Messrs Hills, Munro, Pryor and Pitkethley undertaken across 2020. This process identified a refined proposal which I do support. The refined proposal is what is now before the Commissioners. It is for less development on the Site than was sought in the original submission (approximately 600 units vs. 1025 units).

## **Scope of evidence**

- 2.9 My evidence will cover:
- (a) Rezoning Proposal;
  - (b) Statutory Framework;
  - (c) Section 31;
  - (d) Section 32AA Evaluation;
  - (e) Summary of Effects;
  - (f) Section 75 Evaluation;
  - (g) National Policy Statement on Urban Development 2020;
  - (h) National Policy Statement on Freshwater Management 2020;
  - (i) Waikato Regional Policy Statement;

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<sup>17</sup> Submitter 862 and further submitter 1291.

- (j) Part 2 – Purpose and Principles of the RMA;
- (k) Vision and Strategy under the Waikato Raupatu Claims (Waikato River) Settlement Act 2010;;
- (l) Iwi Management Plans and Statutory Acknowledgements;
- (m) Other Documents – Statutory;
- (n) Other Documents – Non Statutory;
- (o) Section 42A Framework Report;
- (p) Issues raised by further submissions.

2.10 In preparing my evidence I have worked alongside and in-part relied on the evidence of:

- (a) Mr Ian Munro (urban design);
- (b) Mr Adam Thompson (economics);
- (c) Mr Leo Hills (traffic);
- (d) Mr Ryan Pitkethley (civil engineering);
- (e) Dr Graham Ussher (ecology);
- (f) Mr Rob Pryor (landscape);
- (g) Mr Andrew Curtis (air quality);
- (h) Mr Jon Styles (acoustics); and
- (i) Mr Shane Lander (geotechnical).

### **3. CODE OF CONDUCT**

3.1 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. I have complied with the Code of Conduct in preparing this statement of evidence and confirm that I will do so in presenting my evidence to the Commissioners. Unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

#### 4. REZONING PROPOSAL

- 4.1 The Site is located to the south-west of Pokeno, and is contiguous with the Residential Zone on Hitchen Road<sup>18</sup> and the Pokeno Gateway Business Park.<sup>19</sup> It has vehicle access to Pokeno from Yashili Drive and Hitchen Road, and to the wider rural environment from Bluff, Coles and Potter Roads.
- 4.2 The approach outlined in this evidence to the zoning, the precinct plan<sup>20</sup> and map annotations for the Site is based on modifying and simplifying matters from that outlined in the HVL submission and the Construkt masterplan.<sup>21</sup> The approach that both Mr Munro and I propose is to adopt the Council's PWDP provisions, zones and annotations<sup>22</sup> wherever possible (as opposed to the original relief by HVL seeking a series of bespoke Zones and provisions). This is on the basis that the provisions of the PWDP reflect common approaches to resource management, have already been supported by a section 32 evaluation and the hearings on the submissions on these Zones have been held, and would provide consistency between Havelock and other greenfields growth areas within the urban settlements of the District.
- 4.3 The HVL workshops and review process<sup>23</sup> associated with the Site and the Construkt masterplan result in a number of refinements to the layout of the proposed zones and Precinct Plans (**Annexure 1**) and provisions (**Annexure 2**), based on a more detailed understanding of geotechnical limitations, slope, ecology, vehicle access opportunities and the reverse sensitivity noise issues adjoining the Pokeno Gateway Business Park.<sup>24</sup> This process also incorporates the site at 5 Yashili Drive<sup>25</sup> into the rezoning, Precinct Plans and relief sought by HVL.
- 4.4 Annexure 1 contains:
- (a) The Zone maps;
  - (b) The combined Havelock proposal with both Precinct Plans;

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<sup>18</sup> Land within the Graham Block rezoned Residential 2 Zone by Plan Change 21 to the OWDP (proposed as Residential Zone in the PWDP).

<sup>19</sup> Industrial and Heavy Industrial Zones of the PWDP (Light Industry and Industry 2 Zones of the OWDP).

<sup>20</sup> With reference to the National Planning Standards terms as a substitute for the term 'structure plan' utilised in the Operative Waikato District Plan and the PWDP.

<sup>21</sup> Included in the HVL submission as part of the relief sought and statutory justification for the rezoning.

<sup>22</sup> Utilising the provisions on the PWDP as outlined in the Council Officers' Right of Reply Version associated with the Section 42A reports for various topics.

<sup>23</sup> As described in the evidence or Mr Munro.

<sup>24</sup> Light Industry and Industry 2 Zone of the OWDP and Industrial and Heavy Industrial Zones of the PWDP.

<sup>25</sup> HVL being the successor to the submission 205.1 by Rainbow Water Ltd.

- (c) The Precinct Plans and annotation layers for both Transmission Hill and the Rural Lifestyle Precinct. All the overlays are identified on the Precinct Plan as the first sheet, and then each annotation is identified on a separate map.

### **Summary of Relief Sought**

- 4.5 The Site has been divided into the "Transmission Hill or Havelock" covering the high ground associated with 88 Bluff Road and 5 Yashili Drive where predominantly residential zoning is proposed, and the "Rural Lifestyle Precinct" (also referred to as the "Tail") associated 242 Bluff Road and 278 Bluff Road where a Rural Lifestyle Zone is proposed.
- 4.6 In summary, the approach:
- (a) Utilises the Council's PWDP zones and map annotations/overlays wherever possible in preference to bespoke Zones or individual rules (therefore adopting the Council's statutory evaluation for the zones and rules, along with the outcomes of the relevant topic hearings processes).
  - (b) Utilises the Residential, Business and Industrial Zones for Havelock associated with the rezoning of the land on Transmission Hill.
  - (c) Utilises the Rural Lifestyle Zone<sup>26</sup> for the Rural Lifestyle Precinct to provide for rural cluster housing development, within a framework of landscape and ecology enhancements.
  - (d) Inserts Havelock precinct plans (x2) into the PWDP, mimicking aspects of the Council's approach to Te Kauwhata, where the following annotations from the PWDP are utilised:
    - (i) Significant Natural Area overlay (SNA);<sup>27</sup>
    - (ii) Environmental Protection Area overlay (EPA);<sup>28</sup>
    - (iii) Indicative Road overlay including direct road connection from Pokeno to Bluff Road;
    - (iv) Walkway/Cycleway/Bridleway overlay;<sup>29</sup>

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<sup>26</sup> Was proposed to be renamed from Rural Countryside Living by the Hearing 12 S42A report to align to the National Planning Standards

<sup>27</sup> Addressed by rules 16.2.4.3, 16.2.8, 16.4.8, 23.2.3.3, 23.2.8 and 23.4.5 of the PWDP

<sup>28</sup> Addressed by rules 16.3.9.4, 16.4.16 and 23.4.11 of the PWDP

<sup>29</sup> Addressed by rule 23.4.10 of the PWDP

- (e) Inserts the following new map and precinct annotations, and rules into the PWDP to address unique aspects of the Havelock proposal:
- (i) The use of a precinct plan;<sup>30</sup>
  - (ii) Pokeno Industry Buffer;<sup>31</sup>
  - (iii) “Slope Residential” overlay;<sup>32</sup>
  - (iv) Hilltop Park overlay;<sup>33</sup>
  - (v) Rural Lifestyle Cluster overlay.<sup>34</sup>

## Zones

- 4.7 It is proposed to utilise the Residential, Business, Industry and Rural Lifestyle Zones of the PWDP.<sup>35</sup> 88 Bluff Road and 5 Yashili Drive are predominantly proposed to be rezoned from the proposed Rural Zone of the PWDP to Residential Zone.
- 4.8 Within 5 Yashili Drive, a slither of Industry Zone (1.67 ha) is proposed adjoining the existing Industry Zone (the Yashili factory site at 1 and 3 Yashili Drive and 82 McDonald Road) to provide a reverse sensitivity buffer between the proposed residential uses and the existing Yashili operation. The depth of the Industry Zone is designed to provide for a range of industry and warehousing activities, and the Site’s access strip accommodates the proposed road access into the Site from Yashili Drive. The remainder of 5 Yashili Drive is proposed as Residential Zone (14.38 ha).
- 4.9 88 Bluff Road is proposed to be predominantly Residential Zone (83.19 ha) with a small Business Zone (0.35 ha) to provide a local neighbourhood shopping centre to serve the day-to-day convenience needs of the neighbourhood.
- 4.10 242 Bluff Road and 278 Bluff Road are more distant from Pokeno and its residential expansion, and is therefore proposed as Rural Lifestyle Zone (52.32 ha). However, this site is unique in that (with 88 Bluff Road) it provides an opportunity for environmental enhancements and a direct public roading connection from Pokeno to the Waikato River (via the southern end of Bluff Road). This opportunity for access from Pokeno can provide significant amenity enhancements to the Pokeno community.

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<sup>30</sup> Proposed new rules 16.4.18 and 23.4.2A

<sup>31</sup> Proposed new rules 16.3.9.2 P2 and 16.4.12 RD2

<sup>32</sup> Proposed new rule 16.4.17

<sup>33</sup> Proposed new rule 16.4.18 RD1 (a)(iii)

<sup>34</sup> Proposed new rule 23.4.2A and 23.4.8 RD2

<sup>35</sup> Versions as per the s42A report recommendations and where realignment is proposed with National Planning Standards

Facilitating lower density Rural Lifestyle development within 242 Bluff Road and 278 Bluff Road would enable this.

- 4.11 242 Bluff Road and 278 Bluff Road contain steeper land, with native vegetation of high to lower quality as identified by Dr Ussher. Different from standard “slice and dice” countryside living or Rural Lifestyle development, the proposal is to develop rural lifestyle clusters with a specified number of dwellings/lots on land which is more geotechnically stable, and to utilise the EPA to restore areas (30.08 ha), unsuitable for development, into native forest (over time) to increase the scale of ecosystems associated with adjoining SNAs.

### **Precinct Plans**

- 4.12 Similar to Te Kauwhata and Raglan, HVL propose to establish a precinct plan for each of the ‘Transmission Hill’ and the ‘Havelock Rural Lifestyle’ areas, linked to proposed new rules 16.4.18 and 23.4.2A, to guide the implementation of key aspects of Havelock. The overlays (described below) and proposed new rules 16.4.18 and 23.4.2A outline the elements that are important to the implementation of the precinct plans.
- 4.13 While the OWDP contains a structure plan for Pokeno, this was not carried forward into the PWDP. The necessity of such a Structure Plan may not in fact be necessary given that the Helenslee and Hitchen Blocks are well on their way to being completely developed. The closest and most applicable example of a structure plan or Precinct Plan approach is that in Te Kauwhata. A number of annotations and overlays (and their corresponding rules) utilised in Te Kauwhata provide a useful basis for a spatial framework that can be applied to Havelock without having to reinvent the wheel. The ‘area’ overlays<sup>36</sup> utilised in Te Kauwhata also provide a useful comparison between the bespoke ‘Slope Residential’ overlay proposed to address geotechnical constraints within parts of Havelock.

### **Overlays**

#### ***Significant Natural Area***

- 4.14 The SNA overlay is utilised to identify covenanted native bush within 5 Yashili Drive. This was not identified as an SNA in the PWDP, however. precinct planning and the

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<sup>36</sup> Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area and Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area of the PWDP

assessment of Dr Ussher has identified that this feature is worthy of recognition in the PWDP. The size of the proposed SNA is 3.32 ha.

- 4.15 As per the Section 42A Report recommendations in Topic 21A, Dr Ussher has undertaken a field assessment of the SNA along the southern escarpment to accurately identify its boundaries. This has identified refinements to the boundary of the SNA based on removing areas of gorse and other weed species misidentified in the PWDP. The refined SNA is shown in the drawings prepared by Dr Ussher.

***Environmental Protection Area overlay***

- 4.16 The Te Kauwhata Residential Zone subdivision provisions utilised the EPA as an overlay to provide for enhancements of ecological features and habitats. This is the only annotation of its kind that would result in the enhancement of the riparian margins of streams and wetlands, along with the creation of ecological corridors. Dr Ussher supports the use of the EPA to provide large areas of enhancements, particularly where these will increase the scale of habitat within the site.
- 4.17 Given that the overlay is already included in the PWDP and successfully implemented in Te Kauwhata, HVL propose to utilise this annotation to provide for the expansion of areas of SNA (buffer and enhancement plantings), the enhancement of the riparian margins of streams and wetlands, the restoration of undevelopable areas within the Rural Lifestyle Zone and to revegetate areas of land within the steeper slopes contained in the proposed Pokeno Industry Buffer. This will provide for the enhancement of 46.31 ha of the Site that is generally not suitable for medium or higher density residential development.
- 4.18 The relevant existing rules of the Residential and Rural Lifestyle Zones are 16.4.16 and 23.4.11. Once identified on the planning maps, the rules would apply to land use and subdivision activity.

***Indicative Road overlay***

- 4.19 The Te Kauwhata provisions also utilise the Indicative Road overlay to establish a pattern of roads within a precinct plan area. HVL propose to utilise this annotation to establish the higher order roading network within the Site, including connections to Yashili Drive, Hitchen Road, Potter Road and Cole Road. A new connection is proposed between Yashili Drive and Bluff Road, allowing direct access between Pokeno and the Waikato River. It is proposed that this is also linked to a series of

walkways based on the paper road network which exists in the 'Havelock Rural Lifestyle' area.

- 4.20 Different from other settlements such as Tuakau, Pokeno does not have direct pedestrian and cycle access to the Waikato River. Access is currently reliant on State Highway 1 and the Mercer interchange.
- 4.21 The relevant new rules of the Residential and Rural Lifestyle Zones are 16.4.18 and 23.4.2A.
- 4.22 It is proposed in new Rules 16.4.18(a) and 23.4.2A(a)(iii) that the new connection would be delivered with the first stages of subdivision associated with the Residential and Rural Lifestyle Zones.

***Walkway/Cycleway/Bridleway overlay***

- 4.23 Within the proposed Rural Lifestyle Zone there is an opportunity to utilise the paper road network to establish a series of offroad recreation walkways between Transmission Hill and Bluff Road.
- 4.24 The relevant existing rule of the Rural Lifestyle Zones are 23.4.10. The new Rule 23.4.2A also addresses the implementation of the walkways.

***Pokeno Industry Buffer overlay***

- 4.25 Mr Styles<sup>37</sup> has modelled an appropriate separation distance associated with managing reverse sensitivity from the adjoining Synlait, Hynds and Yashili activities in the adjoining Pokeno Business Park. Adopting the Synlait Dunsandel approach (amongst others) from the Selwyn District Plan,<sup>38</sup> a noise contour is utilised to establish a setback or buffer where residential activities must be located outside. This is illustrated on the District Plan maps, and land within it is identified as EPA.
- 4.26 New rules 16.3.9.2 P2 and 16.4.12 RD2 apply to the management of noise sensitive activities, whereby these are not anticipated within the Buffer.
- 4.27 The buffer and its separation distances between the industry activities and sensitive activities also addresses reverse sensitivity associated with lighting, odour<sup>39</sup> and dust.

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<sup>37</sup> Refer to the Consulting Advice Note dated 15 February 2021 attached to Mr Styles' evidence

<sup>38</sup> Refer to Rule E26.1.17 of the Selwyn District Plan and my summary statement on behalf of HVL to the Topic 7 Hearing (paragraphs 10 and 11)

<sup>39</sup> Refer to the evidence of Mr Curtis regarding appropriate separation distances from air discharges from the Pokeno Business Park.

### ***Slope Residential overlay***

- 4.28 Geotechnical investigations by Mr Lander have identified areas where there are high risks associated with stability and slopes. Since the Site involves a hill, ridgelines and a number of steeper slopes, this is not uncommon. These areas are generally not appropriate for standard residential development. A new overlay, 'Slope Residential' and associated Rule 16.4.17, are proposed to provide for a lower density of residential development (2500 m<sup>2</sup> lots minimum) subject to detailed geotechnical investigations and stability design at the time of subdivision resource consent. This rule also requires landscape enhancements, while also providing for some areas of managed pasture where the potential for ongoing erosion and instability does not warrant more intensive planting. The overlay is 12.99 ha in size.

### ***Hilltop Park overlay***

- 4.29 Transmission Hill provides an opportunity to establish a public park at the highest location within the Site, generally associated with the existing mobile phone towers and the assumed location of an orally recorded, but not located, Pā.<sup>40</sup> This is similar to the approach for Pukekohe Hill and Bombay Hill where public reserves are located on the hill top, avoiding residential development in the most prominent location and preserving the recreation and amenity opportunity of this feature for public use.
- 4.30 The Hilltop overlay and Rule 16.4.18 provides for this outcome through the subdivision process.

### ***Rural Lifestyle Cluster overlay***

- 4.31 The provisions of the Rural Lifestyle Zone do not provide for opportunities for the enhancement or retirement of land, nor forms of subdivision that may be more efficient in respect to infrastructure provision or layouts that acknowledge topography. The precinct planning for Havelock has identified that the most efficient means to address these matters is to provide a bespoke approach to rural lifestyle development within the Rural Lifestyle Precinct. This acknowledges that slice and dice approaches to subdivision do not work well where there are topography constraints, and the regular patterns of lots with this approach provide little opportunities for the enhancement of larger areas of landscape and vegetation.
- 4.32 The proposal is to develop rural lifestyle clusters with a specified number of dwellings/lots (55 total) on land which is more geotechnically stable, and to utilise the

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<sup>40</sup> Refer to Clough & Associates Ltd (October 2018) Archaeological Assessment attached to the HVL Submission.

EPA to restore areas (30.08 ha) unsuitable for development into native forest to increase the scale of ecosystems associated with adjoining SNAs.

## **5. STATUTORY FRAMEWORK**

5.1 The evaluation of the rezoning submission is subject to a range of the provisions in the Resource Management Act 1991 (RMA), including:

- (a) The 'sustainable management' purpose and principles in Part 2 (sections 5 – 8), to the extent necessary;
- (b) Section 31 - functions of territorial authorities;
- (c) Sections 32 and 32AA requirement for evaluation reports;
- (d) Section 74 - matters to be considered;
- (e) Section 75 – contents of a district plan, including the requirement for a district plan to give effect to national policy statements and regional policy statements; and
- (f) Part 1 of Schedule 1 - requirements relevant to plan processes

5.2 These matters have been addressed below.

## **6. SECTION 31**

6.1 Under s 31(1) of the RMA, a territorial authority (and in this case WDC) has a number of functions for the purpose of giving effect to the RMA, including the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the Waikato District.

6.2 The PWDP provides for the review of the objectives, policies and methods applicable to the District. In my opinion, the Havelock proposal does not undermine the ability of the WDC to undertake its necessary functions under Section 31 of the RMA.

## **7. EFFECTS OF PROPOSAL**

7.1 I consider that the effects of the proposal to be appropriate, and that these can be managed through the suite of the Zone and proposed precinct plan rules.

## **Social and Economic**

- 7.2 Demographics and economics have been addressed in the evidence of Mr Thompson. He observes that Havelock is a more efficient use of the land resource than a rural use of the Site.
- 7.3 The Business Zone rules enable a wide range of retail, service and community activities. The approach to the zoning of the local neighbourhood centre is to restrict the size of the zoned area to 0.35 ha, large enough to support a range of convenience day-to-day needs, while not undermining the role and function of the Pokeno town centre's Business Zone.
- 7.4 Havelock seeks to enable walking and cycling opportunities, and connections to the Waikato River. This will provide positive benefits to the community. The Precinct Plans illustrate the indicative roads which provide these connections, along with the walkways. These ensure that opportunities for connections are achieved, delivering positive benefits.
- 7.5 I consider that the Precinct Plan and the methods to implement the delivery of the Precinct Plan, in conjunction with the rules for subdivision design and layout of the PWDP, will contribute in a positive manner to social, economic and cultural wellbeing.

## **Heritage**

- 7.6 The Archaeological Assessment<sup>41</sup> and ongoing consultation with Mana Whenua<sup>42</sup> has identified that Transmission Hill and the Potter Road ridgeline are possible locations for Te Wheoro's Pā and signal station, and that the SNA on the southern escarpment could contain burials within the bush covered slope.<sup>43</sup> The Precinct Plan proposes the Hilltop Park at the highest point of the Hill, while the Potter Road ridgeline is outside the area of Havelock. Given the high ecological values identified by Dr Ussher associated with the SNA, it is not conceivable that any residential development could occur within this bush (thereby not disturbing burials).
- 7.7 Archaeological sites identified by Clough and Associates can be appropriately managed through the development of the Site at the time of resource consent. This includes protections associated with the Heritage New Zealand Pouhere Taonga Act 2014.

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<sup>41</sup> Clough & Associates Ltd (October 2018) attached to the HVL Submission

<sup>42</sup> Edith Tuhimata is preparing a draft cultural management plan associated with resource consents on the HVL and Tata Valley Ltd land.

<sup>43</sup> Matters relevant to sections 6(e) and 6(f) of the RMA

## **Landscape and Visual**

- 7.8 The landscape and visual effects are discussed extensively in the evidence of Mr Pryor. The Site is not identified as an ONL, ONF or SAL in the PWDP. It is not an ONL or ONF in the WRPS. In my opinion the proposed use of the EPA and Slope Residential overlay, particularly on the areas of Transmission Hill adjoining Pokeno, provides an appropriate response to the visual change that will result with the urban expansion of Pokeno. The EPA is required to be planted at the time of subdivision, and the Slope Residential overlay provides a lower density form of development that transitions with the gradients of the Site from the SNA and EPA through to the Residential Zone. In addition, the hill top of Transmission Hill is identified on the Precinct Plan as a Hilltop Park. This is to maintain this part of the overall hill and ridgeline.

## **Ecological**

- 7.9 Ecological effects are discussed extensively in the evidence of Dr Ussher. The Precinct Plan aligns the EPA overlay with the existing streams and wetlands within the Site. These are proposed to be enhanced with subdivision activity.
- 7.10 The native bush within the Site is identified as SNA and within 5 Yashili Drive the HVL relief proposes that this bush also be identified as SNA. These provisions ensure that effects on ecosystems can be appropriately address.
- 7.11 The proposed provisions, in combination with the rules of the PWDP (and the Waikato Regional Plan where they relate to waterbodies) are in my opinion suitable to address ecological values of the Site and the effects of subdivision and development.

## **Earthworks**

- 7.12 The PWDP contains provisions which apply to earthworks activities. This is in addition to the earthworks rules of the Waikato Regional Plan. Both of these Plans contain appropriate provisions to address and manage potential effects at the time of resource consent.

## **Stormwater**

- 7.13 The effects of stormwater discharges are discussed extensively in the evidence of Mr Pitkethley.
- 7.14 The provisions of the PWDP (along with the Waikato Regional Plan) includes discretions which require the appropriate design of stormwater infrastructure.

Examples of the engineering approaches to achieve stormwater detention and treatment are outlined by Mr Pitkethley. I consider that these existing provisions are appropriate to address potential effects associated with the establishment of impervious surfaces and roads within the Site.

### **Wastewater and Water Supply**

- 7.15 As outlined in the evidence of Mr Pitkethley, Council and Watercare has confirmed that capacity is available, and upgrades are being planned to provide for growth within Pokeno.

### **Transport**

- 7.16 Traffic effects have been detailed in the evidence of Mr Hills. There will be minimal effects on the safe and efficient operation of the surrounding transport network. The provisions of the PWDP for subdivision includes discretions which require the appropriate design for infrastructure within a site, along with an assessment of external transportation effects on the network as a whole. Mr Hills identifies that a number of upgrades are likely as a consequence of the cumulative increase in traffic from a number of growth areas associated with Pokeno (including Pokeno West) and that these are appropriately addressed through development contributions from these growth areas.

### **Urban Design**

- 7.17 Urban design effects are discussed extensively in the evidence and technical report of Mr Munro.
- 7.18 Transmission Hill is suited to urban development subordinate to landform and environmental features but the constrained “Havelock Rural Lifestyle” is not. The refined re-zoning proposal incorporates and provides mechanisms to ensure that important natural features are integrated into a neighbourhood (through the Precinct Plans and overlays).
- 7.19 The Site connects to existing Pokeno and would contribute to a compact urban form. Mr Munro provides the opinion that it would logically expand Pokeno.
- 7.20 The Havelock proposal provides appropriate connectivity in south Pokeno, linking Bluff Road, Pioneer Road, and Miller Road to Hitchen Road and Yashili Drive and linking Pokeno Town Centre to the Waikato River without the use of SH1 as is currently

required. It would also connect Potter Road, Ewing Road and Trig Road to Hitchen Road and Yashili Drive. This is a positive enhancement.

- 7.21 The likely yield of 600 units will optimise the carrying capacity of the Site to accommodate housing and help meet the District's (and Pokeno's) growth needs in a way that is efficient and appropriate (achieving a density something between 7 du/ha (gross) to 11 du/ha (net)).

#### **Hazards/Contamination**

- 7.22 The PWDP contains existing provisions which apply to the Site and throughout the District. These require reporting on contamination in accordance with the National Environmental Standards for Assessing and Managing Contaminants in Soils to Protect Human Health and that subdivision and earthworks activities provide geotechnical reporting.
- 7.23 Mr Pitkethley confirms that matters associated with downstream flooding can be appropriately addressed at the time of resource consent through the design of stormwater detention, and that the Site is not subject to a flooding risk.

#### **Reverse sensitivity**

- 7.24 Mr Styles has modelled an appropriate separation distance associated with managing reverse sensitivity from the adjoining Synlait, Hynds and Yashili activities in the adjoining Pokeno Gateway Business Park. A noise contour is utilised to establish a setback or buffer where residential activities must be located outside. This is illustrated on the District Plan maps, and land within it is identified as EPA. New rules 16.3.9.2 P2 and 16.4.12 RD2 apply to the management of noise sensitive activities, whereby these are not anticipated in the Buffer.
- 7.25 The buffer and its separation distances between the industry activities and sensitive activities also addresses reverse sensitivity associated with lighting, odour and dust.

### **8. SECTION 32AA EVALUATION**

- 8.1 As the Havelock proposal seeks to make changes to the notified PWDP a section 32AA evaluation is required to be undertaken in accordance with section 32 (1)-(4).
- 8.2 The evaluation must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection 32 (1)(a), and whether the provisions in the proposal (i.e. policies, rules and

other methods) are the “most appropriate” way of achieving the objectives under section 32(1)(b).

- 8.3 The section 32AA evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting.
- 8.4 A key aspect of the section 32 evaluation is that the rezoning does not require any amendments to the high-level strategic directions and objectives in section 1.12 of the PWDP, nor does it require any new or amended objectives in Chapters 4 or 5 as the proposal can fit within the existing objective framework by enabling growth in an existing identified settlement (being Pokeno).
- 8.5 A section 32AA evaluation has been undertaken and is appended to my evidence as **Annexure 3**.
- 8.6 The section 32AA considers a number of alternatives to the Havelock proposal including pursuing the matter through a resource consent, applying for a separate private plan change once the PWDP becomes operative and deferring a live zoning through a Future Urban Zone. The proposed rezoning is the only option that can increase housing capacity in Pokeno now, therefore giving effect to the NPS-UD. The other options would all result in delays and costs, along with a reduced housing capacity in Pokeno. Given the process undertaken by HVL, including the urban planning prepared by Mr Munro, and the available evidence and technical reporting I consider there is sufficient information to proceed with the rezoning of the land.
- 8.7 The approach of utilising the zones and overlays of the PWDP (as is already successfully proposed in the precinct planning for Te Kauwhata) is considered to be more efficient and effective than establishing new zones and separate development controls and rules as originally proposed by HVL. Notwithstanding this, there are structural or framework elements that have developed from the urban planning process and inputs from witnesses that are appropriately addressed through the proposed Precinct Plans and bespoke rules. This is not dissimilar from Te Kauwhata where overlays apply to unique spatial outcomes, including the density of development in certain locations.
- 8.8 As the urban planning process has sought to identify the optimum planning outcomes, I consider it important that these are reflected in the PWDP in preference to reliance on the district-wide Subdivision Design Guidelines which provide general advice. Where the consideration of these guidelines and other statutory matters results in a bespoke

approach, then I commonly recommend that these are included in the provisions to direct those outcomes. An example of this is the Pokeno Industry Buffer where Mr Styles has derived a setback based on modelling specific to the Site and adjoining activities, and this noise contour can be used to directly address the management of reverse sensitivity. The Pokeno Industry Buffer implements Policy 4.7.11, and while the costs associated with the Buffer relate to the inefficient use of Site, the benefits of it allows the integration new residential development without the potential for reverse sensitivity.

- 8.9 Having considered the efficiency, effectiveness, costs and benefits of the Havelock provisions I consider these to reflect the optimal outcome to address the objectives and policies of the PWDP. The urban land resource in Pokeno is scarce, and the Site is ideally located to provide a new residential neighbourhood. Havelock offers an optimal planning outcome based on the relevant statutory documents, and is an efficient solution to accommodate projected growth in this community.
- 8.10 In my opinion, the rezoning is a good fit in terms of being able to be inserted into the PWDP with no impact on the Plan as a whole, while also contributing to the achievement of wider objectives within it, most particularly providing increased housing capacity in Pokeno.

## **9. SECTION 75 EVALUATION**

9.1 Section 75(3) requires that the PWDP must 'give effect to':

- (a) any national policy statement;
- (b) a national planning standard; and
- (c) any regional policy statement.

9.2 The relevant national policy statements comprise:

- (a) National Policy Statement for Urban Development 2020 ("**NPS-UD**"); and
- (b) National Policy Statement for Freshwater Management 2020 ("**NPS-FM**").

9.3 The relevant regional policy statement is the Waikato Regional Policy Statement (**WRPS**), which became operative in 2016 and was updated on 19 December 2018 to insert Objective 3.27 as directed by the National Policy Statement for Urban Development Capacity (2016). Te Ture Whaimana o Te Awa o Waikato (the Vision and Strategy for the Waikato River) is part of the WRPS.

## 10. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020

- 10.1 The NPS-UD came into force on 20 August 2020. Notably this post-dates the public notification of the PWDP and as had been previously outlined in the Topic 3 hearing the significant issue is whether the PWDP provides an adequate supply of dwellings to accommodate future growth. Dr Davey has identified<sup>44</sup> that residential additional land is required associated with Pokeno, which includes the Site.
- 10.2 The NPS-UD was developed in response to fast-growing urban areas in New Zealand, to help address the constraints on development capacity in the resource management system. It sets out objectives and policies for well-functioning urban environments, and recognises the national significance of:
- (a) having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;<sup>45</sup> and
  - (b) providing sufficient development capacity to meet the different needs of people and communities.<sup>46</sup>
- 10.3 One of the key concepts in the NPS-UD is “urban environment”.<sup>47</sup> The NPS-UD applies to all local authorities that have an urban environment within their district, and to all decisions that affect an urban environment.<sup>48</sup>
- 10.4 WDC is identified as a Tier 1 Local Authority. However, Pokeno is not listed as either a Tier 1 or Tier 2 urban environment. Based on the WDC projections for growth outlined in Waikato 2070, Pokeno is expected to grow to accommodate a population of 16,000.<sup>49</sup> I consider that Pokeno meets the definition of an urban environment under the NPS-UD as it is intended to be part of a housing and labour market of at least 10,000 people.

### *Key Objectives*

- 10.5 The NPS-UD contains 8 objectives. These objectives seek to provide for better wellbeing outcomes for people and communities through requiring well-functioning and

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<sup>44</sup> Section 42A Framework Report.

<sup>45</sup> Objective 1 and Policy 1.

<sup>46</sup> Policy 2.

<sup>47</sup> Defined as *Any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: (a) is, or is intended to be, predominantly urban in character; and (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people.*

<sup>48</sup> Cl. 1.3 of the NPS-UD.

<sup>49</sup> My evidence on the Waikato 2070 strategy identifies that Council has under-estimated the growth rate at 110 houses per year for the next 50 years, where current building consent data identifies a growth rate of approx. 200 houses per annum. Consequently, the growth projection in the timeframes of Waikato 2070 could be up to 25,000 people.

liveable urban environments.<sup>50</sup> The objectives highlight the importance of considering the medium to long-term future needs of communities, which is particularly relevant to the PWDP given it is projected to grow considerably in population in the coming decades. In my opinion, this creates an opportunity for the PWDP process to provide for live zonings now rather than defer rezoning opportunities. Deferring the opportunity to rezone land will undermine the ability of the PWDP to give effect to the NPS-UD as the Council's Section 42A Framework Report acknowledges that the notified PWDP does not contain sufficient capacity for the medium term.

- 10.6 With respect to Objective 2, Mr Thompson<sup>51</sup> has outlined that rezoning additional land in Pokeno will increase the competitive nature of the local housing market, and this will likely support a wider range of housing opportunities and lot sizes. The proposed rezoning directly gives effect to this Objectives.
- 10.7 With respect to Objective 3, Havelock will enable more people to live in an area near a town centre with important employment opportunities in the adjoining Pokeno Gateway Business Park. Planning for public transport services is underway, including securing opportunities for a future rail station adjoining the town centre.
- 10.8 Objective 4 recognises that urban environments (and their planning) need to develop and change over time, which is pertinent with respect to Havelock in the context of the existing planning framework in the OWDP, PWDP and the various growth strategies. With respect to the evolving policy framework, I note the following background:
- (a) The Objective recognises that change and develop in urban environments, especially those in high demand, will occur, especially in locations of high demand. That change could include intensification or greenfields urban expansion like the proposal. There is no long an expectation that the status quo (such as existing urban / rural boundaries of urban environments) will remain:
  - (b) Pokeno has recently seen this growth and change. It has been the subject of a number of growth strategies over the past decades and the population and spatial extent of the town has consistently met or exceeded its anticipated size at each step. The town is popular and growing rapidly. Major industrial investment has occurred and is ongoing. This reflects Pokeno's ideal location close to Auckland (including employment and commercial opportunities in its southern growth areas), its advantage in house/land prices (compared to Auckland, Drury and

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<sup>50</sup> National Policy Statement for Urban Development: Section 32 Evaluation Report, Beca Limited. March 2020. At p20.

<sup>51</sup> Refer paragraphs 7.19 to 7.22 of that evidence

Pukekohe), its accessible location in terms of road transport and its potential in terms of rail transport.

- (c) The Waikato District is significantly influenced by two separate growth pressures - Auckland and Hamilton. Growth in Pokeno has consistently outpaced the previous estimates of councils over the previous 15 years and the market has shown Pokeno to be a desirable location for homes and business.
- (d) To demonstrate the rate of change in Pokeno, as at 2013 there were 651 dwellings in the Pokeno census unit and yet Pokeno Village Holdings Ltd (“PVHL”) has sold between 1000 and 1200 lots by the end of 2019 in the past 5 years. 1000 building consents for dwellings have been issued within the PVHL development. This equates to a growth rate from construction activity of 200 houses per year, well exceeding the estimates made at that time. Apart from the issue of ongoing availability of zoned land for development, I expect this trend will continue.
- (e) With the development of more employment and commercial opportunities (including the town centre’s supermarket), increased stress and land supply constraints in the Auckland housing market, the Corridor Strategy (and opportunities to develop rail services to Auckland and Hamilton), demand is predicted by Mr Thompson<sup>52</sup> to increase. A rail service is likely to be a catalyst for development over a wide area of Pokeno, and this is not limited to providing a service only practically available for those within walking distance of the rail station.
- (f) The proposal gives effect to this Objective by enabling Pokeno to change and develop of Pokeno.

10.9 Objective 6 also reinforces the need for planning decisions to be responsive, particularly for “*proposals that would supply significant development capacity*”.<sup>53</sup> Havelock represents a significant opportunity for Pokeno<sup>54</sup> and the District that in my opinion ought not to be lost through planning decisions that are not responsive to that opportunity.

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<sup>52</sup> Refer paragraph 6.24 of that evidence

<sup>53</sup> The term ‘development capacity’ is defined in cl. 1.4: *the capacity of land to be developed for housing or for business use, based on: (a) The zoning, objectives, policies, rules, and overlays that apply in the relevant proposed and operative RMA planning documents; and (b) The provision of adequate development infrastructure to support the development of land for housing or business use.*

<sup>54</sup> Refer Section 11 of Mr Thompson’s evidence

## ***Key Policies***

- 10.10 In respect to Policy 1, Havelock will contribute to a well-functioning urban environment at Pokeno and is consistent with the NPS-UD criteria (a) to (f) of Policy 1. HVL has adopted the Residential Zone provisions of the PWDP, including the Multi Unit Housing land use rules to provide opportunities for increased densities and a range of housing types. This will give the opportunity for a variety of homes. Mr Munro<sup>55</sup> and Mr Hills outline the manner in which the Precinct Plan addresses Policy 1(c) and provides good accessibility. Mr Thompson<sup>56</sup> indicates that Havelock assists with a competitive housing market Policy 1(d).
- 10.11 Policy 2 outlines the need for local authorities to supply sufficient development capacity at all times. It is one of the core themes of the NPS-UD. As I outlined in my evidence on Topic 3 this is the minimum capacity that must be provided and is not a target or a limit.<sup>57</sup>
- 10.12 Dr Davey for the Council and Mr Thompson<sup>58</sup> for HVL have prepared assessments of housing demand and capacity and I rely on their evidence. Both experts conclude that the PWDP as notified fails to provide sufficient medium and long term capacity for Pokeno. The PWDP as notified therefore fails to give effect to this Policy and there is a considerable shortfall. Rezoning of the Site for residential development will provide additional housing supply to assist the Proposed Plan to meet its requirements under Policy 2. The proposal therefore strongly gives effect to Policy 2.
- 10.13 In respect to Policy 5, HVL has adopted the Residential Zone provisions of the PWDP. The Multi Unit Housing land use rule<sup>59</sup>, as it would apply to Havelock, is considered appropriate to provide for opportunities for a variety of housing typologies and densities through a restricted discretionary activity resource consent.
- 10.14 Policy 6 gives direction to local authorities to enable urban environments, including by having regard to the need for urban environments to change, and the benefits of urban development that are consistent with well-functioning urban environments. Policy 6 states that:

*“...planned urban built form... may involve significant changes to an area, and those changes:*

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<sup>55</sup> Refer paragraph 5.2(h) of that evidence

<sup>56</sup> Refer paragraphs 7.19 to 7.22 of that evidence

<sup>57</sup> Refer paragraph 6.5 of that evidence.

<sup>58</sup> Refer section 7 of that evidence

<sup>59</sup> Rule 16.1.3 RD1

- (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
- (ii) are not, of themselves, an adverse effect.*

- 10.15 Policy 3 implements Objective 3 and anticipates changes in amenity of urban environments to provide for change. This is directly relevant to the proposed rezoning due to the change in visual appearance from rural to urban. . Concern has been raised by various parties, including Mana Whenua, regarding the visual prominence of Transmission Hill and its perceived role as an undeveloped backdrop to Pokeno, particularly as it is viewed from SH1 and Helenslee Road. As identified by Mr Pryor<sup>60</sup>, Transmission Hill is not identified as an ONL, ONF or SAL in the WRPS, OWDP or the PWDP. It was previously identified as a quarry through the Aggregate Extraction and Processing Zone (**AEPZ**) of the OWDP.
- 10.16 I acknowledge that this undeveloped backdrop provides open rural landscape character, however this is a local feature rather than a feature of national or regional importance. It is not in my opinion so important to retain undeveloped so as to void the opportunity provided by Havelock to accommodate additional housing capacity. Policy 6 expressly contemplates such change to provide for development. In my opinion, the necessity to provide increased housing capacity in Pokeno will result in change to the visual landscape.
- 10.17 This is no different from Pokeno West or the Graham Block (rezoned through Plan Change 21). This is not to say that effects on the environment and opportunities and constraints are not appropriately considered in the Precinct Plan. Mr Munro<sup>61</sup> has outlined the manner in which the steep slopes adjoining the Synlait site and the Hilltop Park are retained as areas without housing development, providing an opportunity for aspects of the current character to be retained and enhanced while providing for increased housing supply.
- 10.18 While the change enabled by Havelock will result in certain adverse effects for some people (it will also have important positive effects), the evidence of Messrs Munro and Pryor<sup>62</sup> demonstrates that any adverse effects will be acceptable in the context of a

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<sup>60</sup> Refer paragraph 1.9 of that evidence

<sup>61</sup> Refer paragraphs 5.2(f) and 6.2(b)(iii) of that evidence

<sup>62</sup> Refer Section 1 of the brief of evidence respectively

change. Ultimately, the change is provided for in a manner that is entirely consistent with the NPS-UD, including the provision of increased development capacity.

- 10.19 Policy 8 seeks to improve land-use flexibility.<sup>63</sup> Guidance on the meaning of the term “responsive” is provided in subpart 2 of the Implementation section (Part 3) of the NPS-UD. The guidance provides that the term relates to a plan change that provides significant development capacity that is not otherwise enabled by the plan. A local authority must have particular regard to the development capacity provided by a plan change if it would, among other things, contribute to a well-functioning urban environment.
- 10.20 The WRPS references the Franklin District Growth Strategy 2008 (referenced in Policy 6.12 of the WRPS). Significant growth beyond Plan Change 24 is unanticipated by the Franklin District Growth Strategy 2008, although that document is now significant out of date. This extent of growth is also unanticipated by Future Proof 2009 which is referenced in the WRPS. The updated Future Proof 2017 anticipates an additional 2000 houses beyond the 2200 houses it identifies as being the yield in Pokeno from the OWDP. Havelock would fall within the additional capacity sought by Future Proof 2017.
- 10.21 Although not a Plan Change (as referred to by Policy 8 and it is unclear if Policy 8 is meant to apply to submissions on a plan) the proposal is “unanticipated” and/or “out of sequence” when considered against the Franklin District Growth Strategy 2008 and Future Proof 2009 referenced in the WRPS. Notwithstanding this the Waikato 2070 strategy has identified Havelock for growth, and additional growth is anticipated by Future Proof 2017.
- 10.22 The proposal has the ability to add significantly to development capacity. Acceptance of the proposal and the submission by HVL would ensure that sufficient development capacity is “plan enabled” thus meeting implementation policy 3.4(1).
- 10.23 Overall I consider that the rezoning proposal will strongly give effect to the objectives and policies of the NPS-UD and will assist WDC in fulfilling its functions and responsibilities as a Tier 1 Local Authority to provide for sufficient growth.

## **11. NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020**

- 11.1 The NPS-FM seeks to ensure that freshwater quality within a region must be maintained or improved and places a focus on water quality, water quantity and

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<sup>63</sup> Introductory guide to the NPS-UD, Ministry for the Environment. At p6.

integrated management of freshwater. These are largely given effect to through regional plans rather than district plans.

- 11.2 It also needs to be acknowledged that the NPS-FM “in force” date coincides with the commencement date for the National Environmental Standard for Freshwater (“**NES-F**”). The NES-F overrides any less onerous provisions of any relevant District or Regional Plan.
- 11.3 The NPS-FM contains one objective and 15 policies (contained in Part 2). The Havelock proposal gives effect to the relevant policies as follows:
- (a) The Precinct Plan through the EPA overlay and associated rules will improve degraded water bodies<sup>64</sup> within the Site through the planting of the riparian margins of streams and wetlands. The EPA is utilised as an enhancement area associated with the Site’s streams and wetlands, therefore avoiding further degradation and loss of these features. The PWDP’s subdivision methods which trigger the use of the EPA also provide for the long term protection of areas of plantings<sup>65</sup>.
  - (b) As outlined by Mr Pitkethley<sup>66</sup>, stormwater from the development of the Site can be managed through the design of subdivision, along with the Waikato Regional Plan discharge consents. Mr Pitkethley identifies that industry best practice methods for detention and the management of water quality<sup>67</sup> can be readily applied to the Site. A stormwater management plan, to document the BPO approach to quality and detention measures, would be required to be developed with the subdivision and development of the Site.

## **12. WAIKATO REGIONAL POLICY STATEMENT**

- 12.1 The WRPS provides a framework for promoting the sustainable management of the Waikato Region’s natural and physical resources by identifying issues and outlining objectives, policies and methods, including processes, for addressing these issues. The relevant policy sections (with reference to corresponding objectives) are discussed below.

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<sup>64</sup> Policies 3, 6 and 9 of the NPS-FM and as identified in paragraph 5.3 of Dr Ussher’s evidence

<sup>65</sup> Policy 9 of the NPS-FM

<sup>66</sup> Refer paragraphs 8.10 to 8.23 of that evidence

<sup>67</sup> Policy 3 of the NPS-FM

12.2 The rezoning proposal needs to give effect to the RPS as a whole with particular attention being paid to more directive provisions and those directly relevant to the proposal. Below I have considered the provisions relating to:

- (a) Section 6 Built Environment
- (b) Section 10 Heritage
- (c) Section 11 Indigenous Biodiversity
- (d) Section 12 Landscape
- (e) Section 13 Natural Hazards
- (f) Section 14 Soils

### **Section 6 Built Environment**

12.3 Section 6 of the WRPS aims to ensure that the built environment is planned and coordinated, including coordination with the provision of infrastructure. This section of the WRPS ensures that the Future Proof 2009 land use pattern is implemented through District Plan provisions, in order to provide appropriately zoned and serviced land to enable development to occur now and in the future.

12.4 Through Objectives 3.1, 3.2, 3.12, 3.21, 3.23, 3.24, 3.26 and 3.27 and Policies 6.1, 6.3, 6.12, 6.14, 6.15, 6.16 and the development principles of 6A, the WRPS requires development of the built environment and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes.

### **Policy 6.1 Planned and co-ordinated subdivision, use and development – 6A Development Principles**

12.5 I have undertaken an assessment against the 6A development principles and conclude the proposed rezoning development will meet or be consistent with all the relevant development principles. In respect Havelock / Transmission Hill the following matters are identified:

- (a) Havelock is contiguous with the existing Pokeno urban area and so supports an existing urban area rather than creating a new urban area. Clear distinctions and boundaries for zoned rural and urban areas are provided through the use of ecological features such as streams, topographical features and roads to define

the edge of the Residential Zone<sup>68</sup>. The south-eastern boundary of the Site is defined by an SNA and escarpment, and this same escarpment defines the southern and eastern boundaries of the Site. These are physical features that define the extent of urban growth associated with the Site.

- (b) While the proposal is for a “greenfield” expansion, this is considered appropriate in this location. Growth at Pokeno is relatively new (i.e. over the last 6 years) and it is not feasible to rely solely on intensification of recently constructed urban areas<sup>69</sup>.
- (c) The development of the Site will not comprise the safe and/or efficient or effective operation of any existing or planned infrastructure. Effects on transportation infrastructure (by way of new intersections) can be managed during the subdivision resource consent process as indicated by Mr Hills<sup>70, 71</sup>.
- (d) New infrastructure connections are needed to service the Site. Mr Pitkethley outlines such connection are feasible<sup>72</sup>. This includes potable water demand and volume availability, along with wastewater network capacity.<sup>73</sup> His evidence, along with the section 42A Report confirms that there is bulk wastewater and water infrastructure available or planned to be available to service Havelock.
- (e) Although the site has previously been identified in the OWDP as AEPZ for quarrying, it has proved commercial unviable to extract the limited mineral in the site:
  - (i) Winstone Aggregates have confirmed (refer correspondence in **Annexure 4**) that:
    - it let its resource consents for the quarry lapse;
    - it sold the Site to be used for farming activities;
    - the resource was not of scale that made it economically feasible to extract; and
    - the access issues to the quarry, along with the urban development of Pokeno limited options for routes for truck movements.

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<sup>68</sup> Principles a) and b)

<sup>69</sup> Principle c)

<sup>70</sup> Refer paragraph 4.8 of that evidence

<sup>71</sup> Principle d)

<sup>72</sup> Refer Section 1 of that evidence

<sup>73</sup> Principles e), f), and g)

- (ii) Plan Change 24 rezoned land associated with the processing area for the planned quarry to Heavy Industry Zone and this was subsequently sold.
  - (iii) Plan Change 21 rezoned the Graham Block, immediately adjoining the AEPZ as Residential 2 Zone (this land was previously utilised in Plan Change 24 as a rural zoned buffer to the AEPZ).
  - (iv) WDC notified the PWDP with the AEPZ deleted from the Site (replaced with a Rural Zone).<sup>74</sup>
- (f) The Site is not located adjacent to or in close proximity to any energy transmission corridors, regionally significant industry<sup>75</sup> or high class soils.<sup>76</sup>
- (g) As outlined by Mr Munro,<sup>77</sup> the proposal provides for a compact urban form by enabling further growth contiguous with an existing town. Mr Munro explains how the Site is on the edge of the walking catchment from the town centre but readily accessible by bike, scooter or e-scooter. This will reduce the need for private vehicle use. Expanding an existing town further enables opportunities for people to "live, work and play" in the existing Pokeno area, as Pokeno has an employment area in proximity to the Site. Increased population within Pokeno further contributes to the viability of public transport. As identified by Mr Hills<sup>78</sup>, there is a viable route for connections to Hitchen Road and Yashili Drive provide an opportunity for a bus loop. Opportunities for walking and cycling through the Site will provide for linkages to other neighbourhoods, the town centre and the Gateway Business Park of Pokeno and will assist in contributing to alleviating reliance on private motor vehicles for journeys within Pokeno<sup>79</sup>.
- (h) The site is not subject to any identified ONL or ONF. The SAL identified on a very small portion of the Tail in the PWDP is now recommended to be removed entirely from the Site. Cultural heritage and archaeological sites can be managed through the resource consent process<sup>80</sup>.
- (i) The PWDP identifies areas of significant biodiversity through the use of the SNA overlay. As outlined by Dr Ussher, the Site contains examples of old growth forest within the notified and proposed SNAs. Enhancement of degraded features within the Site, such as streams and wetlands, is proposed through the

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<sup>74</sup> Principle h)

<sup>75</sup> As defined by the WRPS

<sup>76</sup> Principle h)

<sup>77</sup> Refer paragraph 5.2(b) of that evidence

<sup>78</sup> Refer paragraph 5.29 of that evidence

<sup>79</sup> Principle i)

<sup>80</sup> Principle j)

use of the EPA overlay and the associated rules<sup>81</sup>. This is supported by the evidence of Dr Ussher.

- (j) Public access along the margins of streams can be provided through the resource consent process where this is desirable. The rezoning supports improved public access to the Waikato River through the provision of roading and pedestrian/cycle connections from Pokeno to the Waikato River and its esplanade reserve.<sup>82</sup>
- (k) Low impact urban design and water sensitive methods have been considered in the evidence of Mr Pitkethley, and these matters can be addressed at the time of subdivision in accordance with the rules of the PWDP and Waikato Regional Plan (taking into account in the development of the BPO's for stormwater management).<sup>83</sup>
- (l) Sustainable design technologies can be considered at the resource consent stage<sup>84</sup>.
- (m) Reverse sensitivity effects, notably those on the Gateway Business Park, have been managed through the use of the Pokeno Industrial Buffer overlay and associated rules, along with the zoning of a strip of Industrial Zone within 5 Yashili Drive to separate the Yashili factory from residential development within 5 Yashili Drive. The evidence of Messrs Curtis and Styles addresses these matters. Significant separation distances, to accord with the modelled 45 dba noise contour, are proposed with the Site.<sup>85</sup> Refer Section 19 of this evidence for a detailed assessment of the Pokeno Industrial Buffer and the evidence prepared by Synlait and Hynds for the Topic 19 Rural Hearing.
- (n) The effects of climate change, as they relate to stormwater and flooding hazards, are addressed by Mr Pitkethley.<sup>86</sup>
- (o) Effects on Mana Whenua values have been taken into account and will continue to play a role in the development of the area through resource consents. The Precinct Plan identifies the protection and enhancement of SNAs (including their buffering and expansion), the planting of the riparian margins of streams and wetlands, a Hilltop Park to preserve the highest point of the site for public

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<sup>81</sup> Principle k)  
<sup>82</sup> Principle i)  
<sup>83</sup> Principle m)  
<sup>84</sup> Principle n)  
<sup>85</sup> Principle o)  
<sup>86</sup> Principle p)

access and use, and the enhancement of the slopes of Transmission Hill through the EPA and Slope Residential overlays. Further methods to recognise connections can be advanced through the resource consent process and the completion of the draft Cultural Management Plan being prepared by Edith Tuhimata.<sup>87</sup>

- (p) The Vision and Strategy for the Waikato River is appropriately considered, and a specific analysis is provided later in this evidence.<sup>88</sup> The objectives for the Waikato River include restoration and protection of the health and wellbeing; an integrated, holistic and co-ordinated approach to management of the natural, physical, cultural, and historic resources of the river; and the recognition and avoidance of adverse cumulative effects within the catchment. Most relevant to this evidence is the strategy set out in Policy 2.5.3(i) that encourages a 'whole of river' approach, including best practice methods for restoring and protecting the health and wellbeing of the river. Objective 3.4 and Policy 8.5 seek to ensure that the vision and strategy for the Waikato River is achieved.
- (q) Resource efficient design and construction methods will be considered at resource consent stage.<sup>89</sup>
- (r) Ecosystems within stream margins can be enhanced through the use of the EPA overlay and the associated rules.<sup>90</sup>

12.6 In respect to the Rural Lifestyle Zone within the Tail the following matters in respect to the 6A rural-residential principles are identified:

- (a) Pokeno is experiencing high demand and so The Rural Lifestyle Zone and the Precinct Plan limits the number of dwellings/lots to 55. The areas of the Zone are discrete.<sup>91</sup> Development about that number of dwellings is not anticipated.
- (b) The Rural Lifestyle Zone is proposed as an alternative to the HVL submission and Construct masterplan proposal for the Tail to be zoned Residential. The review process undertaken by Messrs Munro and Pryor identified that a discrete lower density development opportunity was appropriate for this part of the site, on the basis that it could support significant environmental enhancements through native vegetation (creating larger areas of SNAs and ecological corridors) and in

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<sup>87</sup> Principle q)

<sup>88</sup> Principle r)

<sup>89</sup> Principle s)

<sup>90</sup> Principle t)

<sup>91</sup> Principle a)

establishing roading and pedestrian/cycle trails to connect to Bluff Road, and ultimately the Waikato River to the south.<sup>92</sup>

- (c) The Rural Lifestyle cluster provisions are an alternative approach to managing this form of development, one which provides for a built form which is more responsive to the characteristics of this part of the Site and the identified opportunity for ecological enhancement (through the EPA overlay). The Rural Lifestyle Zone and its default rules could not deliver these outcomes.<sup>93</sup>
- (d) The Rural Lifestyle Zone has been proposed on that part of the Site which will not conflict with foreseeable long-term needs for expansion of existing urban centres. The escarpment provides an appropriate long term urban boundary for Pokeno, and while urban development may be acceptable outside of this in the future, it would be a community which is distinct and separated from Pokeno.<sup>94</sup>
- (e) Although the Tail is identified in Waikato 2070 as a growth area (as part of the wider Havelock Site) the current proposal illustrates it is not appropriate for urban development and as such it is proposed as Rural Lifestyle Zone in order to support significant ecological enhancements associated with that part of the Site and the provision of vehicle access using a new road from Pokeno to Bluff Road to provide improved access to the Waikato River.
- (f) The landscape is not open. Mr Pryor identifies that limited views are possible into the Site, with only one or two dwellings being able to see the proposed Rural Lifestyle clusters.<sup>95</sup>
- (g) The Rural Lifestyle clusters have been located adjacent to Havelock to avoid “ribbon” development or the need for additional access or upgrades to any significant or arterial transport infrastructure. The proposed road connecting to Transmission Hill would provide the access for this part of the Site back to Pokeno.<sup>96</sup>
- (h) Onsite servicing can be addressed at resource consent stage through the existing rules of the Rural Lifestyle Zone.<sup>97</sup>

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<sup>92</sup> Principles f) and h)

<sup>93</sup> Principles f) and h)

<sup>94</sup> Principle b)

<sup>95</sup> Principles c and f)

<sup>96</sup> Principles d) and e)

<sup>97</sup> Principle g)

*Policy 6.1 Planned and co-ordinated subdivision, use and development*

- 12.7 I consider the Havelock proposal addresses the cumulative (and other) effects of future subdivision, use and development (Policy 6.1(b)). Detailed evidence has been prepared from the HVL witnesses to identify potential effects, including the cumulative effects on infrastructure and services in Pokeno. It is important to note that much of the land to the south-west of the railway line has recently been redeveloped in the last 6 years, with the provision of new roads, bridges, rail crossings and reticulated networks. The evidence of Messrs Hills and Pitkenthley identify that Havelock can connect to this infrastructure without the need for significant upgrades throughout the network.
- 12.8 It is recognised by Mr Hills that cumulative traffic generation by a number of development opportunities (including those sought through the PWDP and those already available in the OWDP) will require upgrades to existing intersections. Where these do not relate to a single development (but rather existing and cumulative growth), then the Long Term Plan and Council's Development Contributions Policy provides an appropriate mechanism to fund infrastructure upgrades. Infrastructure Growth Charges are also levied by Watercare at the time of new connections to fund upgrades to the reticulated network.
- 12.9 The evidence and technical reports prepared by HVL's witnesses demonstrate that there is a high level of certainty as to the likely long-term effects of the Site's subdivision, use and development (Policy 6.1(c)).
- 12.10 I agree with Mr Munro that the refined Havelock proposal has been developed being particularly sensitive to the existing built environment including opportunities for integration and connectivity, and potential reverse sensitivity effects with the existing industrial area to the Site's immediate north-east (Policy 6.1(d)). HVL has purchased 5 Yashili Drive so as to not "leave land behind" or unzoned through this consideration of the urban extent of Pokeno, and this site provided a second roading and more direct connection to the Site.
- 12.11 In terms of Implementation Method 6.1.2, particular regard has been had of potential reverse sensitivity effects and the refined rezoning proposal includes specific methods to address these as outlined in the evidence of Messrs Styles and Curtis. The proposal includes specific methods to manage reverse sensitivity effects, which align with the approach addressed during the Topic 7 Industry hearing.
- 12.12 The Havelock Rural Lifestyle Zone is consistent with the locations identified for rural-residential development at Implementation Method 6.1.5 including that the area is not

suitable for current or future urban development, and is suitably clear of hazard areas, industry, high-class soils or potential primary production, and significant mineral resources (refer assessment of Policy 6.8 below).

- 12.13 In terms of Implementation Method 6.1.6, Havelock is consistent with the Council's Waikato 2070 strategy, which identifies the Site for 3-10-year residential development purposes. The proposal is not considered to be inconsistent with the earlier Future Proof 2017 which anticipated that at least 2000 additional dwellings were required to meet growth projections.
- 12.14 In terms of Implementation Method 6.1.7, the Council has not produced a Pokeno-specific structure plan (apart from the Plan Change 24 Structure Plan that address the existing urban extent of Pokeno in the OWDP). Mr Munro considers that a Council initiated structure plan is not relevant or necessary to evaluate the merits of the Havelock proposal or to have confidence that an optimal spatial strategy has been arrived at. I strongly agree with Mr Munro's assessment.
- 12.15 In respect to Implementation Method 6.1.8, I consider that the technical work undertaken to substantiate the refined proposal and the proposed zone, precinct and overlay provisions satisfies these information requirements.

*Policy 6.3 Co-ordinating growth and infrastructure*

- 12.16 It is acknowledged that the development of the site will require extensions to reticulated infrastructure networks to service the area. As outlined by Dr Davey<sup>98</sup> has acknowledged that infrastructure upgrades are planned in Pokeno to accommodate projected growth. Mr Pitkethley has confirmed this analysis and the necessary connections can be provided as part of future resource consent applications
- 12.17 As outlined by Messrs Munro and Hills, the Precinct Plans have identified key roading connections to the Site and a logical higher order roading network within the site. The location of the local roading network would be determined through the resource consent process.

*Policy 6.8 Access to Minerals*

- 12.18 This is addressed in the assessment of the 6A principles above.

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<sup>98</sup> Refer Appendix 5 in the Section 42A Report

***Policy 6.12 Implementing Franklin District Growth Strategy***

12.19 It is acknowledged that the Site does not fall into any growth area identified by the Franklin Growth Strategy 2007. However, this document is significantly outdated in the current planning environment, and does not reflect the WRPS, Future Proof 2017 or the NPS-UD. Consequently, I consider that very little weight should be placed on this policy.

***Policies 6.14 Adopting Future Proof land use pattern and 6.15 Density Targets for Future Proof Area***

12.20 These policies outline the pattern of development in specified parts of the Waikato Region outside of Pokeno and North Waikato (the policy basis of which is to be devised from Policy 6.12 above). Given the requirements of the NPS-UD I consider that very little weight should be given to urban limits from 2009.

12.21 The matter of density targets applying to the Site needs to be cognisant that because of the Site characteristics (including slope, geotechnical limitations, SNAs, streams and wetlands and the Pokeno Industry Buffer overlay), the gross density is low. Mr Munro<sup>99</sup> has addressed the potential gross and net density of development from Transmission Hill. Section 8 of my Topic 3 Hearing evidence addresses this matter in the context of the draft of PWDP Policy 4.1.5, and references the requirements in respect to Future Proof 2017.

***Policy 6.17 Rural-residential development in Future Proof Area***

12.22 The area of proposed Rural Lifestyle Zone has been assessed against the 6A principles.

**Section 8 Freshwater Bodies**

12.23 I note that issues such as the protection of watercourses and quality of freshwater habitats is addressed through the Waikato Regional Plan.

12.24 With regard to objectives 3.4, 3.13, 3.14, 3.15, 3.22 and the relevant policies (specifically Policy 8.33), the stormwater management designed through the resource consent process can manage the effects of urban development on the values of freshwater bodies.

12.25 Enhancement of the riparian margins of streams and wetlands is also anticipated by the proposal through the EPA .

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<sup>99</sup> Refer paragraph 4.3 of that evidence

- 12.26 HVL envisages the protection and enhancement of streams and wetlands through the SNA and EPA provisions of the PWDP. This includes mapping areas for enhancement utilising the EPA overlay. Dr Ussher identifies that there are ecosystems appropriate for protection and enhancement, and that the provisions of Precinct Plan and PWDP address approximately 95% of the ecological values of the site.
- 12.27 The Vision and Strategy for the Waikato River is appropriately considered, and a specific analysis is provided later in this evidence.

### **Section 10 Heritage**

- 12.28 The Archaeological Assessment<sup>100</sup> and ongoing consultation with Mana Whenua<sup>101</sup> has identified that Transmission Hill and the Potter Road ridgeline are possible locations for Te Wheoro's Pā and signal station, and that the SNA on the southern escarpment could contain burials within the bush covered slope<sup>102</sup>. The Precinct Plan proposes the Hilltop Park at the highest point of the Hill, while the Potter Road ridgeline is outside the area of Havelock. Given the high ecological values identified by Dr Ussher associated with the SNA, it is not conceivable that any residential development could occur within this bush (thereby not disturbing burials).
- 12.29 The relationship of Maori with their waahi tapu (and any customary activities) is being provided for through ongoing consultation<sup>103</sup>. As outlined above, the importance of the wetlands, streams, bush and hilltops to Mana Whenua is sought to be addressed through the identification of the Hilltop Park and Precinct Plan.

### **Section 11 Indigenous Biodiversity**

- 12.30 Objective 3.19 and Policies 11.1 and 11.2 are targeted at ensuring the importance of biodiversity is recognised and maintained. As previously outlined significant vegetation within the Site is identified as SNAs and the Precinct Plan identify a further area to be included as an SNA. Existing methods of the PWDP will provide for its protection. The enhancement of the values of the SNAs can be achieved through the use of the EPA overlay to establish larger areas of native vegetation, and to provide ecological linkages between ecosystems. The evidence of Dr Ussher discusses the biodiversity values of the Site and how the proposal responds to it.<sup>104</sup>

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<sup>100</sup> Clough & Associates Ltd (October 2018) attached to the HVL Submission

<sup>101</sup> Edith Tuhimata is preparing a draft cultural management plan associated with resource consents on the HVL and Tata Velley Ltd land.

<sup>102</sup> Matters relevant to sections 6(e) and 6(f) of the RMA

<sup>103</sup> Section 6(e) of the RMA

## **Section 12 Landscape**

12.31 With respect to Objectives 3.20 and 3.21 and Policies 12.1 and 12.3, Mr Pryor has confirmed that there are no landscape character or amenity features worthy of protection within the Site (other than that already protected by the SNA overlay) and no identified ONLs or ONFs.

## **Sections 13-14 Natural Hazards and Soils**

12.32 Advice from Mr Lander has informed the pattern of development illustrated on the Precinct Plan. Geotechnical constraints would be addressed in more detail through specialist reporting and testing for lot layouts, geotechnical mitigation measures and foundation designs at resource consent stage. Additional assessment and limits on density are proposed in the Slope Overlay area where there are increased geotechnical constraints. Collectively this will ensure that development can achieve Objectives 3.24 and 3.26 and Policies 13.1 - 13.3 and 14.5.

## **13. PART 2 – PURPOSE AND PRINCIPLES OF THE RMA**

13.1 Under section 32 there is a requirement for the objectives of the Plan to be the most appropriate way to achieve the purpose of the Act. For this reason and for completeness I have undertaken an assessment of the Proposal against Part 2 of the Act.

13.2 Havelock is considered to be consistent with the purpose of the RMA, in particular it seeks to enable the wellbeing (social and economic) of the growing population of the District through the rezoning of land for housing and the amendments to provide a framework (based on the Precinct Plans) for that development to occur within. At the same time, Havelock addresses the matters in s5(a) to (c), in particular:

- (a) It seeks to ensure that the land resource is developed in a manner that achieves, and does not undermine, its potential to accommodate its share of projected growth. In particular it contributes to the anticipated population growth in Pokeno, relieving pressure for growth in other less appropriate places (such as productive land outside the settlement) thereby safeguarding the needs of future generations.
- (b) It seeks to safeguard the life supporting capacity of water through the enhancement of the stream margins and wetlands. Mr Pitkethley<sup>105</sup> outlines the manner in which stormwater (quality and quantity) would be addressed through

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<sup>105</sup> Refer paragraphs 8.12 to 8.23 of that evidence

land use and subdivision resource consents in accordance with Council engineering standards and the Waikato Regional Plan.

- (c) Adverse effects of urban activities on the environment will be avoided, remedied or mitigated through the design of the proposal, the Precinct Plans, the new provisions and the existing PWDP rules. Additional provisions are proposed by HVL to address, for example, reverse sensitivity effects associated with the adjoining Pokeno Business Park.

13.3 The Havelock provisions, in concert with the PWDP, recognise and acknowledge the Section 6 matters through the following methods:

- (a) HVL envisages the protection and enhancement of native vegetation, streams and wetlands<sup>106</sup> through the SNA and EPA provisions of the PWDP. This includes mapping areas for enhancement utilising the EPA overlay, and identifying the SNA within 5 Yashili Drive<sup>107</sup>. Dr Ussher identifies that there are ecosystems appropriate for protection and enhancement, and that the provisions of Precinct Plan and PWDP address approximately 95% of the ecological values of the site. The values associated with wetlands are addressed by the EPA where planting is required by Rule 16.4.16, and the National Environmental Standards for Freshwater 2020.
- (b) The Site does not contain any identified outstanding natural landscape or feature<sup>108</sup>.
- (c) The Site is not within the coastal environment<sup>109</sup>.
- (d) The earthworks rules of the PWDP address the effects of earthworks on the environment, and discharges from earthworks are addressed by the Waikato Regional Plan. While earthworks are required to support residential development (as can be seen with the adjoining Hitchen and Graham Block), the effects of these on, in particular, the natural environment can be addressed at the time of resource consent.
- (e) The existing subdivision and infrastructure rules of the PWDP, along with the Waikato Regional Plan address the design of the stormwater network to

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<sup>106</sup> Sections 6(a) and 6(c) of the RMA

<sup>107</sup> Refer to the evidence of Dr Ussher that confirms the bush features qualifies as an SNA

<sup>108</sup> Section 6(b) of the RMA and as verified through the evidence of Mr Pryor, and by reference to the Topic 21b Hearing evidence and recommendations

<sup>109</sup> Section 6(a) of the RMA

manage the effects of stormwater discharges on the freshwater receiving environment.

- (f) The streams within the site are unlikely to trigger esplanade reserves. However, in the broader sense the Precinct Plan supports improved public access<sup>110</sup> to the Waikato River through the provision of roading and pedestrian/cycle connections from Pokeno to the Waikato River and its esplanade reserve.
- (g) The matters of sections 6(e) and 6(f) of the RMA are addressed in the assessment of Section 10 Heritage of the WRPS in the preceding section of this evidence.
- (h) The risk from natural hazards<sup>111</sup> has been addressed through the evidence of Messrs Lander and Pitkethley. The site is not generally subject to flooding, being located on a hill. However the risk of instability is acknowledged through the Slope Residential overlay where specific geotechnical and density limitations apply at the time of subdivision and development<sup>112</sup>, and the rezoning of the Tail to Rural Lifestyle Zone and the clustering of development opportunities in the Zone A and B areas identified by Mr Lander<sup>113</sup>. These being more appropriate for development from a geotechnical perspective.

13.4 The Havelock provisions recognise and acknowledge the Section 7 matters through the following methods:

- (a) Ongoing consultation is being undertaken with Mana Whenua<sup>114</sup>. The HVL provisions propose significant enhancements to the Site<sup>115</sup>.
- (b) Havelock will enable an efficient use of natural and physical resources<sup>116</sup> as it seeks to better utilise the land that is contiguous with, and located within proximity to urban Pokeno (including its town centre, community and employment activities). As outlined by Mr Munro<sup>117</sup>, after Pokeno West<sup>118</sup> Havelock represents the next best area to provide for the expansion of Pokeno. I agree with Mr Munro that development opportunities in Pokeno East are least prospective from an urban form and design perspective.

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<sup>110</sup> Section 6(d) of the RMA

<sup>111</sup> Section 6(h) of the RMA

<sup>112</sup> Proposed new rule 16.4.17

<sup>113</sup> Refer paragraph 5.3 of that evidence

<sup>114</sup> Section 7(a) of the RMA

<sup>115</sup> Section 7(b) of the RMA

<sup>116</sup> Section 7(b) of the RMA

<sup>117</sup> Refer Appendix 1, executive summary paragraph e) of that evidence

<sup>118</sup> Munro Block

- (c) The PWDP subdivision rules and land use rules for Multi-Unit Housing provide for a range of household units, lot sizes and lifestyle choices and affordability options, while ensuring that the provision of a neighbourhood centre to meet the day-to-day needs of the neighbourhood community. In respect to the efficient use of resources, the Precinct Plan acknowledges that not all of the land can be developed to standard residential densities because of constraints<sup>119</sup>, and that these will result in residential opportunities being focussed to specific areas of Transmission Hill.
- (d) The land will no longer be retained for its open rural character and will experience a visual change. However, within the context of that change to an urban land use the amenity values<sup>120</sup> and quality of the area have been recognised and will be enhanced through the implementation of the proposed Precinct Plan and the HVL provisions, in conjunction with the existing provisions of the PWDP. Proposed amenity enhancements include the EPA, roading and pedestrian connections (including that which provides for direct access from Pokeno to the Waikato River) and the Hilltop Park. Messrs Munro and Pryor address the urban design and landscape outcomes that contribute to the establishment of new urban and rural lifestyle amenity values.
- (e) Natural ecosystems can be protected and enhanced alongside future development as envisaged by the proposed Precinct Plan. Significant areas of plantings would be achieved through the use of the EPA overlay, enhancing the Site's existing SNAs, streams and wetlands<sup>121</sup>.
- (f) No habitat of trout or salmon are identified in the Site.
- (g) The effects of climate change<sup>122</sup> have been taken into account in the Council's flood modelling (Stage 2 of the PWDP), and the existing subdivision and land use rules of the PWDP.

13.5 With respect to Section 8, consultation is ongoing with Mana Whenua. The Council have also consulted with Mana Whenua through the development of the relevant statutory and non-statutory documents, including Waikato 2070.

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<sup>119</sup> For example streams, wetlands, SNA bush, steeper slopes and geotechnical risks, Pokeno Industry Buffer (as a reserve sensitivity setback)

<sup>120</sup> Section 7(c) of the RMA

<sup>121</sup> Sections 7(d) and 7(f) of the RMA

<sup>122</sup> Section 7(i) of the RMA

#### **14. VISION AND STRATEGY UNDER THE WAIKATO RAUPATU CLAIMS (WAIKATO RIVER) SETTLEMENT ACT 2010**

- 14.1 The Waikato Raupatu Claims (Waikato River) Settlement Act 2010 ('the **Settlement Act**') gives effect to the 2009 Deed of Settlement in respect of the Raupatu claims over the Waikato-Tainui area. This legislation also records that the Waikato River and its contribution to New Zealand's cultural, social, environmental and economic wellbeing is of national importance. The overarching purpose of the Settlement Act is to restore and protect the health and well-being of the Waikato River for future generations and provides for the establishment of a Vision and Strategy for the Waikato River and co-governance and co management arrangements to achieve the overarching purpose of the Settlement Act.
- 14.2 Pokeno is located within the catchment of the Lower Waikato River and therefore is subject to the Vision and Strategy. There is therefore an obligation on the PWDP process to show how the objectives of the Vision and Strategy are given effect to as per section 15(2)(a).
- 14.3 The Site includes two areas of native vegetation that have been identified by Dr Ussher as meeting the significance criteria in the WRPS. The proposed plan change seeks to enable residential development across the Site which includes the ecosystems identified by Dr Ussher. It is therefore necessary to ensure that there are suitable provisions to enable the adequate assessment of future development and subdivision, therefore giving effect to the Vision and Strategy.
- 14.4 The PWDP includes provisions that manage subdivision and development, controlling earthworks and managing stormwater discharges. The Waikato Regional Plan also addresses issues of earthworks and water quality. Mr Pitkethley has addressed the methods that would be utilised on site to address stormwater quantity and quality resulting from new impervious surfaces. Low impact approaches to design can be readily implemented, which would ensure that the generation of contaminants is minimised, and appropriate stormwater treatment systems implemented.
- 14.5 In addition to the above, the Precinct Plan has identified the native vegetation within the site as SNA and utilised the EPA overlay of the PWDP to provide for the enhancement of the riparian margins of streams and wetlands, and to also provide for the expansion of areas of SNA and their connection to the stream network where possible.

## 15. IWI MANAGEMENT PLANS AND STATUTORY ACKNOWLEDGEMENTS

- 15.1 Council must take into account any relevant planning document recognised by an iwi authority such as iwi management plans. The iwi management plans articulate the aspirations of Mana Whenua and address matters of resource management activity of significance within their respective rohe (region).
- 15.2 Pokeno sits within the tribal boundary of Waikato Tainui, and as such Waikato-Tainui has Mana Whakahaere (authority) over its lands, resources, including the Waikato River. The goal of Waikato-Tainui is to ensure that the needs of present and future generations are provided for in a manner that goes beyond sustainability towards an approach of environmental enhancement. Of particular importance to the proposed plan change is the Tribal Strategy, the Vision and Strategy for the Waikato River, customary activities, natural heritage and biosecurity, heritage and natural hazards.
- 15.3 HVL has undertaken an archaeological assessment of the Site, and a draft Cultural Management Plan is being prepared by Edith Tuhimata that will apply to future resource consents. It is considered that any future development works can be carried out with the provision of appropriate accidental discovery protocols in place, and as outlined earlier in the evidence undertaken in such a way to avoid areas of potential burials within the escarpment SNA. Works associated with development of the Site will be managed through the resource consent process.
- 15.4 The Waikato-Tainui Environmental Plan (“**WTEP**”) was developed by Waikato-Tainui to guide development through to 2050 to ensure that the needs of the present and future generations are provided for in a manner which goes beyond sustainability, while protecting and enhancing the environment.
- 15.5 The WTEP identifies in Section D a number of objectives and policies to achieve with respect to the cultural/physical environment in the Waikato-Tainui rohe. The proposal has acknowledged these objectives/policies in the following ways.

### *Chapter 6: Consultation and Engagement with Waikato-Tainui*

- 15.6 Ongoing consultation has been undertaken between HVL and Mana Whenua, including establishment and operation of a Project Steering Group. This is discussed further in Mr Ye's evidence.

## ***Chapter 7: Towards Environmental Enhancement***

- 15.7 The enhancement approach is a step further than sustainability or maintenance and aims to improve the quality of the environment for future generations. The rezoning seeks to utilise existing EPA overlay and methods/rules for significant environmental enhancement (including of SNAs, streams and wetland margins). The PWDP methods will create positive biodiversity outcomes and will ensure the ongoing maintenance and protection of the areas.
- 15.8 The stormwater management solutions outlined by Mr Pitkethley will ensure that best practice techniques are used which will ensure that stormwater runoff does not create adverse effects on water quality.

## ***Chapter 10: Tribal Strategic Plan***

- 15.9 Whakatapuranga 2050 is the ‘blueprint’ for cultural, social and economic advancement for people of Waikato-Tainui to ensure that in the changing times, tribal identity and integrity is upheld. The vision of Whakatapuranga 2050 is “to grow a prosperous, healthy, vibrant, innovative and culturally strong iwi”. An issue for Waikato Tainui as set out in Chapter 10 is the impact of resource use and development on the achievement of Whakatapuranga 2050. The health and wellbeing of the environment is inseparable from the social, cultural, spiritual, economic and environmental health and wellbeing of Mana Whenua. Therefore, the way the environment is used and developed can have a significant impact of the achievement of Whakatapuranga 2050.
- 15.10 Pokeno is growing at a significant rate and the demographics analysis of Dr Davey and Mr Thompson demonstrates that significant areas of land are required to achieve this. Mr Munro<sup>123</sup> outlines the locational attributes for Havelock, which make it the next obvious opportunity to accommodate that growth after Pokeno West.
- 15.11 Mr Munro<sup>124</sup> has also outlined the approach to the design and layout of development provided as a framework in the Precinct Plan. This provides a clear rationale for the manner in which Havelock proposes to accommodate growth, recognising the matters that have been taken into account through consultation and the technical reports and design approach to the Site. Important outcomes in the Precinct Plan is the proposed connection to Bluff Road from Pokeno to provide a direct route to the Waikato River (for access by the residents of Pokeno), the significant use of the EPA to enhance the ecology of the site, the outcome of the physical extent of the Pokeno Industrial Buffer

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<sup>123</sup> Refer Appendix 1, executive summary of that evidence

<sup>124</sup> Refer Section 5 of that evidence

which maintain the slopes of Transmission Hill behind the Synlait site and the provision of the Hilltop Park to recognise this feature.

*Chapter 11: The Vision and Strategy for the Waikato River*

- 15.12 The Settlement Act gives effect to the settlement entered into between Waikato-Tainui and the Crown. An assessment against this document has been undertaken in a previous section of this evidence.

*Chapter 15: Natural Heritage and Biosecurity*

- 15.13 Changes in land use have gradually depleted the native ecosystems and ultimately decreased indigenous biodiversity in the Waikato Region. Objective 15.3.2 states;

*“Cultural, spiritual and ecological features of the Waikato landscape that are significant to Waikato-Tainui are protected and enhanced to improve the mauri of the land.”*

- 15.14 Method ‘d’ of this objective states:

*“Establishment and enhancement of ecological corridors linking areas of known high value indigenous habitat shall be treated as high priority for the allocation of resources by the authorities responsible. These corridors include riparian margins, gully systems, esplanade reserves, and vegetation alongside road corridors.”*

- 15.15 The EPA provisions of the PWDP will ensure that future development will enhance the SNAs, streams and wetlands of the Site. The Slope Residential overlay proposed by HVL will also increase opportunities for plantings to reduce erosion on steeper slopes.

## **16. OTHER DOCUMENTS – STATUTORY**

### **Waikato Regional Land Transport Plan**

- 16.1 The Waikato Regional Land Transport Plan (“**RLTP**”) sets out the strategic direction for land transport in the Waikato region for 30 years, from 2015-2045. An update to this plan was released in 2018. The Waikato Regional Council has identified in a number of its plans and policies, the importance of the integration of land use with infrastructure in the region. There are a number of policies and implementation methods to ensure the development of the built environment occurs in a planned and coordinated manner to ensure that infrastructural needs of the Region are catered for.
- 16.2 Development at Havelock will not conflict with the RLTP priorities, as it seeks to expand an existing urban area and thus will support the maximisation of public transport opportunities, use of infrastructure and investment in this area. Inherently with

approximately 50% of the district's new growth occurring in Pokeno, the settlement is an ideal location to accommodate growth.

### **Regional Public Transport Plan**

- 16.3 The Waikato Regional Public Transport Plan 2018 - 2028 (“**RPTP**”) outlines the strategic direction for public transport in the Waikato region over the next 10 years. The plan aims to deliver an effective, efficient and integrated public transport system for the region. The vision of the RPTP is to *“build a public transport system that enhances the vitality of our communities, strengthens our economy and helps create a healthier environment”*.
- 16.4 There are currently limited public transport services available for Pokeno. However, Council previously secured the location of a train station through Plan Change 24 (Pokeno) and additional growth in this settlement will contribute towards the viability of planned public transport services, including any future rail network opportunities.
- 16.5 The Site can accommodate a bus route, as shown by Mr Hills and the increased population will make new public transport options more viable.

## **17. OTHER DOCUMENTS – NON STATUTORY**

### **Future Proof 2017**

- 17.1 The 2009 Future Proof Growth Strategy was developed and adopted prior to Pokeno being amalgamated into the Waikato District (i.e. prior to the Auckland Council amalgamations in 2010). Consequently it was not explicitly concerned with Pokeno.
- 17.2 In 2017, Future Proof was updated as part one of a two-stage review process to recognise national and sub-regional planning change. The Phase 1 review responded to initiatives such as the Waikato Plan and the National Policy Statement on Urban Development Capacity 2016. The 2017 update incorporated the former Franklin District Council areas into the strategy. Under Future Proof, Pokeno is:
- (a) identified as a key growth area;<sup>125</sup>
  - (b) described as having the potential to cater for an additional 2000 households (in addition to the 2200 households planned for under the operative Pokeno Structure Plan);<sup>126</sup>

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<sup>125</sup> Future Proof, page 5

<sup>126</sup> Ibid, page 19

- (c) anticipated to have an average gross density target for greenfield development of 12-15 households per hectare;<sup>127</sup> and
  - (d) anticipated to have a short fall of 855 households in decade 2, 2026-2035, under a medium projection. There is no shortfall within decade 1.<sup>128</sup>
- 17.3 Future Proof indicates that Pokeno is an appropriate location for growth and there will be a shortfall in the supply of residential capacity within the life of the District Plan. In addition the distribution of growth for the Waikato Region is embedded in Future Proof and is the “*preferred settlement pattern scenario of achieving a more compact and concentrated urban form over time.*” For the Waikato District, the Future Proof Strategy “*aims to achieve around 80% of growth into Pokeno, Tuakau, Te Kauwhata, Huntly, Ngauwahia, Raglan and various villages.*”
- 17.4 Section 7.5 of Future Proof acknowledges that predicting future growth demands and trends is inherently difficult and there are always unforeseen circumstances that can influence demand for land supply. This requires the Future Proof Settlement Pattern to be agile enough to respond to any change. It should be noted that Future Proof was based on population projections as a result of the 2013 census, before the significant growth trends associated with the development of the Pokeno Village Holdings land was undertaken over the past 6 years.
- 17.5 The Future Proof strategy contains key guiding principles for implementation are contained in section 1.3. Havelock does not compromise the guiding principles for development because:
- (a) The proposal is an expansion to urban Pokeno and will enable growth in an area in close proximity to the existing town centre, employment and community facilities enabling people to ‘live, work and play’.
  - (b) The use of the PWDP Residential Zone with its subdivision and Multi Unit Housing rules enables a range of densities (and lifestyle choices).
  - (c) As above the proposal is an expansion, contiguous with the existing town. Rural lifestyle development can be accommodated in parts of the site less suitable for residential development, and appropriate for environmental enhancement through the EPA overlay.

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<sup>127</sup> Ibid, page 21

<sup>128</sup> Ibid, page 24.

- (d) A clear delineation between rural and urban can be achieved through the boundaries established by the SNAs, streams and the EPA overlay.
- (e) The Business Zone (acting as a neighbourhood centre) provide for local neighbourhood day-top-day needs and given its small size will not detract from the Pokeno town centre.
- (f) Cultural heritage sites have been identified and can be incorporated into the pattern of subdivision and development.
- (g) The proposed Precinct Plan represents a significant opportunity for environmental enhancement and biodiversity values through the use of the EPA overlay.
- (h) The Vision and Strategy for the Waikato River has been addressed.
- (i) As outlined by Mr Pitkethley, extensions and upgrades to infrastructure can be development with the roll out of subdivision and development. New stormwater infrastructure utilising current best practice low impact techniques can be provided with each stage of development. The PWDP land use and subdivision provisions ensure that development is coordinated with the delivery of relevant infrastructure.
- (j) As outlined by Messrs Hills and Pitkethley, roading infrastructure to connect to the existing Pokeno urban areas can be provided at the time of subdivision and development.
- (k) The Site does not contain versatile soils.
- (l) The Rural Lifestyle area is in close proximity to the existing urban area and the residential area proposed with Transmission Hill.
- (m) Winstone Aggregates have confirmed that it could not viably extract mineral resources associated with the Site (**Annexure 4**). The Council has proposed to delete the Aggregate Extraction and Processing Zone from the OWDP and Plan Change 21 to the OWDP located residential development immediately adjoining the Site (and Aggregate Extraction and Processing Zone) on this basis.
- (n) Consultation is ongoing with Mana Whenua.

17.6 Taking the above assessment into account, the proposed rezoning is considered to have appropriate regard to and is able to meet the Future Proof guiding principles.

## **Hamilton to Auckland Corridor Plan**

- 17.7 The Hamilton to Auckland Corridor Plan identified as Focus Area 2 the Papakura to Pokeno corridor. As a key opportunity for Pokeno it identifies the following:

*“Maximise and support the long-term growth potential of this strategically located settlement towards a more connected and transit-orientated form.”*

- 17.8 Havelock aligns with the strategic direction of the strategy as it provides an opportunity for expansion associated with an existing settlement that is recognised as being strategically located in respect to transport networks. The proposed Collector Road/connection to Yashili Drive and connection to Hitchen Road provides opportunities to connect to future planned public transport. As outlined by Mr Hills and Mr Munro the Site is at the edge of a walkable catchment from the town centre and train station but readily accessible by bike/scooter or other micro-mobility. Mr Hills has confirmed that a bus route could be established through the Site in the future.

## **The Waikato Plan**

- 17.9 The Waikato Plan is an overarching strategic plan that contributes to the Waikato’s social, economic, environmental, and cultural wellbeing. It provides an action plan to support the integrated future development of the region for the next 30 years. The Plan has 5 Regional focus areas these are:

(a) Priority 1 -Planning for population change

*(a) Priority 2 -Connecting our region through targeted investment*

*(b) Priority 3 -Partnering with iwi/Māori*

*(c) Priority 4 -Addressing water allocation and quality*

*(d) Priority 5 -Advancing regional economic development*

- 17.10 Havelock has been identified in the Waikato 2070 Growth and Economic Development Strategy as being a growth area for residential uses and expansion of existing Pokeno over the next 3-10 years. Expansion to the existing town will support the efficient use of infrastructure and investment in this area, including the provision of community infrastructure and service.

- 17.11 Additional growth in Pokeno is likely to contribute toward the viability of the town centre and other services, including any future rail network opportunities given Pokeno’s strategic location along the Auckland-Hamilton rail corridor.

## Waikato 2070

- 17.12 The Waikato 2070 Growth and Economic Development Strategy (“**Waikato 2070**”) is the Council's most recent growth management strategy. It went through community consultation and a submission process to receive feedback and test the document. Waikato 2070 identifies Havelock in the Development Plan and that the timing for release and development falls within the 3-10 year framework.
- 17.13 Waikato 2070 supports structure planning processes to support the rezoning of land. Mr Munro<sup>129</sup> has followed a process consistent with structure planning methods to ensure a clear framework for development of the growth area, and the rezoning proposed through the HVL implements the Waikato 2070 strategy (and utilises the District Plan review as the process implementation rather than seeking a separate plan change).
- 17.14 In respect to the Growth Strategy Principles<sup>130</sup>, Havelock meets the majority of these including:
- (a) Havelock is not located on versatile soil resources;
  - (b) Pokeno is a significant transit node with opportunities for road and rail connections, and Havelock is located in similar catchments as the Hitchen and Munro Block;
  - (c) Pokeno is a serviced settlement, and Havelock is compatible with growth in and around existing serviced settlements. Providing for growth in this urban content relieves pressure for countryside living development in the rural areas;
  - (d) Residential growth in Havelock capitalises on existing investment associated with the town centre and community facilities, and provides greater critical mass to enhance these;
  - (e) Havelock is not ad-hoc development of rural land, and its uptake can relieve pressure for residential development outside of the settlements;
  - (f) Havelock can provide a variety of housing typologies, consistent with a residential neighbourhood and existing development associated with the Helenslee and Hitchen Blocks;

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<sup>129</sup> Refer Section 6 of that evidence

<sup>130</sup> Identified in the workshops associated with the drafting of Waikato 2070

- (g) The Precinct Plan has been designed to achieve a high quality urban neighbourhood, with opportunities for significant positive effects in respect to community development and environmental enhancement;
- (h) Havelock can establish connections to Pokeno for multimodal transport; and
- (i) Havelock can an opportunity via a connection to Bluff Road for recreation access to the Waikato River, an outcome currently not possible with the spatial planning of Pokeno.

17.15 I have residual concerns with the population estimates and growth rates used Waikato 2070, although these are resolved by the updated growth predictions provided by Dr Davey. Waikato 2070 utilises an annual growth rate of 110 dwellings over a period of 50 years. Evidence available at the time of the drafting of Waikato 2070 demonstrated that actual growth rates were 200 dwellings per annum. This illustrates that Waikato 2070 itself is likely to underpredict the future growth of Pokeno. Based on a 50 year timeframe and the existing rate of housing construction activity, the supply of houses in Pokeno should be approx. 10,000 with the potential of a population of 25,500 compared to the population 16,000 predicted in Waikato 2070. Mr Thomson<sup>131</sup> has identified that growth rates are likely to increase over time as a consequence of more land being available, a wider range of developers involved in the market in Pokeno and the expansion of the town centre and community services.

### **Waikato Blueprint 2017**

17.16 The aim of the Waikato Blueprint is to provide a high-level spatial picture of how the district could develop over the next 30 years, while addressing the community's social, economic and environmental needs, and responding to its regional context. The blueprint identifies 9 themes for the district. The proposal responds to relevant themes as follows:

- (a) **Identity:** The Precinct Plan would enable access to the Waikato River through developing a road and pedestrian/cycle connection from Yashili Drive and Hitchen Road to Bluff Road and the Waikato River.
- (b) **Nature:** The Precinct Plan identifies relevant SNAs and enhances streams, wetlands and the SNAs through the use of the EPA overlay.
- (c) **Iwi: Consultation** with Mana Whenua is ongoing.

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<sup>131</sup> Refer paragraph 6.24 of that evidence

- (d) **Communities:** Havelock has the scale to establish a neighbourhood to Pokeno, with the provision of a local neighbourhood centre, recreation opportunities through the Hilltop Park and walking trails, and opportunities for residents to live in close proximity to the town centre and employment area provided by the Pokeno Gateway Business Park.
- (e) **Growth:** As outlined in the NPS-UD assessment and identified in Waikato 2070, Havelock is **necessary** to enable Council to meet its medium-term obligations to provide sufficient capacity for growth.
- (f) **Economy:** Pokeno is a thriving town, which has a successful Pokeno Gateway Business Park and a growing town centre. The provision of a residential neighbourhood will assist in reinforcing this local economy.
- (g) **Transport:** Havelock provides multiple opportunities to connect to the existing urban area of Pokeno, providing direct connections and also connections between the existing rural lifestyle community on Bluff Road and Pokeno itself without travelling on SH1. The location of the neighbourhood is within an appropriate distance of a future train station.
- (h) **Infrastructure:** Significant infrastructure planning has been undertaken for Pokeno, and this is confirmed by **Dr Davey**<sup>132</sup> and Mr Pitkethley.

17.17 The Waikato Blueprint identified that the population projection for Pokeno should reach 11,954 by 2045. The initiatives identified in the Waikato Blueprint for Pokeno include community and retail focused objectives and additional growth (although not in the location sought by HVL) and a strengthening of the identity of Pokeno based on the river corridor. The population projections are now outdated, however the broader place-making objectives of the Waikato Blueprint remain appropriate.

## 18. SECTION 42A FRAMEWORK REPORT

18.1 The Section 42A report for zoning extents was notified to submitters as a “**Framework Report**”. It outlines a framework for submitters to use and to guide future s42A authors (for the rezoning proposals) and utilises a **three lens approach**.

### **Lense One: Assessment of Relevant Objectives and Policies in the PWDP**

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<sup>132</sup> Refer Appendix 5 in the Section 42A Report

18.2 The following objectives and policies of the PWDP are also relevant for consideration of the Havelock rezoning request. I have also reviewed the recommended changes made to the notified text by the Council Officer s42A reports and replies for Hearing 3 – Strategic Objectives, Hearing 10 - Residential and Hearing 12 – Country Living as part of the consideration of Havelock.

#### *Chapter 4*

18.3 Havelock is consistent with Objective 4.1.2 as it enables residential development to consolidate around Pokeno, therefore supporting the objective to achieve a compact urban form. Objective 4.1.2 is supported by policy 4.1.3.

18.4 Havelock can be serviced through extensions to the existing infrastructure and services. Appendix 5 to the s42A Framework Report identifies that Watercare have provide for bulk servicing for the Site (and relevant capacity) Only extensions to these services to service specific stages of development (as is usual practise at land development and subdivision stage) is required. Mr Pitkenthley confirms this.

18.5 I acknowledge that Policy 4.1.3(b) references that development should accord with Future Proof 2017. As discussed earlier in my evidence, this is not the recent Waikato 2070 document and it does not contain the most up to date growth projections, and consequently it underpredicts the extent of land required around Pokeno to support its growth. The location of Havelock is not entirely consistent with the Future Proof 2017 growth pattern and sequence. Havelock rezoning is not specifically identified in Future Proof (which was based on 2013 census data and projections which do not address recent growth and demand in Pokeno).

18.6 Future Proof 2017 indicates Pokeno is an appropriate location to accommodate growth and that there would be a shortfall in the supply for residential land. However Future Proof does not assist in establishing directions for growth. This information was provided in Waikato 2070 where Havelock is identified as a medium term opportunity, along with Pokeno West.

18.7 In respect to Policy 4.1.4, Havelock can be serviced through extensions to the existing infrastructure and services. The existing PWDP methods for subdivision and development will ensure that development aligns with the necessary infrastructure. Specific rules proposed for Havelock also ensure that the key elements identified on the Precinct Plan are delivered, including roads and walkways/cycleways.

- 18.8 In respect to Policy 4.1.5, Havelock proposes to utilise the PWDP's Residential Zone, including the subdivision density provisions and the land use provisions for Multi Unit Housing. Havelock is not located immediately adjoining the town centre, and therefore is outside the logical location for a Medium Density Housing Zone (as sought by other submitters). Notwithstanding this, housing density and variety can be achieved through the use of the Multi Unit Housing land use rules for densities below one dwelling per 450 m<sup>2</sup>.
- 18.9 I consider Havelock consistent with Objective 4.1.7. Mr Munro has provided evidence as to the manner in which Havelock integrates with Pokeno and establishes an appropriate urban form. Objective 4.1.7 is supported by Policies 4.18 and 4.19.
- 18.10 The Precinct Plan identifies a framework of roads (including those providing future public transport connections and connections to the Waikato River), recreation trails, environmental enhancements (of streams, wetlands and SNAs) and a Hilltop Park. Specific rules proposed for Havelock ensure that the key elements identified on the Precinct Plan are delivered.
- 18.11 Policy 4.1.11 is specific to Pokeno. Havelock is consistent with this policy as it enables development to consolidate at Pokeno without comprising further potential growth and development.
- 18.12 The Framework Report identifies that strategic directions 1.5.2(a) and 1.12.8 are relevant for consideration of rezoning proposals. Having reviewed these provisions I confirm that the above assessment of objectives and policies addresses the same matters and consistency with the strategic directions. Notably growth is proposed adjacent to an existing urban area which has been identified in the Waikato 2070 as being able to accommodate further growth and which ensures a compact urban form and enables the efficient use of infrastructure already in place. Areas of ecological value has been identified with an existing PWDP method for protection and enhancement, while areas of cultural values have been identified through consultation with Mana Whenua.

## *Chapter 5*

- 18.13 The Framework Report identifies that a rezoning from rural to urban and rural to Rural Lifestyle Zone should also be considered against the rural provisions.

- 18.14 As discussed previously in my evidence the land does not contain high class soils<sup>133</sup>. The production values of this part of the site are low, with much of the land in scrub.
- 18.15 Rural lifestyle cluster housing is not considered to be a form of urban development<sup>134</sup>. The average density proposed is one dwelling/lot per 0.95 ha<sup>135</sup>. The Zone provides for minimum lot sizes of 5000 m<sup>2</sup>. The form of clustering on 2500 m<sup>2</sup> lots, with extensive open space between clusters provided by the EPA ensures that development would be described as rural lifestyle as opposed to urban.
- 18.16 The Rural Lifestyle Precinct would enhance rural character values<sup>136</sup>, contributing significant opportunities to landscape and ecological enhancements through the EPA overlay. The proposed roading pattern illustrated on the Precinct Plan aligns with the contours of the Site<sup>137</sup>.

### **Lense Two: Alignment and consistency with higher order documents**

- 18.17 This evidence has provided a detailed assessment of the rezoning proposal against the higher order documents.

### **Lens 3: Assessment against best practice planning guidance**

- 18.18 Notably this step is only to be undertaken for proposals which are consistent with Lense 1 and 2. The matters to be addressed under this section are outlined below.

(a) *Economic costs and benefits are considered*

These have been considered as part of the Section 32AA in **Annexure 3** and detailed in the evidence of Mr Thompson. There are clear economic benefits to the rezoning. I do not consider that there are economic costs associated with the rezoning, particularly as the Pokeno Industry Buffer addresses the potential for reverse sensitivity effects on the Pokeno Gateway Business Park.

(b) *Changes should take into account the issues debated in recent plan changes*

The most recent plan change which relates to Pokeno was to re-zone additional land for residential development in the Graham Block (Plan Change 21). The land which is the subject of the Havelock proposal was not considered as part of that plan change or any other plan changes.

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<sup>133</sup> Objective 5.1.1(a)(i) and Policies 5.2.2 and 5.2.3

<sup>134</sup> Objective 5.1.1(a)(iii)

<sup>135</sup> Policy 5.6.2 whereby development maintains the open space character, and maintains low density residential development

<sup>136</sup> Objective 5.6.1

<sup>137</sup> Policy 5.6.2(c)

- (c) *Changes to zone boundaries are consistent with the maps in the plan that show overlays or constraints*

This is addressed in section 4 of the evidence that outlines the zones and overlays of the PWDP utilised.

- (d) *Changes should take into account features of the site*

Physical attributes of the land have been taken into consideration in the zoning and overlays as outlined in section 4 of this evidence and the evidence of Messrs Munro, Pryor and Ussher.

- (e) *Zone boundary changes recognise the availability or lack of major infrastructure*

Attachment 5 to the Framework Report and the evidence of Mr Pitkethley confirms that bulk infrastructure for water and wastewater has been provided by Watercare. Necessary extensions to these networks can be provided at subdivision and development stage as is usual practice in my experience.

- (f) *There is adequate separation between incompatible land uses*

Specific methods, as outlined in section 4 of this evidence, are proposed to mitigate potential reserve sensitivity effects between the proposed Residential Zone and the adjoining Industry and Heavy Industry zones. The evidence of Messrs Curtis and Styles address the basis of the proposed buffer/setback outlined on the Precinct Plan and those amended rules. My assessment of the matters below in Section 19 of this evidence addresses the reverse sensitivity matters raised in the Topic 19 Rural Hearing.

- (g) *Zone boundaries need to be clearly defensible*

The topography of Transmission Hill along the western ridgeline and the southern escarpment provides a logical physical boundary to contain the urban form of Pokeno.

- (h) *Zone boundaries should follow property boundaries*

This is outlined on the proposed planning maps. The only exception to this is the former Havelock Village off Bluff Road, which is proposed to remain Rural Zone because it is separated and distinct from Pokeno, and located on land which is geotechnically unstable.

- (i) *Generally, no "spot zoning"*

The proposal will not create a “spot zoning”. It reflects a clear transition from Residential to Rural-Lifestyle Zones that addresses the pattern of development on the Site as a whole.

- (j) *Zoning is not determined by existing resource consents and existing use rights, but these will be taken into account*

Not applicable.

- (k) *Roads are not zoned*

This has been taken into account in the zoning proposal.

18.19 I also support the assessment of the proposal against these principles undertaken by Mr Munro.

18.20 Having considered the matters identified in the Framework Report, I consider that the Havelock zoning proposal can meet each of the three “lenses”.

#### **Section 42A Report commentary on rural-residential zone**

18.21 Dr Davey recommends that generally rural-residential rezoning (renamed as Rural Lifestyle Zone in Topic 12 Hearing) should be rejected. I do not agree that this is an appropriate resource management approach. The WRPS does not preclude rural-residential zones, but rather indicates they need to be considered against the principles of 6A of the WRPS. I see no support for Mr Davey's position within the WRPS or any other higher planning document.

18.22 Policy 6.17 (Rural-residential development in Future Proof area) relates to the ‘Future Proof area’ identified in 2010 and relating to Map 6.2. This excludes the former Franklin area of Waikato District Plan, which includes Pokeno and the subject site. While Policy 6.17 needs to be given effect to in the Future Proof Area (which the policy references as in areas within easy commuting distance of Hamilton), because of the reliance on the definition and map from 2010 it does not have the same weight outside the Future Proof area.

18.23 The implementation methods for district plan provisions for rural-residential development states:

*6.1.5 District plan provisions for rural-residential development  
Rural-residential development should be directed to areas identified in the district plan for rural-residential development. District plans shall ensure that rural-residential development is directed away from natural hazard areas,*

*regionally significant industry, high class soils, primary production activities on those high class soils, electricity transmission, locations identified as likely renewable energy generation sites and from identified significant mineral resources (as identified through Method 6.8.1) and their identified access routes.*

18.24 The Havelock proposal for a Rural Lifestyle Zone:

- (a) Addresses natural hazards by locating the rural clusters in more geotechnically appropriate areas as identified by Mr Lander.
- (b) Is not located adjoining regionally significant industry, transmission lines or locations of renewable energy sites.
- (c) Is not located on high class soils.
- (d) Would only displace low density grazing in a number paddocks, whereas a large area of the site is in overgrown scrub and does not support significant primary production activities.
- (e) The matter of significant mineral resources is addressed in the assessment of Policy 6.8 of the WRPS previously, and the correspondence of Winstone Aggregates.

18.25 An assessment of the principles of 6A of the WRPS is provided above in this evidence.

18.26 The Tail will can also be serviced by water and wastewater from Pokeno and so there will be no private infrastructure, which is one of Mr Davey's concerns with additional rural residential.

## **19. ISSUES RAISED IN TOPIC 18 RURAL HEARING**

19.1 Evidence on behalf of Synlait and Hynds in Topic 18<sup>138</sup> proposed two different setbacks from the Heavy Industry Zone based on a distance of 300m and 500m. The planning evidence was not supported by any technical assessments (for example in respect to acoustics or air discharge), and utilised separation distances from the Rural Zone applied to intensive farming and mineral extraction activities in lieu of any specific modelling relating to the boundary between the Site and the Pokeno Gateway Business Park.

19.2 Messrs Styles and Curtis have responded to the rationale for the setbacks proposed by Synlait and Hynds. They do not accept a generic setback, and consider that this setback does not account for the existing sensitive activities located to the east and north of those

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<sup>138</sup> Mr Chhima on behalf of Hynds and Ms Rykers on behalf of Synlait

Sites. The distances proposed by Synlait and Hynds would establish significant distances for the separation of activities within the Site, very different from the separation distances that apply to the existing environment to the north and east of those activities. Messrs Styles and Curtis identify that these existing sensitive activities provide the baseline within Pokeno, and already govern the extent of effects that can be generated by those activities. The evidence prepared for Topic 18 did not acknowledge or reflect this.

- 19.3 As I outlined in my evidence summary for the Topic 7 Industrial Hearing, setbacks are an appropriate method to manage the potential for reverse sensitivity effects. However, the separation distances should not be so great so as to result in the inefficient use of a scarce land resource in Pokeno, or a pattern of development that does not support the wellbeing of future residents. In the case of the proposed Pokeno Industry Buffer overlay (as modelled by Mr Styles), this generally aligns with the steeper areas of land which are not suitable from a geotechnical perspective. The setbacks of 500m proposed by Hynds would result in areas of land outside of the Buffer identified by Mr Styles as being unavailable for development. This would reduce the yield of residential development, and affect the pattern of subdivision and roading development within the Site.
- 19.4 In the context of an urban area (as opposed to a spot zoned industry in a rural area), it is unlikely that reverse sensitivity effects can be avoided in all circumstances. This is demonstrated already by the proximity of sensitive land uses and zones located in close proximity to the Hynds site.
- 19.5 The use of a setback from mineral extraction activities is not considered comparable to the activities occurring within the Pokeno Gateway Business Park. A quarry, for example the Hunua and Drury Quarries, involves the extraction and processing of up to 3 million tonnes per annum of aggregate, the removal of several hundred thousand m<sup>3</sup> of overburden through earthworks activities, excavation and blasting, the potential operation of the crusher for 16 hours per day, and significant heavy vehicle movements (up to 500 trucks or 1000 movements per day). In my experience of consenting large scale quarries and concrete batching plants, the scale of the effects of a quarry are significantly greater than the Hynds quarry. I do not consider the use of quarry setbacks as a proxy for a setback from the Pokeno Gateway Business Park as being appropriate or necessary. This is particularly where Mr Styles has undertaken modelling to determine a Buffer that reflects this location, and the boundary between the sites.

## 20. FURTHER SUBMISSIONS

20.1 The following assessment is provided of further submissions received on the HVL submission for the Site. The matters raised by Hynds and Synlait are addressed above. Many of the issues raised in further submissions have been address in HVL's evidence and in the assessments above.

### *Waikato Regional Council*

20.2 The Waikato Regional Council opposed additional rezoning in the Hamilton to Auckland Corridor until the completion of the Corridor Plan. I do not consider that this approach gives effect to the NPS-UD. The Corridor Plan is a non-statutory document, and the Hearing Panel have evidence that the Site is appropriate for rezoning and that the spatial framework for this can be achieved by the proposed Precinct Plans.

### *Ngāti Tamaoho Trust*

20.3 The Ngāti Tamaoho Trust sought to retain the Rural Zone on the Site to provide a buffer/backdrop to the industrial area. The Trust identifies Transmission Hill as an old pā site of significance to Ngāti Tamaoho.

20.4 The proposal, as outlined by Messrs Munro and Pryor retains a backdrop through the Pokeno Industry Buffer and the EPA that overlays the reverse sensitivity buffer. The Precinct Plan identifies a Hilltop Park on the Hill. This is to recognise the pā.

20.5 The Trust considers there is already sufficient residentially zoned land associated with Pokeno. This is not the case in respect to the requirements of the NPS-UD.

### *New Zealand Transport Agency / Waka Kotahi*

20.6 The New Zealand Transport Agency is concerned that the live zoning of areas for development within Pokeno is undertaken without integrated planning, staging or sequencing of infrastructure has the potential to compromise liveable community outcomes. Council has developed Waikato 2070 since that further submission was lodged which confirms appropriate directions for growth and the scale of necessary growth to accommodate population predictions.

20.7 Mr Munro has outlined the approach to the urban design and layout of development within the Site, and its connections to existing urban areas of Pokeno. Messrs Hills and Pitkenthley have addressed the provision of infrastructure to service development, and this is also a matter which Dr Davey has outlined in Appendix 5 to the Section 42A Report. I consider the planning approach adopted by HVL is acceptable and reflects my

experience of industry best practice where dealing with submissions through a District Plan review process.

*Mercury NZ Ltd*

- 20.8 Mercury NZ Ltd is concerned with the extent of flood hazards generated from the Waikato River. The Site is not affected by this flood hazard.

*Pokeno Village Holdings Ltd*

- 20.9 PVHL opposes the rezoning of the Site as the required technical analysis supporting the rezoning of additional areas of land in Pokeno is inadequate and does not appear to be underpinned by a robust and comprehensive planning process or evidence of how this development will be serviced with water, wastewater and stormwater infrastructure.
- 20.10 I consider that the approach to the planning of the Site to be appropriate. The experts for HVL have been involved extensively in District Plan review process, plan changes and submissions on District Plans (including for rezoning). While Mr Munro and I could not fully support the extent of urban development signalled by the Construct concept plan, I consider the process of preparing the basis of the updated HVL relief to be appropriate. Messrs Hills and Pitkenthley have addressed the provision of infrastructure to service development.

*Stonehill Trustees*

- 20.11 Stonehill Trustees oppose the rezoning of the Site because urban expansion to the south of Pokeno disregards the natural landform and topography of the area that would result in urban subdivision and development of a visually prominent and sensitive ridgeline that is of significant visual amenity and cultural/landscape value. Mr Pryor addresses the sensitivity and landscape amenity values of Transmission Hill. It is not identified as a ONL, ONF or SAL in the PWDP. As outlined by Messrs Munro and Pryor, the Precinct Plan retains a backdrop through the Pokeno Industry Buffer and the EPA that overlays the reverse sensitivity buffer. The Precinct Plan identifies a Hilltop Park on the Hill. This is to recognise the cultural landscape associated with the pā.
- 20.12 Stonehill Trustees also is concerned with reverse sensitivity effects that will compromise the ability of established industrial activities at McDonald Road to operate. The Pokeno Industry Buffer overlay is designed to address this reverse sensitivity concern. The evidence of Messrs Styles and Curtis supports the extent of separation provided between residential development and the Pokeno Gateway Business Park.

*Te La Trust Farms*

20.13 Te La Trust opposes amendments to the SNA. Dr Ussher has proposed to refine the boundaries of the SNA to exclude vegetation that does not accord with the WRPS criteria for SNAs. The remainder of the SNA is not affected, and further an additional SNA is proposed in 5 Yashili Drive.

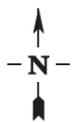
**21. CONCLUSIONS**

21.1 Havelock is a significant opportunity to improve the social, economic and cultural wellbeing of the Pokeno area, and contribute to the supply of housing where the PWDP has not identified sufficient Residential Zone to give effect to the NPS-UD.

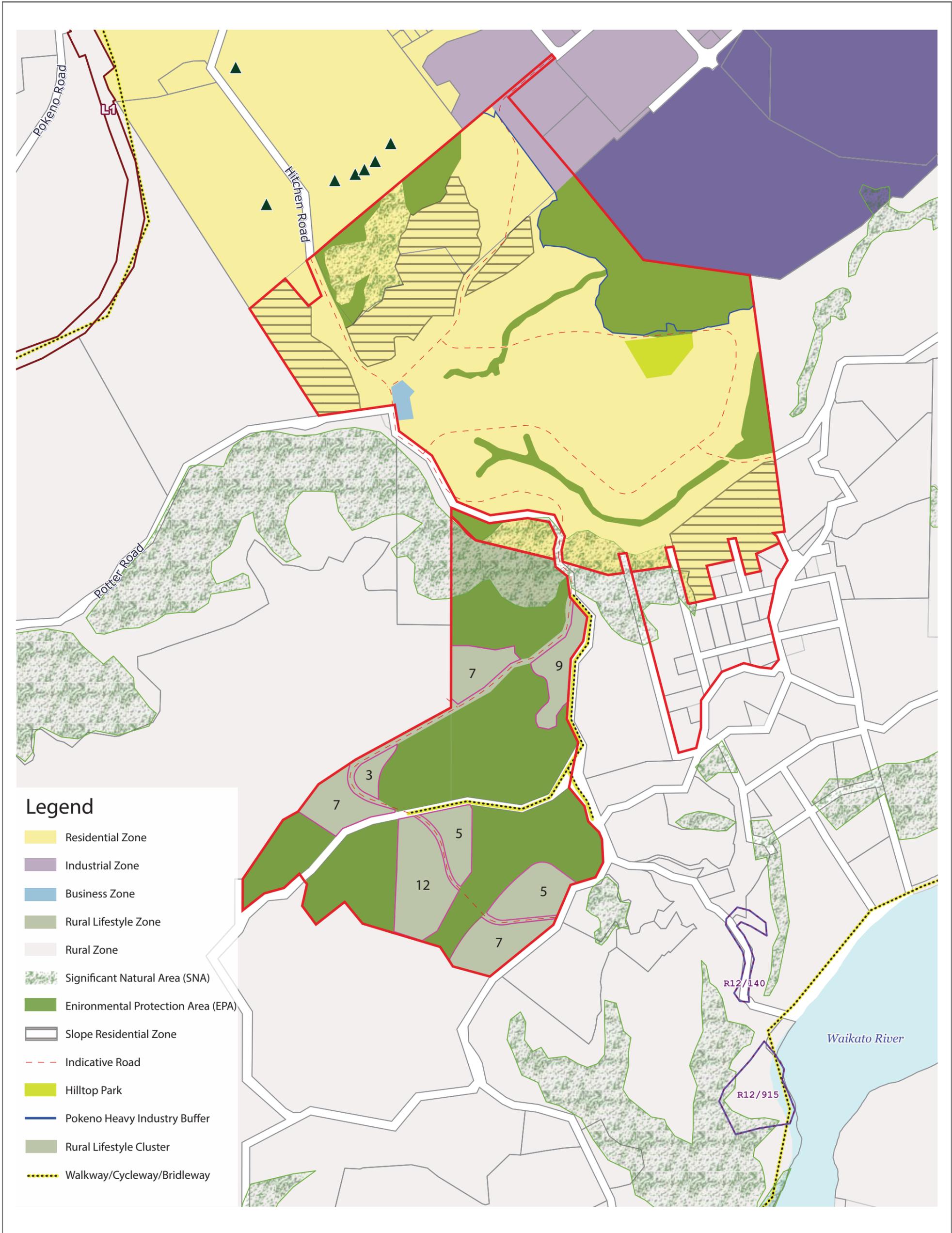
21.2 In my opinion, Havelock satisfies the necessary statutory tests in the RMA and the subservient planning instruments and is an opportunity to contribute significantly to growth in a locality that is subject to significant housing demand.

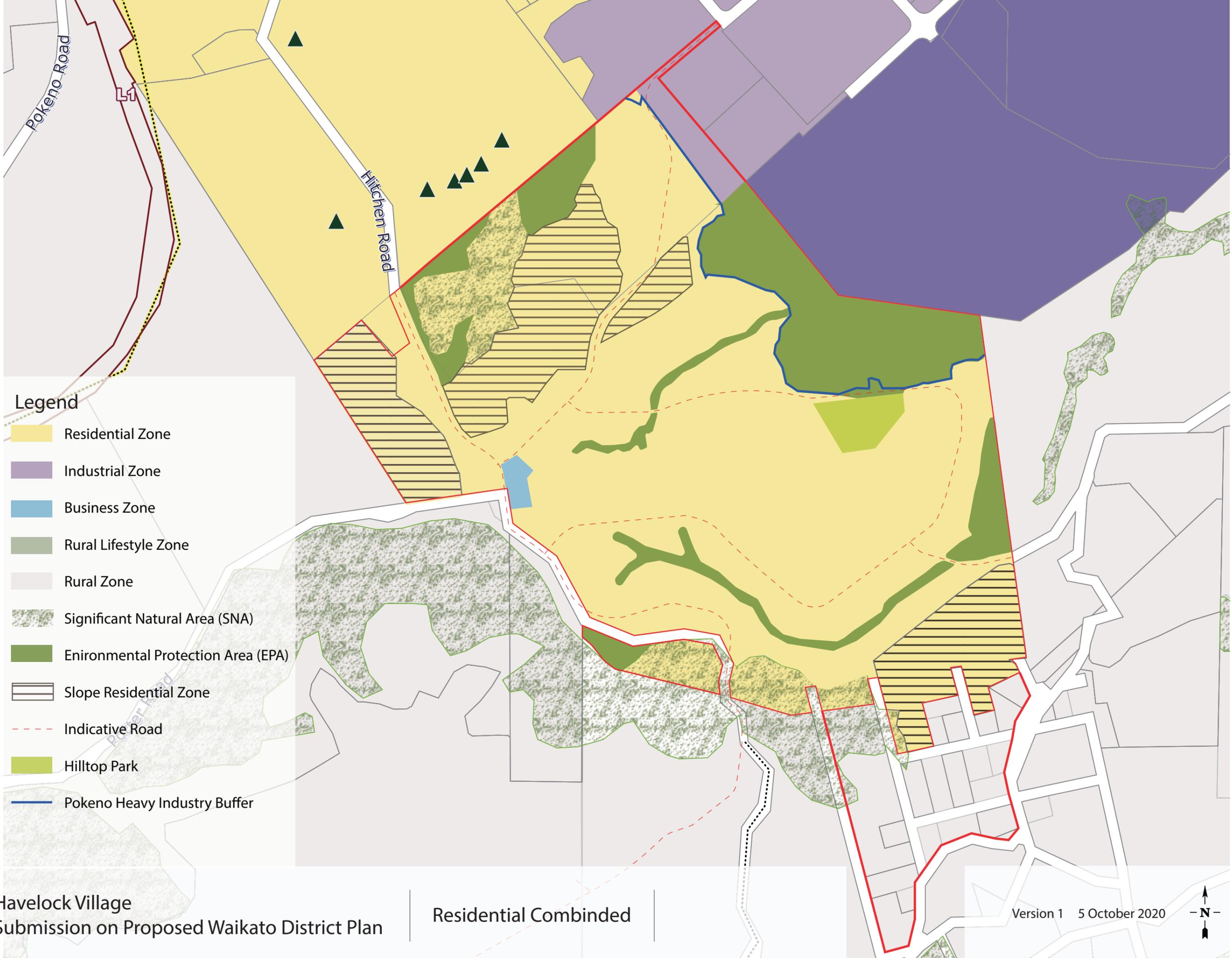
**Mark Tollemache**

19 February 2021



# Waikato Proposed Plan

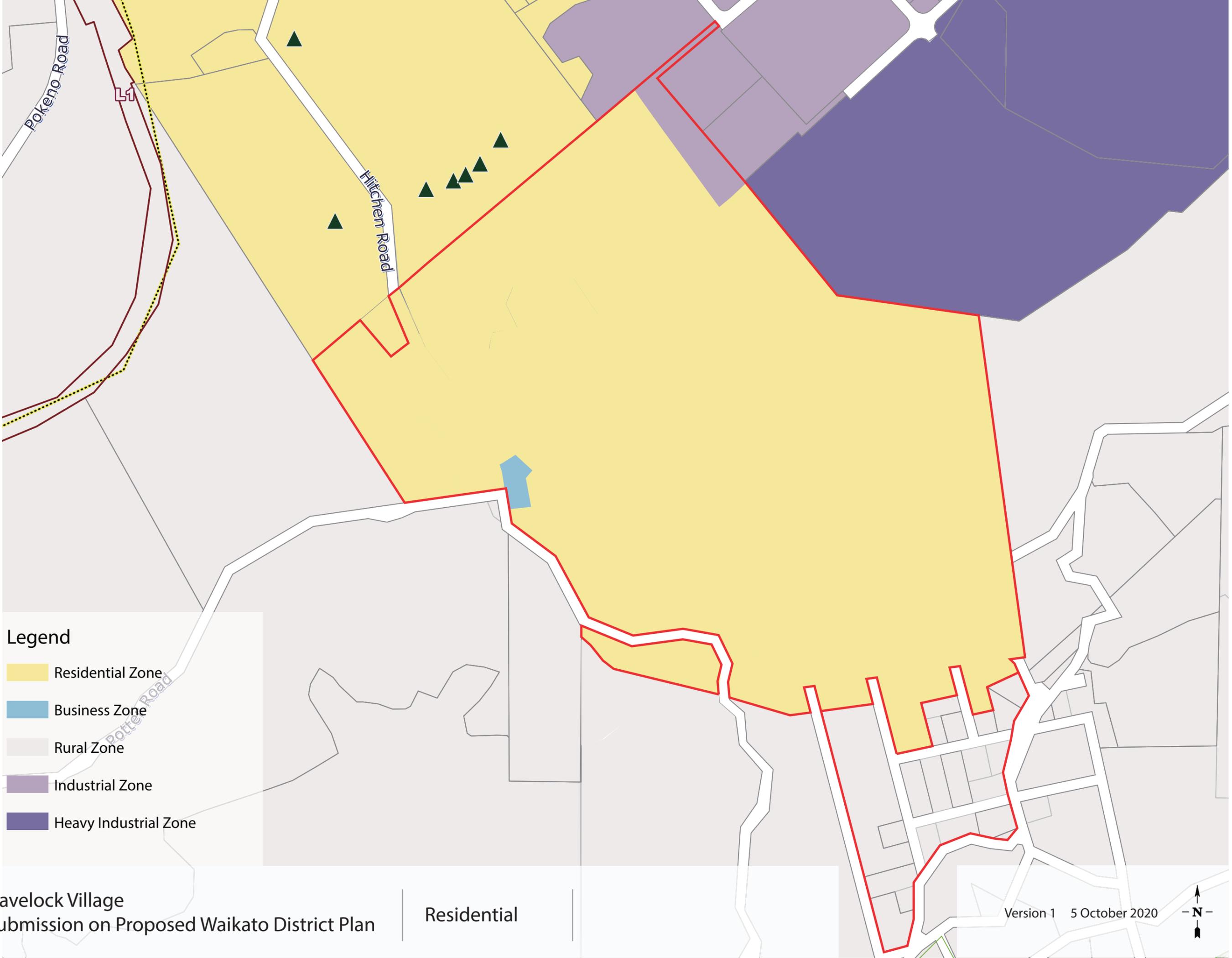




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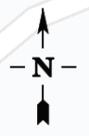
- Residential Zone
- Industrial Zone
- Business Zone
- Rural Lifestyle Zone
- Rural Zone
- Significant Natural Area (SNA)
- Environmental Protection Area (EPA)
- Slope Residential Zone
- Indicative Road
- Hilltop Park
- Pokeno Heavy Industry Buffer

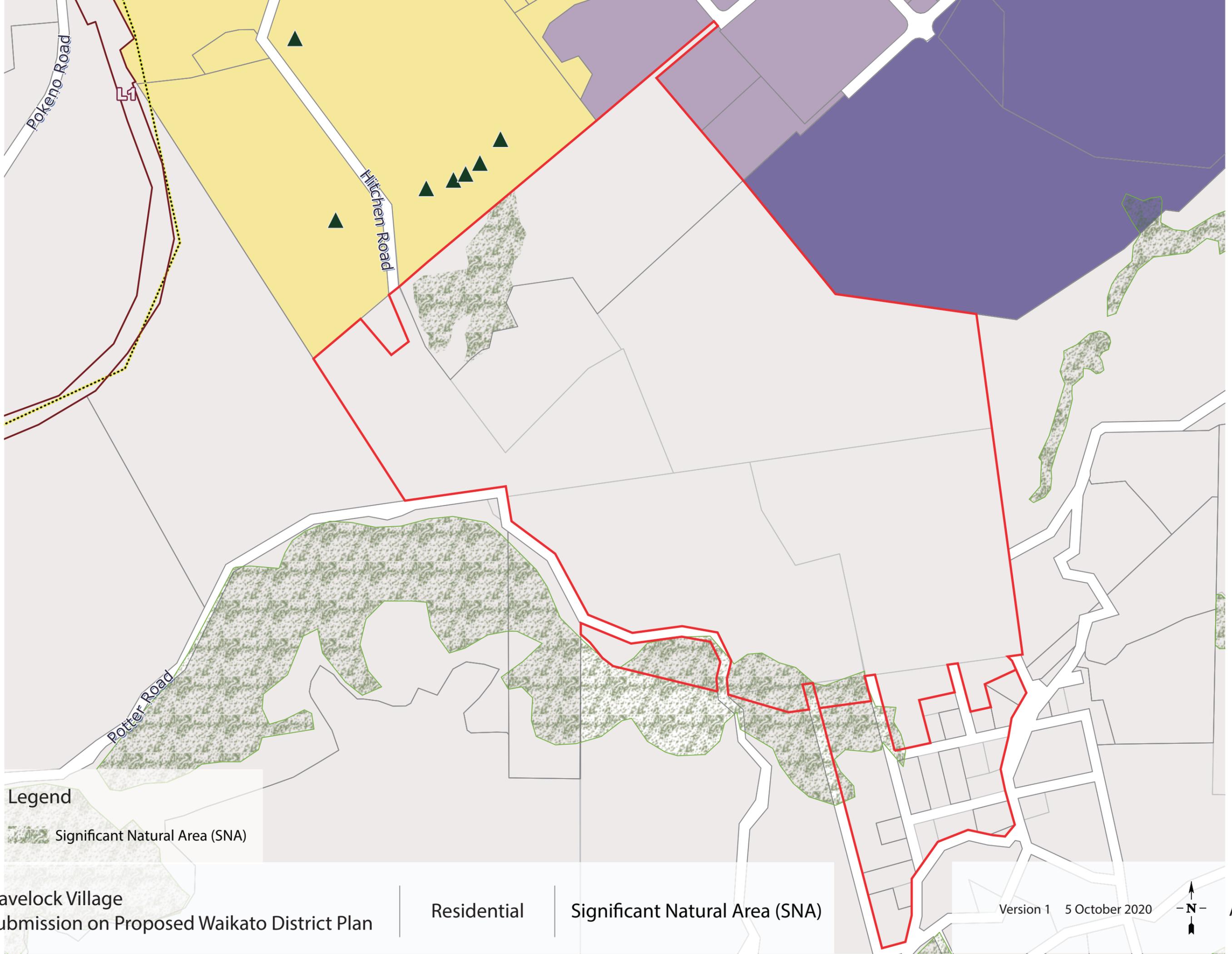




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- Residential Zone
- Business Zone
- Rural Zone
- Industrial Zone
- Heavy Industrial Zone

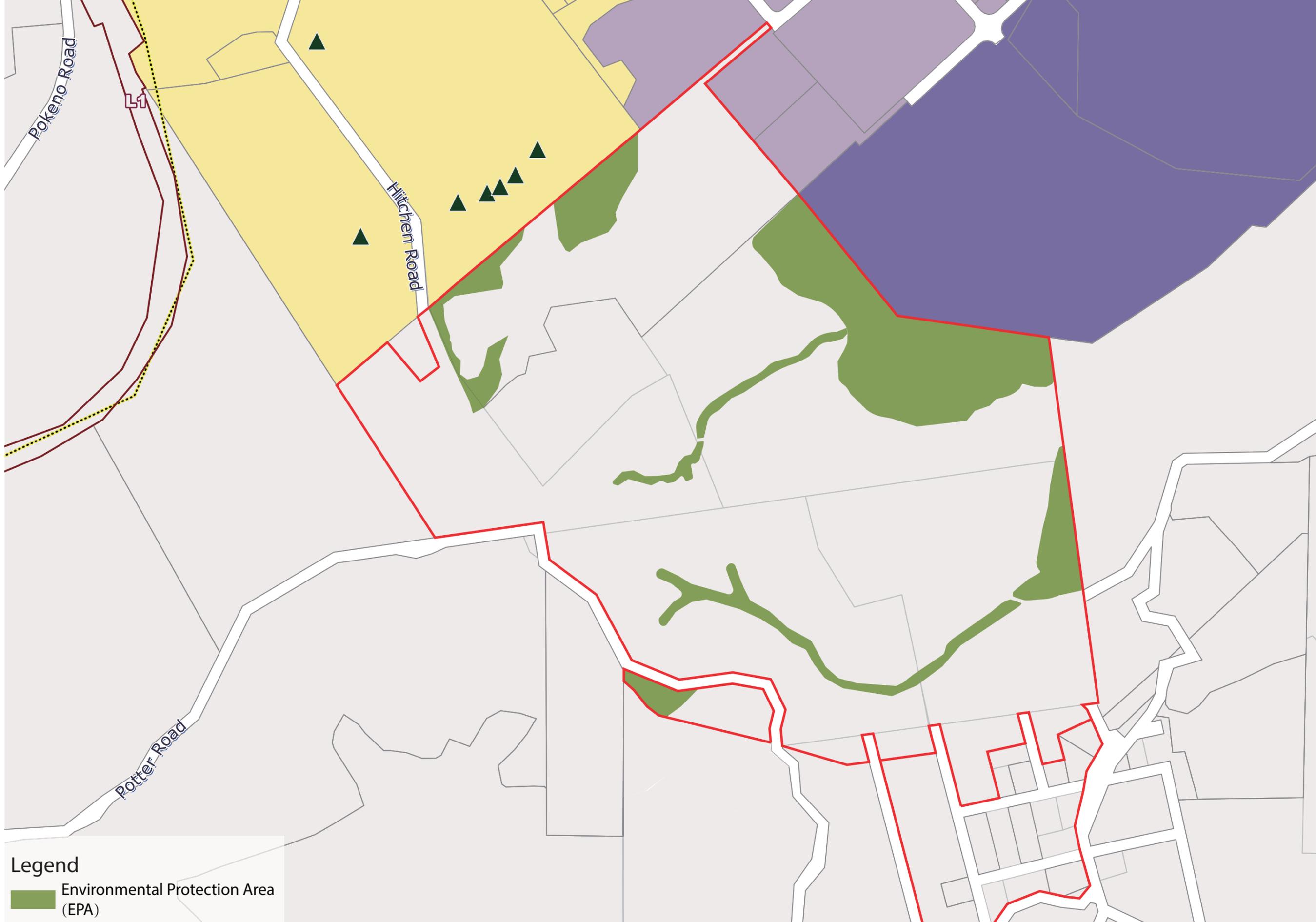




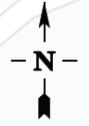
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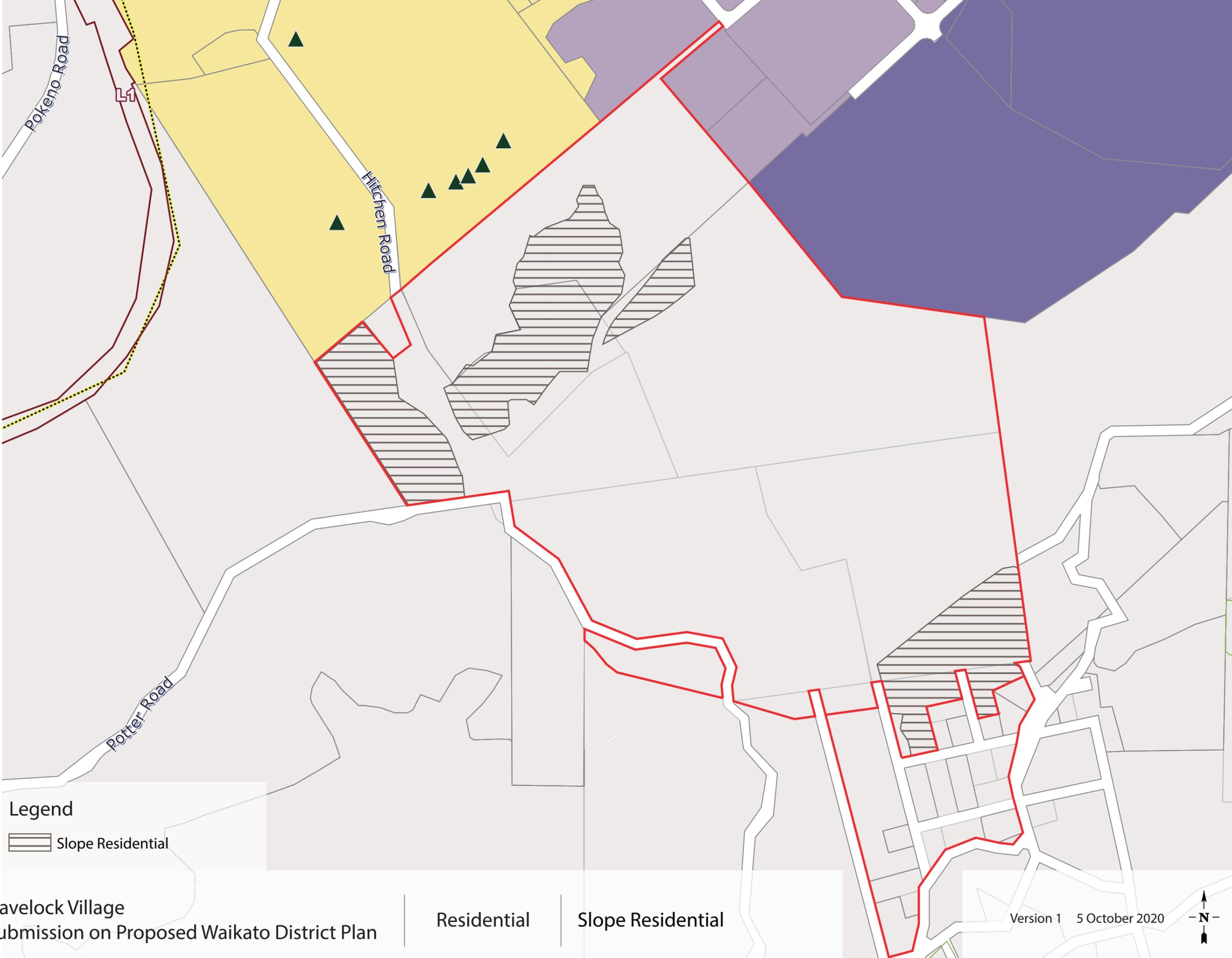
 Significant Natural Area (SNA)





**Legend**  
 Environmental Protection Area (EPA)

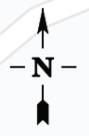
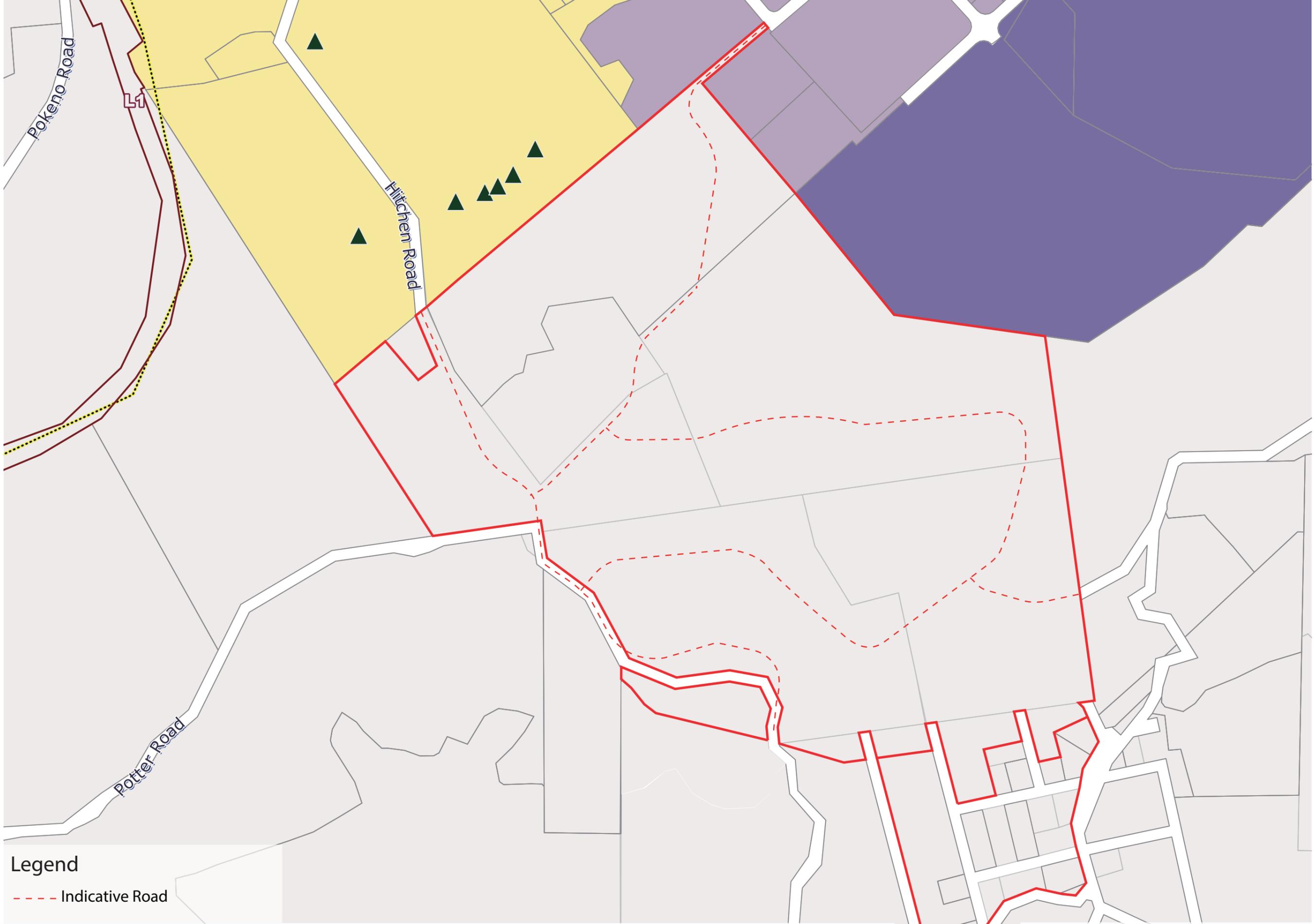


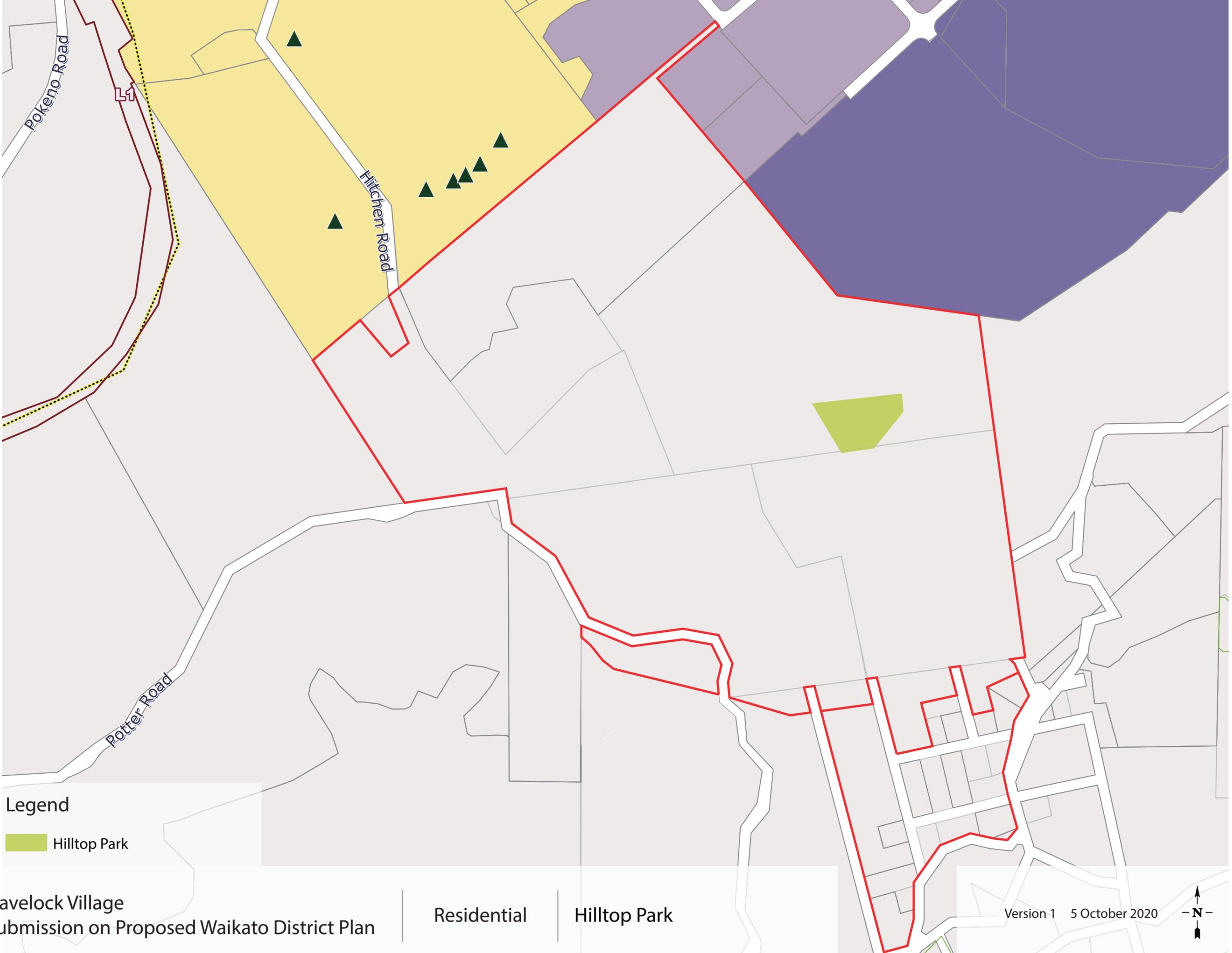


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 Slope Residential



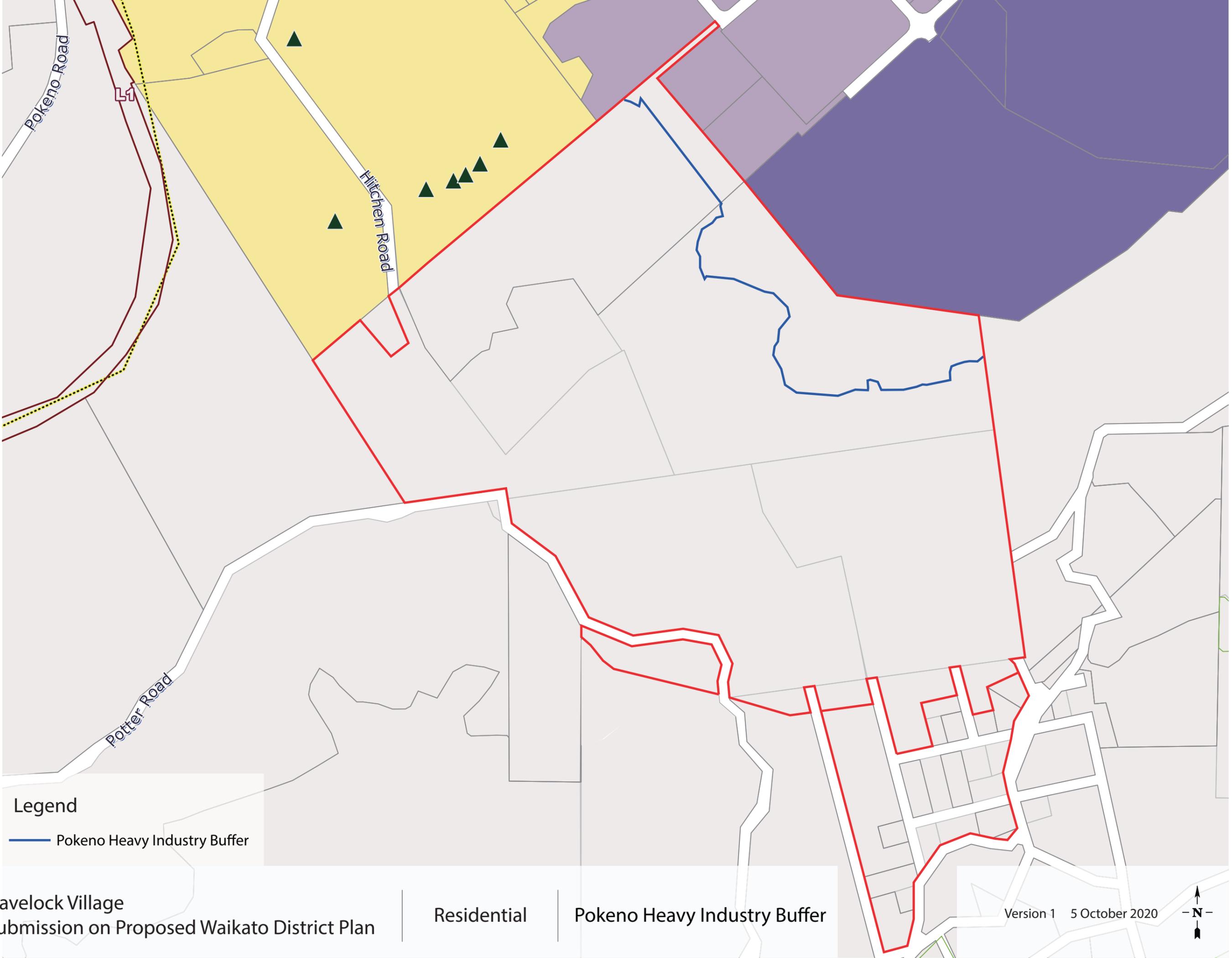




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 Hilltop Park

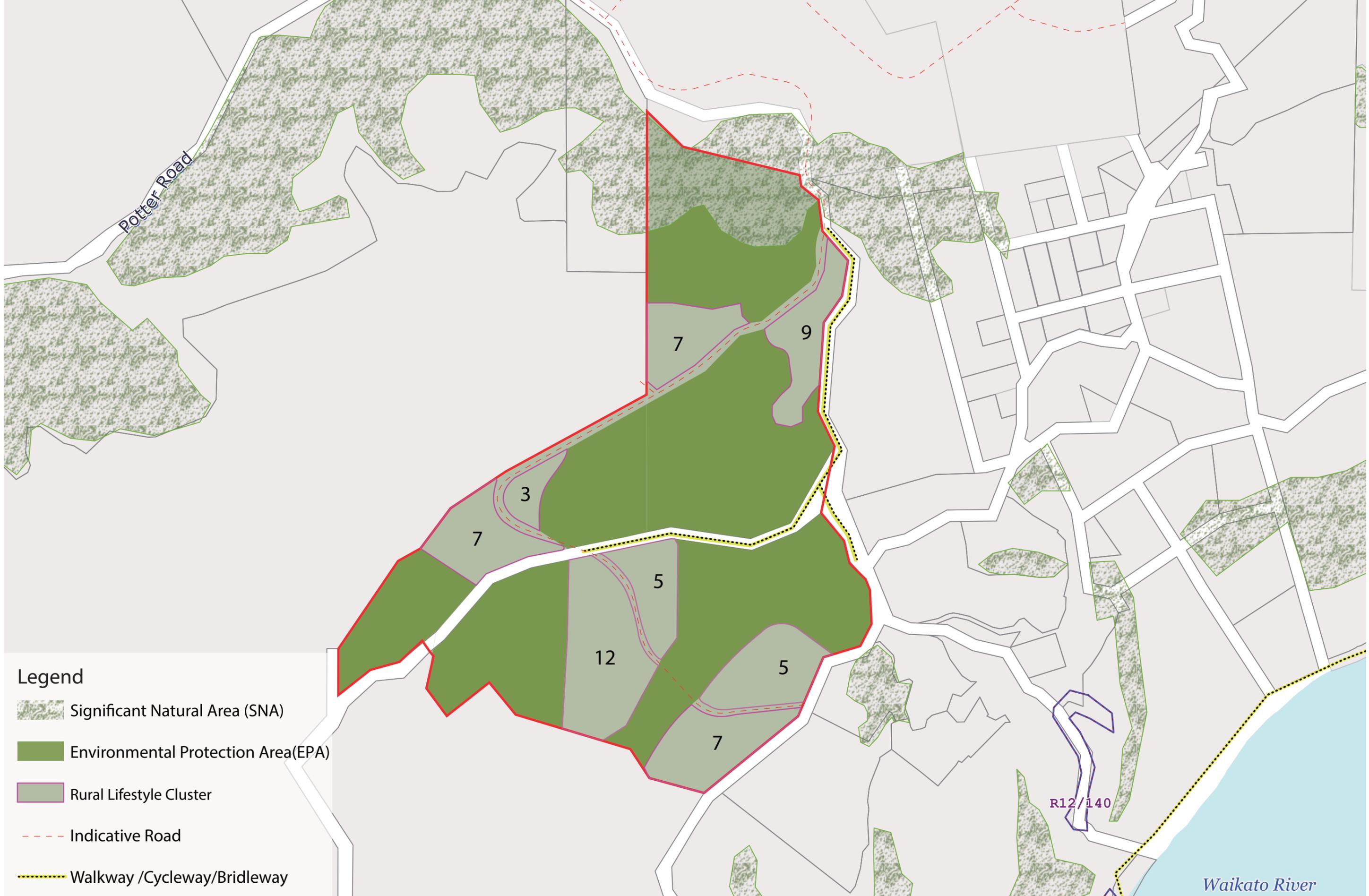




Legend

— Pokeno Heavy Industry Buffer





**Legend**

- Significant Natural Area (SNA)
- Environmental Protection Area(EPA)
- Rural Lifestyle Cluster
- Indicative Road
- Walkway /Cycleway/Bridleway





Legend

 Rural Lifestyle Zone

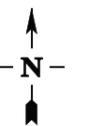
 Rural Zone





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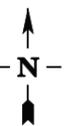
 Significant Natural Area (SNA)





Legend

Environmental Protection Area (EPA)





Legend

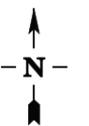
Rural Lifestyle Cluster





Legend

--- Indicative Road





Legend

--- Walkway /Cycleway/Bridleway



## Annexure 2

### Annexure 2 - Havelock Village Ltd amendments to Chapter 16 Residential Zone and Chapter 23 Rural Lifestyle Zone

HVL amendments in [blue track changes](#). Other amendments (red track changes) are recommendations from s42A reports for Topics 10 and 12.

#### Amendments to Chapter 16 Residential Zone

##### 16.3.9.2 Building setback – Sensitive land use

P1	(a) Any new building or alteration to an existing building for a sensitive land use must be set back a minimum of: <ul style="list-style-type: none"><li>(i) 5m from the designated boundary of the railway corridor;</li><li>(ii) 15m from the boundary of a national route or regional arterial;</li><li>(iii) 25m from the designated boundary of the Waikato Expressway;</li><li>(iv) 300m from the edge of oxidation ponds that are part of a municipal wastewater treatment facility on another site; <del>and</del></li><li>(v) 30m from a municipal wastewater treatment facility where the treatment process is fully enclosed; <del>and</del>.</li><li>(vi) <u>300m from the boundary of the Alstra Poultry intensive farming activities located on River Road and Great South Road, Ngaruawahia.</u></li></ul>
<u>P2</u>	(a) <u>Any new building or alteration to an existing building for a sensitive land use must be located outside the Pokeno Industry Buffer illustrated on the planning maps.</u>
D1	Any building for a sensitive land use that does not comply with <b>Rule 16.3.9.2. P1</b> <u>or</u> <u>P2</u> .

##### 16.4 Subdivision

(1) Rule 16.4.1 provides for subdivision ~~density and apply across~~ within the Residential Zone, subject to compliance with the following:

- (a) Rule 16.4.7 Subdivision – Tittle boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas;
- (b) Rule 16.4.8 Title boundaries – Significant Natural Areas;
- (c) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance;
- (d) Rule 16.4.10 Subdivision of land containing heritage items;
- (e) Rule 16.4.11 Subdivision – Road Frontage;
- (f) Rule 16.4.12 Subdivision – Building Platform;

- (g) Rule 16.4.3 Subdivision creating reserves;
- (h) Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips;
- (i) Rule 16.4.15 Subdivision of land containing mapped off-road walkways; and
- (j) Rule 16.4.16 Subdivision of land containing an Environmental Protection Area.

(2) Rule 16.4.1 Subdivision – General does not apply where the following specific areas and/or activities rules apply:~~The following rules apply to specific areas and/or activities:~~

- (a) Rule 16.4.2 - Subdivision - Te Kauwhata Ecological Residential Area;
- (b) Rule 16.4.3 - Subdivision - Te Kauwhata West Residential Area); and
- (c) Rule 16.4.4 (Subdivision – Multi-Unit development);
- (d) Rule 16.4.5 Subdivision – Boundary adjustments; and
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold.
- (f) Rule 16.4.17 – Subdivision – Havelock Slope Residential Area

(3) The following rules apply to specific areas and/or activities:

- (a) Rule 16.4.2 Subdivision – Te Kauwhata Ecological Residential Area (refer to Rule 16.4(4));
- (b) Rule 16.4.3 Subdivision – Te Kauwhata West Residential Area (refer to Rule 16.4(4));
- (c) Rule 16.4.4 Subdivision – Multi-unit development;
- (d) Rule 16.4.5 Subdivision – Boundary adjustments;
- (e) Rule 16.4.6 Subdivision – Amendments and updates to cross lease flats plans and conversion to freehold;
- (f) Rule 16.4.7 Subdivision – Title boundaries natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming and aggregate extraction areas;
- (g) Rule 16.4.8 Title boundaries - Significant Natura Areas, heritage items, archaeological sites, sites of significance to Maaori;
- (h) Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of significance;
- (i) Rule 16.4.10 Subdivision of land containing heritage items;
- (j) Rule 16.4.13 – Subdivision reserves;
- (k) Rule 16.4.14 – Subdivision esplanade reserves and esplanade strips;
- (l) Rule 16.4.15 – Subdivision of land containing mapped off-road walkways; and
- (m) Rule 16.4.16 – Subdivision of land containing Environmental Protection Area
- (n) Rule 16.4.17– Subdivision – Havelock Slope Residential Area
- (o) Rule 16.4.18 – Subdivision Havelock Precinct Plan area

(4) Rule 16.4.4 Subdivision – Multi-unit development does not apply in the following areas:

- (a) Rule 16.4.2 – Subdivision – Te Kauwhata Ecological Area; and
- (b) Rule 16.4.3 – Subdivision – Te Kauwhata West Residential Area.
- (c) Rule 16.4.17 – Subdivision – Havelock Slope Residential Area

**16.4.12 Subdivision - Building platform**

RD1	<p>(a) Every proposed lot, other than one designed specifically for access, <u>or is a</u> utility allotment must be capable of containing a building platform upon which a dwelling and living court could be sited as a permitted activity, with the building platform being contained within either of the following dimensions:</p> <ul style="list-style-type: none"> <li>(i) a circle with a diameter of at least 18m exclusive of yards; or</li> <li>(ii) a rectangle of at least 200m<sup>2</sup> with a minimum dimension of 12m exclusive of yards.</li> </ul> <p>(b) Council’s discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout;</li> <li>(ii) Shape of allotments;</li> <li>(iii) Ability of allotments to accommodate a practical building platform;</li> <li>(iv) Likely location of future buildings and their potential effects on the environment;</li> <li>(v) Avoidance or mitigation of natural hazards;</li> <li>(vi) Geotechnical suitability for building; and</li> <li>(vii) Ponding areas and primary overland flow paths.</li> </ul>
<u>RD 2</u>	<p>(a) <u>Every proposed lot must be capable of containing a building platform complying with Rule 16.4.12 RD1 located outside the Pokeno Industry Buffer illustrated on the planning maps.</u></p> <p>(b) <u>The Council discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The discretions of Rule 16.4.12 RD1</u></li> </ul>
D1	Subdivision that does not comply with Rule 16.4.12 RD1 <u>and RD2</u> .

**16.4.17 Subdivision of land in the Havelock Slope Residential Area**

<u>RD1</u>	<p>(a) <u>Proposed lots, except where the proposed lot is an access allotment, utility allotment or reserve to vest, within the Havelock Slope Residential Area must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Be a minimum net site area of 2500m<sup>2</sup>;</u></li> <li>(ii) <u>Be connected to public-reticulated water supply and wastewater;</u></li> </ul>
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	<p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Ability of lots to accommodate a practical building platform, including geotechnical stability for building;</u></li> <li>(ii) <u>Likely location of future buildings and their potential effects on the environment;</u></li> <li>(iii) <u>Avoidance or mitigation of natural hazards;</u></li> <li>(iv) <u>Amenity values and streetscape landscaping;</u></li> <li>(v) <u>Landscaping of steeper slopes to manage erosion and stability;</u></li> <li>(vi) <u>Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</u></li> <li>(vii) <u>Vehicle and pedestrian networks;</u></li> <li>(viii) <u>Consistency with the Havelock Precinct Plan; and</u></li> <li>(ix) <u>Provision of infrastructure, including water supply for firefighting purposes.</u></li> </ul>
<u>D1</u>	<u>Subdivision that does not comply with 16.4.17 RD1</u>

**16.4.18 Subdivision: Havelock Precinct Plan Area**

<u>RD1</u>	<p>(a) <u>All subdivision within the Havelock Precinct Plan area (Appendix <del>XX</del>), must comply with all of the following conditions:</u></p> <ul style="list-style-type: none"> <li>(i) <u>The first subdivision to create residential lots must include the indicative road connections as a road to vest, from Hitchen Road and Yashili Drive.</u></li> <li>(ii) <u>The proposal must include the indicative roads as roads to vest, provided that this can be constructed and vested in stages.</u></li> <li>(iii) <u>The proposal must include the provision of the Hilltop Park.</u></li> </ul> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Consistency with the Havelock Precinct Plan;</u></li> <li>(ii) <u>Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Design Guidelines);</u></li> <li>(iii) <u>Standard of design and construction of the indicative roads and pedestrian networks;</u></li> <li>(iv) <u>Design of the Hilltop Park and adjoining roads;</u></li> <li>(v) <u>Potential effects on the safe and efficient operation of Bluff and Pioneer Roads from roading connections to Cole Road.</u></li> </ul>
<u>D1</u>	<u>Subdivision that does not comply with Rule 16.4.18(a) RD1.</u>

## Amendments to Chapter 23 Rural Lifestyle Zone

### 23.4 Subdivision rules

~~(1) Rule 23.4.1 lists Prohibited Subdivision in the Country Living Zone.~~

(1) Rule 23.4.2 provides for General Subdivision in the ~~Country Living~~ **Rural Lifestyle** Zone and is subject to the following specific rules:

- (i) Rule 23.4.3 - Subdivision within identified areas
- (ii) Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas
- (iii) Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
- (iv) Rule 23.4.6 - Subdivision of land containing heritage items
- (v) Rule 23.4.6B- Subdivision of land within the National Grid Corridor
- (vi) <sup>1</sup>Rule 23.4.7 - Subdivision - Road frontage
- (vii) Rule 23.4.8 - Subdivision Building platform
- (viii) Rule 23.4.9 – Subdivision for a Reserve
- (ix) Rule 23.4.10 - Subdivision of land containing mapped off-road walkways
- (x) Rule 23.4.11 - Subdivision of land containing all or part of an Environmental Protection Area
- (xi) Rule 23.4.12 - Esplanade reserves and esplanade strips

In the Havelock Rural Lifestyle Precinct Plan area, subdivision is subject to Rule 23.4.2A (as a replacement to the General Subdivision standards in 23.4.12) and is subject to the specific rules in 23.4.3 to 23.4.12 (as identified above), with the exception that Rule 23.4.8 – Building Platform has a specific standard for the Havelock Rural Lifestyle Precinct Plan (RD2).

### 23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan

RD1	<p><u>(a) Subdivision within the Havelock Rural Lifestyle Precinct Plan area (Appendix <del>XX</del>) must comply with all of the following conditions:</u></p> <p><u>(i) The number of lots, whether in a single or several applications, must not exceed a total of 55 and must not exceed the maximum number identified in each cluster (Appendix <del>XX</del>).</u></p>
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	<p><u>(ii) All proposed lots must have a net site area of at least 2500m<sup>2</sup> (which may include land within the Environmental Protection Area) and the building platform located entirely within the cluster (Appendix XX).</u></p> <p><u>(iii) The proposal must include the indicative road as a road to vest, provided that this can be constructed and vested in stages to provide the connection to Bluff Road.</u></p> <p><u>(iv) The proposal must offer the provision of the walkway (complying with Rule 23.4.10), provided that this can be constructed in stages.</u></p> <p><u>(v) The proposal must include a 5m planted landscape yard adjoining any road or indicative road.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) Consistency with the Precinct Plan</u></p> <p><u>(ii) Adverse effects on amenity values;</u></p> <p><u>(iii) The provision of infrastructure, including water supply for firefighting where practicable;</u></p> <p><u>(iv) Standard of design and construction of the walkway;</u></p> <p><u>(v) Standard of design and construction of the indicative road;</u></p> <p><u>(vi) Measures proposed for planting and management.</u></p>
<u>D1</u>	<u>Subdivision that does not comply with Rule 23.4.2A(a)(iv) and (v) RD1.</u>
<u>NC1</u>	<u>Subdivision that does not comply with Rule 23.4.2A(a)(i) to (iii) RD1.</u>

**23.4.8 Subdivision - Building platform**

RD1	<p>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on <del>every the</del> proposed lot <del>that</del>: <u>The building platform must meet all of the following conditions:</u></p> <p>(i) has an area of 1000m<sup>2</sup> exclusive of boundary setbacks;</p> <p>(ii) has an average gradient no steeper than 1:8;</p> <p>(iii) has vehicular access in accordance with Rule 14.12.1 P1;</p> <p>(iv) is certified by a geotechnical engineer as geotechnically stable; <u>and suitable for a building platform;</u></p> <p>(v) is not subject to inundation in a 2% AEP storm or flood event;</p> <p>(vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</p> <p>(b) Council's discretion is restricted to the following matters:</p>
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	<ul style="list-style-type: none"> <li>(i) Earthworks and fill material required for building platform and access;</li> <li>(ii) Geotechnical suitability for a building;</li> <li>(iii) Avoidance or mitigation of natural hazards;</li> <li>(iv) Effects on landscape and amenity;</li> <li>(v) Measures to avoid storm or flood events.</li> </ul>
RD2	<p>(a) <u>Subdivision in the Havelock Rural Lifestyle Precinct Plan area, other than an access allotment or utility allotment, must provide a building platform on every proposed lot. The building platform must meet all of the following conditions:</u></p> <ul style="list-style-type: none"> <li>(i) <u>has an area of 500m<sup>2</sup> exclusive of boundary setbacks;</u></li> <li>(ii) <u>has an average gradient no steeper than 1:8;</u></li> <li>(iii) <u>has vehicular access in accordance with Rule 14.12.1 P1;</u></li> <li>(iv) <u>is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform;</u></li> <li>(v) <u>is not subject to inundation in a 2% AEP storm or flood event;</u></li> <li>(vi) <u>a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</u></li> </ul> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <ul style="list-style-type: none"> <li>(i) <u>Earthworks and fill material required for building platform and access;</u></li> <li>(ii) <u>Geotechnical suitability for a building;</u></li> <li>(iii) <u>Avoidance or mitigation of natural hazards;</u></li> <li>(iv) <u>Effects on landscape and amenity;</u></li> <li>(v) <u>Measures to avoid storm or flood events.</u></li> </ul>
D1	Subdivision that does not comply with Rule 23.4.8 RD1 <u>and RD2.</u>

# **T O L L E M A C H E**

## **C O N S U L T A N T S                      L T D .**

### **Havelock (Pokeno) – Rezoning and Precinct Plan**

#### **Section 32AA Evaluation**

**On behalf of Havelock Village Ltd (submitter)  
to the Proposed Waikato District Plan**



**Proposed Rezoning Request**

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**February 2021**

# DOCUMENT CONTROL RECORD

**PROJECT:** Havelock (Pokeno)

**DOCUMENT:** Section 32AA Evaluation

**CLIENT:** Havelock Village Limited

**PROJECT LOCATION:** Pokeno, Waikato

**AUTHOR:** Mark Tollemache

<b>Revision</b>	<b>Date</b>	<b>Originator</b>	<b>Approver</b>	<b>Description</b>
<b>final</b>	February 2021	MT	RFS	

# 1. STATUTORY REQUIREMENTS

## 1.1. Section 32AA

1.1.1. Section 32AA of the Resource Management Act 1991 ("RMA") contains a requirement that a further evaluation be undertaken if changes are made to a proposed plan after the initial s32 evaluation has been completed, and states:

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal ...or the decision on the proposal, is notified; or

(ii)...[not relevant.]

# 2. SECTION 32AA ASSESSMENT

## 2.1. Issues for Growth

2.1.1. The WDC's Section 32 Report (Strategic Direction and Management of Growth) dated 18 July 2018 identifies in section 2.2 seven (7) resource management issues. These are:

(a) Strategic direction of growth - Failure to have a strategic framework for growth has adverse effects on the ability to achieve connected and integrated communities.

(b) Housing Choice - There needs to be a range of housing choice available, flexible enough to meet the changing needs of the community.

(c) Accommodating population growth - Enabling sufficient housing stock in appropriate locations to meet population growth projections.

(d) Compact urban form - A compact urban form creates sustainable communities and effective use of resources.

(e) Local Character - Development has the potential to change the character, role and function of towns and villages.

(f) Development Densities - There are densities specified in Future Proof and the Regional Policy Statement which the District Plan must assist in delivering.

- (g) Management of urban activities in the rural environment - Urban activities should be located in urban environments, with rural environments reserved for those activities which depend on rural resources.

## **2.2. Methods sought by the Submission/Rezoning**

2.2.1. The primary matters considered in this section 32AA assessment are:

- (a) Is rezoning the most appropriate outcome for the subject land?
- (b) What is the most appropriate zoning for the subject land?
- (c) Should the subject land be included within a precinct?
- (d) Does the proposed Precinct Plan layout represent the most appropriate use of the subject land?
- (e) Are the proposed new provisions appropriate?

2.2.2. The alternatives and their respective costs and benefits are discussed below.

2.2.3. The approach of the HVL relief is to adopt the Council's PWDP provisions, zones and annotations wherever possible (as opposed to the original relief by HVL seeking a series of bespoke Zones and provisions). This is on the basis that the provisions of the PWDP have already been supported by a section 32 evaluation, and would provide consistency between Havelock and other greenfields growth areas within the urban settlements of the District.

2.2.4. However, a specific approach for the Site is being sought by HVL. This approach is intended to apply to two different parts of the Site. Specifically, the Site has been divided into the "Transmission Hill or Havelock" covering the high ground associated with 88 Bluff Road and 5 Yashili Drive where predominantly residential zoning is proposed, and the "Rural Lifestyle Precinct" (also referred to as the "Tail") associated 242 Bluff Road and 278 Bluff Road where a Rural Lifestyle Zone is proposed. In summary, the approach proposed by HVL through the PWDP provisions it is seeking:

- (a) Utilises the Council's PWDP zones and map annotations/overlays wherever possible in preference to bespoke Zones or individual rules (therefore adopting the Council's statutory evaluation for the zones and rules, along with the outcomes of the relevant topic hearings processes).
- (b) Utilises the Residential, Business and Industrial Zones for Havelock associated with the rezoning of the land on Transmission Hill.
- (c) Utilises the Rural Lifestyle Zone<sup>1</sup> for the Rural Lifestyle Precinct to provide for rural cluster housing development, within a framework of landscape and ecology enhancements.

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<sup>1</sup> Was proposed to be renamed from Rural Countryside Living by the Hearing 12 S42A report to align to the National Planning Standards

(d) Inserts Havelock precinct plans (x2) into the PWDP, mimicking aspects of the Council's approach to Te Kauwhata, where the following annotations from the PWDP are utilised:

- i. Significant Natural Area overlay ("SNA")<sup>2</sup>
- ii. Environmental Protection Area overlay ("EPA")<sup>3</sup>
- iii. Indicative Road overlay including direct road connection from Pokeno to Bluff Road
- iv. Walkway/Cycleway/Bridleway overlay<sup>4</sup>

(e) Inserts the following new map and precinct annotations and rules into the PWDP to address unique aspects of the Havelock proposal:

- i. The use of a Precinct Plan<sup>5</sup>
- ii. Pokeno Industry Buffer<sup>6</sup>
- iii. Slope Residential overlay<sup>7</sup>
- iv. Hilltop Park overlay<sup>8</sup>
- v. Rural Lifestyle Cluster overlay<sup>9</sup>

### 3. ALTERNATIVES

#### 3.1. Alternative Approaches to rezoning via submission

3.1.1. Alternative approaches and the extent to which they are the most appropriate is provided below.

<b>Table 1: Assessment of Alternative Approaches to Rezoning</b>		
<b>Options:</b>	<b>Extent to which the option is the most appropriate (having regard to the benefits and costs of environmental, economic, social and cultural effects)</b>	<b>Accept/Reject</b>
<b>Option 1:</b> Retain the status quo and lodge	Subdivision would require consent as a non-complying activity under the OWDP and the PWDP (as notified). An initial assessment of the relevant objectives and policies suggests	Reject

<sup>2</sup> Addressed by rules 16.2.4.3, 16.2.8, 16.4.8, 23.2.3.3, 23.2.8 and 23.4.5 of the PWDP

<sup>3</sup> Addressed by rules 16.3.9.4, 16.4.16 and 23.4.11 of the PWDP

<sup>4</sup> Addressed by rule 23.4.10 of the PWDP

<sup>5</sup> Proposed new rules 16.4.18 and 23.4.2A

<sup>6</sup> Proposed new rules 16.3.9.2 P2 and 16.4.12 RD2

<sup>7</sup> Proposed new rule 16.4.17

<sup>8</sup> Proposed new rule 16.4.18 RD1 (a)(iii)

<sup>9</sup> Proposed new rule 23.4.2A and 23.4.8 RD2

<b>Table 1: Assessment of Alternative Approaches to Rezoning</b>		
<b>Options:</b>	<b>Extent to which the option is the most appropriate (having regard to the benefits and costs of environmental, economic, social and cultural effects)</b>	<b>Accept/Reject</b>
resource consents for development of Havelock	<p>that the subdivision of land would not be consistent with relevant objectives and policies which seeks to avoid the proliferation and dispersal of subdivision outside the limits of identified settlements.</p> <p>As noted above, a subdivision consent may not be consistent with s104D of the RMA with regard to the objectives and policies of the relevant plan, and as such, it is unlikely that any application would be able to pass the s 104D gateway test and therefore does not guarantee that growth will be provided for. This would have the potential to undermine Council's ability to meet land supply/new dwelling targets associated with the NPS-UD. The inability to meet land supply demand will create adverse social and economic effects as house prices increase due to high demand which cannot be met by adequate supply.</p> <p>In terms of costs/risks, as the applications would be unlikely or meet the gateway tests, the full range of positive environmental economic, cultural and social effects as outlined under Option 4 would not be realised. The land would continue to be utilised for rural purposes.</p>	
<b>Option 2:</b> Lodge a Private Plan Change ("PPC")	<p>As WDC has already initiated a full district plan review (i.e. the PWDP) a PPC would not be able to be processed until the PWDP is operative. Furthermore, the WDC has the ability to reject any PPC within 2 years of the PWDP being operative. These factors could delay a PPC and its associated rezoning for at least another 2 years (and more likely 3+).</p> <p>Significant delay in rezoning has the potential to contribute to a continued shortage in housing supply to meet projected demand.</p> <p>However, in general rezoning is the most efficient way of ensuring District Plan integrity and giving the community surety over intended environmental outcomes.</p> <p>While the full range of positive environmental, economic, cultural and social effects outlined in Option 3 could be realised, there is the potential for a significant delay in achieving these compared to Option 4.</p>	Reject
<b>Option 3: Defer through a Future Urban Zone</b>	<p>A Future Urban Zone is typically a holding zone until the time where structure planning can be undertaken, and infrastructure planning is more advanced. It would still retain the time limitation is Option 2 above for any PPC.</p> <p>Significant delay in rezoning has the potential to contribute to a continued shortage in housing supply to meet projected demand.</p> <p>As outlined in the evidence, there is a shortfall of available capacity to give effect to the NPS-UD. Live residential zoned land is required to provide capacity now, and therefore a</p>	Reject

Table 1: Assessment of Alternative Approaches to Rezoning			
Options:	Extent to which the option is the most appropriate (having regard to the benefits and costs of environmental, economic, social and cultural effects)		Accept/Reject
	<p>Future Urban Zone would contribute to increased timeframes and costs, along with exacerbating potential housing capacity shortfalls between the 3 to 10 year period.</p> <p>The evidence of Mr Munro identifies that an appropriate process has been undertaken to plan the site and integrate it with Pokeno. Messrs Hills and Pitkethley have confirmed that infrastructure planning is well advanced. I do not consider that there is an absence of technical reporting or information that would make the use of a Future Urban Zone necessary in order to allow these activities to be undertaken in order to support a live zoning.</p> <p>While the full range of positive environmental, economic, cultural and social effects outlined in Option 3 could be realised, there is the potential for a significant delay in achieving these compared to Option 4.</p>		
<p><b>Option 4:</b></p> <p>Utilise PWDP process to achieve rezoning</p>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Rezoning is the most efficient way of ensuring District Plan integrity and giving the community surety over intended environmental outcomes.</li> <li>• The zone pattern would be consistent with the zoning principles developed by the Council i.e residential in proximity to employment and rural-residential in proximity to centres (but not compromise areas more suitable for residential uses)</li> <li>• This option has the ability to significantly assist the Council to meet land supply/new dwelling targets.</li> <li>• This option allows addresses the Site as a whole, which provides for its overall integration with the roading network and</li> </ul>	<p><b>Costs/Risks</b></p> <ul style="list-style-type: none"> <li>• Loss of remaining semi-rural character.</li> <li>• Development will initially generate landscape and visual effects as the land transitions from rural to urban uses.</li> </ul>	Accept

Table 1: Assessment of Alternative Approaches to Rezoning		
Options:	Extent to which the option is the most appropriate (having regard to the benefits and costs of environmental, economic, social and cultural effects)	Accept/Reject
	the consideration of the opportunities afforded by development.	

## 4. EVALUATION

4.1.1. The s32 documents prepared by the Council for the PWDP considered the objectives of the proposed plan and whether they were the most appropriate way to achieve sustainable management (and the identified issues).

4.1.2. As this is a re-zoning via submission (after completion of Council's own Section 32) the below consideration focuses on whether HVL's proposal is the most appropriate way to meet the Council's objectives in light of other options.

Table 2: Assessment of Alternatives for achieving the Council's Objectives		
Options:	Extent to which the option is the most appropriate (having regard to the benefits and costs of environmental, economic, social and cultural effects)	Accept/Reject
	<b>Benefits</b>	<b>Costs/Risks</b>
<b>Option 1:</b> Utilise PWDP provisions, methods etc (noting that in Pokeno no Precinct Plans have been proposed with greenfield expansion areas)	<ul style="list-style-type: none"> <li>• Would provide consistency with other urban areas in the District.</li> <li>• Utilises a suite of zones and overlays which are already subject to Section 32 analysis for their appropriateness to achieve objectives.</li> </ul>	<ul style="list-style-type: none"> <li>• Without a specific Precinct Plan there is a risk of design and overall layout outcome not meeting high quality and integrated development proposed by the objectives.</li> <li>• Would be unlikely to achieve a desirable level of consistency in urban form of the Site and integration with Pokeno or an approach which recognises greenfield subdivision.</li> </ul>
<b>Option 2:</b> Creation of bespoke zones, provisions and other methods	<ul style="list-style-type: none"> <li>• Bespoke provisions can ensure that specific tailored approaches to match the recommendations of the technical reporting in regard to effects can be provided for.</li> </ul>	<ul style="list-style-type: none"> <li>• There is the potential that the bespoke provisions would duplicate provisions already provided and may overcomplicate the PWDP. This creates costs for administration of the PWDP as different sites utilise a</li> </ul>

<b>Table 2: Assessment of Alternatives for achieving the Council's Objectives</b>			
<b>Options:</b>	<b>Extent to which the option is the most appropriate (having regard to the benefits and costs of environmental, economic, social and cultural effects)</b>		<b>Accept/Reject</b>
	<b>Benefits</b>	<b>Costs/Risks</b>	
	<ul style="list-style-type: none"> <li>A Precinct Plan provides a framework for the integrated development of the site, including ensuring that important structural elements are recognised and provided for through the subsequent consenting process.</li> </ul>	<p>range of unique (but overlapping) zone rules.</p> <ul style="list-style-type: none"> <li>The biggest risk is administrative - by not having all provisions in the same location (i.e. a Havelock chapter/section) others developers/areas in the City may not appreciate the full suite of provisions which work together in combination to produce the outcomes sought by the Council (and may seek to utilise / pick and choose rules that suit them as a "precedent"). This risk can be internally managed within Council, and the section 32 and AEE provides an opportunity to record the statutory assessment in relation to a particular proposal.</li> </ul>	

4.1.3. Parts of the above options would be suitable for achieving the council objectives. An issue for Pokeno, compared with Ta Kauwhata, is that none of the greenfield expansion areas include precinct planning/structure planning addressing a framework of road networks, environmental enhancement and location of community facilities. The approach of the PWDP is one size fits all, and does not even bring forward the Pokeno Structure Plan from Plan Change 24.

4.1.4. This results in decisions on the pattern of development, integration of transport networks and integration with existing urban areas being entirely reliant on an effective resource consent processes (with reference to the Council's subdivision design guidelines as the means to achieve integrated patterns of development). In my opinion there can be significant benefits from including a Precinct Plan in a district plan. The example of the Plan Change 24 Structure Plan is an obvious example of this, and there are numerous examples of the effective use of Precinct Plans in the Auckland Unitary Plan. I consider their use is best practice. Consequently, the absence of these in Pokeno, and in particular Pokeno West, is considered to be a shortfall in the PWDP.

- 4.1.5. In looking at Te Kauwhata as an example of where elements of what would normally compromise a Precinct Plan are addressed by specific rules for subdivision and development, I consider a similar approach can be applied to Havelock utilising the same toolbox of rules. In the case of Te Kauwhata, indicative roads, environmental protection areas and zone overlays (regarding density) are identified on the planning maps, and rules reference these features to provide a framework at the time of resource consent. In terms of these structuring or framework elements for urban form, in my experience the approach at Te Kauwhata is more simplistic when compared to the approach of the Auckland Unitary Plan. However, by addressing key road networks and the location of environmental enhancements, the approach covers the majority of the matters which make up greenfield subdivision.
- 4.1.6. Consequently, while I do not consider that bespoke Zones are required for Havelock (with the proposal utilising the notified Zones) there is a strong case for a Precinct Plan (or the individual annotations utilised in the District Plan maps) to apply to Havelock. Elements of the Havelock concept planning prepared by Mr Munro that would be important to reflect in a Precinct Plan include roading connections external to the Site, and the route traversing from Yashili Drive to Bluff Road, and ecological enhancements through the EPA overlay. No equivalent existing map annotations or provisions exist for the Pokeno Industry Buffer, Slope Residential or Hilltop Park overlays, and consequently these site-specific frameworks highlight the need for precinct planning as an effective method to be utilised associated with planning in Pokeno.

## **4.2. Evaluation of Provisions/Methods**

- 4.2.1. Section 32(1)(b)(ii) of the RMA requires that councils assess the efficiency and effectiveness of the policies and methods as the most appropriate way to achieve the objectives of the relevant plan. The Ministry for the Environment's guidance explains that "efficiency" is achieved where a policy or method will achieve the objective (the benefit) at the least cost.
- 4.2.2. The PWDP provisions of the Residential, Industry, Business and Rural Lifestyle Zones will also ensure that any other potential effects can be adequately dealt with and responded to at the development and subdivision stage. It is not unusual or ineffective to rely on existing provisions (including spatial overlays from other parts of the proposed plan), and does not undermine the viability of the re-zoning. Therefore, the reliance on existing provisions is considered to be both efficient and effective and consistent with the manner in which Council has identified as the most appropriate approach to managing urban development. In addition, as the hearings process provides opportunities for amendments to the relevant policies and rules for the Zones, reliance on the default zones of the PWDP will allow the outcomes to reflect the final decisions on matters raised during the hearings process.
- 4.2.3. For the below assessment the referenced objectives and policies are those as contained in the Council Officers' reply for the relevant for hearings. The new methods proposed by Havelock relate to unique aspects of the proposed Precinct Plan, the reasons for each which are addressed in the evidence of the HVL witnesses.

<b>Table 3: Assessment of Objectives and Methods</b>				
<b>Methods:</b>	<b>Relevant Objectives and Policies to which the methods relate</b>		<b>Effectiveness and Efficiency (having regard to Environmental, Economic, Social and Cultural effects)</b>	
	<b>Objectives</b>	<b>Policies/</b>		
<b>Insert Havelock Precinct Plans</b> including key road locations and connections, walkways, and Hilltop Park.	<ul style="list-style-type: none"> <li>4.1.2 Urban Growth &amp; Development</li> <li>4.1.7 Character of Towns</li> <li>4.7.1 Subdivision location and design</li> </ul>	<ul style="list-style-type: none"> <li>4.1.3 Location of Development</li> <li>4.1.8 Integration and connectivity</li> <li>4.1.11 Pokeno</li> <li>4.7.14 Structure and master planning</li> </ul>	<b>Effects</b>	Effects relating to implementation of the Precinct Plan are managed via methods (including existing PWDP methods and those proposed by HVL).
			<b>Costs</b>	Costs (economic) only associated with administering a new Precinct Plan. Given that this approach has been adopted for growth areas in Te Kauwhata, these costs are not considered to be of concern.
			<b>Benefits</b>	The Precinct Plan is an efficient method to securing the overall co-ordination of roading and other networks, as well as establish the base urban design layout for the development, which will create positive environment, economic and social effects. The road connections will integrate the Site with Pokeno, and provide connections from the Bluff Road community to Pokeno, and Pokeno to the Waikato River. This includes opportunities for walkways. These elements, if not included in a Precinct plan, may not be identified through a resource consent process.
			<b>Opportunities for economic growth and employment</b>	The Precinct Plan itself does not affect economic growth or employment, however the location of the site and implementation of key structural elements enables direct access from residential areas to existing employment areas in Pokeno. The Precinct Plan identifies the recommended optimum means to develop the site, and with the distribution of the zones (including the Business Zone for the local neighbourhood centre) provides a framework for the efficient

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	Objectives	Policies/	
			<p>layout and spatial distribution of the community reflecting known opportunities and constraints.</p> <p><b>Options less or not as appropriate to achieve the objective</b></p> <p>The option to not have a Precinct Plan is not considered an effective means to producing a co-ordinated or integrated greenfield development. Reliance is placed entirely on the effectiveness of the Subdivision Design Guidelines of the PWDP, which because they cover the district as a whole, provide more generic principles and rules of thumb, still relying on the resource consent process to localise these. Where concept planning has already identified opportunities and constraints in the contest of future urban form, the more efficient approach is considered to be to identify these elements in the PWDP.</p>
<p><b>Building setback – Sensitive land use (16.3.9.2 P2 &amp; Subdivision – Building Platform (16.4.12 RD2)</b></p>	<ul style="list-style-type: none"> <li>4.4.1 Adverse effects of land use and development</li> <li>4.7.1 Subdivision location and design</li> </ul>	<ul style="list-style-type: none"> <li>4.4.2 Noise</li> <li>4.7.11 Reverse Sensitivity</li> </ul>	<p><b>Effects</b></p> <p>The Pokeno Industry Buffer overlay is based on the evidence and modelling by Mr Styles. This establishes an effective setback based on achieving an appropriate acoustic environment for future residential dwellings distant from the adjoining Pokeno Gateway Business Park. The proposed rule is necessary to manage potential reverse sensitivity effects from sensitive land uses (e.g residential dwellings) on activities located/ing in the adjoining Pokeno Gateway Business Park.</p> <p>The position of the line is illustrated on the Precinct Plan map and denotes a 45dBA contour based on the technical reporting.</p>

<b>Table 3: Assessment of Objectives and Methods</b>				
<b>Methods:</b>	<b>Relevant Objectives and Policies to which the methods relate</b>		<b>Effectiveness and Efficiency (having regard to Environmental, Economic, Social and Cultural effects)</b>	
	<b>Objectives</b>	<b>Policies/</b>		
			<b>Costs</b>	Implementation of the method/rule reduces the amount of land available for residential development, however the land cost (and density lost) is to avoid reverse sensitivity effects on the adjoining Pokeno Gateway Business Park. Much of the land affected by the Pokeno Industry Buffer overlay is steep and has geotechnical limitations, and this land also forms a visual backdrop to Pokeno. Therefore while there is a reduction in land area available for residential, there are benefits in terms of addressing the potential for reverse sensitivity and providing visual landscape and character enhancements on the slopes facing Pokeno. The methods are considered to be an effective and efficient means of ensuring that the industry and residential zones (and those activities anticipated to be provided for within these zones) can co-locate whilst managing effects at the interface. The method aligns with similar approaches to setbacks identified during the Topic 7 Industrial hearings.
			<b>Benefits</b>	
			<b>Opportunities for economic growth and employment</b>	The methods itself does not provide for economic growth or employment, however it does assist in ensuring that the Pokeno Gateway Business Park is not affected by adjoining sensitive land uses.
			<b>Options less or not as appropriate</b>	It is acknowledged that one option is to not rezone the land or to have a significant larger buffer for residential zones. However, as the proposed setback for sensitive land uses has been determined based on acoustic modelling as outlined by

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	<b>Objectives</b>	<b>Policies/</b>		
			<b>to achieve the objective</b>	Mr Styles rather than utilising buffer distances relating to other activities that also utilise reverse sensitivity setbacks in the District Plan. In this respect it is specific to the landform and noise generating activities in the Pokeno Gateway Business Park. Messrs Styles and Curtis have responded to the issue of increasing the size of the buffer. This is not considered to be reasonable given the efficient use of the land resource, and the requirements of the NPS-UD in respect to housing capacity.
<b>Subdivision - Havelock Slope Area (Rule 16.4.17)</b>	<ul style="list-style-type: none"> <li>4.7.1 Subdivision location and design</li> </ul>	<ul style="list-style-type: none"> <li>4.7.2 Subdivision location and design</li> <li>4.7.4 Lot sizes</li> </ul>	<b>Effects</b>	This method will manage the development density of land which is identified by Mr Lander has having geotechnical constraints, has a greater gradient than the remainder of the proposed residential zoned land, and which needs to be managed carefully to avoid potential geotechnical hazard effects. The overlay establishes limitations on the extent of development and density, providing opportunities for a geotechnically designed outcome while reflecting that standard or higher residential densities are highly unlikely to be suitable because of the slopes.
			<b>Costs</b>	Implementation of the method/rule reduces the theoretical amount of land available for residential development, however the land cost (and density lost) is to avoid potential geotechnical hazard issues. The theoretical yield from a Residential Zone, given the slopes and potential land instability, is not considered necessary to preserve through
			<b>Benefits</b>	

<b>Table 3: Assessment of Objectives and Methods</b>				
<b>Methods:</b>	<b>Relevant Objectives and Policies to which the methods relate</b>		<b>Effectiveness and Efficiency (having regard to Environmental, Economic, Social and Cultural effects)</b>	
	<b>Objectives</b>	<b>Policies/</b>		
				retaining only a Residential Zone. The overlay provides a focus on detailed geotechnical evaluations at the time of resource consent, along with landscape planning to reduce the potential for ongoing erosion.
			<b>Opportunities for economic growth and employment</b>	This method provides for limited subdivision opportunities, which will generate a modest degree of population growth and economic activity through development.
			<b>Options less or not as appropriate to achieve the objective</b>	While the effects may be able to managed somewhat by the existing PWDP subdivision methods the additional method is the most effective way to ensure that potential geotechnical effects are appropriately managed and the expectations regarding subdivision density are clear. Mr Lander has identified that similar limitations apply to parts of the adjoining Graham Block which is zoned Residential. While the rules may allow subdivision to 2500m2, recent subdivision activity has resulted in larger lots in the areas of these limitation recognising these constraints. The proposed approach is to identify these constraints, particularly as they exist on a reasonably large scale, with the Precinct Plan.
<b>Subdivision – Havelock</b>	<ul style="list-style-type: none"> <li>4.7.1 Subdivision</li> </ul>		<b>Effects</b>	This method seeks to align the provision of the necessary infrastructure (particularly roading) and other key framework elements with the relevant development stage. This ensures

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Methods:	Relevant Objectives and Policies to which the methods relate		Effectiveness and Efficiency (having regard to Environmental, Economic, Social and Cultural effects)	
	Objectives	Policies/		
<b>Precinct Plan Area (16.4.18)</b>	location and design	<ul style="list-style-type: none"> <li>4.7.2 Subdivision location and design</li> <li>4.7.4 Lot sizes</li> <li>4.7.5 Servicing requirements</li> <li>4.7.6 Co-ordination between servicing and development and subdivision with and without a structure plan</li> <li>4.7.9 Connected neighbourhoods</li> <li>4.7.14 Structure and master planning</li> </ul>		that potential adverse effects from a lack of integration and roading connections is avoided.
			<b>Costs</b>	Insertion of controls where essentially there are none, and whereby comparison Pokeno West, which has a larger area of development, has proposed no form of Precinct Plan. The administration of the rules are not considered to result in significant costs, and in terms of administration the method would clarify the manner in which expected outcomes from the Subdivision Design Guidelines of the PWDP would be implemented within the Site.
			<b>Benefits</b>	The methods are both efficient and effective to ensure that key infrastructure is delivered.
			<b>Opportunities for economic growth and employment</b>	The methods support residential subdivision, which would increase economic activity.
			<b>Options less or not as appropriate to achieve the objective</b>	The alternative is to rely solely on the existing PWDP methods. However, the objective is more effectively met by ensuring that key infrastructure is identified and aligned with development stages.
<b>Subdivision: Havelock Rural</b>	<ul style="list-style-type: none"> <li>5.6.1 Rural Lifestyle Zone</li> </ul>		<b>Effects</b>	This method seeks to align the provision of the necessary infrastructure (particularly roading) and other key framework elements with the relevant development stage. This ensures

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	Objectives	Policies/	
<b>Lifestyle Precinct Plan (23.4.2A)</b>		<ul style="list-style-type: none"> <li>• 5.6.1 Rural Lifestyle character</li> <li>• 5.6.2 Subdivision within the Rural Lifestyle Zone</li> </ul>	<p>that potential adverse effects from a lack of infrastructure and/or key infrastructure are avoided. In addition the total maximum number of dwellings has been specifically identified to avoid adverse effects on landscape and amenity values as well as managing potential geotechnical effects. The carrying capacity of the land has been identified through the concept planning prepared by Messrs Munro and Pryor, and in this context it is appropriate to identify these through the proposed methods. The density of development is less than the base rules of the Zone, however this reflects the constraints identified through the technical assessments and the specific manner in which clusters are promoted to enable wider environmental benefits through large scale ecological enhancements.</p>
			<p><b>Costs</b></p> <p>Insertion of controls where essentially there are none. However, the administration of the rules are not considered to result in significant costs, and in terms of administration the method would clarify the manner in which expected outcomes from the policies of the PWDP would be implemented within the Site.</p>
			<p><b>Benefits</b></p> <p>This method is both efficient and effective to ensure that key infrastructure is delivered and manages potential effects on landscape and amenity values, as well as managing potential geotechnical effects.</p>

Table 3: Assessment of Objectives and Methods				
Methods:	Relevant Objectives and Policies to which the methods relate		Effectiveness and Efficiency (having regard to Environmental, Economic, Social and Cultural effects)	
	Objectives	Policies/		
			<p><b>Opportunities for economic growth and employment</b></p> <p>This method provides for limited subdivision opportunities, which will generate a modest degree of population growth and economic activity through development.</p>	
			<p><b>Options less or not as appropriate to achieve the objective</b></p> <p>The alternative is to rely solely on the existing PWDP methods. However, the objective is more effectively met by ensuring that key infrastructure is locked in to align with development stages and that development is restricted to identified clusters.</p>	
<p><b>Subdivision: Building Platform Havelock Rural Lifestyle Precinct Plan (Rule 23.4.8 RD2)</b></p>	<ul style="list-style-type: none"> <li>5.6.1 Rural Lifestyle Zone</li> </ul>	<ul style="list-style-type: none"> <li>5.6.2 Subdivision within the Rural Lifestyle Zone</li> </ul>	<p><b>Effects</b></p> <p>The method seeks to ensure that buildings/lots are provided in clusters across the Havelock Rural Lifestyle Zone. The evidence of Messrs Munro and Pryor has identified that clusters provide an effective means of maximising environmental enhancements and in establishing an appropriate outcome in respect to the Site's landscape and rural character. The clusters ensure that only those parts of the Site which are identified as being appropriate from a geotechnical perspective are available for development, while those parts that are not recommended for development are proposed to be enhanced through the EPA.</p>	
			<p><b>Costs</b></p> <p>Insertion of controls in addition to standard PWDP controls. In addition, implementation of the method/rule does reduce the amount of land available for development, however the land cost (and density lost) is to avoid potential geotechnical</p>	

<b>Table 3: Assessment of Objectives and Methods</b>			
<b>Methods:</b>	<b>Relevant Objectives and Policies to which the methods relate</b>		<b>Effectiveness and Efficiency (having regard to Environmental, Economic, Social and Cultural effects)</b>
	<b>Objectives</b>	<b>Policies/</b>	
			<p>hazard issues. The administration of a bespoke set of cluster rules is not considered to result in significant inefficiencies or costs to Council, and those costs to the applicant are acceptable given the rule reflects the optimum planning outcome for the Site.</p>
			<p><b>Benefits</b></p> <p>The method is both efficient and effective to ensure that key infrastructure is delivered and to manage potential effects on landscape and amenity values as well as managing potential geotechnical effects.</p>
			<p><b>Opportunities for economic growth and employment</b></p> <p>The method provides for limited subdivision opportunities, which will generate a modest degree of population growth and economic activity through development.</p>
			<p><b>Options less or not as appropriate to achieve the objective</b></p> <p>The alternative is to rely solely on the existing PWDP methods. However, the objective is more effectively met by ensuring that development is restricted to identified clusters rather than supporting standard and uniform 'slice and dice' subdivision methods that do not reflect known constraints.</p>

4.2.4. The key methods (proposed and in the PWDP) which give effect to the re-zoning and Precinct Plan to manage potential effects are outlined below:

<b>Table 4: Combined PWDP and Proposed Methods</b>			
<b>Potential Effects</b>		<b>Proposed</b>	<b>PWDP Methods from Chapters 16 and 23</b>
<b>Hazards</b>	<b>Zoning/ Precinct Plan</b>	Havelock Slope Residential Overlay  Rural Lifestyle Zone Clusters  Rural Lifestyle Cluster dwelling numbers	
	<b>Subdivision - Residential</b>	Rule 16.4.17 – Subdivision – Havelock Slope Residential Zone	16.4.1 Subdivision - General  Rule 16.4.12 Subdivision – Building Platform
	<b>Subdivision – Rural Lifestyle</b>	23.4.8(A) Building Platform Havelock Rural Lifestyle Precinct Plan  23.4.14 Subdivision Clusters – Havelock Rural Lifestyle Precinct Plan	23.4.3 Subdivision within identified areas  Rule 23.4.8 - Subdivision Building platform
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings
<b>Ecology (incl enhancement planting)</b>	<b>Zoning</b>		Proposed use of the Environmental Protection Area  Existing Significant Natural Area
	<b>Subdivision - Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas  Rule 16.4.16 Subdivision of land containing an Environmental Protection Area  Rule 16.4.8 Title boundaries – Significant Natural Areas;
	<b>Subdivision – Rural Lifestyle</b>	23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan	Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable

<b>Table 4: Combined PWDP and Proposed Methods</b>			
<b>Potential Effects</b>		<b>Proposed</b>	<b>PWDP Methods from Chapters 16 and 23</b>
			trees, intensive farming activities and aggregate extraction areas  Rule 23.4.11 - Subdivision of land containing all or part of an Environmental Protection Area
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings
<b>Cultural</b>	<b>Subdivision - Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	Rule 16.4.9 Title boundaries – Maaori sites and Maaori areas of Significance
	<b>Subdivision – Rural Lifestyle</b>		Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings
<b>Reverse Sensitivity</b>	<b>Subdivision - Residential</b>	Subdivision – Building Platform (16.4.12 RD2)	16.4.1 Subdivision - General  Rule 16.4.7 Subdivision – Title boundaries – contaminated land, notable trees, intensive farming and aggregate extraction areas
	<b>Subdivision – Rural Lifestyle</b>		Rule 23.4.4 - Title Boundaries – contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities and aggregate extraction areas
	<b>Land Use</b>	16.3.9.2 Building setback – sensitive land use - havelock	16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings

<b>Table 4: Combined PWDP and Proposed Methods</b>			
<b>Potential Effects</b>		<b>Proposed</b>	<b>PWDP Methods from Chapters 16 and 23</b>
<b>Heritage</b>	<b>Subdivision – Residential</b>		
	<b>Subdivision – Rural Lifestyle</b>		<p>Rule 23.4.5 - Site boundaries – Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori</p> <p>Rule 23.4.6 Subdivision of land containing heritage items</p>
	<b>Land Use</b>		<p>16.1 Residential Zone Activities, 16.2 &amp; 16.3 Residential Zone land use effects/ buildings</p> <p>23.1 Rural Lifestyle Zone Activities 23.2 &amp; 23.3 Rural Lifestyle Zone land use effects/ buildings</p>
<b>Open Space</b>	<b>Subdivision – Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	<p>16.4.1 Subdivision - General</p> <p>Rule 16.4.3 Subdivision creating reserves;</p> <p>Rule 16.4.14 Subdivision of esplanade reserves and esplanade strips</p>
	<b>Subdivision – Rural Lifestyle</b>	23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan	<p>Rule 23.4.9 – Subdivision for a Reserve</p> <p>Rule 23.4.12 - Esplanade reserves and esplanade strips</p>
	<b>Land Use</b>		<p>16.1 Residential Zone Activities, 16.2 &amp; 16.3 Residential Zone land use effects/ buildings</p> <p>23.1 Rural Lifestyle Zone Activities 23.2 &amp; 23.3 Rural Lifestyle Zone land use effects/ buildings</p>
<b>Amenity</b>	<b>Subdivision – Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	<p>16.4.1 Subdivision - General</p> <p>Rule 16.4.11 Subdivision – Road Frontage</p>
	<b>Subdivision – Rural Lifestyle</b>	23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan	Rule 23.4.7 - Subdivision - Road frontage
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings

<b>Table 4: Combined PWDP and Proposed Methods</b>			
<b>Potential Effects</b>		<b>Proposed</b>	<b>PWDP Methods from Chapters 16 and 23</b>
			23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings
<b>Traffic/ Movement of people</b>	<b>Subdivision – Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	16.4.1 Subdivision - General  Rule 16.4.15 Subdivision of land containing mapped off-road walkways
	<b>Subdivision – Rural Lifestyle</b>	23.4.2A Subdivision: Havelock Rural Lifestyle Precinct Plan	Rule 23.4.10 - Subdivision of land containing mapped off-road walkways
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings  14.12 Transportation activities (traffic generation, new public roads, off-road pedestrian and cycle facilities)
<b>Infrastructure</b>	<b>Subdivision – Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	16.4.1 Subdivision - General
	<b>Subdivision – Rural Lifestyle</b>	Havelock Rural Lifestyle Precinct Plan (Rule 23.4.2A)	
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings  4.11 Water, wastewater and stormwater activities
<b>Economic</b>	<b>Zoning</b>		Residential  Rural Lifestyle
	<b>Subdivision – Residential</b>	Rule 16.4.18 – Subdivision Havelock Precinct Plan area	16.4.1 Subdivision - General
	<b>Subdivision – Rural Lifestyle</b>	Havelock Rural Lifestyle Precinct Plan (Rule 23.4.2A)	

<b>Table 4: Combined PWDP and Proposed Methods</b>			
<b>Potential Effects</b>		<b>Proposed</b>	<b>PWDP Methods from Chapters 16 and 23</b>
	<b>Land Use</b>		16.1 Residential Zone Activities, 16.2 & 16.3 Residential Zone land use effects/ buildings  23.1 Rural Lifestyle Zone Activities 23.2 & 23.3 Rural Lifestyle Zone land use effects/ buildings

3 February 2021

Mark Tollemache  
Tollemache Consultants Ltd  
Via email

Dear Mark

**Re: 88 Bluff Road, Pokeno**

Winstone Aggregates formerly owned the above site and proposed and received resource consent for a quarry within the Aggregate Extraction and Processing Zone (Operative Waikato District Plan). Ultimately as you know the quarry did not proceed, the consents lapsed in 2005, and Winstone Aggregates sold the site. This is notwithstanding significant effort by Winstone Aggregates to establish a viable quarry within the site.

The principal reasons for this that we have previously discussed are that while there is a basalt resource associated with the site, the issues of its overall limited commercial scale, the presence of the growing Pokeno town and the limited options for truck access to the site from State Highway 1.

For these reasons Winstone Aggregates subsequently sold the site for farming activities.

Please feel free to contact me regarding this matter.

Yours sincerely



Dan McGregor  
Senior Advisor  
Winstone Aggregates (a division of Fletcher Concrete & Infrastructure Ltd)  
021 405 040