

Waikato District Plan

Proposed Plan Change 21 Graham Block Development Limited Private Plan Change

S.42A

Planning Report on Submissions and Further Submissions

March 2018



Waikato District Council
15 Galileo Street
Private Bag 544
Ngaruawahia 3742

Notice of Hearing
Waikato District Council

NOTICE is hereby given that a hearing will be held in the Council Chambers, District Council Office, 15 Galileo Street, Ngaruawahia on **21 MARCH 2018 at 10am**. The purpose of the Hearing is to hear submissions and further submissions on **Proposed Plan Change 21 Private Plan Change by Pokeno Village Holdings Limited**

This notice is given under section 46 of the Local Government Official Information and Meetings Act 1987.

GJ Ion
CHIEF EXECUTIVE

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Attachment 1: Applicants s32AA RMA Further Evaluation

Attachment 2: Submissions Received

Attachment 3: NZTA Correspondence

Attachment 4: Future Proof Correspondence

Attachment 5: Recommended Amendments to the Waikato District Plan – Franklin Section

I Introduction

This report is prepared in accordance with s42A of the Resource Management Act 1991 (RMA). This report has been prepared by Kathryn Drew and Samuel Foster from Bloxam, Burnett & Olliver on behalf of Waikato District Council.

Kathryn Drew holds a Bachelor of Resource and Environmental Planning with honours from Massey University and is a Full Member of the New Zealand Planning Institute. She has 15 years' experience in planning in New Zealand in both the public and private sector. She currently holds the position of Senior Planner at Bloxam Burnett & Olliver (BBO).

Samuel Foster holds a Bachelor of Planning with honours and a Master of Urban Design with honours from the University of Auckland. He is a Full Member of the New Zealand Planning Institute and has 5 years' experience in planning in New Zealand in both the private and public sectors. He currently holds the position of Senior Planner at BBO.

Technical advice has been relied on throughout this plan change process, including transportation, infrastructure, landscape and visual and arboriculture. Where this has been relied on in forming an opinion, this is included in the report.

2 Summary of Plan Change

Waikato District Plan	Franklin Section of the Waikato District Plan
Status of Document	Operative 29 th February 2000
Name of Plan Change	Plan Change 21 – Graham Block Development Pokeno Private Plan Change
Date of notification	15 September 2017
Number of submissions received	3
Date summary of submissions notified	10 November 2017
Number of further submissions received	2
Main issues emerging from submissions	Density, Biodiversity, Significant Natural Areas

Pokeno Village Holdings Limited ('PVHL') formally lodged the plan change request with Waikato District Council on 2 May 2017. The plan change requests to amend the zoning of 26 hectares of land to the south-west of the existing Pokeno Village land from 'Rural Zone' to 'Residential 2' Zone with a number of other changes proposed to enable future residential development on the site.

The plan change was prepared on behalf of PVHL by representatives of Stantec and was supported by the following technical reports:

- Arboricultural Assessment by Arbor Connect Ltd;
- Preliminary Site Investigation by Coffey Services (NZ) Ltd;
- Ecological Assessment by Freshwater Solutions;
- Residential and Economic Assessment by Property Economics;
- Preliminary Geotechnical Appraisal Report by Lander Geotechnical Consultants Ltd;
- Archaeological Survey by Clough & Associates Ltd;
- Landscape and Visual Effects Assessment by LA4 Landscape Architects;
- Acoustic Review by Styles Group;
- Stormwater Management Report by CivilPlan Consultants Ltd;
- Integrated Transport Assessment by Arrive Ltd; and
- Infrastructure Report by CivilPlan Consultants Ltd.

Since the close of the submissions, the applicant has also prepared a s32AA RMA Further Evaluation to address changes proposed as a result of the submissions received. This report is contained in **Attachment I**.

3 Hearing Report

3.1 Purpose of the Plan Change

PVHL has applied to Waikato District Council to rezone an area of land adjacent to the Pokeno Village. The Plan Change proposes the rezoning of 26ha of land in Pokeno from Rural to Residential 2 Zone. The Plan Change is herein referred to as Plan Change 21 ('PC21').

The plan change area, relative to the existing Pokeno settlement is shown in **Figure 1** on the following page.

In addition to the above, the plan change, as notified, proposes to:

- Relocate the large lot overlay in the southern part of the plan change area from land already zoned Residential 2;
- Incorporate the plan change area into the existing Pokeno Structure Plan area;
- Remove two Taraire Trees (Item C.33) from the Historic Buildings, Structures, Trees and Areas schedule (Schedule 8A);
- Include a Rewarewa tree and Taraire tree located in the plan change area into Schedule 8A;
- Identify two wetlands and associated areas on the Pokeno Structure Plan Area map; and
- Remove the Central Rural Management Area from the plan change area.

The proposed plan change will provide for the continued growth of the Pokeno Village.

If made operative the plan change is estimated to provide for up to approximately 100 stand-alone residential dwellings. The plan change also proposes to relocate an existing large lot overlay which currently applies land already zoned Residential. This overlay is proposed to be relocated to the southern corner of the plan change area. This change could enable approximately 50 additional residential dwellings to be developed in an area that is already earmarked for residential development.

Collectively, the plan change affects approximately 47ha in total, and is estimated to provide for approximately 150 additional dwellings for the Pokeno Township.

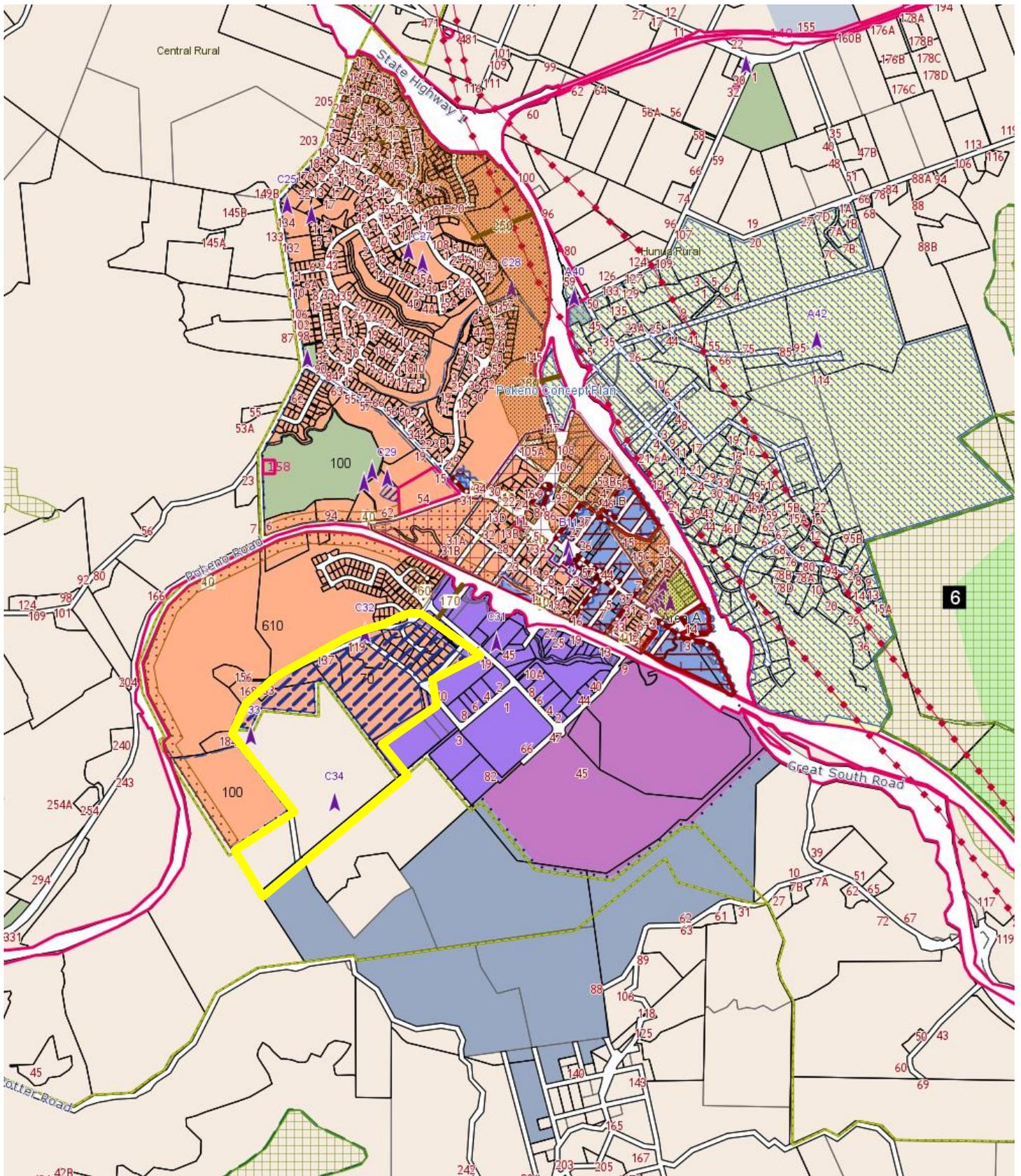


Figure 1: Plan Change Area in the context of Pokeno

3.2 Technical Reviews

The PC2I documentation was reviewed by various Council staff and external peer reviewers. The outcome of this review process resulted in further information being provided in support of PC2I by the applicants team and the following conclusions being reached.

Three Waters Infrastructure - Stephen Howard of Waikato District Council

- *Water:* There will be capacity in the reservoir to meet demand from the plan change area.
- *Wastewater:* There will be no issue with the bulk main capacity once flows have reached the Market Street pump station.
- *Stormwater:* The proposed stormwater detention and treatment proposal appears adequate for the site and will be generally consistent with the Pokeno Stormwater Catchment Management Plan.
- The final details of the above infrastructure will be confirmed with future subdivision consent applications.

Transportation Effects Review – Alastair Black of Gray Matter

- The trip generation of the projected additional lots is expected to be 113veh/hr in the AM peak and 114 veh/hr in the PM. This represents approximately 2.3% of the total trip generation (4,4000 veh/hr) expected from the enlarged structure plan area.
- The efficiency effects of the projected additional lots are less than minor and can be generally be accommodated within the identified in earlier development of the Pokeno Structure Plan. The additional traffic may mean that the upgrades are necessary slightly earlier than previously expected, the change in timing is unlikely to be significant.
- Specific triggers for the upgrades could be provided in the District Plan provisions and the Pokeno Structure Plan or could be addressed as conditions of consent in future subdivision consents.

Landscape and Visual Effects Review – Dave Mansergh of Mansergh Graham Landscape Architects

- The surrounding development works are progressive transforming the surrounding landscape from a rural environment to one with highly modified characteristics (i.e. urbanisation, including residential and industrial landuses).
- The rezoning will enable this progressive transformation to continue and will result in a significant visual change.
- Overtime, this change will diminish as the process of urbanisation occurs.
- The rezoning will enable the development of lots on the relatively steeper slopes of the site. The plan change acknowledges the topographical challenges of this portion of the site, by identifying this area of the site as being subject to a Large Lot Overlay, which imposes further controls the density of development (i.e. larger lots).
- Future assessments of the subdivision consents for sites within the Large Lot Overlay, and its associated earthworks to provide stable building platforms, will need to address the landscape and visual effects of such ground improvement works to confirm that the extent of the works proposed are appropriate in the context of the environment within which they sit.

Arboriculture – Jacki Remihana – Group Manager Parks and Reserves - Waikato District Council

- The two Taraire trees are deemed mature specimens of fair form and appear in reasonably good health.
- The upper canopies exhibit a slightly sparse foliage coverage. The latter observations could be as a consequence of possum damage occurring (eating of new tip growth). Furthermore, it is possible the upper canopy of the respective trees has been reduced in the past due to the presence of overhead power lines virtually traversing immediately above the subject trees.
- Both trees exhibit structural defects. Previous damage has occurred to the trunk base of one particular tree with an extensive pocket of decay evident. The area of decay could be as a

consequence of a secondary stem failure or potentially prolonged stock damage. There is prominent cambial growth (reaction wood) that has developed over the years and as a result of the wood strengthening it is deemed the overall structural stability of the tree is not being severely compromised.

- The second Taraire exhibits a small cavity at the trunk base and between the buttress root system respectively. It is anticipated there will be decay present but generally the overall structural stability of the subject tree is not being jeopardised.
- The two subject trees are presently growing in a gully environment that is conducive to their future growth and establishment. The surrounding environment contains a variety of exotic and native species with a small pond area and natural watercourse.
- The present growing environment of the respective trees is such that if they were to be retained with the surrounding exotic and indigenous vegetation then they would be still worthy of protection. This has been confirmed with the recent re-evaluation of the subject trees for the purpose of the district plan review – notable trees a score of 180 was awarded to both specimens and hence they meet the criteria to be retained as notable trees.
- Whilst there is limited detail about the extent of works proposed, Council understands that filling of the gully head that contains the trees is proposed. Such works would see the removal of other surrounding indigenous and exotic vegetation. With such vegetation removed, it is considered, that the trees would not withstand the changes in their environment.
- As such Council is recommending a pragmatic approach, whereby the proposal to uplift the scheduling of the trees as part of the plan change is supported.
- Council also acknowledges that no submissions relating to the removal of the trees have been made by any persons.

3.3 Notification Process - Submissions and Late Submissions

PC21 was publicly notified on 15 September 2017, with a closing date for submissions of 13 October 2017. The summary of submissions was publicly notified on 10 November 2017. The period for further submissions closed on 24 November 2017.

Three submissions and two further submissions were received.

No late submissions were received.

The names of all submitters and further submitters are listed in the Table I below. The submissions and further submissions are contained in **Attachment 2**.

Table I: Submissions and Further Submissions Received

Submissions	
Submitter Number	Submitter
1	Future Proof
2	Waikato Regional Council
3	New Zealand Transport Agency
Further submissions	
FS4	Ngati Te Ata
FS5	Ngati Tamaoho Trust

3.4 Decision Making

When making its decision, the Council is required, under clause 10 of the First Schedule of the RMA to give reasons for accepting or rejecting any submissions. The decision of the Council may also include consequential amendments arising out of submissions and any other matters the Council considers relevant and within the scope of aspects raised in submissions. This report addresses these requirements.

3.5 Relevant Documents to Consider

3.5.1 Vision and Strategy under the Waikato Raupatu Claims (Waikato River) Settlement Act 2010

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.

The proposed plan change 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 proposed plan change to show how the objectives of the Vision and Strategy are given effect to as per s15(2)(a).

The proposed plan change area includes two wetlands that have been identified as meeting the significance criteria in the Waikato Regional Policy Statement ('WRPS'). The proposed plan change seeks to enable residential development across the 'Graham Block' which includes the wetlands. 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.

Part 6 of the Franklin Section of the Waikato District Plan identifies the importance of the Vision and Strategy. The plan includes provisions that manage subdivision and development, controlling earthworks and managing stormwater discharges. 15.5.2 addresses earthworks throughout the District. 27.6.1.18 addresses stormwater management in the Residential and Residential 2 Zones. The Waikato Regional Plan also addresses issues of earthworks and water quality.

In addition to the above, the two wetlands have been identified on the proposed extension to the Pokeno Structure Plan. The spatial identification of these will ensure that they are considered as part of any development application. In response to submissions, further provisions have been recommended by the applicant. These include objectives, policies and methods to recognise the wetlands role as areas of significant indigenous vegetation and importantly significant habitats of indigenous fauna.

The proposed changes in combination with the existing district plan provisions are considered to give effect to the Waikato River Vision and Strategy. These are further reinforced by the provisions of the Waikato Regional Plan that address stormwater discharge and earthworks.

3.5.2 Waikato Regional Policy Statement (WRPS)

The Waikato District Plan is required to give effect to an operative regional policy statement. The WRPS provides an overview of the resource management issues of the region, establishing policies and methods to achieve integrated management of the region's natural and physical resources.

Of particular relevance to the proposed plan change are Sections 6: Built Environment, Section 8: Fresh Water Bodies and Section 11: Indigenous Biodiversity.

Objective 3.12 and Section 6 of the WRPS addresses the Built Environment. This includes the allocation and staging of residential growth throughout the region – adopting the Future Proof Sub Regional Growth Strategy.

The Proposed Waikato Regional Policy Statement (WRPS) was notified on the 3rd of November 2010 and made operative on 20 May 2016. Prior to its inclusion in the Waikato District, the village of Pokeno was in the jurisdiction of Franklin District Council. The Franklin District was disbanded/abolished on 31 October 2010 and divided between Auckland Council, Hauraki District Council and Waikato District Council. Due to the timing of the disbandment, the WRPS adopts the general vision and development direction of the Franklin District Growth Strategy (2007) as per section 6.12. This was to apply until the Future Proof Growth Strategy and relevant district plans were reviewed.

Future Proof is currently undergoing review through a two-stage process. The stage one phase of this work was completed in November 2017. Future Proof accordingly now provides for Pokeno as a growth area. A future review of the WRPS will be needed to formally adopt the new settlement patterns to include these in the WRPS.

Until such a time as the WRPS is reviewed, it is appropriate to carry out a broad assessment of the objectives and policies of the WRPS in relation to the proposed plan change. An assessment of the Future Proof Growth Strategy 2017 is included in section 3.5.5 below.

Objective 3.12 directs development of the built environment to occur in an integrated, sustainable and planned manner, enabling positive environmental, social, cultural and economic outcomes. It aims to achieve this by:

- preserving and protecting natural character, outstanding natural features and landscapes from inappropriate subdivision, use and development;
- integrating land use planning;
- minimising land use conflicts, including the potential for reverse sensitivity; and
- anticipating and responding to changing land use pressure which may impact on the built environment in the region;

Section 6 of the WRPS addresses the built environment. Policies of particular importance to the proposed plan change include:

- Policy 6.1 Planned and co-ordinated subdivision, use and development
- Policy 6.3 Co-ordinating growth and infrastructure
- Policy 6.5 Energy Demand Management
- Policy 6.12 Implementing Franklin District Growth Strategy
- Policy 6.14 Adopting Future Proof land use pattern
- Policy 6.15 Density Targets for Future Proof Area

The relevance of each of these policies is discussed below.

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

Policy 6.1 directs Territorial Authorities to have regard to the principles of section 6A when preparing, reviewing or changing a district plan. The principles of 6A are addressed below, these provide guidance for reviewing the proposed plan change.

6A Development Principles – New Development Should:

Principle	Comments
(a) support existing urban areas in preference to creating new ones;	<i>The proposed plan change is adjacent to and contiguous with the exiting Pokeno Structure Plan.</i>
(b) occur in a manner that provides clear delineation between urban areas and rural areas;	<i>The proposed density will clearly delineate between the urban and rural environment. The large lot overlay provides a transition from rural to urban on the sites southern boundary and reflects the topography of this portion of the site.</i>
(c) make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;	<i>The topographical constraints of the area mean that it is unlikely high-density development will occur. The plan change relocates an area of large lot living and moves it to a location that has more topographical constraints. The policies of the existing structure plan provide for a range of lot sizes with higher density anticipated in areas closer to neighbourhood centres and the town centre as per the structure plan.</i>
(d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;	<p><i>Transport – The ITA prepared for the proposed plan change has estimated that there will be an overall traffic increase within Pokeno of around 2.3% and a less than 1% increase in traffic on SH1. Infrastructure will be upgraded to provide for the new development, including a new road bridge over the railway and widened intersections along Pokeno Road.</i></p> <p><i>The proposed plan change area is able to be serviced by telecommunications and power.</i></p> <p><i>Stormwater – The preliminary stormwater detention and treatment methodology has been reviewed by WDC’s infrastructure team and considered to be adequate for the site and consistent with the Pokeno Stormwater Catchment Management Plan. Regional consents will also be required as part of the development to address stormwater.</i></p> <p><i>Wastewater – new infrastructure has been developed as part of Pokeno’s growth. The response to Council’s further information request identifies that the proposed plan change will bring forward the requirements to upgrade the wastewater network from 2020 to 2019. Overall Council’s Infrastructure team has confirmed there are capacity concerns.</i></p>

	<i>Water Supply – The further information response shows there is sufficient capacity in the network to service the proposed plan change area. This conclusion is supported by Council’s Infrastructure team.</i>
<i>(e) connect well with existing and planned development and infrastructure;</i>	<i>The proposed development layout is contiguous with the rest of the Pokeno Structure Plan allowing connection to existing and planned infrastructure. The Plan Change area was also previously identified as being available for development when the Pokeno was originally rezoned (Plan Change 24 to the Franklin District Plan). At the request of the landowner at the time the land was removed from that Plan Change request.</i>
<i>(f) identify water requirements necessary to support development and ensure the availability of the volumes required;</i>	<i>Modelling has confirmed that suitable water capacity is available to support the development. Stormwater anticipated to be generated is able to be managed as per the response to further information. Future Regional Council consents will be required to address the stormwater specifics.</i>
<i>(g) be planned and designed to achieve the efficient use of water;</i>	<i>The plan change extends the Pokeno Structure Plan and Residential 2 Zone over the subject site. Development will be managed as per the provisions of the Waikato District Plan – Franklin Section. Assessment includes provisions related to stormwater management, controls on built form and provision for permeable surfaces.</i>
<i>(h) be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;</i>	<i>The site is currently utilised as a small vineyard and has livestock grazing. The site is not considered to be located on high class soils, with the majority of the site being class 6 soils (NZLRI Land Use Capability) with the balance being Class 3e3. No regionally significant infrastructure will be affected.</i>
<i>(i) promote compact urban form, design and location to:</i> <i>i) minimise energy and carbon use;</i> <i>ii) minimise the need for private motor vehicle use;</i> <i>iii) maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;</i> <i>iv) encourage walking, cycling and multi-modal transport connections; and</i> <i>v) maximise opportunities for people to live, work and play within their local area;</i>	<i>The plan proposal is contiguous with the Pokeno Structure Plan area and represents a logical expansion of the Pokeno Township.</i> <ul style="list-style-type: none"> <i>• The location of Pokeno and lack of public transport infrastructure lends itself to commuting by motor vehicle to places of employment.</i> <i>• In the future there may be commuter rail available to service the Pokeno township.</i> <i>• Pokeno does not currently offer a high level of employment opportunities, however this will grow in the future likely increasing multimodal transport options.</i>
<i>(j) maintain or enhance landscape values and provide for the protection of historic and cultural heritage;</i>	<i>The plan change will provide for the urbanisation of the subject site. The site is currently rural in nature and is highly modified from its original state. It represents a logical expansion of the</i>

	<p><i>Pokeno urban area. The landscape and visual assessment has concluded that the rezoning will enable the progressive transformation of the area that will result in significant visual change from the rural environment that is currently seen.</i></p> <p><i>The plan change responds to the topographical constraints of the site by applying the large lot overlay, reducing the density that is enabled on that portion of the site. This will reduce future developments impact on this part of the site.</i></p> <p><i>The site contains two wetlands and an area of historic trees (C.34).</i></p>
<p>(k) promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity, such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;</p>	<p><i>The proposed plan change includes three areas that have been identified as having significance.</i></p> <p><i>As this is an amending proposal, the wider provisions of the Waikato District Plan (Franklin Section) will apply.</i></p> <p><i>Site C.34 remains protected through the district plan provisions and the effects of development on the two identified wetlands are addressed in response to submissions in section 4 of this report.</i></p>
<p>(l) maintain and enhance public access to and along the coastal marine area, lakes, and rivers;</p>	<p><i>N/A</i></p>
<p>(m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);</p>	<p><i>This will be able to be addressed through future resource consent process.</i></p>
<p>(n) adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;</p>	<p><i>This will be addressed through the development of the site. The provisions of the Residential 2 zone identify the benefits of ensuring the layout and design of buildings allow admission of daylight and sunlight which has passive energy advantages.</i></p>
<p>(o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;</p>	<p><i>The plan change is a logical extension of the existing urban area. A portion of the western boundary of the proposed plan change site is adjacent to the light industrial zone. A similar situation occurs to the north west of the plan change area. It is considered that the interface between the two zones can be managed through development standards related to noise, lighting and glare, smoke, fumes odour and dust and building bulk and location. The large lot residential area is proposed to be located on that part of the site closest to the aggregate extraction area, which reduces the number of sites that would be in close proximity to the policy area.</i></p>

(p) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;	<i>Detailed stormwater design will be able to be addressed at consenting stage.</i>
(q) consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;	<i>Ngati Tamaoho and Ngati Te Ata have provided Cultural Impact Assessments (CIA's) in relation to the proposed plan change. The CIA's have provided commentary related to the proposed plan change and have included recommendations that reflect their desires to continue to work with the applicant as the development progresses, their aspirations for land development, including design and layout, mitigation of effect (particularly in relation to stormwater), iwi recognition and the use of native trees and vegetation.</i> <i>The s32AA provided identifies that PVHL intends to continue to work with Iwi in the development of Pokeno.</i>
(r) support the Vision and Strategy for the Waikato River in the Waikato River catchment;	<i>An assessment of the Vision and Strategy is included in Section 3.5.1</i>
(s) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and	<i>This will need to be addressed through the construction stage of development.</i>
(t) recognise and maintain or enhance ecosystem services	<i>The proposal has identified two significant wetlands within the plan change area. These are addressed in more detail in response to submissions in Section 4.</i>

Having regard to the principles in section 6A it is considered that the proposed plan change is generally consistent with the Development Principles provided in the WRPS.

In addressing Policy 6.1 b) through d), the proposed plan change is a logical extension to the Pokeno Structure Plan, providing development that is contiguous to other urban development that has been enabled. This will ensure that the effects of future subdivision and development remain in close proximity to other residentially zoned land rather than encouraging urban development in a less logical extension of the structure plan. A review of infrastructure has concluded that adequate infrastructure is or can be readily be made available to service the development. Detailed design , of such, is to be assessed at resource consent stage. The proposed plan change has provided sufficient background information to allow an assessment of effects to be undertaken. The existing environment, both built and enabled by the district plan has been taken into regard with the plan change enabling development to occur in a cohesive manner.

Policy 6.3 Co-ordinating Growth and Infrastructure

Development is required to be co-ordinated with the delivery of infrastructure in order to ensure the efficient and affordable provision of development and infrastructure whilst maintaining its operational effectiveness viability and safety. Infrastructure reports (included in the AEE) have shown that there is sufficient capacity in the existing or planned/programmed infrastructure to accommodate the proposed rezoning and subsequent development. These reports have been reviewed by Council Infrastructure staff whom have confirmed those conclusions, albeit acknowledging that the timing of some infrastructure many need to be brought forward to address growth.

Policy 6.5 Energy Demand Management

Development should minimise transport, energy demand, waste production and promote the efficient use of energy. The proposed plan change generally adopts the provisions of the Residential 2 Zone. The zone encourages blocks and lots to be designed to enable good solar access. The location of Pokeno and its current lack of public transport access to larger towns and cities such as Auckland and Hamilton mean that it will continue to rely on private vehicles until such time as it reaches a critical mass offering a larger employment base or wider commuter transport options become available such as frequent rail services to Auckland or Hamilton.

Policy 6.12 – Implementing the Franklin District Growth Strategy

The Franklin District Growth Strategy is to apply until such time as the Future Proof Growth Strategy and relevant district plans are amended. A draft review of Future Proof was notified in May 2017 with submissions open from 12 June – 21 July 2017. Public Hearings were held on 28 and 30 August 2017. Deliberations were held on 30 October and the revised Future Proof Strategy was released in November 2017. The outcome of this process is that the northern Waikato areas of Pokeno and Tuakau are now provided for in Future Proof. An assessment of the Future Proof Growth Strategy 2017 is included in Section 3.5.5 below.

Waikato District Council are currently preparing draft district plan review with the aim of notifying in May 2018. Until this time, the Franklin Section of the Waikato District Plan is operative. Therefore, as per policy 6.12 of the WRPS, the Franklin Growth Strategy is still relevant for managing growth in what was previously Franklin District Council.

The Franklin District Growth Strategy 2051 (2007) provided a management framework for growth in the district to 2051, using a high population growth projection, choosing to err on the side of caution in terms of mitigating risk associated with growth. The WRPS directs management of growth to be in accordance with sections 7,8 and Map 1.0 of the Franklin District Growth Strategy.

Section 7 sets out the Vision for Pokeno and identifies that it will attract a significant share of population growth and begin to function more like a town by 2051. A comprehensive masterplan is expected to will address the features of a complete, self-sufficient town with the necessary infrastructure to support it.

The following principles are included for the Pokeno Village.

Principle	Comment
1. Residential development offering a greater intensity of development towards the village centre...	<i>The proposed plan change is not directly adjacent to the village centre.</i>
2. Achieve average densities greater than 10 dwellings per hectare.	<i>The proposed zoning allows for this density; however, the topography of the proposed plan change area likely presents difficulties in achieving 10 dwellings per hectare without significant modification of the land form. The density of development will be confirmed at the time of subdivision consent and once final contours have been developed. The 10 dwellings per hectare density target applies across the whole of Pokeno and is to be achieved over time.</i>
3. Provision of affordable housing and a range of housing choice	<i>The rezoning provides more residential development opportunities for Pokeno. The final layout and range of section sizes will be confirmed at the time of subdivision consent.</i>
4. Avoid potential reverse sensitivity issues through careful location of residential development with regard to the proposed quarry and future business land	<p><i>The western edge of the subject site is adjacent to the industrial zone, this is a similar situation to the residential/industrial interface existing to the northeast. The southern corner of the proposed plan change area is adjacent to the Aggregate Extraction Overlay. The rest of the southern boundary is adjacent to the rural zone with the Aggregate Extraction Overlay being approximately 280m away.</i></p> <p><i>For this area it is proposed to include the large lot overlay, providing for a lower residential density. This will reduce the potential for reverse sensitivity issues. It is also understood that the overlay is currently proposed to be removed as part of the District Plan review. Furthermore, no mineral extraction activities have been granted consent for development of this land.</i></p>
5. Design residential neighbourhoods around 5 minute and 10 minute walking catchments, with a comprehensive cycling network	<i>The Pokeno Structure Plan identifies indicative locations for neighbourhood centres. The proposed change does not include a neighbourhood centre but there is one identified to the north of the subject site within an approximate 800m radius from the centre of the subject site (An 800m radius is a rough guide to a 10 minute walking catchment, this however may be effected by variables such as the topography and street layout).</i>
6. Retain characteristics that contribute to the character of Pokeno	<p><i>The development adopts the zoning currently used with some modifications, this will likely deliver development consistent with development to the north. Due to the topography of the area, it is likely that the overall density of the subject site will be lower than typically enabled by the site.</i></p> <p><i>The development proposes to protect two gullies that have been identified as significant this will help retain the landscape character of the area.</i></p>
7. Incorporate principles of CPTED	<i>The proposed plan change is included in the Pokeno Structure Plan. Policy 54.15.2.4.3 directs subdivision and development to incorporate Crime Prevention Through Environmental Design.</i>

Having regard to the commentary above, the proposed plan change is generally in line with the Pokeno development principles established in the Franklin Growth Strategy 2051. The subject site may fail to meet the general density requirements when developed, however it is noted that this is

an average density for Pokeno and this can be balanced with higher density development closer to neighbourhood and the town centre as per Principle 1. The actual density outcome will also only be known once the subdivision consent application is lodged.

6.14 Adopting the Future Proof land use pattern

The 2009 version of Future Proof did not include Pokeno and therefore the town is not included in the Future Proof settlement pattern embedded in the WRPS.

Map 6-2 provides the indicative urban limits for the Future Proof Sub-Region (2009), this is included in **Figure 2** on the following page. Pokeno is identified as a 'strategic industrial node'.

Policy 6.14 provides direction for growth and development in the Future Proof area. Where residential development is proposed to occur outside of the timing and population for growth areas in Table 6-1 and it is to be promoted through district plan and structure plan processes, justification shall be provided to demonstrate consistency with the principles of the Future Proof land use pattern (6.14 g).

Where alternative residential land release patterns are promoted, justification is required to demonstrate consistency with the principles of the Future Proof land use pattern as per 6.14.3 – Criteria for Alternative Land Release, set out below (emphasis added):

District plans and structure plans can only consider an alternative residential or industrial land release, or an alternative timing of that land release, than that indicated in Tables 6-1 and 6-2 in section 6D provided that:

- a) to do so will maintain or enhance the safe and efficient function of existing or planned infrastructure when compared to the release provided for within Tables 6-1 and 6-2;
- b) the total allocation identified in Table 6-2 for any one strategic industrial node should generally not be exceeded or an alternative timing of industrial land release allowed, unless justified through robust and comprehensive evidence (including but not limited to, planning, economic and infrastructural/servicing evidence);
- c) sufficient zoned land within the greenfield area or industrial node is available or could be made available in a timely and affordable manner; and making the land available will maintain the benefits of regionally significant committed infrastructure investments made to support other greenfield areas or industrial nodes; and
- d) the effects of the change are consistent with the development principles set out in Section 6A.

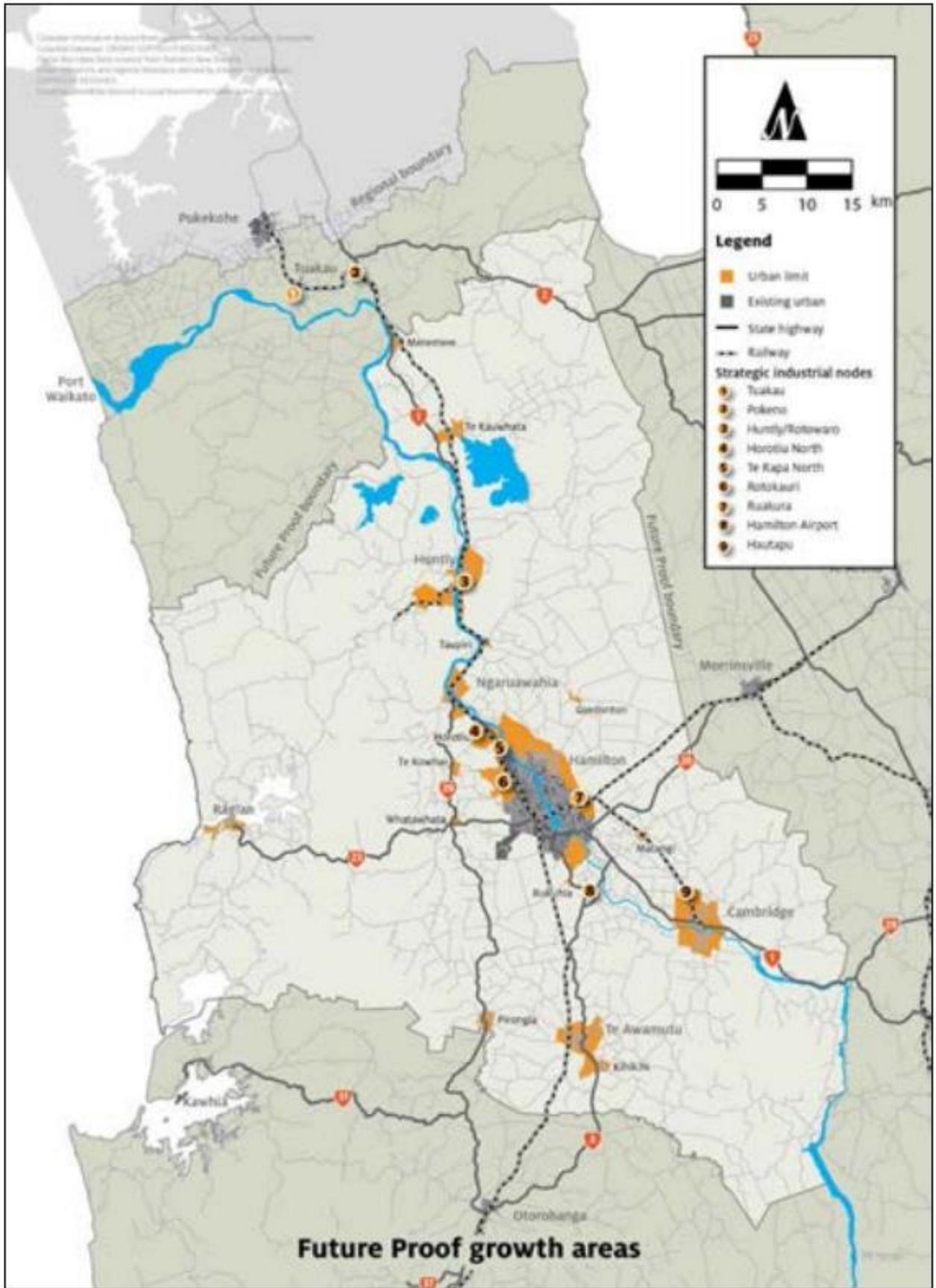


Figure 2: Future Proof Growth Areas (2009)

The review of Future Proof has identified urban limits for Pokeno and its potential for future growth over and above what is currently planned for in the Pokeno Structure Plan. An extract of the revised indicative urban limits is shown in **Figure 3** below.

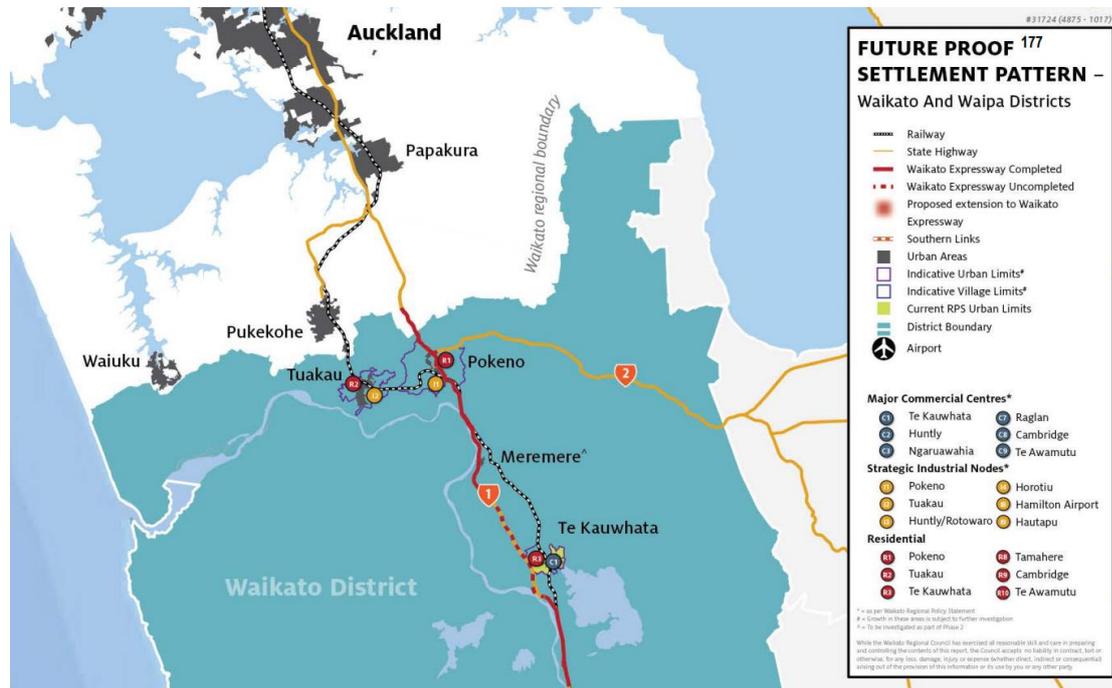


Figure 3: Future Proof Settlement Pattern (2017)

The proposed plan change sits inside these indicative urban limits. As Pokeno has been identified for growth in the Future Proof update, it is considered to meet the principles of the Future Proof land use pattern. It is therefore appropriate to enlarge the Pokeno Structure Plan through the proposed Plan Change. The Future Proof Implementation Committee have also submitted in support of the proposed plan change.

Policy 6.15 Density Targets for Future Proof Area

This policy directs Waikato District Council (and others) to seek to achieve a compact urban environment. Development provisions are required to seek to achieve average gross density targets over time. Greenfield developments in centres outside of Hamilton are directed to achieve an average gross density of 12-15 households per hectare. While Pokeno is not specifically identified in the list of centres required to seek this density in the WRPS, it has been grouped in this category in the 2017 Future Proof Review, therefore it is considered that this is the suitable density target to adopt.

The Residential 2 Zone allows development of residential lots with a minimum lot size of 450m² and for all lots below 800m² have a minimum average size of no less than 500m². If implemented across the plan change area, this would likely meet the density targets of Future Proof. Due to the physical characteristics of the site, this density may not be able to be physically implemented. **Figure 4** below shows LIDAR (Light Detection and Ranging) data from the subject site, including the approximate area of the proposed plan change, highlighting the challenging nature of the topography, particularly in the southern end of the site.

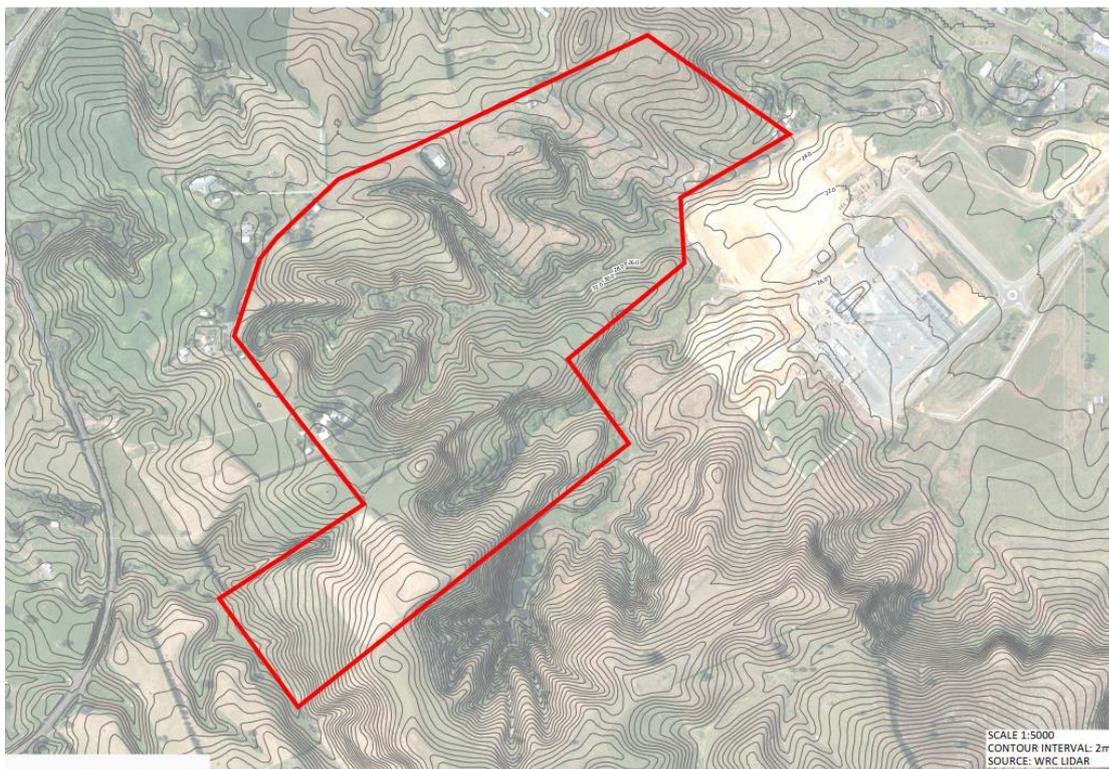


Figure 4: LiDAR data for the subject site

The Future Proof target density is an average across each township that is to be achieved over time. If development of the proposed plan change area is developed at a lower density than 12-15 dwellings per hectare, this is likely to be balanced out with higher density development elsewhere as per the aspirations of the Pokeno Growth Strategy and the Pokeno Structure Plan.

Policy 8.2 Outstanding fresh water bodies and significant values of wetlands

Policy 8.2 provides direction on identifying, protecting and where possible enhancing the significant values of outstanding fresh water bodies and the significant values of wetlands. Two wetlands have been identified within the proposed plan change area. Implementation Method 8.3.10 directs Territorial Authorities to manage the effects of subdivision, use and development on fresh water bodies and significant wetland values through the consideration of a number of measures including the management of stormwater. The Franklin Section of the District Plan includes provisions related to the management of earthworks and stormwater, therefore it is considered that the possible effects of development on those wetlands are able to be considered, in future consenting assessments, as per the role and function of Waikato District Council. It is also noted that the Waikato Regional Plan manages earthworks and stormwater discharge and regional consents are likely to be required to enable development of the plan change area. The two significant wetlands are addressed in more detail in response to submissions in **Section 4**.

Policy 11.1 Maintain or enhance indigenous biodiversity and Policy 11.2 Protect significant indigenous vegetation and significant habitats of indigenous fauna

These policies seek to promote positive indigenous biodiversity outcomes through the protection, maintenance and enhancement of a range of ecosystem types. The Ecological Assessment prepared in support of the plan change identifies that the most significant ecological values of the site are within two wetlands (Wetland 1 and 2). These meet the criteria for determining significance of indigenous biodiversity in IIA and are considered to be significant due to the reductions of such wetlands both nationally and within the Meremere Ecological District. In recognition of these values and to provide for future protection, maintenance and enhancement of these wetlands the plan change proposes to amend the Pokeno Structure Plan Map to specifically identify the location

of these two wetlands. Identifying them on the Structure Plan map ensures that the Pokeno Structure Plan provisions relating to protection, maintenance and enhancement of significant vegetation and watercourses will be considered at the time of subdivision consent. Submissions have been received in relation to the wetlands and these, including changes proposed are addressed in detail in **Section 4**. The changes proposed by the applicant in response to submissions are addressed in the s32AA report provided by PVHL (**Attachment 1**). These changes are considered to strengthen the provisions of the plan change in relation to managing effects on significant indigenous vegetation and significant habitats of indigenous fauna. **Figure 5**, below identifies the location of the two wetlands relative to the Graham Block site, which is included in the plan change area.

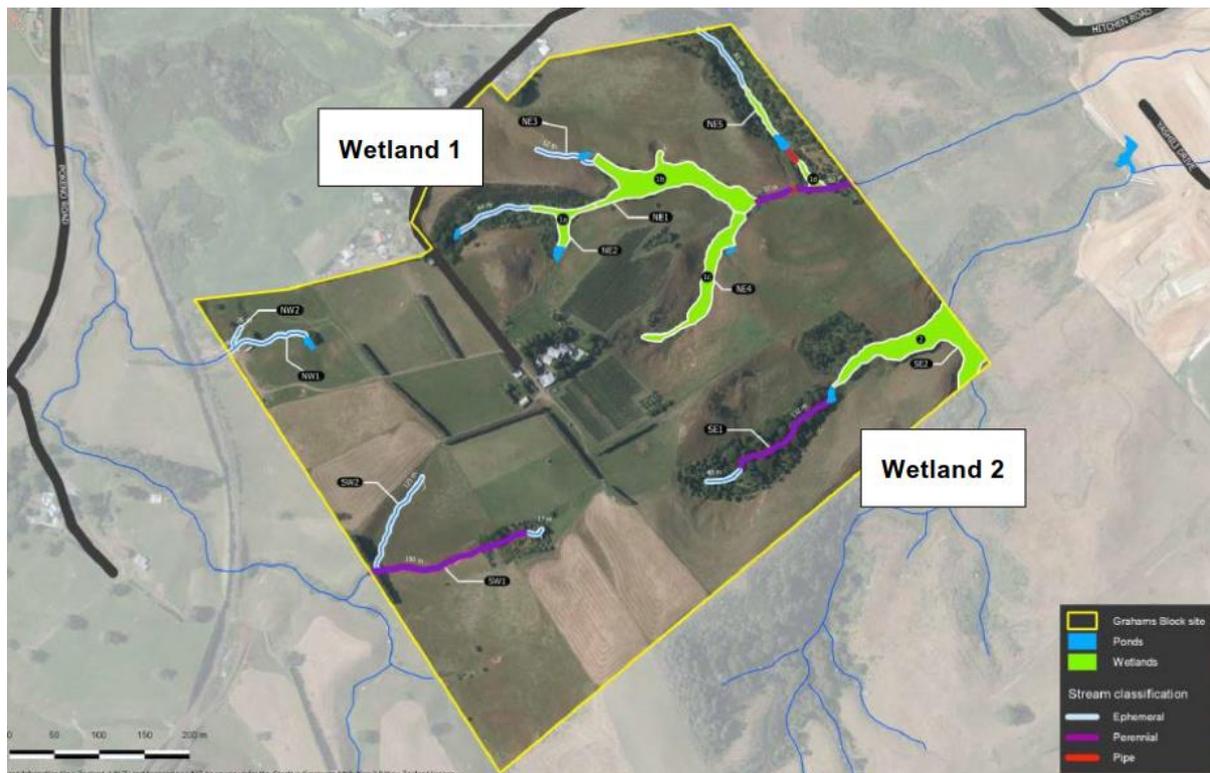


Figure 5: Wetland Areas (Freshwater Solutions, 2017)

Policy 11.3 relates to collaborative management, ensuring that maintaining and enhancing indigenous biodiversity is promoted in a integrated and efficient manner including through working collaboratively with landowners, resource managers, tangata whenua and other stakeholders. The management of the two wetlands is considered to be able to be addressed through the resource consent process. In their respective Cultural Impact Assessments, both Ngati Te Ata and Ngati Tamaoho have signalled their desired approach to stormwater management. Detailed design in relation to stormwater is best addressed through the resource consent process.

3.5.3 Waikato Regional Plan (WRP)

The Waikato Regional Plan provides direction regarding the use, development and protection of natural resources in the Waikato Region. Relevant to this proposed Plan Change is the ability of the proposed plan change area to manage the effects from earthworks and stormwater discharges. In consideration of such effects, the future development of the area will likely require regional earthworks and stormwater consents. These can be applied for as and when needed.

3.5.4 Iwi Management Plans (IMP)

Council must take into account any relevant planning document recognised by an iwi authority such as iwi management plans. The IMP articulates the aspirations of Tangata Whenua and addresses matters of resource management activity of significance within their respective rohe (region). The PC21 development is located on the southern boundary of the Pokeno Township and 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. The applicant has provided a brief assessment of the Waikato-Tainui Environmental Plan ('Environmental Plan') and has provided an outline of how the plan change seeks to give effect to the Environmental Plan.

The applicant has undertaken a level of consultation with both Ngati Te Ata and Ngati Tamaoho. Both groups have provided Cultural Impact Assessments in response to this consultation. Such assessments have been provided to Council, have been responded to in the s32AA report prepared by the applicant and are addressed in more detail in Section 3.6.

Section C of the Environmental Plan addresses general Waikato-Tainui Environmental Matters. 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. Those sections of particular relevance are briefly addressed below.

The Vision and Strategy of the Waikato River has been addressed in Section 3.5.1 of this report and it concludes that the proposed plan change, when considered with the existing provisions of the Waikato District Plan – Franklin Section, Waikato Regional Plan is able to give effect to the Vision and Strategy addressing section 11 of the Environmental Plan.

The applicant has undertaken an archaeological assessment of the plan change area. This has not resulted in the confirmation of any archaeological sites within the area. It is considered that any future development works can be carried out with the provision of appropriate accidental discovery protocols in place.

Works associated with development of the plan change site will be managed through the resource consent process, this will ensure that development does not increase the risk or magnitude of natural hazards or natural hazard events.

It is considered that the proposed plan change is generally aligned with the general Waikato-Tainui Environmental Matters.

Section D addresses specific elements of natural resources and the environment. The table below provides a brief assessment of the objectives of each chapter.

Environmental Element Chapter	Comments
Te Wai Maaori – Water	<i>Stormwater discharge and runoff will be managed through the resource consent process (Regional and District) which will address issues of water attenuation, water quality and consultation.</i>
Nga Repo – Wetlands	<i>Two wetlands of significance are identified within the plan change area. It is considered that the proposed amendments in combination with existing provisions of the Waikato Regional Plan and Waikato District</i>

	<i>Plan Franklin Section will enable adequate assessment of any effects of development on the wetlands.</i>
Whenau – Land	<i>The plan change proposes to retire rural land and enable residential development. District and Regional Plan provisions control earthworks to ensure that adverse effects from sediment and run off are managed.</i>
He Mahinga Ika – Fisheries	<i>N/A</i>
Te Ararangi – Air	<i>The proposed plan change seeks to enable residential development, no discharge to air consents are anticipated.</i>
Te Taiao Moana – Coastal Environment	<i>N/A</i>
Nгаа Whakaritenga Moo Ngaa Whenua O Waikato-Tainui – Land Use Planning	<i>The proposed plan change generally adopts the provisions of the existing Residential 2 Zone. Provisions are in place to ensure that the adverse effects of development can be managed. The proposed plan change will enable the retirement of steep rural land and enable further residential growth to occur in Pokeno.</i>
Waihanga Matua – Infrastructure	<i>It has been shown that the proposed plan change can be accommodated within existing infrastructure capacity. As Pokeno continues to grow, infrastructure will be required to be upgraded. This will be addressed through the resource consent process as necessary.</i>
Whakaputa Hiko – Electricity Generation	<i>There are no electricity generation activities proposed.</i>
Keri Oopapa – Mining And Quarrying Oil & Gas Minerals	<i>There are no mining/quarrying activities proposed.</i>

It is considered that the proposed plan change is generally aligned with the objectives of the Waikato-Tainui Environmental Plan.

3.5.5 Future Proof Sub-Regional Growth Strategy (Future Proof)

The Future Proof Strategy and Implementation Plan ('the Strategy') is the collaboration between Hamilton City Council, Waikato Regional Council, Waipa District Council, Waikato District Council New Zealand Transport Agency and Tangata Whenua for the development of a sub-regional growth strategy covering the areas of the three territorial authorities and the region covered by the Waikato Regional Council.

The purpose of the Strategy is to provide a comprehensive and robust growth management strategy for the sub-region taking a long term view of land and infrastructure. It is important to highlight that the Strategy will need to adapt to take into account changing circumstances over its 50 year timeframe. The Future Proof is currently under a two-stage review and stage one was completed in November 2017. Hamilton City Council, Waikato District Council, Waipa District Council have adopted the phase I Strategy. Waikato Regional Council will take the Strategy to council for

adoption in early 2018. The update to the Strategy reflects changes regarding growth in the sub-region in the eight years since its adoption.

There are a number of key features of the Strategy including:

- Increased densities in new residential development (compact urban form);
- Hamilton City a vibrant and lively place to live and work;
- Towns in the sub-regions are to be supported by thriving business centres;
- Protection of versatile and productive farmland through directing rural residential development and business activities closer to towns and villages; and
- Integrated transport and land use planning.

The review of the Strategy continues to set out the proposed settlement pattern for the Future Proof sub-region. The review also addresses residential growth in Pokeno which prior to 2010 was a part of Franklin District Council and subsequently not included in the original growth strategy. The Future Proof Strategy: Planning for Growth November 2017 has identified the following key features of the settlement pattern for Pokeno:

- Growth emphasis is placed on a number of identified centres including Pokeno.
- Pokeno is rapidly growing on Auckland's doorstep.
- Potential for an additional 2000 households on top of the 2200 planned in the existing Pokeno Structure Plan; Pokeno Stage 1.
- Strong ties to Taukau including shared community facilities and services.
- Need to consider social infrastructure.
- Acknowledgement of existing constraints in Pokeno (topographical, geographical and physical). Tuakau is acknowledged as having higher growth potential due to lack of the constraints present in Pokeno.
- An identified average gross density target of 12-15 households per hectare. These are acknowledged as targets to work towards in the Future Proof Growth Strategy.

The plan change provides for further growth of the Pokeno township, outside of the current structure plan. The proposed zoning will enable lots as small as 450m², however topographical constraints within the plan change area mean that it is likely the majority of lots developed will be larger. This is also reflected in the large lot overlay that will cover the southern corner of the site, where the minimum lot size will be 1200m². The proposed plan change is considered to be generally in line with the Future Proof growth principles.

3.5.6 National Policy Statement (NPS) on Urban Development Capacity

The National Policy Statement on Urban Development Capacity (NPS-UDC) directs local authorities to quantify in broad terms how much feasible development capacity should be provided in resource management plans and supported with development infrastructure, to enable the supply of housing and business space to meet demand over the short terms (1-3 year period), medium term (3-10 year period) and long term (10-30 year period). The NPS-UDC identifies the Future Proof sub-region as a high-growth urban area. As such, the Future Proof councils (of which the Waikato District Council is one) are required to meet all of the requirements in the NPS-UDC.

The preliminary assessment of development capacity for the Waikato district indicates that the largest share of the greenfield development, enabled under the District plan, is located in Pokeno (16%). A large amount of plan enabled and serviced capacity is anticipated to be provided in the medium to long term by two notified private plan changes and the district plan review which is currently underway. The two private plan changes in Te Kauwhata (1600 additional houses) and Pokeno (150 additional houses) will add to the existing zoned structure plan capacity in these two towns.

The preliminary residential development capacity assessment for Pokeno indicates that over the short-term it is one of the towns in the Waikato district with the largest development capacity (the others being Te Kauwhata and Ngaruawahia). Almost all (96%) of Pokeno's plan-enabled capacity is feasible from the outset. However, Pokeno will come close to matching its plan-enabled, infrastructure-serviced greenfield capacity with close to 99% of the greenfield capacity expected to be feasible for development over the long term. Council will therefore need to consider additional residential zoning to meet demand in the long term.

3.5.7 Regional Land Transport Plan (RLTP)

The Regional Land Transport Plan (RLTP) provides the strategic direction for land transport in the Waikato Region over the period 2015 to 2045. The plan contains two key components:

- A policy framework to direct decision-making and implementation actions for key regional transport stakeholders; and
- A regional perspective on land transport investment activities 2015-2021.

The RLTP focuses on investment and effort in three core components:

- Strategic corridors and wider network connectivity improvements and the strategic importance to the upper North Island;
- Road safety; and
- Managing demand and transport choices.

This includes co-ordinating and managing planning around land use change to ensure efficient and effective transport networks and services. In considering this, it is appropriate to assess the impact the proposed rezoning may have on the wider transportation network.

The Integrated Transport Assessment has assessed the likely effects of an additional 150 dwellings in the Pokeno Township as is anticipated by the proposed plan change. This reporting has concluded that the development enabled by the proposed plan change will generate a low level of effect on the transportation network. The Plan Change would result in an overall traffic volume increase of approximately 2.3%. With the majority of trips predicted to remain in Pokeno, the increase in traffic volume on any of the State Highways is less than 1% and any effects are consequently considered to be minimal. The upgrades to the local network required to support the level of development proposed have also already been factored into the growth of Pokeno.

3.5.8 Waikato District Development Strategy (DDS)

The Waikato District Development Strategy (DDS) was adopted in September 2015. This strategy does not specifically identify any growth areas but has a key urban outcome of focusing future urban developments in and around the district's existing towns as per structure plans and the Regional Policy Statement.

The DDS identifies a number of key influences in the District, including:

- Southward growth of Auckland;
- Waikato Expressway;
- Growth of Hamilton;
- Intensification and change in agriculture; and
- Land use change.

The DDS identifies the key urban outcomes with a focus on:

- Future urban development in and around existing towns as per structure plans and the Regional Policy Statement;
- Using Structure Plans to guide the staged provision of additional urban land;

- To maintain and re-develop existing urban infrastructure and services; and
- To improve access to public transport and for walking, cycling, horse and mobility scooter riding through good development and service provision.

The DDS identifies that the small towns and villages within the structure plan area will provide for natural growth and any spill over growth from Auckland and Hamilton City. The loss of productive land to urban expansion to accommodate population growth around existing settlements is planned for and to be managed through the use of structure plans and as per the principles for managing growth in the WRPS.

The proposed plan change reflects the direction of the DDS providing urban expansion in an area that is adjacent to the structure plan area and an assessment of the WRPS has been carried out in Section 3.5.3.

3.5.9 Waikato District Long Term Plan (LTP)

Waikato District Council adopted the 2015 - 2025 LTP on 30 June 2015. Within the long-term plan sits the 30 year Infrastructure Strategy which identifies projects for each town and village in the district. The LTP identifies that residential growth is strongest in the towns and villages in the northern part of the District including Pokeno. Growth in Pokeno is predicted to continue and the township has been specifically targeted as a growth area. Pokeno is also identified for Industrial growth. The LTP predicts and provides for growth to continue in Pokeno.

The LTP identifies that Pokeno's water, wastewater and stormwater network will need to continue to be expanded to service growth. This includes the installation of a new reservoir and other bulk main improvements. It also identifies that the riparian planting of streams and drainage reserves will be required in associated with development. A number of projects are dependent on growth occurring in Pokeno and as such the timing for the new or upgraded infrastructure will be constantly changing depending on the uptake of this growth.

The LTP also identifies the need for new sports grounds to accommodate the growing population in Pokeno. This is listed as a key project for 2015-2025. Budget has also been allocated for beautification of the Pokeno Town Centre.

PC21 provides for a logical extension of that growth in an area adjacent to the current Structure Plan. The net effect of PC21 is that some of the programmed upgrades may be brought forward.

3.6 Consultation and Development of the Plan Change

PVHL undertook consultation in the development of the proposed plan change. A summary of the consultation is provided below, as recorded in the plan change application documentation¹.

Consultation included the following groups:

- The wider community
- Tangata Whenua
- Waikato District Council ('WDC')
- Waikato Regional Council ('WRC')
- New Zealand Transport Agency ('NZTA')
- Counties Power
- Future Proof

¹ Appendix B – Consultation Strategy of the Pokeno Village Holdings Ltd - AEE

Public Consultation

The applicant consulted with a range of stakeholders, including the Pokeno Community Committee on 11 April 2017 whereby it presented the proposed plan change to the Committee.

Plan change 21 was notified on 15 September 2017 with submissions closing on 13 October 2017. Three submissions were received. Further submissions were called for on 10 November 2017 and closed on 27 November 2017. This s.42A report addresses those submissions. This public notification process is a form of public consultation.

Waikato District Council

WDC had initial discussions with PVHL in May 2017. Generally, the discussion addressed the protected trees, neighbourhood parks, wetlands, and consultation with stakeholders including iwi and NZTA. PVHL presented the proposed plan change to a full Council meeting in June 2017.

Waikato Regional Council

Initial consultation with Waikato Regional Council has occurred. WRC have submitted on the plan change and their submission is addressed in Section 4 below. Further engagement with WRC has occurred in response to their submission. This has resulted in changes being proposed by the applicant to address their submission. The details of which are addressed in Section 4.

Iwi

PVHL has consulted with Ngati Te Ata and Ngati Tamaoho. As a result of this consultation, both groups have prepared separate Cultural Impact Assessments ('CIA'). These were issued after the notification of the proposed plan change and have been addressed in the s32AA. To date, it is understood that no response has been received from Waikato-Tainui.

Ngati Te Ata have concluded that their support for the private plan change is conditional on a number of issues and recommendations being addressed and provided for. They have recommended:

- The inclusion of policies and rules that address stormwater discharge and the creation of buffer zones around significant wetlands;
- Further discussions regarding stormwater management and design;
- Riparian planting and other off-set mitigation planting;
- Use of native species for planting;
- Provide for walking and cycling opportunities to and from the wetlands;
- Covenant bush areas within the plan change area;
- Cultural monitoring of earthworks;
- The objectives and policies of the Vision and Strategy are taken into full account;
- Any changes to the proposed plan change are notified to Ngati Te Ata; and
- Naming rights for streets, and reserves.

The CIA provided by Ngati Tamaoho concludes that they are currently opposed to the proposed plan change and recommend the following:

- Site blessings prior to works;
- Cultural inductions for contractors;
- Stormwater management to be off-line to the wetlands;
- Requirement for riparian planting for Pond J;
- No piping of discharges as they leave the site;
- Covenants on lots that require the installation of rain tanks;

- Designing the subdivision so that lots do not back onto the wetlands;
- Provide for walking and cycling opportunities to and from the wetlands;
- Use of native species for planting;
- Stream crossings are bridges as opposed to culverts; and
- Covenant bush areas within the plan change area

These recommendations have been considered by PVHL in the attached s32AA report. To address submissions, the applicant has provided further provisions relating to the protection of the identified wetlands.

The feedback received from Iwi relates mostly to physical development and the management of stormwater, earthworks and development. The applicant has responded to these inputs and has identified that these are better to be addressed as part of the various resource consent requirements that will be needed for development. They have also provided a response to issues relating to pre-physical works and cultural monitoring.

The applicant has proposed provisions (objectives, policies and methods) in response to submissions that ensure the purpose and principles of the Act and WRPS are given effect to.

It is recommended that Iwi continue to engage with the applicant to ensure that their concerns are taken into account as development progresses.

Waikato Raupatu River Trust

It is understood that correspondence was sent to the Waikato Raupatu River Trust, however no response was received before notification. No submissions from the Waikato Raupatu River Trust have been received.

New Zealand Transport Agency

NZTA were initially advised of the proposed plan change and provided limited response to the information provided by PVHL. NZTA have submitted on the proposed plan change and their submission is addressed in Section 4 below.

Counties Power

Counties Power were informed of the proposed plan change and have confirmed that network connections points can be made available to the plan change area within the road reserve. This was subject to further technical assessment to establish the extent and nature of the work required.

Adjacent Landowners

The consultation strategy outlines a number of individual land owners surrounding the proposed plan change have been consulted with. Feedback from surrounding owners appear to be supportive/neutral and no amendments appear to have arisen from the consultation. None of the adjacent landowners have submitted on PC21, therefore it is assumed there are no issues with the proposal.

3.7 Statutory Requirements (including Section 32)

Section 32 of the RMA imposes on Council a duty before making a decision on a plan change application to carry out an evaluation. The relevant parts of s32 are listed below:

- (1) An evaluation report required under this Act must –
 - (b) Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and
 - (c) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by
 - i. Identifying other reasonably practicable options for achieving the objectives; and
 - ii. Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
 - iii. Summarizing the reasons for deciding on the provisions; and
 - (d) Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must –
 - (a) Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
 - i. Economic growth that are anticipated to be provided or reduced; and
 - ii. Employment that are anticipated to be provided or reduced; and
 - (b) If practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an amending proposal) will amend a standard, statement, regulation, plan or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to –
 - (a) The provisions and objectives of the amending proposal; and
 - (b) The objectives of the existing proposal to the extent that those objectives –
 - i. Are relevant to the objectives of the amending proposal; and
 - ii. Would remain if the amending proposal were to take effect
- (6) In this section, -
 - objectives means, -
 - (a) For a proposal that contains or states objectives, those objectives:
 - (b) For all other proposals, the purpose of the proposal
 - Proposal means a proposed standard, statement, regulation, plan or change for which an evaluation report must be prepared under this Act
 - Provisions means, -
 - (a) For a proposed plan or change, the policies, rules or other methods that implement, or give effect to, the objectives of the proposed plan or change:
 - (b) For all other proposals, the policies, or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

The plan change application included a s32 at time of notification. As the proposed plan change sets out to amend the Waikato District Plan – Franklin Section. This plan change is an ‘amending proposal’ under s32(3) RMA. For an amending proposal, the evaluation of objectives is limited to:

- The provisions and objectives of the amending proposal; and
- The objectives of the existing proposal to the extent that those objectives:
 - Are relevant to the objectives of the amending proposal; and

- Would remain if the amending proposal were to take effect.

The relevant statutory tests when assessing the merits of the provisions of a plan change are found in sections 31, 32, 72, 74, 75 and 76 of the RMA. These tests have been summarised by the Environment Court in decisions such as *Long Bay-Okura Great Park Society Incorporated v North Shore City Council*².

Given that the District Plan objectives and policies are operative, and are not subject to PC21, the relevant requirements are whether the provisions of PC21:

- a) have regard to the actual and potential effect of activities on the environment (in relation to rules) under s76;
- b) give effect to the Waikato Raupatu Claims (Waikato River) Settlement Act 2010 and the Waikato Regional Policy Statement as required by s75(3);
- c) have regard to the Future Proof Implementation Strategy, Waikato District Development Strategy, Waikato District Long Term Plan and the Regional Land Transport Plan as required by s74(2)(b);
- d) implement the policies and therefore the objectives of the District Plan in accordance with s32;
- e) are the most appropriate method for achieving the objectives of the District Plan, having regard to their efficiency and effectiveness (taking into account the benefits and costs, the opportunities for economic and employment growth, and the risk of acting or not acting if there is uncertain or insufficient information);
- f) have been designed to accord with and assist the Council to carry out its functions under s31 so as to achieve the purpose of the RMA; and
- g) are in accordance with the provisions of Part 2 of the RMA (which covers the purpose of the Act; matters of national importance; matters that must be given particular regard and taking account of Treaty of Waitangi principles).

3.8 Analysis of the Statutory Requirements

The proposed plan change extends the surrounding Residential 2 zoning across the site. It also proposes to remove the Residential Large Lot Overlay area from land already zoned Residential 2 and apply it to the southern end of the plan change area. The proposal therefore adopts the objectives of the existing zone which have already met the necessary s32 test.

Changes to the provisions are proposed to ensure there is consistency between the location of the proposed zoning and the relevant policies/rules. Amendments to other provisions are also sought in relation to the removal of two significant trees from Appendix 2: Inventory of Historic Buildings, Structures, Trees and Areas.

The application included a s32 analysis relevant to the proposed plan change that largely focussed on the merits of rezoning the area covered by the plan change and shifting the large lot overlay. The analysis focuses on the costs and benefits of the rezoning generally and does not address specific amendments proposed to the plan provisions. Amendments to the provisions focus on the removal of reference to the provision of larger lot to address issues of reverse sensitivity between residential and light industrial activity.

Amendments proposed to 54.15.2.5.3 Policy are included in the table below. The rest of the policy remains unchanged. Section 32 requires an examination to ensure that these are the best way to achieve the relative objectives.

²EnvC Auckland A078/08, 16 July 2009 at [34]

Objective:	
<i>To ensure a range of urban densities within Pokeno which are appropriate to their locations in order to maintain amenity whilst supporting pedestrian, cycle and public transport, the viability and vibrancy of the town centre and neighbourhood centres and areas of open space, while achieving or exceeding an overall minimum density of ten dwellings per gross hectare across the developable parts of the town.</i>	
Policy	Comments
Subdivision and development should:	
(a)	<p>Achieve an average gross density of ten dwelling houses per hectare in residential areas excluding the Large Lot Overlay;</p>
(b)	<p>Provide larger low-density lots to provide a buffer between the Light Industry Zone and urban residential areas.</p> <p>The objective identifies a need to provide a range of densities throughout the township which provides flexibility for development to respond to its surrounding context. The proposed amendment provides further clarity to the directive to achieve a range of urban densities explicitly stating that Large Lot Areas which have been identified for amenity purposes are not required to meet the aspirational density target. This aids in the effectiveness and efficiency of the policy in achieving the objective.</p> <p>The purpose of the large lot overlay is to provide a buffer between urban residential areas and the Light Industry Zone. The applicants s32 considers that reverse sensitivity can be controlled through standards relating to noise that are already included within the district plan.</p> <p>Provisions are included within the existing district plan provisions that address the effects of noise, lighting and glare, and odour, dust, fumes and smoke on the residential zones. They provide a baseline where effects below the levels described in the standards are considered to be appropriate. Light Industrial building bulk and location is controlled through development standards relating to height and height in relation to boundary standards. These apply to activities in the light industrial zone</p> <p>The large lot overlay therefore does not address issues of reverse sensitivity through the control of effects, but rather reduces the number of dwellings and therefore residents that may complain about activities occurring in the light industrial zone. This does not reduce the level of compliance required from any industrial activities, it merely reduces the number of sites that are proximity to their activity reducing the risk of reverse sensitivity issues arising.</p> <p>The removal of the large lot overlay could increase the number of dwellings constructed near the light industrial zone, however no submissions were received from residential occupants/landowners or industrial land owners/occupiers in relation to the removal of the large lot overlay. Therefore, it is assumed that there is no objection to the possible</p>

	<p><i>increase in density at the zone interface that would be enabled by this change. It is considered reasonable that due diligence should be carried out by any future land owner/occupier in this area.</i></p> <p><i>The removal of the policy is not considered to reduce the ability to effectively and efficiently achieve the relative objective. It will allow higher density development to occur representing a more efficient use of land whilst relying on development standards to achieve an appropriate level of amenity.</i></p>
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Minor amendments are also proposed throughout the plan provisions to ensure it is clear that development in the large lot overlay area proposed is not subject to the aspirational 10 dwellings per hectare density requirement that applies to Pokeno. These are considered to assist in providing clarity in efficiently and effectively achieving the objective to provide a range of density options throughout Pokeno.

Zoning

The application of the Residential 2 Zone is considered to be an appropriate urban extension of the Pokeno township as it represents contiguous urban development. Rezoning would allow a logical extension of Pokeno to the south as the township continues to grow. This is considered to meet the objectives of the Pokeno Structure Plan and follow the direction for urban development provided in the WRPS and Future Proof. As noted earlier, the land was also previously earmarked for rezoning in the original Plan Change for Pokeno, but was removed at the request of the previous landowner.

Relocation of the large lot overlay

The removal of the large lot overlay is considered to provide for more efficient use of land in the northern section of the plan change area. The inclusion of the large lot overlay in the southern corner is considered to be an appropriate response to the steep topography of the area. It also provides a transition to the adjacent Rural Zone. This also allows development to occur whilst minimising the likelihood of adversely effecting impacting on C34 – Stand of Native Bush which is identified in Appendix 2 of the WDP – Franklin Section.

Schedule 8A Protected Trees

An aboricultural assessment report was included with the proposed plan change evidence prepared by Arbor Connect. This assessed a number of trees within the Graham Block and provides a number of recommendations relating to trees within the plan change area. As part of this assessment, the aboricultural report considered the scheduled Taraire trees – C.33. The aboricultural assessment concludes that their current health would not warrant them being listed in the district plan or being described as being of superior health. It states that the removal of nearby pine trees has exposed the trees and has likely resulted in their deterioration. The report recommends that they should not be retained “at all costs” if it can be shown that the removal of the two trees would result in a better outcome for the plan change.

As part of the plan change, the applicant proposes to remove two Taraire Trees that are listed in ‘Schedule 8A: Historic Buildings, Structures, Trees and Areas’ of the Operative WDP – Franklin Section as Items C.33. It proposes to mitigate this loss by including two other trees within Schedule 8A a Taraire and a Rewarewa Tree, which are considered to be in better health by Abor Connect.

Councils Group Manager Parks and Reserves has been involved in the assessment of the two Taraire trees. The conclusions reached are reported in section 3.2 above. Based on that assessment, it is our recommendation that Trees C.33 are removed.

It should also be noted, as mitigation for the removal of the two Tarire trees, the applicant has proposed the inclusion of two additional trees that are considered to be worthy of protection as they are part of an area of native planting that is well maintained and relatively weed free. The two trees proposed to be scheduled are a Rewarewa and a Taraire.

4 Consideration of submissions and further submissions

4.1 Introduction

This section contains a summary presentation of the submissions and further submissions received on PC21. Submissions have been grouped under the proposed plan provision numbers to assist the Commissioner consider the submissions made and the Planning Officer's report.

The format of the submissions table is as follows:

- the first line has details of the original submission;
- following lines detail any further submissions on that original submission. Further submission numbers are prefixed by FS and are in *Italic* font.

Example as follows:

Sub No	Submitter	S/O	Submission Summary	Recommendation on Submission
100.1	John Doe	S	The proposed plan change is supported as the submitter considers it is relevant for the area.	xxxx
<i>FS161.2</i>	<i>Smith Enterprises</i>	<i>O</i>	<i>The submission is opposed as the further submitter considers it is not appropriate to rezone this land for lifestyle development.</i>	<i>xxxxx</i>
Next sub.				

It should also be noted here, that since the submissions were received Council has received advice from both NZTA and Future Proof that they do not wish to be heard in relation to their submissions. Their correspondence to this effect is contained in **Attachments 3 and 4**, respectively. The NZTA response also confirms that they are no longer oppose the PC21.

4.2 Submission Topic Area

Submissions have been assessed in groups according to the following topic areas:

- 4.3 General Submissions
- 4.4 Information Accompanying the Proposed Plan Change and Assessment of Density
- 4.6 Pokeno Structure Plan – Appendix 54.15A
- 4.7 Areas of Significant Indigenous Vegetation
- 4.8 Areas of Indigenous Biodiversity

4.3 General Submissions

Analysis:

Future Proof Implementation Committee (1.1) generally support the proposed plan change as it encourages development into existing settlements and growth areas, which is a key principle of the Future Proof Strategy. Future Proof supports the changes to the district plan and requests that these are retained as notified. The detail of other submission points is addressed in the sections below. Changes are recommended to the proposed provisions as a result of these submission points.

Waikato Regional Council (3.0) supported by **Ngati Te Ata (FS4.1)** and **Ngati Tamaoho Trust (FS5.1)** note that a number of consents are likely to be required from WRC in accordance with the Waikato Regional Plan including stormwater discharge, earthworks, diversion or infilling of wetland or stream systems and any structures on or over the bed of any stream or wetland area. WRC's point is noted as a formality, any consenting processes that arise from this proposed plan change are independent of this Schedule 1 process. No changes are recommended in relation to this note.

Sub Name <i>Further Sub Name</i>	Sub. Point <i>FS Point</i>	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
Future Proof Implementation Committee	1.1	General	Support	It is a key principle of the Future Proof Strategy to encourage development into existing settlements and growth areas. Retain as notified	Accept in part	It is recommended that the plan change is accepted subject to recommendations discussed in detail below. The plan change has been amended from notification, therefore the submission is accepted in part.
Waikato Regional Council	3.0	General	Neutral	Note that a number of consents are likely to be required from WRC in accordance with the Regional Plan.	Accept	The likelihood of regional consents being required is noted.
Ngati Te Ata	<i>F41.1</i>		<i>Support</i>	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline.</i>	<i>Accept in part</i>	<i>The relevant submission is recommended to be accepted in part</i>
Ngāti Tamaoho Trust	<i>FS5.1</i>		<i>Support</i>	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices</i>	<i>Accept in part</i>	<i>The relevant submission is recommended to be accepted in part</i>

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
				<i>should be constructed offline and to provide for the protection of identified areas of significant indigenous vegetation and habitat.</i>		

4.4 Information Accompanying the Proposed Plan Change and Residential Density

Analysis:

Submissions from **Future Proof Implementation Committee (1.3)**, **New Zealand Transport Agency 'NZTA' (2.1)** have raised issues with the proposed plan change documentation. These relate to the robustness of the analysis that has accompanied the private plan change including reference to documents that the district plan is required to give effect to or have regard to.

The **Future Proof Implementation Committee** has sought that reference to the Future Proof Strategy and the Waikato Regional Policy Statement (WRPS) are included in the plan change documentation as per section 75(3)(c) and section 74(2)(b)(i) of the RMA which require a district plan to give effect to the Regional Policy Statement and have regard to management plans and strategies that have been prepared under other legislation, i.e. Future Proof. As the RMA requires the Waikato District Plan to give effect to the WRPS, it is considered that there is no need to explicitly reference the WRPS specifically for the proposed plan change area in the WDP – Franklin Section. The recommended amendments to the Waikato District Plan (**Attachment 4**) consequently do not adopt the change proposed by the applicant in the s32AA report.

The applicant has addressed both the WRPS and the Future Proof Strategy in the AEE in sections 2.4.6 and 2.4.9.3 respectively. At the time of notification, the AEE was not available on Waikato District Councils website due to an administration error. Sections 3.5.2 and 3.5.5 of this s.42A report addresses and assesses the application against both the WRPS and the Future Proof Strategy respectively. The proposed plan change is aligned with the relevant objectives and policies of the WRPS and Future Proof. A more detailed discussion regarding density is included below.

Similarly, **NZTA (2.1 & 2.2)** submitted that there was insufficient information provided to ensure that the proposed Plan Change meets the necessary statutory tests required to be assessed. Subsequently, NZTA sought the rejection of the entire plan change, or, alternatively ensure that decisions made in relation to the proposed plan change provide for the integration of proposals for future development at Pokeno, in particular whether the densities proposed by the plan change are appropriate due to the density targets provided in the Waikato Regional Policy Statement and draft Future Proof Strategy. The integration of future development and the proposed density of the plan change is addressed in detail below.

In an email dated 20 February NZTA formally advised WDC on the Agency's position on Proposed Plan Change 21. The email advised that *"following the close of the submission period the Transport Agency was advised that the requested analysis against relevant strategic documents had been undertaken but had not been included in the material notified by WDC in error. This information was subsequently provided to the Transport Agency by the proponents' planning consultants. This information was reviewed by the Transport Agency and it was concluded that it addressed the concerns at bullet point 1 of the Agency's relief sought. This was then communicated to Council staff and the proponents' planning consultant."*

They have further advised that they are satisfied with the further information provided and are no longer opposed to the proposed plan change and no longer wish to be heard in support of their submission. A copy of this correspondence is contained in **Attachment 3**.

Regarding the above, it is still appropriate to address the concerns of the submission as it has not been withdrawn.

The location of the proposed plan change is a logical extension of the urban development of Pokeno. It is contiguous with existing and consented development and it is considered that the location of the zoning will provide for the further growth of Pokeno. It is considered that the layout and design of future subdivision will have more of an influence on the ability for future development to integrate into the existing environment than what can be identified in the zoning maps. The design and layout of any future subdivision is more appropriately considered through a resource consent process.

In addition to the consideration of integrated growth, **NZTA** have raised particular concern with the density proposed by the development. In particular the appropriateness of the density proposed in relation to the requirements of the WRPS and the draft Future Proof Strategy. The WRPS and Future Proof are addressed in detail in Sections 3.5.2 and 3.5.5 of this report respectively.

The Proposed Waikato Regional Policy Statement was notified on the 3rd of November 2010. Prior to its inclusion in the Waikato District, the village of Pokeno was in the jurisdiction of Franklin District Council. The Franklin District was disbanded/abolished on 31 October 2010 and divided between Auckland Council, Hauraki District Council and Waikato District Council. Due to the timing of the disbandment, the WRPS adopts the general vision and development direction of the Franklin District Growth Strategy (2007) as per section 6.12. This was to apply until the Future Proof Growth Strategy and relevant district plans were reviewed.

Future Proof is currently undergoing review through a two-stage process, with stage one deliberations having been made on 30 October 2017, and is awaiting confirmation of adoption from Waikato Regional Council and Waipa District Council (Hamilton City Council and Waikato District Council have formally adopted the update). This review includes Pokeno as a growth area and a future review of the WRPS will need to formally adopt the new settlement patterns to include these in the WRPS. Waikato District Council are currently undertaking the review of their District Plan, of which a Draft has been published. This proposed plan change seeks to amend the Franklin Section of the Operative Waikato District Plan.

The current planning framework is at an interim stage with Future Proof and the District Plan currently at different stages of their respective reviews. It is therefore appropriate to consider the aspirations of both the Franklin District Growth Strategy and the Future Proof Growth Strategy.

The most relevant principles of the Franklin District Growth Strategy that explicitly relate to density in Pokeno are:

1. Residential development offering a greater intensity of development towards the village centre...
2. Achieve average densities greater than 10 dwellings per hectare.

The Future Proof Strategy (2017) aims to achieve an average gross density of 12-15 households per hectare in the larger towns throughout the Future Proof Sub-Region including Pokeno - these are identified as being able to be achieved over time.

In addition to the above, the Future Proof Strategy also recognises the topographical/geographical/physical constraints of Pokeno in Section 6.2.

The proposed rezoning of the plan change area seeks to establish the Residential 2 Zone over the site, with a 'Large Lot Overlay' over the southern portion of the site. With the exception of the proposed large lot overlay in the southern end of the site, the subdivision standards of the Residential 2 Zone

provide for minimum lot sizes of 450m² with an average of no less than 500m² for those lots under 800m². An average lot size of 500m² would meet the density targets of the Franklin District Growth Strategy and the Future Proof Strategy. The plan application provides a much lower estimate of the realisable density in the area due to the topographical constraints present. These constraints are acknowledged in Future Proof, specifically for the Pokeno, therefore it is reasonable to take these constraints into consideration when assessing the likely yield of the proposed plan change. When anticipating the final development outcome of the proposed plan change, it is also important to consider that the level of information available at this stage of the process is less detailed than what will be considered when assessing a resource consent application. Further constraints may further limit the realisable yield, or smaller sections and thus higher density may be proposed.

The minimum lot size in the large lot overlay is 1200m². The 'Large Lot Overlay' represents a response to the more challenging topography of the southern end of the site, where a lower density is considered by the applicant to be more suitable due to the location of the adjacent 'Aggregate Extraction Zone' (located to the south of the plan change area), the challenging topography of the area and the location of 'C34 Native Bush' which is scheduled in Appendix 2 of the Franklin Section of the Waikato District Plan. The density enabled by a 1200m² minimum lot size is under the density targets set by both Future Proof and the Franklin District Growth Strategy, however it is considered that due to the topographical constraints of the area and its location adjacent to the Rural Zone and Aggregate Extraction Zone, larger lot sizes are appropriate for the approximately 13ha proposed to be included in the overlay.

The proposed removal of the existing large lot overlay in the north of the site (an area of approximately 18ha) will enable more efficient development of that area of land. The proposed amendments will result in a net decrease in land covered by the large lot overlay by approximately 5ha.

The location of the proposed plan change represents a logical extension of the Pokeno township which will provide for further growth of Pokeno which is anticipated in the Franklin District Growth Strategy, the Future Proof Growth Strategy and the WRPS. With the exception of the proposed 'Large Lot Overlay', the density enabled by the 'Residential 2 Zone' provisions are generally aligned with the density targets of the Franklin District Growth Strategy and the Future Proof Growth Strategy and therefore the WRPS. The 'Large Lot Overlay' provisions reflect a response that is considered to be appropriate to the location and topography of the part of the site that it applies.

If the plan change is accepted, the final yield of the development will be determined through a resource consent process, this will also influence the ability to integrate future development with existing development in Pokeno.

In response to the request for Council to remain open to the reconsideration of any decisions made through the private plan change process, the following is noted. The already underway (draft stage) District Plan Review will enable the consideration and scrutiny of the planning provisions across the Waikato District including those applicable to Pokeno. The District Plan Review will be required to meet all relevant statutory tests required under the RMA 1991, particularly s72-77D.

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
Future Proof Implementation Committee	1.3	General	Support	<p>The plan change is generally supported however it would be useful if the documentation referenced the Future Proof Strategy and WRPS.</p> <p>Reference the Future Proof Strategy and the WRPS in the plan change documentation.</p>	Accept in part	<p>The applicant has included reference to Future Proof and the WRPS in the AEE. The AEE needs to be read with the remainder of the plan change application documentation.</p> <p>This s42A report has also considered Future Proof and the WRPS.</p> <p>The submission is accepted in part, as the plan change documentation contains reference to the documents referred to in the submission.</p>
NZTA	2.1	General	Oppose	<p>There is insufficient information to adequately assess the plan change, and the necessary statutory tests have not been met.</p> <p>Reject the proposed plan change in its entirety in the absence of a thorough analysis of the higher order statutory documents; OR</p> <p>Ensure that decisions provide for the integration of proposals for future development at Pokeno. Particular consideration should be given to whether the density targets of the proposed plan change are appropriate given the targets contained in the RPS and the Draft</p>	Decline	<p>The AEE that accompanied the private plan change includes an assessment of the necessary statutory documents. The AEE needs to be read with the remainder of the plan change application documentation.</p> <p>For completeness, an assessment of the proposed provisions has been carried out with a particular focus on density and the integration of future development in Pokeno.</p> <p>It is considered that the proposed plan change gives effect to the density requirements of the WRPS where the topography of the site allows.</p>

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
				Future Proof Strategy. Retain the ability to revisit decisions made on PC21 as part of the upcoming District Plan Review.		
NZTA	2.2	54.15.2.5 Residential Density	Oppose	<p>There is insufficient information to adequately assess the plan change, and the necessary statutory tests have not been met.</p> <p>Reject the proposed plan change in its entirety in the absence of a thorough analysis of the higher order statutory documents;</p> <p>OR</p> <p>Ensure that decisions provide for the integration of proposals for future development at Pokeno. Particular consideration should be given to whether the density targets of the proposed plan change are appropriate given the targets contained in the RPS and the Draft Future Proof Strategy. Retain the ability to revisit decisions made on PC21 as part of the upcoming District Plan Review.</p>	Decline	<p>The AEE that accompanied the private plan change includes an assessment of the necessary statutory documents. The AEE needs to be read with the remainder of the plan change application documentation.</p> <p>For completeness, an assessment of the proposed provisions has been carried out with a particular focus on density and the integration of future development in Pokeno.</p> <p>It is considered that the proposed plan change gives effect to the density requirements of the WRPS where the topography of the site allows.</p>

4.5 Appendix 54.15A: Pokeno Structure Plan Area

Analysis:
<p>The Future Proof Implementation Committee (1.2) support the proposed changes to Appendix 54.15A: Pokeno Structure Plan Area and seek for it to be retained as notified.</p> <p>The Waikato Regional Council 'WRC' (3.1) is neutral towards the proposed plan change and acknowledges that urban development is anticipated in Pokeno in a number of documents. Waikato Regional Council seek the retention of the proposed plan change as notified subject to the amendments sought elsewhere throughout their submission.</p> <p>The detail of other submission points are addressed elsewhere in this report. Changes are recommended to the proposed provisions as a result of these other submission points.</p>

Sub Name <i>Further Sub Name</i>	Sub. Point <i>FS Point</i>	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
Future Proof Implementation Committee	1.2	Appendix 54.15A	Support	<p>Future Proof support the changes to the structure plan area.</p> <p>Retain as notified</p>	Accept in part	It is recommended that the plan change is accepted subject to recommendations discussed in detail below. The plan change has been amended from notification, therefore the submission is accepted in part.
Waikato Regional Council	3.1	Appendix 54.15A	Neutral	<p>Urban development is anticipated in Pokeno in a number of documents. The Future Proof Growth Strategy is currently under review and will include those parts of Waikato District that were formerly part of the Franklin District Council.</p> <p>Retain as notified subject to amendments sought in other submission points.</p>	Accept in part	It is recommended that the plan change is accepted subject to recommendations discussed in detail below. The plan change has been amended from notification, therefore the submission is accepted in part.

4.6 Areas of Significant Indigenous Vegetation and Areas of Indigenous Biodiversity

Analysis:

Waikato Regional Council (3.2) supported by *Ngati Te Ata (FS4.1)* and *Ngati Tamaoho Trust (FS5.1)* seek for further protection to be provided for those areas that have been identified as having significant biodiversity value in the Ecological Report appended to the plan change application (Technical Report C – Ecological Assessment: Fresh Water Solutions – April 2017). These areas are denoted as ‘SE1’ and ‘Wetland 1’ and ‘Wetland 2’. SE1 is currently listed in the Franklin District Plan as item C34 in Schedule 8A: Historic buildings, Structures, Trees and Areas.

WRC requests that ‘Wetland 1’ and ‘Wetland 2’ are included in Schedule 8A or similar relief to ensure their protection. Further relief is sought to amend the objectives and policies of the Pokeno Structure Plan to include reference to “wetlands” to give effect to the Chapter 11 of the WRPS.

Schedule 8A is not considered to be the appropriate location for the scheduling of wetlands as this schedule relates to historic buildings, structures, trees and areas. Changes are recommended to the provisions and are addressed below. Changes are recommended to the Pokeno Structure Plan objectives, policies and explanations to include reference to the two wetlands that have been identified through the proposed plan change supporting ecological evidence. The amendments establish a policy framework that provides direction on how development needs to respond to the environmental constraints of the site.

Sub Name <i>Further Sub Name</i>	Sub. Point <i>FS Point</i>	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
Waikato Regional Council	3.2	Schedule 8A 54.15.2.2	Oppose in part	To provide for the protection of significant indigenous vegetation, amend Schedule 8A to include Wetland 1 and 2 as identified in the plan change document. In addition to identification, amend Section 54.15.2.2 of the Pokeno Structure Plan to include reference to wetlands in the issues, objective, policy and explanation.	Accept in part	Amendments have been recommended that include reference to the identified wetlands in the objectives and policies. The wetlands have not been included in Schedule 8A as this relates to the protection of historic buildings, structures, trees and areas. Inclusion in Schedule 8 is consequently not considered appropriate.
<i>Ngati Te Ata</i>	<i>FS4.1</i>		<i>Support</i>	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported</i>	<i>Accept in part</i>	<i>The relevant submission is recommended to be accepted in part</i>

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
				<i>and stormwater treatment devices should be constructed offline.</i>		
<i>Ngāti Tamaoho Trust</i>	<i>FS5.1</i>		<i>Support</i>	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline and to provide for the protection of identified areas of significant indigenous vegetation and habitat.</i>	<i>Accept in part</i>	<i>The relevant submission is recommended to be accepted in part</i>

4.7 Areas of Indigenous Biodiversity

Analysis:

Waikato Regional Council (3.3) supported by **Ngati Te Ata (FS4.1)** and **Ngati Tamaoho Trust (FS5.1)** have sought general relief to ensure that the effects on areas of indigenous biodiversity within the plan change area are avoided as a preference and where loss or degradation is proposed, there is a process to ensure the effects area assessed and appropriately managed. They have also requested the removal of wording from the explanation to the policy that identifies that modification of ephemeral streams is anticipated in the Pokeno Structure Plan to allow development.

As a result of the submission from WRC, the applicant has further engaged with the submitter to address their concerns. Through this engagement, the applicant has provided suggested amendments to the plan provisions that we understand have been agreed in principle by WRC. These proposed amendments have been accompanied by a s32AA report that addresses the proposed changes.

The proposed provisions strengthen the policy framework in relation to indigenous vegetation and habitats of indigenous fauna with the Graham Block of the Pokeno Structure Plan. They also provide a rule framework to allow the assessment of any proposed indigenous vegetation clearance that does not meet the proposed development standards. The proposed provisions allow for indigenous vegetation clearance to be undertaken as a permitted activity within the Graham Block for a small number of purposes such as for the protection of life and property, maintenance of tracks/fences/farm drains, conservation fencing or gathering of plants in accordance with Maaori customs and values. Any indigenous vegetation removal other than provided for as a permitted activity is subject to a restricted discretionary consent that allows Council to assess the removal against a range of criteria, depending on its location in relation to the identified wetlands. Indigenous vegetation clearance within the wetlands is subject to a higher level of scrutiny than indigenous vegetation clearance outside of an identified wetland. It sets up a framework that first considers whether avoiding the removal of vegetation is not practicable, then whether measures have been adopted to minimise the removal of vegetation to the greatest extent practicable and finally whether measures proposed to remedy, mitigate or offset adverse effects will achieve no net loss of significant vegetation and significant habitats of indigenous.

The s32AA report provides an analysis of the proposed provisions and outlines how they give effect to the WRPS, specifically Policies 11.1 and 11.2, ensuring that the ecological values of the Graham Block are able to be maintained and enhanced. There are no issues arising out of the s32AA. The proposed provisions have been informed by technical advice from the applicant's ecological report that accompanied the proposed plan change.

It would be useful if the applicants' ecologist could confirm that the proposed provisions are reasonable and suitable from an ecological perspective as Council has not undertaken an ecological review of the proposed provisions. Subject to the above confirmation, it is recommended that the proposed provisions are adopted within the proposed amendments to the Waikato District Plan – Franklin Section.

WRC have also sought the removal of reference to the anticipated modification of ephemeral streams to enable development included in 54.15.2.2.4. As an explanation, rather than an objective or policy, it holds little to no weight in any resource consent application assessment. Further, the explanation applies to the whole Pokeno Structure Plan, and not just the Graham Block, therefore there is a possible scope issue with the unanticipated modification of provisions that relate to the wider structure plan area that were not notified as being amended as part of the plan change. It is considered that the amendments recommended to the plan provisions, in combination with the existing rule frameworks in the Waikato Regional Plan and Waikato District Plan that the effects of any development proposal are able to be adequately assessed.

Sub Name Further Sub Name	Sub. Point FS Point	Plan Provision	Sub. Type	Summary of decision sought	Recommendation	Reasoning
Waikato Regional Council	3.3	General Plan Change 54.15.2.2.4	Oppose in part	Amend the explanation in 54.15.2.2.4 to remove reference to the anticipated modification of ephemeral streams to allow development as this is inconsistent with the Vision and Strategy and the WRPS.	Accept in part	Amendments have been proposed that address the issue of indigenous biodiversity and allow council the ability to assess the removal of indigenous vegetation. Removal of reference to the anticipated modification of ephemeral streams within the explanation is not recommended.
Ngati Te Ata	FS4.1		Support	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline.</i>	Accept in part	<i>The relevant submission is recommended to be accepted in part</i>
Ngāti Tamaoho Trust	FS5.1		Support	<i>The further submission supports WRC, in particular the statement that online stormwater treatment is not supported and stormwater treatment devices should be constructed offline and to provide for the protection of identified areas of significant indigenous vegetation and habitat.</i>	Accept in part	<i>The relevant submission is recommended to be accepted in part</i>

5 Conclusion and Recommendations

5.1 Conclusion

This report has been prepared pursuant to s42 of the RMA to address the planning related issues associated with the private plan change request lodged by Pokeno Village Holdings Ltd seeking to rezone an area of land adjacent to the Pokeno Village from Rural to Residential 2 Zone. The plan change also proposes a number of other consequential amendments as follows:

- Relocate the the large lot overlay in the southern part of the plan change area from land already zoned Residential 2;
- Incorporate the plan change area into the existing Pokeno Structure Plan area;
- Remove two Taraire Trees (Item C.33) from the Historic Buildings, Structures, Trees and Areas schedule (Schedule 8A);
- Include a Rewarewa tree and Taraire tree located in the plan change area into Schedule 8A;
- Identify two wetlands and associated areas on the Pokeno Structure Plan Area map; and
- Remove the Central Rural Management Area from the plan change area.

The application as submitted, together with the additional specialist reports, is in accordance with the requirements of the RMA and provides a suitable basis on which to assesses the potential effects of the plan change.

This report has examined the plan change proposal and changes to the district plan provisions against the relevant statutory requirements, the submissions received and the applicants s32AA further evaluation report.

Taking into account the above matters, a review of the submissions received and based on the technical advice received, it is recommended that the private plan change 21 be approved, with some amendments. It is considered the proposed new provisions address the concerns of the submitters.

5.2 Recommendations

That on the basis of the information supplied, it is recommended that private plan change 21 be **approved** with amendments as set out in the **Attachment 5**.

That those submissions requesting recommended amendments to the plan change be accepted in whole or in part, and that all other submissions are rejected.