

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions and further submissions on the **PROPOSED WAIKATO DISTRICT PLAN**
Topic 3: Strategic Objectives

STATEMENT OF EVIDENCE OF CHRISTOPHER JAMES SCRAFTON ON BEHALF OF POKENO VILLAGE HOLDINGS LIMITED (SUBMITTER NO. 368 / FURTHER SUBMITTER NO. 1281)

PLANNING

1. INTRODUCTION

Qualifications and experience

- 1.1 My full name is Christopher James Scrafton. I am a Technical Director – Planning in the consultancy firm of Beca.
- 1.2 I hold the qualifications of a Bachelor of Arts in Geography from the University of Hull 1999, a Postgraduate Certificate in Town Planning from the South Bank University, London 2002 and a Masters in Town Planning from the South Bank University, London 2005. I have over 19 years' experience in town planning.
- 1.3 I am a full member of the New Zealand Planning Institute and am an accredited Commissioner under the Ministry for the Environment and Local Government New Zealand "Making Good Decisions" 2006 Programme.
- 1.4 I came to New Zealand in 2005 and have held the following positions:
 - (a) Senior Planner, Team Associate at the Consultancy Firm of Harrison Grierson;
 - (b) Senior Planner at the consultancy firm MWH¹;
 - (c) Principal Planner at the consultancy firm MWH;
 - (d) Technical Discipline Leader - Planning at the consultancy firm MWH; and

¹ Now known as Stantec New Zealand

(e) Technical Director – Planning at the consultancy firm Beca.

1.5 I have been engaged by PVHL to prepare and present this planning evidence to the Hearings Panel in relation to PVHL’s submission and further submission points. PVHL is submitter number 368 and further submitter number 1281.

Involvement in planning for Pokeno

1.6 I have been involved in the urban development of Pokeno for over 10 years which has included the following:

(a) In 2006 to 2008 I was the lead planner in the development of the Pokeno Structure Plan which was adopted by Franklin District Council in 2008;

(b) I was a lead planner in the development of Plan Change 24 (“PC24”) to the Franklin District Plan which provided the statutory framework for the implementation of the Pokeno Structure Plan;

(c) I developed and assisted in the implementation of the consultation strategy associated with PC24. This included extensive consultation with the previous owners of the Graham Block;

(d) I was an expert planning witness in the hearings for PC24;

(e) I led the resource consent process (on behalf of the applicant) for all resource consents required for the implementation of PC24 between 2006 and 2010; and

(f) Since 2017, I have led the development of Plan Change 21 (“PC21”) and the associated Assessment of Effects on the Environment (“AEE”) and Section 32 Report on behalf of Pokeno Village Holdings Limited (“PVHL”).

1.7 In preparing this evidence I have reviewed the s42A Report and Appendices relating to Hearing Topic 3.

Expert witness Code of Conduct

1.8 I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it. I can confirm that the issues addressed in this statement are within my area of expertise and that in preparing my evidence I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of evidence

- 1.9 My evidence addresses the following matters:
- (a) The manner in which the PWDP provides for the growth of Pokeno and the need for a Future Urban zone (Section 3);
 - (b) The need to incorporate the Pokeno Structure Plan into the PWDP (Section 4); and
 - (c) The appropriateness of the density targets for Pokeno contained in Policy 4.1.5(b) (Section 5).
- 1.10 A summary of my evidence is contained in Section 2.

2. SUMMARY

Need for a Future Urban Zone and the inappropriateness of live zoning at Pokeno West

- 2.1 PVHL is concerned with the PWDP's approach to growth and the decision to not to include the Deferred Zone in the PWDP, as proposed in the Draft Waikato District Plan ("Draft Plan").
- 2.2 As a consequence, land that was identified within the Deferred Zone in the Draft Plan has been live zoned in the PWDP. This was considered the most appropriate option by Council in its section 32 evaluation, after the option for a Deferred Zone was discarded.
- 2.3 I consider that two other options should have been assessed in section 32 evaluation. These are:
- (a) Option 7: Use of Deferred Zones or Future Urban Zones. This option would require a structure planning process to be undertaken to enable the live zoning of land identified for future urban development (approach similar to AUP); or
 - (b) Option 8: Use of a Structure Plan Process. This option would require a structure planning process to be undertaken to enable the urban zoning of rural zoned land. The structure planning process would be a precursor to a plan change process undertaken in accordance with the first schedule of the RMA to urban zone the structure plan area.
- 2.4 In my opinion, Option 7, use of Deferred Zones or Future Urban Zones, is the most appropriate way of achieving Objective 4.1.1. I have set out an

example Future Urban Zone at Attachment B, based on the Auckland Unitary Plan and provisions from the Deferred Zone in the Draft Plan.

2.5 Specially in Pokeno, I consider that the application of live zoning at Pokeno West does not meet higher order planning documents, including the National Policy Statement on Urban Development Capacity (NPS:UDC) and the Waikato Regional Policy Statement (WRPS). In terms of the NPS:UDC, I consider that:

(a) There is insufficient evidence to suggest that the area can feasibly be developed; and

(b) There is insufficient evidence to suggest that there is sufficient infrastructure capacity to service the proposed development.

Pokeno Structure Plan

2.6 The Pokeno Structure Plan (PSP) has not been included in the PWDP. I have found no justification to support the decision not to include the Pokeno provisions or the PSP in the PWDP.

2.7 In my view, such localised provisions are not included in the PWDP, due to the limited suite of zones, and generic provisions of the Residential Zone.

2.8 I consider that the PSP provisions are actually more restrictive when compared with the Residential Zone provisions. As there are still approximately 1,000 sections to be developed within the PSP area (including 650 PVHL sections and 350 other developers), I consider that the PSP and specific Pokeno provisions should be reintroduced into the PWDP as a precinct.

Density Targets for Pokeno

2.9 PVHL sought that the density targets for Pokeno (as contained in Policy 4.1.5(b) Density) be deleted or amended to "greater than 10 dwellings per hectare".

2.10 I note that this matter was addressed through the PC21 hearing in 2018 and that the decision concluded that a density of "greater than 10 dwellings per hectare" was appropriate for Pokeno. I therefore consider that this decision should be retained in the PWDP.

3. **URBAN GROWTH**

- 3.1 PVHL's submission and further submission raised concerns regarding the approach to growth in the PWDP and the implementation of higher order planning documents, including the National Policy Statement for Urban Development Capacity ("NPS:UDC") and the Waikato Regional Policy Statement ("WRPS").
- 3.2 In summary, PVHL's concerns relate to the manner in which the PWDP provides for urban growth (specifically in Pokeno) and ensures that infrastructure is in place or planned before development is enabled, as required by the NPS:UDC and WRPS².

Need for a Future Urban Zone

- 3.3 The Draft Waikato District Plan (Draft Plan) was released for public feedback in November 2016 and included a Deferred Zone as an implementation method to give effect to Objective 4.1.1.
- 3.4 The Deferred Zone required structure planning to be undertaken prior to development occurring. To this end, the zone set out guidance to assist with the preparation of a structure plan and criteria against which structure plans were to be assessed.
- 3.5 I note that a requirement of the Deferred Zone in the Draft Plan was that infrastructure to service the growth be in place, or that there is a Development Agreement in place to enable development to occur within 5 years prior to the Deferred Zone being lifted³.
- 3.6 The Deferred Zone was not included in the PWDP. As stated in the section 32, the method to uplift the Deferred Zone status was ultra vires the Resource Management Act 1991 ("RMA")⁴. This is because the zone required Council Resolution to uplift the deferred status and enable development, as opposed to proceeding with a Schedule 1 plan change process. As a consequence, areas which were formally identified as having a Deferred Zone appear to have been "live zoned" predominantly with some form of residential zone.
- 3.7 The section 32 Report identifies six options deemed to be reasonably practicable for achieving Objective 4.1.1. These options include:

² Paragraph 5.34 PVHL Submission No. 386

³ Draft Waikato District Plan – Deferred Zone

⁴ Page 62, Section 32 Report – Part 2, Strategic Direction and Management of Growth, WDC, July 2019

- (a) Option 1: Do nothing (remove all policies and associated methods);
- (b) Option 2: Status quo (retain policies and methods from both the Waikato and Franklin sections);
- (c) Option 3: Proactively identify further areas for development through deferred zoning;
- (d) Option 4: Proactively rezone areas for urban development;
- (e) Option 5: Accommodate all growth in the existing towns and villages through intensification;
- (f) Option 6: Enable growth to be accommodated in the rural areas

3.8 In my opinion, the section 32 evaluation does not give Option 3 sufficient consideration and instead discards this option in its entirety on the basis that enabling rezoning by way of a "Council Resolution" is ultra vires. I understand that the remainder of the zone provisions (objectives, policies and rules excluding the requirement for a "Council Resolution"), and structure planning requirements of the Deferred Zone are not ultra vires and, in my opinion, would form an appropriate framework for giving effect to Objective 4.1.1.

3.9 I note that similar methods are utilised throughout New Zealand, with structure planning being implemented through district plan provisions and a Schedule 1 process rather than a "Council Resolution". For example, the "Future Urban" zone adopted in the Auckland region.

3.10 Furthermore, and as discussed at **Attachment A** (Section 32AA analysis) appended to this statement, I consider the deletion of the "Deferred Zone" has left a gap in the implementation methods in the PWDP in terms of the identification of future growth areas and the prevention of fragmented subdivision, use and development.

3.11 In this regard, in my view the introduction of a Future Urban Zone will assist WDC as a method to identify sufficient development capacity in the long-term and to more appropriately give effect to Policy PA1 of the NPS:UDC.

3.12 Accordingly, and as set out in the section 32AA evaluation I have prepared and appended at **Attachment A**, in my view the section 32 analysis should have included:

- (a) Option 7: Use of Deferred Zones or Future Urban Zones. This option would require a structure planning process to be undertaken to enable the live zoning of land identified for future urban development (approach similar to AUP); or
- (b) Option 8: Use of a Structure Plan Process. This option would require a structure planning process to be undertaken to enable the urban zoning of rural zoned land. The structure planning process would be a precursor to a plan change process undertaken in accordance with the first schedule of the RMA to urban zone the structure plan area.

3.13 In my opinion, Option 7 is the most appropriate way for achieving Objective 4.1.1, having considered:

- (a) Other reasonably practicable options for achieving the objectives; and
- (b) Assessing the efficiency and effectiveness of the provisions in achieving the objectives.

3.14 In summary, I consider that the deletion of the "Deferred Zone" does not give effect to Objective 4.1.1. To rectify this, I have recommended the inclusion of a Future Urban Zone in the PWDP. To assist the Panel, I have set out example Future Urban Zone provisions at **Attachment B**.

3.15 This Future Urban Zone includes a requirement for structure planning. In order to ensure there is policy support for this requirement, I have recommended changes to the policies which implement Objective 4.1.1. These track changes are set out at **Attachment C**.

Inappropriateness of Live Zoning at Pokeno West

3.16 As discussed at Paragraph 3.6, in many cases, areas previously identified with the Deferred Zone have been "live zoned" as a consequence of the Deferred Zone not being included in the PWDP.

3.17 In Pokeno, 160 hectares of land to the west of Munro Road ("Pokeno West") which was identified in the Draft Plan as "under discussion" has been "live zoned" with the Residential Zone in the PWDP.

3.18 There is specific policy direction in the NPS:UDC in relation to the zoning of land and enabling development capacity which must be given effect to by the WDC. For example:

- (a) Objective OA1: *Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing*
- (b) Objective OD1: *Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.*

3.19 Policy PA1 in the NPS-UDC requires that local authorities shall ensure that at any one time there is a specified amount of housing and business land development capacity over the short, medium and long term.

3.20 The table below provides an assessment of the available technical reporting prepared to support live zoning of Pokeno West (which was attached to the Section 32 Report), against Policy PA1. The right column of the table provides my reasoning on why the “live” zoning of this land is premature and inappropriate.

NPS:UDC Terms	NPS:UDC Requirements			Pokeno West Reporting	My Comments
	Short term	Medium term	Long term		
Timeframe	Within the next 3 years	Between 3 and 10 years	Between 10 and 30 years	Currently proposed to be live zoned.	As it is proposed to “live zone” Pokeno West in the PWDP, this area is considered “development capacity” in the short to medium term as stipulated in Policy PA1. Development capacity over this term must be serviced with “development infrastructure” or (for medium term) the funding for the development infrastructure must be identified in a Long Term Plan required under the Local Government Act 2002.

NPS:UDC Terms	NPS:UDC Requirements			Pokeno West Reporting	My Comments
	Short term	Medium term	Long term		
Development capacity⁵	Must be feasible and zoned	Must be feasible and zoned.	Must be feasible and identified in relevant plans and strategies,	Currently proposed to be zoned. No economic analysis has been provided by Pokeno West as to whether development capacity is feasible.	Based on the absence of technical reporting, I cannot determine if Pokeno West meets this requirement.
Development Infrastructure requirements⁶	Must be serviced with development infrastructure	Must be either: a) serviced with development infrastructure, or b) the funding for the development infrastructure required to service that development capacity must be identified in a Long Term Plan required under the Local Government Act 2002.	The development infrastructure required to service it must be identified in the relevant Infrastructure Strategy required under the Local Government Act 2002.	With regards to wastewater, as per the section 32 Report: Network capacity has been investigated with WDC who have confirmed that there are potential capacity issues (at present) associated with future development of the structure plan area...For the purpose of this report it is anticipated that the wastewater plant upgrades will be completed prior to the development of the structure plan area. This has been confirmed in correspondence with WDC ⁷ .	Technical reporting clearly determines that Pokeno West does not meet the requirements for short, medium or long term. Whilst wastewater capacity issues at Pokeno are discussed in the Waikato District Council Long Term Plan 2018-2028, no specific projects for Pokeno are identified in the funding table.

3.21 Based on the analysis in the above table, I consider that the “live zoning” of land at Pokeno West does not give effect to the NPS:UDC for the following reasons:

⁵ Development capacity means in relation to housing and business land, the capacity of land intended for urban development based on:

a) the zoning, objectives, policies, rules and overlays that apply to the land, in the relevant proposed and operative regional policy statements, regional plans and district plans; and
b) the provision of adequate development infrastructure to support the development of the land

⁶ Development infrastructure means network infrastructure for water supply, wastewater, stormwater, and land transport as defined in the Land Transport Management Act 2003, to the extent that it is controlled by local authorities.

⁷ Pages 14-15, Appendix 2.11, Engineering Report, Pokeno West Structure Plan Pokeno, Maven, July 2018

- (a) There is insufficient evidence to suggest that the area can feasibly be developed; and
- (b) There is insufficient evidence to suggest that there is sufficient infrastructure capacity to service the proposed development.

3.22 The RPS also includes specific direction on zoning. I summarise this below:

- (a) That the sequencing of new development is coordinated with the development of new infrastructure (Policy 6.3 and associated methods);
- (b) Development does not occur until appropriate infrastructure is in place (Policy 6.3 and associated methods);
- (c) Zoning for new urban development is supported by information which identifies the location, type, scale, funding and staging of infrastructure required to service the area (Implementation Method 6.1.8(b));
- (d) Zoning for new urban development is supported by information which identifies anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply (Implementation Method 6.1.8(j)); and (v) Zoning for new urban development is supported by information which identifies how the design will achieve the efficient use of water (Implementation Method 6.1.8(k)).

3.23 It is my view that based on the available technical reporting prepared to support live zoning Pokeno West, "live zoning" Pokeno West does not give effect to the WRPS policies and methods identified above because:

- (a) Appropriate infrastructure, namely wastewater capacity and water capacity has not been confirmed, is not in place, and future capacity to service the development has not been ascertained; and
- (b) The available source for water supply has not been confirmed in the technical reporting.

Summary

3.24 In summary, I consider that the PWDP does not give effect to the NPS:UDC and WRPS for the following reasons:

- (a) The removal of the “Deferred Zone” and structure planning guidance leaves a “method gap” in the PWDP for implementing Objective 4.1.1;
 - (b) The live zoning of Pokeno West does not meet the criteria for short or medium term development capacity in Policy PA1 of the NPS:UDC, as development infrastructure has not been confirmed; and
 - (c) The PWDP does not give effect to Policies 6.1 and 6.3 of the WRPS with respect to the “live zoned” land.
- 3.25 For the reasons set out above, to give effect to the NPS:UDC and WRPS, I recommend that a Future Urban Zone be included in the PWDP and that reference to this method be included in Objective 4.1.1 and the respective policies.
- 3.26 I have provided example track changes for a Future Urban Zone at **Attachment B**. These track changes are based on the Auckland Unitary Plan Future Urban Zone objectives and policies and the rules and structure plan guidance from the Deferred Zone from the Draft Plan with the key difference being the requirement for a Schedule 1 process to implement the outcomes of the required structure planning exercise. The proposed Zone is in the format required by the National Planning Standards and incorporates the prescribed zone description.
- 3.27 I note that a Future Urban Zone aligns with the suite of zones prescribed in the National Planning Standards and therefore I have recommended changing the name from “Deferred” to “Future Urban”.
- 3.28 In my view, the spatial application of the Future Urban Zone can be considered at Hearing 25 Zone extents. I have raised the need for the zone at this hearing to:
- (a) Identify how Objective 4.1.1 has not been implemented by methods in the PWDP; and
 - (b) Recommend changes to the policies of Chapter 4, to provide for structure planning.

4. **POKENO STRUCTURE PLAN**

- 4.1 PVHL’s submission point (386.6) on the inclusion of the PSP in the PWDP has been allocated to Hearing 26 Other Matters. I consider that Hearing 10 on the Residential Zone is better suited to consider incorporation of the PSP.

This is because the track change provisions can be considered along with the Residential Zone. Therefore, I propose to provide track change provisions of the precinct at Hearing 10. However, I have raised this matter in this Hearing, to support my recommended changes with regard to structure plan requirements and including structure plans in the PWDP.

- 4.2 As set out at **Attachment C**, I have recommended changes to Policy 4.1.11 to provide policy support for structure planning prior to a schedule 1 process for rezoning of land.

Background

- 4.3 I was the lead planner in the development of the Pokeno Structure Plan in 2008 ("PSP"). The PSP was the result of a structure planning exercise carried out over a number of years. It was informed by 26 technical reports, (plus two Cultural Impact Assessments and other supporting documents), all of which were independently peer reviewed.

- 4.4 The PSP formed the basis for a private plan change that was prepared by the landowners' consortium and adopted by the Franklin District Council in October 2008. This plan change became PC24 to the Franklin District Plan. PC24 was ultimately adopted by the Franklin District Council and became operative, with modifications following a hearing, in 2010. The decision enabled the urban expansion of Pokeno from a village of approximately 500 people to an "urban village" with a town centre, public reserves, and a population of approximately 5,000 people and approximately 80 hectares of industrial land.

- 4.5 PVHL has been implementing the Pokeno Structure Plan for over a decade in accordance with the provisions introduced through PC24. PC24 introduced the following zones into the Franklin District Plan which were developed in a manner to be applicable to other parts of the District:

- (a) A new Residential 2 Zone (Part 27A);
- (b) New medium density housing provisions (Part 27B), along with design assessment criteria (Appendix 27B.1);
- (c) Amendments to the Business Zone (Part 29), including new design assessment criteria (Appendix 29.2);
- (d) A new Industrial 2 Zone (Part 29B);
- (e) A new Light Industrial Zone (Part 29C); and

- (f) New neighbourhood centre provisions (Part 29D), along with design assessment criteria (Appendix 29D.1).
- 4.6 In addition to the above and specific to the PSP area, PC24 introduced a new Part 54.15 for the Pokeno Structure Plan, along with design assessment criteria (Appendices 54.15B and 54.15C) and Structure Plan Map Appendix 54.15A).
- 4.7 In 2018 an additional 26 hectares of land was added to the PSP area pursuant to Plan change 21 ("PC21") to the Waikato District Plan: Franklin Section. I led the development of PC21 and the associated section 32 analysis and assessment of effects. PC21 was supported by 13 technical reports.
- 4.8 I note that the provisions introduced by PC24 and PC21 (Pokeno provisions) and the PSP have not been included in the PWDP, and instead a new Residential Zone applies to the residential area previously included within the PSP.
- 4.9 I have reviewed the Section 32 reports prepared to support the PWDP and I note that there is no discussion of the decision to not include the Pokeno provisions and/or the PSP in the PWDP.
- 4.10 I also note that other structure plans have been either referenced or included in the PWDP including:
- (a) Tuakau Structure Plan;
 - (b) Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan; and
 - (c) Rangitahi Peninsula Structure Plan.
- 4.11 I have found no justification to support the decision not to include the Pokeno provisions or the PSP in the PWDP. In this regard, I understand that an equivalent assessment was undertaken for the Auckland Unitary Plan. The Auckland Unitary Plan Hearings Panel requested information on whether/or not to include additional place-based provisions from legacy district plans in the AUP. This involved identifying the main differences between the underlying zone and the differences in the proposed precinct⁸ provisions.

⁸ Precincts are a method used by Auckland Council in the AUP to implement structure plan outcomes or vary underlying zone rules for local circumstances.

4.12 The Auckland Unitary Plan Hearings Panel directed that the following questions be answered by Auckland Council:

1. *What are the main difference between this precinct and the relevant overlays, zone(s) or Auckland-wide rules;*
2. *For each main difference, is the precinct more enabling or more restrictive than the PAUP controls that apply to this site or area;*
3. *Why use a precinct in this situation rather than a zone (existing or new) or other PAUP method (existing or new) for these differences.*

4.13 To assist the Panel, I have compared the PSP against the residential zone provisions of the PWDP in terms of the questions asked by the Auckland Unitary Plan Hearings Panel. The Pokeno provisions include:

- (a) Specific objectives and policies which implement the PSP and recognise locally significant landforms, vegetation, watercourses and wetlands;
- (b) Assessment matters, which require that all subdivision applications (a restricted discretionary activity) be assessed against the relevant subdivision design assessment criteria. These include:
 - (i) Road, reserve and access networks;
 - (ii) Block size, lot type and orientation;
 - (iii) Roads and accessways;
 - (iv) Pedestrian links and routes;
 - (v) Reserves;
 - (vi) Stormwater reserves; and
 - (vii) Interface Design.

4.14 In my view, such localised provisions are not included in the PWDP, due to the limited suite of zones, and generic provisions of the Residential Zone. I also note that, in many ways, the Pokeno provisions are actually more restrictive when compared with the Residential Zone provisions. As there are still 1,000 sections to be developed within the PSP area, I consider that the PSP and specific Pokeno provisions should be reintroduced into the PWDP.

Incorporation of the PSP in the PWDP

4.15 In terms of implementation of the PSP in the PWDP, I note that there are two options prescribed by the National Planning Standards which could be used to implement the structure plan. These are Precincts and Development Areas.

4.16 The National Planning Standards describe Precincts as:

"A precinct spatially identifies and manages an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone(s). In combined plans with district plan and regional plan components, a precinct can be both seaward and landward of mean high water springs."⁹

4.17 Development Areas are described as:

A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.¹⁰

4.18 I consider that both are similar in approach, and MfE guidance on the National Planning Standards states that Structure Plans could be implemented by way of a development area¹¹, which can be uplifted once development is complete¹².

4.19 However, I note that the use of precincts allows incorporation of more refined place making provisions whilst also relying on the underlying zone provisions¹³. This is particularly the case for the PSP which contains more objectives and policies rather than implementation methods, and instead relies on the underlying zone for these. In addition, I note the use of precincts as a land use method is already provided for in the PWDP¹⁴.

⁹ Page 50, National Planning Standards, MfE, 2019.

¹⁰ Page 50, National Planning Standards, MfE, 2019.

¹¹ Page 5, Guidance on the Zone Framework and District Spatial Layers Standards, MfE, 2019.

¹² By way of a Schedule 1 RMA process.

¹³ Page 4, Guidance on the Zone Framework and District Spatial Layers Standards, MfE, 2019.

¹⁴ Refer to Matangi and Huntly Heritage precinct and Hampton Downs Motorsport Park precinct.

4.20 I consider the use of a precinct is an appropriate method to achieve the objectives of the PWDP and implement the PSP, for the reasons set above.

5. **DENSITY TARGETS FOR POKENO**

5.1 PVHL sought that the density targets for Pokeno (as contained in Policy 4.1.5(b) Density) be deleted or amended to "greater than 10 dwellings per hectare" in accordance with the WRPS¹⁵. The section 42A author has rejected this submission point but did not provide specific reasoning for this recommendation.

5.2 I agree with PVHL's submission point and note that this matter was addressed through the PC21 hearing in 2018. The decision on PC21 concluded that a density of "greater than 10 dwellings per hectare" was appropriate for Pokeno. I also note that FutureProof and the Transport Agency were part of that discussion and that the decision on PC21 was not challenged. It is my view that since this has been considered through a recent plan change process, this requirement should be reflected in the PWDP.

5.3 I refer to **Attachment D** which demonstrates the actual and potential densities of development when applying the density methodology of Rule 26.4A.2(b) of the Operative Waikato District Plan – Franklin Section which is set out at **Attachment E**. Applying this methodology across the whole PSP area including the PC21 area achieves the following average densities:

- (a) The Helenslee Block (almost fully developed) achieves a density of 10.75 lots per hectare;
- (b) The Bartell Block (not developed) achieves a density of 13.8 lots per hectare; and
- (c) The Hitchen Block (not developed) and including the full PC21 area achieves a density of 10.5 lots per hectare.

5.4 Having regard to the above, it is anticipated that in total approximately 1,775 lots can be achieved within a total developable area of approximately 164.1 hectares at an average density of approximately 10.82 lots per hectare.

5.5 I note that for each of the blocks listed in paragraph 5.3, there are covenants in place on all titles which prevent future subdivision and additional dwellings. Therefore infill development is not likely within these areas.

¹⁵ Submission Point 386.7

5.6 The decision on PC21 accepted that the residential density sought to be achieved by PC21 was appropriate in all the circumstances and noted that it would serve to achieve a compact urban environment as also sought by the relevant planning documents.

Chris Scrafton

15 October 2019

ATTACHMENT A: SECTION 32AA EVALUATION

Further evaluation is required pursuant to section 32AA(1)(a) of the RMA where any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed. This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA. These RMA sections require an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions. The assessment must also identify and assesses the benefits and costs of *implementing* the provisions on; the environment, the economy, the community, and on cultural groups and cultural matters. If possible, the assessment must consider the benefits and costs of the proposal including the risk of acting or not acting.

Objectives Addressed

The section 32 report prepared by Waikato District Council provided six options in response to achieving the following two objectives:

4.1.1 Objective – Strategic

Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.

An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.

4.1.2 Objective – Urban Growth and Development

Future settlement pattern is consolidated in and around existing towns and villages in the district.

It is noted that Objective 4.1.1 has been re-worded since the initial s32 report was published. Objective 4.1.1, as notified in the proposed Waikato District Plan, is as follows:

4.1.1 Objective – Strategic

Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.

National Policy Statement on Urban Development Capacity Minimum Targets. The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are met, in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.

Area	Minimum Targets (number of dwellings)		
	Short to Medium 1-10 years (2017-2026)	Long term 11-30 years (2027-2046)	Total
Waikato District	7,100	12,300	19,400

Objective 4.1.2 has remained unchanged since the initial section 32 report was published.

Options Considered by Waikato District Council Section 32 Report

The following six options were considered the most appropriate options to be explored so as to achieve the above two objectives;

Option 1: Do nothing (remove all policies and associated methods);

Option 2: Status quo (retain policies and methods from both the Waikato and Franklin sections);

Option 3: Proactively identify further areas for development through deferred zoning;

Option 4: Proactively rezone areas for urban development;

Option 5: Accommodate all growth in the existing towns and villages through intensification;

Option 6: Enable growth to be accommodated in the rural areas.

Issues with the Waikato District Council Section 32 Assessment

I consider that there are some key issues with the options that were considered and their subsequent assessment. In particular, there are issues with the assessment of Option 3, Option 4, Option 5, and Option 6.

The assessment of the six options, as provided in WDCs s32 report is noted below. An additional column has been added to the table noting my comments against council's analysis and reasoning. Please note: the amended Objective 4.1.1 has not been included in this table as Councils assessment was against the notified objective.

Objectives(s)	<p>4.1.1 Objective – Strategic (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>					
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).	My Comments on Councils Assessment of Options
Option 1: Do nothing (remove all policies and associated methods)	This option would involve the district plan not addressing this issue at all and taking a hands-off approach to the management of growth.	<p>Not effective at all.</p> <p>This would be very ineffective as growth would occur ad-hoc and result in an inability to plan and deliver appropriate infrastructure to support growth.</p>	<p>This option is within Council’s power, but there would be a high degree of uncertainty as to whether this approach would ever achieve the objective (unlikely).</p> <p>This approach would not achieve the purpose of the Act in terms of promote the sustainable management of natural and physical resources in a way, or rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>In addition to this Council must meet the requirements under “NPS-UDC and this approach would not necessarily achieve the growth targets set in the NPS.</p> <p>This option would leave the district open to ad-hoc growth, as well as growth in inappropriate locations and there would be an inability to prevent this happening.</p>	<p>This option would cause issues around the protection of high class soils and productive rural land. It would also be difficult to manage the infrastructure required for social and community wellbeing.</p> <p>This option would allow for ad-hoc growth and offer less protection for productive land.</p> <p>However it would allow for growth to occur in response to the market demand.</p>	Discard, this option would not give effect to the NPS-UDC or RPS.	I agree with the conclusions reached in assessing this option. This is not a viable option.

Objectives(s)	<p>4.1.1 Objective – Strategic (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>					
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).	My Comments on Councils Assessment of Options
Option 2: Status quo (retain policies and methods from both the Waikato and Franklin sections)	<p>This option would require the retention of the zones, extent of urban zones and rules in both sections of the Operative District Plan.</p> <p>Growth would only occur as infill and where there is vacant urban-zoned land yet to be developed.</p>	<p>This option would be partially effective as it would allow for a small amount of growth where areas have already been zoned for residential development but are yet to be developed e.g. Pokeno.</p>	<p>This option is within Council’s power, but there would be a high degree of uncertainty as to whether this approach would ever achieve the objective. This is unlikely as it would require a significant amount of infill development to meet the population projections.</p> <p>Council must meet the requirements under “NPS-UDC and this approach would not necessarily achieve the growth targets set in the NPS</p>	<p>This option would only enable a small amount of growth within existing urban-zoned areas. This would not allow communities to grow and would not support economic growth and development of towns and villages either.</p>	<p>Discard, this option would not give effect to the NPS-UDC or RPS Proposed</p>	<p>I agree with the conclusions reached in assessing this option. This is not a viable option.</p>

Objectives(s)	<p>4.1.1 Objective – Strategic (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>					
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).	My Comments on Councils Assessment of Options
Option 3: proactively identify further areas for development through deferred zoning	This option involves identifying areas for future growth but not enabling them to be developed until there is appropriate infrastructure in place. Development could occur with a Council resolution to that effect.	This option would achieve the objectives, and signal the locations where development is appropriate. The use of comprehensive structure plans and master planning would ensure that the new growth areas were well planned and integrated with existing development.	This option meets council’s responsibilities and gives clarity on where development is most appropriate. However this approach is ultra vires the Act and relies on processes outside the district plan to determine the zoning. It also provides no certainty to either developers or the community as to when development is likely to occur.	Council does not have the resources available to service all growth cells at once, nor is there a desire to flood the market with all the identified grow cells at once. This approach provides a mechanism to enable agreed areas of land to be made available for development in the near future, when servicing is agreed and the structure planning for these areas of land is completed.	Discard. This approach is ultra vires to the Act.	<p>The use of a council resolution to enable development is not an appropriate method for deciding on, and addressing, resource management issues.</p> <p>The other provisions of the Deferred Zone are not considered ultra vires to the act. Structure Plans and Master Plans are tools which can be used to give effect to the District Plan and are a method proposed by the National Planning Standards. This approach is also used around New Zealand, notably in the Auckland Unitary Plan in the form of a Future Urban Zone.</p> <p>Ruling out an option due to available Council Resources is not an appropriate reason. Resourcing issues could be addressed through development contributions paid by the developer in order to ‘unlock’ this land and provide resources and infrastructure.</p> <p>Whilst the Council Resolution is considered to be ultra vires. The premise of this option is considered to be good. There are examples of this approach being applied around New Zealand e.g. Auckland. In Auckland it has been tested and is vires. A spatial plan should always be a precursor to a schedule 1 RMA process.</p>

Objectives(s)	<p>4.1.1 Objective – Strategic (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>					
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).	My Comments on Councils Assessment of Options
Option 4: proactively rezone areas for urban development	This option involves the identification of sufficient land adjoining existing towns and villages to accommodate growth. These areas would be live-zoned as residential.	This option would achieve the objectives, and signal the locations where development is appropriate. This approach would ensure there was sufficient urban-zoned land to meet Council’s requirements for growth under the NPS-UDC, the RPS and Future Proof. Because the location of the growth areas are adjacent to existing towns and villages, this approach would effectively achieve the objective seeking to consolidate development in and around existing urban areas.	This option meets council’s responsibilities in terms of the NPS-UDC, the NPS, NZCPS and the updated Future Proof projections. This approach also provides clarity on where development is most appropriate.	<p>This option will benefit a small number of landowners in terms of rezoning, but it constitutes the most appropriate way to accommodate growth and manage the adverse effects from that growth. It also enables economic growth of those towns and villages and strengthening of the local communities.</p> <p>Consolidating growth in planned locations also means that urban growth can be avoided in more sensitive locations maintaining valuable productive rural land.</p> <p>This approach ensures efficient servicing giving the proximity to existing town and villages. Infrastructure upgrades within the existing urban area to support the major part of growth and new infrastructure for greenfield development areas, require forward planning and substantial financial investment. A clear target over the lifespan of the district plan allows greater certainty and more effective use of infrastructure investment in Waikato.</p>	Retain.	<p>This option removes the ability for developers to actively propose the rezoning of land which could also be considered as appropriate for development. The only option available to developers would be to go through a plan change process.</p> <p>Private developers can contribute to infrastructure investment and the provision of infrastructure to new growth areas through development contributions. The burden is not solely on the Waikato District Council.</p> <p>I also note that Waikato District Council have selected this option, but not implemented it appropriately in the Proposed Waikato District Plan. It is unclear if an appropriate assessment was undertaken prior to Waikato District Council live zoning land in the proposed Waikato District Plan. In addition, this option does not set out what the identification process would be leaving this open to interpretation.</p>

Objectives(s)	<p>4.1.1 Objective – Strategic (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>					
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).	My Comments on Councils Assessment of Options
Option 5: accommodate all growth in the existing towns and villages through intensification	This option involves increasing densities and development opportunities within existing residential-zoned land. There will be no re-zoning of land to accommodate growth.	<p>This option would enable the objectives to be achieved. Although in reality, the intensification of existing sites will be constrained by factors such as the location of the existing house on the site, shape of the site, road width etc.</p> <p>This approach would ensure that all development occurred in the existing zoned areas. There is a high likelihood that the additional household targets in Objective 4.1.1(b) would not be achieved. Many landowners are not interested in developing so there is the potential for discrete pockets to be developed to a higher density, with other areas not further developed.</p>	This option is likely to partially meet council’s responsibilities in terms of the NPS-UDC, the NPS, NZCPS and the updated Future Proof projections. This approach also provides clarity on where development is most appropriate.	<p>This option will benefit landowners who wish to take up the increased development potential, but it will be at the costs of the character of the towns and villages. This approach is one way to accommodate growth and manage the adverse effects from that growth. It has the effect of limiting the adverse effects of increased development to the existing urban areas.</p> <p>It will also enable economic growth of those towns and villages and strengthening of the local communities.</p> <p>This approach also limits the loss of productive rural land and high class soils.</p> <p>This approach ensures efficient servicing giving the proximity to existing town and villages.</p>	Retain in part.	<p>By not rezoning any land all future growth would be required to be provided for within the existing urban areas. This could prevent growth from occurring within the Waikato District as land becomes increasingly intensified.</p> <p>Inconsistent intensification of residential areas would likely occur as some members of the community would be unwilling to intensify on their site. This in turn could push people away from the District who have sought a particular lifestyle.</p> <p>Intensification of some land can be considered appropriate if the appropriate framework is in place within the District Plan.</p>

Objectives(s)	<p>4.1.1 Objective – Strategic (a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. (b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>					
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).	My Comments on Councils Assessment of Options
Option 6: enable growth to be accommodated in the rural areas	This option would enable increased development of the rural areas,	<p>Not effective at all.</p> <p>This would be very ineffective as growth would occur ad-hoc and result in an inability to plan and deliver appropriate infrastructure to support growth.</p> <p>It may result in the additional dwelling target being achieved in Objective 4.1.1(a) however.</p>	<p>This option is within Council’s power, but there would be a high degree of uncertainty as to whether this approach would ever achieve the objective.</p> <p>This approach would not achieve the purpose of the Act in terms of promote the sustainable management of natural and physical resources in a way, or rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.</p> <p>In addition to this Council must meet the requirements under NPS-UDC and this approach would not necessarily achieve the growth targets set in the NPS.</p> <p>This option would leave the district open to ad-hoc growth, as well as growth in inappropriate locations and there would be an inability to prevent this happening.</p>	<p>This option would cause issues around the protection of high class soils and productive rural land. It would also be difficult to manage the infrastructure required for social and community wellbeing.</p> <p>This option would allow for ad-hoc growth and offer less protection for productive land.</p> <p>However it would allow for growth to occur in response to the market demand.</p>	Discard, this option would not give effect to the NPS-UDC or RPS.	<p>Growth could be provided for in rural areas if the appropriate framework is put in place within the District Plan.</p> <p>This option would enable council to meet its growth targets under the NPS.</p> <p>It is likely that the option would meet the growth targets set out in the objectives.</p>

Additional Options Proposed

I consider that the six options that were considered in the section 32 report were not the only reasonably and practicable options for achieving the objectives. In particular, the use of structure plans is listed as an appropriate method for helping enable future urban growth in both Policy 4.7.14 of the PWDP and Policy 6.1.7 of the WRPs. The other method is the use of a Future Urban Zone. As such, I consider that two additional options should have been explored. These are:

- (a) Use of a Future Urban Zone. This option would require a structure planning process to be undertaken to enable the live zoning of land identified for future urban development (approach similar to Auckland Unitary Plan);
- (b) Use of a Structure Plan Process. This option would require a structure planning process to be undertaken to enable the urban zoning of rural zoned land. The structure planning process would be a precursor to a plan change process undertaken in accordance with the first schedule of the RMA to urban zone the structure plan area.

For the development and consideration of the two additional options, in accordance with section 32AA of the RMA, the same assessment framework has been used as was used in WDC's original section 32 report. This further evaluation will:

- (a) Examine the extent to which the objective of these further amendments is the most appropriate way to achieve the purpose of the Act (s32(1)(a) RMA).
- (b) Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives including efficiency, effectiveness, costs and benefits (ss32(1)(b)(i) and (ii) RMA).
- (c) Summarise the reasons for deciding on these proposed provisions (s32(1)(b)(iii) RMA).

The two additional options are addressed in the table below.

An assessment of; the effectiveness and efficiency, costs and benefits, and the risk of acting or not acting follows this table.

Objectives(s)	<p>4.1.1 Objective – Strategic a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. b) National Policy Statement on Urban Development Capacity Minimum Targets.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).
Option 7: Use of a Future Urban Zone. This option would require a structure planning process to be undertaken to enable the live zoning of land identified for future urban development (approach similar to AUP).	<p>A Future Urban Zone enables the identification of potential urban development areas. This assists Council to identify and prepare for long term growth.</p> <p>The use of a Future Urban Zone will require the development of a structure plan, among other requirements, in order to change from the Future Urban Zone to a Live Zone. The purpose of the structure plan and requirements is so that development is managed to ensure that the integrity and viability of future growth areas is not compromised.</p> <p>Benefits of a structure plan process include providing a detailed examination of the opportunities and constraints relating to land. This can include assessing the lands suitability for: a range of activities, the provision of infrastructure, identification of geotechnical issues, and identification of natural hazards.</p> <p>Upon following the requirements set out in the Future Urban zone the land may be rezoned to the appropriate zone through a Schedule 1 RMA process.</p>	<p>A Future Urban Zone assists Council to control both subdivision and land use so as to avoid land fragmentation. Both fragmentation and inappropriate land use can make future conversion and rezoning of land to urban land difficult.</p> <p>The effect of a Future Urban Zone, on existing rural zoned land is that a range of rural land uses will be able, and expected, to predominate. In addition, a range of compatible land uses that prevent fragmentation and maintain the existing amenity will be provided for within this zone.</p> <p>This is considered to be an effective means for achieving the two objectives as it would enable the ability to plan and deliver infrastructure to support growth whilst preventing ad-hoc development.</p>	<p>This option will assist council with identifying where development within the district will be most appropriate.</p> <p>This process can be facilitated by the district plan, and will assist with zone changes of require to enable future growth.</p> <p>Developers will be required to engage with a set out process for opening up areas within the Waikato District for future growth. As the requirements for rezoning process are outlined in the proposed Waikato District Plan members of the community have the ability to be engaged and have their say on the process.</p> <p>This option meets council’s responsibilities in terms of the NPS-UDC, the RPS, and Future Proof. Use of the Deferred Zones also provides clarity for the community on where development is most appropriate and where it is likely to occur.</p>	<p>This option will benefit some landowners whose land is encompassed in a Deferred Zone or a Future Urban Zone.</p> <p>It will ensure that appropriate infrastructure is considered and provided prior to the zone change occurring. It is also address and prevent ad-hoc development occurring throughout the district.</p> <p>It is also considered that a benefit of this option is that growth will be enabled within the Waikato District in response to market demand.</p> <p>This option also provides certainty for the community as to where future growth will occur whilst also achieving the requirements for capacity as set out in the NPS:UDC.</p>	<p>Evaluate further. This option would align with the NPS-UDC and/or the WRPS.</p>

Objectives(s)	<p>4.1.1 Objective – Strategic a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated. b) National Policy Statement on Urban Development Capacity Minimum Targets.</p> <p>4.1.2 Objective – Urban Growth and Development (a) Future Settlement pattern is consolidated in and around existing towns and villages in the district.</p>				
Options Approach to achieve objective(s)	Description (brief) Describe the option and acknowledge the source of this option (if there is one e.g. feedback from consultation, suggestions from workshops with elected members etc).	Relevance How effective provisions are in achieving the objective(s).	Feasibility Within council’s powers, responsibilities and resources, degree of risk and uncertainty of achieving objectives, ability to implement, monitor and enforce.	Acceptability Level of equity and fair distribution of impacts, level of community acceptance. Where possible, identify at a broad level social, economic, environmental, cultural effects.	Recommendation Discard or evaluate further (with brief explanation).
Option 8: Use of a Structure Plan Process. This option would require a structure planning process to be undertaken to enable the urban zoning of rural zoned land. The structure planning process would be a precursor to a plan change process undertaken in accordance with the first schedule of the RMA to urban zone the structure plan area.	Rural land (i.e. not future urban zone) can be ‘live zoned’ following a structure plan process. Structure plans are a method that can be used to establish a pattern for land use and the future transport and services network within a specific area. Benefits of a structure plan process include providing a detailed examination of the opportunities and constraints relating to land. This can include assessing the lands suitability for: a range of activities, the provision of infrastructure, identification of geotechnical issues, and identification of natural hazards. Structure plans are widely considered to be an appropriate foundation for the plan change process required to rezone land.	A structure plan identifies the main issues associated with development to be addressed prior to development occurring. Policy 4.7.14 in the proposed Waikato District Plan also addresses structure and master plans. In section 5.3.2, Table 20, of the s32 analysis this policy is listed as one of the provisions most appropriate to achieve Objective 4.1.1. Policy 6.1.7 of the RPS encourages Territorial authorities to use appropriate planning mechanisms, such as Structure Plans, to facilitate proactive decisions about the location of future urban growth. The structure plan would need to provide an explanation as to how the proposed structure plan will give effect to the regional policy statement. In addition, the structure plan would have to detail how any adverse effects of land use and development are to be avoided, remedied or mitigated by the proposed structure plan provisions. This is considered to be an effective means for achieving the two objectives as it would enable the ability to plan and deliver infrastructure to support growth whilst preventing ad-hoc development.	This option meets council’s responsibilities in terms of the NPS-UDC, the RPS, and Future Proof. In particular, this option would help council meet it’s growth targets set out in the NPS. A structure plan process can be incorporated into the PWDP. This will set out the matters that would need to be addressed by the structure plan should it be accepted. The structure plan process does not provide any certainty as to the outcome, or when, development is likely to occur for both the developers and the community. Council can implement this process.	The use of a structure plan process will mean that the community may be actively involved in discussions relating to the appropriateness of an area for urban growth. This option would address ad-hoc development in that the appropriateness of an area for urban development will be addressed by the structure plan. It is also considered that a benefit of this option is that growth will be enabled within the Waikato District in response to market demand.	Evaluate further. This option would align with the NPS-UDC and the WRPS.

Efficiency and effectiveness of the provisions in achieving the objectives

Section 32(1)(b)(ii) of the RMA requires an examination of the efficiency and effectiveness of the provisions in achieving the objectives. I have undertaken an assessment for each of the options:

Option 1: The Do Nothing option will not address either of the two objectives. As such I consider that this option is neither efficient, nor effective and that the objectives would not be addressed.

Option 2: The Status Quo option will not result in either of the objectives being appropriately addressed. As such I consider that this option is neither efficient, nor effective and that the objectives would not be addressed.

Option 3: This option aims to proactively identify further areas for development through the application of a deferred zoning. I consider this option to be more appropriate for achieving the two objectives, however this Option was discarded by WDC due to the use of a Resolution of Council which would be ultra vires the RMA. I have evaluated a similar Option (7) which requires a schedule 1 RMA process to change the zoning instead of a Resolution.

Option 4: This option seeks to proactively rezone areas for urban development. WDC considered that this option is the most efficient option. However, I consider that this option would not be effective in that the process for identifying land for future urban development is not clearly established. Whilst this option would address objective 4.1.1, it would not appropriately address objective 4.1.2 in that there would be inadequate direction that future development should occur around existing towns and villages.

Option 5: This option proposes accommodating all growth in the existing towns and villages through intensification. I consider that this option will not be effective in that this will rely on increasing densities within existing urban areas. This option would be an efficient use of existing urban zoned land, however this would be heavily reliant on buy-in from the community and a willingness to accept intensification within existing urban areas. It is likely this option would address Objective 4.1.2 but not Objective 4.1.1.

Option 6: This option seeks to enable growth to be accommodated in the rural areas. I agree with Councils assessment of this option that it would not be effective. Whilst it is possible that the growth targets set out in Objective 4.1.1 would be able to be achieved, Objective 4.1.2 would not be addressed, and growth would likely occur in an ad-hoc manner throughout the district.

Option 7: This option seeks to enable development through the use of a Future Urban zone supported by a structure plan process. The Zone will enable council to proactively identify areas for future urban growth and these areas will only be 'unlocked' through a structure plan process. This option will appropriately address Objective 4.1.1 and Objective 4.1.2 in that new land will be opened up for urban development which will meet council's growth targets and it will occur in a manner which will consolidate urban development around existing towns and villages.

Option 8: This option seeks to utilise a structure plan process to enable a zone change from a rural to urban zone (subject to a plan change process). I consider that this option would effectively and efficiently address Objective 4.1.1. However, the use of structure plans to change any land from Rural to Urban zoning could result in ad-hoc development occurring around the Waikato District. This would result in Objective 4.1.2 not being satisfied.

Assessment of benefits and costs

I have considered the benefits and costs of the proposal in accordance with Section 32(2)(a) and (b) of the RMA. This assessment can be found in the table below:

Option	Benefits	Costs
Option 1: Do nothing (remove all policies and associated methods)	Nil	The objectives will not be addressed.
Option 2: Status quo (retain policies and methods from both the Waikato and Franklin sections)	Nil	The objectives will not be addressed.
Option 3: proactively identify further areas for development through deferred zoning	<p>Provides for strategic management of growth and avoids widespread adverse effects associated with ad hoc development</p> <p>Maintains amenity and character of the District</p> <p>Maximises use of productive rural land by directing growth into identified areas</p> <p>Critical mass makes it viable to have commercial</p> <p>Provides certainty for developers and the community by strategically managing growth</p>	<p>Alteration to natural character surrounding towns and villages</p> <p>Financial costs to provide appropriate infrastructure to service new development</p> <p>The identified areas for growth many not match market demand or desires</p> <p>Residential expansion may cause reverse sensitivity issues with surrounding agricultural uses as the townships expand outward</p>

<p>Option 4: proactively rezone areas for urban development</p>	<p>Provides for strategic management of growth and avoids widespread adverse effects associated with ad hoc development</p>	<p>Alteration to natural character surrounding towns and villages</p> <p>Financial costs to provide appropriate infrastructure to service new development</p> <p>Residential expansion may cause reverse sensitivity issues with surrounding agricultural uses as the townships expand outward</p>
<p>Option 5: accommodate all growth in the existing towns and villages through intensification</p>	<p>Avoids urban sprawl and therefore reduces the adverse effects associated with urban development</p> <p>Use of existing infrastructure will result in less adverse effects than completely new infrastructure networks</p> <p>Efficient use of existing infrastructure and reduces need to develop new infrastructure</p>	<p>Potential adverse effects on urban character from intensification</p> <p>May constrain growth if the landowners of the identified growth areas are not interested in developing their land</p>
<p>Option 6: enable growth to be accommodated in the rural areas</p>		<p>Loss of agricultural and horticultural land</p> <p>Financial costs to provide appropriate infrastructure to service new development.</p>
<p>Option 7: Use of Deferred Zones or Future Urban Zones. This option would require a structure planning process to be undertaken to enable the live zoning of land identified for future urban development (approach similar to AUP).</p>	<p>Provides for strategic management of growth and avoids widespread adverse effects associated with ad hoc development</p> <p>Maintains amenity and character of the District</p> <p>Maximises use of productive rural land by directing growth into identified areas</p> <p>Critical mass makes it viable to have commercial</p> <p>Provides certainty for developers and the community by strategically managing growth</p>	<p>Alteration to natural character surrounding towns and villages</p> <p>Financial costs to provide appropriate infrastructure to service new development</p> <p>The identified areas for growth many not match market demand or desires</p> <p>Residential expansion may cause reverse sensitivity issues with surrounding agricultural uses as the townships expand outward</p>
<p>Option 8: Use of a Structure Plan Process. This option would require a structure planning process to be undertaken to enable</p>	<p>Provides for strategic management of growth and avoids widespread adverse effects associated with ad hoc development</p>	<p>Alteration to natural character surrounding towns and villages</p> <p>Loss of agricultural and horticultural land</p>

<p>the urban zoning of rural zoned land. The structure planning process would be a precursor to a plan change process undertaken in accordance with the first schedule of the RMA to urban zone the structure plan area.</p>		<p>Financial costs to provide appropriate infrastructure to service new development.</p>
--	--	--

Risk of acting or not acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the plan change.

There is a need for the Waikato District Council to proactively manage the supply of land to meet the growth targets set in the objectives. If Council does not proactively identify and open up new land for development, there is a risk that growth will not occur or be constrained. This would also mean that Council would not reach the targets established in the NPS:UDC.

There is also a risk around the form that growth would take within the district should the Council decide to not act. Leaving the form of growth to chance could result in uncontrolled growth which would compromise the character of the district whilst also impacting the ability for council to provide appropriate infrastructure servicing. A reactive stance to unplanned development will not appropriately address the two objectives.

Based on the above, I consider that there is a clear need to progress with proactively identifying areas for future growth so as to appropriately address the two objectives. Therefore, I consider that the risk of acting, based on the available information, to be less than the risk posed from not acting.

Recommendation

I considered that Option 7 is the most appropriate proposal to address both Objective 4.1.1 and 4.1.2. Option 3 and Option 8 could also address these objectives, however there are elements to both of these which could result in development occurring within the district in an ad-hoc manner. I therefore consider that Option 7 should be adopted and integrated into the PWDP.

ATTACHMENT B: EXAMPLE FUZ – FUTURE URBAN ZONE

Zone Description

Areas suitable for urbanisation in the future and for activities that are compatible with and do not compromise potential future urban use.

Objectives

FUZ-01 Land is used and developed to achieve the objectives of the Rural Zone until it has been rezoned for urban purposes.

FUZ-02 Future urban development is not compromised by premature subdivision, use or development.

FUZ-03 Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.

Policies

FUZ-P1 Provide for use and development which supports the policies of the Rural Zone.

FUZ-P2 Avoid subdivision that will result in the fragmentation of land and compromise future urban development.

Rules

Activity Rules

FUZ-R1	Any activity is permitted except:	PER
	<ol style="list-style-type: none">1. a waste management facility, or2. storage, processing or disposal of hazardous waste, or3. an educational institution involving more than 10 students, or4. a correctional facility, or5. an extractive industry, other than transportation of minerals in an energy corridor, or6. commercial activities (excluding a produce stall), or7. an industrial activity, or8. travellers' accommodation for more than 5 people, or9. a motorised recreation facility, or10. an intensive farming activity, or11. a transport depot or	

	12. Despite (6) and (7), commercial or industrial activities are permitted if they comply with the conditions for a home occupation.	
--	--	--

FUZ-R2	<p>Any activity that does not comply with a condition for a permitted activity is a discretionary activity if it is:</p> <ol style="list-style-type: none"> 1. Commercial activity (excluding a produce stall) 2. educational institution involving more than 10 students 3. travellers' accommodation for more than 5 people. 4. Discretionary criteria shall include, but not be limited to: 5. The extent to which the development will adversely affect the anticipated settlement pattern of the district and of the growth cell. 	DIS
---------------	--	------------

FUZ-R3	Any activity that does not meet the conditions of a discretionary activity is a non-complying activity	NC
---------------	--	-----------

FUZ-R4	<p>The following activities are prohibited activities for which no resource consent shall be granted:</p> <ol style="list-style-type: none"> 1. Large scale wind farm 2. Extractive industry 3. Landfill 	PRO
---------------	---	------------

Structure Plan Guidelines:

1. How the structure plan will be in accordance with the growth chapter in the district plan, any relevant growth strategies, any previously prepared structure plan, any town and village master plan, and any Council design guides and town character statements, where available.
2. The type and location of land uses (including recreational land uses and community facilities where these can be anticipated) that will be provided for, and the density, staging and trigger requirements.
3. Information on how the density target dwellings per hectare set out in the Waikato Regional Policy Statement will be met.

4. The location, type, scale, funding and staging of infrastructure to service the area, including network and capacity considerations.
5. The intended pattern of development including the transport network, public reserves and linkages, proposed block and street layout and orientation, and areas for preservation.
6. Design principles, parameters or constraints that will guide more detailed development of the area.
7. Anticipated water requirements and water sources for public water supply.
8. How stormwater will be managed having regard to a total catchment management approach and low impact design methods.
9. Multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced.
10. How key elements of character will be maintained. Refer to relevant objectives and policies for guidance on these matters.
11. A site and surrounding area analysis / constraints assessment covering how existing values, and valued features of the area including amenity, landscape, natural character, ecological and heritage values, water bodies, and significant views, will be managed and integrated into the structure plan development.
12. Potential natural hazards and how the related risks will be managed.
13. Information on any geotechnical issues on the site and how any related risks are proposed to be managed.
14. Potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be avoided, remedied or mitigated.
15. Any significant mineral resources in the area and any provision, such as development staging, to allow their extraction where appropriate.
16. How the relationship of tangata whenua with culture and traditions with their ancestral lands, water sites, waahi tapu and other taonga has been recognised and provided for. Outcomes from consultation with tangata whenua must be included with the structure plan.

17. Identification of any existing land uses in the area that may be affected by the development and proposals to avoid, remedy or mitigate any effects.

ATTACHMENT C: RECOMMENDED CHANGES TO OBJECTIVE 4.1.1 AND POLICIES

My recommended changes are in ~~strikethrough~~ and underline; and

4.1.1 Objective – Strategic

(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.

(b) National Policy Statement on Urban Development Capacity Minimum Targets.

The minimum targets for sufficient, feasible development capacity for housing in the Waikato District area are ~~met in accordance with the requirements of the National Policy Statement on Urban Development Capacity 2016.~~

Area	Minimum Targets (number of dwellings)		
	Short to Medium 1-10 years (2017-2026)	Long term 11-30 years (2027-2046)	Total
Waikato District	7,100	12,300	19,400

...

Objective 4.1.X The urbanisation of land is managed to ensure the appropriate provision of infrastructure.

...

Policy:

4.1.3 Policy - Location of development

- (a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.
- (b) Locate urban growth areas only where they are consistent with the relevant Future Proof Strategy ~~Planning for Growth 2017.~~
- (c) A master plan or structure plan is prepared for urban growth areas which addresses clauses (a) and (b).

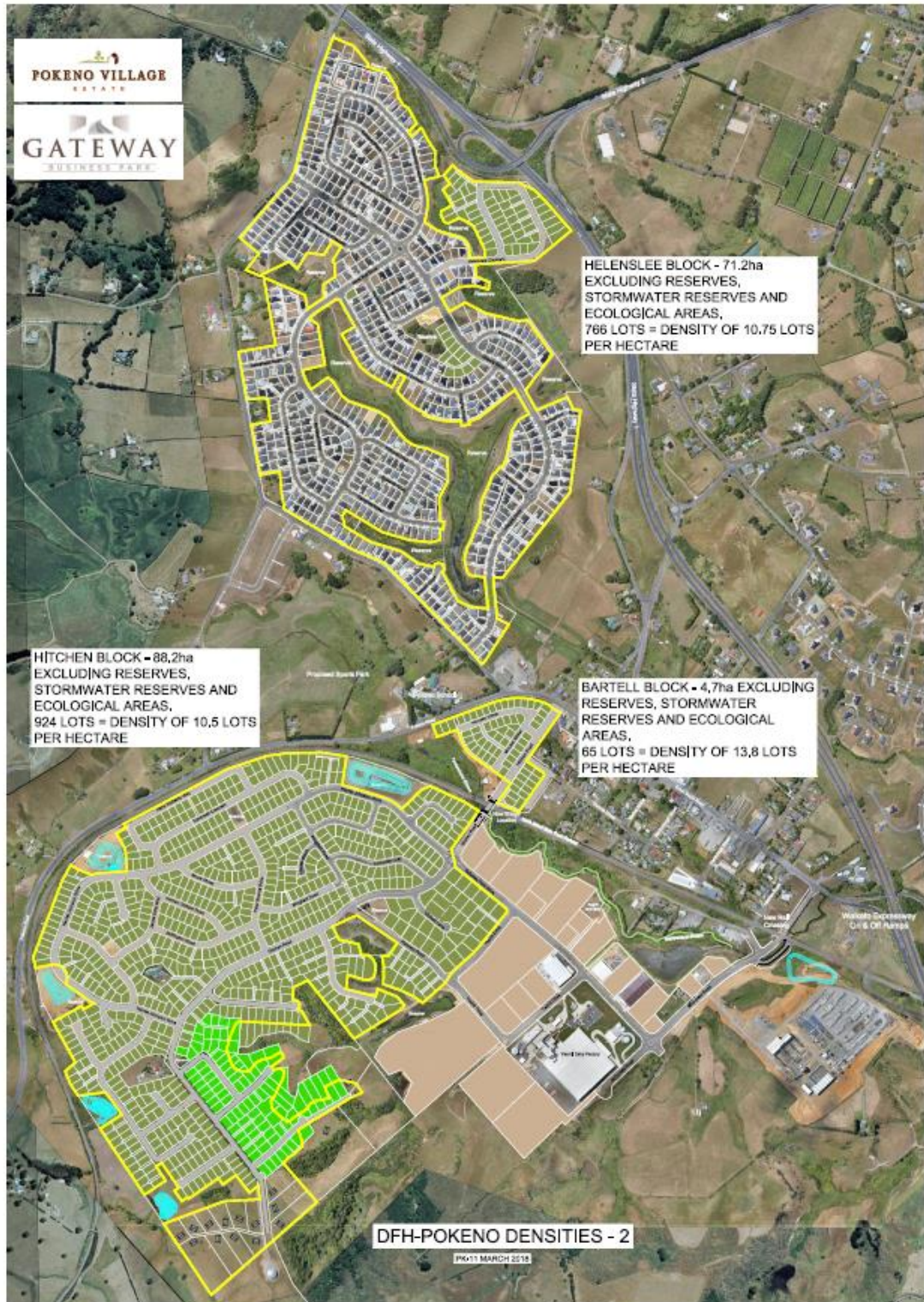
4.1.4 Policy – Staging of development

- (a) Ensure that subdivision, use and development in new urban areas is:
 - (i) located, designed and staged to adequately support existing or planned infrastructure, community facilities, open space networks and local services; and
 - (ii) efficiently and effectively integrated and staged to support infrastructure, stormwater management networks, parks, and open space networks.

4.1.11 Policy – Pokeno

- (a) Pokeno is developed to ensure:
 - (i) Subdivision, land use and development of new growth areas does not compromise the potential further growth and development of the town;
 - (ii) Walking and cycling networks are integrated with the existing urban area; and
 - (iii) Reverse sensitivity effects ~~from~~on the strategic transport infrastructure networks are avoided or minimised; and
 - (iv) Subdivision, land use and development is in general accordance with an approved structure plan including the Pokeno Structure Plan, 2008.

ATTACHMENT D: POTENTIAL DENSITIES OF POKENO STRUCTURE PLAN AREA



ATTACHMENT E: RULE 26.4A.2(B) OF THE WDP:FS

In terms of calculating residential density within Pokeno, Rule 26.4A.2(b) of the WDP:FS sets an average minimum density of 10 dwellings per gross hectare. Density per gross hectare for the purpose of this criterion is the number of potential household units per hectare. This area (ha) includes land for:

- (a) Residential purposes, including all open space, on-site parking and accessways associated with residential development;
- (b) Local and collector roads and roading corridors, including pedestrian and cycle ways, but excluding state highways and arterial roads;
- (c) Local (neighbourhood) RESERVES.
- (d) But does not include land required for:
- (e) Stormwater retention and treatment areas and associated RESERVES;
- (f) Set aside to protect significant ecological, cultural, heritage or landscape values;
- (g) Set aside for esplanade reserves or access strips that form part of a larger regional or sub-regional RESERVE network;
- (h) Identified for NEIGHBOURHOOD CENTRES or schools;
- (i) Set aside as a balance lot for a future subdivision stage.