

IN THE MATTER of the Resource Management Act 1991 ("**the Act**")

AND

IN THE MATTER of a submission pursuant to Clause 6 of Schedule 1 of the Act in respect of the **PROPOSED WAIKATO DISTRICT PLAN**

STATEMENT OF EVIDENCE OF RACHEL VIRGINIA DE LAMBERT

1. INTRODUCTION

My full name is Rachel Virginia de Lambert. I am a Landscape Architect and Partner of Boffa Miskell Limited ("Boffa Miskell").

Qualifications and experience

- 1.1 I have a Bachelor of Horticultural Science and post graduate Diploma of Landscape Architecture (with Distinction) both from Lincoln College (as it then was). I have practised as a landscape architect for more than 30 years.
- 1.2 I am a Fellow and Registered Member of Tuia Pito Ora, the New Zealand Institute of Landscape Architects, ("NZILA") and am a past member of the elected Executive of the NZILA. I was the Registrar for the NZILA in relation to the administration of the Institute's Registration programme from 2001 until 2010.
- 1.3 On graduating, I worked for the Department of Lands and Survey and then the Department of Conservation in Auckland, following which I joined Boffa Miskell, first in Christchurch and then in Auckland. In September 1999, I established the Tauranga office of Boffa Miskell. In December 2001, I returned to work in the Boffa Miskell Auckland office, working primarily in the Auckland, Bay of Plenty, Hawkes Bay and Waikato regions.
- 1.4 I was a member of Auckland City Council's Urban Design Panel until mid-2007, when I took up a position on the Manukau City Council Urban Design Panel, which I held until the amalgamation of the Auckland Councils in 2010. I am now, again, a member of the Auckland Urban Design Panel ("AUDP") and am co-convenor of the AUDP. I am also a member of Panuku Development Auckland (Panuku)'s Design Technical Advisory Group ("TAG")

that provides design review for the Wynyard Quarter, and all other 'Transform' projects under Panuku's lead.

- 1.5 I have provided evidence at Council and Environment Court hearings on a wide range of landscape and open space related projects including plan changes and projects for resource consent for greenfield and brownfield development, age care facilities, retail, and mixed-use development, masterplanned communities, port related activities, roading, water treatment and other infrastructure projects.
- 1.6 I have provided input to the design and undertaken the assessment of landscape and visual effects for greenfield development in the vicinity of Pokeno including:
 - (a) The Drury South plan changes (to the then Papakura and Franklin District Plans) to enable light and heavy industrial development;
 - (b) The Franklin 2 plan change (to the then Franklin District Plan) to enable the urban development of the 306ha Wesley College landholding at Paerata; and
 - (c) The resource consent application for an approximate 1000 lot residential subdivision, Amberfield, in the Peacocke future urban area in the South of Hamilton.
- 1.7 Boffa Miskell was involved in early masterplanning for the expansion of Pokeno with our landscape architects and urban designers inputting to the design principles and proposed urban form for its expansion. In particular, in 2008 Boffa Miskell undertook an Urban Growth Study that formed part of the structure planning process and rationale for the growth of Pokeno. I was not directly involved in this work but I was aware of it in the office and was involved in discussions at the time in respect of the landscape qualities of the locality and further expanded village.
- 1.8 Boffa Miskell also worked for Winstone Limited on the design and consenting of its Pokeno quarry. My colleague John Goodwin led this work but I was again involved in discussions in respect of the wider rural buffer to the anticipated quarry activity. The planned nature of landuse and zoning for Pokeno has therefore been familiar to me for a number of years.

Purpose and scope of Evidence

- 1.9 I was engaged by Hynds Pipe Systems and the Hynds Foundation (together "Hynds") in January 2020 and by Pokeno Village Holdings Limited ("PVHL")

in October 2020 to provide advice on the residential rezoning submissions on the Proposed Waikato District Plan ("Proposed Plan"). PVHL and Hynds have similar concerns about the potential residential expansion of Pokeno in relation to where future growth should be accommodated to protect important attributes of the established settlement.

1.10 I have been asked to provide evidence jointly on behalf of PVHL and Hynds in relation to their submissions/further submissions on the Proposed Plan in respect of the residential zoning matters.

1.11 Specifically, the purpose of my evidence is to:

- (a) Address the appropriateness of the expansion of Pokeno from a landscape and visual perspective; and to
- (b) Address potential reverse sensitivity issues arising from the zoning of residential land on the hills that provide the rural backdrop to Pokeno.

1.12 My evidence will cover the following matters;

- (a) Relevant background to Hynds and PVHL (Section 3);
- (b) The landscape context (Section 4);
- (c) A summary of the urban design planning and regulatory framework for Pokeno and the surrounding area, including a discussion of reverse sensitivity effects (Section 5);
- (d) Submissions on the Proposed Plan (Section 6);
- (e) Comments on evidence filed by Havelock Village Limited (Section 7),
- (f) Comments on the evidence filed by Pokeno West Ltd (Annie Chen Shiu) (Section 8);
- (g) Comments on the evidence filed by CSL Trust and Top End Properties (Section 9);
- (h) Comment on the Council Officer's 42A Report (Section 10); and
- (i) A brief conclusion (Section 11).

1.13 A summary of my evidence is contained in Section 2.

Expert Witness Code of Conduct

1.14 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.

2. EXECUTIVE SUMMARY

2.1 Growth in the Pokeno area has been planned and provided for through privately initiated plan changes and District and Regional planning processes over more than two decades. Previous plan changes have been informed by extensive multidiscipline structure planning to determine an appropriate form of future urban development and to inform plan provisions. The location of residential and heavy industrial activities and the interface between them require a strategic approach to planning, at a whole of district scale, in order to manage the inevitable effects on sensitive land uses, such as residential areas and sensitive landscape areas.

2.2 The Pokeno of today is a result of extensive high level structure planning and more detailed masterplanning and rezoning undertaken through the Pokeno Structure Plan ("PSP"), Plan Change 24 ("PC24") and Plan Change 21 processes. The vision for Pokeno, developed during the structure planning process, was to maximise the town's strategic location and establish a sustainable town with a complementary range of opportunities for 'live, work and play'¹. A key urban containment principle, informed by landscape analysis, cultural values, and reverse sensitivity considerations was the retention of the rural backdrop to the south and west of Pokeno, this included the identification of RL100 as the ultimate limit to urban activities in those locations where expansion of urban residential activities into the hill backdrop was deemed appropriate.

2.3 I understand that RL100 was set in consultation with Mana Whenua who did not support urban activities extending onto the ridgelines and upper hill slopes of the southern and western catchment to Pokeno.

2.4 Hynds participated in PC24 in support of appropriate zoning and secured a large heavy industrial site in Pokeno for the purposes of relocating much of its heavy industrial activities out of Auckland and other North Island regional

¹ MFE 'Creating Great Places to Live Work and Play' June 2020, ME# 446.

centres. Pokeno's heavy industrial zone also relied on the protection afforded by the operative Aggregate Extraction and Processing ("AEP") zoning on the hills to the immediate south and west.

- 2.5 Heavy industrial activities generate effects on the amenity of residential communities and are best separated from those sensitive activities by effective buffering including, primarily, spatial separation. Proposals for residential development located on the southern and western hills, within the immediate visual catchment of Pokeno's well established heavy industry activities will inevitably give rise to reverse sensitivity effects that have not been appropriately considered or addressed in the evidence provided.
- 2.6 Pokeno's heavy industry employment base is of regional significance and provides a primary anchor to the 'complete town' aspects of Pokeno. This resource should be protected from ad-hoc opportunistic urban growth that has the potential for significant detrimental impacts on the continued functioning of heavy industry.
- 2.7 The Havelock Village 'refined proposal' has gone some way to acknowledging reverse sensitivity effects however in my opinion the visual catchment of the established heavy industrial zoned land, not just its 45dBA noise contour, should be fully protected from residential development that will overlook with a northern aspect. The elevated nature of the Havelock Village site means that where residential development extends into the visual catchment, no mitigation can be adequately achieved to deal with the issue of visibility itself or the potential of annoyance from air discharges, lights, or odour, all of which can be reasonably anticipated to be associated with legally consented heavy industrial activities.
- 2.8 Further residential expansion proposed in the west of Pokeno including a portion of the Pokeno West area identified in the Proposed Plan (refer submission of 'Pokeno West' (Annie Chen Shiu)) and the additional area further to the north advocated by CSL Trust and Top End Properties extends onto higher land that defines the rural backdrop and visual containment of Pokeno to the west / northwest. The retention of a rural backdrop and protection of the ridgelines and land above RL100 from urban development was a key tenant in the overall spatial structure planning for Pokeno.
- 2.9 In my opinion it is important that the rural towns of the Waikato District grow whilst maintaining distinctive attributes of landscape character and amenity that set each settlement apart. The rural hill backdrop to Pokeno, if appropriately maintained, can secure the landscape identity of this

successfully growing town which is providing a desirable choice for people in the norther Waikato / southern Auckland catchment.

- 2.10 The land areas sought for urban rezoning in submissions by Pokeno West and CSL and Top End Properties in my opinion go too far in proposing urban zones on the higher hill slopes containing Pokeno to the west / north-west. Whilst some portions of this land are, in my opinion, appropriate for well-managed urban development I consider rural zones should be retained on the rural backdrop to Pokeno, with the upper slopes, ridgelines and all land above RL100 protected from urban development.

3. **RELEVANT BACKGROUND AND CONTEXT**

Hynds Operations

- 3.1 Hynds Pipe Systems Limited is owned by the Hynds Group which operates a concrete products manufacturing and distribution heavy industry site at 9 MacDonald Road, Pokeno ("Hynds Factory Site"). Hynds is a significant heavy industry, utilising approximately 22ha of land operating 24 hours a day, seven days a week.
- 3.2 Hynds specialises in the manufacture and supply of construction materials and water systems in New Zealand and Australia. The Hynds Factory Site is zoned Industrial 2 under the Operative Waikato District Franklin Section ("Operative Plan") and Heavy Industrial under the Proposed Plan.
- 3.3 Hynds made a strategic and significant companywide decision in 2004 to purchase a large scale landholding outside of Auckland to secure a long term location for their heavy industry business free from the increasing pressures of urban Auckland. They participated in the PC24 process to secure Heavy Industrial zoning for the site (Industrial 2 under the Operative Plan) within a wider light and heavy industry zones in the south of the expanding village of Pokeno. This strategic move involved planning to over time relocate all the heavy industry parts of their operation to Pokeno from their factories in East Tāmaki (Auckland), Pukekohe, Hamilton, Rotorua, Palmerton North, and Whanganui. Stage 1 of the Hynds Pokeno site has been developed to date, replacing the East Tāmaki and Hamilton factories and the heavy industry part of the Rotorua factory. The second stage, now underway involves relocating the company's metal fabrication workshops to the site, these are currently located in East Tāmaki and Pukekohe. The company has expansion plans for future stages of development on the site with the intent of consolidating the core business to Pokeno. A key driver in looking outside of Auckland for a long-term heavy industry site for the Hynds business was the

impact that urban re-development, brownfield re-zoning and reverse sensitivity was having on the business.

- 3.4 As is explained in the evidence of Adrian Hynds, Hynds selected the large site and participated in PC24 to secure a heavy industry zone in the knowledge that the quarry zone on the hills to the west provided a secure buffer to their site and the wider light and heavy industry zones in the south of the expanding village of Pokeno. This site offered the best of all worlds; a strategically well located large, flat industrial site; with a local workforce in the planned urban expansion of Pokeno; and a buffer of adjacent quarry zoned land to protect their 24/7 industrial operation from potential reverse sensitivity issues associated with proximate residential activities. On the basis of this understanding they invested in the new site and its industrial infrastructure.
- 3.5 Hynds is motivated to retain the context of adjacent landuse that supports and protects their industrial activity for the long term. Hynds has both past and present day experience of the difficulty of operating their heavy industrial site where residential activities come into proximity to them.

Pokeno Village Holdings Limited (PVHL)

- 3.6 PVHL has a long association with Pokeno and its masterplanned urban expansion as a complete live, work, play community. PVHL led the masterplanning for the expansion of Pokeno as an urban growth node in the Waikato and was one of the proponents of PC24 (together with Hynds and Fulton Hogan). PVHL is undertaking the staged greenfield development of the village.
- 3.7 As set out in Mr Botica's evidence, in developing the masterplan for Pokeno and PC24, PVHL worked with mana whenua, Ngāti Tamaoho and Ngāti Te Ata, to understand the cultural landscape and features within the landscape of significance to iwi. PVHL took a landscape led approach to the masterplanning and sought to define the extent of the urban village through its containment by its western hill backdrop with the express intention of creating a well-defined rural village, visually connected to its rural surrounds. This approach also aligned with the aspirations of mana whenua to protect the ridgelines and upper hill slopes with the establishment of RL100 as an ultimate limit to the expansion of any urban activities on the hills defining the immediate backdrop to the village.

4. **LANDSCAPE CONTEXT**

- 4.1 The settlement of Pokeno occupies a shallow basin enclosed to the north-west by a prominent ridgeline spur that extends from the foothills of the Hunua Ranges to the north-east. Mount William, at 373m above sea level (asl), is also a prominent landmark feature, located approximately 4km due north of Pokeno, and representative of the higher terrain associated with the Hunua foothills. Refer Figure 1 in **Attachment A**.
- 4.2 To the east of State Highway 1 ("SH1"), the foothills form an abrupt boundary with the Mangatawhiri flats, at approximately 30m asl, which contain extensive areas of wetlands. The foothills to the west of SH1 and north of Pokeno descend more gradually into the rural low-lying interior of Pukekohe in a series of elevated spurs. These hills and ridgelines provide a sense of enclosure and a rural backdrop for the town.
- 4.3 The Whangamarino wetland is located south east of Pokeno and is a significant area of high conservation value. This wetland is physically separated from the existing core of the township by SH1.
- 4.4 The landscape to the west of SH1 and Helenslee Road forms part of the ridgeline spur, which continues to extend around the north-west of the Pokeno Basin. The steeply exposed rural landscapes on either side of Ridge Road are similar in terms of their landform, extensive pastoral land-use, isolated farmsteads, and patterns of remnant native bush cover. However, the orientation of the eastern face, as a defining backdrop to the Pokeno Basin is an important distinction.
- 4.5 The strong rural backdrop to Pokeno has been a key factor in the shaping of development within Pokeno, and in particular the development of the industrial activities (and significant source of employment) located in the South of Pokeno². The rural hill slopes and ridgelines are visible from many locations locally, as well as even more prominently from a distance, as illustrated in the photographs attached to this evidence, refer photograph viewpoint map Figure 7 and photographs VP1 – VP8 **Attachment A**. This rural hill country backdrop is particularly evident when heading over the Bombay hills travelling south; when within the residential areas of Pokeno and in Pokeno East looking west. From all these viewpoints views of the village itself, given the natural basin topography, are limited.

² Refer Landscape and Visual Assessments for Yashili Dairy Factory, Hynds Concrete Factory and Synlait Factory. In which the rural backdrop and surrounding topography was noted to provide scale and proportion to the largest of the proposed industrial structures of these heavy industrial development.

- 4.6 As noted, the urban growth of Pokeno is focused on the principle of 'live, work and play' with the intent of enabling residents within the community to be able to live locally as a complete community. Heavy and light industrial areas as well as 'The Gateway Business Park' provide locations for people to work close to home and within their community. The new residential areas that have been developed or are currently under development are designed with this concept in mind, and are conveniently located at the intersections of SH1 and SH2 and close to local employment. Whilst experiencing substantial urban growth the village has been designed on the basis of explicit, core principles intended to protect the identified landscape values of the village. One of these is the retention of the rural hill country backdrop, providing visual connection to the rural landscape and maintaining the village as a defined settlement in the country.
- 4.7 This rural hill country backdrop has also consciously protected the industrially zoned land located in the south from any immediately adjacent residential neighbours and in particular neighbours that, due to the nature of the topography, have the ability to directly overlook the industrial activities in the south. This rural buffer, secured by the operative AEP zoning (and associated setback provisions) provides critical protection against reverse sensitivity for these legally established heavy industrial businesses.
- 4.8 Pokeno has expanded as a result of comprehensive structure planning and subsequent quality development to establish a highly desirable rural village settlement. It is a complete community with employment, town centre and residential zones located as good neighbours and sited with an anticipated rural buffer to secure protection of industrial land and the amenity of a rural backdrop.

5. URBAN DESIGN PLANNING AND REGULATORY FRAMEWORK FOR POKENO AND THE SURROUNDING AREA

- 5.1 Like many small rural towns located on historical arterial routes, Pokeno was bypassed when SH1 was realigned. The removal of through traffic, as is a familiar by-pass story, led to initial decline but then also the opportunity for re-creation and the establishment of a complete rural settlement benefitting from the proximity of the national transport routes (SH1 and SH2) but separated from the adverse impacts of non-destination through traffic.
- 5.2 The Pokeno of today is a result of extensive masterplanning and rezoning undertaken through the PSP, PC24 and Plan Change 21 processes. PC24 was initiated as a Private Plan Change by Pokeno Landowners Consortium ("PLC") and adopted by the former Franklin District Council in December

2008. PLC included significant land owners, business owners and developers who were ready to invest in and develop the Pokeno area. This included Hynds and PVHL.

- 5.3 As set out in Mr Botica's evidence, the PSP was the product of many years of analysis and design iteration, consultation and collaboration between key stakeholders including land owners, developers, infrastructure providers, local iwi Ngāti Tamaoho and Ngāti Te Ata, members of the local community, the relevant local authorities and others. The ultimate form of the Pokeno settlement was not a top down exercise that simply placed lines on a map, rather it was developed in consultation with the Pokeno community and in response to their priorities and concerns.
- 5.4 The masterplanning process considered all the factors that influence how good quality urban growth outcomes can be achieved. The process, which took a number of years, sought to create a complete community, not a dormitory suburb for Auckland or the Waikato, but a proper rural village community. The incorporation of employment activities and land zoned and suitably protected to provide local employment was one key principle of the town's urban composition. In a similar vein, as already noted, so was the avoidance of conflict at the zone interface and the consideration of how the types of land use sat relative to each other to avoid reverse sensitivity.
- 5.5 The vision for Pokeno, developed during the structure planning process, was to maximise the town's strategic location and establish a sustainable town with a complementary range of opportunities for 'live, work and play'.
- 5.6 A key urban containment principle, informed by landscape analysis, cultural values, the desire for the retention of a rural backdrop and reverse sensitivity concerns during the structure planning process, was the identification of RL100 as the limit to urban activities. The PSP clearly expressed the vision for Pokeno as a rural village stating: "all land at a level above 100m should be excluded from potential development due to its visual sensitivity to the wider audience"³.
- 5.7 In 2008 Boffa Miskell undertook an Urban Growth Study to support the definition of the 2008 Pokeno Structure Plan Area. Our personnel at that time formed part of a wider masterplanning team including Harrison Grierson and others. This study analysed a series of defining factors to identify a structure plan area to inform the plan change. The study identified that steep slopes, ridgelines (e.g. Bluff Road and Ridge Road) and steep south facing

³ Structure Plan Document, October 2008, Section 7.3.2.

slopes in the vicinity of the Pokeno township were inappropriate for urban development and accordingly restricted any future development or urban expansion of the Pokeno Township in these locations. The Pokeno basin was identified as a well-defined potential boundary to contain the future urban growth of the Pokeno Township. The more elevated hill country surrounding the settlement was identified as providing a rural backdrop and containment to the urban area.

- 5.8 In 2008 Harrison Grierson undertook a landscape and visual assessment of the Pokeno Structure Plan area identifying the opportunities and constraints for growth within the area based on landscape principals. Recommendations within this report included retention of the 'pleasant' visual backdrop of the hills. The prominent hills were identified to provide highly legible boundaries to the Pokeno Basin and for the extent of future urban growth of the town. This report also reinforced the aspiration for the settlement to grow as an 'urban village in a rural setting'.
- 5.9 In my opinion it is important and appropriate for Pokeno to retain its southern and western rural open space backdrop, rather than simply rezoning this land for further urban residential development for a number of well-founded reasons including:
- i) The rural backdrop is key to the rural village identity of Pokeno;
 - ii) The ridgelines to the south and west have cultural landmark values that are respected by retaining their rural landuse;
 - iii) The rural backdrop provides a critical landuse buffer for the settlement's important and complementary industrial employment sector;
 - iv) The valued rural backdrop to Pokeno and its function in protecting the settlement's industrial employment base from reverse sensitivity effects go hand in hand such that there is a compounding value in its retention as rural open space; and
 - v) There is opportunity to expand Pokeno elsewhere to meet future growth requirements whilst retaining its southern and western rural hill backdrop.
- 5.10 The Waikato and Auckland regions are experiencing significant growth pressure. I agree that there is the need to provide for urban growth in locations such as Pokeno. However, I also consider it is important to treat

each established settlement and location for urban expansion separately and in a way that maintains the distinctive qualities and attributes of that specific place.

- 5.11 The Waikato and Auckland regions need to grow in a way that creates distinctive, quality urban settlements with individual character and identity avoiding the bland 'nowhere' characteristics of ill-considered urban sprawl that simply 'expands the onion rings' with contiguous growth. Mixed use settlements with embedded employment, rather than commuter based dormitory settlements should also be promoted creating complete communities. In this respect it is my opinion that retaining the character of Pokeno as a rural village with a southern and western rural hill backdrop and protecting the rural buffer to the settlement's light and heavy industrial employment zone are of critical importance, reflecting both landscape and urban design attributes of Pokeno.

Reverse Sensitivity

- 5.12 As already noted, Pokeno has been planned as a complete rural settlement providing local employment and the opportunity to live and work locally with the planned inclusion of industrial, including heavy industry zoned land as part of the Pokeno Village. Industrial land has been consciously and carefully located in the south of Pokeno away from its extensive urban residential greenfield areas. The siting was in consideration of the presence of the AEP zone (and accompanying setback provisions) established to protect the planned Winstone Quarry from encroachment by urban Pokeno.
- 5.13 Past resource consents for industrial scaled development including the Hynds manufacturing plant and the Yashili and Synlait dairy factories (which are all key industrial employers in the locality) have specifically referenced the 'Transmission Hill' ridgeline height and appropriate rural hill backdrop to visually accommodate the industrial scaled structures that form part of each industrial site.
- 5.14 These established industrial plants, two dairy factories (dairy being at the heart of rural Waikato) and the Hynds factory have a level of visual prominence in the landscape. They are obvious as part of the urban composition of Pokeno and they can frequently be seen, particularly in the cool Waikato mornings, to be legally emitting discharges to air as part of their processing facilities. At the same time they presently remain separated from close proximity to residential housing, including some more elevated housing, with the closest houses located to the east across SH1. Some housing to the north-west of the industrial zones, accessed from Hitchen

Road (refer Figure 6 **Attachment A**), has become elevated to a point that it can look southeast towards the industrial area however this land is significantly lower lying than the HVL land to the south (refer Figure 5 **Attachment A**) and it does not immediately overlook the industrial land in the same way.

- 5.15 The existing strategic heavy industrial development and the considerable investment in those industrial activities require protection from reverse sensitivity effects arising from inappropriately located, more sensitive forms of landuse, particularly suburban residential activities, adjacent to and directly overlooking the Pokeno industrial area. This is recognised in the Waikato Regional Policy Statement as identified in the evidence of planners Mr Scrafton, Mr Chhima and Ms Nairn.
- 5.16 Sound landscape planning provides effective separation between heavy industrial activities and more sensitive residential activities to ensure that heavy industrial activities do not suffer reverse sensitivity effects. At the same time it is good planning to protect residential areas from the adverse amenity effects arising from legally operated heavy industrial activities.
- 5.17 In respect of the specific context of Pokeno the loss of a rural backdrop and protective buffer for the Village's important employment industrial zones and the introduction of elevated hillside suburban residential activities that will directly overlook, with a northerly aspect, those well-established activities will, in my opinion, undoubtedly introduce issues in respect of reverse sensitivity. Given the nature of the landform the east and some north facing components of the proposed Havelock Village would have direct views over the industrial zoned land including the 22ha Hynds industrial site with no potential for Hynds to screen or otherwise buffer itself from such residential overlooking. The nature of this overlooking is illustrated in the photograph VP2 **Attachment A**, the direct nature of overlooking is such that there is no ability to effectively visually screen this interface. Some of the rural open space backdrop in photograph VP2 is within HVL's proposed Transmission Hill open space buffer, however as evident in Figure 6 **Attachment A** this does not incorporate the full extent of the immediate visual catchment. Nor does it exclude urban development from land above the 100m contour.
- 5.18 Industrial activities can go unnoticed, and some people are not averse to overlooking industry, however people are naturally sensitive to some legally enabled industrial effects such as larger scaled industrial buildings, air discharges (which are climatically affected), noise, dust, heavy traffic and lighting. A new residential community such as that proposed within the

Havelock Village development, specifically that component that has the potential to directly overlook the industrial zoned land will, in my opinion, become sensitive to the nature of their neighbouring activities. Complaints will undoubtedly result, and at any time future consents are sought or expansion proposed opposition from the residential neighbours will inevitably follow.

- 5.19 By way of illustration in terms of the potential scale of industrial development the Proposed Plan has a 35m height limit for 2% of net site area. On the Hynds site this could equate to a building with a footprint of 4,400m² 35m in height. Such a building would be double the height of the existing batching (5400m²) plant (currently 16m).
- 5.20 It should not be for the well-established industrial activities to mitigate effects on new residential neighbours. Furthermore the spatial relationship between the proposed Havelock Village hill slopes and the lower lying industrial land means practical ways to provide mitigation are limited at best. The best outcome for securing Pokeno's employment land is to retain their existing, rural open space backdrop free of any residential housing. A rural backdrop that was originally ensured by the extent of AEP zone for the now defunct Winstone Quarry.
- 5.21 The Havelock Village 'refined proposal' has gone some way to acknowledging reverse sensitivity effects, however in my opinion the visual catchment of the established industrial zoned land, not just its 45dBA noise contour, should be fully protected from residential development that will overlook with a northern aspect. The elevated nature of the Havelock Village site means that where residential development extends into the visual catchment, no mitigation can be adequately achieved to deal with the issue of visibility itself or the potential of annoyance from air discharges, lights, or odour all of which can be reasonably anticipated to be associated with legally consented heavy industrial activities.

6. **SUBMISSIONS ON THE PROPOSED PLAN**

- 6.1 The currently zoned urban area of Pokeno comprises some 426ha. Of this 88ha is zoned for light and heavy industry. The Proposed Plan provides for additional residential zoned land at Pokeno in an area described as "Pokeno West", refer Figure 3 **Attachment A**. A large number of submissions seek that additional greenfield land around Pokeno is also zoned for a greater extent of urban residential development, including to the south, west /north-west of the settlement and east of State Highway 1. The areas subject to

rezoning requests amount to a total of approximately 600 hectares, as shown in Figure 3 **Attachment A**.

- 6.2 From a landscape and visual perspective a number of the submissions are not consistent with the principles that have informed Pokeno's growth to date, nor the protection of its strategically located industrial employment zones in the south of Pokeno, as outlined above.
- 6.3 The areas proposed for rezoning that are of interest from a landscape perspective are those elevated areas that comprise the rural backdrop to Pokeno including, but not limited to, land above RL100. In my opinion, this rural and open space buffer and backdrop is vital both to protect the established industrial activities from reverse sensitivity and to maintain the vision for Pokeno identified through the structure planning process, as identified above, to visually and physically contain the village.
- 6.4 Specifically, the submissions of particular interest are:
- (a) Havelock Village Limited – at 88, 242 and 278 Bluff Road and 5 Hitchen Road.
 - (b) Pokeno West (Annie Chen Shiu)
 - (c) CSL Trust and Top End Properties
- 6.5 The issues arising in respect of these submissions are addressed in turn below.

7. HAVELOCK VILLAGE LIMITED

- 7.1 Havelock Village Limited ("HVL") (submission #862) submitted seeking to rezone approximately 148 hectares of land at 88, 242 and 278 Bluff Road and also now including 5 Hitchen Road, Pokeno from Rural and AEP zones to Residential Zone. The proposal included 1025 lots (between 450m² to 1000m²), a village centre, an open space network and pedestrian linkages through the future urban area.
- 7.2 The submission was supported by a Landscape and Visual Assessment report prepared by LA4 Landscape Architects and an Urban Design Report by Construkt Architects.
- 7.3 Subsequent to making its original submission a 'refined proposal' including input from a range of disciplines has been put forward and now forms the re-zoning request on behalf of HVL. In addition, evidence has been prepared

by Urban Designer Ian Munro who was involved in developing the 'refined proposal' and who, it is noted, was not able to support the original Constructukt concept master plan proposal.

- 7.4 The 'refined proposal' has an overall housing yield of 500-600 units. As noted by Mr Munro this would equate to around 1,500 persons or a modest 11% of the Waikato 2070 growth forecast (13,500 additional residents) for Pokeno, if that prediction is accurate⁴.
- 7.5 The refined proposal reduces the extent of development on 'Transmission Hill' which forms the rural backdrop to the Hynds site aligned with a 45dBA noise contour to "ensure management of potential reverse sensitivity effects on existing industrial zoned land to the south"⁵. The relevant portions of the original and refined concept masterplans are attached in Mr Munro's Appendix 2 and are copied below. It is acknowledged that this change goes some way, but not entirely, to addressing the concerns of Hynds and PVHL in respect of the rural backdrop to the industrial area and Pokeno as a whole.

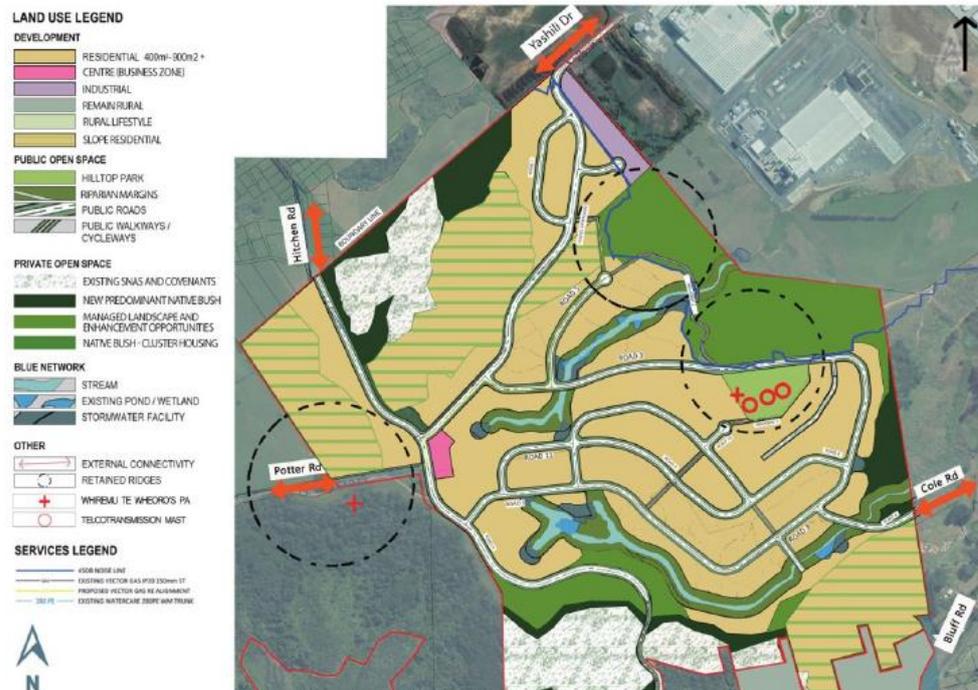
ATTACHMENT 8 – Concept master plan prepared by Constructukt Ltd as part of the HVL original submission on the PDP, no scale.



⁴ HVL Evidence of Ian Munro Appendix 2, 6.2 b.

⁵ HVL Evidence of Ian Munro Appendix 2, 6.2 c.

ATTACHMENT 9 – Refined master plan concept, no scale.



7.6 The lack of contour information and the 2D nature of these diagrams does not assist in their analysis, Figure 6 **Attachment A** provides an overlay of the HVL 'Refined Proposal' with the aerial photograph and contours. The key point in respect of this evidence is that reverse sensitivity is not only related to noise effects. Visual effects are equally, if not more relevant including the effects associated with emissions. Reverse sensitivity issues associated with HVL's proposal are addressed in detail in my evidence above. The relief sought by Hynds and PVHL is therefore that the full southern and visual catchment of Pokeno and its industrially zoned land should be excluded from any residential forms of development to retain the rural open space buffer.

7.7 As Mr Munro notes the elevated land has 'excellent outlook'⁶ which includes, in part, views north from proposed residential land over Hynds and the industrial zoned part of Pokeno. In my opinion such views will inevitably lead to issues of reverse sensitivity that should be avoided through appropriate zoning.

7.8 Mr Munro also suggests⁷ the residential to industrial interface that will result from the HVL 'refined proposal' is not unlike other such interfaces that exist across the country and that he is familiar with. However I do not consider that this makes the proposal appropriate or acceptable. The opportunity exists to avoid conflict between the established industrial area and the future

⁶ HVL Evidence of Ian Munro para 4.2 b.

⁷ HVL Evidence of Ian Munro para 1.8 (e).

residential growth of Pokeno. It is my opinion that this is the approach that should be taken in the Proposed Plan.

- 7.9 Mr Pryor, who supports the HVL 'refined proposal' on landscape and visual effects grounds also supported the original Construct masterplan. Mr Pryor did not address the matter of reverse sensitivity effects of the HVL greenfield development on its immediate industrial neighbours in his original Landscape Assessment report. Mr Pryor's evidence again does not address reverse sensitivity effects, which in my opinion should form part of any landscape architect's consideration of the appropriate interfaces between landuses. He provides passing comment in respect of the 'buffer provided to the industrial areas which are for non-landscape purposes although as outlined by Mr Munro provide a landscape context to the proposal'⁸.
- 7.10 In his evidence Mr Pryor identifies that 'the rezoning of Transmission Hill will be highly visible from various locations in the surrounding rural environment due to its location straddling the ridge'⁹. It will also be highly visible from the urban area of Pokeno with Transmission Hill reaching a local highpoint landmark of RL123.
- 7.11 Mr Pryor states 'the Site is appropriate for the proposed rezoning in that it contains a number of natural landscape elements that will assist in integrating and/or screening future development from the surrounding environment'¹⁰. However none of these integrating or screening elements exist in respect of that part of the HVL proposal that form the visual backdrop to the established settlement. In principle I am not opposed to the contiguous expansion of settlements and I do not consider that simply seeing urban development generates adverse effects. However, in respect of Pokeno's growth I consider visually prominent, unscreened development immediately overlooking the well-established heavy industrial zoned land that detracts from the settlement's intended rural amenity to be inappropriate.
- 7.12 I do not agree with Mr Pryor that that part of the HVL 'revised proposal' located within the visual catchment of the industrial zones of the settlement is appropriate. I do acknowledge that the 'revised proposal' has sought to consider and address reverse sensitivity effects however I consider this will only be achieved by retaining the full visual backdrop to the industrial area free of urban development and retained in a rural zone (with appropriate plan provisions to ensure a buffer function). In my opinion noise is only one

⁸ HVL Evidence of Rob Pryor para 1.10.

⁹ HVL Evidence of Rob Pryor para 1.6.

¹⁰ HVL Evidence of Rob Pryor para 1.7.

factor in the generation of reverse sensitivity effects, visual considerations are equally relevant and should be fully addressed.

8. **POKENO WEST LTD (ANNIE CHEN SHIU)**

8.1 A portion of the land identified in the Proposed Plan as Pokeno West and addressed in the submission of Pokeno West Ltd (Annie Chen Shiu) includes land along its western edge, approximately one third of the area, that forms part of the rural hill backdrop to Pokeno and extends up to the 100m contour, refer Figures 4 & 5 **Attachment A**.

8.2 For the reasons set out in my evidence above I consider the Pokeno West urban growth area should be refined to exclude those areas that form the rural backdrop to the ultimate settlement of Pokeno. The portion of Pokeno West on the flatter land and toe slopes is, in my opinion appropriate for greenfield urban development / urban zoning from a landscape perspective.

8.3 My Pryor's evidence on behalf of Pokeno West Ltd notes that the topography of the site varies significantly with 'steep hill country'¹¹ in the upper parts of the catchment to the north and west. Mr Pryor does not take account of earlier comprehensive structure planning as part of the PSP. His analysis does not identify any real difference in the effects of urbanising the lower lying parts of this significant land area from those of the visually much more prominent upper slopes.

8.4 The Construct Concept Masterplan attached to the evidence of Mr Munro (Attachment 5) shows roads running up the ridges and lots of urban densities very similar to those on the flat portion of Pokeno West on the steep hills. In my opinion this masterplanning is not sufficiently responsive to the natural topography. In my opinion the Pokeno West area should respond to RL100 and avoid urban development on the steeper hill backdrop that defines the western visual catchment to Pokeno.

9. **CSL TRUST AND TOP END PROPERTIES LTD**

9.1 CSL Trust and Top End Properties also seek to expand the residential zoning for greenfield land on the upper slopes of Pokeno (above RL100) with an additional 95ha extending north from the identified 'Pokeno West' area at 170 & 205 Helenslee Road Pokeno. Refer Figure 4 **Attachment A**.

9.2 This proposed development involves a further western expansion of Pokeno, west of Helenslee Road which currently defines the western edge to Pokeno.

¹¹ Pokeno West evidence of Rob Pryor para 5.2.

The 'Pokeno Village Estate' residential area lies to the east of Helenslee Road. The subject area lies to the north of the area notified for urban expansion (Proposed Plan 2018).

- 9.3 This land, as demonstrated in Figure 4 includes a substantial area above RL100 and expanding up to the 170m contour as part of the Bombay foothills. For the reasons set out above in terms of the PSP and cultural landscape values I do not consider this elevated land should be zoned for any urban / residential purpose.
- 9.4 The evidence of registered architect, of Architecturo Limited, Billy Chun Hon Ho provides an overview of urban design aspects of the proposed development. There does not appear to be any real landscape analysis underpinning the masterplan for this proposed greenfield development which comprises three urban typologies although natural features have been used to define the three areas, quoting Mr Ho, *'the subject site is unique with a few significant natural areas which separate the proposed medium and high residential precincts with the low density, countryside living area'*¹².
- 9.5 Whilst the more detailed urban design considerations may or may not be appropriate to Pokeno, in my opinion they are finer grained considerations for a later phase of more detailed masterplanning, should indeed the area be advanced for urban development. A key initial consideration for determining appropriate urban greenfield expansion for Pokeno should relate to the landscape characteristics of the subject site and its relationship to the urban character and amenity of the settlement, these considerations do not appear to have been addressed. In particular the relationship of the development to landform has not been addressed.
- 9.6 The amenity values provided by Pokeno's rural backdrop to the north and west are, as already set out above, important to the very real character and identity aspect of Pokeno. In my opinion this rural context to Pokeno should be protected, with further urban residential growth, if indeed it is required, provided in other locations, including, for example land on the east side of SH1 where urban and larger lot residential development has already occurred. This area has the potential to provide for what Mr Munro describes in his HVL evidence as a 'poly-nodal' or otherwise discontinuous¹³ form of urban development.

¹² CSL Trust and Top End Properties Evidence of Billy Chun Hon Ho, para 5.2.3.

¹³ HVL Evidence of Ian Munro para 7.2 g.

9.7 Mr Prior's evidence addresses Pokeno West, CSL Trust and Top End Properties together. However the CSL Trust and Top End land is much steeper than the majority of Pokeno West, refer Figure 4 **Attachment A**. Parts of the CSL Trust and Top End land reaches RL170, substantially above RL100. In my opinion the steeper and more elevated portions of this land should not be considered for urban landuses.

10. **COMMENTS ON THE COUNCIL OFFICER REPORT**

10.1 WDC's s42A Framework Report sets out the WDC's best practice guidance for rezoning. Appendix 3 of the report provides guidance to submitters on the selection of zones and zone boundaries. Paragraph 22 states that any changes to zone boundaries should take into account features of the site ('for example, where it is, what the land is like, what it is used for and what is already built there').

10.2 The Framework Report also supports structure planning as a tool¹⁴ to guide appropriate growth and urban form. This is the approach that has appropriately been taken to inform the development of Pokeno to date and in my opinion should continue to inform the urban form of Pokeno and the way in which it should grow in the future. Such an approach involves strategic consideration of a settlement's growth, engagement of stakeholders, including established landowners, and an understanding of their aspirations and requirements and the recognition of the appropriate interface between landuses. As opposed to the ad-hoc, landowner led process created through submissions to the Proposed Plan.

10.3 In my opinion, the submissions addressed above are not aligned with the outcomes sought by WDC. The physical attributes of the sites(s) including their steep topography, the erosion of the higher hill slope and ridgeline rural backdrop and the uncontained nature of greenfield urban sprawl leads much of these sites to be unsuitable for residential expansion. The rezoning of the rural and AEP land for residential development will, in my opinion, result in the loss of the important, distinctive rural backdrop to Pokeno. Furthermore the close proximity and overlooking of the established heavy industrial zoned land makes these sites unsuitable for residential development.

10.4 The Framework Report includes reference to the Waikato District Council Growth & Economic Development Strategy (Waikato 2070). This has been developed to provide high level, long term guidance on growth and economic development to support the wellbeing of the district. It is a guiding

¹⁴ Refer paragraph 57 of the WDC's s42A Framework Report.

document that the WDC uses to inform how, where and when growth occurs in the district over the next 50-years. The context of this report is addressed in the planning evidence of Mr Scrafton however the indicative extent of growth proposed for Pokeno – being 13,500 additional residents by 2070 has not been informed by site specific structure planning. Whilst I consider Pokeno is able to grow in population, outside of those areas that provide the rural backdrop to the settlement and particularly to its established industrial area, I do not consider that in doing so the Proposed Plan should essentially throw the baby out with the bathwater. It would be doing just that if decisions on the Proposed Plan were to ignore the original spatial structure planning that informed the earlier plan changes for Pokeno. Growth can, in my opinion, be accommodated whilst retaining the highly desirable and culturally important amenity value of the settlement’s rural backdrop and the protection that this provides to its heavy industry employment zones.

11. **CONCLUSION**

- 11.1 Pokeno has successfully re-invented itself as a complete rural / urban village since being bypassed by the upgrading of SH1 between the Bombay Hills and Mercer in 1992 / 1993. The planned growth of Pokeno was informed by comprehensive structure planning that sought landscape protection as well as urban growth outcomes.
- 11.2 Employment by way of a significant area of light and heavy industrial zoned land strategically located to the south of the village, physically separated from residential land and buffered to the west and south by rural / AEP zoned land was included to enable a live, work, play complete community.
- 11.3 Some submissions on the Proposed Plan seek additional greenfield residential land to be zoned that will undermine key concepts of the original structure planning for Pokeno and its resultant and highly desirable, rural village character and amenity. Aspects that make Pokeno distinctive as a rural Waikato town and that give it desirable and attractive qualities for residents. The proposed Havelock Village development is also likely to significantly impact on Pokeno’s regionally significant industrial land resource.
- 11.4 In my opinion Pokeno has opportunity for urban growth in other areas that are more suitable for urban development. I consider a poly-nodal form of urban development appropriate for Pokeno including land on the east side of SH1. Structure planning of Pokeno and its wider landscape as a whole, should inform the urban form of the expanded settlement whilst protecting

industrial employment land, the settlement's rural backdrop and its physical containment to the west and south.

Rachel de Lambert

17 March 2021

ATTACHMENT A
FIGURES AND SITE PHOTOGRAPHS

Attachment A

To the evidence of Rachel de Lambert

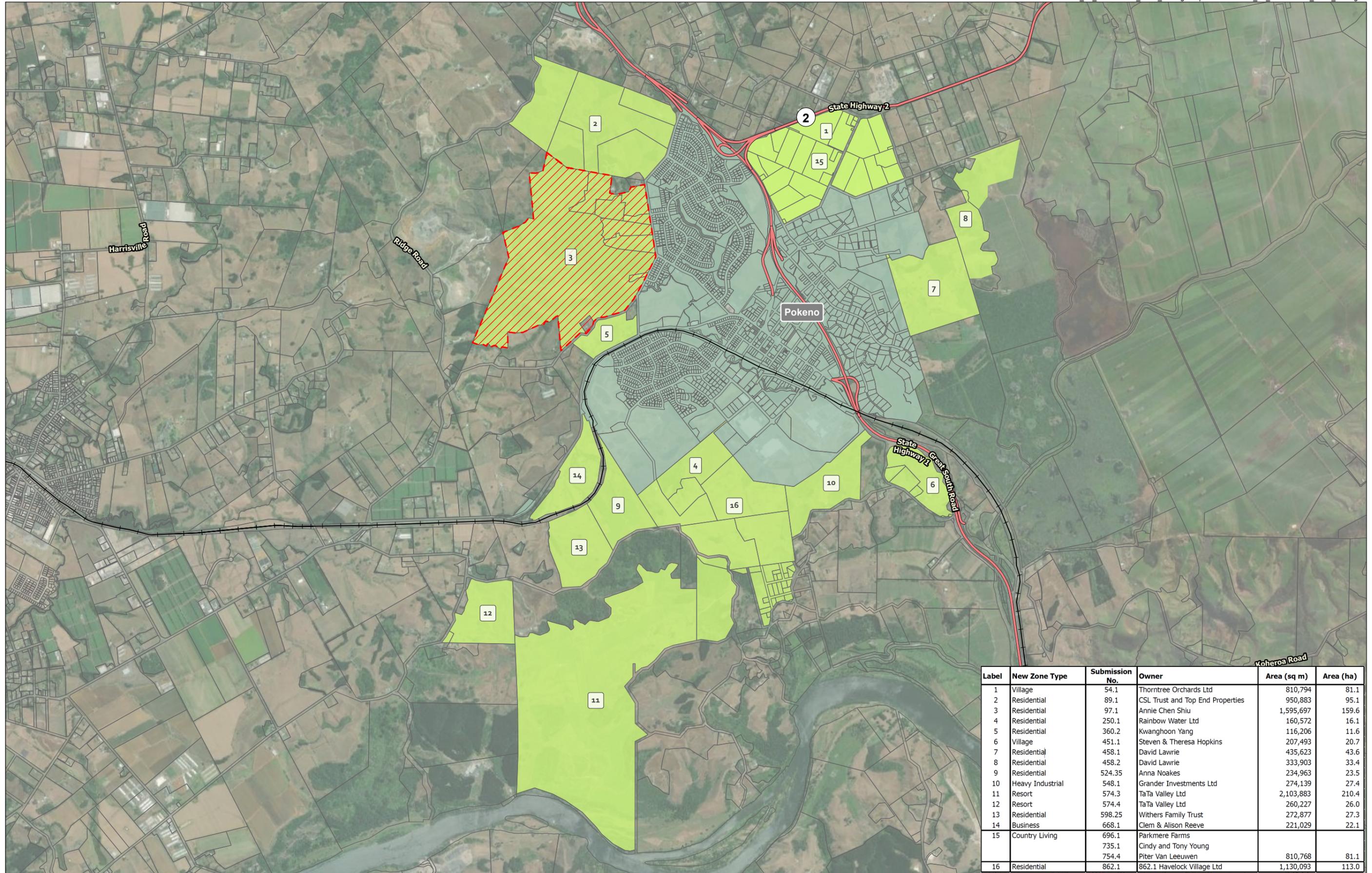
Figures and Site Photos
MARCH 2021

The logo for Boffa Miskell, featuring a stylized white 'B' shape on a dark teal background.

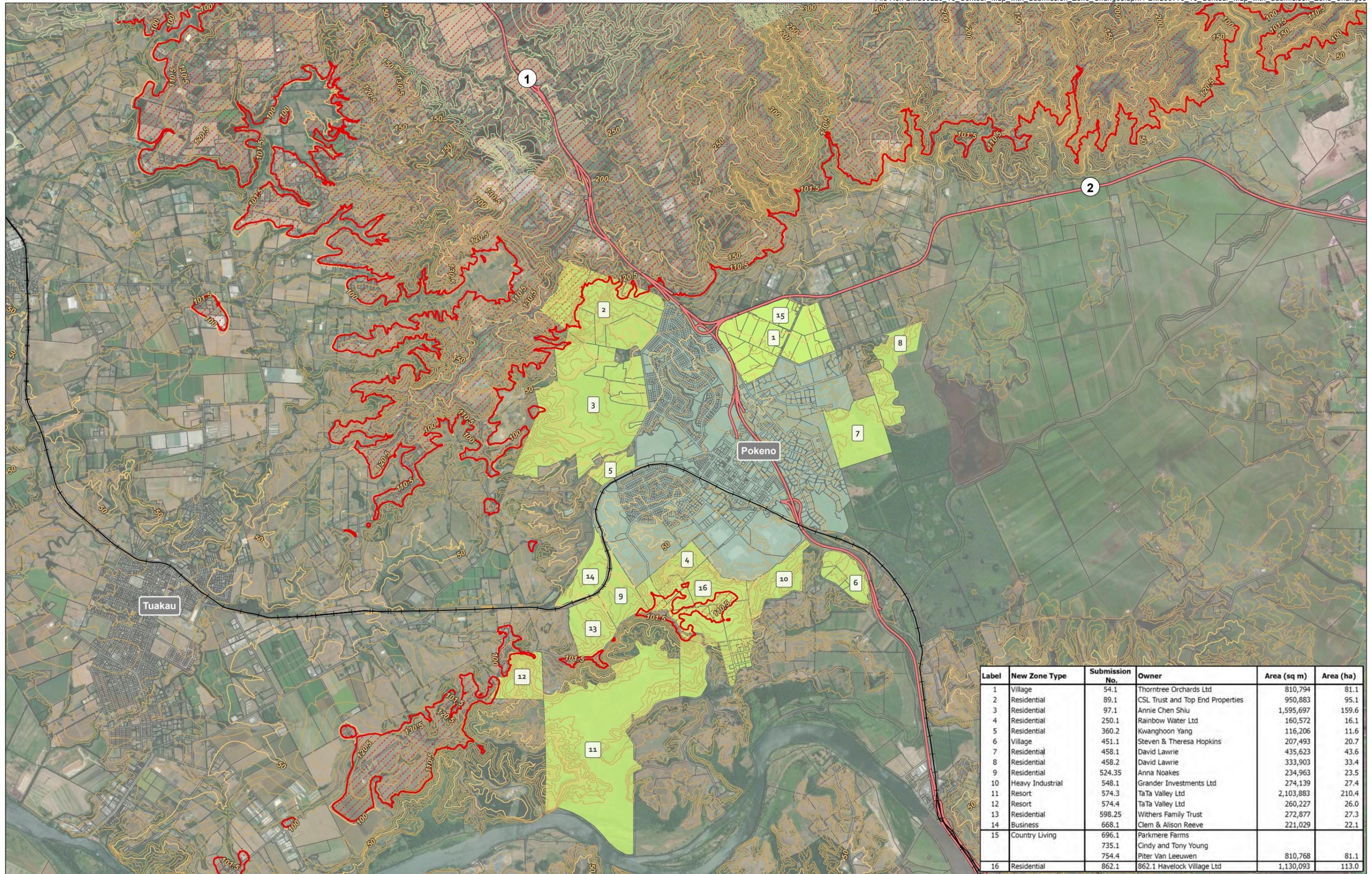
Boffa Miskell







Label	New Zone Type	Submission No.	Owner	Area (sq m)	Area (ha)
1	Village	54.1	Thorntree Orchards Ltd	810,794	81.1
2	Residential	89.1	CSL Trust and Top End Properties	950,883	95.1
3	Residential	97.1	Annie Chen Shiu	1,595,697	159.6
4	Residential	250.1	Rainbow Water Ltd	160,572	16.1
5	Residential	360.2	Kwanghoun Yang	116,206	11.6
6	Village	451.1	Steven & Theresa Hopkins	207,493	20.7
7	Residential	458.1	David Lawrie	435,623	43.6
8	Residential	458.2	David Lawrie	333,903	33.4
9	Residential	524.35	Anna Noakes	234,963	23.5
10	Heavy Industrial	548.1	Grander Investments Ltd	274,139	27.4
11	Resort	574.3	TaTa Valley Ltd	2,103,883	210.4
12	Resort	574.4	TaTa Valley Ltd	260,227	26.0
13	Residential	598.25	Withers Family Trust	272,877	27.3
14	Business	668.1	Clem & Alison Reeve	221,029	22.1
15	Country Living	696.1	Parkmere Farms		
		735.1	Cindy and Tony Young		
		754.4	Piter Van Leeuwen	810,768	81.1
16	Residential	862.1	862.1 Havelock Village Ltd	1,130,093	113.0



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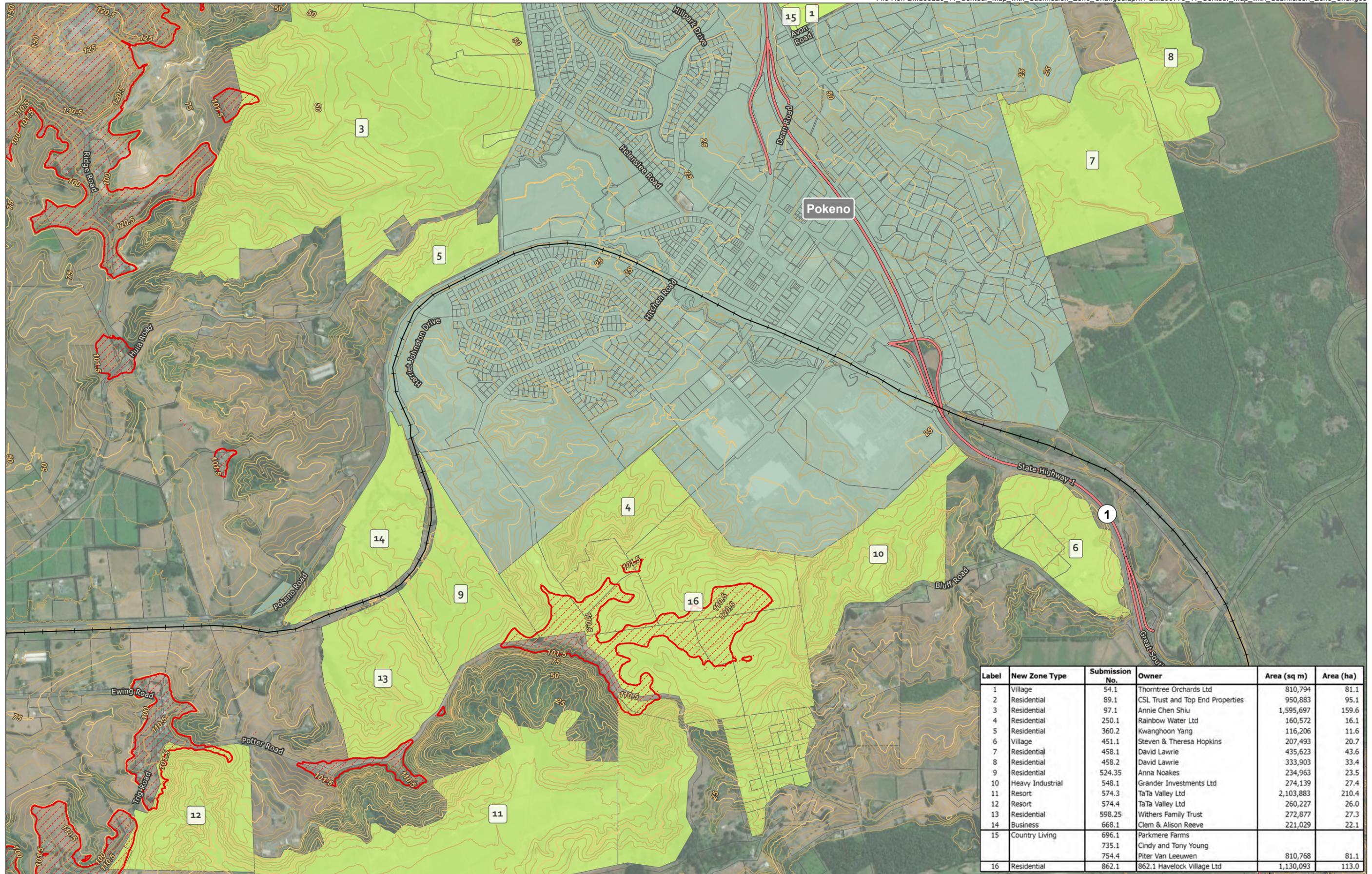


LEGEND

- Contour 100m RL
- - - Areas above 100m RL
- Submission Zone Changes
- Operative Plan Zones - Live Pokeno
- WRC Contours (50m interval)
- WRC Contours (10m interval)
- AC Contours (10m interval)
- Land Parcels
- Highways

HYNDS POKENO / PVHL POKENO EVIDENCE
Contour Map with Submission Zone Changes

Figure 4

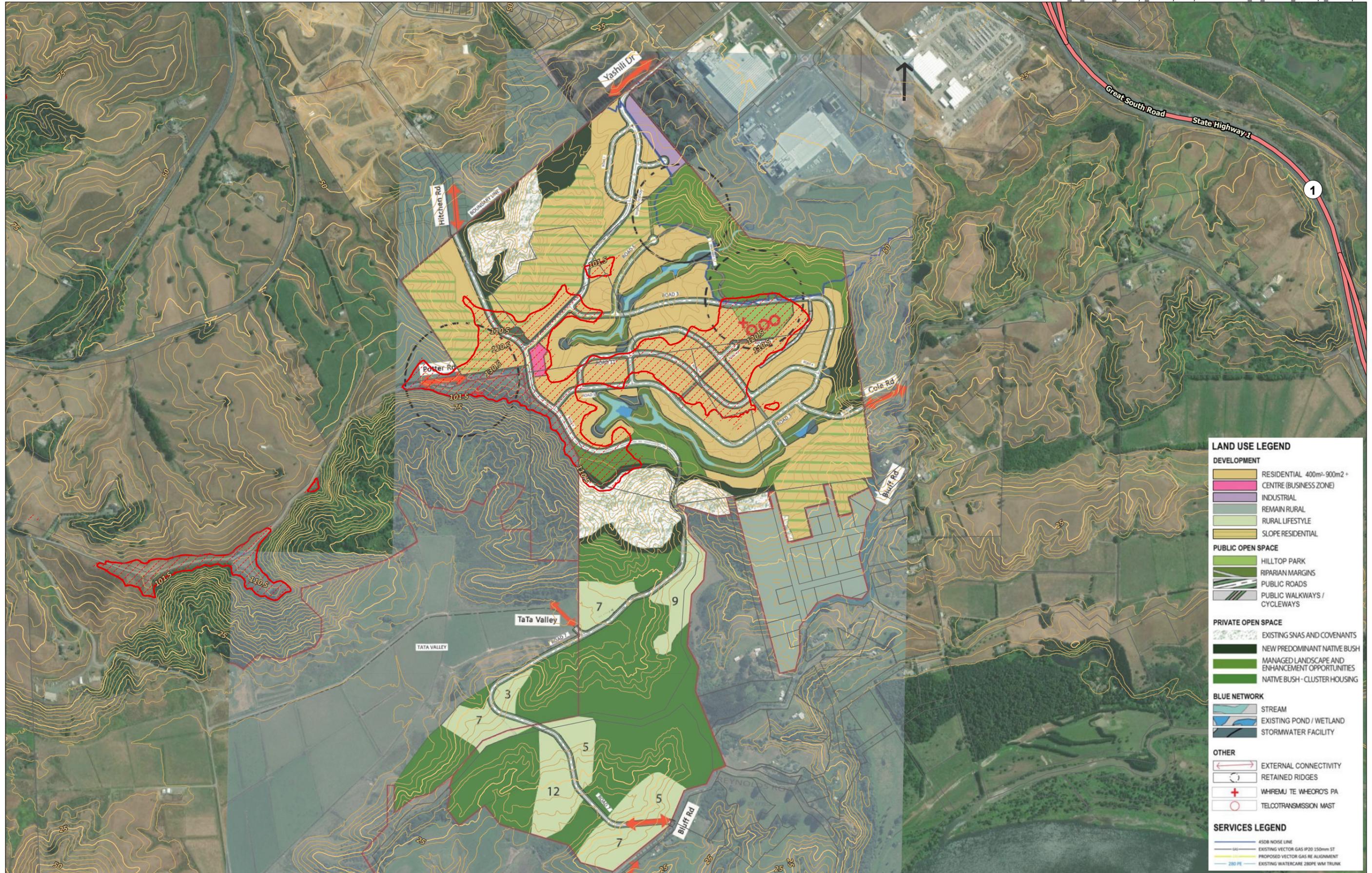


LEGEND

- Contour 100m RL
- - - Areas above 100m RL
- Submission Zone Changes
- Operative Plan Zones - Live Pokeno
- WRC Contours (25m interval)
- WRC Contours (5m interval)
- Land Parcels
- Highways

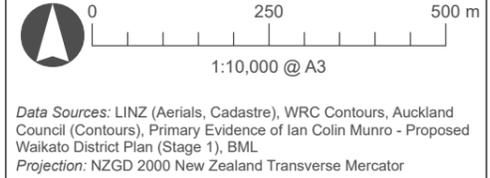
HYNDS POKENO / PVHL POKENO EVIDENCE
Contour Map with Submission Zone Changes

Figure 5



LAND USE LEGEND	
DEVELOPMENT	
[Yellow box]	RESIDENTIAL 400m ² -900m ² +
[Pink box]	CENTRE (BUSINESS ZONE)
[Purple box]	INDUSTRIAL
[Light green box]	REMAIN RURAL
[Light yellow box]	RURAL LIFESTYLE
[Orange box]	SLOPE RESIDENTIAL
PUBLIC OPEN SPACE	
[Green box]	HILLTOP PARK
[Blue box]	RIPARIAN MARGINS
[Grey box]	PUBLIC ROADS
[Grey box]	PUBLIC WALKWAYS / CYCLEWAYS
PRIVATE OPEN SPACE	
[Green box]	EXISTING SNAS AND COVENANTS
[Dark green box]	NEW PREDOMINANT NATIVE BUSH
[Light green box]	MANAGED LANDSCAPE AND ENHANCEMENT OPPORTUNITIES
[Dark green box]	NATIVE BUSH - CLUSTER HOUSING
BLUE NETWORK	
[Blue line]	STREAM
[Blue box]	EXISTING POND / WETLAND
[Blue box]	STORMWATER FACILITY
OTHER	
[Red arrow]	EXTERNAL CONNECTIVITY
[Red circle]	RETAINED RIDGES
[Red cross]	WHIREMU TE WHEORO'S PA
[Red circle]	TELCOTRANSMISSION MAST
SERVICES LEGEND	
[Blue line]	450B NOISE LINE
[Blue line]	EXISTING VECTOR GAS IP20 150mm ST
[Blue line]	PROPOSED VECTOR GAS RE ALIGNMENT
[Blue line]	280 PE EXISTING WATERCARE 280PE WM TRUNK

This plan has been prepared by Boffa Miskell Limited on the specific instructions of our Client. It is solely for our Client's use in accordance with the agreed scope of work. Any use or reliance by a third party is at that party's own risk. Where information has been supplied by the Client or obtained from other external sources, it has been assumed that it is accurate. No liability or responsibility is accepted by Boffa Miskell Limited for any errors or omissions to the extent that they arise from inaccurate information provided by the Client or any external source.



Data Sources: LINZ (Aerials, Cadastre), WRC Contours, Auckland Council (Contours), Primary Evidence of Ian Colin Munro - Proposed Waikato District Plan (Stage 1), BML
Projection: NZGD 2000 New Zealand Transverse Mercator

LEGEND	
[Red line]	Contour 100m RL
[Red dashed line]	Areas above 100m RL
[Orange line]	WRC Contours (25m interval)
[Yellow line]	WRC Contours (5m interval)
[White box]	Land Parcels
[Red line]	Highways

HYNDS POKENO / PVHL POKENO EVIDENCE

Refined Concept Masterplan

Date: 09 March 2021 | Revision: 0

Plan prepared by Boffa Miskell Limited

Project Manager: Rachel.deLambert@boffamiskell.co.nz | Drawn: SGA | Checked: JWJ

Figure 6

















