BEFORE AN INDEPENDENT HEARINGS PANEL
OF THE WAIKATO DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the proposed Waikato District Plan (Stage 1) Hearing 25

JOINT STATEMENT OF EVIDENCE IN OPPOSITION TO REZONING PROPOSAL BY DHARMESH CHHIMA AND SARAH NAIRN ON BEHALF OF HYNDS PIPE SYSTEMS LIMITED AND THE HYNDS FOUNDATION

PLANNING

17 March 2021

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1. INTRODUCTION AND SUMMARY

1.1 This evidence is prepared on behalf of Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**) who operate a large scale manufacturing plant on the site at 9 McDonald Road, Pokeno (**Hynds Factory Site**). This brief is prepared in opposition to the submissions of Havelock Village Limited (**HVL**) and Steven and Theresa Hopkins (**Hopkins**).

1.2 There are long held, best practice, planning principles relating to the separation of industrial operations from residential activity. This separation is for the benefit of both parties as it ensures that the amenity of residential activity is not compromised by the adverse effects of industrial operations and that industrial operations are not unreasonably constrained by the need to preserve the amenity of residential activity.

1.3 These planning principles were given effect to in the Pokeno Structure Plan process whereby Heavy Industry was located at the southern end of the township so as to be as far away as possible from residential activity. These planning principles can also be seen in the provisions of the Waikato Regional Policy Statement (**WRPS**) and the Proposed Waikato District Plan (**PWDP**), both of which include clear objectives, policies, rules and methods for avoiding reverse sensitivity effects and minimising such effects if avoidance is not possible.

1.4 We consider that the HVL and Hopkins proposals do not accord with the best practice planning principles or the provisions of the WRPS and the PWDP as locating 550 homes on the doorstep of industrial activity is bound to generate reverse sensitivity effects due to complaints from residents about noise, dust, lighting or visual effects (or all of the above). We consider that these effects have a high likelihood of occurring given the overlooking nature of the homes on the upper hillslopes relative to the industrial activity down below and, as out of 550 homes there are likely to be people that are sensitive to noise, dust, lighting or just the general obtrusive nature of the large and utilitarian buildings. In addition, these effects will grow over time due to on-going development of the industrial activity and as the effects will be cumulative given that there is more than one operation.

1.5 As well as having a high likelihood of occurring, we consider that the reverse sensitivity effects will have a high impact as they could place constraints on the day to day operation of the industrial activity or deter operations such as Hynds from developing their land to its full extent. These effects are significant because Hynds and the other operations are of regional significance due to their scale and the contribution that they make to employment and the economy of Pokeno and the Waikato district, and because of the scarcity of appropriate heavy industrial zoned land in the district.

1.6 Whilst HVL have put in place a buffer to mitigate reverse sensitivity effects, the extent of the proposed buffer relates only to noise and dust effects, and does not address visual or lighting effects. Importantly, the provisions associated with the buffer do not give a clear direction that residential development should not occur in this area and our opinion is that they are not appropriate because they will not be effective in addressing reverse sensitivity effects.

1.7 We consider that the Council should adhere to best planning practice principles and give effect to the provisions of the WRPS and the PWDP and 'avoid' reverse sensitivity effects by not providing for residential zoning on the hillslopes where it will be susceptible to reverse sensitivity effects. Such an approach will protect Hynds' regionally significant operations, and will give the wider industrial sector confidence that the provisions of the WRPS and the PWDP will be given effect to and their interests protected.

1.8 In addition to reverse sensitivity effects, this evidence also identifies that the HVL proposal has not given due regard to the Pokeno Structure Plan that has guided development in Pokeno over the last 10-15 years. As a result, the evidence of the visual and stormwater experts on behalf of Hynds has identified that the HVL proposal could erode the rural backdrop of Pokeno whilst also compounding the existing stormwater effects. The traffic evidence also identifies that the HVL proposal will place strain and create conflict in relation to transport infrastructure.

1.9 Overall, we consider that the combination of the potential reverse sensitivity, visual, traffic and stormwater effects means that residential zoning proposed by HVL for the hillslopes above the industrial land should not be approved.

1.10 The Hopkins proposal also has the potential to generate reverse sensitivity effects although on a smaller scale. As such, we consider that that the Hopkins

proposal should be amended to retain the notified rural zoning on the northern face of the Hopkins site (facing the Hynds Factory Site).

2. EXPERIENCE AND QUALIFICATIONS

Dharmesh Chhima

2.1 My full name is Dharmesh Chhima. I am a Senior Planner at The Surveying Company (**TSC**) in Pukekohe. I hold a Bachelor of Planning (Hons) and a Masters of Architectural Studies (Hons) from the University of Auckland.

2.2 My relevant professional experience spans 12 years working for local authorities and 4 years in my current private sector role at TSC. In my 12 years with local authorities (Auckland Council and former Franklin District Council) I was involved in assessing a wide range of land use, subdivision, water take and discharge consent applications. In my 4 years at TSC I have been the lead planner on resource management projects from the feasibility and design stage through to project completion. This has included the preparation and lodgement of rural and urban land use and subdivision consent applications in the Waikato District.

Sarah Nairn

2.3 My full name is Sarah Nairn. I am a Senior Planner at TSC in Pukekohe. I hold a Bachelor of Science and a Masters of Planning Practice (Hons) from the University of Auckland.

2.4 My relevant professional experience spans 20 years in both the private and public sectors in New Zealand and the United Kingdom. In the public sector, I have worked in the policy team at Auckland Council undertaking a wide variety of plan changes to the Auckland City Isthmus District Plan. In this role, I was also part of the team who undertook a review of the Hauraki Gulf Islands District Plan and inputted into the preliminary stages of the Auckland Unitary Plan.

2.5 Within the private sector, I have worked for a range of clients to obtain resource consents for large scale residential subdivisions and other development projects. I have also undertaken private plan changes to rezone land such as Three Kings Quarry in Auckland. I also presented evidence at the Auckland Unitary Plan hearings on a range of issues. These roles have provided me

broad spectrum of both policy and resource consent experience in the Auckland and Waikato regions and New Zealand generally.

3. CODE OF CONDUCT

3.1 We confirm that we have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014 (**Code**). This evidence has been prepared in compliance with that Code in the same way as if giving evidence in the Environment Court. In particular, unless we state otherwise, this evidence is within our sphere of expertise and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.

4. SCOPE OF EVIDENCE

4.1 The focus of this brief is on the submissions and evidence lodged by other parties, in particular Havelock Village Limited (**HVL**) and Steven and Teresa Hopkins (**Hopkins**).

4.2 Section 5 of this evidence addresses the HVL proposal and covers the following matters:

(a) Background matters relating to reverse sensitivity effects;

(b) Reverse sensitivity effects and the existing Hynds operation;

(c) Potential for reverse sensitivity effects from HVL's proposal;

(d) The effectiveness of HVL's proposed Industry Buffer;

(e) HVL's proposal and the Waikato Regional Policy Statement (**WRPS**) and the Proposed Waikato District Plan (**PWDP**);

(f) Pokeno Structure Plan and landscape effects;

(g) Waikato 2070;

(h) Traffic effects; and

(i) Stormwater effects.

4.3 Section 6 of this evidence addresses the Hopkins proposal and the potential reverse sensitivity effects on the Hynds Factory Site.

4.4 Section 7 sets out our conclusions relating to both the HVL and Hopkins evidence.

5. HAVELOCK VILLAGE LIMITED REZONING PROPOSAL

5.1 The HVL proposal is to provide for expansive growth to the south of the existing Pokeno township by rezoning land which is currently zoned as Aggregate Extraction and Processing (**AEP**) and Rural in the Operative Waikato District Plan (**OWDP**) for a mix of urban and rural-residential style development. The urban development (550 units[1]) will be located on the hillslopes above the Strategic Industrial Node at Pokeno.

5.2 In our view, the HVL proposal will generate reverse sensitivity effects on the Strategic Industrial Node at Pokeno and on the Hynds site in particular. In addition, we also consider that there are landscape, stormwater and traffic effects. These effects are addressed in turn below.

5.3 It is also our opinion that HVL's proposal is contrary to the Pokeno Structure Plan and does not meet the statutory tests.

Reverse sensitivity effects - Background

5.4 As part of assessing the effects of the HVL proposal on the Hynds Factory Site we sought advice from Simpson Grierson, Hynds' legal counsel, in terms of the case law and general legal commentary around reverse sensitivity effects. This advice identified that reverse sensitivity effects can be defined and described as follows:

> Refers to the effects of the existence of sensitive activities on other activities in their vicinity, particularly by leading to restraints in carrying on of those other activities.[2]

1 Mr Ian Munro evidence on behalf of HVL, paragraph 4.3.
2 *Auckland Regional Council v Auckland City Council* [1997] NZRMA 205 (NZEnvC) at 206

> The legal vulnerability of an established activity to complaint from a new land use. It arises when an established use is causing adverse environmental impact to nearby land, and a new, benign activity is proposed for that land. The "sensitivity" is this: if the new use is permitted, the established use may be required to restrict its operations or mitigate its effects so as to not adversely affect the new activity.[3]

5.5 A practical application of the above definitions and descriptions is if the Waikato District Council (the **Council**) approved the HVL proposal for urban development on the hillslopes above the existing Hynds Factory Site and then the future occupants of those homes complained about the noise, dust, lighting and/or visual effects of Hynds' operation and these complaints eventually led to Hynds having to restrict its activities or further development. At a day to day level, these restrictions could be reducing hours of operation or making changes to the manufacturing process. In the longer term, the restrictions resulting from complaints or objections could be as extreme as Hynds choosing not to develop its site to full capacity.

5.6 The commentary provided to us by Simpson Grierson also identifies the following important points:

(a) Reverse sensitivity is an effect on the environment in terms of sections 31 and 32 of the Resource Management Act 1991 (**RMA**) (in relation to plans such as the PWDP)[4];

(b) There are numerous cases where the Courts have held that a failure to appropriately address reverse sensitivity effects has meant that the proposed plan change would not achieve the integrated management of or the effective use and development of land[5];

(c) Territorial authorities as part of their functions under the RMA are able to control reverse sensitivity effects including making rules in their district plans to regulate reverse sensitivity situations (sections 31 and 76(3))[6];

3 *Affco New Zealand Ltd v Napier City Council* NZEnvC W082/2004, 4 November 2004 at [29].
4 Ibid at [30].
5 See for example: *CJ McMillan Ltd v Waimakariri District Council* NZEnvC C87/98 11 August 1998;
6 Derek Nolan and Kristen Gunnell *Reverse sensitivity and "no complaints" covenants* (2007) 7 BRMB 50. See *Auckland Regional Council v Auckland City Council* [1997] NZRMA 205 (NZEnvC).

(d) The Courts have recognised that for some valuable and important activities total internalisation of adverse effects is neither required nor reasonable;[7] and

(e) Reverse sensitivity concerns include noise, vibration, lighting, dust, visual amenity and traffic effects.[8]

5.7 Simpson Grierson will address these points in greater detail in their legal submissions on behalf of Hynds.

5.8 Having considered the above information, we are of the view that reverse sensitivity is a relevant effect which is required to be appropriately addressed in this plan making process, especially as residential activities in close proximity to heavy industry is a 'classic' reverse sensitivity issue.

5.9 We also consider that Hynds is an example of an operation which cannot 'internalise' all adverse effects as the dust, noise, visual and lighting effects of the operation transcend the site boundaries (despite the fact that the operation complies with the relevant resource consents and standards within the OWDP). These effects can be very difficult to mitigate, particularly given the topography involved. For example, as discussed in Ms de Lambert's evidence screen planting would not be an effective mechanism for internalising lighting or visual effects on HVL's site, as the land to the west and south is of a higher elevation than the Hynds site.

Reverse sensitivity effects and the existing Hynds operation

5.10 As outlined in the evidence of Mr Adrian Hynds, Hynds purchased the 9 McDonald Road site in 2004 with the intent that this site would be the 'North Island hub' for Hynds' operations. In particular, it has been designed and consented to replace or augment the factories in Auckland, Hamilton, Rotorua, Palmerston North and Whanganui by becoming the main manufacturing and distribution site for the North Island. To date only the first stage of the 'hub' has been built at 9 McDonald Road and the second stage is underway. The third stage is in the design phase only.

7 Derek Nolan and Kristen Gunnell *Reverse sensitivity and "no complaints" covenants"* (2007) 7 BRMB 50.
8 Derek Nolan and Kristen Gunnell *Reverse sensitivity and "no complaints" covenants* (2007) 7 BRMB 50.

5.11 In making the decision to locate the 'hub' at Pokeno, Hynds were cognisant of the fact that they could not internalise all of their effects on their site as Hynds' operations are noisy, dusty, operate 24/7, and require large buildings and vast lighting. They were also well aware that these effects would not be well received by a residential environment. Mr Hynds has already addressed you on this at previous hearings.

5.12 As such, Hynds judiciously chose the 9 McDonald Road site as the surrounding sites to the south and west were zoned AEP and therefore would not be used for sensitive land uses. Furthermore, the requirement for a 500m setback from the AEP zone meant that new dwellings could not be located within 600-900m from the Hynds Factory Site without a resource consent or written approval of the operator of the extraction site[9].

5.13 This planning framework provided Hynds with a high level of assurance that there would be very limited opportunity for residential activity to locate in close proximity to their operation.

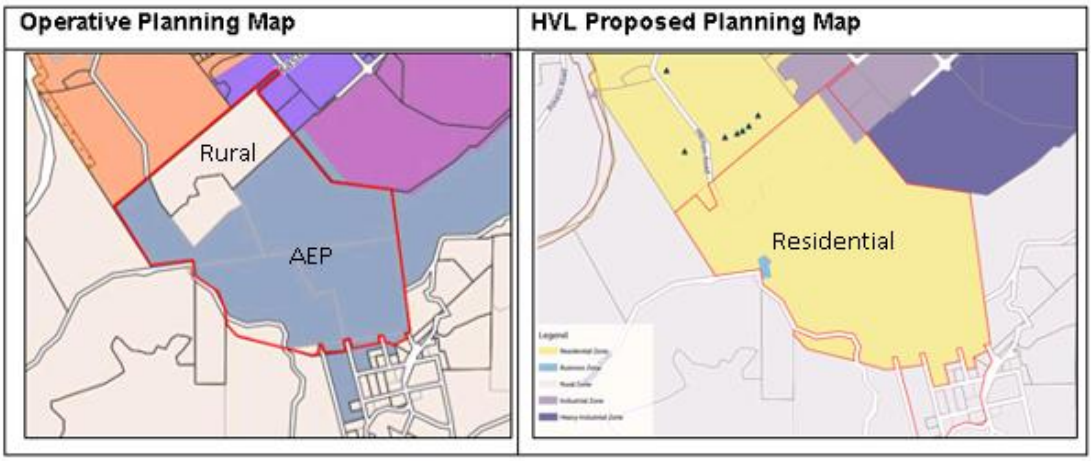
5.14 This strong and robust planning framework has prevented reverse sensitivity effects from new dwellings locating around the Hynds Factory Site. It could not however, prevent complaints from the limited number of dwellings which were already in existence prior to the development of the Hynds operation. One of these dwellings is located at 10 Bluff Road and its occupants complained about the lighting from the Hynds Factory Site spilling in their bedroom windows. Hynds was able to resolve the issue by purchasing the land, meaning that the issue will not arise again. However, if this had not been the case Hynds may have felt the need to restrict their operation in some form.

5.15 Overall, it is clear that Hynds actively sought to avoid reverse sensitivity issues in selecting the Hynds Factory Site. Notwithstanding that, reverse sensitivity issues have still arisen from the occupants of existing dwellings which confirms that reverse sensitivity is not just a theoretical planning issue in this case, there is a real likelihood that the effects will occur. Reverse sensitivity issues have been managed to date but this has only been possible due to the limited number of nearby dwellings.

9 Defined to include sites with AEP zoning, whether or not the land is being used for that purpose.

Potential for reverse sensitivity effects arising from HVL's proposal

5.16 Having reviewed the background to reverse sensitivity effects in general and in relation to the Hynds site, it is then appropriate to consider the reverse sensitivity effects that could be generated by the HVL proposal. The starting point for this evaluation is that the HVL proposal will change the land use to the west of the industrial land from AEP and Rural zoned land with one existing dwelling to predominantly residential zoned land with some 550 dwellings. This change in surrounding land use is demonstrated by contrasting the operative planning map (on the left) with the HVL proposed planning map (on the right):



5.17 We have outlined the potential reverse sensitivity effects below.

Reverse sensitivity - lighting effects

5.18 Hynds is a 24/7 operation which means that lighting is a necessity. The evidence of Mr Laurie Cook on behalf of Hynds details that lighting on the Hynds Factory Site could have light spill, glare and sky glow effects which will be obtrusive for adjacent properties. The evidence of Mr Cook helpfully includes

the photo below showing the Hynds Factory Site at night (this photo was supplied by Hynds):

Figure 1 Photo looking north, showing:

- *Foreground illuminated Synlait tank;*
- *Dark area between Synlait and Hynds Buildings southeast yard under development;*
- *Northeast yard further north; and*
- *Road lights (not part of Hynds Factory Site) lighting SH1 in the background.*

5.19 Mr Cook concludes that "Residents living on the hill behind the buffer proposed by HVL, and on parts of the land owned by the Hopkins, will still have views of the lighting within the Hynds Factory Site and therefore, in my opinion, will experience (and potentially complain about) Hynds' operations, even though Hynds is complying with the Operative and Proposed Plan requirements and the conditions of its resource consent"[10].

5.20 We concur with this view and note that:

(a) The lighting used within the Hynds Factory Site, as viewed from the proposed HVL development, will be highlighted due to the 'larger' viewable area as seen from the elevated position;

(b) The potential for reverse sensitivity effects in relation to lighting are also accentuated by the sheer number of homes proposed by HVL. It is acknowledged that not all of the homes will have clear views of the Hynds Factory Site and that not all of the homes will contain residents that are sensitive to light, but there is a very real likelihood that out of

10 Evidence of Mr Laurie Cook on behalf of Hynds at paragraph 8.3.

a total of 550 homes (or approximately 1,430 people[11]) there will be some that complain about the lighting from the Hynds Factory Site; and

(c) The dwelling at 10 Bluff Road, from which previous lighting complaints were received, is set back some 576m from the Hynds operation as it existed at that time. Given that the HVL dwellings will be set back a similar distance (590m[12]) and will have an even higher elevation than the dwelling at 10 Bluff Road, it seems logical that they may also experience similar effects. The photo in Figure 2 below shows the setback between the 10 Bluff Road house and the existing Hynds operation:

Figure 2 Distance between the house on 10 Bluff Road and the Hynds operation that existed at the time of the complaint

Reverse sensitivity - visual effects

5.21 As identified above, the HVL proposal is to locate 450m^2 lots on the hillslopes above the industrial zoned land in Pokeno. Given the steep topography of the hillslopes and the fact that the vast majority of people will orientate their indoor and outdoor living areas to the north, the future dwellings on these lots will have

11 Average of 2.6 people per dwelling in Census.
12Evidence of Andrew Curtis on behalf of HVL at para 4.11.

very clear and direct views of the Hynds Factory Site and the other industrial sites. This is confirmed in paragraph 5.17 of the evidence of Ms Rachel de Lambert on behalf of Hynds and Pokeno Village Holdings Limited (**PVHL**) which states:

> "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".

5.22 The HVL evidence does not include any photos of the views from the future lots or even 3D renders or montages of the future dwellings on the hillslopes. This makes it hard to determine exactly how many homes will have clear views of the industrial land, and what those views will be of. To fill this gap and demonstrate the hillslopes relative to the Hynds (and Synlait) operations we have included the photo below which is also contained in the attachments to the evidence of Ms de Lambert on behalf of Hynds and PVHL:

Figure 3 Photo looking south west from the 62 Bluff Road site (refer Boffa Miskell viewpoint 7 in Appendix A) and showing the relationship between the hillslopes on which the HVL development will sit (indicatively outlined in red) and the Synlait and Hynds operations.

5.23 Given the direct views of the heavy industrial activities, including large unattractive buildings, outdoor storage activities, strong and flashing lights and plumes of dust and steam, and the inability to screen those views, there could

well be complaints from future residents of HVL's land. In this regard we note the evidence of Ms Rachel de Lambert which states:

> *"*A new residential community such as that proposed within the Havelock Village development, specifically that component that has the potential to 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[13]**"**

5.24 As well as those residents who consider the current operations as having unreasonable visual effects, there will also be those residents who are prepared to accept the visual effects that exist at the time their house was built but may object to future development and expansion on the site. An example of this would be Hynds constructing a 35m high building with a footprint the size of a rugby field and surrounding residents complaining about the effect on their visual amenity - despite the fact that it would comply with the coverage and height standards for the Heavy Industrial zone in the PWDP. We consider that the likelihood of complaints in this situation to be high especially as such a building would be 16m higher than the current batching plant and 6m higher than the batching tower (shown in the photo at Figure 4 below).

13 Evidence of Rachel de Lambert on behalf of Hynds and Pokeno Village Holdings Limited at para 5.18.

Figure 4 Photo showing batching plant (16m) and batching tower (29m). Photo is taken from 62 Bluff Road site.

5.25 A further example of future development that may cause visual amenity reverse sensitivity effects is the provision of additional outdoor storage areas (for concrete products) around the Hynds Factory Site. Under the notified version of the PWDP, such storage areas would require a restricted discretionary consent if standards are not complied with and the consent could be difficult to obtain if the Council felt that the outdoor areas were going to have an adverse effect on the visual amenity of surrounding residents (noting that visual amenity is one of the listed matters of discretion). If an application were notified there is a potential for residents to lodge submissions that object to the consent being granted on the basis of the likely visual and amenity effects they would experience.

5.26 The paragraphs above outline the potential visual effects from development on the Hynds site. These effects are potentially compounded by the fact that the adjoining industrial sites could also undertake significant development in the future. Therefore, there is the potential for cumulative visual effects to occur which may also give rise to complaints from HVL residents.

Reverse sensitivity - Noise

5.27 As identified above, the HVL proposal will establish a residential area next to an established industrial area which is occupied by existing, authorised noise-generating activities. The evidence of Mr Styles (on behalf of HVL) indicates that this situation could result in reverse sensitivity effects where development is occurring within the 45dBa noise contour: We discuss in our evidence below our concerns about the adequacy of the provisions proposed by HVL to address those effects.

Reverse sensitivity – Dust

5.28 A side effect of the existing Hynds operation and the other heavy industrial activities is that they inevitably generate dust and in some cases odour which travels beyond the boundaries of the site. The evidence of Mr Andrew Curtis, on behalf of HVL, identifies that the dust and/or odour generated can result in reverse sensitivity effects on a residential environment if there is not an adequate separation. Again, we set out our concerns below about the suitability of the provisions proposed by HVL in this regard.

Reverse sensitivity effects – conclusion

5.29 Overall, we consider that the combination of steep topography giving direct views, the large number of dwellings (and therefore residents) proposed by HVL, and the dusty, noisy, obtrusive nature of the heavy industrial activities means that there is a high likelihood of reverse sensitivity effects as a result of the HVL proposal. This high likelihood of effects is then compounded by the fact that reverse sensitivity effects are even more significant if they impact upon regionally significant industrial operations such as Hynds and the strategic industrial node generally.

5.30 Given that there is a very real risk of complaints both now and in the future, Hynds may find itself in a position where it becomes too hard or risky to undertake development. As a result, they may choose not to undertake their intended masterplan or be forced to modify it in some way. This is not only highly undesirable for Hynds, it is undesirable for Pokeno and the Waikato given that it could mean the loss of up to 200 jobs and the benefits that such development brings to the economy.

Effectiveness of the Pokeno Heavy Industry Buffer proposed by HVL

5.31 The evidence on behalf of HVL acknowledges that the HVL proposal could have reverse sensitivity effects on the Heavy Industrial zone at Pokeno and seeks to address this by introducing the Pokeno Heavy Industry Buffer (**proposed buffer**) as shown below:

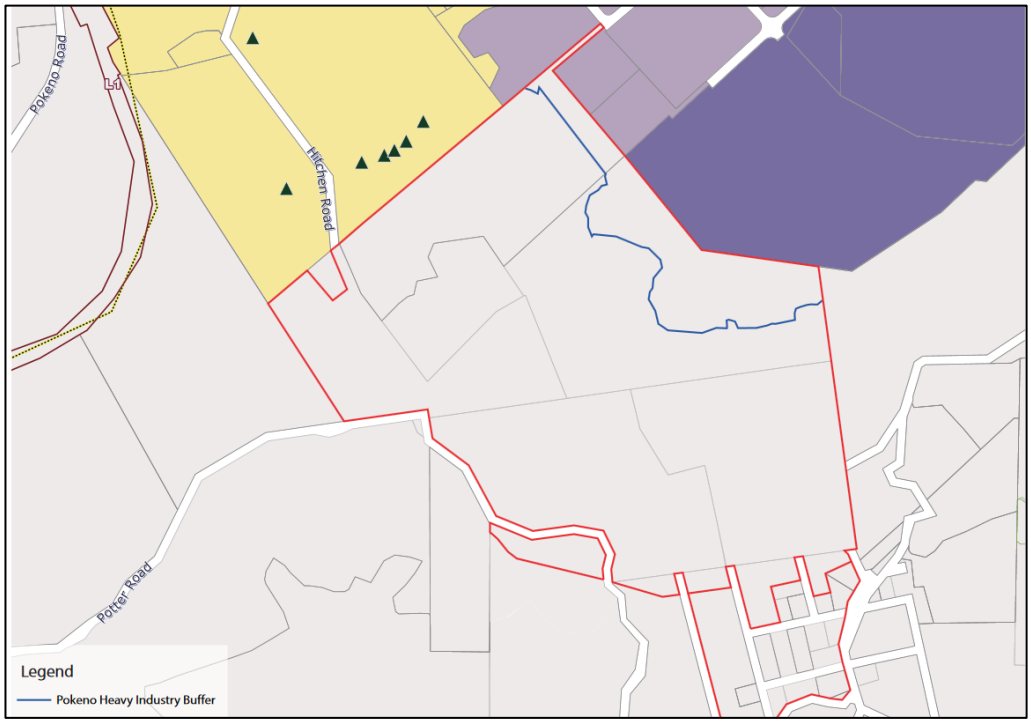


Figure 5 Proposed buffer (shown with the blue line).

5.32 The land between HVL's boundary and the proposed buffer is shown in HVL's precinct plan as an Environmental Protection Area (**EPA**).

5.33 Whilst it is agreed that a mechanism like a buffer or a setback is required to address the potential reverse sensitivity effects, we consider that the proposed buffer will not be effective for two reasons.

5.34 Firstly, the proposed buffer follows the 45dB noise contour modelled by Mr Styles and therefore does not address visual or lighting reverse sensitivity effects. This is confirmed by the lack of lighting evidence and the fact that the visual evidence of HVL does not address the views from HVL's development to the industrial area, or indeed reverse sensitivity issues at all. Whilst it is recognised that the inclusion of the proposed buffer/EPA proposed by HVL will

reduce the number of houses with direct views (noting our comments below about the EPA being given residential zoning, under which a consent for a dwelling would be a discretionary activity) there will still be areas of development which overlook the industrial sites below. The buffer does not cover the full extent of the hill.

5.35 We consider that the lack of consideration given to reverse sensitivity effects associated with lighting and visual effects means that the HVL evidence (including the planning assessment) has not considered all potential reverse sensitivity effects in a detailed and proper way.

5.36 The second reason relates to the effectiveness of the proposed buffer at addressing noise and dust effects. In our view, to be effective the provisions associated with the proposed buffer need to be very clear that sensitive land uses are not provided for, or anticipated, within this area. The provisions proposed by HVL do not achieve this as:

(a) Land within the buffer is zoned residential. This gives people an impression it will be used for a residential purpose. In our view, if HVL were serious about addressing effects by not locating dwellings within the proposed buffer it would be zoned Reserve (or a similar zone) which would give people a clear indication that dwellings are not intended in this location;

(b) A discretionary activity consent may be sought to locate dwellings and building platforms within the proposed buffer. A discretionary activity is an activity which while not explicitly contemplated is nonetheless 'provided for' and may well be approved depending on the circumstances. Again, we consider that to ensure that dwellings are not located in the proposed buffer (if that is indeed HVL's intention) a more onerous activity status would be applied. In our view, that would be the appropriate planning response;

(c) The amendments to the rules proposed by Mr Tollemache relating to the proposed buffer do not include any amendments to the objectives and policies of the residential zone that seek to avoid sensitive land uses establishing within the proposed buffer. This means that there is no clear or robust framework to assess a discretionary activity consent

against which then increases the likelihood of the consent being approved. It is acknowledged that there are strategic objectives relating to reverse sensitivity but these are higher level and make no direct reference to the proposed buffer;

(d) The evidence of Mr Tollemache notes that there is not a large separation between Hynds and residential sites to the north and uses this as a justification for the adequacy of the proposed buffer. We disagree with this justification for the HVL buffer as in our opinion, the elevation of HVL's land means that visual and other effects are significantly more likely. We also note that the Hynds site is visually and physically distanced from the development to the north by State Highway 1 and the North Island Main Trunk railway line; and

(e) The proposed buffer is also identified as an EPA which gives the impression that it will be planted rather than have housing on it. In reality, the EPA overlay simply requires a landscape plan to be submitted with a subdivision application and, being a controlled activity, the consent must be granted. Furthermore, unless a landowner is going to subdivide within the EPA there will be no requirement at all for planting to be undertaken. We note that there are no standards or requirements as to the amount of planting that must be undertaken, all that is required is that it is native planting. The relevant PWDP provision is set out below (amendments proposed in the Council's section 42A report are shown in red):

16.4.16 Subdivision of land containing an Environmental Protection Area

C1	(a) Subdivision of land containing an Environmental Protection Area ~~must comply with all of the following conditions:~~ ~~(i) Include a planting and management plan for the area, prepared by a suitably qualified person, containing exclusively native species suitable to the area and conditions;~~ ~~(ii) Planting must be undertaken prior to the issue of the s224(c) certificate~~. (b) Council's control is reserved over the following matters: (i) Measures proposed in the planting and management plan; and (ii) Vesting of reserve land in Council if appropriate. ~~(iii) Effects on amenity and ecological values;~~
~~RD1~~	~~Subdivision that does not comply with a condition of Rule 16.4.16 C1.~~ ~~(a) Council's discretion shall be restricted to the following matters:~~ ~~(i) Matters that control is reserved over in Rule 16.4.16 C1(b);~~ ~~(ii) Effects on amenity values; and~~ ~~(iii) Effects on ecological values.~~

5.37 Collectively, the above matters mean that there is not a robust planning framework for ensuring that dwellings do not locate within the HVL buffer. As such, we think that there could be a real possibility that consents for dwellings

could be applied for and approved, especially if the applicant put in place some acoustic attenuation or it was on the edge of the buffer line. Once one dwelling was approved it would then be more likely for others to approved.

5.38 Overall, we do not consider HVL's proposed buffer to be effective or appropriate as its extent is based solely on the 45dB noise contour (and so does not address lighting or visual effects and the accompanying reverse sensitivity effects) and as the provisions that provide for the buffer are not strong or clear enough to ensure that dwellings will not be located within it.

Assessment of the HVL proposal against the WRPS and PWDP

5.39 The paragraphs above set out our opinion that there are likely to be reverse sensitivity effects from the HVL proposal and that such effects are not adequately addressed through HVL's proposed planning provisions. In our view, this situation does not give effect to the provisions of either the WRPS or the PWDP as both sets of provisions seek to avoid reverse sensitivity effects in the first instance. The relevant provisions state:

Waikato Regional Policy Statement

Policy 4.4 Regionally significant industry and primary production

The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:

….

f) avoiding or minimizing the potential for reverse sensitivity;

Implementation methods

4.4.1 Plan Provisions

District and regional plans should provide for regionally significant industry and primary production by:

…

d) recognizing the potential for regionally significant industry and primary production activities to have adverse effects beyond its boundaries and the need to avoid or minimize the potential for reverse sensitivity effects;

6.14.3 Criteria for alternative land release

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

….

d) the effects of the change are consistent with the development principles set out in Section 6A.

6A. Development Principles

General development principles

New development should:

…

o) Not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure.

Proposed Waikato District Plan

4.7.11 Policy – Reverse sensitivity

(a) Development and subdivision design (including use of topographical and other methods) minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and

(b) Avoid potential reverse sensitivity effects of locating new ~~dwellings~~ sensitive land uses in the vicinity of an intensive farming, extraction industry or industrial activity and ~~strategic~~ regionally significant infrastructure. Minimise the potential for reverse sensitivity effects where avoidance is not practicable.[14]

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

14 Section 42A Report: Rebuttal Evidence, Hearing H3 Strategic Directions, prepared by Alan Matheson (Consultant Planners) 30 October 2019, paragraph 87. Black text is the policy as notified. Blue text is the recommendation of the Reporting Officer on consideration of submissions and evidence.

(iii) Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised.

4.6.1 Policy – Economic Growth of Industry

The economic growth of the district's industry is supported and strengthened in industrial zones.

5.40 The provisions of the WRPS and PWDP set out above provide a very clear direction that reverse sensitivity effects are to be avoided or minimised and that this is to be achieved through district plan provisions which ensure that incompatible land uses (such as heavy industry and residential) are not located in the vicinity of each other. In our view, the HVL proposal does not 'give effect' to these provisions as it will result in heavy industry and residential activity being located in close proximity and, therefore, reverse sensitivity effects will not be avoided.

WRPS

5.41 The fact that the HVL proposal does not 'give effect' to the Section 6A Development Principle which seeks to avoid incompatible land uses is significant as this principle is to be applied when considering the zone to be applied to land and particularly in relation to the release of land for residential growth.

5.42 The provisions of the WRPS recognise that reverse sensitivity effects can be 'minimised' or avoided. In our opinion minimisation could be appropriate if we were looking at a handful of houses next to a couple of smaller industrial operations. However, that is not the case. HVL is proposing a large number of houses next to and overlooking a regionally significant industrial operation located in a Strategic Industrial Node. In our opinion applying an avoidance approach in this instance is the most appropriate. In fact if 'avoidance' is not applied in this instance, we struggle to think of a more appropriate circumstance where it would be.

5.43 We note that Mr Tollemache agrees with the need to avoid reverse sensitivity effects but indicates that this should not be at the expense of an inefficient use of land. We disagree, as we do not see an exemption for the inefficient use of

land in the policies set out above. Even if an inefficient use of land was an exemption, it could equally be argued that it is an inefficient use of land to zone sites for Heavy Industrial use and then constrain them by enabling sensitive activities next door.

5.44 There is also an important wider message to consider - industry needs to be able to trust the Council and its planning documents to provide for and protect their operations. If they see large scale companies, like Hynds, making long-term and substantial investments in their site that are then compromised by the Council's decision making, they may well look to locate in other districts. We also note that if Hynds was forced to consider re-locating from the Hynds Factory Site, there are no alternative sites within the Waikato District which are both well located and large enough for the operation. Therefore, there would be no option but to move out of the district.

PWDP

5.45 In terms of the PWDP provisions, Policy 4.7.11 makes it clear that reverse sensitivity effects are to be avoided in this first instance. In our view, the HVL proposal does not give effect to this policy as the proposed residential zone and the associated provisions will not 'avoid' reverse sensitivity effects. Equally, the HVL proposal could compromise the further growth and development of the industrial operations which are part of the 'town' referenced in Policy 4.1.11 and which are expected to be supported and strengthened in Policy 4.6.1. Therefore, the proposal does not accord with the long established statutory tests, as set out in *Long Bay*[15] and subsequent cases which makes it clear that policies are to be implemented by rules (which in this case are those contained in the Residential zone (with the requested amendments)).

5.46 In terms of the tests of section 32, we consider that the HVL proposal is not an efficient or effective means of achieving the PWDP's strategic objective 4.1.11 relating to creating thriving communities that are 'sustainable, efficient and co-ordinated' as the reverse sensitivity effects that could result from the proposal could compromise the efficiency and sustainability of the existing industrial operations at Pokeno, including the Hynds operation. In our view, these reverse sensitivity effects were not adequately recognised in HVL's section 32 analysis

15 *Long Bay-Okura Great Park Society Inc v North Shore City Council* (Decision No. 478/2008).

as proper consideration was not given to lighting or visual effects or the overall effectiveness of the proposed buffer.

Statutory tests

5.47 Overall, we consider that the HVL proposal does not meet the relevant statutory tests for the following reasons:

(a) The proposal fails to 'give effect' to the provisions of the WRPS as it does not avoid reverse sensitivity effects. In our opinion, avoiding, as opposed to minimising, reverse sensitivity effects is the most appropriate planning response in this instance given the high likelihood of reverse sensitivity effects and as these effects will have a high impact due to the regionally significant nature of the Hynds operation and the activities within the Strategic Industrial Node;

(b) The proposal does not accord with the *Long Bay* approach as the rules proposed (including the proposed buffer) will not give effect to the policies seeking to avoid reverse sensitivity effects and to ensure that new growth areas do not 'compromise the potential further growth and development of the town'; and

(c) The proposal does not meet the requirements of section 32 of the RMA as the proposed Residential zone and the associated provisions sought by HVL are not the most effective or efficient means of achieving the objectives of the PWDP as they do not adequately address reverse sensitivity effects and do not ensure that the existing industrial activities are viable and able to thrive into the future. Effectively, this proposal prioritises new residential growth above the needs of existing heavy industrial activities, which cannot easily locate elsewhere, to operate and grow.

Pokeno Structure Plan and Landscape Effects

5.48 The evidence of Mr Tollemache states that there are no past plan changes or structure plans which are relevant to the HVL proposal. We disagree. We consider that the key justification given for the HVL proposal is growth and therefore the Pokeno Structure Plan (and the associated plan changes), which

is also related to growth, is relevant and should be considered. In our opinion, good planning would build on the aspects of the Pokeno Structure Plan that have proven successful whilst making amendments to address any significant issues and provide for the required growth.

5.49 There are two aspects of the Pokeno Structure Plan that we consider are particularly relevant to this proposal. The first aspect relates to the protection of the rural landscape surrounding Pokeno village. This is addressed in the evidence of Ms de Lambert which states:

> "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"[16]

5.50 We agree with Ms de Lambert that the rural setting is a key part of the Pokeno village character and therefore should be maintained. We also note the following extracts from the urban design evidence of Ms Lauren White (co-author of the Pokeno Structure Plan) at the hearing for Plan Change 24 (which gave effect to the Structure Plan):

> "it was this unique [rural] setting, particularly as glimpsed from the heart of the town, that we felt contributed to Pokeno's sense of place. As such, we proposed that this setting be recognized as a cornerstone of the vision to establish this urban village in its rural setting"[17]

5.51 A copy of Ms White's evidence is attached to this evidence as Attachment 1.

5.52 We note that the visual evidence and viewpoint analysis provided by Mr Pryor does not include views from within or around the township itself. Rather, it focusses on the views from the eastern side of the State Highway or the northern end of the residential areas. Consequently, we prefer the evidence of Ms de Lambert which does consider views from within and around the town.

5.53 The second aspect of the Pokeno Structure Plan that we consider relevant relates to the deliberate decision to put in place a progression of zones from residential, to light industry, to heavy industry and then the existing AEP zone. This progression of zones was considered to be the 'third cornerstone' principle of the vision for Pokeno and was articulated as "activities with incompatible

16 Evidence of Ms de Lambert paragraph 4.6.
17 Lauren White evidence page 12 to Plan Change 24.

effects should be located at an appropriate distance from more sensitive activities to enable any incompatible effects to be appropriately managed on site or mitigated by distance or design"[18]. This progression is shown on the planning map from the OWDP below:

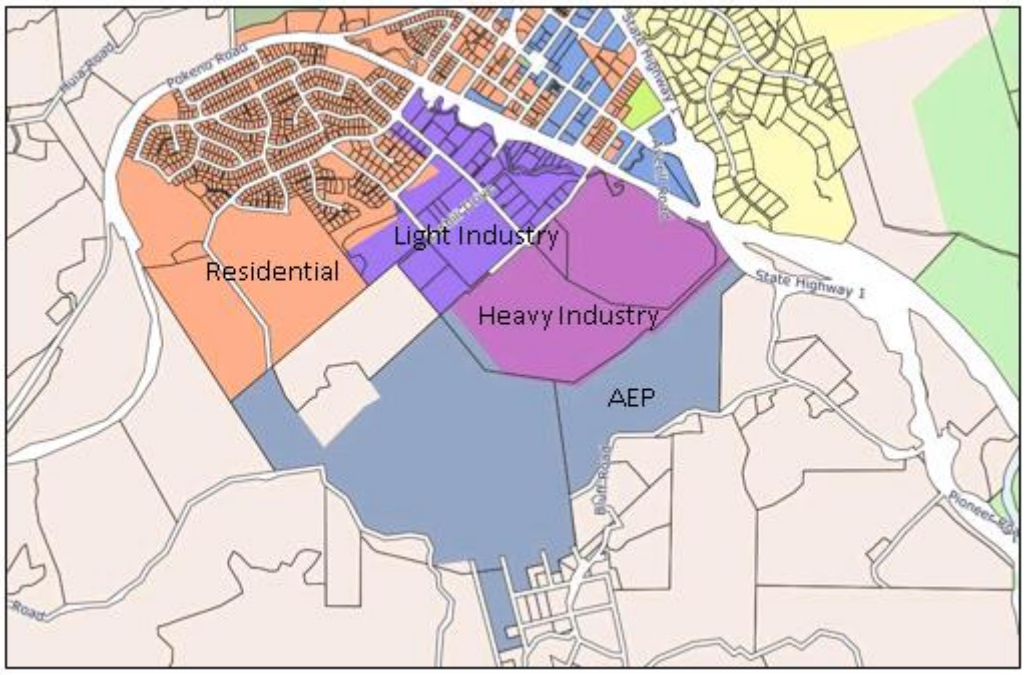


Figure 6 OWDP map showing the progression of zones

5.54 Whilst we recognize that the AEP zone is not included as a zone in the PWDP, the progression from residential to light industry to heavy industry is still relevant in our view. The HVL proposal does not do this as it places the residential zone on the boundary with heavy industrial activities.

Overall, the Pokeno Structure Plan process identified some key cornerstones that were to underpin development at Pokeno, including retaining the rural setting and separating incompatible uses. These cornerstones have made a positive contributed to the Pokeno we see today and, in our opinion, should be maintained going forward. We note that the third Lens of the 3 Lens Framework set out by Dr Davey also supports using past plan changes and Structure Plans to guide future development.

18 Lauren White evidence page 10 to Plan Change 24

Waikato 2070

5.55 The Waikato 2070 Growth and Economic Development Strategy (**Waikato 2070**) is a document that must be had 'regard to' in this district plan process. It does not need to be 'given effect to' as is the case with the WRPS.

5.56 Waikato 2070 does include the Havelock Village proposal in the Development Plan for Pokeno. However, this is not a 'golden ticket' to be able to develop the land as shown in that document. The process that led to the development of Waikato 2070 did not take detailed account of the full range of matters that need to be considered in this district plan process. These matters include:

- RMA statutory tests, including the *Long Bay* approach and the tests of sections 32, 74 and 75;
- Topography and geotechnical constraints;
- The capacity of infrastructure such as wastewater and stormwater;
- The capacity and functionality of the road network;
- Visual and landscape effects;
- Reverse sensitivity matters;
- Integration with the town centre; and
- Urban design.

5.57 Waikato 2070 has not been the subject of a planning assessment under the RMA where the above matters can be assessed and tested and therefore it cannot be assumed that HVL's proposal meets the statutory tests that are relevant to this district plan process. This process is the opportunity to test its recommendations against the requirements of the RMA.

5.58 We also note that the Pokeno Development Plan sets out a 50 year timeframe to reach a population of 16,000. The evidence of Mr Tollemache and Mr Munro references the 16,000 population to give context to the HVL proposal. While we do not disagree that this is relevant, we consider that it would be more relevant to put the population enabled by the HVL proposal in the context of the growth expected in the 10 year timeframe of the PWDP and to consider this alongside the growth enabled by other proposals. In this regard, we note that the HVL proposal enables 600 homes and if multiplied by 2.6 (being the average number of people per household at the last census) it will enable a total of 1,560

residents. Given that the current population of Pokeno is in the order of 2500, it can be concluded that it provides for a very substantial level of growth.

5.59 In our view, the large scale of the HVL proposal combined with the risk it presents to significant industry and its departure from the Pokeno Structure Plan, means that it is more of a long term growth prospect to be considered in 30-50 years (if at all) rather than a prospect for this district plan which will be reviewed in 10 years time.

5.60 We note that there are many other submissions seeking residential zoning in Pokeno which do not depart from the Pokeno Structure Plan in the same way as the HVL proposal and which do not present the same risk to Hynds and the other industrial activities.

Traffic effects

5.61 Mr Todd Langwell has reviewed the HVL evidence relating to traffic on behalf of Hynds. Mr Langwell identifies that the increase in vehicle activity beyond 5,000 vehicles per day will have effects on McDonald Road and will result in residential traffic mixing with industrial activities. Mr Langwell identifies the following effects:

(a) Heavy vehicles require greater gaps in traffic as they turn slower and require more time to accelerate. Any increases in flows will affect heavy vehicle movements and may lead to trucks making unsafe manoeuvres when turning;

(b) Left turning trucks will also slow following vehicles. There is a risk of them attempting to overtake the turning truck. Due to a truck's size the following vehicle will have limited sight lines towards opposing vehicles and those that might be turning right out of the same access the truck is turning into or pedestrians crossing the road;

(c) Added pedestrian and cycling activity on McDonald Road will mix with the industrial traffic and increase the risk of conflicts and road safety issues occurring. This will occur at the intersections where pedestrians will cross the road and at each of the site access points where industrial traffic is turning;

(d) The added vehicle activity will also increase the risk for people crossing the road to and from bus stops, or to access the industrial lots; and

(e) There is no mention in any documentation of the upgrade to the level rail crossing on McDonald Road. However, Mr Langwell anticipates that with this level of predicted vehicle activity and the frequency of movement the safety risk at this crossing will be high. Mr Langwell notes that with any added frequency of future passenger train services, the safety risk at this crossing will increase for both vehicles, pedestrians and cyclists.

5.62 We consider that it is up to HVL to demonstrate that the above matters can be addressed to a level where they will not have adverse effects on the safety and functioning of Pokeno Town Centre and the Strategic Industrial Node. If they cannot be adequately addressed, it will call into question the scale, extent and appropriateness of the HVL proposal.

5.63 The evidence of Mr Langwell and Mr Hynds both identify that Cole Road is largely located on land owned by Hynds. It is unclear if this access is necessary to service the HVL proposal, but if it is, HVL will either need to obtain the approval of Hynds to upgrade Cole Road in its current location or re-form Cole Road within the legal road reserve. The intended approach to this matter should be clarified by HVL.

5.64 We also note that the above concerns arise because of the location of the HVL proposal on the hill slopes above Pokeno. There are alternative proposals for growth which are located significantly closer to the town centre and are well removed from the Strategic Industrial Node. Such proposals would not create the same level of conflict on McDonald Road (compared to the HVL proposal).

Stormwater effects

5.65 Mr Campbell McGregor has reviewed the HVL evidence relating to stormwater on behalf of Hynds. Mr McGregor identifies a number of matters that should be addressed prior to the HVL proposal being approved. These are:

(a) Completion of infrastructure works required under Plan Change 24 to ensure the safe conveyance of stormwater flows and flood waters;

(b) Completion of Pipeline A including vesting of these assets and construction of appropriate inletting structures for the conveyance of stormwater flows from both the Synlait and HVL landholdings;

(c) Calculation and analysis of the proposed stormwater management plan, including hydrological modelling to ensure the anticipated outcomes are achievable. This should include all storm events up to the 1 in 100-year storm event including allowance for climate change for all catchments impacted by the proposed rezoning; and

(d) Confirmation of a viable secondary flow path through the Synlait site to Pipeline A and McDonald Road.

5.66 Often engineering/infrastructure reports and evidence conclude that an issue can be solved, it is just a matter of 'sorting through the details' at the time of resource consent or engineering plan approval. We consider that the matters raised above by Mr McGregor are more significant than just 'sorting through the details' – instead they are matters that bring into question the adequacy of the stormwater infrastructure to service the HVL proposal and not compound the existing stormwater issues within the catchment. Therefore, these matters should be addressed prior to approving the HVL proposal not as part of future resource consents. In our view, it would be poor planning practice to give the impression that the land could be developed by applying the Residential zone without the knowledge that the land could be serviced and not exacerbate any existing stormwater issues.

5.67 We also note that a lot of the work required does not relate to the HVL land and therefore will require the input of other parties to resolve the issue. This affects the timing of when works could occur and possibly the ability to implement the works at all.

5.68 Overall, we are of the view that the HVL evidence has not provided clear confirmation that the HVL proposal can be adequately serviced and, importantly, that it will not compound the existing stormwater/flooding issues within the catchment.

6. HOPKINS REZONING PROPOSAL

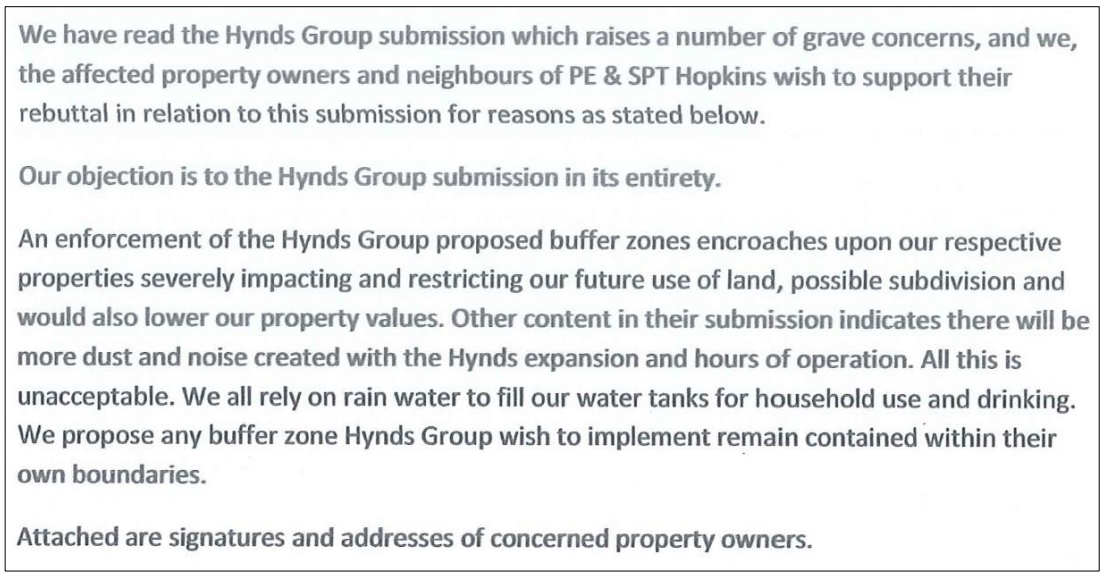
6.1 The submission and evidence submitted on behalf of Steven and Theresa Hopkins seeks that their property on Pioneer Road is rezoned from Rural to Village.

6.2 We consider that this proposal has the potential to generate similar reverse sensitivity effects to those set out above in relation to the HVL proposal. This is because the Hopkins site is located in close proximity to and in some areas is elevated above the Hynds Factory Site. It is also approximately the same distance from the Hynds operation as the 10 Bluff Road dwelling that has already complained about light spill. The photo below shows a view from Pioneer Road (in front of the Hopkins site) to the Hynds Factory Site:

Figure 7 View to Hynds Site from Pioneer Road

6.3 We also note that the evidence presented on behalf of the Hopkins' to the Rural zone hearings indicated that any expansion by Hynds would be unacceptable due to the noise, dust and hours or operation. We consider that this statement indicates that is a real likelihood of reverse sensitivity effects being generated

by the use of this land for urban subdivision. An extract of the statement is set out below:



We have read the Hynds Group submission which raises a number of grave concerns, and we, the affected property owners and neighbours of PE & SPT Hopkins wish to support their rebuttal in relation to this submission for reasons as stated below.

Our objection is to the Hynds Group submission in its entirety.

An enforcement of the Hynds Group proposed buffer zones encroaches upon our respective properties severely impacting and restricting our future use of land, possible subdivision and would also lower our property values. Other content in their submission indicates there will be more dust and noise created with the Hynds expansion and hours of operation. All this is unacceptable. We all rely on rain water to fill our water tanks for household use and drinking. We propose any buffer zone Hynds Group wish to implement remain contained within their own boundaries.

Attached are signatures and addresses of concerned property owners.

Figure 8 Attachment to evidence of Sir William Birch to Rural Zone hearing (Hearing 18)

6.4 Given the potential for reverse sensitivity effects, we consider that if the Panel is minded to approve this submission, specific provisions should be included to

ensure that future lots are not located on the northern face of the site looking towards Hynds (shown by blue line below):

Figure 9 Land sought by Hopkins to be rezoned village with blue line inserted showing that village development should not occur on this face

6.5 If the relief sought above was adopted, we consider that this would be a 'balanced' planning approach as on the one hand it would avoid reverse sensitivity effects while on the other hand it would enable the majority of the land to be developed.

6.6 We also note that this relief enables significantly more development potential than existed under the OWDP where no additional dwellings were provided for either in the Rural zone or in the 500m buffer from the AEP zone. This uplift in development potential is further enhanced by the fact that Hynds are only proposing a small extension to the Heavy Industrial zone which will be far less impactful on the Hopkins' land than the previous AEP zone and the quarrying it enabled.

7. CONCLUSION

7.1 The HVL proposal will result in a marked change to the catchment surrounding the Hynds operation and the Strategic Industrial Node generally at Pokeno – in effect it will mean that land that was previously occupied by one dwelling will be occupied by 550 dwellings (600 dwellings when the rural lifestyle development is added in).

7.2 Whilst we are not opposed to residential growth in principle, this particular change in land use has a high likelihood of generating reverse sensitivity effects as people living in the HVL development may well complain about the noise, dust, visual and/or lighting effects of the Hynds and other industrial operations. These complaints could then restrict the ability for Hynds (and others) to continue to operate and to undertake future lawful development and utilise industrial land in an efficient and effective manner. These effects are considered to be of high impact due to the regionally significant nature of the Hynds operation and the Strategic Industrial Node generally.

7.3 We consider the HVL proposal does not meet the relevant statutory tests as it does not 'give effect' to the provisions of the WRPS relating to avoiding reverse sensitivity effects nor does the proposal meet the tests of section 32 of the RMA which require an assessment of whether the proposed provisions achieve the objectives of the PWDP in an efficient and effective manner.

7.4 In addition to the potential reverse sensitivity effects, the HVL proposal does not have due regard to the Pokeno Structure Plan which has successfully guided the development of Pokeno over the last 10-15 years. As a result, the expert visual/landscape evidence on behalf of Hynds has identified that the HVL proposal has to potential to erode and negatively impact the rural backdrop of Pokeno. Hynds' traffic and stormwater evidence is that HVL's proposal does not adequately address the existing stormwater effects, and places strain and creates conflict on existing transport infrastructure. In our opinion you do not have enough information before you to approve the rezoning proposal.

7.5 The Hopkins proposal also has the potential to generate reverse sensitivity effects although on a smaller scale. As such, we consider that that the Hopkins proposal should be amended to remove Village zoning from the northern face of the Hopkins site (facing the Hynds Factory Site). This means that the majority

of the land could be developed (if the rezoning were approved by the Commissioners).

DHARMESH CHHIMA AND SARAH NAIRN

17 March 2021

ATTACHMENT 1: evidence of Ms Lauren White (co-author of the Pokeno Structure Plan) at the hearing for Plan Change 24

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 24 to the Franklin Operative District Plan: The Pokeno Structure Plan and New Zoning Provisions

STATEMENT OF EVIDENCE OF LAUREN WHITE

1.0 INTRODUCTION

1.1 My full name is Lauren White and I hold the qualifications of Bachelor of Architectural Studies and Master of City Planning and Urban Design, both from the University of Cape Town, South Africa. I have over 12 years experience as an urban designer within both the public and private sectors, of which four years is with Harrison Grierson Consultants Limited. I am employed by Harrison Grierson as a Team Leader: Urban Design, based in Auckland and I lead small teams on a variety of projects. I am an associate member of the New Zealand Planning Institute.

1.2 During my time with Harrison Grierson, a large portion of my experience has been in the preparation of master plans for new greenfield growth areas. This work commonly supports Plan Change work and I have undertaken projects that bridge between design and statutory planning for land development clients throughout New Zealand. For example I recently prepared an "Outline Development Plan" and associated reporting for a growth area in Rolleston, Canterbury, and a "Comprehensive Development Plan" as part of a consent process for Hobsonville Village Centre.

1.3 I have been part of the consultant group from the inception of the Pokeno structure planning exercise to the present date and have contributed at all stages of project development.

1.4 Early in 2006, I worked with my colleague Mr Ian Craig in the preparation of concept plans for potential development of the Plan Change area.

1.5 I was then a central participant in the structure planning process that resulted in the promulgation by Council of the Pokeno Structure Plan in October 2008 ("the

Structure Plan Document"). Together with Mr. Chris Scrafton, I was a principal author of the Structure Plan Document.

1.6 My evidence is thus offered as an urban designer with a strong track record in concept design and structure planning processes and a general understanding, as a non-planner, of the ways urban design concepts are expressed through the New Zealand planning system in documents such as structure plans and District Plans.

1.7 On behalf of the Village Lifestyles Limited and Helenslee Investments Limited I appear in connection with a number of submissions to Plan Change 24 ("the Plan Change") to the Franklin Operative District Plan. These submitters, along with others, are entities that are members of the Pokeno Landowners Consortium ("PLC")

1.8 My evidence concerns two issues which have been raised in submissions namely, the extent and distribution of business zoned land in the town centre and the proposed height limit in the Industrial 2 zone. On both issues, my evidence builds upon evidence already presented to the commissioners by witnesses on behalf of other members of the PLC, for example, Mr. Tim Heath (Property Economics), Ms Jane Masters (relating to the identification of "defensible boundaries"), Ms Melissa Davis (relating to the Preliminary Landscape and Visual Assessment) and Mr Ian Craig (relating to the ways in which urban design matters identified in the structure planning process and recorded in the Structure Plan Document were translated into the provisions of Proposed Change.

1.9 I confirm that I have read and agree to comply with the Environment Court's Code of Conduct for Expert Witnesses (Consolidated Practice Note 2006). In that regard, I confirm that:

a) this evidence is within my area of expertise, except where stated otherwise; and

b) I have not omitted to consider material facts known to me that alter or detract from the opinions I express in this statement of evidence.

2.0 SUMMARY OF EVIDENCE

2.1 My evidence is offered as a specialist in urban design. With respect to the location and extent of the business zone in the town centre, I will provide commissioners with a summary of how the extent and location of proposed business zone was determined during the structure planning exercise. With regard to the proposed height limit in the Industrial 2 zone, the objective of my evidence today is to provide the commissioners with a better understanding of the likely implications of the proposed height limits in the context of the "bigger picture" that the structure planning process represents.

2.2 In Section 3.0, I address the planning and design process and considerations which led to the determination of the extent and distribution of the proposed Business Zone in the town centre of Pokeno. Together with best practice urban design principles which are discussed in Section 4, the key informers to this decision making were the outcomes of the community consultation process and the input from the economic assessment of the likely retail development capacity.

2.3 Section 5.0 includes my conclusion in regard to this issue.

2.4 Section 6.0 describes the principal cornerstones of the vision for Pokeno as expressed in the Structure Plan Document and alludes to how these ultimately inform the provisions of the Plan Change for height in the Industrial zones.

2.5 In Section 7.0, I elaborate on the concept of *"an urban village in a rural setting"* and thus the intentions of maintaining views of the *"rural backdrop"* to Pokeno. This will assist Pokeno to retain its sense of place while it transforms from a small village to a town.

2.6 In Section 8.0, I then provide more specific comments on the origins and locations of the two proposed Industrial zones and their proposed height limits.

2.7 In Section 9.0, I present the outcomes, in photo and photomontage form, of a recent analysis of the potential visual impacts of the proposed height in the Industrial 2 zone.

2.8 In Section 10.0, I provide a summary and conclusion for evidence concerning permissible building height in the proposed Industrial 2 Zone.

3.0 THE EXTENT AND DISTRIBUTION OF BUSINESS LAND IN THE TOWN CENTRE

3.1 The future form and performance of the town centre has always been central to the structure planning process. A cornerstone of the vision is that the existing town centre remain the focus of future growth in Pokeno. It was recognised that the existing town was key to retaining and reinforcing Pokeno's sense of place as this quiet settlement grows to a town of approximately six thousand residents over the next twenty years.

3.2 Best practice urban design is, by nature, iterative and collaborative. The spiral process of design where backtracking, solving new problems and refining solutions with each repetition has characterised the process of planning for Pokeno. The final structure plan is the result of years of such multi-directional movements and multi-disciplinary inputs. In this way, the consideration of the town centre has been informed by many technical inputs and been subject to a number of design reiterations in response.

3.3 **Submissions No. 69** (GSRD Developments Limited/GSRI Investments Limited) and **No. 80** (Gillion) request three properties currently proposed as Residential 2 Zone to be identified rather for business use. I am also aware of evidence presented by GSRI Developments Limited/GSRI Investments Limited to this hearing in support of their submission. The proposals associated with this submission and supporting evidence would not only challenge the ability of Pokeno to establish a compact and walkable retail centre, but also alter its inherent and historic focus along Great South Road. In addition, these proposals undermine the ability to create a gateway to the south of the town and increase the likelihood of reverse sensitivity issues created by heavy road traffic.

3.4 During the structure planning process, the proposed extent and location of the business zoned land was informed predominantly by two main inputs, namely:

a) the input from community consultation; and

b) the inputs from Property Economics and the predicted demand, nature and viability of retail and commercial activity in Pokeno.

These contributions were considered in the context of both the vision for Pokeno and best practice urban design which call for a compact and contiguous retail core focussed along Great South Road.

Community Consultation on the Town Centre

3.5 Consultation with the existing residents of Pokeno has been an ongoing and integral part of the structure planning process. Since my involvement in the project in early 2006, I have attended numerous formal public meetings, open days and workshops, as well as more informal targeted consultation exercises.

3.6 In order to receive community input that was both appropriate and useful, the method of consultation was carefully considered. The process generally sought to involve the community, and work directly with them to ensure their issues and concerns were consistently understood and considered.

3.7 In December 2007, over 300 individuals were invited to a workshop to consider the existing town centre and establish a vision for its future in the light of Pokeno's identification as a growth centre in the Franklin District. Approximately 40 people attended, including residents, ratepayers, landowners and other interested parties. Although the focus of this workshop was the town centre, it followed a Public Open Day which provided the broader and longer term context of future growth in Pokeno.

3.8 An outcome of the workshop was the community's intention of retaining and reinforcing the existing retail strip along Great South Road and concentrating mixed use activity around Market Square. This was a clear signal to which the structure plan, and ultimately the plan change responded.

Economic Assessment

3.9 In my opinion, best practice urban design is evidence based and it relies on the input of technical expertise to maximise opportunities and minimise conflicts.

3.10 A such, accurately predicting the likely demand for retail and commercial floor space in the town centre was important when considering the extent of the retail core of the town In my view, it is important to provide for the likely sustainable amount of floor space in these sectors and not zone a larger area of land with in which these uses could locate. This is necessary in order to concentrate these uses along Great South Road, in line with both the existing trend and community aspirations.

3.11 Identifying an area that is overly large would challenge the ability of the town centre to develop as a pedestrian oriented town centre with clear identity and the ability of retail uses to benefit from the proximity of others. Moreover, a

business area of the shape proposed by GSRD Developments Limited/GSRI Investments Ltd would result in business activity that is not contiguous with the primary area and require additional controls to mitigate adverse impacts on surrounding residential environments, as illustrated by the proposed amendments to planning Map 104H.

3.12 I also note that the evidence presented by GSRD Developments Limited/GSRI Investments Ltd proposes a zoning change for another property which was not included in their submission and is owned by a third party. In my opinion, relying on the rezoning of this property at 15 Selby Street in order to integrate this proposed business area and provide access to it, is ill conceived.

3.13 During the structure plan process, the exercise of assessing future land requirements was done by an expert in this field, namely, Mr. Tim Heath of Property Economics, and I rely on his input in this regard. This study advised a sustainable land requirement of 2.7 hectares for retail use and approximately 5 hectares for other commercial activities.

3.14 The proposed business zone measures approximately 13 hectares which admittedly is larger than that proposed by Mr. Heath, which totals almost 8 hectares. This is due to both the recognition of the current zoning of the Operative plan, that indicated within Plan Change 14, and the issues surrounding the development of land in the south east of the town centre which I will address shortly.

4.0 URBAN DESIGN CONSIDERATIONS FOR THE TOWN CENTRE

Sense of Place

4.1 During the early stages of the structure planning exercise, a Village Design Statement was prepared by Boffa Miskell. This document helped to identify the nature of Pokeno's sense of place in order to capture this character and ensure new development recognises it. As part of this exercise, design principles were established to guide future design thinking and one of them was to develop Great South Road between Market Street and the Queens Redoubt as the retail hub of Pokeno. This builds on Pokeno's reputation as a rest and refuelling stop along State Highway 1, which in turn echoes its historical function as a stop along the Great South Road.

4.2 This work also provided a clear direction to not only retain, but reinforce, Great South Road as the retail centre of the town.

Walkability

4.3 A key urban design principle is walkability and creating a retail centre for Pokeno that was easy to negotiate as a pedestrian was always a key driver during the structure planning process. The widely accepted "pedsheds" of a 5 minute/400m walk have been adopted. Concentrating retail development along both sides of Great South Road is also important to create a successful retail centre. As such a 200 – 250 metre retail frontage along both sides of the street was identified, extending from Market Square towards the south. Market Square represents the social and cultural heart of Pokeno and is the ideal place for the location of future community facilities and services which would form an anchor to one end of the retail strip.

4.4 In order to achieve a retail area with good pedestrian amenity, the design assessment criteria within the plan change require verandahs to be provided over footpaths along this stretch of Great South Road, and the Main Frontage Control Line on Map 104H requires development also to build up to the lot boundary. This will result in more spatial enclosure for the street at this point and also signal to drivers the need to reduce speed. To reflect this approach, the plan change identifies service stations and yard based activities as non complying activities on sites fronting Great South Road in this area.

A 24/7 town centre

4.5 Another widely accepted urban design best practice principle is the mix of compatible land uses in order to create environments which are inhabited for large parts of the day and night. As such locating higher density residential use within the town centre was seen as vital strategy. Not only does this provide many residents with easy pedestrian access to retail and community services, but it improves security. As such, land in the town centre that would not be viable or appropriate as a business use, was identified as suitable for residential use with an option for medium density housing.

4.6 Although the properties referred to in Section 3.3 of my evidence are located adjacent to State Highway 1, the acoustic measures contained within the Plan Change, together with the size of the properties in question (which together

measure over two hectares of relatively flat land), enable a residential area of density and amenity to be established to support the vitality of the town centre.

4.7 As such, taking the above urban design principles into consideration, it is my opinion that residential use is the best use for the properties in question.

Land in the South East of the Town Centre

4.8 When it came to considering the land in the south east of the town centre, a number of additional issues came into play. The proposed new road and level crossing to the future industrial area raised the issue of compatible land uses in this area. The need also to create a gateway for the south of the town informed this decision making.

4.9 It was determined that residential use, as proposed in evidence presented by GSRD Developments, along this road which is likely to carry industrial traffic associated with the future industrial area was not appropriate. The road is to be developed within the existing 20m reserve and as such will bring the effects of such traffic in close proximity of adjacent development. For this reason, an alternative use was identified as necessary in this area.

4.10 The land in this area was also seen as important as a gateway to the town. This can be created in a number of ways, but in my opinion it is the form and activities of buildings surrounding the space that can contribute most. Rather than creating a space which is open, uninhabited and which relies on signage and landscaping to communicate its gateway status, an area which is built up and busy can better signal arrival into an urban area. This idea fits well with the intention for the Redoubt to develop as a more intensively used public resource.

4.11 The future use of the land, together with appropriate development controls and performance standards, is therefore important in order to ensure a good gateway can be created. As such, light industrial use was considered unsuitable as the level of control in this zone will not be able to mitigate potential negative visual and aural effects.

4.12 As a result, the plan change proposes a business zoning thus allowing for assessment of design against criteria contained within Part 29.2 of PC24. It is noted that service stations and other yard based businesses are included as restricted discretionary activities and require the assessment thereof to consider the related design assessment criteria and ensure "the development does not

detract from the amenities of the street or those of adjoining business or residential owned sites."

4.13 I believe the plan change responds to the intention to recognise this area as establishing in support of the main retail area rather than in competition with it. It provides an opportunity to locate some of the uses which support a town centre but can be detrimental to the scale and spatial enclosure that the plan change requires there. In this way uses with yard based activities, such as a service station, can locate in close proximity of the primary retail strip but not undermine its pedestrian amenity.

5.0 SUMMARY AND CONCLUSION FOR BUSINESS ZONE IN THE TOWN CENTRE

5.1 In my opinion the plan change represents the best option for land use within the town centre. It is the result of an iterative design exercise which has considered the input of technical experts, the community and balanced the potential benefits and conflicts. It promotes a compact and walkable retail heart with good pedestrian amenity, whilst allowing additional business use to reinforce the focus of Great South Road, create a recognisable gateway and minimise adverse traffic effects.

6.0 CONTEXT FOR INDUSTRIAL HEIGHT AT POKENO

6.1 Winstone Aggregates and Hynds Pipes Limited ("Hynds Pipes") are members of the Pokeno Landowners Consortium, and the recognition that there would be significant industrial development at Pokeno has thus been part of the brief since the inception of the project.

6.2 This is supported by the Franklin District Growth Strategy which identifies Pokeno as one of only two places for medium to heavy industry in the District. **Attachment 1** to my evidence is DGS Map 5.1 "Group 1 Business Land Franklin District" This shows Pokeno and Glenbrook as the locations for "medium-heavy industry". However, Glenbrook has a special zone called Iron and Steel Production Zone which has no height limit, but which is not strategically located in terms of transportation.

6.3 The value of the strategic location of Pokeno, at the intersection of State Highways 1 and 2 has always been recognised and it is this location which, in part, is the justification for growth. This attractive location, together with the

projected requirements for medium to heavy industrial land use in the District, as well as the limited opportunities for their location, further highlights the significance of the Industrial 2 Zone, not just for Pokeno but for Franklin District as a whole.

6.4 In the Structure Plan document, in Section 6.1, we described seven cornerstone principles of the vision for Pokeno. When considering the location and scale of industrial development the first four principles in particular provide some clear direction as to our rationale.

6.5 The first cornerstone principle is that *"The urban growth of Pokeno should be compact and contained and the existing settlement of Pokeno should remain a focus of "future" Pokeno.* This reflects our intention that the activities of Pokeno, whatever they may be, need to be developed in a compact and contiguous area if we are ever to engender a town with an identity, that is easy to get around, particularly on foot. For this reason, a physically separate "industrial park" was never considered as it would be inconsistent with this vision.

6.6 The second cornerstone principle, in my view, is perhaps the most important, and states (emphasis added) that *"Pokeno should provide a mix of residential (e.g density and cost), employment and recreational opportunities to ensure a sustainable **live work play** community"*

6.7 This key aspect of the vision for Pokeno is thus to establish a sustainable town with a balance of opportunities for living, working and playing. While personal preferences and other circumstances will always be a factor in people's choices for living and working, our aim was to ensure that, in theory at least, the entire working population of Pokeno could have jobs within Pokeno – and indeed most could walk or cycle to them if they so chose.

6.8 This led to the need to identify significant areas of land for employment uses. The viability of the employment area would thus also clearly be highly dependent on the flexibility of the zone or zones adopted. Onerous height restrictions could limit the range of industrial uses that could locate in Pokeno, and thus challenge the viability of the vision.

6.9 The third cornerstone principle of the vision is *"Activities with incompatible effects should be located at an appropriate distance from more sensitive activities to enable any incompatible effects to be appropriately managed on site or mitigated by distance or design".*

6.10 The desire to accommodate a wide variety of industrial uses, while minimising potential negative impacts on future residential and rural environments, thus led to the introduction of two specific new zones, Light Industrial and Industrial 2, in order to achieve this.

6.11 As you have heard, these zones are located in a flat basin at the south edge of the future town, against a steep and much higher backdrop of ridges to the southwest, and generally separated from more sensitive uses.

6.12 The Light Industrial zone is a buffer between residential development and heavier industrial uses intended for the Industrial 2 zone, and is also more visually exposed to glimpses from the town centre and from residential land at more elevated locations in the Hitchen Block (where the 'large lot overlay" applies partly to minimise the number of residences overlooking the industrial area). As such, its provisions, from the outset, were more constrained, and its proposed height limit, at 15m, more conservative than the Industrial 2 zone.

6.13 The fourth cornerstone principle is that *"Pokeno should establish as an "urban village is a rural setting"*. I concur fully with Mr Craig in his evidence, where he states that *"The challenge for the whole process has been to find a balance between creating a sustainable town with sufficient density, efficient infrastructure and adequate public services while adhering to the goal of the Structure Plan Document of achieving an 'urban village in a rural setting' and retaining the village (rather than rural) atmosphere."*

6.14 Other witnesses have described the importance of the rural backdrop to Pokeno being able to be appreciated, even after development. In the next section I will elaborate more on what this meant for locating and envisioning the industrial areas.

7.0 AN URBAN VILLAGE IN A RURAL SETTING - POKENO'S RURAL BACKDROP

7.1 **Attachment 2** to my evidence is a 360-degree panorama taken on Monday 31 August from the centre of Market Square, which I would describe as the future civic and cultural heart and focal point of Pokeno. This demonstrates that in most compass directions the rural ridgeline system can be discerned above buildings and trees and down street corridors.

7.2 Starting at the left, one can see Mt William and its surrounding highlands north/north east of the town between the trees in Market Square. Down Market Street the elevated land east of State Highway 1 can be seen on the skyline.

7.3 The view to the southeast, down Great South Road, also provides glimpses of higher ground. Looking southwest down Market Street towards the railway line the skyline is marked by the high ridge the forms the start of the Aggregate Extraction and Processing Zone as well as the Bowater property and parts of the Graham property (Pokeno Winery). And lastly, northwest up Great South Road one can see the Ridge Road area that forms the northern part of the "bowl" of Pokeno's setting.

7.4 It was this unique setting, particularly as glimpsed from the heart of the town, that we felt contributed to Pokeno's sense of place. As such, we proposed that this setting be recognised as a cornerstone of the vision to establish this urban village in its rural setting.

7.5 Inevitably, some of these glimpses may be lost through the development of foreground buildings in the business area which will have a permitted maximum height of 12m. But much will remain, either as visible above buildings or down road corridors.

7.6 **Attachment 3** to my evidence illustrates the gridded pattern of formed and paper roads in the existing town. Recognition of the historic road pattern of the existing town (identified as of value in the Structure Plan Document) is required through the Subdivision Design Assessment Criteria for the Town Centre Overlay (Design Elements of Appendix 54.15C). It is worth noting first of all that this grid pattern runs northeast to southwest – i.e. there are no roads that run from the envisaged retail heart of the town towards the south (i.e. where they would be directly focused on the Industrial 2 zone) and it is safe to say that this situation will remain. The roads running to the southwest, for example Market Street, which can be seen in the panorama, would provide glimpses of the Light Industrial zone in the distance, beyond the railway line.

7.7 It is proposed that there will be only one future road from Great South Road oriented directly towards any part of the Industrial 2 zone, this being at its extreme southern end, and this is the route of the future alternative to the Hitchen Road level crossing. This is part of the reason why I selected this viewpoint for analysis in Section 9.

8.0 LOCATIONS AND HEIGHTS FOR THE INDUSTRIAL ZONES

8.1 As you have heard in the evidence of other witnesses, the character of Pokeno is established predominantly by its setting within a natural basin surrounded by higher terrain, which provides a visual connection to rural countryside from many central locations. The character is also defined by elements intended to be retained within the Plan Change area including pockets of mature vegetation, the streams and wetlands, internal topographical features (the two knolls), the settlement pattern and heritage buildings.

8.2 Two submitters in particular - **Submission No. 76** (Lowry) and **Submission No. 79** (Clotworthy) - raise the matter of height in the Industrial zones on the grounds that it will have a detrimental effect on the character of Pokeno.

8.3 The proposed height limit for Permitted Activities in the Industrial 2 zone is 20m, with Restricted Discretionary Activity status for buildings exceeding 20m but no greater than 25m. The proposed height limit for Permitted Activities in the Light Industrial zone is 15m, with Restricted Discretionary Activity status for buildings exceeding 15m but no greater than 20m.

8.4 As per Rule 29B.6.3: *For BUILDINGS otherwise Permitted between 20m and 25m in HEIGHT, whether the area of additional height of the building significantly impacts publicly accessible views*, subsequently applications for buildings above 20m in height can be refused where it is considered that potential adverse effects on publicly accessible views will be significant.**]**

8.5 As you have heard in the evidence of Mr Ian Craig, the majority of the industrial area is low-lying and situated about 80m lower than the ridgelines of the surrounding hills. This is illustrated in **Attachment 4**. As a location, this area was an obvious choice from the outset for industrial development. It is flat, located at the south of the town (so not seen in any "north facing" views from residential areas), already includes some industrial development, is adjacent to the Aggregate Extraction and Processing Zone and is contained by natural topography (the high ridge to the southwest).

8.6 As I have already described there was also an obvious distinction between and intention for the two industrial zones, with Industrial 2 being the furthest removed from views from the town centre and proximity to residential areas.

9.0 ASSESSING LIKELY VISUAL IMPACTS

9.1 In response to commissioner request, I have undertaken an exercise in order to better understand likely visual impacts of 20m high structure in the Industrial 2 Zone. This exercise involved visiting Pokeno, erecting a pole, marked with flags and recording its location by photographic means from a number of locations within the Plan Change area.

9.2 It seemed most helpful to explore the impacts of likely and known plans for the site rather than consider a fanciful "worst case" height envelope. In this regard, the preliminary plans for the Hynds Pipe Systems site have been utilised. These are considered to represent a hypothetical, albeit informed development scenario. Based on these preliminary plans, the position of the proposed plant is to be setback from McDonald Road and positioned centrally on the site in order to make use of a large surrounding hard standing for storage purposes. I also understand that this proposal would include a cement silo measuring 8m in diameter and extending 20m in height.

9.3 I have endeavoured to undertake this exercise in line with best practice, which suggests that the process should be based on a transparent, structured and replicable procedure.

9.4 My methodology was therefore as follows:

- A Canon 400D digital SLR camera with focal length of 35mm (assumed equivalent to the 50mm focal length of the conventional film camera) has been used to record the images.
- The camera was placed on a tripod at the height of about 1.6m to represent an average adult human eye level. The camera was levelled horizontally and vertically and the pan was consistent in the horizontal plane.
- The three photo positions were marked, surveyed and levelled as shown on the location plan **(Attachment 5)** –The pole position was set out by Surveyors using GPS to represent the anticipated location of the highest structure required for the hypothetical development scenario of the Hynds site. Co-ordinates and levels of the pole are also shown on the location plan.
- The pole was extended to a height of 9.25 metres and was checked remotely by Surveyors. A rope was attached to the top with High Visibility flags tied at 1m intervals for 5 metres.

- The images recorded on site were then imported into Autocad to scale the image in terms of the known intervals created by the pole and the flags. Using the now scaled photograph, ground level was identified in the photo, followed by a 20m offset vertically. The images were then exported to Photoshop CS3 for finishing.

9.5 **Attachment 5** also illustrates the location of the erected pole (and hypothetical plant location) and the three camera positions. I selected three potential viewpoints from which to consider the effects of the plant.

9.6 The camera position of Photo 1 is at the bridge crossing of the existing stream and generally illustrates the location of the future road intersection between Great South Road and the new road to access the industrial area. This location is important as it is one of only a few expected locations which will afford views for both residents and visitors of the future industrial area, near the southern gateway to the town.

9.7 Photo 2 is taken from private land in the town centre, to the rear of the existing truck stop. I would note that while this view does provide valuable information, it is not a view that will be available to the vast majority of people in the town centre. This position is located on private business land, well setback from Great South Road. Once general development has occurred, it can reasonably be anticipated that the site will be redeveloped.

9.8 Photo 3 is taken from Hitchen Road and affords a clear view of the vast majority of the extent of the zone. This part of Hitchen Road is to be retained during future development and, particularly due to the topography will likely provide clear public views over this part of the town.

Existing Views

9.9 **Attachment 6** illustrates the current view from Position 1. The foreground is characterised by gentle slopes while the ridge line to the south west of the industrial zone, rising to over 120m ASL is clearly seen in the background.

9.10 **Attachment 7** illustrates the view from Position 2, and illustrates the Industrial 2 in the middle ground with the lower ridges to the south of the zone visible in the distance

9.11 **Attachment 8** illustrates the existing view from Position 3 and provides expansive views over the area.

Photomontages

9.12 Based on the methodology I previously described, the three existing views have been used to generate a set of photomontages upon which the highest part of the plant has been superimposed.

9.13 **Attachment 9** illustrates the plant in its anticipated location and extending 20m above existing ground. As you can see, the structure does not crest the ridge of the shallower ridge to the south and can also be perceived as subsidiary in relation to the higher, more dominant ridgeline to the south west.

9.14 Whether or not a structure breaks the natural ridgeline is a significant aspect of assessing visual impact. The ability to retain a backdrop to future development assists with visual integration. That said, it is important to note that it is the high ridge on the right of the image that is the rural backdrop I have been aiming to retain views of, through the structure plan process, not the lesser spur to the left.

9.15 For the purposes of clarity, the structure has been indicated in blue. In reality of course, the visual impact would then be less as the plant would more a more natural colour which is more consistent with the rural landscape. **Attachment 10** shows a more realistic outcome.

9.16 **Attachment 11** includes the photomontage with the view from camera position 2, namely the existing truck stop. Again, it can be seen that the proposed structure would not crest the ridge. **Attachment 12**, shows the more realistic outcome. Once again, I stress that from this position any views of the structure and the ridge would more than likely be obscured by foreground elements.

9.17 **Attachment 13** illustrates the potential impacts of the proposed structure on the view from camera position 3. It can be seen that while appreciating the wider topography and rural context, the visual impacts of such a structure can be considered low. **Attachment 14** shows a more realistic outcome in terms of visual impact.

9.18 The drawings I have presented represent the visual impact based on a hypothetical, albeit informed development scenario of Hynds Pipe Systems Ltd. They do however, illustrate an outcome out of context as, in the future, additional development will be located on both on the Hynds property and on other land zoned as Industrial 2 (and for that matter, in the foreground of the

image). In order to provide an appreciation of a more likely visual impact which considers all likely future development, I have prepared an additional drawing which is included as **Appendix 15**.

9.19 This image represents an impression of the industrial area as a whole and its likely impacts on the surrounding rural environment, as viewed from camera position 1. Buildings and structures of varying sizes, typical of medium to heavy industry, and with heights averaging between 10 and 20m have been assumed. I note that this view will not ultimately be perceived in this way as the foreground area is zoned as business as could eventually accommodate buildings up to a 12m height which would obscure large parts of the industrial area. It can be seen that even with the anticipated likely development over the whole zone, the prominence of the main ridgeline to the right of the view is maintained as it dominates the view.

10.0 SUMMARY AND CONCLUSION FOR HEIGHT IN INDUSTRIAL 2 ZONE

10.1 In summary, I have outlined the context of the development of the industrial area and highlighted its significance in terms of achieving a self sufficient and sustainable town at Pokeno.

10.2 I have also illustrated the "non-fanciful" impacts of a 20m height limit within the Industrial 2 zone, based on an informed but hypothetical development of the Hynds property. In my opinion the proposed structure would not break the natural ridgelines or dominate views in the context of the wider rural backdrop to Pokeno.

10.3 It is my opinion that the relatively minor visual effects of such structures as we might anticipate from this zoning, are far out-weighed by the potential benefits of the establishment of significant amounts of medium to heavy industrial uses.

Lauren White

BAS MCPUD AssocMNZPI

16 September 2009

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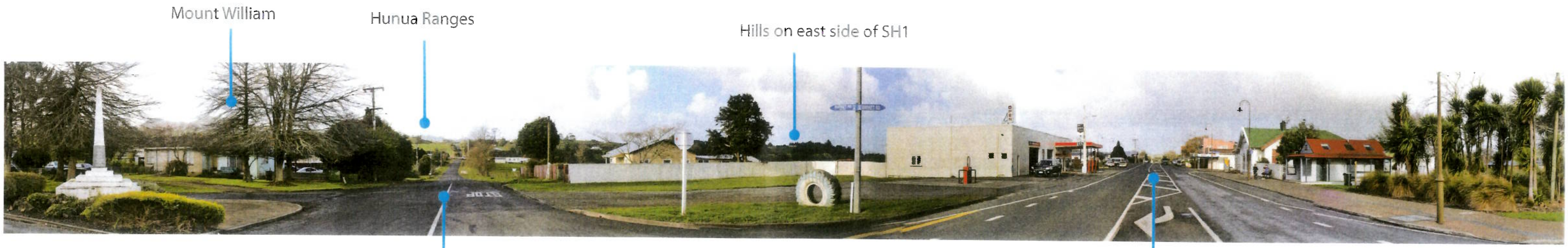
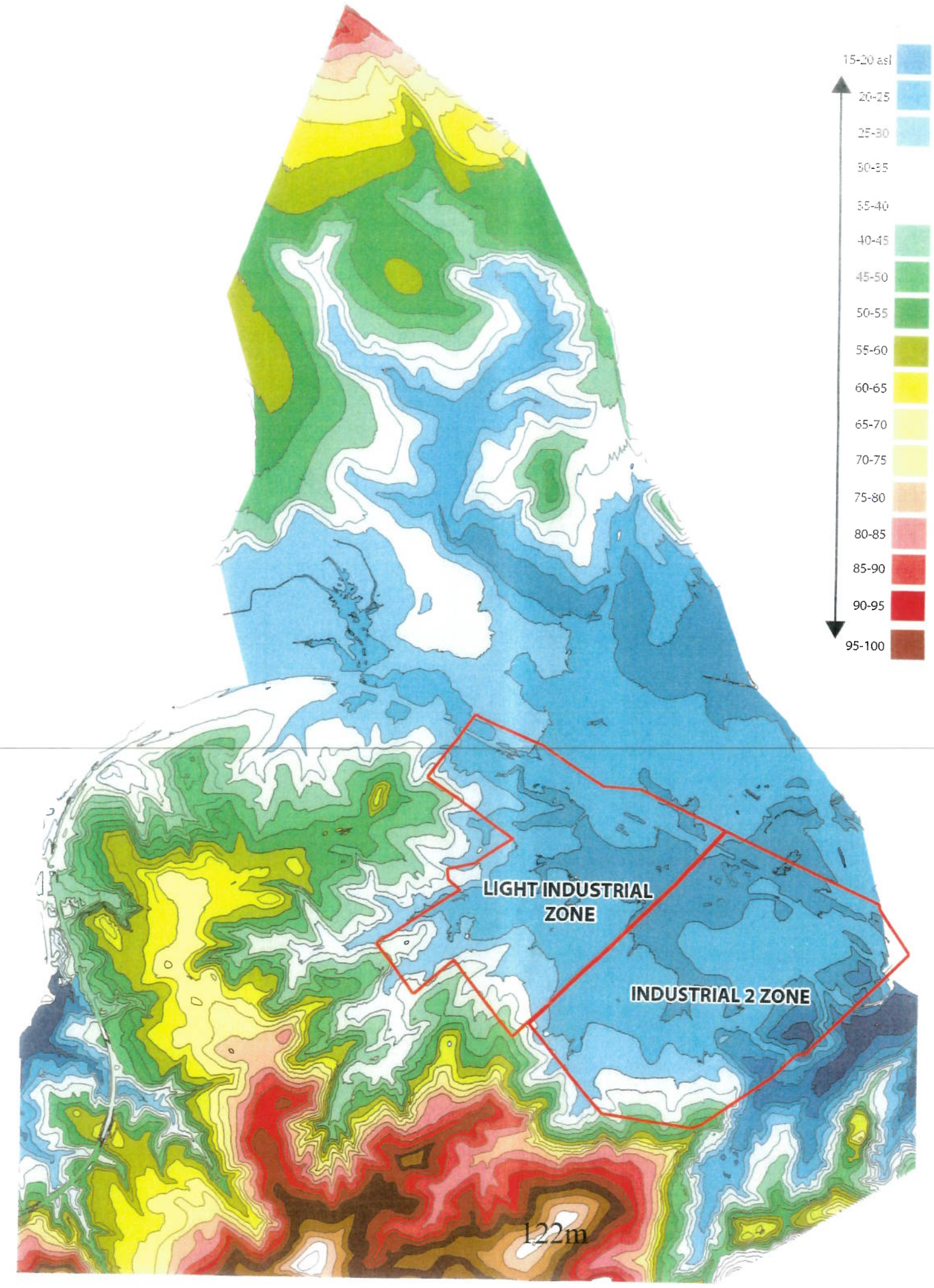
Attachment One: District Growth Strategy Map 5.1 Group 1 Business Land Franklin District

Attachment Two: Pokeno's Rural Backdrop

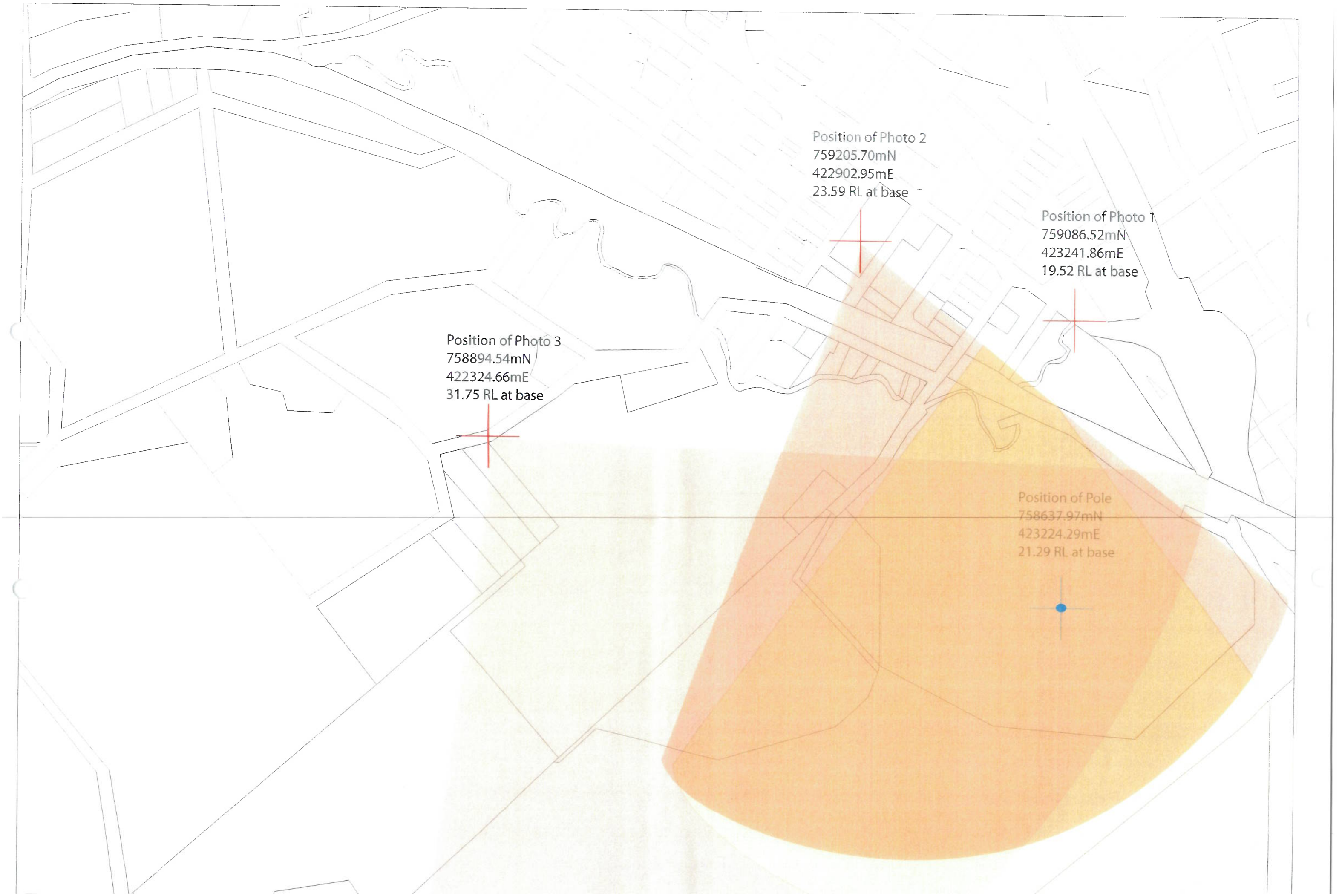


Attachment Three: Diagram of Street Network in Pokeno and Location of Industrial Land

Attachment Four: The Location of Industrial Land within the Plan Change Area



Attachment Five: Location of Pole and Camera Positions



Attachment Six: Photo 1 - Existing View from Great South Road at Bridge, Looking Southwest

Attachment Seven: Photo 2 - Existing View from Truck Stop, Town Centre

Attachment Eight: Photo 3 - Existing View from Hitchen Road, Looking South

Attachment Nine:

Photomontage 1 - Existing View From Great South Road at Bridge, Looking Southwest

20m structure in blue

Attachment Ten: Photomontage 1 - Existing View From Great South Road at Bridge, Looking Southwest

Natural looking Structure

Attachment Eleven: Photomontage 2- Existing View from Truck Stop, Town Centre

(note: this is not a typical view of the town centre, but offered as information) 20m high structure in Blue

Attachment Twelve: Photomontage 2- Existing View from Truck Stop, Town Centre

(note: this is not a typical view of the town centre, but offered as information) Natural looking Structure

Attachment Thirteen: Photomontage 3 - Existing View from Hitchen Road, Looking South

20m high structure in Blue

Attachment Fourteen: Photomontage 3 - Existing View from Hitchen Road, Looking South

Natural looking Structure

Attachment Fifteen: Artist Impression of Industrial area from Viewpoint 1