

**Before an Independent Hearings Panel**

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

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

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

**Topic 25 – Zone Extents**

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**REBUTTAL EVIDENCE OF IAN COLIN MUNRO  
ON BEHALF OF HAVELOCK VILLAGE LIMITED**

**(URBAN DESIGN)**

**3 May 2021**

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## 1. SUMMARY OF REBUTTAL EVIDENCE

- 1.1 Except as set out below, I agree with Mr David Mead (s42A report on behalf of the Council) that the revised relief sought by Havelock Village Ltd (“**HVL**”) and as explained in its evidence should be granted.

### Limiting development below RL100

- 1.2 I disagree with Ms Rachel de Lambert<sup>1</sup> (on behalf of Hynds Pipes Systems Ltd and Pokeno Village Holdings Ltd) that restricting residential development so as to remain below an elevation of RL100 is a properly justified or relevant outcome in urban design terms (**Attachment 1**). In my opinion it would substantially undermine achievement of the compact settlement approach sought by the National Policy Statement on Urban Development (“**NPS: UD**”), Waikato Regional Policy Statement (“**RPS**”) and Proposed Waikato District Plan (“**PDP**”), which is in my view the resource management outcome to be afforded principal weighting.
- 1.3 In my opinion, if the RL100 barrier was a relevant resource management outcome, in urban design / urban form terms, the Council would have included it within the Operative Waikato District Plan (“**OWDP**”) at the time the 2008-2009 Pokeno Structure Plan was prepared and rolled-into the OWDP through Plan Change 24. The alternative would have been to identify these landforms as an Outstanding Natural Landscape (“**ONL**”) or Outstanding Natural Feature (“**ONF**”), which I understand neither the RPS, OWDP or PDP has done or sought to do, respectively.

### Reverse sensitivity effects – visual amenity between industrial and residential activities

- 1.4 I disagree with Mr Mead<sup>2</sup> and Ms de Lambert<sup>3</sup> that there is a reverse sensitivity effect (visual amenity) likely to result from occupants of new dwellings being able to see industrial development within an industrial zone.<sup>4</sup> Residential-zoned land in Pokeno already directly abuts the existing industrial zone and the ‘edge’ of that residential-zoned land is more visually exposed to the industrial land than the elevated HVL land would be because the former is at the same land level rather than being able to generally look out above it as is the case for the latter. The PDP seeks to retain this configuration. I am unaware that any reverse sensitivity effects (visual amenity) have resulted from this existing (and proposed) arrangement. In urban design terms I am

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<sup>1</sup> Evidence of Rachel Virginia de Lambert, 17 March 2021, paragraphs 5.1 – 5.11.

<sup>2</sup> Evidence of David William Arthur Mead, 14 April 2021, paragraphs 318 – 331.

<sup>3</sup> Evidence of Rachel Virginia de Lambert, op. cit., paragraphs 5.12 – 5.21.

<sup>4</sup> This is distinguishable from potential reverse sensitivity effects relating to noise, emissions, or odour.

unable to identify any reason why there would only be a potential reverse sensitivity effect of concern relating to the HVL land, but no other land.

- 1.5 In my opinion Mr Mead's and Ms de Lambert's preference for spacious separation buffers between different land uses for visual amenity reasons (distinct from physical health and safety reasons such as noise or hazardous emissions), and beyond those already proposed by HVL, sits in tension with the reality of higher-density, compact and walkable settlements sought by the NPS: UD, RPS, and PDP. These are by their nature 'mixed-use', and will expose people to a variety of different shapes, types and designs of buildings and activities; in such configurations people will not always find the buildings and activities they look at beautiful or to their liking. I do not consider this practical fact-of-life to be an inherent adverse effect (reverse sensitivity or otherwise) in need of management.
- 1.6 Transitioning from a mentality in favour of buffered monocultures to dense mixed-use built forms will result in changes to amenity values and how communities (and planners) think about those. I regard this as what policy 6 of the NPS: UD seeks to recognise and enable.

#### **HVL hilltop park**

- 1.7 Mr Mead has expressed a preference that a proposed hilltop park on the HVL land should be visually protected from new dwellings crowding the ridge so as to retain a landmark-type role.<sup>5</sup> The final shape, form and extent of the park would be the subject of Council approval at the time of subdivision consent (in the capacities of both an RMA consent authority and, more influentially, a future asset owner).
- 1.8 I disagree with Mr Mead's concerns given the separation distances of the HVL land from potential viewers in the existing 'bowl' of Pokeno to the north, and the proposed undeveloped hill-face leading to the proposed park shown in the HVL proposal. The face and top of the hill will remain a distinctive landmark when viewed from within the Pokeno 'bowl' subject to the partial screening of this feature that will result from existing and future development within the existing industrial zone that will sit in the foreground of the hill.
- 1.9 In the interests of seeking to narrow the point of difference I have worked with the HVL expert witness team and have identified an additional method for the HVL land that would in my opinion address Mr Mead's concern. This is explained fully in Mr Mark Tollemache's evidence but is in summary a rule requiring any dwellings built within 50m

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<sup>5</sup> Evidence of David William Arthur Mead, op. cit., paragraph 375.

of the outer edge of the hilltop park to be limited to a maximum height of 5m, and have a 9m yard setback from the hilltop park. Having considered the topography of the Site (**Attachment 1**), I consider that this method would ensure that any future dwellings would be visually well-separated from and below the top (and majority) of the hilltop park by the order of 20m+ elevation. This would avoid or substantially mitigate the adverse visual amenity effects of concern to Mr Mead.

## **2. INTRODUCTION**

- 2.1 This rebuttal statement relates to evidence in opposition to the HVL proposal filed by Ms Rachel de Lambert on behalf of Hynds Pipes Systems Ltd and Pokeno Village Holdings Ltd, dated 17 March 2021.
- 2.2 This rebuttal statement also addresses matters raised in the Council's section 42A report prepared by Mr David Mead, dated 14 April 2021.
- 2.3 I confirm that I have the qualifications and expertise previously set out in paragraphs 2.2 and 2.3 of my primary evidence.
- 2.4 I repeat the confirmation given in my primary evidence that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014 and that my evidence has been prepared in accordance with that Code.

## **3. ISSUES TO BE REBUTTED**

- 3.1 Having read and considered the evidence of Ms de Lambert and the s42A report of Mr Mead, the following issues will be rebutted:
  - (a) That development should be restricted so as to occur on land below RL100;<sup>6</sup>
  - (b) That additional setbacks and landscape buffers should be provided to manage potential reverse sensitivity effects (visual amenity) between potential new dwellings on the HVL land and existing industrial-zoned land;<sup>7</sup> and
  - (c) That additional buffering is required to ensure the proposed hilltop park shown in the HVL proposal retains a landmark-type role.<sup>8</sup>
- 3.2 I will address each of these issues in turn below.

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<sup>6</sup> Evidence of Rachel Virginia de Lambert, op. cit., paragraphs 5.1 – 5.11.

<sup>7</sup> Evidence of David William Arthur Mead, op. cit., paragraphs 318 – 331, and evidence of Rachel Virginia de Lambert, op. cit., paragraphs 5.12 – 5.21.

<sup>8</sup> Evidence of David William Arthur Mead, op. cit., paragraph 375.

#### **4. RESTRICTING DEVELOPMENT TO BELOW RL100**

4.1 Ms de Lambert, at her paragraphs 5.1 – 5.11 has set out the history of the Pokeno Structure Plan's RL100 development limitation and her preference for its retention.

4.2 I disagree with Ms de Lambert that this is a relevant or appropriate method, although my disagreement is for urban design reasons and I note in fairness to her that she has provided landscape architecture reasons in support of her preference.

4.3 My key reasons for disagreeing with Ms de Lambert are:

- (a) In her evidence Ms de Lambert has not made any reference to the planning outcomes sought by the NPS: UD, RPS or PDP relating to urban growth, or how her RL100 preference relates to those. In my opinion it does not.
- (b) As an urban designer, I have read the NPS: UD as recognising that land capable of accommodating development outcomes that promote sustainability and efficiency is a scarce resource. In my experience I have frequently encountered an approach to development planning that I would describe as a "constraint sieving" exercise. That is to say, each technical and other point of view successively carves out from the land the specific non-development areas they prefer (sometimes expressed as layered plans or maps), and the accumulated 'left over' of this exercise is then just accepted, as a fait-accompli, as all that is acceptable for development to occur on. When I was trained, a rule of thumb for development vs. non-development land was 70:30. After approximately my first 10-years of practice this had reduced to at-best 60:40 in my real-world projects. Today, I am working on several projects that are struggling to do better than 55:45, and in some cases less than 50% of land is ultimately made available for actual development (on large-scale, 1,000+-dwelling projects). This inevitably means that more land is required to accommodate the same total yield. I read the NPS: UD as requiring preferences to set land aside from development, which will in some cases prove to be properly justified, to be thoroughly tested in terms of the long-term urban form consequences it will result in. In my very respectful opinion, development constraints based on existing visual amenity preferences are typically the hardest to justify in this light.
- (c) When the RL100 boundary was identified in 2008, it was part of a cohesive growth management position that acted as a green-belt around the outside of the land that had been identified as necessary for growth, and in that respect did

not compete with it. It is not certain from this history that support for that limit would have been as forthcoming if it had come at the expense of development able to be close to and form a part of Pokeno.

- (d) If the RL100 limit was relevant in resource management terms, it would have been carried over by the Council from the Pokeno Structure Plan into the OWDP, when Plan Change 24 occurred. That it did not is in my opinion indicative that it was not then regarded as a relevant resource management method. In light of the change in statutory context that has occurred since 2009, I consider it is, if anything, less relevant today than it might have been in 2009.
- (e) Acknowledging Ms de Lambert's expertise and efforts to indicate where the RL100 land would sit on the HVL land, I asked HVL's engineering consultant CivilPlan Ltd to accurately plot this using survey data that is available. This is included as **Attachment 1**. In my opinion restricting development so as to remain outside of that land would:
  - (i) Imperil achievement of key road connections that form, in my opinion, key benefits of the HVL re-zoning. Because roads are highly contour-sensitive (in part due to engineering requirements on maximum gradients) it is not possible to simply shift them on planning maps. A key connection in doubt would be the intersection of Potter Road, Hitchen Road, and the extension of Yashili Drive enabling a direct connection to Pokeno town centre.
  - (ii) Removes the potential neighbourhood centre, located strategically in relation to the road network so as to meet the needs of locals but also remain commercially attractive.
  - (iii) Removes at least 150 dwellings (based on an average 600m<sup>2</sup> lot size), or approximately 25% of the yield that is otherwise likely. This is in my opinion significant and would also have the effect of largely severing the south-eastern part of the HVL land from a meaningful connection with a neighbourhood or Pokeno.
- (f) Ms de Lambert has not in my opinion sought to identify or evaluate whether the significant urban development 'costs' of her preference on the HVL land, which has been otherwise identified as appropriate to help meet Pokeno's growth needs by the Council in its Waikato 2070 plan and Mr Mead in his s42A report, would justify the 'benefits' she sees. Instead, and very respectfully, I have read

Ms de Lambert's evidence as though she sees the RL100 barrier as being of such inherent importance that it must outweigh any other possible consideration. In my opinion and in urban design terms, those likely development costs considerably outweigh the possible benefits of restricting development so as to remain below RL100 on the HVL site. In reaching this conclusion it was very relevant in my mind that the key PDP mechanism to ensure protection of significant landforms from development, and where such protection is more important than accommodating urban development in resource management terms, is through the ONL and ONF classifications. Neither apply on the area higher than RL100 within the HVL land. I have not understood Ms de Lambert's evidence as suggesting land higher than RL100 is or should be classified as ONL or ONF.

- (g) Ms de Lambert does not seem to have considered or recognised the value that the open space and development restrictions volunteered by HVL separate from (and below) her preferred RL100 limitation, including how that might contribute to or compensate for the landscape benefits she seeks. In my opinion, the slope residential, protected hill-face and hilltop park proposed will together perform a much more effective and discernible protection of existing landform and landscape characteristics, when viewed from the Pokeno bowl, than the RL100 contour would.
- (h) I am familiar with a number of very charming, small-scale towns that have over time grown into larger and more-suburban type urban forms. In all of these, an original and visually self-contained focal point begins to stretch out across adjacent land. Often, hills that formed a 'bowl' around the original town, have come to be developed almost always by way of residential subdivisions for detached dwellings. Many existing residents in such circumstances see such growth patterns and character changes as very adverse. This is occurring already in Pokeno. Other examples that come to my mind are in Wanaka (Queenstown Lakes), and Mangawhai (by way of Mangawhai Heads) (Kaipara District). Warkworth (Auckland) is also an excellent comparator including how the hills surrounding that town's original flat 'bowl' have and are continuing to be developed.<sup>9</sup> The RPS and PDP do not seek to retain the scale and extent of these small existing settlements in the District by way of requiring urban limits around them, with growth then directed to new or stand-alone settlements (which is what I consider would be required to facilitate retention of the de-facto

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<sup>9</sup> Most recently by way of approved Private Plan Change 40, allowing for development of the hill on the north-side of Warkworth.

green belt represented by the RL100 contour as a plan method). They expressly direct expansion and consolidation to occur around those towns.

- (i) I disagree with Ms de Lambert that 'capping' Pokeno at the RL100 contour and then pushing all future growth to the eastern side of State Highway 1 is desirable or appropriate in urban design terms. In my opinion it would result, over time, in creation of a second and separate settlement that would not relate to Pokeno (and eventually become larger than it). I see this as contrary to what is sought by the NPS-UD, RPS and PDP.

4.4 For the above reasons, I consider that the RL100 imposition would have disproportionate, and in fact significant urban design consequences both now for the HVL land and inevitably in any future re-zoning (i.e., growth beyond the current horizon being planned for) for Pokeno as a whole.

## **5. REVERSE SENSITIVITY EFFECTS (VISUAL AMENITY)**

5.1 Mr Mead, at his paragraphs 318 - 331, and Ms de Lambert, at her paragraphs 5.12 – 5.21, express a concern that new dwellings on new residential zoned-land could give rise to reserve sensitivity effects (visual amenity) harming existing or future industrial development on industrial-zoned land. Mr Mead did not ultimately regard this as a significant effect however (his paragraph 338).

5.2 I understand that reverse sensitivity effects are a particular type of environmental effects and have particular characteristics. These include that:

- (a) A reverse sensitivity effect must include all of the following:
  - (i) an existing activity, operating within any relevant planning limits or consent conditions; and
  - (ii) an objection to that activity being made either to the operator or a Council by a person undertaking a new different activity; and
  - (iii) as a direct result of that objection, the existing operation being constrained to a scale, intensity or character less than lawfully exists or is consented to exist.
- (b) Reverse sensitivity is not intended to be an umbrella to shield operators from reasonable challenge or objection, or their on-going duties under sections 16 and 17 of the RMA. It is not in my opinion correct to classify the act of a



neighbour having a reasonable or genuine concern that an operator was not complying with applicable planning limits or consent conditions as a reverse sensitivity effect. This is no different to:

- (i) the act of residents objecting to the noise generated by their neighbours' parties; or
- (ii) residents in existing lower-density residential neighbourhoods objecting to residential intensification within those neighbourhoods, such as is envisaged by medium density residential zones.

5.3 It follows that a reverse sensitivity effect would need to be more than a general fear of people potentially making future complaints or participating in the resource management process (i.e., making submissions). It must mean there is a very high probability of reasonable existing operations being curtailed.

5.4 I disagree that any visual amenity-based reverse sensitivity effects are likely in the case of the HVL proposal. My key reasons are:

- (a) I cannot identify an urban design reason why a reverse sensitivity effect (visual amenity) would only be a concern on some land adjacent to the industrial zone that is not yet zoned, but not the existing and extensive direct abutment of residential and industrial zoned land in Pokeno that exists in both the OWDP and PDP (Figures 1 and 2 in Mr Mead's s42A report). The PDP process would allow for the rolling-back of existing residential zoned land or the imposition of additional amenity controls on any new development if there was any evidence of reverse sensitivity effects (visual amenity) occurring in Pokeno related to the industrial zone. No such methods have been proposed to my knowledge.
- (b) In Mr Mead's s42A report he has identified an area on the HVL site, at his Figure 33, where he considers a "*buffer may need to be extended*". As it relates to potential reverse sensitivity effects (visual amenity), I have identified that within that area no more than 5 potential dwellings (based on an average 600m<sup>2</sup> lot size) could occur at the 'edge' and in a manner that could have direct views of the industrial zone. In my opinion it is most unlikely that around 5 additional households over and above those that have already been zoned abutting the industrial zone on its northern and western sides would be likely to 'tip the balance' of the probability of a reverse sensitivity effect occurring.

- (c) The HVL land is in an elevated position with future residents able to look out and above the industrial zone. This makes the land less-susceptible to visual-amenity related objections than most of the existing zoned residential land abutting the industrial zone where, being on the same or a similar land-level, they are much more directly exposed to views of industrial activity and its vertical height or scale.
- (d) The OWDP and PDP industry / heavy industry zone provisions provide for a substantial variety of activities and building scales within the zones as permitted activities and where it is difficult for me to imagine visual amenity objections from neighbours successfully curtailing those from establishing. I note that at the same time the Council's planners will also be assessing resource consent applications for residential intensification within other parts of Pokeno – usually in the absence of a permitted baseline - despite neighbours likely making similar visual amenity-based objections to change in those cases as well. I cannot see the scenario where the Council could simultaneously hold visual amenity-based objections as sacrosanct in some cases, and just NIMBY-ism in others.
- (e) The issue of night-time lighting and related potential visual amenity objections is not unique or specific to industrial development. Mixed use developments and residents living within or near commercial centres, such as is promoted in the RPS and PDP, frequently results in residents being exposed to high levels of night-time lighting, such as from:
  - (i) large car parking areas such as those associated with supermarkets, or from service station forecourts;
  - (ii) floodlit stadiums and playing fields, or tennis / hockey courts including at schools; and
  - (iii) variable message (LED) billboards and associated flashing effects; and
  - (iv) I have experienced objections from residents concerned that late-night cleaning of neighbouring office buildings is highly disruptive (including energy-efficient sensor-based area lighting that turns on and off following the path of cleaners back and forth).

The above may seem small in comparison to a large-scale industrial activity but for residents living directly next-door to them they can be highly invasive.

- (f) The presumption that people are so sensitive to 'different' or functional-looking land use activities that they need to be spatially separated and buffered from one another is one basis of monocultural and segregated residential zones (including the segregation of different socio-economic classes from one another as residential sub-zones). This approach was very predominant in the 20<sup>th</sup> century and is now widely criticised as promoting lower-density, sprawl-based, socially exclusionary, and automobile-dependent suburbs. In my opinion it is essential that activities likely to create objectionable effects should be afforded reasonable isolation from sensitive uses to protect health and safety. But aesthetic preferences of existing residents and the assumption that people inherently find functional or working environments visually offensive is not in my opinion a valid or proven one.
- (g) The NPS: UD, RPS and PDP promote compact, walkable and mixed-use land use outcomes. This is not in my opinion reconcilable with Ms de Lambert's concerns; people being very close to where they work in a configuration where different types and scales of activity and buildings sit amongst each other will in my opinion inevitably result in people not always agreeing every building they see is pleasant.

5.5 Notwithstanding my above opinion that views of industrial activities from residential activities should not be regarded as inherently adverse, for the Panel's convenience I have undertaken further detailed analysis of the proposed HVL land / industrial zone interface..

5.6 The consequence of the proposed HVL approach, featuring spatial setbacks and landscaping on the hill slopes, is that dwellings would be well-back from the proposed heavy industry zone boundary. My assessment is that dwellings in the proposed HVL residential zone will be appreciably further back from the industrial land adjacent to it than some existing dwellings on the eastern side of State Highway 1 at Te Ara Aukati Terrace and Crickett Lane.

5.7 The separation distances that will be achieved mean that, although the proposed dwellings would sit higher than the industrial zoned land, and occupants would be able to look out above the industrial activities, it would not be correct to characterise the view as one of residents looking directly down on the top of those activities or that their views will be dominated by large, close-by industrial buildings. In this respect the distance between future dwellings and potential industrial buildings is much more than it may seem when looking at high-scale planning maps. My assessment is that:

- (a) The industrial zoned land adjacent to the HVL land includes the base of the hill feature (**Attachment 2**; for convenience and to avoid unnecessary debate as to different information sources, I have used Ms de Lambert's Figure 5 for this exercise). It is in my opinion unlikely that large-footprint industrial buildings are likely to climb that slope, and will more likely either not develop here or use retained cuts to allow flat and large building platforms to be accommodated at a lower contour.
- (b) The industrial land adjacent to the HVL land ranges in elevation from 50m (south-western boundary) to approximately 25m (over 3/4 of the land) south of McDonald Road. Taking into account the unlikelihood of large buildings on the steeper south-western slopes, I consider it reasonable to expect most large-scale industrial buildings (which I have assumed would be the ones most likely to create residential visual amenity effects) will be based on a starting land elevation of between 25m – 30m (also shown on **Attachment 2**).
- (c) The notified heavy industrial zone in the PDP provides a building height limit of 20m for general buildings, but up to 35m on 2% of a site (such as for stacks or cooling towers). For the light industry zone, a building height limit of 15m applies.
- (d) Based on a starting land elevation of 25m and adding 20m for possible general building height (45m total height), and up to 35m for occasional narrow structures (60m total height), it is possible to identify those parts of the HVL land that would be already 45m – 60m or higher. To be conservative, I have increased each of these contours to 50m – 65m, so as to build-in an additional 5m of height allowance for buildings on the industrial-zoned land.
- (e) I have identified in **Attachment 3**, a 50m and a 65m contour for reference. What this shows is that all of the residential-zoned land in the HVL proposal will be at a level higher than the 20m maximum height of general buildings within the heavy industry zone. Other than the limited area in the northern corner of the Site adjacent to Yashili Drive (subject to HVL's own small strip of proposed industrial zoned land, and which is adjacent to the proposed industry zone (15m tall buildings)), the proposed residential zone is indeed higher than the maximum height even of 35m-tall stacks or towers enabled within the heavy industry zone.
- (f) In my opinion there are no adverse effects of concern likely between the northern corner of proposed residential zone at least 65m from the proposed

heavy industry zone given the ability of HVL's proposed strip of industry zone to be used for any screening necessary and that only one or two residential lots would be affected.

- (g) When I consider the elevation of the proposed residential land and the real-world horizontal setbacks that apply between that land and the adjacent industrial-zoned land (I consider that the average setback between dwellings and industrial activities within the heavy industry zone would be in excess of 200m as per **Attachments 2 and 4**), it is my judgement that with standard-height boundary fences and landscaping, residents will be able in all cases I can imagine to fully visually screen out any views of development on the industrial land (including any stacks or cooling towers) should they wish to.
- (h) In my opinion, and assuming that views from residential properties to industrial activities were ultimately found by the Panel to be an inherently adverse amenity effect, in real-world terms the magnitude of adverse effects likely is in any event very low, to the point where it could be fully avoided with basic fencing and landscaping. Very respectfully, I therefore consider the concerns that have been expressed to be very overstated.

5.8 For the above reasons, I cannot agree that the HVL land and proposed residential re-zoning is likely to:

- (a) give rise to a reserve sensitivity effect (visual amenity), or other visual amenity effect, on industrial-zoned land in a manner that no other residential-zoned land abutting the industrial zone in Pokeno would; or
- (b) give rise to any potential reserve sensitivity effect (visual amenity), or other visual amenity effect, of such concern on the adjacent industrial zoned land that it would justify not zoning the land for residential use as proposed or imposing additional requirements on landscaping, lot orientation, or visual amenity-related matters.

## 6. HVL HILLTOP PARK

- 6.1 At paragraph 375 of his s42A report, Mr Mead expresses a view in support of the HVL proposal but that the proposed hilltop park "...*may need to be extended so that the park clearly sits above the roofs of surrounding houses, when viewed from the north and west (the eastern face of the park merges with the proposed buffer area). This is likely to require the park to have a 20 to 30m elevation above surrounding lots.*"

- 6.2 Should the HVL re-zoning proceed, I am highly confident that the Council would require a recreation reserve at the time of subdivision based on the extent of residential development to be enabled, and the separation distance of that land from any existing recreation reserves. I am also highly confident that at the time of the subdivision, irrespective of the proposed HVL Precinct Plan, the Council would seek to locate such a reserve on the key hilltop peak, because and at the least:
- (a) it would protect one of the key landform features on the Site that is a natural landmark for Pokeno and that would provide views of the Pokeno bowl; and
  - (b) it would naturally integrate with the proposed open space buffer HVL has proposed up the hill-face immediately behind the existing industrial zone, allowing a logical concentration of open space together.
- 6.3 I have seen this 'hilltop' technique used across the country including within the Waikato District (Te Kauwhata).
- 6.4 In my opinion the final form, extent and configuration of the hilltop park would be determined at the time of subdivision and the Council would be a key stakeholder in making that determination not only in terms of its role as the RMA consent authority but, and in my opinion more influentially, because of its role as a future asset owner that would need to be satisfied that the reserve would meet its preferences before agreeing to have such an asset vested in its ownership.
- 6.5 I disagree with Mr Mead that there is a relevant visual catchment to the west of the feature that is in need of any protection. But I do agree with him that from the north (the Pokeno bowl), the hill is a widely visible and important feature.
- 6.6 The HVL proposal is that, despite being screened to varying degrees by existing and potential development within the industrial zone in the foreground, the northern face and hilltop would remain widely visible and clear of development. In my opinion this is an appropriate urban form response. My assessment is that the HVL proposal will be effective in protecting this landmark role while also ensuring the land can be used efficiently to enable development close to and which will form part of Pokeno. I therefore do not share Mr Mead's hesitation.
- 6.7 The hilltop park would itself be sloped, reflecting that it is the top of the hill. The indicative park area shown on the HVL plans itself already has a top-to-bottom elevation of 21.4m.<sup>10</sup> Based on accurate survey data, I asked HVL's engineer CivilPlan

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<sup>10</sup> RL 123.5 at its highest point, down to RL102.1 at its lowest.

Ltd to additionally identify land adjacent to the indicative park that would be within an 8m fall of the outer edge of the indicative park (i.e., down to RL94.1). This is included on **Attachment 1**. Outside of that 8m contour, land would still be sloped and would be at least 29.4m below the top of the hilltop. Residential development beyond that contour would not interfere with people's ability to interpret the landmark of the hill from within the Pokeno bowl.

- 6.8 Within the identified 8m area, which I consider would correspond to a 50m distance from the eventual reserve boundary, my assessment is that if buildings were managed so as to require a spacious setback from the eventual reserve boundary of at least 9m, and in addition limited to a maximum building height of 5m, this would avoid (rather than mitigate) any ability for dwellings to crowd-out, visually dominate, or impede the landmark quality of the hilltop. It would ensure that the top, and at least the majority if not all, of the hilltop reserve would appear discernibly taller than adjacent (future) dwellings, by the order of 20m or more, as preferred by Mr Mead. With the assistance of HVL's other expert witnesses, a proposed method (rule) has been crafted that would require such a limitation. This is explained in detail by Mr Tollemache.
- 6.9 Such an outcome, although in my opinion not necessary, would not materially affect the urban design outcomes or land efficiency possible on the land, but would give additional safeguards in relation to the future hilltop park. The nature of the proposed rule, being based on the future (to be established) hilltop park boundaries also means that it will flexibly adapt to whatever that final reserve shape and location eventuates through the subdivision process.
- 6.10 For these reasons I would be supportive of the additional rule.

## **7. CONCLUSION**

- 7.1 For the above reasons, and in urban design terms I remain of the opinions and hold the conclusions expressed in my primary evidence. As it relates to the s42A report prepared by Mr Mead and the evidence of Ms de Lambert on behalf of Hynds Pipes Systems Ltd and Pokeno Village Holdings Ltd:
- (a) I agree with Mr Mead that the HVL proposal should be re-zoned.
  - (b) I disagree that it is relevant or appropriate to restrict development so as to be below RL100m.

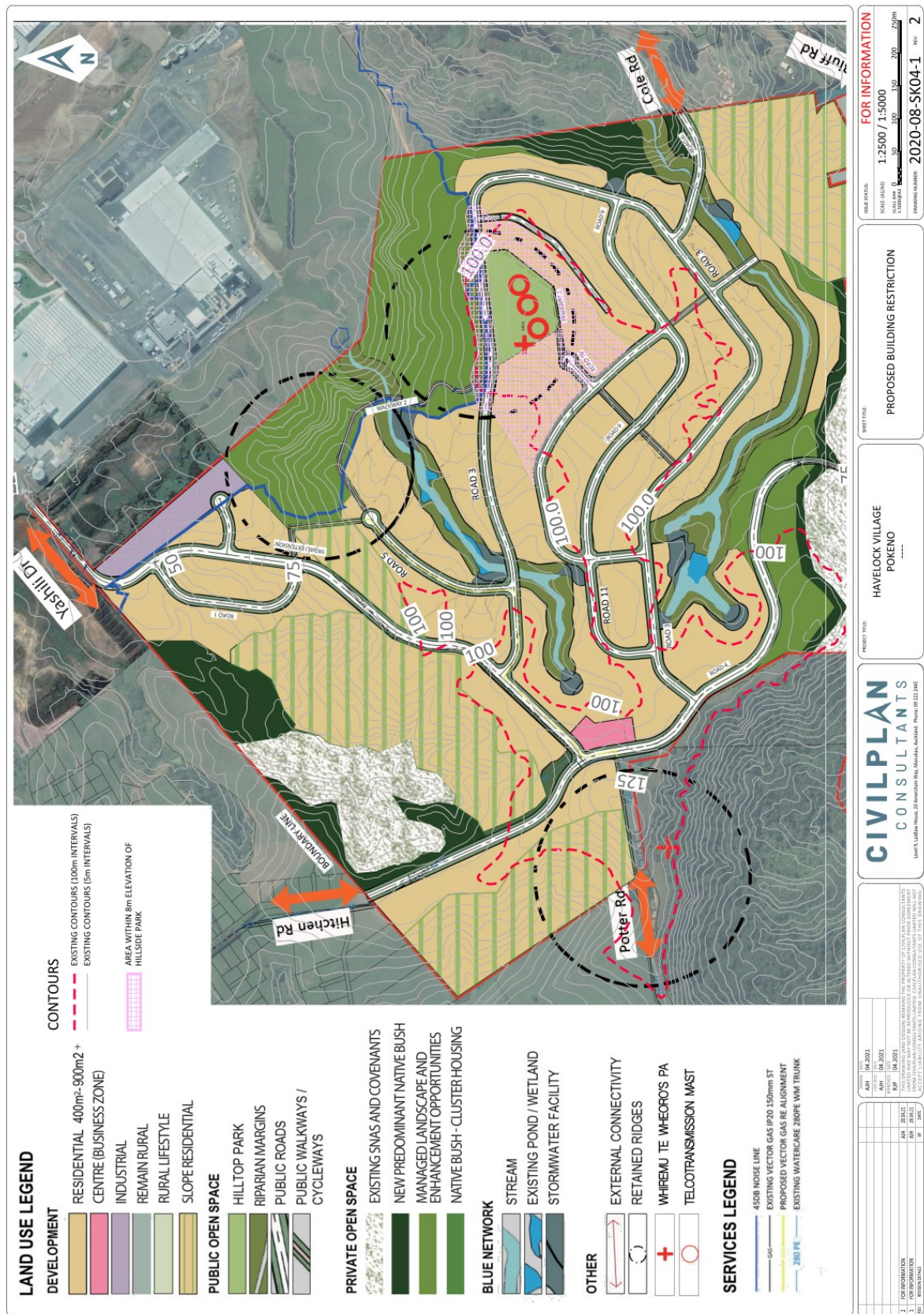
- (c) I disagree that there is any reverse sensitivity effect (visual amenity) likely to result from occupants of dwellings being able to see industrial buildings on industrial-zoned land.
- (d) I disagree that there is a need to provide greater surety that the proposed HVL hilltop park will perform a landmark-type role, but in conjunction with the HVL witnesses I have identified an additional method (rule) that would address Mr Mead's concerns, in my opinion.

**Ian Colin Munro**

3 May 2021

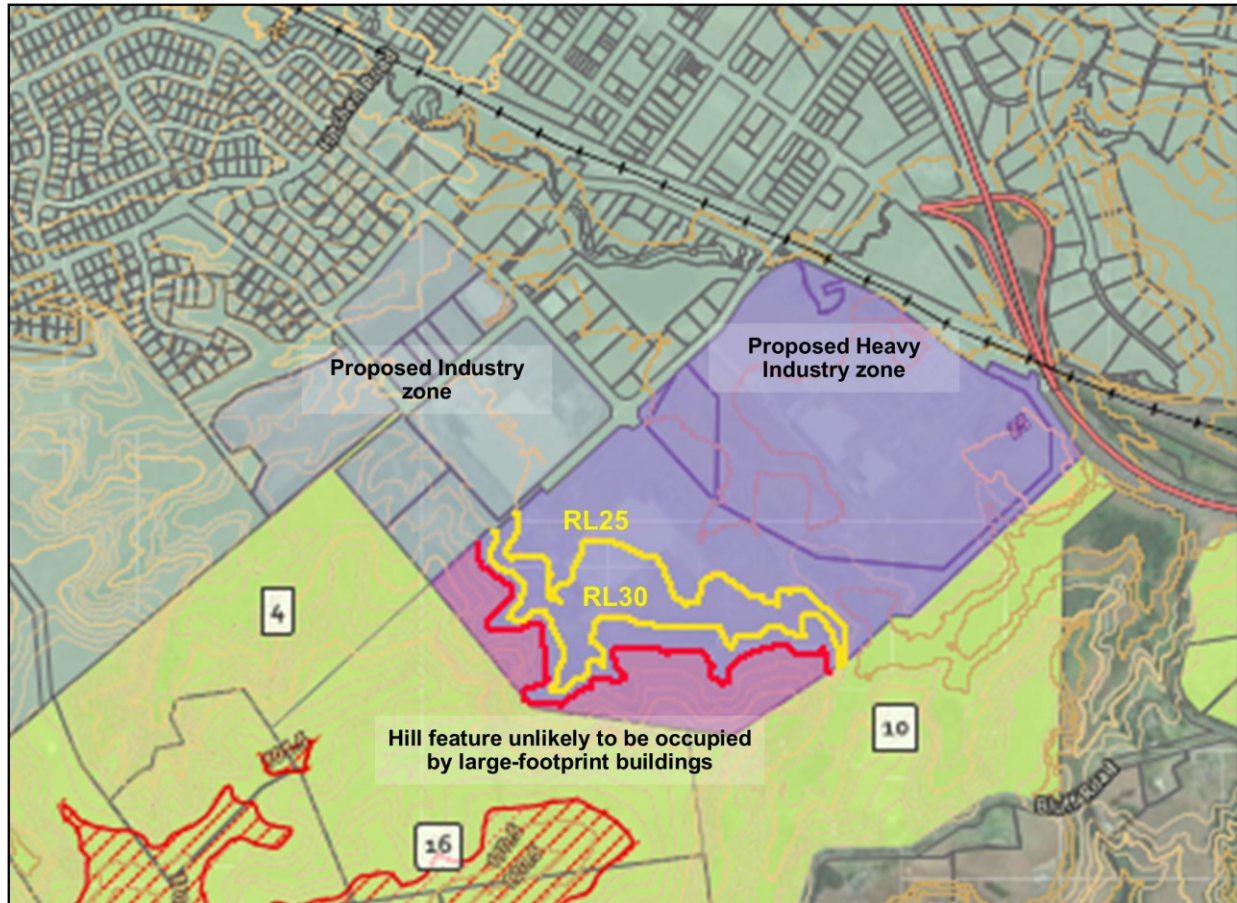


**ATTACHMENT 1 – RL100 AND 8M CONTOUR AROUND THE INDICATIVE HILLTOP PARK  
OVERLAIN ON THE HVL PROPOSAL, SOURCE: CIVILPLAN LTD.**

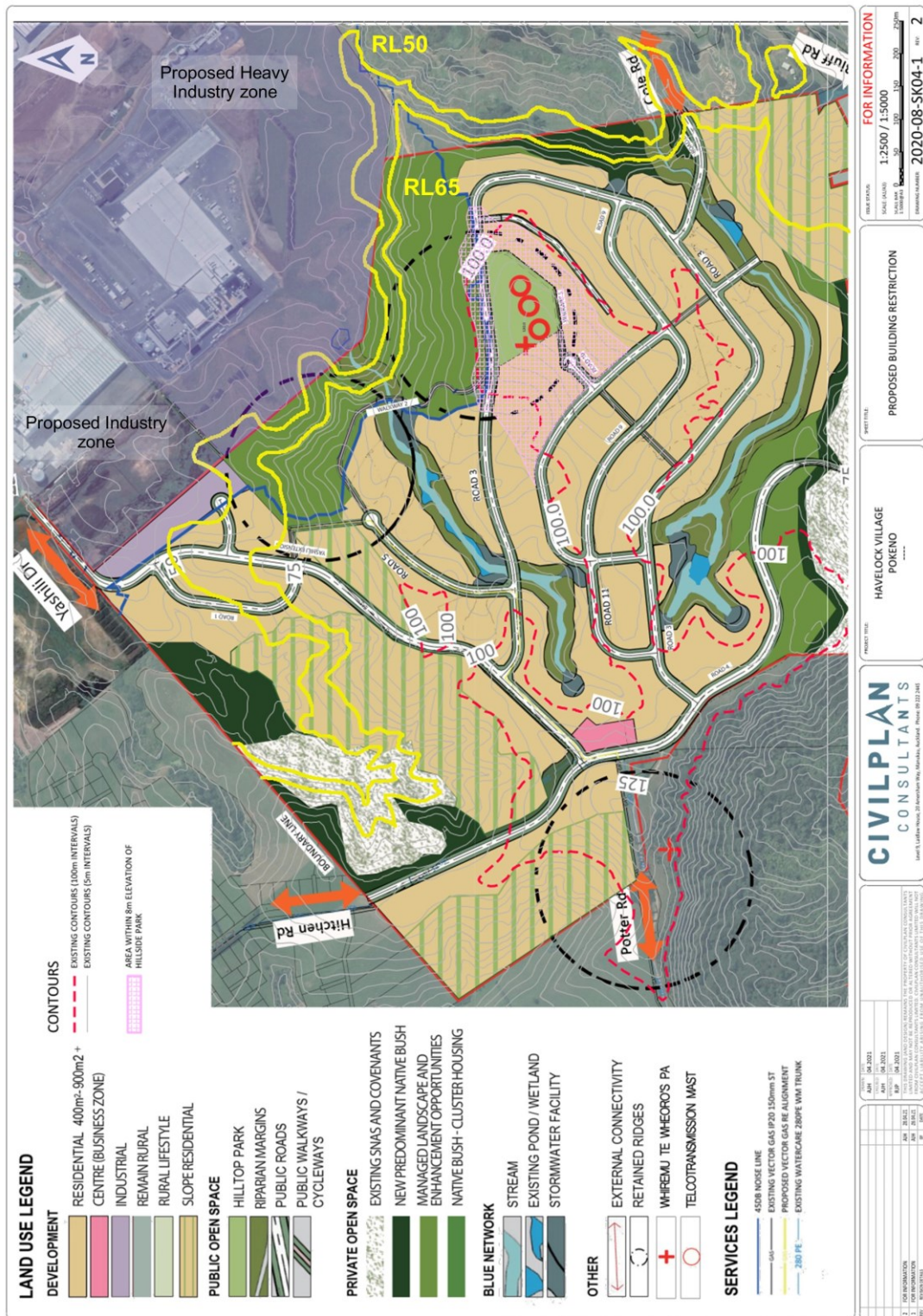




**ATTACHMENT 2 – ELEVATION OF PROPOSED INDUSTRIAL AND HEAVY INDUSTRIAL ZONED LAND ADJACENT TO HVL LAND (SOURCE: FIGURE 5, EVIDENCE OF RACHEL DE LAMBERT ON BEHALF OF HYNDS PIPES SYSTEMS LTD AND POKENO VILLAGE HOLDINGS LTD), NO SCALE.**



**ATTACHMENT 3 – RL50 AND RL65 ON THE HVL LAND. RL50 IS SUFFICIENT FOR BUILDINGS ABOVE THAT TO SIT HIGHER THAN THE MAXIMUM HEIGHT OF GENERAL BUILDINGS IN THE INDUSTRIAL ZONES; RL65 IS SUFFICIENT TO ALSO SIT HIGHER THAN THE MAXIMUM HEIGHT OF STACKS OR COOLING TOWERS IN THE HEAVY INDUSTRY ZONE.**





**ATTACHMENT 4 – SEPARATION DISTANCES BETWEEN THE PROPOSED HVL RESIDENTIAL ZONE AND PROPOSED HEAVY INDUSTRY ZONE, AND EXISTING BUILDINGS WITHIN THAT (IMAGE SOURCE: CROPPED VERSION OF ATTACHMENT 1, NO SCALE)**

