

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

**REBUTTAL EVIDENCE OF ROBERT JAMES PRYOR
ON BEHALF OF HAVELOCK VILLAGE LIMITED**

(LANDSCAPE AND VISUAL)

11 May 2021

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**

Email: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com

Tel 64-9-358 2555 PO Box 1433 DX CP24024 Auckland 1140

1. SUMMARY OF REBUTTAL EVIDENCE

- 1.1 Development enabled by the proposed rezoning of the Havelock land (the 'Site') could be visually accommodated within the Pokeno landscape without adversely affecting the character, aesthetic value and integrity of the surrounding urban and wider rural environment. The Havelock Precinct Plan incorporates a large area of Environmental Protection Area, which with planting will provide a buffer to the Pokeno Gateway Business Park industrial area and landscape context appropriate to Transmission Hill for this new neighbourhood of Pokeno.
- 1.2 I do not agree with Ms Rachel de Lambert that there will be a reverse sensitivity effect (visual amenity) likely to result from occupants of new dwellings being able to see industrial development within the industrial zone. I consider that appropriate mechanisms have been adopted to ensure the management of potential reverse sensitivity effects on the existing industrial zoned land to the south as well as adverse visual amenity effects arising from the proposal. The refined Havelock proposal has reduced the extent of development on Transmission Hill which forms the backdrop to the Hynds site. Retention of the northern face of Transmission Hill, through the Environmental Protection Area illustrated on the Havelock Precinct Plan, will retain the existing green backdrop that sits south of Pokeno and the existing industrial zone and provide an extensive buffer to the industrial zone. The planting of the north eastern slopes of Transmission Hill would provide significant landscape and natural character enhancements due to the size of the areas and their prominence when viewed from Pokeno
- 1.3 I disagree with Ms de Lambert that restricting residential development to below an elevation of RL100 is justified from a landscape and visual amenity perspective. The land affected has not been identified as an Outstanding Natural Landscape or Outstanding Natural Feature within the Regional Policy Statement, Operative Waikato District Plan (including those changes resulting from Plan Changes 20 and 24) or the PDP. I do not consider the RL100 barrier to have a material effect on what extent and quality of development people within the bowl of Pokeno north of the HVL land, which is in my opinion the only relevant visual catchment, would see on the HVL land.
- 1.4 Where the RL100 contour extends close to Pokeno, and takes in the ridge, it is to be set aside as the hilltop park. Further, there will be no development on the face of that hill immediately behind the existing industrial zone, which is also to be set aside and remain undeveloped. In my opinion this is an appropriate landscape recognition.

1.5 Any potential adverse landscape and visual effects on the environment will be acceptable within the surrounding landscape context.

2. INTRODUCTION

2.1 This rebuttal statement relates to the evidence in opposition filed by:

(a) Rachel de Lambert for Hynds Pipe Systems Ltd ('**Hynds**') and Pokeno Village Holdings Limited ('**PVHL**')

2.2 I confirm that I have the qualifications and expertise previously set out in paragraphs 2.1 – 2.6 of my primary evidence dated 17 February 2021.

2.3 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. EVIDENCE OF RACHEL VIRGINIA DE LAMBERT FOR HYNDS PIPE SYSTEMS AND POKENO VILLAGE HOLDINGS LIMITED

3.1 Ms de Lambert expresses concern that the elevated nature of the Havelock Village site means that where residential development extends into the visual catchment of the established heavy industrial zoned land, no mitigation can be adequately achieved to deal with the adverse issue of visibility of the industrial activities¹. She further considers that the rural backdrop provides a critical land use buffer for the settlement's important and complementary industrial employment sector².

3.2 I am familiar with industrial zoned areas across the country. It is not the case that industrial activities need or rely on a rural backdrop as Ms. de Lambert has suggested. Most industrial areas I have experienced sit in an urban context. Some Districts, such as Queenstown Lakes in its own Proposed District Plan process, have recognised "rural industry" as a distinct and separate activity to standard "industry" activities. In my opinion there is no sound landscape or visual effects basis to conclude that the Pokeno Gateway Business Park industrial zones do not need any buffer or backdrop on its northern and western sides (adjoining the existing Pokeno Residential Zone), but that it does on its southern side adjoining the Havelock land.

3.3 I consider that appropriate mechanisms have been adopted to ensure the management of potential reverse sensitivity effects on the existing industrial zoned land to the south

¹ R de Lambert Statement of Evidence Paragraph 2.7

² R de Lambert Statement of Evidence Paragraph 5.9

as well as adverse visual amenity effects arising from the proposal. The refined Havelock proposal has reduced the extent of development on Transmission Hill which forms the backdrop to the Hynds site. Retention of the northern face of Transmission Hill, through the Environmental Protection Area illustrated on the Havelock Precinct Plan, will retain the existing green backdrop that sits south of Pokeno and the existing industrial zone and provide an extensive buffer to the industrial zone. The planting of the north eastern slopes of Transmission Hill would provide significant landscape and natural character enhancements due to the size of the areas and their prominence when viewed from Pokeno. Given that views of the Transmission Hill backdrop would, from within many parts of Pokeno, also include the existing industrial buildings in the foreground, additional development visible in these views would not have the effect of suddenly urbanising a vacant rural landscape.

- 3.4 I consider that this setback, and the small area of Industrial zoned land at the Site's northern Yashili Drive interface, will provide a logical framework to manage potential reserve sensitivity effects. I also consider that as the Pokeno industrial area is already well established, future residents will take this into consideration with their real estate purchasing decisions.
- 3.5 Similarly, an appropriate visual and physical buffer will be created along the north western part of the Site through the retention and enhancement of the SNA (within 5 Yashili Drive), the proposed revegetation and indigenous planting, and identification of the 'Slope Residential' overlay on the steeper parts of the Site where lower density forms of development with a typical lot size of 2,500m² would apply to manage geotechnical constraints and provide opportunities for significant areas of revegetation.
- 3.6 This landscape outcome would result in a more vegetated pattern of lower density development on the north western slopes of the Site, providing an appropriate visual backdrop to Pokeno.
- 3.7 I have also considered Ms. de Lambert's preference to limit development to below RL100. The land affected has not been identified as an Outstanding Natural Landscape or Outstanding Natural Feature within the Regional Policy Statement, Operative Waikato District Plan (including those changes resulting from Plan Changes 20 and 24) or the PDP. I understand that the RL100 restriction was identified in the 2007 Pokeno Structure Plan document but was never carried into the Operative Waikato District Plan.
- 3.8 I have reconsidered my own conclusions to date based on this additional potential restriction in the context of the HVL land. I do not consider the RL100 barrier to have a

material effect on what extent and quality of development people within the bowl of Pokeno north of the HVL land, which is in my opinion the only relevant visual catchment, would see on the HVL land. As shown on Ms. de Lambert's figures, the RL100 area is generally set well-back from the leading edge of the hill that will face and be visible within the Pokeno 'bowl'. Development above that level will only slightly add to the overall extent of development visible from within Pokeno. Where the RL100 contour extends obvious and close to Pokeno, and takes in the ridge, it is to be set aside as the hilltop park. Further, there will be no development on the face of that hill immediately behind the existing industrial zone, which is also to be set aside and remain undeveloped. In my opinion this is an appropriate landscape recognition.

- 3.9 In this respect I also refer to and agree with the evidence of Mr. Munro and Mr. Tollemache in respect of an enhancement to the Havelock provisions around the future hilltop park by limiting building height for dwellings within 50m of the outer edge of the hilltop park to 5m. This will assist to visually isolate it from future development and ensure it achieves a distinctive landmark role for Pokeno.

4. CONCLUSION

- 4.1 Having read the statement of evidence of Ms Rachel de Lambert I remain of the opinion that development enabled by the rezoning can be visually accommodated within the landscape without adversely affecting the character, aesthetic value and integrity of the surrounding urban and rural environment.
- 4.2 I do not consider that restricting residential development to below an elevation of RL100 is justified from a landscape and visual amenity perspective.
- 4.3 I consider that appropriate mechanisms have been adopted to ensure the management of potential reverse sensitivity effects on the existing industrial zoned land to the south. Any potential adverse landscape and visual effects on the environment will be acceptable within the surrounding landscape context.

Robert James Pryor

11 May 2021