

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 CSL TRUST AND TOP END PROPERTIES LTD**

(Landscape and Visual)

9 May 2021

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1. SUMMARY OF REBUTTAL EVIDENCE

- 1.1 Development enabled by the proposed rezoning and urbanisation of the CSL Trust and Top End Properties 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.
- 1.2 I consider that the Site topography and indicative concept plan for the Site allows for a suitable retention of the visual and landscape components identified through previous plan change processes, namely the rural backdrop and the ridgeline as visual containment to Pokeno. I consider that the Country Living zone on the higher north and western slopes will form an appropriate buffer to the adjoining rural land to the north and west.
- 1.3 I also concur that the alternative EPA approach outlined below to be applied surrounding the residential cluster development is an approach that could successfully be applied to the CLZ section of the CSL Block.
- 1.4 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 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 1.1 – 1.3 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 an area of the CSL Trust and Top End Properties land extends on to higher land that defines the rural backdrop and visual containment of Pokeno to the north and north west. She considers that the retention of a rural backdrop and protection of the ridgelines and land above RL100 from urban development was a key tenant in the overall structure planning for Pokeno.

- 3.2 As Mr Ian Munro has noted in his rebuttal evidence, if development was not intended to occur above RL100, Council would have included it within the Operative District Plan at the time the Pokeno Structure Plan was prepared and rolled into the District Plan through the subsequent Plan Change. The alternative would have been to identify these landforms as an Outstanding Natural Landscape, which I understand neither the ODP or PDP has done or sought to do, respectively.
- 3.3 In terms of the CSL Trust and Top End Properties land that extends above RL100, I consider that the Country Living zone is appropriate in this location on the higher north and western slopes and will form an appropriate buffer to the adjoining rural land to the north and west. I do not agree with the Section 42A Hearing Report that recommends retaining the Country Living area as Rural will help retain the significant landscape backdrop to the north and west of Pokeno.
- 3.4 In this regard I consider that appropriate mechanisms have been adopted within the indicative concept plan to ensure the retention of the rural backdrop and protection of the ridgeline will be achieved, in addition to the provisions contained within the PWDP. The provisions relating to building height, building coverage and earthworks including fill volumes, amenity values and landscape effects will minimise potential adverse landscape and visual effects on the rural backdrop and ridgeline.
- 3.5 However alternatively, as outlined in the evidence of Mr James Oakley, I concur that the approach taken by Havelock Village Limited (#862) ('**HVL**') whereby Environmental Protection Areas ('**EPA**') are sought to be applied surrounding the residential cluster development is an alternative approach that could be applied to the CLZ section of the CSL Block. As outlined in the evidence of Sir William Birch, the land has limited value for rural production because of its steep topography and important ecological features and he considers the benefits of applying an EPA overlay to protect the existing ecological areas and to apply an attractive transition area to the rural countryside beyond the natural boundary of the catchment, being Ridge Road.
- 3.6 I consider that the EPA approach would have merits given the presence of ecological features in this area that would benefit from planting. Revegetation of the slopes would also assist any future low density development to further visually integrate into the landscape. The evidence of Ms Shanks also outlines the ecological benefits of revegetating and enhancement on the CLZ area which contains Significant Natural Area (**SNA**) among other natural features.
- 3.7 The evidence of Sir William Birch attaches a plan indicating the proposed EPA overlay. The plan indicates potential areas where EPAs could be applied based on the

topography of the CLZ area and the location of SNAs. Future rural-residential development would be subject to the EPA rules in the CLZ. Such an approach would also be supported by the proposed objectives and policies in the CLZ chapter of the PWDP which relate to landscape, character and amenity.

- 3.8 I consider the approach of planting the steeper slopes and riparian areas in the gullies would appropriately mitigate the potential adverse visual and landscape effects of development enabled within the CLZ and significantly enhance the ecological values of the Site.

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 of the CSL Trust and Top End Properties Ltd land 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 consider that appropriate mechanisms have been adopted within the indicative concept plan to ensure the retention of a rural backdrop and protection of the ridgeline will be achieved in addition to the landscape and visual provisions within the PWDP. I also concur that the EPA approach outlined above to be applied surrounding the residential cluster development is an alternative approach that could successfully be applied to the CLZ section of the CSL Block.
- 4.3 In my opinion any potential adverse landscape and visual effects on the environment will be acceptable within the surrounding landscape context.

Robert James Pryor

9 May 2021