

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

AND

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

**STATEMENT OF REBUTTAL EVIDENCE OF RACHEL VIRGINIA DE LAMBERT
ON BEHALF OF HYNDS PIPE SYSTEMS AND THE HYNDS FOUNDATION AND
POKENO VILLAGE HOLDINGS LIMITED**

1. INTRODUCTION

- 1.1 My name is Rachel de Lambert I am a landscape architect and Partner of Boffa Miskell Ltd.
- 1.2 I have outlined my qualifications, experience and commitment to comply with the Environment Court Expert Witness Code of Conduct in my evidence in chief ("EIC").
- 1.3 I provided joint evidence in respect of submitters Hynds Pipe Systems Limited and the Hynds Foundation (together "Hynds") and Pokeno Village Holdings Limited ("PVHL").
- 1.4 That evidence addressed the zoning requests put forward in the submissions of Havelock Village Ltd (submitter #862 FS#1377), Pokeno West (Annie Chen Shiu) (submitter #97 FS#1261) and CSL Trust & Top End Properties (submitter #89 FS#1297).
- 1.5 I have read the further 'Zone Extents Pokeno' s42A report dated 14 April 2021 prepared by planner David Mead for Waikato District Council. This evidence addresses matters raised in the s42A report.

Purpose and scope of rebuttal evidence

- 1.6 The purpose of this statement of rebuttal evidence is to address relevant landscape and visual matters arising from the s42A report.
- 1.7 Specifically, I address the following:
 - (a) The benefits of comprehensive structure planning;

- (b) The potential for reverse sensitivity related to Pokeno's zoned industrial land in the south of the settlement; and
- (c) The maintenance of a rural backdrop to Pokeno, and the avoidance of development along the skyline ridges to the settlement in the west and south including development above the 100m contour.

2. SETTLEMENT-WIDE STRUCTURE PLANNING

- 2.1 The s42a report does not support the halting of urban rezoning until a new settlement-wide structure plan has been prepared and adopted into the district plan¹. Mr Mead considers that there is adequate discretion through the subdivision and development process to address 'structure plan' type issues, such as under Residential Zone Rule 16.4.1 Subdivision – General.
- 2.2 In my opinion this form of case by case basis consideration of 'structure plan' type issues will result in a more piecemeal outcome for Pokeno and will inevitably miss some opportunities that more comprehensive structure planning, independent of landholding, will achieve. Good landscape and wider place based identity outcomes for Pokeno are, in my opinion, less likely to be achieved if comprehensive structure planning does not occur.

3. HAVELOCK VILLAGE LIMITED

- 3.1 Hynds falls within the 'Pokeno South' locality. The substantial industrial activities located in the south of Pokeno – Hynds, Synlait and Yashili – and the potential for reverse sensitivity effects to be generated in respect of these established activities and the associated Industrial and Heavy Industrial zoned land are acknowledged in the s42A report.
- 3.2 Hynds' key concern in respect of reverse sensitivity is the potential for **elevated land** in proximity to Hynds' factory site to be rezoned residential and relates specifically to the submission by Havelock Village Ltd ("HVL"). The introduction by HVL of the 'Hill Top Reserve' on Transmission Hill as a form of buffer is noted and this will go some way to providing for the necessary visual separation of housing within the proposed Havelock Village from the Industrial Zoned land. The 'Hill Top Reserve' is contiguous with Hynds' proposed Sculpture Park and could form a natural extension to that park.

¹ Zone Extents Pokeno s42A report paragraph 114.

3.3 I agree with the conclusions in the s42A report that:²

"the rezoning to Residential of land adjacent to existing heavy industry raises a number of potentially adverse environmental effects (including reverse sensitivity effects – my addition) that need to be better managed than indicated in the evidence of HVL".

3.4 Noting Mr Mead's comments in respect of the potential extension of the 'no build' buffer,³ a further site visit was undertaken on Friday 23 April 2021 for the purpose of ground-truthing the area within the HVL proposed residential extent that overlooks the Heavy Industrial Zone in close proximity. Figure 1 attached (refer Graphic Supplement Appendix 1) illustrates a refined proposed boundary for the 'no-build' industrial buffer. It comprises a further small area on the eastern side of Transmission Hill, in the area identified in the s42A report and an area to the north-west of this in the basin that overlooks the Heavy Industrial zoned land.

3.5 Photograph 1 below illustrates a view looking toward 'Transmission Hill' from the east (on the property at 62 Bluff Road). A shelterbelt which follows the cadastral boundary can be seen to the left of the knoll / cell towers rising up the landform. This cadastral boundary is the proposed western boundary for Buffer Area 1.



Photograph 1 the view looking west from 62 Bluff Road to the Buffer Area 1 land.

3.6 Appendix 1 attached; the Graphic Supplement, includes two photographs. Photograph A illustrates panorama from the lower buffer area to the north-west of Buffer Area 1 overlooking the Heavy Industrial zoned land – Hynds and Synlait. The brighter green paddock in the middle ground is Industrial

² Zone Extents Pokeno s42A report paragraph 331.

³ Zone Extents Pokeno s42A report paragraph 329.

zoned land proposed for the Synlait Stage 2 development. Photograph B illustrates the view looking north-west from the buffer toward Buffer Area 2, it shows the direct, elevated relationship between this land and the Industrial zoned land and the nature of direct overlooking particularly down onto Synlait with Yashili behind.

- 3.7 The exclusion of these two additional buffer areas from any form of residential development, cumulatively with the previously identified buffer, would in my opinion adequately address the potential reverse sensitivity matters from a landscape / visual perspective. I refer to the evidence of Ms Nairn and Mr Chhima on behalf of Hynds, who have proposed amendments to the planning provisions that would apply to this buffer to ensure that the buffer works as intended and residential development does not occur within it.
- 3.8 I accept that other parts of the HVL proposal to the north-west are sufficiently distant; less directly oriented toward the Heavy Industrial zoned land; at a lesser elevation; and contiguous with other residentially zoned land; such that significant reverse sensitivity issues should not arise.
- 3.9 Notwithstanding the above I consider consented industrial development, such as the Winston Nutritional, Project Falcon development, which includes a 30m drying tower, and other 20m and 15m structures is located in very close proximity – essentially across Yashili Drive – to the lower northern flanks of the HVL land with the potential remaining for adverse visual reverse sensitivity effects that have not been properly considered in the consenting process given the current zoning of the HVL land.
- 3.10 In addition to the buffer areas required to protect the Heavy Industrial zoned land from reverse sensitivity, I remain of the opinion that the well-founded landscape principle, established as part of the original Pokeno Structure Plan, of not building above the RL100 contour line should be upheld in this part of the backdrop to Pokeno. I consider this principle is equally valid to the HVL land as it is to the rest of Pokeno.
- 3.11 As with the 'Hill Top Reserve' there is the potential for the buffer areas identified in Figure 1 to be integrated with Hynds' proposed Sculpture Park, creating an environmental and community overall land management 'win-win'.

4. **POKENO WEST LIMITED**

- 4.1 The Pokeno West development includes land above RL100. As set out in my EIC the detailed Structure Planning that informed the urban expansion of Pokeno established a clear demarcation of a limit to urban growth on the hills defining the western backdrop to the settlement - establishing the RL100m line. The establishment of this urban form principle and its translation into the urban development of Pokeno achieves a number of landscape character and amenity as well as cultural landscape objectives. In my opinion the RL100 limit to urban development should be retained for Pokeno to assist in retaining a rural backdrop thereby maintaining the distinctive local character and identity of the settlement and protecting the cultural values associated with the ridgeline landforms.
- 4.2 At paragraph 241 of the section 42A report, Mr Mead states that he shares PVHL's view about the need to ensure that Pokeno's rural landscape setting is retained:

Pokeno Village Holdings Ltd. [386.12] outlines major concerns with possible development on the ridgelines and landform above RL 100m. These areas were identified as important landscape components guided by consultation from residents and iwi through the Pokeno Structure Plan process. While I hold similar views about the value of retaining a rural landscape setting, I note that the RL 100m principle is not part of the PWDP."

- 4.3 Whilst Mr Mead identifies the value of the rural landscape setting and the RL100m principle in respect of the Munro Block, Mr Mead supports the rezoning of the entire area requested by Pokeno West Limited, in addition to the area included for rezoning in the PWDP. Mr Mead estimates only 15 dwellings⁴ would sit above the RL100m contour in this locality. He considers this allows suitable retention of the visual and landscape components identified through the earlier Pokeno plan change process. In my opinion, to achieve the rural backdrop and protected ridgeline landscape outcomes this small area should be retained in a rural, not urban, zone.

5. **CSL TRUST AND TOP END PROPERTIES**

- 5.1 The CSL Trust and Top End Properties submission requested Residential and Countryside living zones for 89.1ha in the north-west of Pokeno contiguous with the Munro Block.
- 5.2 The s42A report accepts the submission in respect of the Residential Zone land whilst noting that a portion of this area extends above the 100m

⁴ Zone Extents Pokeno s42A report para 242.

contour⁵. Mr Mead considers the retention of a substantial 'rural backdrop' is retained through the extent of further elevated land before the ridgeline is reached. In my opinion this recommendation misses the point of securing a contour line hold on the urban extent of Pokeno whilst also avoiding steeper, more difficult land for urban development.

- 5.3 I support Mr Mead's recommendations to reject the component of the CSL Trust and Top End Properties submission which seeks the rezoning of the steeper land above the 100m contour to Countryside Living zone. Much of this land is steep and topographically complex, development above the RL100 line will not retain the rural backdrop to Pokeno and will lead to the creep of Pokeno toward the Bombay Hills. In my opinion any development above the RL100m line in this location would generate adverse landscape effects in respect of the landscape character and identity of Pokeno.

Rachel de Lambert

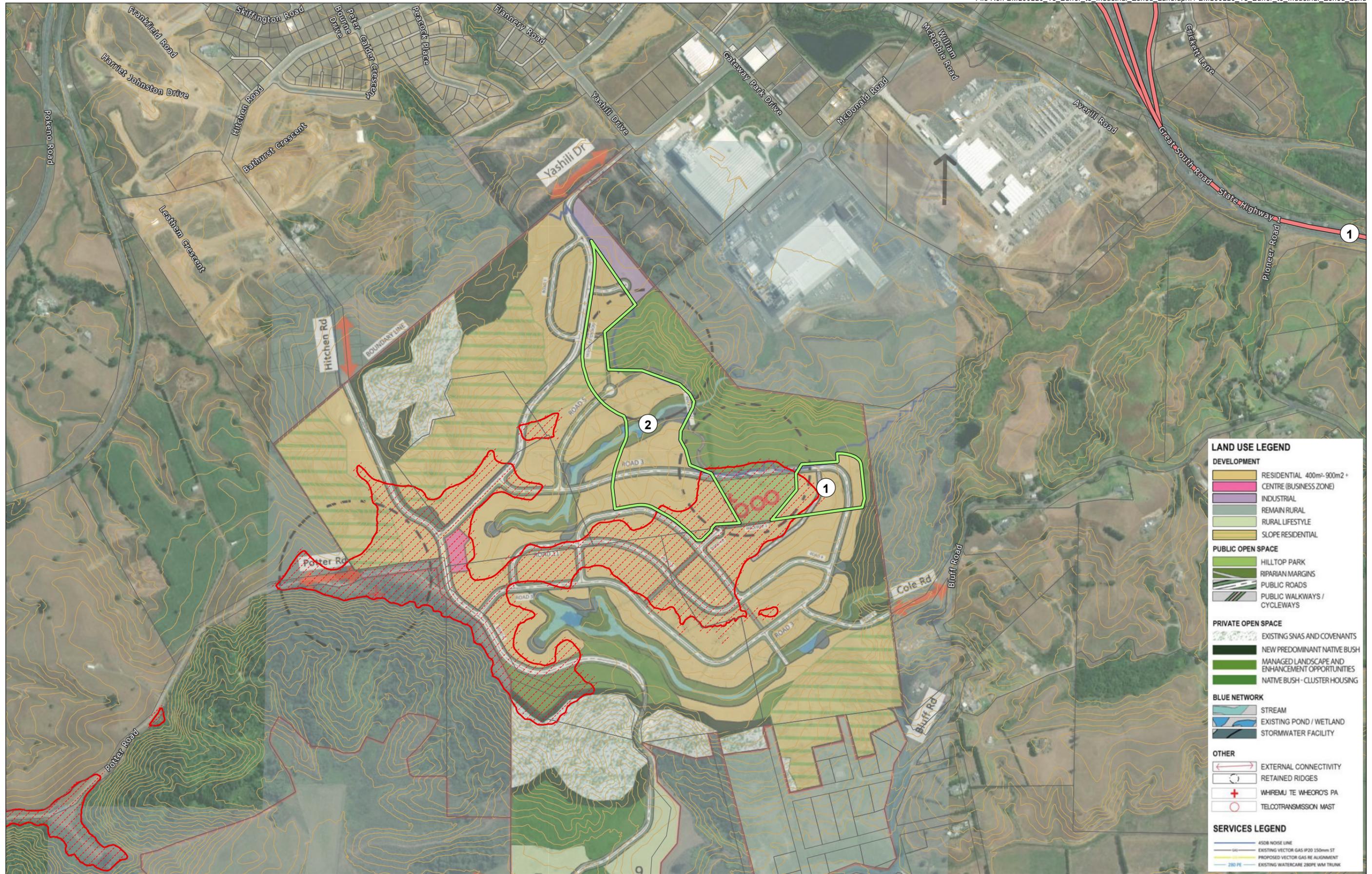
4 May 2021

⁵ Zone Extents Pokeno s42A report para 270.

ATTACHMENT A
Graphic Supplement

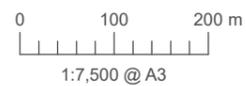
GRAPHIC SUPPLEMENT

TO THE REBUTTAL EVIDENCE OF RACHEL DE LAMBERT 29.04.2021



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

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

LEGEND

- [Green Outline] Areas to be Included within Buffer to Industrial Zoned Land
- [Red Line] Contour 100m RL
- [Red Dotted] Areas above 100m RL
- [Yellow Line] WRC Contours (5m interval)
- [Grey Box] Land Parcels
- [Red Line] Highways
- [Circle 1] ① - 17,623 m² (1.76 ha)
- [Circle 2] ② - 74,467 m² (7.45 ha)



PHOTOGRAPH A

Panorama from the lower buffer area to the north-west of Buffer Area 1 overlooking the Heavy Industrial zoned land – Hynds and Synlait. The brighter green paddock in the close middle ground of the view is Industrial zoned land proposed for the Synlait stage 2 development.





PHOTOGRAPH B

Panorama looking north-west from the buffer toward Buffer Area 2, showing the direct, elevated relationship between this land and the Industrial zoned land as well as the nature of direct overlooking particularly down onto Synlait.

