

Before an Independent Hearings Panel of the Waikato District Council

Under the Resource Management Act 1991

In the matter of the Waikato IPIs – Waikato District Council Variation 3

**EVIDENCE OF RACHEL VIRGINIA DE LAMBERT ON BEHALF OF HYNDS PIPE
SYSTEMS LIMITED, THE HYNDS FOUNDATION AND POKENO VILLAGE HOLDINGS
LIMITED (LANDSCAPE AND VISUAL)**

4 July 2023

1. INTRODUCTION

1.1 My full name is Rachel Virginia de Lambert.

1.2 I am a Landscape Architect and Consulting Partner at Boffa Miskell Limited (**Boffa Miskell**), Landscape Architects, Planners, Ecologists and Urban Designers. I have a Bachelor of Horticultural Science and post graduate Diploma of Landscape Architecture (with Distinction) both from Lincoln College (as it then was). I have practised as a landscape architect for some 36 years.

1.3 I am a Fellow and Registered Member of the New Zealand Institute of Landscape Architects, Tuia Pito Ora (**NZILA**) and am a past member of the elected Executive of the NZILA. I was the Registrar for the NZILA in relation to the administration of the Institute's Registration programme from 2001 until 2010.

1.4 On graduating, I worked for the Department of Lands and Survey and then the Department of Conservation in Auckland, following which I joined Boffa Miskell, first in Christchurch and then in Auckland. In September 1999, I established the Tauranga office of Boffa Miskell. In December 2001, I returned to work in the Boffa Miskell Auckland office, working primarily in the Auckland, Bay of Plenty, Hawkes Bay and Waikato regions.

1.5 I was a member of Auckland City Council's Urban Design Panel until mid-2007, when I took up a position on the Manukau City Council Urban Design Panel, which I held until the amalgamation of the Auckland Councils in 2010. I am now, again, a member of the Auckland Urban Design Panel (**AUDP**) and am co-convenor of the AUDP. I am also a member of Eke Panuku Development Auckland's (**Eke Panuku**) Design Technical Advisory Group (**TAG**) that provides design review for the Wynyard Quarter, and all other 'Transform' projects under Eke Panuku's lead.

- 1.6** I am one of the three principal authors, along with Gavin Lister and Alan Titchener, of *Te Tangi a Te Manu – Aotearoa New Zealand Landscape Assessment Guidelines* prepared by Tuia Pito Ora the New Zealand Institute of Landscape Architects.
- 1.7** I have provided evidence at Council and Environment Court hearings on a wide range of landscape and open space related projects including Plan Changes and projects for Resource Consent for greenfield and brownfield development, age care facilities, retail and mixed-use development, masterplanned communities, port related activities, industrial, roading, water treatment and other infrastructure projects.
- 1.8** I have provided input into the design and undertaken the assessment of landscape and visual effects for greenfield development including: the Drury South plan changes (to the then Papakura and Franklin District Plans) to enable light and heavy industrial development; the Franklin 2 Plan Change (to the then Franklin District Plan) to enable the urban development of the 306ha Wesley College landholding at Paerata; and the resource consent application for an approximate 1000 lot residential subdivision, Amberfield, in the Peacocke future urban area in the South of Hamilton.
- 1.9** I presented evidence on behalf of Hynds Pipe Systems Limited and the Hynds Foundation (**Hynds**) at Hearing 25 of the Proposed Waikato District Plan (**PWDP**). I also provided evidence on behalf of Pookeno Village Holdings Limited (**PVHL**) at that hearing.
- 1.10** This evidence in respect of Variation 3 to the PWDP is presented jointly on behalf of Hynds and PVHL.

1.11 I participated in the Havelock Precinct Qualifying Matters expert conferencing (online) held on 17 May 2023, the Joint Witness Statement arising from which is attached as Appendix 3 to the s 42A report. It is noted that at this meeting the planning and landscape architecture advisors (Mark Tollemache and Bridget Gilbert) for Havelock Village Limited (**HVL**), committed on behalf of HVL to providing all parties with civil engineering and landscape analysis work to support HVL's amended position for its Havelock Village development. To date, this information has not been provided.

2. CODE OF CONDUCT

2.1 I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

3. SCOPE OF EVIDENCE

3.1 In preparing this statement of evidence I have read the relevant portions of the section 42A Report (Version 2 uploaded 19 June 2023) and the statement of evidence of David Mansergh (landscape) on behalf of Waikato District Council (**WDC**). However, I note that Mr Mansergh's evidence does not address Pookeno, and WDC has not brought any specialist landscape architectural evidence in respect of Variation 3 as it applies to Pookeno. I have also re-read relevant parts of the WDC Hearings of Submissions on the Proposed Waikato District Plan Report; and Decisions of Independent Commissioners Decision Report 281: Zoning – Pōkeno, 17 January 2022.

3.2 My evidence will cover the following matters:

- (a) Background to Hynds' site and heavy industrial operation in Pookeno and to the masterplanned expansion of Pookeno by PVHL;
- (b) Background to urban growth in Pookeno;
- (c) Summary in respect of Reverse Sensitivity matters;
- (d) Summary in respect of PWDP Decisions Version of the Havelock Precinct;
- (e) How matters of reverse sensitivity to protect the Heavy Industrial zoned land in the south of Pookeno and the protection of the rural backdrop to Pookeno, encompassing also cultural landscape values, were provided for through the Decisions Version of the PWDP (under appeal to the Environment Court);
- (f) How the WDC has applied qualifying matters (reverse sensitivity and culturally significant landscapes) in Variation 3, compared to how these matters were addressed in the Decisions Version of the PWDP, as relevant to Pookeno; and
- (g) The application of WDC's identified qualifying matters in respect of:
 - (i) Minimising the reverse sensitivity effects of residential activities in the Havelock Precinct on nearby Heavy Industrial zoned land and subsequent changes sought by Hynds; and

- (ii) The protection of culturally significant landscapes with the Havelock Precinct and subsequent changes sought by PVHL.

4. SUMMARY OF EVIDENCE

4.1 In summary, I support the application of reverse sensitivity as an additional qualifying matter in Variation 3 in order to protect the Heavy Industry zoned land in the south of Pookeno from the impact of residential development on adjacent land within the area of the proposed Havelock Village. In particular, I support the findings of the Independent Hearings Panel for the PWDP that Area 1 should not form part of the HVL residential development area due to reverse sensitivity effects. In order to adequately implement the reverse sensitivity qualifying matter, it is my opinion that:

- (a) The Havelock Precinct Plan should be amended to extend the Havelock Industry Buffer to include Area 1; and
- (b) The EPA, as shown in the Decisions Version of the Havelock Precinct Plan, should be included in Variation 3 as a qualifying matter.

4.2 These changes would be consistent with the decision of the Independent Commissioners on the PWDP and support WDC's current position in Variation 3, that there are potential reverse sensitivity effects from residential development in Area 1 that need to be addressed.

4.3 I support the application of the Havelock Industry Buffer, Havelock Industry Buffer Height Restriction Area, and Havelock Hilltop Park Height Restriction areas, where they are applied to underlying residential zones as defined in the Decisions Version of the Havelock Precinct Plan.

4.4 I also support the decision of the Independent Commissioners on the PWDP zoning the land in the Havelock Precinct above RL100 General Rural Zone in order to manage both landscape effects in respect of retaining a southern natural backdrop to Pookeno, and providing for cultural landscape values associated with the backdrop and ridgelines. Given that this land is zoned Rural, the Medium Density Residential Standards (**MDRS**) and therefore Variation 3 do not apply. I do not consider it appropriate for WDC to propose, as part of Variation 3, the application of the proposed 'Havelock Ridgeline Height Restriction Area' to land zoned rural in the PWDP. I do not consider WDC personnel or advisors have any landscape evidence to support such an application at this time. I do however support the application of this control where it falls on land proposed to be zoned Medium Density Residential Zone 2 (**MRZ2**) – as part of Variation 3. It is my opinion that the combination of the Rural zoned land on the north side of the ridgeline connecting Transmission Hill with Potters Hill and the areas of Havelock Ridgeline Height Restriction Area on MRZ2 zoned land adjoining this to the north will adequately provide for the rural / natural backdrop to Pookeno and the associated cultural landscape values (identified in previous evidence by Ngaati te Ata Waiohua and Ngati Tamaoho) as I understand them.

4.5 I support the application of the MRZ2 zone elsewhere within the Havelock Precinct, noting and supporting the proposed qualifying matter in respect of the overly steep land for residential development within the areas identified with a Havelock Slope Residential Area overlay. I do not consider these steep areas to be suitable for more intensive forms of urban development from a landscape perspective. Rather they require reduced density and greater areas of protected vegetation appropriate to the particular landscape constraints such as topography and site conditions, including geotechnical constraints, in these areas.

5. RELEVANT BACKGROUND AND CONTEXT

Hynds Operations

- 5.1** Hynds Pipe Systems Limited is owned by the Hynds Group which operates a concrete products manufacturing and distribution heavy industry site at 9 MacDonald Road, Pookeno (“**Hynds Factory Site**”). Hynds is a significant heavy industry, utilising approximately 22ha of land, operating 24 hours a day, and seven days a week.
- 5.2** Hynds specialises in the manufacture and supply of construction materials and water systems in New Zealand and Australia. The Hynds Factory Site is zoned Heavy Industrial under the Decisions version of the PWDP. Part of Hynds’ adjacent site at 62 Bluff Road was rezoned Heavy Industrial in the Decisions version of the PWDP, with the remainder zoned rural.
- 5.3** Hynds made a strategic and significant companywide decision in 2004 to purchase a large scale landholding outside of Auckland to secure a long term location for their heavy industry business free from the increasing pressures of urban Auckland. They participated in the PC24 process to secure Heavy Industrial zoning for the site (Industrial 2 under the Operative Plan) within wider light and heavy industry zones in the south of the expanding village of Pookeno. This strategic move involved planning to over time relocate all the heavy industry parts of their operation to Pookeno from their factories in East Tāmaki (Auckland), Pukekohe, Hamilton, Rotorua, Palmerton North, and Whanganui. Stage 1 of the Hynds Pookeno site has been developed to date, replacing the East Tāmaki and Hamilton factories and the heavy industry part of the Rotorua factory. The second stage, now underway, involves relocating the company’s metal fabrication workshops to the site, these are currently located in East Tāmaki and Pukekohe. The company has expansion plans for future stages of development on the site with the intent of consolidating the core business to Pookeno. A key driver in

looking outside of Auckland for a long-term heavy industry site for the Hynds business was the impact that urban re-development, brownfield re-zoning and reverse sensitivity was having on the business.

5.4 As is explained in the evidence of Adrian Hynds, Hynds selected the large site and participated in PC24 to secure a Heavy Industry zone in the knowledge that the quarry zone on the hills to the west provided a secure buffer to their site and the wider light and heavy industry zones in the south of the expanding village of Pookeno. This site offered the best of all worlds; a strategically well located large, flat industrial site; with a local workforce in the planned urban expansion of Pookeno; and a buffer of adjacent quarry zoned land to protect their 24/7 industrial operation from potential reverse sensitivity issues associated with proximate residential activities. On the basis of this understanding, they invested in the new site and its industrial infrastructure.

5.5 Hynds is motivated to retain the context of adjacent landuse that supports and protects their industrial activity for the long term. Hynds has both past and present day experience of the difficulty of operating their heavy industrial site where residential activities come into proximity with them.

Pookeno Village Holdings Limited (PVHL)

5.6 PVHL has a long association with Pookeno and its masterplanned urban expansion as a complete live, work, play community. PVHL led the masterplanning and structure planning for the expansion of Pookeno as an urban growth node in the Waikato and was one of the proponents of PC24 (together with Hynds and Fulton Hogan). PVHL is undertaking the staged greenfield development of the village.

- 5.7** I understand that in developing the masterplan for Pookeno and PC24, PVHL worked with mana whenua, Ngaati Tamaoho and Ngaati Te Ata, to understand the cultural landscape and features within the landscape of significance to iwi. PVHL took a landscape led approach to the structure planning and sought to define the extent of the urban village through its containment by its western and southern hill backdrop with the express intention of creating a well-defined rural village, visually connected to its rural surrounds. This approach also aligned with the aspirations of mana whenua to protect the ridgelines and upper hill slopes.
- 5.8** A key urban containment principle, informed by landscape analysis, cultural values, the desire for the retention of a rural backdrop and reverse sensitivity concerns during the structure planning process, was the identification of RL100 as the limit to urban activities. The Pookeno Structure Plan (**PSP**) clearly expressed the vision for Pookeno as a rural village stating: “all land at a level above 100m should be excluded from potential development due to its visual sensitivity to the wider audience”.¹
- 5.9** Maintenance of the strong rural backdrop has been a key factor in the shaping of development within Pookeno, providing visual connection to the rural landscape and maintaining the village as a defined settlement in the country. The rural hill slopes and ridgelines are visible from many locations locally, as well as even more prominently from a distance, as illustrated in the photographs attached to this evidence, (refer photograph viewpoint map Figure 2 and photographs VP1 – VP8 **Attachment A.**) This rural hill country backdrop is particularly evident when heading over the Bombay hills travelling south, when within the residential areas of Pookeno, and in Pookeno East looking west. From all these viewpoints, views of the village itself (given the natural basin topography) are limited.

¹ Structure Plan Document, October 2008, Section 7.3.2

- 5.10** As noted, the urban growth of Pookeno is focused on the principle of ‘live, work and play’ with the intent of enabling residents within the community to be able to live locally as a complete community. Heavy and light industrial areas as well as ‘The Gateway Business Park’ provide locations for people to work close to home and within their community. The new residential areas that have been developed or are currently under development are designed with this concept in mind and are conveniently located at the intersections of SH1 and SH2 and close to local employment. Whilst experiencing substantial urban growth, the village has been designed on the basis of the core principles identified in the structure plan including the retention of the rural hill country backdrop.
- 5.11** This rural hill country backdrop has also consciously protected the industrially zoned land (and significant source of employment) located in the south from any immediately adjacent residential neighbours and in particular neighbours that, due to the nature of the topography, have the ability to directly overlook the industrial activities in the south.² This rural buffer, secured originally by the AEP zoning (and associated setback provisions) provided critical protection against reverse sensitivity for these legally established heavy industrial businesses.
- 5.12** In summary, Pookeno has expanded as a result of comprehensive structure planning and subsequent quality development to establish a highly desirable rural village settlement. It is a complete community with employment, town centre and residential zones located as good neighbours and sited with an anticipated rural buffer to secure protection of industrial land in the south of the town and the amenity of a rural backdrop.

² Refer Landscape and Visual Assessments for Yashili Dairy Factory, Hynds Concrete Factory and Synlait Factory. In which the rural backdrop and surrounding topography was noted to provide scale and proportion to the largest of the proposed industrial structures of these heavy industrial development.

6. URBAN GROWTH IN POOKENO

6.1 The Waikato and Auckland regions are experiencing significant growth pressure. I agree that there is the need to provide for urban growth in locations such as Pookeno including through the application of the MDRS via Variation 3 to the PWDP. However, I also consider it is important to treat each established settlement and location for urban expansion separately and in a way that maintains the distinctive qualities and attributes of that specific place.

6.2 The Waikato and Auckland regions need to grow in a way that creates distinctive, quality urban settlements with individual character and identity avoiding the bland 'nowhere' characteristics of ill-considered urban sprawl and intensification. Mixed use settlements with embedded employment, rather than commuter based dormitory settlements, should also be promoted creating complete communities. In this respect it is my opinion that retaining the character of Pookeno as a rural village with a southern and western rural hill backdrop and protecting the rural buffer to the settlement's light and heavy industrial employment zone are of critical importance, reflecting both the existing landscape and urban design attributes of Pookeno.

6.3 In my opinion it is important and appropriate for Pookeno to retain its southern and western rural and open space backdrop currently comprised in the land above RL100 that is zoned rural, the land zoned open space in the hill top parks, the associated height restriction areas, and Area 1, rather than enabling the urban intensification of this land for further urban residential development for a number of well-founded reasons including:

- (a) The rural backdrop is key to the rural village identity of Pookeno;

- (b) The ridgelines to the south and west have cultural landmark values that are respected by retaining their rural landuse;
- (c) The rural backdrop provides a critical landuse buffer for the settlement's important and complementary industrial employment sector;
- (d) The valued rural backdrop to Pookeno and its function in protecting the settlement's industrial employment base from reverse sensitivity effects go hand in hand such that there is a compounding value in its retention as rural open space; and
- (e) There is opportunity to expand and intensify Pookeno elsewhere to meet future growth requirements whilst retaining its southern and western rural hill backdrop.

7. REVERSE SENSITIVITY

7.1 As already noted, Pookeno has been planned as a complete rural settlement providing local employment and the opportunity to live and work locally with the planned inclusion of industrial, including heavy industry zoned land as part of the Pookeno Village. Industrial land has been consciously and carefully located in the south of Pookeno away from its originally planned urban residential greenfield areas.

7.2 Past resource consents for industrial scaled development including the Hynds manufacturing plant and the Yashili and Synlait dairy factories have specifically referenced the 'Transmission Hill' ridgeline height and appropriate rural hill backdrop to visually accommodate the industrial scaled structures that form part of each industrial site.

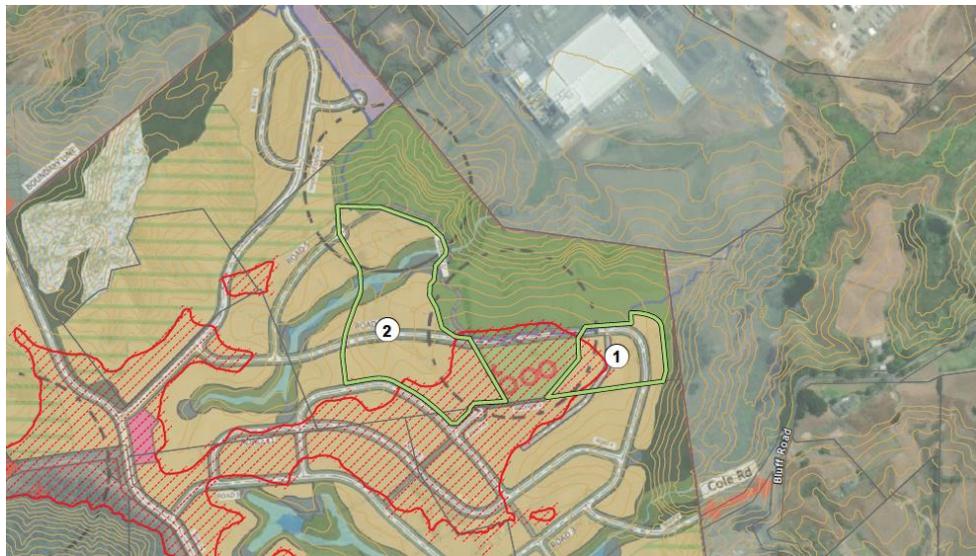
- 7.3** These established industrial plants, two dairy factories (dairy being at the heart of rural Waikato) and the Hynds' factory have a level of visual prominence in the landscape. They are obvious as part of the urban composition of Pookeno and they can frequently be seen, particularly in the cool Waikato mornings, to be legally emitting discharges to air as part of their processing facilities. At the same time they presently remain separated from close proximity to residential housing, including some more elevated housing, with the closest houses located to the east across SH1. Some housing to the north-west of the industrial zones, accessed from Hitchen Road, has become elevated to a point that it can look southeast towards the industrial area however this land is significantly lower lying than the HVL land to the south and it does not immediately overlook the industrial land in the same way.
- 7.4** The existing strategic heavy industrial development and the considerable investment in those industrial activities require protection from reverse sensitivity effects arising from inappropriately located, more sensitive forms of landuse, particularly intensive forms of suburban residential activities enabled through the application of the MDRS, adjacent to and directly overlooking the Pookeno industrial area. This is recognised in the Waikato Regional Policy Statement as identified in the evidence of Ms Nairn, Hynds' planning witness.
- 7.5** Sound landscape planning provides effective separation between heavy industrial activities and more sensitive residential activities to ensure that heavy industrial activities do not suffer reverse sensitivity effects. At the same time, it is good planning to protect residential areas from the adverse amenity effects arising from legally operated heavy industrial activities.

7.6 In respect of the specific context of Pookeno the loss of a rural backdrop and protective buffer for the Village's important industrial employment zones and the introduction of elevated hillside suburban residential activities that will directly overlook those well-established activities will, in my opinion, undoubtedly introduce issues in respect of reverse sensitivity. Given the nature of the landform, the east and some north facing components of the proposed Havelock Village potentially have direct views over the industrial zoned land including the 22ha Hynds site with no potential for Hynds to screen or otherwise buffer itself from such residential overlooking. The nature of this overlooking is illustrated in the photograph VP2 **Attachment A**, a view looking up from the Hynds site to Transmission Hill including Area 1 to the left of the photograph. Some of the rural open space backdrop in photograph VP2 is within the proposed Transmission Hill open space buffer, however as evident in Figure 1 **Attachment A**, this does not incorporate the full extent of the immediate visual catchment, including Area 1. Nor does it exclude urban development from land above the 100m contour.

7.7 Industrial activities can go unnoticed, and some people are not averse to overlooking industry, however people are naturally sensitive to some legally enabled industrial effects such as larger scaled industrial buildings, air discharges (which are climatically affected), noise, dust, heavy traffic and lighting. A new residential community such as that proposed within the Havelock Village development, specifically that component that has the potential to directly 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.

- 7.8** By way of illustration in terms of the potential scale of industrial development within the zoned industrial area, the Proposed Plan has a 35m height limit for 2% of net site area. On the Hynds site this could equate to a building with a footprint of 4,400m² 35m in height. Such a building would be double the height of the existing batching (5400m²) plant (currently 16m).
- 7.9** It should not be for the well-established industrial activities to mitigate effects on new residential neighbours. Furthermore the spatial relationship between the proposed Havelock Village hill slopes and the lower lying industrial land means practical ways to provide mitigation are limited at best. The best outcome for securing Pookeno's employment land is to retain their existing, rural open space backdrop free of any residential housing. A rural backdrop that was originally ensured by the extent of AEP zone for the now defunct Winstone Quarry.
- 7.10** The elevated nature of the Havelock Village site means that where residential development extends into the visual catchment, no mitigation can be adequately achieved to deal with the issue of visibility itself or the potential of annoyance from air discharges, lights, or odour, all of which can be reasonably anticipated to be associated with legally consented heavy industrial activities. Applying a higher density residential zone, such as the MRZ2 zone, to such land will, in my opinion, compound the potential for reverse sensitivity issues to arise with a greater number of greater height (three storey enabled height) houses located where they can directly overlook the industrial zoned land. I do not consider this to be a good planning outcome for this part of Pookeno.

7.11 More specifically, given the nature of the landform, that portion of the proposed Havelock Village contained in Area 1 as identified in Figure 1 below and located outside of the Decisions Version PWDP rural zoned land above the 100m contour (defined by the red line and hatch), would have direct views over the industrial zoned land including the 22ha Hynds site. The application of the MDRS to any residential zoned land in this Area 1, with the resulting increases in permitted height and density over and above what is provided for in the General Residential Zone will, in my opinion, exacerbate the potential for overlooking and reverse sensitivity effects.



*Figure 1: Showing the location of Area 1 and land above RL 100 (red line and hatch). This figure formed part of my rebuttal evidence in respect of the PWDP hearing identifying Areas 1 & 2 in which I consider there are potential issues in respect of the generation of adverse reverse sensitivity effects within the HVL proposed housing extent) (refer Figure 1 **Attachment A** for full size figure).*

7.12 The nature of this overlooking is illustrated in the photograph below (refer 'Photograph A' in **Attachment A** the graphic supplement).



7.13 It should not be for the well-established, appropriately zoned, industrial activities to mitigate effects on new residential neighbours. Furthermore the spatial relationship between the proposed Havelock Village hill slopes and the lower lying industrial land means practical ways for the industrial activities to provide effective mitigation are limited at best. The best outcome for securing Pookeno’s employment land is to retain the existing, rural open space backdrop free of any residential housing by upholding the Decisions version of the PWDP and avoiding the application of the MRDS / MRZ2 zone in locations that have the potential to generate reverse sensitivity effects.

8. PWDP DECISIONS VERSION AREA 1

8.1 In their decision on the PWDP, the Independent Commissioners agreed with the evidence of Hynds and WDC’s reporting planner David Mead, that residential activity should be excluded from Area 1 due to potential reverse sensitivity effects resulting from dominant views from Area 1 of lighting and air discharges from the adjoining industrial land, which would be difficult to minimise through subdivision design³. The decision goes on to state:

The exclusion of this area, instead of adding the land into the EPA, will have the added benefits of extending the natural backdrop provided by Transmissions Hill hilltop park and the EPA, and maintaining Transmission Hill as a visually prominent feature.⁴

³ Waikato District Council, Hearings of Submissions on the Proposed Waikato District Plan, Report and Decisions of Independent Commissioners, Decision Report281: Zoning – Pōkeno, 17 January 2022, Paragraph 100.

⁴ Waikato District Council, Hearings of Submissions on the Proposed Waikato District Plan, Report and Decisions of Independent Commissioners, Decision Report281: Zoning – Pōkeno, 17 January 2022, Paragraph 100.

8.2 Notwithstanding the clearly expressed intent in the Independent Commissioners decision that residential development would be excluded from Area 1, the Havelock Precinct Plan did not extend the Havelock Industry Buffer to encompass the full extent of Area 1, although the EPA does overlay the full extent of this area. My understanding is that given the clearly stated intention in the decision that Area 1 would be excluded from development, this is an error on the Council's part.

8.3 The figure below, Figure 2, shows the subject part of the Havelock Precinct Plan (APPI4) with the purple horizontal hatch comprising the Havelock Industry Buffer and the blue green hatching comprising the Environmental Protection Area (EPA). The straight east / west line defining the southern extent of the EPA on the east side of Transmission Hill hilltop park, the latter being defined by the vertical parallel line hatch, aligns with the southern extent of Area 1.

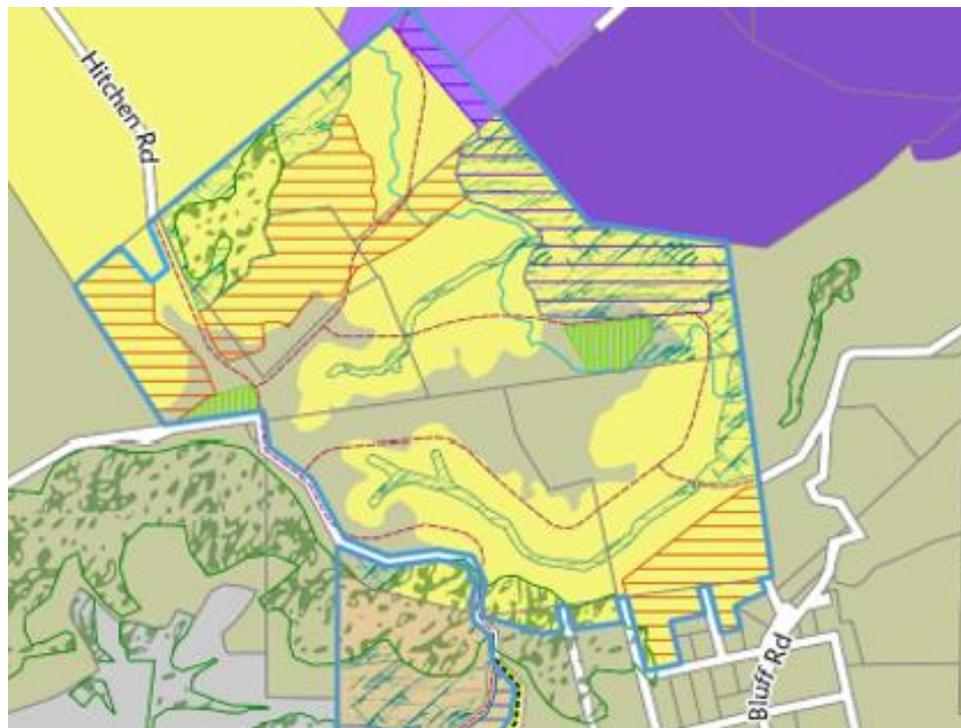


Figure 2: Excerpt from decisions version PWDP Havelock Precinct Plan (APPI4) with the purple horizontal hatch comprising the Havelock Industry Buffer and the blue green hatching the Environmental Protection Area (EPA).

9. VARIATION 3 ADDITIONAL QUALIFYING MATTERS

9.1 The WDC section 42A Report has identified the following additional Qualifying Matters that amend the application of the MDRS to Pookeno under Variation 3, on the basis of landscape and reverse sensitivity:

- (a) The protection of culturally significant landscapes with (sic) the Havelock Precinct; and
- (b) Minimising reverse sensitivity effects of residential activities on industrial operations within the Havelock Precinct.

Reverse Sensitivity Qualifying Matter

9.2 WDC's amended Havelock Precinct Plan in respect of Variation 3 is copied below, Figure 3 (see below).

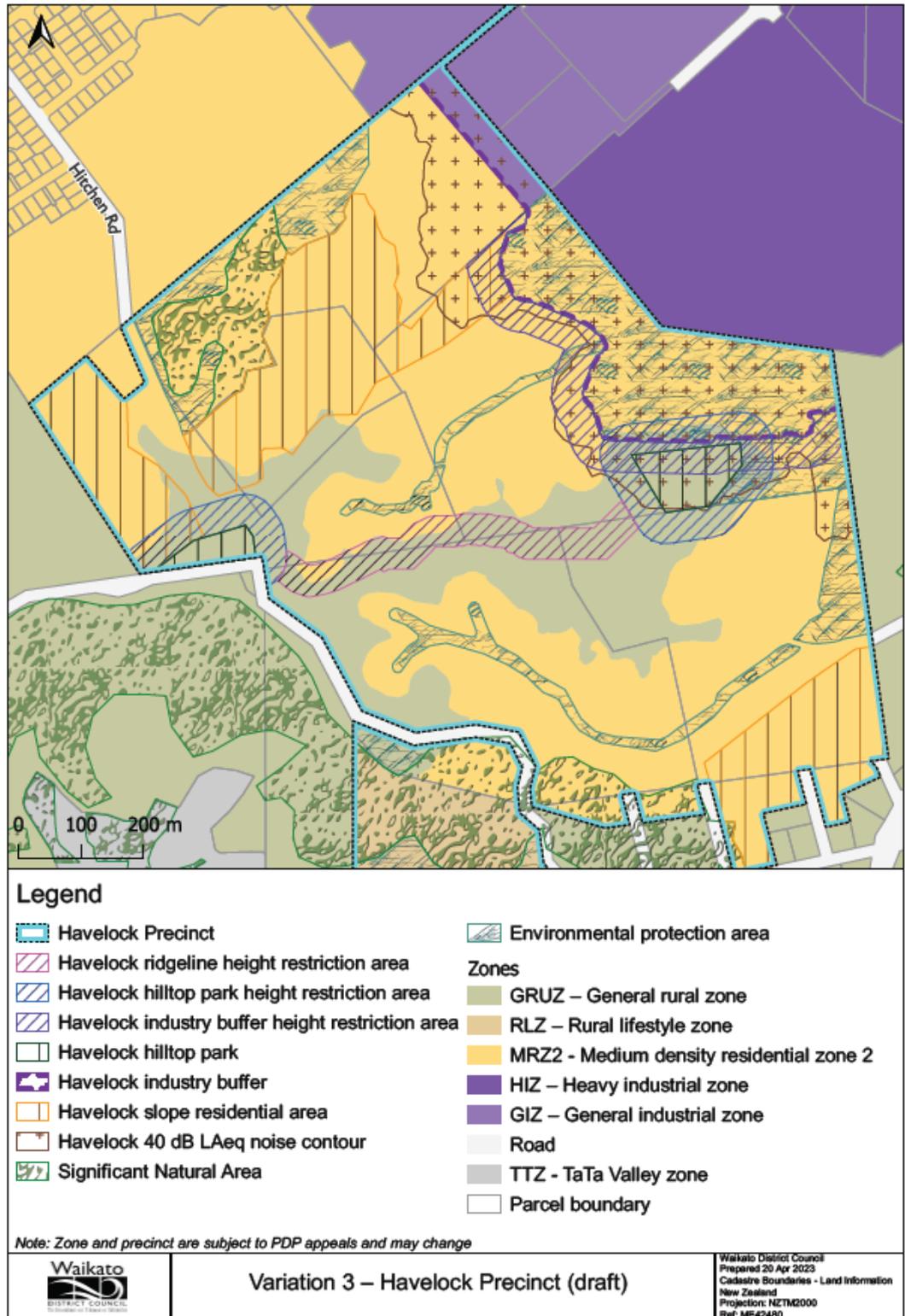


Figure 3: WDC's amended Havelock Precinct Plan in respect of Variation 3

- 9.3** It is clear from the findings of the Independent Commissioners in their decision on the PWDP that they considered all of Area 1 should be excluded from residential development, due to the potential for reverse sensitivity effects on the adjoining Heavy Industrial Zone. To be consistent with the findings of its decision on the PWDP and to apply the Variation 3 qualifying matter in a way that will minimise reverse sensitivity effects of residential activities on industrial operations within the Havelock Precinct, it is my opinion that the Havelock Industry Buffer (identified with the purple dashed line in Figure 3 above) should be extended to cover the full extent of Area 1.
- 9.4** In addition, the EPA, which is applied in this location, should be included as an additional qualifying matter amending the MDRS. It is not clear to me why the EPA has not been included as a qualifying matter given that it applies to MDRZ land to which the MDRS apply and appears to be intended to limit the extent of residential development in the areas that it is applied to.
- 9.5** In respect of that area the Council has included within the Havelock Industry Buffer, I support this being included as a Qualifying Matter with no built development enabled in order to avoid reverse sensitivity effects.
- 9.6** In respect of the Havelock Industry Buffer Height Restriction Area, an adjoining 50m buffer within which houses are proposed to be limited to 5m in height (single storey), I support these proposals and consider that in addition to securing the beneficial effects in respect of protecting cultural landscape values of high significance to iwi as identified in the s42A report⁵ this buffer will also give effect to achieving protection of the adjoining industry zone from reverse sensitivity effects were the MDRS to be applied.

⁵ Section 42A Report, Report on submissions and further submissions – Variation 3 to the Proposed Waikato District Plan, Enabling Housing Supply, Dated 15 June 2023, Paragraphs 417 and 418.

- 9.7** I also support the application of the Havelock Hilltop Park Height Restriction Area, which limits height to 5m within 50m of the hilltop park, for the same reasons.

Culturally Significant Landscapes Qualifying Matter

- 9.8** The Council has identified ‘the protection of culturally significant landscapes within the Havelock Precinct’ as an additional qualifying matter in Variation 3. I support the inclusion of this qualifying matter.

- 9.9** I support the ‘Havelock Ridgeline Height Restriction Area’ qualifying matter, which covers a 50m width along the northern side of the ridgeline within which houses are limited to 5m in height (single storey) where the buffer overlays the MRZ2 residential zoned land. I understand that the rule is drafted such that buildings are limited to 5m in height as measured from natural ground level. As it is inevitable that there will be earthworks (cut and fill) associated with development of this land, I consider the rule should be redrafted to require houses to be single storey (5m maximum height) relative to proposed ground levels. The evidence of Hynd’s planner, Sarah Nairn, further addresses this matter and the redrafting of the rule.

- 9.10** I do not support inclusion of the ‘Havelock Ridgeline Height Restriction Area’ qualifying matter, where it overlays the General Rural Zone as the MDRS does not apply to this zone.

9.11 The Independent Commissioners provided for the protection of Pookeno’s rural backdrop by zoning land above RL100 General Rural Zone. The decision of the Independent Commissioners in respect of the protection of the rural backdrop to Pookeno and its associated cultural values stated:

Our assessment of the evidence is that developing these areas will undermine the coherence of the southern natural backdrop to the town and will also have adverse cultural effects. As such, we have excluded land above RL100 from having a residential zoning and retained this land as Rural Zone.⁶

9.12 Notwithstanding its own decision, the Council through Variation 3 has sought to apply the Havelock Ridgeline Height Restriction Area traversing over the General Rural Zoned land along the ridgeline as illustrated in Figure 4 below by the red angled hatch.



Figure 4: Snip from the PWDP Variation 3 Havelock Precinct Plan showing the location and alignment of the proposed ‘Havelock Ridgeline Height Restriction Area’ traversing General Rural (buff grey colour) and MR22 zoned land.

9.13 It is unclear to me why the Havelock Ridgeline Height Restriction Area has been included when there is no expert evidence from the Council to explain or support it and it applies to Rural land that is outside the scope of Variation 3.

⁶ Waikato District Council, Hearings of Submissions on the Proposed Waikato District Plan, Report and Decisions of Independent Commissioners, Decision Report281: Zoning – Pōkeno, 17 January 2022, Paragraph 96.

10. CONCLUSION

10.1 For the reasons set out above, I support the inclusion of qualifying matters to the application of the MDRS in Pookeno to provide for matters of reverse sensitivity and cultural landscape values.

10.2 I consider it inappropriate to apply the MDRS in locations where it will exacerbate reverse sensitivity issues at the interface between Pookeno's southern Industrial zoned land and the proposed Havelock Village. I therefore support the application of qualifying matters to avoid the construction of houses within the Havelock Industry Buffer and to reduce the height of any dwelling in the Havelock Hilltop Park Height Restriction Area and the Havelock Industry Buffer height Restriction Area to single storey. It is my understanding that it is the Council's intent to apply qualifying matters to continue to protect Area 1 from residential development in line with the decision of the Independent Commissioners. I support this intent.

10.3 I understand the General Rural Zone was applied in the Council's decision to land above RL100 connecting Transmission Hill with Potters Hill to provide for the protection of cultural landscape values in this part of Pookeno and I support this zoning. I do not consider it appropriate or necessary to apply a further Havelock Ridgeline Height Restriction Area over the land zoned Rural, however I support this provision where it overlays land zoned MRZ2.

Rachel de Lambert

4 July 2023

Attachment A: Figures and Site Photos

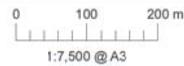
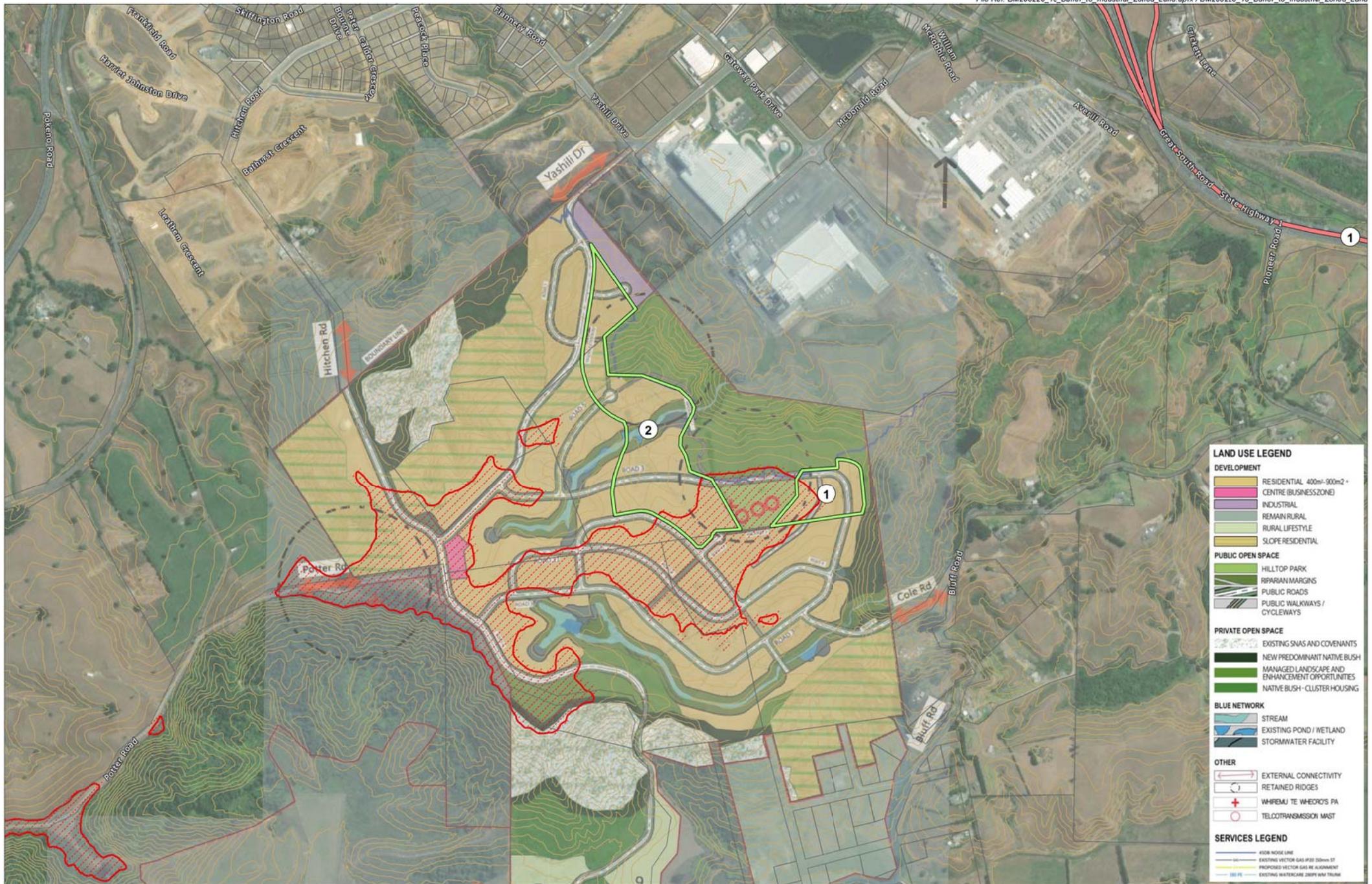
Attachment A

To the evidence of Rachel de Lambert
Variation 3 PWDP

Figures and Site Photos
4 JULY 2023

The logo for Boffa Miskell, featuring a stylized white 'B' shape on a dark teal background.

Boffa Miskell



- LEGEND**
- Areas to be Included within Buffer to Industrial Zoned Land
 - Contour 100m RL
 - Areas above 100m RL
 - WRC Contours (5m interval)
 - Land Parcels
 - Highways
 - ① - 17,623 m² (1.76 ha)
 - ② - 74,467 m² (7.45 ha)



0 200 400 M

1:15,000 @ A3

Data Sources: BING (Aerials), LINZ Cadastre, BML

Projection: NZGD 2000 New Zealand Transverse Mercator

- LEGEND**
- Viewpoint Locations
 - Highways
 - Railway Tracks
 - Land Parcels

HYNDS POKENO / PVHL POKENO EVIDENCE

Viewpoint Map

Date: 16 March 2021 | Revision: 0
Plan prepared by Boffa Miskell Limited

Project Manager: Rachel.deLambert@boffamiskell.co.nz | Drawn: SGA | Checked: JWI

Figure 2



















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.





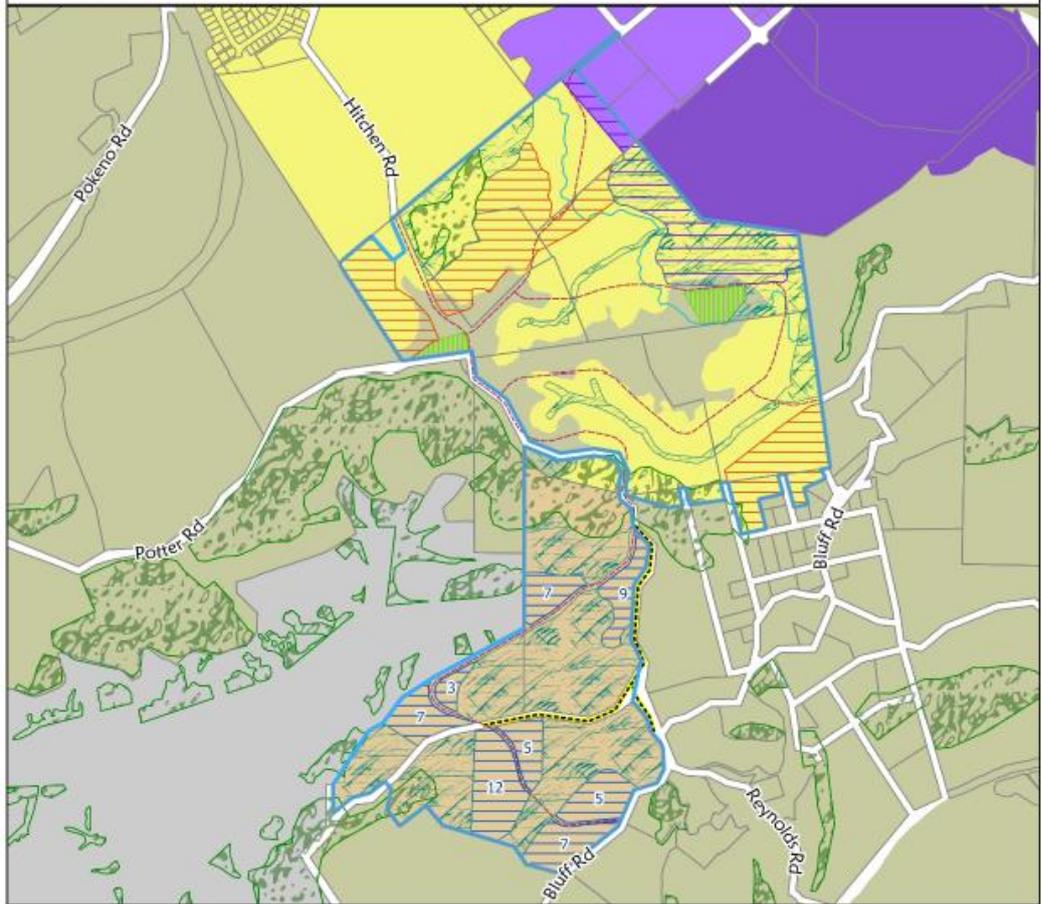
PHOTOGRAPH B

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.



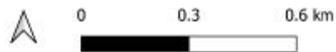
Attachment B: PWDP Decisions Version Havelock Precinct Plan

Havelock Precinct Plan



Legend

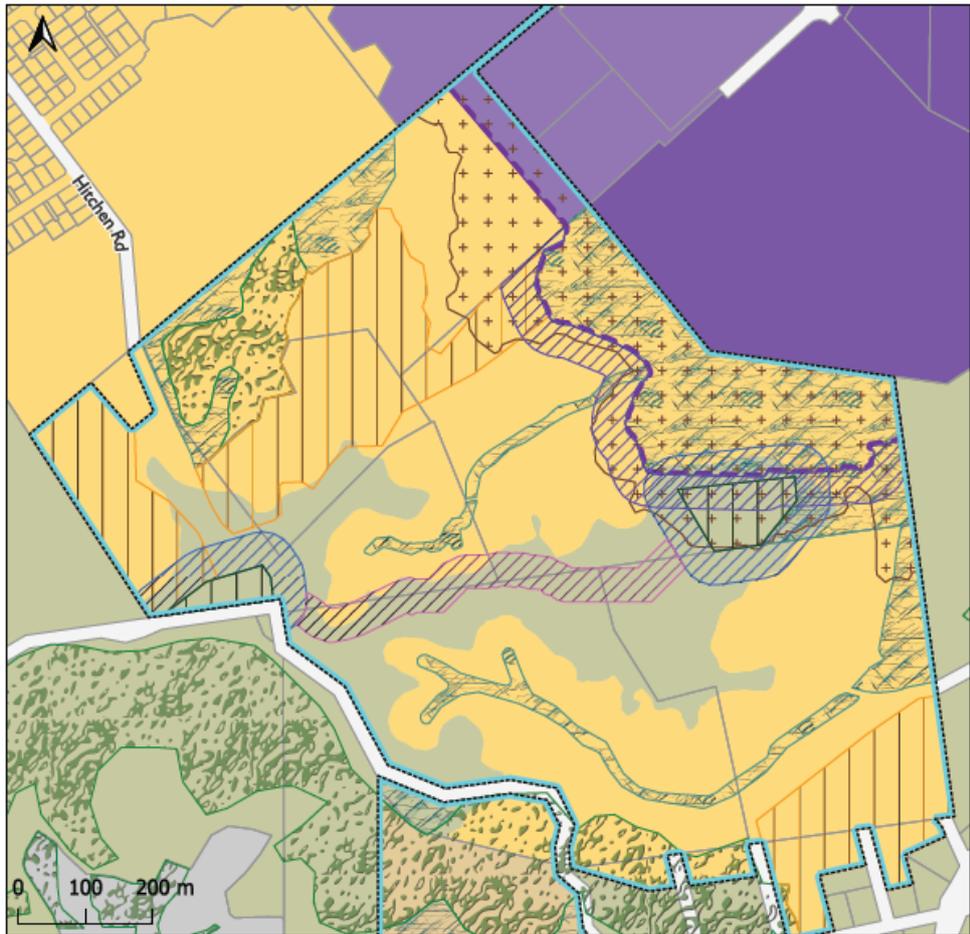
- | | |
|--|--------------------------------|
| Havelock Development Precinct | Significant Natural Area |
| Havelock 40 dB LAeq noise contour | Zones |
| Havelock hilltop park | GRUZ – General rural zone |
| Havelock industry buffer | RLZ – Rural lifestyle zone |
| Havelock rural lifestyle cluster (number = maximum number of lots) | GRZ – General residential zone |
| Havelock slope residential area | HIZ – Heavy industrial zone |
| Havelock walkway/cycleway/bridleway | GIZ – General industrial zone |
| Indicative Road | Road |
| Environmental Protection Area | TTZ - Ta Ta Valley zone |
| | Parcel boundary |



Projection: NZTM GD2000
 Date Created: 22-Nov-2021
 Ref: v2
 Name: Havelock

Cadastral boundaries sourced from Land Information New Zealand under CC-BY 4.0.
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Attachment C: PWDP Variation 3 Havelock Precinct Plan



Legend

- | | |
|--|--|
| Havelock Precinct | Environmental protection area |
| Havelock ridgeline height restriction area | Zones |
| Havelock hilltop park height restriction area | GRUZ – General rural zone |
| Havelock industry buffer height restriction area | RLZ – Rural lifestyle zone |
| Havelock hilltop park | MRZ2 - Medium density residential zone 2 |
| Havelock industry buffer | HIZ – Heavy industrial zone |
| Havelock slope residential area | GIZ – General industrial zone |
| Havelock 40 dB LAeq noise contour | Road |
| Significant Natural Area | TTZ - TaTa Valley zone |
| | Parcel boundary |

Note: Zone and precinct are subject to PDP appeals and may change



Variation 3 – Havelock Precinct (draft)

Waikato District Council
 Prepared 20 Apr 2023
 Cadastre Boundaries - Land Information
 New Zealand
 Projector: NZTM2000
 Ref: ME42480