

BEFORE THE WESTERN BAY OF PLENTY DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Proposed Plan Change to the Western Bay of Plenty Operative District Plan by Te Puna Springs Estate Limited to rezone approximately 4.75 hectares of land at 23 Te Puna Road, Tauranga, from Rural to Commercial Business Zone, with specific landscaping and building design controls.

STATEMENT OF REBUTTAL EVIDENCE OF Morné Hugo

Partner / Landscape Architect & Urban Designer

5 July 2022

1.0 QUALIFICATIONS AND EXPERTISE

- 1.1 My name is Morné Hugo, and I am a Partner / Landscape Architect & Urban Designer at Boffa Miskell Limited, a national firm of consulting planners, ecologists, urban designers and landscape architects. I hold the qualifications of Bachelor of Landscape Architecture with Honours in Urban Design. I am a Registered Member of the New Zealand Institute of Landscape Architects. I have been a landscape and urban design consultant based in Tauranga for over 15 years, providing consultancy services for a wide range of clients around New Zealand, including local authorities, land developers, and the public sector. I have worked in the fields of landscape architecture and urban design for a total of 27 years since graduating from the University of Pretoria in 1994.
- 1.2 My experience includes Structure Planning, Master Planning, Detail Design of a variety of project types and scales, as well as the management and coordination of project implementation under NZS3910.
- 1.3 I have significant experience in developing structure plans and master plans for residential, commercial, industrial and mixed-use land uses.

2.0 CODE OF CONDUCT

- 2.1 I have read the Code of Conduct for Expert Witnesses issued as part of the Environment Court Practice Notes. I agree to comply with the code and am satisfied the matters I address in my evidence are within my expertise. I am not aware of any material facts that I have omitted that might alter or detract from the opinions I express in my evidence.

3.0 SCOPE OF EVIDENCE

- 3.1 This statement of evidence responds to the Planning evidence of Simon Childs, which raised new matters that were not address in my primary evidence or require further clarification.

4.0 EVIDENCE OF SIMON CHILDS

- 4.1 Mr. Childs raises under item 2.1 that he is concerned that PC93 represents a 'spot zoning' for part of a wider growth area, and further under item 2.2 states that in his opinion a master planning process is required to provide for Te Puna's growth properly and coherently over the long term. In terms of a 'spot zoning', I disagree with Mr. Childs, in my view PC93 is a formalisation of zoning for the wider Te Puna mixed-use commercial node extends the existing commercial zone which is long established to provide further commercial land for the needs of the Te Puna community.
- 4.2 Further to this, I also confirm that I was involved with compiling a wider development master plan for the full Te Puna commercial node on all four sides of SH2. This piece of work informed the PC93 urban design process. As part of this initial master planning process, we held a workshop with several commercial property owners within the wider Te Puna commercial node who provided input into the design process.
- 4.3 I agree with Mr. Childs, as stated under item 2.3 of his evidence, that the key theme through the strategic planning work undertaken in Te Puna has been the need to maintain Te Puna's rural character and that the local community value the area providing local services to local communities. In my opinion, I do not see how the plan change is contrary to this due to its scale and the fact it is occurring on land which is effectively already part of the village. The land that is proposed to be rezoned under PC93 does not currently have a rural character, but is rather an existing mixed-use zone which is rationally constrained and of a size and scale that is appropriate for the location. The rezoning is simply a rational urban design and planning mechanism to formalise and

constrain the existing node to an appropriate size and scale of commercial activity.

- 4.4 In response to Mr. Childs concerns with boundary treatments in relation to the Kirk's kiwifruit orchard. It has been confirmed by the applicant's planner, Mr. Collier that a buffer would apply to the northern boundary as required under rule 4C.5.3.2 of the District Plan. This requires landscape planting to a minimum depth of 3m and a minimum height of not less than 2m. This screening must also be a minimum of 1.2m high at the time of planting and be capable of achieving a height of 2m within two years. In my opinion this is an appropriate boundary treatment requirement and will provide sufficient landscape mitigation along the northern. Further, by using the existing District Plan rule, consistency is maintained with the wider commercial zone rules.
- 4.5 Further to the above-mentioned planting buffer, the interface with the neighbouring properties is managed through existing building setback and daylighting rules within the District Plan, and in my opinion, I do not see a reason that the existing rule framework would not be appropriate in this instance.
- 4.6 Under the Operative Western Bay of Plenty District Plan, Section 19.4 Rule 19.4.1(b) Daylighting: "All site boundaries adjoining Residential and Rural Zones: No part of any building shall exceed a height equal to 2m height above ground level at all boundaries and an angle of 45° into the site from that point. Except where the site boundary is with a road in which case this rule shall not apply in respect to that boundary".
- 4.7 Interpreting this rule (demonstrated in Figure 1 below) and taking into consideration the 3m wide landscaping buffer, a maximum of a 5m high building could be built directly against the 3m setback. A 9m high building would need to be set back 7m from the boundary, and a 12m height building would need to be set back 10m from the boundary. In my opinion this clearly illustrates that a proposed 12m height commercial building would be substantially

set back from the boundary and not overly dominant on neighbouring rural properties.

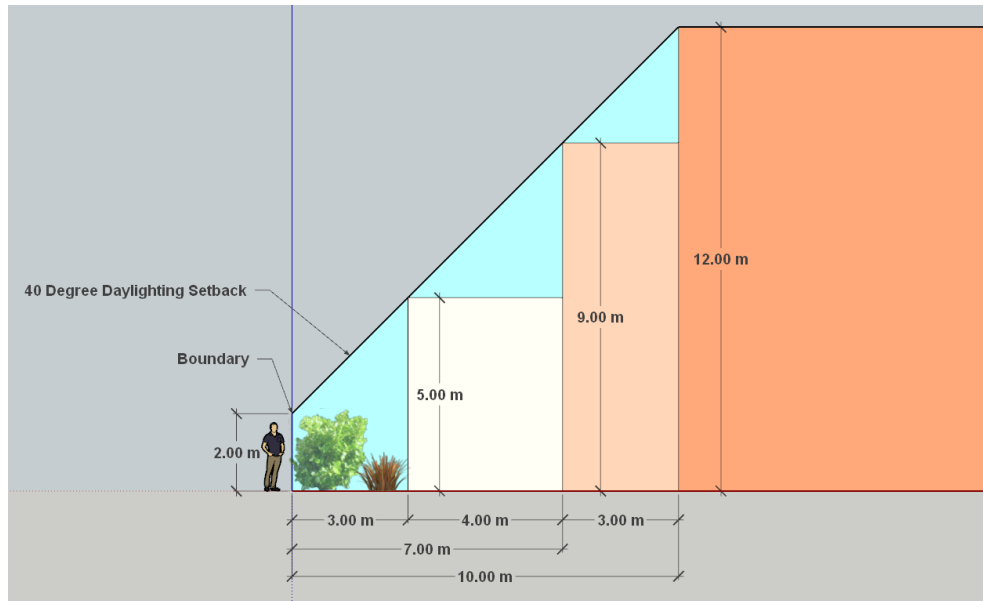


Figure 1 Daylighting & Boundary Setback Diagram

4.8 Further to the above boundary setbacks and/or building edge vertical articulation that would be required for a commercial building of 12m high to be constructed on the site. It should also be noted that from a wider landscape perspective, the PC93 site effectively sits in a hollow in the landscape, with the surrounding commercial node on all three the other sides of the SH2 corridor and the neighbouring rural properties to the north and west, being substantially elevated and visually dominant over the PC93 subject site.

4.9 In my opinion this clearly establishes a scenario where the proposed 12m height limit can easily be absorbed within the context of the wider commercial node and directly surrounding rural landscape. The currently highly modified and mixed-use nature of the area also creates a landscape situation with a greater ability to absorb change as proposed and thus being well suited for the proposed commercial use.

Morné Hugo

Partner / Landscape Architect & Urban Designer

Boffa Miskell Limited

22 June 2022

