

IN THE MATTER

**of applications pursuant to the Resource
Management Act 1991**

BY

Weston Lea Limited

FOR

**land use and subdivision consents for a
large scale residential development and
associated land use activities and sites
works at Peacocke, Hamilton**

STATEMENT OF EVIDENCE (Landscape Architecture)

Dave Mansergh

08 March 2019

INTRODUCTION

1. My full name is David Mansergh. I am a qualified Landscape Architect and Recreation Planner. I am a Registered Member of the New Zealand Institute of Landscape Architects (NZILA). My qualifications include a Dip P&RM (Diploma in Parks and Recreation Management with Distinction) completed in 1988, a BLA Hons (Bachelor of Landscape Architecture with Honours) completed in 1990 and an MLA (Master of Landscape Architecture) completed in 1992, all from Lincoln University, Canterbury.
2. I have been a Director of Mansergh Graham Landscape Architects Ltd since 1996. Prior to this, I was employed by the company as a landscape architect (1992 - 1996). I have also worked for the Department of Conservation (1986 – 1988) and before that, the Department of Lands and Survey (1985).
3. During my career I have been involved in the preparation of a large number of visual and landscape assessments, and the peer review of landscape assessments for a range of activities and developments. These include plan changes; residential, commercial and industrial buildings within the urban and rural environment; wind farms; power transmission lines; substations; power stations; hydro dams; major port facilities; quarries; telecommunication masts; canal housing; marinas; coastal infrastructure; dairy factories and poultry farms. Of particular relevance, I have been involved in the design and assessment of other large subdivisions and parks and reserve developments.
4. I was involved in the NZILA Landscape Planning Initiative, tasked with developing the 'best practice' approach for landscape and visual assessment in New Zealand.
5. I have presented evidence at Resource Management hearings before Council, the (then) Planning Tribunal and the Environment Court. I have acted as an Independent Commissioner at the Rangitikei District Plan hearings.
6. I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with that practice note in preparation of this evidence. I agree to comply with it in presenting evidence at this hearing. The evidence that I give is within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me that might alter or detract from the opinions that I express in this evidence.

SCOPE OF EVIDENCE

7. I have been retained by HCC to provide landscape and visual amenity advice relating to the consent applications by Weston Lea Limited (the applicant).
8. I am familiar with the site, having visited it on at least two occasions and having observed it from adjacent public areas.
9. The purpose of this statement of evidence is to address matters raised in the application relating to landscape and visual amenity matters and consideration of submissions in this regard.

10. My evidence covers:
 - a. Review and analysis of applicant's assessment of landscape and visual effects (include assessment against relevant statutory provisions (e.g. RMA, Regional Policy Statement, District Plan)
 - b. Response to submissions
 - c. Findings

11. I have reviewed the *Assessment of Landscape and Visual Effects Report* (prepared by Boffa Miskell Ltd) and the *Landscape/Visual Effects/Open Space Addendum* dated 20 February 2019 within the context of the other relevant reports and plans (including the urban design report, open space framework report and earthworks drawings), undertaken a site inspection (accompanied by the applicant's landscape architect) and undertaken an additional inspection of the wider visual catchment surrounding the application site.

12. In preparing this evidence I have reviewed the following reports:
 - a. *Amberfield Subdivision Resource Consent Application - Assessment of Landscape and Visual Effects Prepared for Weston Lea Ltd.* 14 May 2018. Boffa Miskell Ltd.
 - b. *Amberfield S92 Response - Landscape / Visual Effects / Open Space.* 17 August 2018. Boffa Miskell Ltd.
 - c. *Amberfield – Hamilton City Council s92 Response Item 54: ZVI Data Sources and Methodology.* 21 August 2018. Boffa Miskell Ltd.
 - d. *The Smart PDF 3D Model - <https://autode.sk/2LNmN21>*
 - e. *Landscape/Visual Effects/Open Space Addendum.* 20 February 2019. Boffa Miskell Ltd.
 - f. *Open Space Drawings Addendum.* 20 February 2019. Boffa Miskell Ltd.
 - g. *Open Space Framework (Amended 14/02/2019).* Boffa Miskell Ltd.

13. In order to understand the context within which these document fit, I have also read relevant sections of the following documents:
 - a. *a_Amberfield_Peacocke_Assessment of Environmental Effects_Final_17-5-18.pdf;*
 - b. *A_Amberfield_Peacocke_Objectives and Policies_17-5-18.pdf;*
 - c. *B_Amberfield_Peacocke_Rules Compliance_17-5-18.pdf;*
 - d. *C_Amberfield_Peacocke_Assessment Criteria_17-5-18.pdf;*
 - e. *D_Amberfield_Peacocke_Urban Design Report_Final_16-5-18.pdf;*
 - f. *E_Amberfield_Peacocke_LVEA_Final_14-5-18.pdf;*
 - g. *F_Amberfield_Peacocke_Openspace_Framework_Final_11-5-18.pdf*
 - h. *G_Amberfield_Peacocke_Terrestrial Ecological Assessment_Final_15-5-18.pdf;*
 - i. *I_Amberfield_Peacockes_ITA_Final_16-5-18.pdf;*
 - j. *J_Amberfield_Peacocke_Geotechnical Investigation Report_Final_16-5-18.pdf;*
 - k. *T_Amberfield_Peacocke_Scheme Plans_18-5-18.pdf;*
 - l. *U_Amberfield_Peacocke_District Plan Overlay_18-5-18.pdf;*
 - m. *W_Amberfield_Peacocke_Prelim Eng Drawings Part 1_18-5-18.pdf;* and
 - n. *W_Amberfield_Peacocke_Prelim Eng Drawings Part 2_18-5-18.pdf.*
 - o. *Assessment of Environmental Effects Addendum.* 21 February 2019. Merestone.

14. For the purpose of my evidence the landscape and Visual Effects Report and relevant supporting documentation will be referred to as the LVE.

15. I draw the Commissioner's attention to the fact that, due to the multidisciplinary nature of the development approach adopted, some information that would normally be found in the LVE reporting is found within other parts of the application documentation (e.g. Urban Design Report). Where applicable, I have taken this into account in my review.

S92 REQUEST

16. While the District Plan anticipates subdivision development within the Peacocke Character Zone (zoning of application site) and consequently does not contain an extensive set of provisions for the assessment of effects on landscape character or visual amenity, a certain level of detail and analysis (commensurate to the likely effects of the application) is required in order to understand the extent and nature of those effects.
17. In general, I considered that the landscape and visual assessment (when read in conjunction with the other relevant reports and plans contained within the application) provided a good understanding of the changes that will occur within the Peacocke Character Zone.
18. Additional information was sought, through the s92 process, to help provide verification of effects ratings, confirmation of the extent of the landscape and visual effects, and (in the case of landform modification) a more detailed analysis against the assessment criteria contained within the District Plan.
19. A s92 request was prepared and issued by Council on 5 July 2018. The following was requested in relation to landscape and visual amenity matters:
 - a. Identification of the extent of the visual catchment and a more detailed analysis of the range of effects within it.
 - b. Analysis of the proposed landform modifications against the relevant assessment criteria in the District Plan.
20. I also recommended (but did not request) that photomontages be prepared to show the changes likely to occur from representative vantage points. Following discussion with the applicant's landscape architect (Ms de Lambert of Boffa Miskell Ltd), it was agreed that a digital model would suffice.
21. The s92 response was received on 21 August 2018 and subsequently reviewed.

REVIEW AND ANALYSIS OF APPLICANT'S ASSESSMENT OF LANDSCAPE AND VISUAL EFFECTS

Purpose of Review

22. The purpose of my review was to determine:
 - a. If sufficient information was contained within the LVE to allow a potentially affected person and/or the Commissioners to gain a clear and concise understanding of the nature and extent of effects that the development is likely to have on landscape and visual amenity; and
 - b. If the LVE fulfilled the relevant consenting requirements of the RMA/District Plan.

Review Approach

23. This review was carried out within the context of the requirements of the RMA, the findings and recommendations of the New Zealand Institute of Landscape Architects

(NZILA) “best practice” notes and guides¹ and international research into the evaluation of methodologies for visual assessment reporting².

24. I considered the following factors:
- a. Has the appropriate extent of the potentially affected landscape been assessed³?
 - b. Have the relevant physical attributes of the landscape been adequately identified and described?
 - c. Have the main elements of the proposal, with the potential to affect visual and landscape amenity, been identified and described?
 - d. Have existing values associated with the landscape and existing visual amenity been identified and described?
 - e. Has the assessment adequately described and/or communicated how the proposed development will alter the landscape within which it will be contained?
 - f. Has the status of the landscape containing/affected by the proposed development been identified (within the context of the Resource Management Act (RMA), Regional Policy Statement (RPS), and the Operative District Plan (ODP)? Are the relevant provisions of the planning instruments met (landscape and visual)?
 - g. Have potentially affected locations/people (relevant) been identified?
 - h. Have the potential landscape and visual effects of the proposed development been analysed, and the effects rated in a consistent manner?
 - i. Has the report described how the proposed development will affect existing landscape values and visual amenity?
 - j. Has an appropriate strategy been identified or adopted in order to avoid, remedy or mitigate any unacceptable adverse effects on landscape values and visual amenity?

Assessment Methodology

25. The approach most commonly used for the assessment of this type of development within the New Zealand context is the *Expert* approach, where expert experience and analysis is relied upon to identify effects on landscape and amenity values and reach a set of conclusions. This approach is supported by the NZILA, within the best practice note 10.1, of which a variant of it has been used by the author of the Landscape and Visual effects Assessment.
26. A number of different variants of the *Expert* approach are currently in use in New Zealand. While this can result in the identification of different types of effect and different rating outcomes, due to different emphasis being placed on the factors being considered when effects are identified and evaluated, in general all variants of this method seek to identify:
- a. Landscape and visual amenity values (biophysical/geophysical, associative and perceptual) associated with the existing environment;
 - b. Those potentially affected by a proposed development; and

1 NZILA Best Practice Note: Landscape Assessment and Sustainable Management 10.1 & NZILA Best Practice Guide: Visual Simulations BPG 10.2

2 NCHRP Report 741 – Evaluation of Methodologies for Visual Impact Assessment. Transportation Research Board. 2013

3 For the purposes of this report the word landscape is used in the sense that it is inclusive of rural, peri-urban and urban environments.

- c. The nature of the change that is likely to occur as a result of a proposed development and the resultant type and level of effect likely to result.
27. This leads to an ability to identify:
- d. Avoidance, remedy or mitigation requirements.
28. The methodology used in the LVE is consistent with the *Expert* approach and draws from a number of assessment guidance documents, including the Quality Planning Landscape Guidance Note OF1.
29. The ratings presented in the LVE take the Zoning and Structure Plan into consideration as part of the baseline of analysis. This means that the effects of activities anticipated by the District Plan (and previously assessed through the plan change process) have been discounted. This has been confirmed by the report's author.
30. Key landscape features and attributes; relevant planning documents; and site investigations/observations have been used to identify the existing landscape context and assess the effects of the application on landscape and visual amenity.
31. I considered that the assessment approach adopted in the LVE/s92 response is generally consistent with the "accepted professional practice" currently used in New Zealand and the recommendations contained within NZILA *Best Practice Note: Landscape Assessment and Sustainable Management 10.1*.
32. In my opinion, sufficient information is contained within the LVE/s92 response to understand how the proposed development will affect existing landscape character and visual amenity, and understand the approach taken in the identification and evaluation of effects.
33. As previously discussed, because different emphasis can be placed on the relative importance of the various assessment factors, it is possible for different assessments to be methodologically appropriate, yet reach different conclusions. In such a case, the Commissioners will need to consider the appropriateness of the various weighting applied to different evaluation factors during analysis. In this case however, while I consider that some of the ratings underestimate the visual effects on nearby properties, I generally concur with the findings contained within the LVE. I will discuss this further, later in my evidence.

Analysis of Key Issues Affecting Landscape and Visual Amenity Values.

Existing Landscape and Amenity Values

34. The LVE identifies the application site is part of the Peacocke Structure Plan area, bordered by Peacockes Road to the west and the Waikato River to the east. The site is identified as:

In summary, the site has a mixed rural, rural lifestyle / large lot residential and suburban, as well as River edge, context. It is strongly defined and influenced by the Waikato River corridor with its sinuous flowing alignment and the inherent character and amenity which this natural and culturally significant landscape feature imbues on the landscape. Having said that the river itself is seldom visible from within the site being set well down in the landscape in a deeply incised and generally well vegetated corridor. Some limited views down to and / or along the river corridor do enable views to the water but more

*generally it is the treed escarpment that signals the presence of the river.*⁴

35. Existing land use surrounding the application site is identified as:
- a. Hamilton Gardens and the suburb of Riverlea to the north;
 - b. The suburbs of Fitzroy and Glenview to the west;
 - c. A small pocket of industrial land (Riverlea) to the north east;
 - d. Rural lifestyle / large lot residential to the east (within Waikato District) and south (within Waipa District)
36. While not identified within the LVE, the land to the west is currently rural, but is located within the Peacocke Structure Plan area.
37. Photographs showing the general rural characteristics of the application site and views across the river to development in the north and south are contained within the report.
38. The LVE identifies the key topographical features that influence the characteristics of the site as being (paraphrased):
- a. a series of ancient river terraces stepping down to the Waikato River;
 - b. a gently rolling knoll;
 - c. an incised gully system running north-south through the site (most likely formed by seismic activity); and
 - d. the deeply incised Waikato River trench.
39. The majority of the site is identified as being contained within the “terrace” character areas (using the structure plan character areas nomenclature - terrace, gully and hill).
40. Vegetation within the site is identified as containing:
- a. Small patches of native vegetation interspersed between exotic and adventitious weed species along the banks of the Waikato River.
 - b. Small pockets of native remnant vegetation at the southern end of the site, by the river;
 - c. Mixed exotic specimen trees and plantings associated with curtilage areas around the existing farm houses.
 - d. Pastoral development and hedgerows within the farmed areas.
41. The LVE summarised the characteristics of the site as follow:
- In summary, therefore the site currently has a typical rural pastoral character and amenity associated with dairy farming, it is predominantly in pasture with some hedgerows and fencing. Its distinctive qualities include the presence of the treed Waikato River corridor along its long eastern boundary and the gully defining the Island area of the site. The land in some locations shows the remnants of modification associated with former cultivation by Māori for food crop production.*⁵
42. In my opinion the LVE addresses the main defining characteristics of the site and surrounding area to an appropriate spatial extent. It is recognised that existing amenity values associated with rural character are likely to change substantially with the development of the Amberfield subdivision (and future urban development within

⁴ LVE Page 4

⁵ LVE – Page 12

the structure plan areas to the west). Even so, I would expect that urbanisation within the structure plan area is likely to have a significant effect on existing expectations associated with landscape character and visual amenity.

The Main Elements of the Proposal

43. The main elements of the application are identified and described in the urban design report. The landscape and visual assessment report identifies the key elements of the application (relevant to this review) as including:
- a. A street and open space network set back from the Waikato River (maximising public access to the river corridor);
 - b. Shared pathways and cycle ways providing internal connectivity (and future links to the Te Awa river trail);
 - c. A 40m pedestrian/cycle bridge across the main gully (seismic) within the site to an area called “the island”;
 - d. Extensive esplanade reserves (increased by the changes introduced in the application addendum documentation);
 - e. Establishment of amenity planting within the road reserves;
 - f. Establishment of rain gardens within some streets for storm water management;
 - g. Use of wider pedestrian pathways;
 - h. Retention of established specimen trees within amenity parks/open space in the north west of the site and around the farmhouse and the retention of the east/west row of vegetation across the site (addendum change);
 - i. Earthworks visually sympathetic with existing natural topography;
 - j. A mix of lot sizes, ranging from over 700m² down to 400m² (with of the majority of lots sitting between 400m² – 600m²).
44. The open space framework within the site is described in detail in the LVE, with further information contained within the Open Space Framework Report (OSF). The report identifies 8 reserves within the site including an entrance reserve, a pocket park and general open space/recreation reserves. These include esplanade reserves along the Waikato River and a large gully reserve through the centre of the site.
45. Reserve areas would be accessed by road and or a series of shared pedestrian pathways and cycle ways.
46. The extent of change to existing landform is shown in the Preliminary Engineering Drawings – Part 1 (earthworks plans 1201 – 1216). The earthworks plans indicate that modifications to the existing landform will, generally, be limited to within those parts of the site that will be developed as road or developable lot. Earthworks within the areas to be retained as reserve are limited.
47. The LVE summarises the master plan as follows:

The proposed Masterplan, in line with the Peacocke Structure Plan, provides predominantly for residential development across a range of lot sizes. Lots proposed at the smaller, medium density end of the development range are proposed in the order of 200m² / 250m² with lots at the larger end of the spectrum up to 700m². On average, the majority of lots will sit in the 400m² to 500m² suburban residential range. In general, the smaller lots are proposed closer to the future commercial centre location, as identified in the Structure Plan, or in locations of specific enhanced amenity / access to open space. The masterplan sets aside land for future commercial development to support the local residential community both within and immediately beyond the subject

site within the Structure Plan area. The specific nature of any such local commercial centre and / or mixed use development will be determined in greater detail in the future however adequate provision has been made within the Masterplan including through the provision of adjacent open space to provide an urban plaza and / or 'village green' to support the destinational (sic) nature and community focus of this centrally located portion of the site adjacent to Peacockes Road.

48. In my opinion, the main elements of the proposal, likely to affect landscape and visual amenity, have been identified in the LVE/s92 response. Further relevant detail is provided within the urban design report, the open space framework report and the preliminary earthworks plans.
49. The change to the application made by the addendum documentation does not significantly affect the findings of the original VLA report or my conclusions.

Effects on Landscape and Visual Amenity from Surrounding Representative Locations

50. The LVE assesses the effect of the application within the context of the Peacocke Structure Plan. The report states:

In areas of anticipated landscape change, such as in the case of the Peacocke Structure Plan, the prospect of a change to the character of the landscape, in this case the shift from rural to urban, has already been signalled with the area being deemed appropriate, at least at a general level, for such change. This change has been put through a public planning process and the community's views taken into consideration at the time of the decisions on the Plan.⁶

51. It also identifies that the application site will undergo a ...*transformational and initially dramatic⁷*... change, from its existing open rural (pastoral) characteristics to a low-medium density urban environment. The report identifies that important components of the existing landscape will be retained. These include:

- a. The landform and vegetation along the Waikato River esplanade reserve;
- b. Overall nature of the topography which slopes to the east
- c. The main gully system separating "the island" from the balance of the Amberfield development;
- d. Retention of the natural hillock and open space around the existing farmhouse in the northern part of the site.
- e. Retention of the open spatial characteristics around the proposed archaeological reserve adjoining the Waikato River;

52. The effects of this change are identified as follows:

Initially the scale of change in the landscape is likely to generate moderate to low adverse landscape effects, however this will reduce to low and transition to positive as the urban area becomes established and the quality amenity of the form of the Masterplan and its response to the features of the landscape is realised.

The landscape impact resulting from the physical construction works involved in urbanising the area will comprise a greater level of transient adverse landscape effects, assessed to be moderate adverse landscape effects, due to the extent and timeframe of the earthworks and associated construction. These effects, assessed to comprise up to moderate adverse landscape effects, are however temporary in nature and can be expected (cannot be avoided) as a result of development. The nature of the site, the

⁶ LVE. Page 21

⁷ LVE. Page 21

approach to development (i.e. the desire to work with the natural landform whilst enabling urban residential development and access roads that meet Council's development standards) and the proposed relatively minor extent of per lot earthworks assist in reducing the duration of the earthworks and related adverse landscape effects related to the construction phase of the development.⁸

53. I concur with this assessment.
54. Review of the proposed contours shows that the site will be re-contoured to suit urbanisation and the gradients required for the road network. Comparison of the existing contours and proposed contours (provided in the s92 response) shows that the minor undulations within the site will be smoothed out, but the general form of the river terraces will be retained. The report indicates that the use of retaining walls within the site will be limited.
55. The urban design report identifies the response to the existing natural landform as follows:
- It will be a responsive environment in relation to the landform. North-south street alignments will follow the contours and work in with the terraces, minimising earthworks and allowing overland flow paths to follow historic alignments. Access to and along the river will be maximised. Areas of biodiversity will be respected and celebrated.⁹*
56. The exception is the area called "The Island", located in the south east of the site between the Waikato River and the main gully. Within this area, the upper most river terrace will be removed in almost its entirety, and the area regraded to an easier contour.
57. This can be seen in the cross sections provided in the landscape s92 response.
58. In terms of effects on visual amenity, the LVE identifies the following potential viewing audiences (affected parties) as including:
- a. Travellers on Peacockes Road adjacent to the site;
 - b. People on Boats on the Waikato River; and
 - c. People living/working on the opposite banks of the Waikato River.
59. In response to the s92 request for a more detailed analysis of the viewing audience, the following visual sub-catchments were identified and assessed:
- a. Riverlea suburban/residential area (north);
 - b. Riverlea industrial area (north east);
 - c. Rural lifestyle area within Waikato District (east – south east); and
 - d. Elevated land within the Peacocke Structure Plan Area (west).
60. The report identifies the key factors affecting visual amenity from the residential areas to the north include:
- a. Physical separation across the river corridor;
 - b. Retention of riverside vegetation;
 - c. Change to landscape and context will only affect parts of each property; and

⁸ LVE Page 23

⁹ Urban Design Report. Page 15

- d. Development will produce “like by like” amenity (interpreted to mean that the new development will appear similar to existing residential areas in general form).

61. The visual effects from these locations are rated within the LVE as follows:

Visual Sub- Catchment	Location	Effects Rating (LVE/S92 Response)
a	Riverlea residential (N)	Low adverse effects
b	Riverlea industrial (NE)	Very Low to Benign adverse effects
c	Rural lifestyle (E/SE)	Low to Moderate-Low adverse effects
d	Elevated Peacockes (W)	Moderate adverse effects

- 62. The s92 response indicates that views into the application site are generally limited to properties immediately adjoining the river on the opposite bank to the site. This is supported by Zone of Theoretical Visibility (ZTV) analysis and mapping using the regional lidar dataset.
- 63. The ZTV maps show that views of the Amberfield development will be limited to a relatively small visual catchment around the periphery of the application site, with extensive views of the proposed development limited to areas located between 0 – 0.6km of the site. It also indicates that the main effects are likely to be limited to locations within the visual sub catchments identified in the s92 response.
- 64. Screen grabs from an interactive 3D model are included in the s92 response and show an aerial oblique perspective over the application site.
- 65. In my opinion, while the smart pdf 3D model is a helpful tool when it comes to understanding the relationship between the proposed development, the underlying topography and surrounding development, it is not sufficiently refined to allow it to be used (in isolation) to accurately determine visibility or level of effect. While the screen shots from the smart PDF model provide a general representation of the Amberfield subdivision from each identified visual sub catchment, they are taken from an aerial oblique perspective and therefore do not represent specific ground based view locations. As such they tend to show more of the proposed development than is likely to be seen in reality.
- 66. While the Amberfield development will result in, what the LVE report describes as a “like by like” amenity in the sense that it will be similar in general urban form to the adjacent Riverlea residential area, the development will result in a noticeable change in existing landscape character. As a result, any associated visual amenity derived from views over the rural landscape will be lost. No analysis is provided to explain why a “like by like” replacement of existing visual amenity may be acceptable (or not) from within this sub catchment. However, it is recognised that such a change has been flagged by the District Plan (Peacocke Structure Plan Area), and that long term, the maintenance of existing rural outlook cannot be relied upon.
- 67. I concur with the applicant’ assessment that the proposed Amberfield development will result in a shift in the landscape characteristics of the site and that the rate of change of the effects on landscape amenity will reduce over time as the subdivision becomes established. This change is signalled by the District Plan.
- 68. While I concur with the LVE that the effects on the wider Riverlea residential and industrial areas is likely range between *Low* and *Very Low – Benign* (refer table above),

I consider that the LVE underestimates the effects properties/viewers along the river edge that have direct views into the applications site. This is reflected to some extent in the submissions received.

69. When viewed from these locations, the change in the landscape and visual characteristics of the site, and the amenity derived from existing views, is likely to be greater than indicated in the LVE reporting.
70. In my opinion, taking the structure plan into account, effects are more likely to align more closely with the landscape effects (*moderate adverse*). I concur that these will reduce following the establishment of the proposed esplanade planting.

Statutory Context and Planning Matters

71. Review of the statutory context and planning matters within the LVE is limited to:
- a. Identifying that the site forms part of HCC long term growth plan;
 - b. That the Amberfield development responds to the high level intentions of the Peacocke Structure Plan and the provisions contained within 3.4 of the District Plan;
 - c. That the site is predominantly contained within the "Terrace Area" and "Hill Area" character zones.
 - d. The site is also within a Special Character Zone and subject to the provisions of 5.2 of the District Plan.
72. A more detailed review of the proposal's activity status has been undertaken within the AEE document, and in my opinion, all relevant (landscape and visual amenity) provisions are addressed within these documents.
73. The relevant objective, relating to visual effects, for the structure plan area is Objective 3.4.1.16:
- 3.4.1.16**
Protect surrounding rural views behind ridgelines, distance views to the City and regional landscape features.
74. The relevant associated policies are:
- 2.4.1.16a**
Maintain strategic views from Peacocke Road and the localised knoll near Peacocke Lane to areas outside the growth cell through lower density development and greater building setbacks in these locations.
- 3.4.1.16c**
Provide greater building setbacks along the Ohaupo and Peacocke Road ridgelines and minimise reverse sensitivity effects of rural activities on urban land uses.
75. I will discuss these further, in response to the submissions received later in my evidence.
76. The relevant planning provisions will be covered in detail in the evidence of the Council Planner.

SUBMISSIONS RECEIVED

77. Sixteen submissions were received that raised concerns relating to the landscape and/or visual amenity effects of the applications. These are submissions 6, 7, 20, 21, 23, 28, 32, 33, 34, 37, 38, 44, 48, 50, 64 and 67.
78. With the exception of submitters 33 and 37, which are located on the eastern side of the river to the south, the majority of the submitters are clustered around Hammond Park. Many, if not all, have views across the northern portion of the application site. In general they are elevated and overlook the existing farmland (the site). Photographs looking towards the site are attached to a number of the submissions.
79. No submissions relating to landscape and visual amenity were received from submitters to the west or south of the site.
80. Submitter locations (except 33 & 37) are shown in the following image.

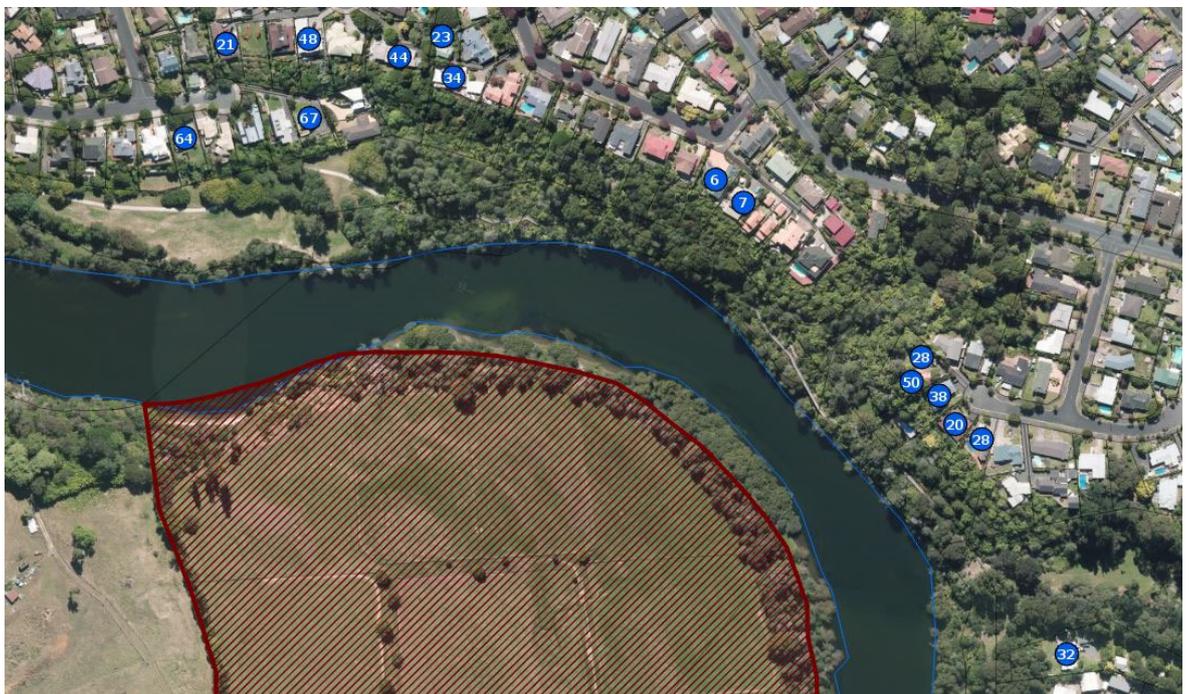


Figure 1: Submitter location (landscape 7 Visual amenity)

81. The submissions relating to landscape and visual amenity issues contain two major common threads of concern. These can be categorised as:
 - a. Loss of visual and landscape amenity associated with an existing rural outlook from the submitter's property (submissions 6, 7, 28, 32, 34, 37, 38, 44, 48 & 67); and
 - b. That the LVE is incorrect or substantially underestimates the effects of the proposed development on the submitter's property (submissions 23, 28, 32, 33, 37, 38, 44, 50 & 64).
82. Other concerns (paraphrased) include:
 - a. Uncertainty over the extent of gully and esplanade planting to be undertaken, and existing vegetation to be retained (submission 23);

- b. The effects of lighting existing night time visual amenity (dark sky) (submissions 20, 21 & 28);
 - c. Proximity of development and loss of privacy (submissions 64).
 - d. Effects on general (unspecified) amenity values¹⁰ (submissions 6, 7, 32, 37, 44 & 67).
 - e. In sufficient development of amenity facilities within the esplanade reserve such as walking tracks (submissions 44 & 67)
83. A number of mitigation requests are made. These are grouped into similar requests and paraphrased below:
- a. Allowing only lifestyle block development to occur (submissions 6 & 7)
 - b. Requiring additional mitigation planting (up to 50m) between the proposed development and the top of the river bank, opposite Hammond Bush and within the gully areas (submissions 20, 21, 28, 32, 33, 34, & 38).
 - c. Requiring the removal of the riverside road (submission 20, 21 & 64).
 - d. Lowering of development density at the northern end of the development (submissions 20 & 21).

Amendments to the Application following Submissions

84. In response to submissions relating to long tail bats (ecological submissions) the application was subsequently amended to retain the east / west 'row' of vegetation across the site (previously only partially retained) located on the southern edge of the reserve and a pedestrian pathway will be included to provide a connection between the reserve and the road.
85. While I do not provide any comment in relation to the ecological benefits of this change, I note that the change will result in the increase in net increase in open space within the proposal as follows:
- a. 22,103m² in the north-eastern riverside open space; and
 - b. 1,176m² in the Knoll Reserve:
86. Additional planting is expected to occur within these areas.

Expectations around the Maintenance of Rural Character and Views

87. By way of background, the subject site is contained within the Peacocke Growth Cell which was brought into the City in 1989 (through Variation 14) and zoned *Future Urban*. Appeals against the 2001 PDP resulted in the development of a structure plan for the Peacocke growth cell in 2002. The structure plan was publicly notified in 2007 and the decisions version notified in 2009. In 2012 appeals against Variation 14 and the 2001 PDP were settled by Court Order and the Peacock Structure Plan was embedded into the Proposed District Plan in November 2012.

¹⁰ Issues relating to dust and noise are raised, but are not considered within my review.

88. In my opinion, this process should have raised the awareness of the public to the fact that the site would developed for residential use in the future. The various iterations of the publicly notified versions of the structure plans clearly shows a mixture of residential development, the indicative road network and the indicative reserves network within the site.
89. In terms of expectations around the maintenance of rural character, urban development of the Peacocke Structure Plan area has been flagged since the area was brought into the City in 1989.
90. Expectations around the maintenance of existing views are also provided through the objectives and policies associated with the Peacocke area. Objective 3.4.1.16 of the District Plan states:
- 3.4.1.16**
Protect surrounding rural views behind ridgelines, distance views to the City and regional landscape features.
91. The relevant associated policies are:
- 2.4.1.16a**
Maintain strategic views from Peacocke Road and the localised knoll near Peacocke Lane to areas outside the growth cell through lower density development and greater building setbacks in these locations.
- 3.4.1.16c**
Provide greater building setbacks along the Ohaupo and Peacocke Road ridgelines and minimise reverse sensitivity effects of rural activities on urban land uses.
92. In my opinion, Objective 3.4.1.16 is somewhat ambiguous, but when read in conjunction with Policies 2.4.1.16a and 3.4.1.16c would appear to suggest that the purpose of the objective is to create a buffer between the Peacocke area and the rural zone along the ridge top in order to avoid reverse sensitivity issues; and maintain some views of the adjacent rural landscape from inside the Peacocke area. There does not appear to be any planning provisions or directives that protect views of the existing rural landscape inside the Peacocke Structure Plan area.
93. In terms of the submissions received relating to a loss of rural views or aspect, as previously outlined, the provisions of the District Plan enable residential development to occur within the application site. Any such development is likely to result a significant change to the existing rural characteristics of the site and any associated visual amenity.
94. In my opinion, while the change from its current rural land use to an urban land use will result in a notable change in the landscape character of the application site, there is no requirement within the District Plan for the applicant to preserve existing rural character and associated visual amenity within the site. The related objectives and policies (above) appear to only require the maintenance of views from within the Peacocke area (road and knoll) to adjacent rural and residential areas.

Esplanade and Reserve Planting

95. I consider that the proposed esplanade reserve planting, shown in the Boffa Miskell Gully and Esplanade Reserve Vegetation Strategy (11 May 2018 Rev G), will provide a sufficient buffer between the existing residential areas on the eastern side of the river and the subject site, to help reduce the most direct visual effects associated with the

proposed development. In my opinion, this partially addresses the concerns of the submitters who seek additional planting.

96. In terms of the submissions that seek an increase in the width of planting, the proposed terrestrial ecology s92 response states:

The onsite assessment found that there is enough space to extend the toe of the batter slope a minimum of 6 metres closer to the top of the river bank as there is room behind the existing fence before the existing riverbank vegetation or river bank is impacted (Figure 1). Moving the toe of the batter slope closer to the river will allow a minimum³ 7m wide planting strip, elevated at road level, on the river side of the road (Refer to Appendix 6 & 7 - this additional 6m is attached to the 1m wide berm indicated on the river side of the shared path). The planting strip will be able to be planted with several layers of tall structure evergreen vegetation and under planted with dense shrubs to buffer the lighting and noise from the adjacent road and housing. This pushing out of the toe of the batter slope to allow for this additional planting zone may require removal of several exotic trees which are located of the farm side of the existing fence; these trees do not contain any potential roost features and are of negligible ecological value. The removal of these individual trees is more than mitigated by the ability to provide a 7m wide strip of buffering and planting elevated at the road level to more effectively block light than the established trees could. We consider that this approach will significantly reduce the light spill from the development in this area over the Waikato river and into the adjacent sensitive bat habitats and will contribute to a far greater avoidance of potential offsite impacts of the development.

³ *To be rationalised during detailed design and maximised where location of riverbank vegetation and room allows.*

97. In my opinion, the additional 7m planting buffer to be implemented for ecological purposes will further enhance the mitigation potential of the proposed planting discussed previously.

Rating of Effects

98. With regard to the submissions relating to the LVE underestimating the effects on submitter's properties, as previously stated, I consider that the LVE underestimates the effects on the elevated viewers along the river edge that have direct views into the applications site. However it must also be acknowledged that the LVE rates the effects of the proposal against a baseline that includes consideration of the type and level of development anticipated by the underlying zoning and structure plan. In contrast, the submitters appear to consider the existing physical environment as the baseline against which the assessment should have been undertaken.
99. In addition, the LVE effects ratings are representative of the broader effects on the neighbourhood and may not report on the effects from specific properties which may be higher or lower.

Lighting

100. In terms of lighting, the applicant has proposed low level lighting along the esplanade reserve for ecological reasons, this will assist in reducing overall light levels and help to address the visual concerns related to the night time lighting environment (refer above quote).

The River Side Road

In terms of the visual effects associated with the river side road, in my opinion these will be adequately addressed through the screening provided by the proposed ecological planting contained within the esplanade reserve and additional 7m strip. Refer Northern River Road and Esplanade Cross Section Plan dated 20/9/2018 (Boffa Miskell plan A17134_067).

FINDINGS

101. In my opinion, the LVE and s92 response submitted in support of the Amberfield application adequately identifies the key components of the development that are likely to affect landscape and visual amenity. Adjacent areas, potentially affected by the application have been identified and the effects on landscape and visual amenity rated.
102. I concur with the LVE assessment that the change in landscape and visual amenity is most likely to affect viewing audiences located within the residential areas to the north of the site (Riverlea). From these locations there will be a loss of visual amenity associated with the current rural outlook. From other locations, the landscape and visual effects will be far less pronounced.
103. I concur with the addendum assessment that concludes that the proposed changes to the Amberfield subdivision (in response to the ecological submissions) to be beneficial in both landscape (including natural character) and visual effects terms although not substantially altering the overall scale of effects of the development as originally assessed.
104. While some differences exist between the visual effect ratings provided within the LVE and those identified by submitters, these can be explained by a difference in the assessment baseline. Regardless, at the end of the day it is recognised within the LVE that a substantial change to the existing (physical) environment will occur.
105. I consider that, in general the effects ratings are supportable, however from specific locations with direct views towards the site; effects are likely to be greater than indicated in the LVE reporting. These areas include elevated locations on the eastern side of the Waikato River, where existing amenity is influenced by views over the existing rural landscape. Effects from these locations will be partially mitigated by the proposed esplanade reserve planting.
106. I consider that it is important to note that any change in existing landscape character and visual amenity associated with the existing rural characteristics of the site must be considered within the context that the urbanisation of Peacocke Structure Plan area is indicated in the district plan and has been flagged by the planning provisions since 1989. As such, the maintenance of rural character within this area cannot be relied upon long term.
107. The reports place emphasis on the design strategies followed in the development of the Amberfield proposal in order to meet the character provisions of the District Plan and help the proposal to respond appropriately to the existing natural landform within the site and its surroundings (including the Waikato River trench). In particular, the function of the open space network within the river corridor, and its role in the provision of open space and visual amenity is emphasised.

108. While the specific effects associated with future subdivision are not assessed to a high level of detail, in general, when read in conjunction with the urban design report, the open space framework and the preliminary engineering drawings (earthworks), and the LVE and s92 documentation contain sufficient information to allow a potentially affected person(s) and the Commissioners to gain an understanding of the nature and extent of effects that the development is likely to have on landscape and visual amenity. This is considered appropriate in this situation because of the underlying zoning and general expectations around future development in the Peacocke Structure Plan area.
109. From the perspective of effects on landscape and visual amenity (only), it is considered that the proposal meets the requirements of the District Plan.
110. Should consent be granted, it should be subject to the development occurring in general accordance with the proposed masterplan and open spatial network plans contained in the (amended) application and s92 response documents. I do not have any specific recommendation relating to consent conditions.



David Graham Mansergh

08/03/2019