

BEFORE THE INDEPENDENT HEARINGS PANEL

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

AND

IN THE MATTER of Plan Change 42 (**“PC42”**) -General Rural and Rural Lifestyle Environments under the Taupō District Plan

**RIGHT OF REPLY – ADVICE STATEMENT OF SIMON LEIGH BUTTON ON BEHALF OF
THE TAUPŌ DISTRICT COUNCIL**

LANDSCAPE

20 September 2023

1. INTRODUCTION

- 1.1 My full name is Simon Leigh Button. I hold a BA qualification in landscape architecture with town and regional planning and a Masters' qualification in landscape architecture obtained from the University of Sheffield (United Kingdom). I am a registered member of the New Zealand Institute of Landscape Architects NZILA Tuia Pito Ora.
- 1.2 I am an Associate Landscape Architect at Isthmus Group Limited (**IGL**) with 10 years' experience. I have worked at IGL since March 2019 and prior to this I was a landscape architect in the United Kingdom.
- 1.3 Throughout my career I have worked with both private and public sector clients on a wide range of projects in both urban and rural landscapes across the United Kingdom and New Zealand. I have experience preparing landscape assessments and undertaking reviews for projects where potential effects on natural character and Outstanding Natural Features and Landscapes ("**ONFL**") have been a key consideration, with assessments required to consider sections 6a and 6b of the Resource Management Act 1991 ("**RMA**") respectively.
- 1.4 IGL authored 'The Outstanding and Amenity Landscapes of the Taupō District' (May 2006) which identifies the values and characteristics of Outstanding Landscape Areas in the district. This report was authored before my employment at IGL and I had no involvement in that study.
- 1.5 Taupō District Council ("**Council**") have requested me to prepare this Advice Statement. The purpose of this Statement is to undertake a high-level review of the landscape related information provided by submitter 74 of Plan Change 42 – General Rural and Rural Lifestyle Environments ("**PC42**") to identify any gaps in the assessment and therefore the submitters proposal, and consider if there is sufficient information for a conclusion to be reached. This statement is not a peer review and does not consider the merits of the proposal.
- 1.6 I have read the Code of Conduct for Expert Witnesses ("**Code**") outlined in the Environment Court's Consolidated Practice Note 2023 and confirm that I will comply with it in preparing this statement. I confirm that the issues I will address are within my area of expertise, except where I state that I rely upon the

evidence of other expert witnesses. I also confirm that I will not omit to consider material facts known to me that might alter or detract from my opinions.

2. SCOPE OF STATEMENT

2.1 In preparing this Advice Statement, I have reviewed the following:

- Te Tuhi Estate – Landscape, Natural Character and Visual Assessment Report (Mansergh Graham, August 2023) ("**Assessment**")
- Statement of Evidence of David Graham Mansergh (Landscape) (9 August 2023)
- Te Tuhi Precinct Plan (August 2023)

2.2 This statement covers the following matters:

- (a) A **Gap Analysis** of the landscape related documents within submission 74;
- (b) **Conclusions.**

2.3 This statement does not consider the accuracy of the conclusions reached in the landscape assessment, or the merits of the proposal. The purpose of this advice statement is to identify if the assessment has successfully considered all relevant matters, or if there are gaps within the assessment which may be of material effect.

2.4 This statement has been prepared through a desktop review of the documents. I have not undertaken a site visit to inform this statement, as the merits of the proposal are not being considered; however, I am generally familiar with Whakaroa Peninsula and the surrounding landscape context having undertaken peer reviews for Council on the adjacent Kaiapo Bay and visited the area recreationally.

3. GAP ANALYSIS

3.1 A desktop review of the Assessment has identified the following gaps which may be of material consideration:

Assessment of the proposal against Outstanding Natural Features and Landscapes (ONFL) and Outstanding Landscape Areas (OLA)

- 3.2 ONFL and OLA (which have ONFL status) are protected by matter 6b of the RMA which requires as a matter of national importance “*The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development*”.
- 3.3 In my opinion, the assessment does not provide an adequate assessment against identified values and characteristics of the following OLA (Taupō District Plan) and ONFL (Waikato Regional Policy Statement) to a level which is sufficient to conclusively identify a level of effect to inform if the proposed subdivision and use is appropriate or inappropriate. I consider that it is therefore not possible to test the proposal against the intent of matter 6b of the RMA.

OLA 65 (Taupō District Plan) - Whakaroa Peninsula

- 3.4 The site is located wholly within OLA 65. Section 7.1 of the Operative Taupō District Plan sets out the identified Landscape Attributes for each OLA. For OLA 65 it states (**emphasis added**): “*Although not as physically prominent as some of the other lakeside cliffs, [Whakaroa Peninsula] has **very high cultural significance** to Kinloch Community and local iwi.*”
- 3.5 Landscape Attributes are defined in the Taupō District Plan as: *the key features of a Landscape Area that gives it its significance, as listed in Schedule 7.1 Outstanding Landscape Areas and Amenity Landscape Areas.*
- 3.6 I note that Objective 3h.2 of the Operative District Plan states:
- Protect Outstanding Landscape Areas from inappropriate subdivision, use, and development which may adversely affect the **Landscape Attributes**.*
- 3.7 An assessment of the proposed subdivision against OLA 65 is provided at paragraphs 4.55 – 4.59 and 8.32 – 8.36 of the Assessment; however, in my opinion, no consideration has been given to the cultural significance of Whakaroa Peninsula, and therefore how the Te Tuhi Proposal will affect this identified Landscape Attribute

- 3.8** The Assessment acknowledges the cultural and spiritual significance of the site to mana whenua, and states that the *“applicant has been communicating with the Western Bays Forum to connect with the hapū that holds mana whenua over the site.”*¹ However, the assessment does not provide any consideration on cultural landscapes, and no Cultural Impact Assessment is provided by the applicant. In my opinion, it is therefore not possible to consider the full effect of the proposed development on the values of OLA65 or on cultural values independently.

OLA 20 (Taupō District Plan) - Lake Taupō

- 3.9** The site is located on a prominent peninsula on the edge of Lake Taupō. The site boundary is located approximately 300m from the lake edge at its closest point, separated by areas of indigenous bush on the peninsula’s lower slopes.
- 3.10** Whilst not located within OLA 20, Whakaroa Peninsula is located within the immediate setting of the lake and is a prominent landform which forms a backdrop to the lake environment. In my opinion, consideration should be given to the effect of the proposal on the key values and characteristics of the OLA, notably on perceptual and associative attributes.
- 3.11** In my opinion, the Assessment does not provide a sufficient assessment of the proposal against the key values and characteristics of Lake Taupō OLA.

ONFL 9 (Regional Policy Statement) – Lake Taupō

- 3.12** The site is located within Lake Taupō ONFL as identified in the Regional Policy Statement. The Waikato Regional Landscape Assessment states: *“Activities that could threaten these values would be significant additional development around the lake edge, and on the slopes surrounding the lake.”*
- 3.13** The main factors identified as contributing to the ONFL include the *“expansive areas of water, its memorability and vividness, the natural character of the lake edge and its cultural values”*

¹ Paragraph 4.17 of the Assessment.

3.14 A natural character assessment is provided at chapter 6 of the Assessment; however, an assessment of the proposal against the expansive areas of water, memorability, visidness and cultural values has not been undertaken.

3.15 In my opinion, the Assessment does not provide a sufficient consideration of the proposal against the key values and characteristics of Lake Taupō ONFL.

Cumulative Effects

3.16 In my opinion, the assessment does not provide adequate consideration of cumulative effects, as required by:

- Policy 3h.2.1(iii & iv) of the Operative Taupō District Plan.
- Assessment Criteria 4b.4.12(c) of the Operative Taupō District Plan.
- Objective 3b.2.2 of the Proposed Taupō District Plan.
- Rule 4b.5.1(h) of the Proposed Taupō District Plan.

3.17 The Assessment does provide a 'cumulative visibility map'; however this relates to the 'cumulative' effect of the visibility of more than one proposed dwelling, as opposed to the effect of the proposal in conjunction with existing development (for example Kinloch and other rural lifestyle developments both constructed and consented).

3.18 I consider that both combined and sequential cumulative effects should be assessed.

Mitigation Planting

3.19 The proposed development plan includes a mitigation approach which is to be implemented in three main stages. Stage 1 (mitigation planting internal to residential lots) is to be implemented at time of subdivision and at least 6 months prior to the construction of dwellings for lots which are identified as 'red' or 'orange' degrees of visibility (assumed high and moderate visibility). For 'green' lots (assumed low visibility) mitigation planting is to be implemented at least 6 months prior to the completion of any buildings within the lot.

- 3.20** Mitigation planting stages 2 and 3 are to be implemented over a period of 6-10 years (focussing on the higher visibility and more vulnerable areas of the site first).
- 3.21** Considering the timing of the mitigation stages and unknown scale and maturity of species at time of planting; in my opinion, there is not enough detail provided to reach a conclusion on the level of visibility of the proposal (visual amenity, perceptual or experiential effects) and when mitigation will be mature enough to potentially integrate the subdivision into the environment.

Duration of Effects (including Construction Effects)

- 3.22** When considering visual amenity, the Assessment considers the effect of the proposed subdivision 'initially' and 'once mitigation has established'. The Summary of Visual Effects table in the Assessment identifies these timeframes as transitional (0-6 years) and long term (6+ years) respectively.
- 3.23** When considering Landscape Character (including effects on ONL, Amenity Landscape Areas (ALA) and ONFL) and Natural Character, the Assessment relies on the level of long term effect and does not provide a level of effect for the short term (transitional, 0-6 years). In my opinion, the Assessment does not provide a sufficient consideration of the short term landscape character and natural character effects.
- 3.24** Furthermore, the Assessment does not consider potential construction effects of the proposed subdivision, including the use of any heavy machinery or large equipment required to implement and construct the subdivision development.

Alignment with PC42 Process

- 3.25** In my opinion, the approach taken by the submitter to propose a zoning plan change for the Whakaroa peninsula without undertaking an evaluation report under section 32 of the RMA, and not being available for public submission is not appropriate. I consider that the most appropriate approach is to consider the proposed subdivision as a resource consent application, with the process potentially being notified (subject to the appropriateness of identified levels of effect and a peer review considering the merits of the assessment).

3.26 This approach would enable the author to have a clearer understanding of the proposal on shared and recognised (associative) landscape values, including to tangata whenua and the wider community, which have, in turn, contributed to the area being identified as an ONFL.

4. CONCLUSIONS

4.1 This advice statement considers if the Te Tuhi Estate – Landscape, Natural Character and Visual Assessment Report (Mansergh Graham, August 2023) has, in my opinion, successfully considered all relevant matters, or if there are gaps within the Assessment which may be of material effect.

4.2 In my opinion, the Assessment does not provide sufficient consideration and / or assessment of:

- The intent of matter 6b of the RMA;
- Cultural values or landscapes (in relation to OLA 65 and ONFL 9);
- The perceptual and associative attributes of OLA 20;
- The memorability and vividness of ONFL 9;
- Cumulative effects (sequential or combined);
- Visual amenity, perceptual and experiential effects in relation to the scale, maturity and staging of mitigation planting;
- Short term (transitional) effects on landscape character and natural character;
- Construction effects; and,
- Alignment with the PC42 process.

4.3 This advice statement does not consider the merits of the proposal, and should the above information be available, it does not preempt my agreement with the conclusions or levels of effect identified within the Assessment.

4.4 In my opinion, there is not sufficient information to fully consider the effects of the proposed subdivision on landscape values.

Simon Button

20 September 2023