

BEFORE THE HEARING COMMISSIONER

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application to Hamilton City Council for Private
Plan Change 7 to the Hamilton City District Plan by
Green Seed Consultants Limited

**SUMMARY STATEMENT OF
DAVID GRAHAM MANSERGH (LANDSCAPE AND VISUAL)
Dated 28 October 2021**

INTRODUCTION

1. My full name is David Graham 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 (DOC) (1986 - 1988) and before that, the Department of Lands and Survey (1985).
3. During my career I have been involved in the preparation of and/or the peer review of a significant number of visual and landscape assessments for a wide range of activities and developments. These include for other proposed plan changes, quarries (hard rock and sand), mines (coal and gold) and landfills; residential, commercial and industrial buildings within the urban and rural environment; power stations, hydro dams, wind farms, power transmission lines, and substations; marine farms, major port facilities, coastal developments, canal housing and marinas; telecommunication masts; ski fields, gondolas and ziplines; dairy factories and poultry farms; and major roading infrastructure projects. I also have considerable experience in the preparation of visual simulations and photomontages.
4. I provided input into the NZILA Landscape Planning Initiative, tasked with developing the former 'best practice' approach for landscape and visual assessment in New Zealand and the more recent *Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines* [Final Draft 2021], which was formally adopted for use in May 2021.
5. I have presented evidence at Resource Management hearings before Councils, the (then) Planning Tribunal and the Environment Court. I acted as an Independent Commissioner at the Rangitikei District Plan hearings.

CODE OF CONDUCT

6. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this statement and agree to comply with it.
7. Except where I state that I am relying on the evidence of another person, this statement is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this statement.

EXECUTIVE SUMMARY

8. The Rotokauri North – Private Plan Change Request Landscape and Visual Effects Assessment (**LVA report**) and earlier Rotokauri Ridgeline Character Area Assessment (**CAA report**), assess the effects of urbanisation on the existing landscape and visual amenity. The reports provide sufficient information at a broad level to understand that the plan change will result in a loss of existing rural character and that the change will have a high level of effect on the landscape and visual amenity of neighbouring property as the development of the zone occurs. The nature of these effects however is not detailed. The consequences of removing the Rotokauri Ridgeline Character Area (**RRCA**) overlay from ridgelines within the plan change boundary, and on the integrity of the balance of the Rotokauri Structure Plan (**RSP**) are unclear.
9. While there are some limitations in the reporting, I am in general agreement with the overall conclusions reached in the VLA, namely:

The proposed urbanisation of the PPC area will significantly change its current open rural landscape character. The development will however be consistent with the FUZ zoning of the site, with urban expansion envisaged under the HCDP, RPS and Future Proof Framework...

While the subject site includes land used for farming and agricultural purposes, it is a significantly modified degraded site with relatively low landscape values (except for the existing protected SNA).

The proposed urbanisation of the land will inevitably result in the transformation of the site from a rural area to a mixed density urban residential area. This will have implications on the surrounding rural and rural-residential land, with the urban development impacting on the rural qualities of these areas. Nevertheless, this is an area identified for urban expansion in the RSP. Consequently, it is only the timing of that change from rural to urban which is different from the current timeframes outlined in Chapter 3 of the HCDP.¹

10. I generally concur that the adverse effect (landscape and visual amenity) on adjoining properties will likely be *Moderate to High*, reducing to *Low to Negligible* in surrounding areas.
11. Only two submissions raise concerns about the loss of existing landscape and visual amenity. This indicates that there is either general acceptance that change is likely to occur within the plan change area or that issues around landscape character (including the preservation of the topography characteristic to Rotokauri) are not of concern. This may be because character change within the future urban zone is signalled by the *Future Urban (FUZ)* zoning.
12. Other submissions raise issues relating to amenity at the local or neighbourhood level. In my opinion, these are addressed by the existing amenity provisions within the ODP and the proposed landscape and urban design provisions. These will help provide greater certainty around the development of the open space network within the proposed Rotokauri North Structure Plan (**RNSP**) area.

PURPOSE AND SCOPE OF EVIDENCE

13. I have been retained by Hamilton City Council (**Council**) to provide expert landscape (peer review) advice on the proposed Rotokauri North Private Plan Change (PC7). The scope of my engagement included:
14. My role included:
 - a) Review of the landscape and visual assessment reporting accompanying the plan change application documentation;

¹ Page 17. *Rotokauri North – Private Plan Change Request Landscape and Visual Effects Assessment*. LA4. 17/4/2019.

- b) Identification of the key issues relating to landscape and amenity;
 - c) Providing a precis of the existing planning context (landscape and amenity);
 - d) Providing a precis of the proposed planning provisions (landscape and amenity);
 - e) Review of the recommendations by Hamilton City Council staff to include provision for an ecological rehabilitation plan and landscape concept plan; and
 - f) Review of the submissions received relating to landscape and amenity.
15. I have read the s42A report prepared by the Council reporting officer and the evidence or reports prepared by the following witnesses:
- a) Mr Rob Prior (Landscape Architect for the Applicant);
 - b) Mr Ian Munro (Urban Designer for the Applicant);
 - c) Ms Renee Louise Fraser-Smith and Mr Mark Seymour Manners Tollemache (Joint Statement Planning for the Applicant); and
 - d) Mr Craig Sharman (Council's consultant Planner and s42A report author); and
 - e) Mr Collin Hattingh (Council's Urban Designer).
16. I am familiar with the plan change area, having undertaken 3 separate site inspections specific to the application. The most recent was in July this year.

SUMMARY OF MY TECHNICAL REVIEW & REPORTING MEMORANDUM

17. I prepared the Landscape and Visual Effects – Technical Review & Reporting Memorandum (MGLA Memo One Dated 30 August 2021) contained in Appendix D of the S42A report.

18. I do not repeat the contents of my report, rather I draw attention to key aspects contained within it.

Site Setting and Context

19. Under the heading *Site Setting and Context*, I identify that the land subject to PC7 is currently rural, with some lifestyle blocks and scattered dwellings. Landcover is mainly pasture, with a scattering of mature trees (both native and exotic), shelterbelts and hedgerows. The landscape is predominantly flat, rising gently to low spur at the northern end of the main Rotokauri Ridge.
20. The landscape is currently zoned Future Urban (**FUZ**) and is contained within the Rotokauri Structure Plan (**RSP**) area which was classified in terms of its major topographical patterns by the Rotokauri Western Hill Landscape Study (Boffa Miskell 2007). In my opinion this zoning and overlay flags that the existing landscape characteristics and visual amenity values currently present within the site are expected to change within the foreseeable future.
21. The RSP forms part of the Operative District Plan (**ODP**) (Fig 2-8). Objective 3.6.1.1, which requires the preservation of key natural features and topography that are characteristic of Rotokauri is addressed by the inclusion of the *Rotokauri Ridgeline Character Area (RRCA)*.
22. The other notable landscape feature within the plan change area is a stand of mature kahikatea trees, within the Kereru Reserve (an identified SNA).

Landscape and Visual Effects Assessment

23. The LVA identifies and addresses the effects of the proposed plan change at a high level (commensurate with a level predictable by the structure plan) and is supported by the CAA report, which addresses the value and status of the western hill country (including the *Rotokauri Ridgeline Character Area (RRCA)* identified in the Rotokauri Structure Plan).
24. The LVA focuses on the identification of existing landscape and natural character values and the effects of urbanisation at the structure and master plan level of

detail. It does not address specific and foreseeable effects such as the effects of earthworks within the RRCA; associative effects on the SNA or the consequences of density overlays on wider landscape and visual amenity.

Rotokauri Ridgeline Character Area

25. The LVA does not support the retention of the existing RRCA within the proposed plan change area citing that the ridge is not a prominent landscape feature, and that typical residential development is likely to obstruct views of these hills, given their low elevation.
26. I concur.
27. The report recommends that the significant street tree planting occurs along the ridgeline to preserve the legibility of these features from outlying areas. To the extent that I can determine, these recommendations have not been carried through into the proposed provisions or masterplan.

Structure Plan and Master Plan

28. The LVA assesses the effects of the proposed plan change on landscape character and visual amenity at a high using the structure plan and a master plan prepared by the applicant's urban designer as a proxy for analysis. This plan is found in Attachment 3 of the evidence of Mr Ian Munro.
29. Since the LVA was prepared, the proposed structure plan has been amended (Revision C) in response to the integrated catchment management plan (ICMP), significantly increasing the area "green spine" within it.
30. From a landscape perspective, the increased width of the green spine along the Ohote Stream and Te Otamanui Stream corridors provides increased surety that sufficient space will be retained at the time of subdivision design for the restoration of the stream channels, riparian planting, and public access and allows for the development of public open space and neighbourhood parks.

31. While the LVA was not updated in response to this change, Mr Prior has addressed this in his evidence in chief and concluded that the change does not materially affects the conclusions reached in his earlier report.
32. I discuss the proposed amendments to the Neighbourhood Park rule (23.7.8 g)) later, in response to Mr Munro's evidence.

Landscape Effects

33. In assessing the effects of the plan change on landscape character the LVA states:

Development enabled by the PPC will inevitably transform the local character to that of mixed urban which will also have an influence on the surrounding area.(Para 4.7).

34. I concur. In my opinion, any large-scale land use or zoning change will inevitably result in a significant change in existing landscape character and the potential loss of visual amenity derived from that landscape. As previously stated, the underlying zoning and structure plan flag the potential for this change.
35. I consider that development of the green space shown in the proposed structure plan (Revision C) will partially mitigate this effect by providing a different type of landscape amenity.
36. The LVA concludes:
 - a) The plan change area does not display a high degree of "ruralness" and is of relatively low landscape value.
 - b) Landscape character will change significantly and is anticipated by the growth strategies.
 - c) Medium-density residential development will have an "impact" on the rural qualities of the surrounding areas.
 - d) Good urban design principles should be applied to create a high standard of urban amenity rather than attempting to buffer the area.
 - e) A planted buffer will separate the PC7 area from adjacent rural land.

- f) The Kereru Reserve SNA will be protected and that overall, adverse effects on natural character will be *Low*.
 - g) That the establishment and enhancement of the green network and open space network, as shown in the indicative masterplan, will have a beneficial landscape effect.
37. While I concur with these findings, because the effects on landscape and visual amenity have only been identified at the structure plan level of detail commensurate, the findings of the LVA cannot be extrapolated to represent the effects that may occur with a greater level of design. This would occur at subdivision design.

Visual Effects

38. The LVA describes the generic changes that will occur from several view locations including adjoining properties, the surrounding road network, and the wider area. Due to the nature of the plan change, specific detail (as would be provided in a resource consent application) has not (and cannot) been provided.
39. The report references the use of an assessment matrix but does not include it in the report. Consequently it is unclear how the findings and ratings have been reached.
40. The LVA identifies that the viewing audience, most likely to be affected by the proposed plan change, will be those in locations adjoining the site, including existing rural residential properties along Te Kowhai Road and Exelby Road. Effects ratings for viewers on the surrounding road network are not given, however, these are identified as being less significant.
41. The proposed structure plan includes a landscape buffer along the northern boundary of the PC7 area (SH39). The effects on surrounding zones along the eastern, western, and southern boundaries are not addressed, by the proposed provisions, which only require the buffer to be located against SH39.
42. The LVA report assesses and rates the effects of visual amenity as follows:

- a) Adjoining properties - *Moderate to High*.
- b) The surrounding road network – No rating provided.
- c) The wider area – *Low to Negligible*.

EXISTING PLANNING CONTEXT

- 43. The ODP is largely silent on city-wide landscape character and visual amenity, with few provisions addressing these issues directly, including the various provisions relating to Hamilton’s identity, heritage values and cultural (landscape) values (including Objectives 2.2.11 & 2.2.12). The plan does however provide more guidance at the urban design level, with several objectives and policies relating to the provision of open space, neighbourhood reserves and the protection of ecological areas (SNA), including Objective 2.2.3.
- 44. In my report I review the existing planning context. I will not repeat this in my statement as it will be covered in detail by Mr Sharman.

PROPOSED PLANNING PROVISIONS

- 45. As part of my analysis I was asked to review and comment on the recommendations by Hamilton City Council staff to include provision for an ecological rehabilitation plan and landscape concept plan.
- 46. The recommendations contained within this section my report have largely been superseded by the further development of the proposed rule framework. I have reviewed the relevant landscape provision contained in Appendix A 1.2.2.23(g) and consider that the provision relates more to district plan’s biodiversity, tangata whenua value and urban amenity requirements, than landscape character and amenity. That having been said, the provision does provide a link between the associated ecological and urban design frameworks required by other provisions within the plan.

SUBMISSIONS RECEIVED

47. The submissions that raise issues relating to existing landscape character and visual amenity include submissions 1 (Martin/Leet), 15 and 79 (Rotokauri North Tangata Whenua Working Group & Te Whakatitenga Waikato Incorporated). Submission 34 (Ruske) raises concern around integration with the Rotokauri Structure Plan.
48. These are summarised in the table on page 20 of my original report.
49. The limited number of concerns raised about the loss of wider landscape and visual amenity suggests either a general acceptance that change is likely to occur, or knowledge of likely change is flagged by the underlying FUZ and the Rotokauri Structure Plan.
50. The issues raised appear to focus on the provision of amenities at a local or site-specific level, with many of the issues potentially addressed through the development of an integrated landscape development plan. In terms of the relief sought by submitters, I consider that the provisions (above) provided will reasonably address the issues raised.

EVIDENCE OF MR PRIOR

51. I have read the written evidence of Mr Prior and consider it consistent with his original assessment. I have no additional comments to make.

EVIDENCE OF MR MUNRO

52. At 7.2 of his evidence Mr Munro identifies that on pages 15 -16 of my assessment I identify a different configuration of public open space reserved than on the notified Structure Plan. This is correct. However the purpose of the statement was to point out that the positions shown on the notified structure plan do not meet the 500m walking distance requirement of the proposed rule (at the time).

53. I agree with Mr Munro, where he suggests at 2.10 and 7.3 that the final location, shape, size, and qualities of new public reserves should be determined at the time subdivision.
54. I concur with the Planning Joint Witness statement where it recommends the removal of the 500m distance clause from Rule 23.7.8 and inserts it as an assessment criteria in Appendix 1 – Assessment Criteria 1.3.3 – O Rotokauri North. In my opinion this allow greater flexibility in locating these parks.

CONCLUSIONS

55. I consider that with the inclusion of the proposed landscape provisions, which provide a greater level of certainty around the development of the parks and reserve network, the proposed plan change can manage the potential landscape and wider scale amenity effects through the implementation of the proposed structure plan. While there are some uncertainties around how such development may proceed and the “flavour” of the expected enhancements on landscape and urban amenity (at a development level), I consider that this can be adequately managed by requiring the development of an integrated landscape development plan at the time of subdivision.

David Graham Mansergh

28 October 2021