

BEFORE THE CENTRAL HAWKE'S BAY DISTRICT COUNCIL

220003

IN THE MATTER OF the Resource Management Act 1991

AND An application by James Bridge for a resource consent to
subdivide land at Pourerere (being Part of Lot 1 DP
27067 and contained in Record of Title HBW3/400)

POURERERE SUBDIVISION

STATEMENT OF EVIDENCE OF CHANTAL WHITBY

28 June 2023

MAY IT PLEASE THE COUNCIL

- 1 My name is Chantal Louise Whitby. I hold the qualification of Bachelor of Landscape Architecture (with honours) and Master of Science in Environmental Management (with distinction).
- 2 I am a landscape architect at Hudson Associates, with 10 years of experience in landscape architecture. The practice consults on projects throughout New Zealand, with a particular focus on landscape assessment, subdivision, large scale design, and infrastructure. Hudson Associates is familiar with the site and undertook the landscape assessment and natural character assessment for Central Hawke's Bay District Council (CHBDC).
- 3 I have undertaken landscape and natural character assessments for projects with many councils and applicants and was involved in the previously consented Punawaitai Road subdivision (Stage One and Two), for which I wrote the landscape assessment and presented evidence at the Council hearing.
- 4 I am a registered member of the New Zealand Institute of Landscape Architects (NZILA). I am also a coordinator for the Environment Institute of Australia and New Zealand (EIANZ) Far South branch.

Code of Conduct and Conflict of Interest Declaration

- 5 Although this is a Council hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses 2023, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 6 I have no commercial relationship with the applicant, save in my role as an expert in relation to this application.

Introduction

- 7 In September 2021, Hudson Associates prepared a report to assess the potential effects of the proposal on the landscape and natural character of Pourerere. In this evidence, I will highlight the key points of this assessment, supported by graphics in the form of a PowerPoint presentation. I will also address submissions and issues raised in the S42A reports which are relevant to landscape.

The Proposal

- 8 The proposal is for a residential subdivision of 48 lots in rural zoned land at the eastern end of Punawaitai Road, in Porerere (*Slide 1*). It is in the valley north of the existing settlement and adjacent to the recently approved Stage One and Two subdivision for 20 houses, at the end of Punawaitai Road. Residential lot sizes will range from 1802m² to 199,979m², averaging at 2573m² (with a balance of 358.77ha). Four larger lots and open spaces will be located on the perimeter of the proposal site (*Slide 2*).
- 9 Under the Central Hawke's Bay District Plan (District Plan) (Operative at time of lodgement), Rule 9.10(a) requires a minimum lot size of 4000m² within the Rural Zone for subdivisions. Therefore, the proposal is considered a Discretionary Activity.

Porerere and surrounding coastal townships

- 10 Porerere is recognisable for its coastal character and as a quiet coastal town, with clusters of residential dwellings (*Slide 3*). Porerere is one of seven settlements located along the Central Hawke's Bay coastline (*Slide 4*). These settlements include:
- Kairakau (*Slide 5 - 7*)
 - Mangakuri (*Slide 8 - 9*)
 - Porerere (*Slide 10 - 11*)
 - Aramoana (Shoal Beach, *Slide 12 - 13*)
 - Blackhead (*Slide 14 - 16*)
 - Te Paerahi (*Slide 17 - 19*)
 - Whangaehu (*Slide 20 - 21*)
- 11 It is apparent that there are development pressures along the coastline in this wider context, and that Porerere is an example of where appropriate development can occur.
- 12 When looking at these coastal settlements, it becomes apparent that the remaining space in the Township Zone for each settlement is limited or non-existent. As such, future expansion must be by resource consent outside of the Township Zones.

- 13 The existing Pourerere settlement is in two distinct parts: Pourerere township and Pourerere Camp. Pourerere township has 28 houses, plus that many again at Pourerere Camp, all of which are in the Township Zone (*Slide 22 - 23*). Further up the coast from the camp and slightly inland is the Pourerere township, adjacent to Pourerere Road (*Slide 24*). Within the Township Zone of this area of the settlement there are 14 houses which line the road.
- 14 Located in the Rural Zone, outside the Township Zone, are 19 existing lots and 20 lots in the applicant's consented subdivision. As such, it is evident that within the immediate township, there are more residential lots located outside the Township Zone than within it (*Slide 25 - 31*). The only way for the coastal settlement to accommodate new housing is if it is located outside of the Township Zone (*Slide 32*).
- 15 This will be exacerbated when the coastal edge camp closes (said to be 13 years away if leases are not renewed), which I am told is a DOC long term policy.

Existing landscape and natural character

- 16 Potential effects of the proposal were assessed at two scales: the broader context and localised area (*Slide 33*). As such, the assessment considered potential effects of the proposal on the wider landscape context, including on the wider contextual patterns of development and rural landscape. Effects were also considered at a more immediate scale.

Broader context

- 17 The broader context is characterised by rolling, pasture-clad hills, with gently sloping foothills, that give way to contained valley flats (*Slide 33*). For the most part, the hillsides and valley flats have been cleared of native species.
- 18 The elevated landforms provide a sense of envelopment and shelter within the valley floor.
- 19 There are clusters of houses, including along parts of the coast and stream edges (*Slide 33 - 34*). Together these residences form the township of Pourerere. To the south of the proposal area, consent has been granted to extend Pourerere township into the mouth of the basin that curves inland from the outlet of Pourerere Stream (*Slide 35*).

- 20 The coastline towards the south of the broader context has been highly modified to enable road infrastructure, habitation, grass verges and beach access ([Slide 36](#)).

Localised area

- 21 The localised area is bounded by the hills in the immediate surroundings and, to the south, by the edge of Pourerere Road and Pourerere Stream ([Slide 37](#)). As with the broader context, the localised area is characterised by the flat valley floor, surrounded by the enveloping hills, which create an enclosed and intimate scale.
- 22 The site is framed by two tributaries of Pourerere Stream ([Slide 38-39](#)). The waterways have been previously modified through the removal of riparian vegetation ([Slide 40](#)). However, riparian restoration planting has already been carried out by the applicant as part of Stage One and Two of the consented subdivision ([Slide 41](#)) and this theme will be continued.

Effects on landscape and natural character at the broader context

- 23 Effects on landscape character at the broader context were assessed as 'Low' and 'Very Low' for natural character.
- 24 As a note, I specifically disagree with the suggestion that rural character effects and coastal character effects should be assessed separately from landscape and natural character.¹ As such, these aspects were not assessed individually but rather their contribution to the overall character of the landscape was considered. This is in line with Te Tangi a te manu (NZILA assessment guidelines).²
- 25 The large scale of the broader context topography will ensure the landscape will remain dominant over the proposal. The enveloping hills will also assist in containing any potential effects of the development, particularly on the coastal edge.
- 26 The proposal's proximity to the existing township and consented subdivision (both of which contain lots less than 4000m²) will enable the proposal to become an extension of existing development in Pourerere ([Slide 42](#)). The smaller lots of the proposal are adjacent the lots of the consented subdivision.

¹ Throughout the S42A landscape report, effects on rural character and, in places, coastal character considered separately, e.g. paragraph 4.3 and 8.13.

² Paragraph 5.46, page 97 and paragraph 5.32, page 113

Proposed lots which are typically larger than 4000m² are located to the north and north-west of the development and adjoin the balance lot. This layout has been proposed to be sympathetic to the character of its surroundings.

- 27 The proposal is over 250m from Pourerere Stream and separated from the waterway by the consented subdivision (*Slide 43*). A modified tributary of the Pourerere Stream flows on the eastern edge of the proposed subdivision, as outlined in Mr Hicks' evidence.
- 28 While the site is in the coastal environment, as shown in the Regional Coastal Environment Plan (*Slide 44*), coastal influence on the site in terms of natural character is minimal as the site is over 600m from the active beach and separated by a 110m high hill.

Effects on landscape and natural character at the localised area

- 29 Effects on landscape character at the localised area were assessed as 'Low-Moderate' and 'Very Low' for natural character.
- 30 Scenic qualities and rural character of the localised area will be reduced to some extent by the introduction of additional humanmade structures and the replacement of pastural cover with residential dwellings and gardens, as well as roading infrastructure. However, these effects will be limited to a small area of the valley floor and the overall perception of a rural environment (including that of the valley floor) will remain due to a number of reasons, including the remaining large scale of the valley floor and dominance of the surrounding hills.
- 31 The surrounding hills create an intimate scale in which smaller lots, surrounded by larger lots and open spaces, will be appropriate. Effects will be further limited by the proposed colour and reflectivity scheme (*Slide 45 - 46*), as well as building height restrictions of 8m.
- 32 As the proposal will be restricted to a limited area in the valley floor, the uniform cover of pasture on the surrounding land will be maintained. A strip of open space at the base of the eastern foothills, along the edge of the proposal site and west of the tributary, has been proposed to facilitate access and revegetation (*Slide 47*).
- 33 The lot boundaries are set back from the eastern tributary and will be a minimum of 10m from waterways. The tributary along the north-eastern and south-eastern sides of the proposal site will be planted with riparian species to

improve the ecology and natural character of the waterways ([Slide 48](#)). Mr Hicks outlines appropriate species for these planting areas in his evidence.

Visual effects

- 34 Overall, visual effects were assessed as between 'Very Low' and 'Low-Moderate'. It is important to note, that since the writing of the assessment, Te Tangi a te Manu has revised NZILA's approach to considering visual effects. Under the new assessment guidelines visual effects are considered a subset of landscape character and only one means for determining landscape character effects.
- 35 The site is set back over 500m from Pourerere Road and over 750m from Pourerere Beach. Any views of the proposal site from Pourerere Road or Pourerere Beach are extremely limited due to these distances, intervening houses (including consented houses yet to be built), the undulating topography and screening vegetation ([Slide 49 - 50](#)). The consented subdivision is located between the proposal site and these locations.
- 36 Several other viewpoints were also identified as part of the assessment ([Slide 51](#)). Viewpoint one is located where the northern dwellings of the consented subdivision will be constructed ([Slide 52](#)). Visual effects are assessed as 'Low-Moderate' from this location.
- 37 Viewpoint two is from outside the section at 23 Punawaitai Road ([Slide 53](#)). It is possible that partial views of the proposal may be visible from this dwelling. The southern portion of the proposal site abuts the property at 23 Punawaitai Road and there are open views across the site from this part of the section. Therefore, current rural views from this end of the section will be altered by the proposal. Visual effects are assessed as 'Low-Moderate' from the northern end of this section.
- 38 Viewpoint three is from outside the dwellings on Pourerere Road ([Slide 54](#)). Visibility of the proposal from this location will be very limited due to the screening provided by the consented subdivision and the landform east of the proposal site. Dwellings currently dominant this view and the proposal will appear as part of the consented subdivision. Visual effects are assessed as 'Very Low' for this location.

Cumulative effects

- 39 The proposal will have between 'Very Low' and 'Low-Moderate' cumulative effects on landscape and natural character. The proposal will be perceived as

an extension of the existing township and consented subdivision, and the rural nature of the surrounding area will be maintained. Together these aspects assist in lessening potential cumulative effects.

S42A reports

- 40 The S42A landscape report raises concerns regarding the subdivision dominating the rural valley floor and the role this has in the rural character of this zone, as well as issues around amenity, landscape values, the coastal environment, the potential for sprawling development, and cultural values.
- 41 At paragraph 6.7 of the S42A landscape report, comment is made that *“the assessment places weight to the retention of the hillsides for the open space which creates an intimate scale for subdivision.”* This is not the only aspect which contributes to the appropriateness of the proposal in this location.
- 42 The proposed subdivision will be well integrated into the landscape for the following reasons:
- a) The proposal is small in relation to the scale of the valley floor.
 - b) The proposal site is tucked back into the valley and, as such, there will be very limited locations from which the proposal will be visible.
 - c) The height, colour and reflectivity conditions will ensure that buildings will be sympathetic with their surroundings.
 - d) As there is no direct connection between the proposed subdivision and the coast, due to distance and topography, the natural character of the coastal environment will be protected.
 - e) The proposed development will be perceived as a continuation of the consented subdivision (which is not considered sprawling development but rather an extension of the existing township). As such, the proposal will be perceived as an extension of Purerere township (not being *“away from the settlement of Purerere”* as noted at paragraph 8.7 of the S42A landscape report and is closer to the Purerere township than the existing beach settlement).
 - f) While the proposal will increase the level of lighting in the area, effects will be very localised and within the scale of Purerere the natural darkness of the night sky will remain dominant and light pollution will remain unobtrusive. This assumes that if street lighting is implemented, Australasian Dark Sky Alliance (ADSA) approved

lighting will be used.³ I understand that the applicant is volunteering this as a condition of any consent.

- 43 As such, the proposal will not dominant characteristics of the rural landscape and amenity of the area will be maintained.
- 44 It is concluded at paragraph 6.18 of the S42A landscape report that “*natural character effects will be low however recommend further measures are provided to enhance the natural character...*” As both myself and Ms Ryder conclude that natural character effects will be no more than low, I consider it unnecessary for further mitigation measures to be undertaken, with effects appropriately addressed through mitigation measures already proposed. As Hudson Associates has studied the entire coast as part of the assessment for CHBDC, this conclusion has been reached by considering the entire coastal environment of the district.
- 45 Paragraph 6.3 of the S42A landscape report suggests that the scaling of effect relative to the RMA terms of less than minor, minor and more than minor in the assessment differs to that of the Te Tangi a te Manu.
- 46 Te Tangi a te Manu states that “*‘Less than minor’ means insignificant. It can be characterised as ‘very low’ and overlapping with ‘low’ on the 7-point scale.*”⁴ Table 2 of the assessment shows ‘Very Low’ as relating to less than minor effects and ‘Low’ as relating to minor effects. As such, the assessment has taken a cautionary approach.
- 47 Te Tangi a te Manu goes on to say “*avoid an overly mechanical approach: “One is dealing with degrees of smallness. Where the line might be drawn between the three categories might not be easily determined.”... The key is to be transparent and explain the reasons to justify a professional judgement.*”⁵ In any case, the use of RMA terminology is often over-used and should only be used where relevant, e.g. for ‘gateways tests’ for a non-complying activity. Hence why a conclusion for these terminologies has not been discussed in the assessment.
- 48 Te Tangi a te Manu has been revised since the writing of the assessment. However, the effects ratings in the assessment remain the same in light of

³ <https://www.australasiandarkskyalliance.org/adsa-approved>

⁴ Paragraph 6.39, page 150

⁵ Paragraph 6.40, page 151

these revisions, with the approach taken in the assessment still aligning overall with the guidance provided in the guidelines.

- 49 At paragraph 6.8 of the S42A landscape report it is recommended that a landscape plan is provided. The details such a plan would provide would have no impact on the overall effects on landscape and natural character.
- 50 It is acknowledged that at the time of writing the landscape assessment, a cultural impact assessment (CIA) had not been undertaken and I appreciate this information now being available.
- 51 Several recommendations have been provided in the CIA. I agree to these being appropriate, aside for the recommendation to undertake an archaeological survey of the coastal hills around Paoanui Point, which is outside my area of expertise.

Recommended landscape conditions

- 52 A series of conditions are recommended in the S42A landscape report. These conditions may be suited to a peri-urban context (from which they appear to be taken from),⁶ but I consider many of these conditions to be inappropriate in the coastal context of Pourerere. Even so, I do agree with several of these conditions.
- 53 I agree that a planting plan should be provided, with this plan outlining vegetation for the open spaces, detention pond, swales, and riparian margins. It would also be appropriate for the conditions to stipulate that vegetation shall be maintained in perpetuity and for performance measures for canopy coverage to be conditioned.
- 54 I disagree with the need to condition the placement of buildings and consider the setbacks provided in the District Plan to be adequate.
- 55 I agree with Ms Ryder that buildings should not exceed 8m in height (including satellite dishes and aerials). Although, I disagree with the need to restrict buildings to one storey in height, as two storey houses will have the same effect on landscape and natural character.
- 56 I also agree with Ms Ryder on conditioning the screening of water tanks.

⁶ https://hdp-au-prod-app-waik-shape-files.s3.ap-southeast-2.amazonaws.com/9115/9590/1445/Commissioners_Decision_270720_-_G__S_Singleton_-_SUB0165_19.pdf

- 57 In terms of form, and materials and colour, I disagree with these proposed conditions, aside for the use of recessive colours and specified reflectance values, including that of joinery and the like. Other specifications in this list are ambiguous or do not appear to have any correlation to the context of Pourerere, as such, I consider them unjustified.
- 58 Again, the correlation between the proposed conditions for hard surfaces and potential effects on landscape and natural character are not immediately apparent. Even so, I can accept the use of darker coloured surfaces if sealed driveways are implemented but this should not exclude the option of gravel driveways. I disagree with the suggested kerb condition, with such a design being better suited for an urban context.
- 59 I agree with Ms Ryder's proposed fencing condition.
- 60 I accept the proposed lighting and utilities conditions, except for the avoidance of road lighting. I recommend that if street lighting is to be implemented, only ADSA approved lighting should be used.

Submissions

- 61 Submissions raised several concerns relevant to landscape, including regarding cultural values,⁷ amenity,⁸ light and visual pollution,⁹ rural character,¹⁰ separation of the community,¹¹ and density of development.¹² These issues have been addressed in the above section.
- 62 The work undertaken to date on the consented subdivision provides a real life example of how potential effects of the proposal will be mitigated. These works include riparian planting and the implementation of a bridge for a stream crossing (*Slide 55 - 57*).

Conclusion

- 63 A mix of smaller lots are appropriate for the enclosed and intimate setting of the proposal site. The proposed development will be experienced as an

⁷ Submitter Dianne Smith, and Gareth Charles Harris and Melaney Lise Harris as trustees of the Havelock Bluff Trust.

⁸ Submitter Dianne Smith, and Gareth Charles Harris and Melaney Lise Harris as trustees of the Havelock Bluff Trust.

⁹ Submitter Roger Peter Sinclair.

¹⁰ Submitter Pourerere Community and Character Preservation Society, and Gareth Charles Harris and Melaney Lise Harris as trustees of the Havelock Bluff Trust.

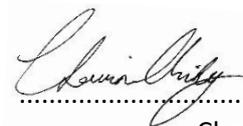
¹¹ Submitter Pourerere Community and Character Preservation Society.

¹² Submitter Gareth Charles Harris and Melaney Lise Harris as trustees of the Havelock Bluff Trust.

extension of the recently consented subdivision adjacent to the proposal site, as well as to the existing township of Pourerere. The rural landscape of the surrounding area will also remain dominant.

- 64 The riparian vegetation planned as part of this proposal provides an opportunity to improve natural character in the area by enhancing a modified tributary of Pourerere Stream, which flows along the site's eastern boundary.
- 65 The following factors contribute to reducing potential effects of the proposal on landscape and natural character:
- a) The presence of the existing township and subdivision.
 - b) Containment of the site provided by the local landform and dominate hills.
 - c) A lot layout that places larger lots (typically over 4000m²) and open spaces on the perimeter of the proposal site, at the interface of the adjacent farming activity.
 - d) The proposal includes a building height limit of 8m.
 - e) The inclusion of a colour and reflectivity scheme covenant on lot titles.
 - f) Limited earthworks due to the flat proposal site.
 - g) Riparian planting along the Pourerere Stream tributary, east of the site.
- 66 Landscape character effects will be no more than 'Low-Moderate' and natural character effects will be 'Very Low'. Visual effects will be between 'Very Low' to 'Low-Moderate'. While cumulative effects are assessed as 'Low-Moderate' at most.
- 67 While the proposed development will have smaller lots than the operative District Plan Controlled Activity standard of 4000m², the design of the subdivision ensures that the proposal will have similar effects to 4000m² lots.

Dated this 28 day of June 2023



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Chantal Louise Whitby