

BEFORE THE INDEPENDENT HEARINGS COMMISSIONER

IN THE MATTER OF: An application for subdivision consent,
pursuant to section 11 RMA for a
11-lot subdivision (8 rural
residential allotments, 2 balance
lots and a boundary adjustment
(amalgamation)

AND

IN THE MATTER OF: A hearing by Central Hawke's Bay District
Council

REBUTTAL EVIDENCE OF ERIN GRIFFITH - LANDSCAPE

Dated 21 June 2024

EXPERT WITNESS CODE OF CONDUCT

1. I confirm I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. My evidence has been prepared in compliance with that Code and I agree to follow it when presenting evidence to the Hearing.
2. I confirm that my evidence is within my area of expertise except where I state that I am relying upon the specified evidence of another person, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.
3. I understand and accept that it is my overriding duty to assist the Commissioner in matters that are within my expertise. I understand that I have an overriding duty to assist impartially on the relevant matters within my area of expertise and that I am not an advocate for the party that has engaged me.

INTRODUCTION

4. I have read and considered Mr Bray's Evidence of 11 June 2024, including its graphical attachment. The following rebuttal focuses on a few points where I believe clarification or extrapolation is warranted. Where possible, I aim to synthesize my response.
5. Mr Bray and I have different starting points. Where Mr Bray sees a degraded, highly modified, stressed, low-value, and broken landscape 'at the back of the farm' that is somewhat 'divorced' from the coast, my assessment, in landscape terms, is underpinned by the value assigned to the site by the PDP and that expressed in 8.18-8.20 of my evidence in chief (EIC). I acknowledge the site has not been assigned a 'high' natural character value, but I did not specifically assign this qualifier. However, I describe the site as retaining 'moderate to high' levels of naturalness (para 8.16 EIC).

6. The PDP is explicit in its desire to protect and maintain rural character, natural character, and amenity values present within the coastal environment. It seeks to limit activities in the rural and coastal zones that do not have a functional or operational need to be there and preserve the distinctive landform of ‘small settlements, recessed into bays, adjoining a number of sheltered beaches’¹. The CE overlay also reiterates the need to avoid, remedy or mitigate ‘other adverse effects’. Consequently, in my view, the policy context of the application site (particularly concerning lots within the CE) sets a ‘high bar’ over which discretionary activities must demonstrate they achieve.
7. Mr Bray considers my assessment of the existing character values too simplistic and too small in scale and that it downplays the wider built landscape.
8. I agree that landscape should not be confined by a single site; at its core, landscape is ever-present, overarching, inclusive, and expansive, and when human sensibility is applied, it transcends into other realms of perception and association. If not for human intervention, the landscape (as a physical biotic resource) would care very little about property boundaries. However, from an experiential point of view, the landscape of the proposal, in my opinion, is experienced at a site scale – albeit the site is relatively large, confined visually to the south by the prominent eastern spur and upper ridge, the ridge east of Williams Road, and the pine forest to its north.
9. While the site is part of a farm that includes a significantly greater land-holding, and the proposal's effects would be diluted when assessed at that whole farm scale, the proposal and its immediate effects are contained to the area described above and throughout Mr Bray’s EIC. The site is intrinsic to the experience of Williams Road, of the arrival and departure from Mangakuri Beach (and the settlement). So, in this instance, although it may be at the back of the farm’ and part of a much broader landscape, the application site is also the gateway to Mangakuri Beach. How it evolves over time will affect the appreciation of the site,

¹ CHBDC Part 2 District Wide Matters / General District Wide Matters / CE – Coastal Environment.

the settlement, its relationship with the coast, its natural character, amenity, and the value ascribed to the area by visitors and the local community.

10. I agree that the plan permits a range of activities that could introduce built form to the landscape, as referenced in Mr Bray's evidence paragraph 40. As Mr McKay points out, in theory, this extends to a maximum of four dwellings for the underlying title, given it is over 100ha, one minor dwelling, visitor accommodation, or other commercial activities and rural sheds, so long as they meet a range of compliance standards. I also note the discussion around granted consent RMA220210 and concede that if given effect, this consent impacts the location and extent of additional built form. Therefore, I have considered these potential outcomes but note that Mr O'Leary's evidence covers this matter.
11. Where one was comparing the likely and potential landscape effects of four dwellings clustered within the site area (if using the existing title), or dwellings on Lots 9 and 10 of Lot 1 (RMA220210) and Lots 7 and 3 of Lot 2 (RMA220210), without the mitigation proposed in this application, effects from this built form could be greater, particularly if that form was, for example, two-storeyed, highly reflective and lightly coloured, lit up at night, contained retaining walls, and generally, was at odds with the landscape context. However, it would not be fanciful to expect that if the applicant were to develop the site to this degree, it would not seek to undermine the special qualities and values that make the site attractive (bearing in mind constraints that must be managed). In other words, it is not fanciful in the permitted scenario to expect some level of planting, whether for site stability purposes, stormwater management, or to provide shelter and/or privacy. In this example, the permitted activity may have lower effects than the proposal regarding the retention of spaciousness, lower densities, and potentially lower amounts of landform modification.
12. I also note that if approved, the proposal will create 'additional' development rights across Lots 11 and 12. At over 50ha, it could follow that 3 dwellings and a minor residential unit, among other things, could be developed on either lot.

Presently, the landscape assessment and evidence of Mr Bray have not assessed the cumulative impact of this effect.

VISUAL EFFECTS

13. Regarding para 42 of Bray's evidence, I agree that visual effects from the base of Williams Road, adjacent to the public area, will be **low** as you cannot see the site from this location. However, I would distinguish this as separate from the holistic arrival and departure experience.
14. We agree that, generally, from Okura Road, the visual effects of the subdivision will create a **low** to **very low** effect.
15. After receiving the additional photos and montages from the beach and Williams Road attached to Mr Bray's evidence, I am more comfortable with a low-moderate (minor) visual effect rating for most of the subdivision. However, I am still at odds regarding the prominence of Lot 8. In para 46 (ref photo 25 of Mr Bray's evidence), he states that although Lot 8 appears to sit *"out on a bald landform, this is only experienced from this location"*. My own observation of the site differs. See photos 01 – 08 of Context Photos in the attached document, along with a GPS-located photo location plan.
16. Of interest is how Mr Bray describes a scenario that would 'score a very-high visual effect': *"a proposal such as this would need to become the dominating aspect of a view such that it would be virtually impossible to look at anything else"*. (para 38). In this regard, there are two instances where the proposal demonstrates a similar level of effect, 1) when approaching the Williams Road ridge from Mangakuri Road, and 2) when departing and ascending toward the crest illustrated on Sheet 11 of the Graphic Appendix. Scenario 1 is not illustrated in the graphic material of Mr Bray.

17. In Scenario 1, the hummocky ridge/crest, which defines the point where land meets the sky on approach to the site will be modified by the building platforms on Lots 6 & 7 to such an extent that the view will change from being quintessentially rural to one where two houses, with associated driveways, water tanks, and other residential aspects dominate. This experience is currently untamed and largely unmodified (albeit original vegetation is absent). Post development, as people approach the site, dwellings will be almost impossible not to look at as they will sit higher than the viewer by several metres, accentuating their prominence.
18. In Scenario 2, the subdivision will be virtually impossible to miss as visitors leave the beach and weave along Williams Road, climbing out of the beachside settlement to the crest of Williams Road, where they 're-enter' the rural hinterland. The cumulative presence of eight dwellings scattered through the foreground and midgrounds of the single landscape will be visually prominent and unmistakable as a lifestyle subdivision. I acknowledge poplars planted between Lot 3 & 4 and the road will filter views, and landscape enhancement areas north of the dwellings enable taller native vegetation to soften the lower portions of the view.
19. I understand site constraints have largely dictated the location of these dwellings, but I disagree with Mr Bray that, in the instances of Lots 6, 7 & 8, they are located on 'naturally flattened plateaux's' (para 73ii). In Lot 8's case, this is located on the crest of a dominant spur with a contour of 74m a.s.l, dropping away swiftly to the north, east and south. This spur will be reduced to an FGL of 70.29m a.sl.
20. Reflecting on the montages provided, the addition of this graphic material is useful. I note, however, that dwellings are plotted with footprints of 200m² and heights of 4.5m, whereas the application proposes footprints of 250m² and 6.5m heights. The visual presence of dwellings across the landscape may be greater than what is illustrated and that the way in which they stack and change as one moves through this landscape (at generally low speeds) will also change.

21. As outlined in my EIC, I remain of the opinion that the experiential journey of arrival and departure to Mangakuri Beach will be modified in visual and landscape terms to a **moderately adverse** degree for the reasons outlined above and within My EIC.

NATURAL CHARACTER

22. Using the methodology within Mr Bray's EIC to assess natural character, I offer the following response:
23. Concerning biotic factors, I agree with Mr Bray that the site is not outwardly expressive of habitat of value, so it follows that this rating would appear to be low. However I am careful about making such statements without checking their validity with an ecologist, particularly in coastal habitats where unintended consequences may occur (introducing pest species and pressures to already degraded or stressed habitats and removing unassuming but important habitats). In paras 31 – 33 of the planner's report, I note that commentary is provided around the need, or otherwise, for consent under the NES-FW. Consequently, after discussions with HBRC, the applicant intends to engage an ecologist to advise on modifying the area of the potential wetland that was in question.
24. Concerning abiotic values, which generally consist of geology, hydrology, landform, soils, and climate, I consider the site to be expressive of the underlying elements of each of these matters, but that the views and appreciation of these elements depend on where the site is being viewed from. Although blurred from the beach and Okura Road due to dwellings and existing vegetation, site landform and natural processes impacted by its underlying topography and proximity to the coast are evident. The site is unmodified by roads, dwellings, forestry or other forms of production, so in my mind, they are clear to see and express a high degree of naturalness (as distinct from natural character).

25. I agree with Mr Bray that the experiential values attributed to the site are those of seeing or feeling connected to the coast. I add that this is a feeling that changes with the time of day, the moving of the tides, the type of vegetation that will flourish, the presence or absence of weather systems and their effects on the site, of feeling remote and isolated from built-up areas. Values also attributed to the site are the ability to appreciate the dark sky (irrespective of whether it is a designated dark sky zone), take in a sunrise as it crests the distant ocean, or experience the excitement of knowing a pod of orca is nearby. These values tie the site intimately with the coast, just as the landscape wraps around the settlement of Okura Road and forms an inland, terrestrial boundary to this character's experience. The site may be set apart, but it is still very much connected and intrinsic to the 'special character' of the area. Therefore, where Mr Bray considers, in a broad assessment, that the site's existing natural character is at the low end of the scale, I consider there to be a moderate level of natural character.
26. Regarding Mr Bray's consideration of the proposal's effects on natural character, I agree that the landscape enhancement areas and fencing of waterways are positive biotic outcomes.
27. We disagree that the proposal's landform changes are of any consequence. As described earlier and illustrated in the Civil Engineering Plans, I consider that the change in the landform patterning and resulting character on the approach to, and departure from, Mangakuri Beach will be significantly modified. In this regard, I consider these effects have not been fully mitigated.

MITIGATION

28. Within the policy framework, I remain of the opinion that, given the proposed level of effect is greater than permitted densities and of a character that sits outside the plan's permitted thresholds, greater levels of coastal landscape

enhancement would more effectively mitigate residential built form and associated elements on the arrival and departure experience.

29. If the level of vegetation at 54 Okura Road is a desired outcome, this is the only opportunity to define a mitigation planting strategy that offers certainty of achieving it. While Mr Bray states that the proposal is not an 'Eco Subdivision', I note that more restorative landscape enhancement to the bounds of building platforms would be more consistent with the value ascribed by the CE overlay.
30. I support the outcomes of land stability, protection of hydrology, and habitat creation. I also support ensuring that in the mid-to-long-term, the subdivision will achieve greater affinity with what the PDP and NZCPS aims to achieve. Screening, visually buffering, and applying the restoration rationale to greater proportions of the proposal is more likely to result in a framework that can achieve a subdivision that is subservient and complementary to its unique coastal rural location.