

**BEFORE THE INDEPENDENT HEARINGS PANEL**

**IN THE MATTER OF:** An application for subdivision consent, pursuant to section 11 of the Resource Management Act 1991 (**RMA or the Act**) for a 55-lot subdivision (48 rural residential allotments)

**AND**

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

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**SUPPLEMENTARY STATEMENT FROM REBECCA RYDER – LANDSCAPE**

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Dated 13 July 2023

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**1. Introduction**

**Qualifications and relevant experience**

- 1.1. My name is Rebecca Keren Ryder, and I am a Landscape Architect and Partner at Boffa Miskell Limited. My expertise and experience are detailed in my earlier technical recommendation. This memorandum details my opinion in response to the landscape evidence prepared and presented at this hearing by Chantal Whitby and additional information arising from submitters and other experts, relevant to landscape and natural character matters.

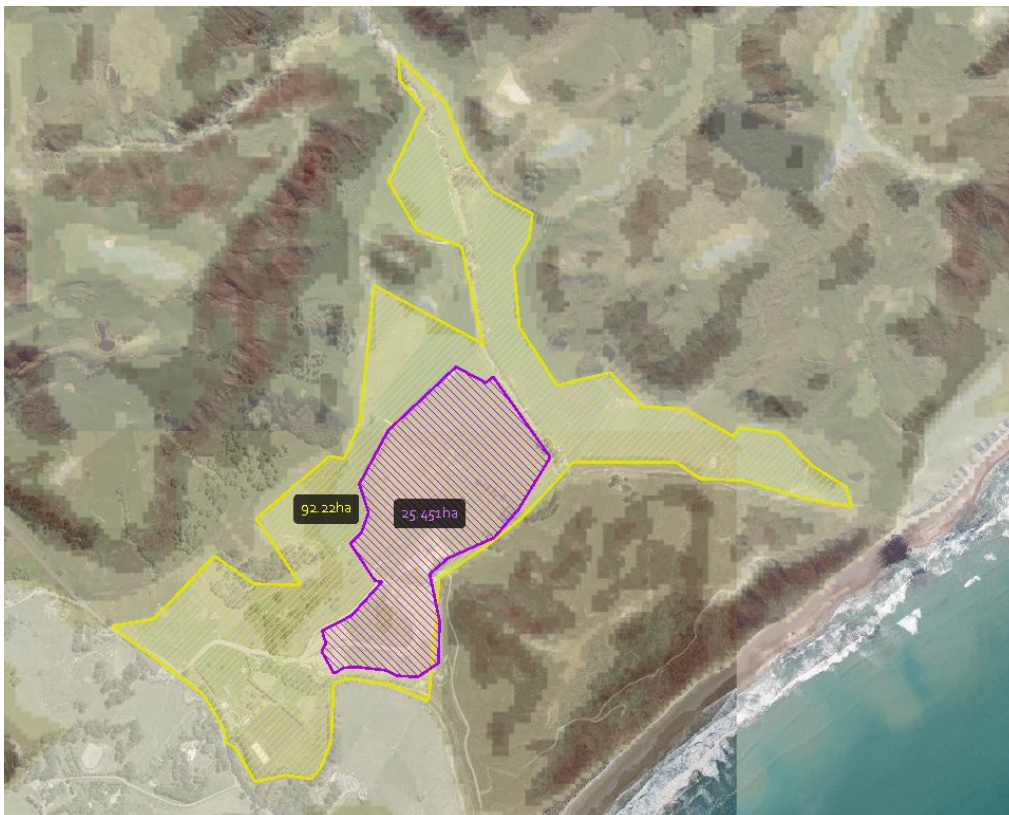
**Natural Character Effects**

- 1.2. In my opinion, based on further material and recommended conditions provided, I consider that the natural character effects will be low and concur with the findings of the Ms Whitby.

**2. Rural Character**

- 2.1. In my earlier technical report, I raised that at the time of lodgement there remained potential for moderate adverse landscape effects to be generated on the rural character and that further detail is required to evaluate the reasoning for the site's ability to integrate the loss of the open rural landscape. Reliance on the remaining open rural landscape of the surrounding hillsides and just the spatial layout of the subdivision, without a landscape mitigation plan, does not provide suitable certainty of the management of potential adverse landscape effects.

- 2.2. There is reliance, as stated by the applicant’s legal submission and Ms Whitby, that the subdivision should be considered in the context of the existing subdivision as an extension of this. This is noted as part of the existing environment is a consented subdivision and other development outside of the settlement zone. I can confirm I have considered the existing subdivision as part of the context but consider this subdivision on the effects it generates on the rural character both as it stands alone and the cumulative effects of this subdivision.
- 2.3. My concern raised around there is substantial reliance on the hillsides and localised context of surrounding rural landform creates a proposal that is small scale in this context (Refer Paragraph 42a). More specifically I consider the assessment has not considered the scale of occupation of the valley floor itself and the context of scale upon this element of the rural landscape and the spatial relationship the proposed subdivision has with the settlement patterns. The plains area is a relatively unique feature of the landscape patterns in this steep coastal environment.
- 2.4. To assist in understanding the spatial occupation of the rural landscape assessed at a local context, Figure 1 below provides a spatial understanding of the valley floor. This component of this landscape is a unique component in this coastal landscape, and this shows that the proposed subdivision, coupled with the existing subdivision occupies 27% of the valley floor component (north of the Pourerere Stream) and is sited in the widest area of the valley floor removing any dominance the rural pastoral land use has within the remaining rural landscape. In my opinion this not small scale in the context of this localised rural landscape.



**Figure 1** – GIS Spatial analysis of valley floor area.

- 2.5. This subdivision is less connected to the settlement of Pourerere Beach than Stage 1 and 2 are, both physically and visually. The lack of visual connection from public viewpoints, from the existing settlement, are relied upon for the degree of visual effects.

- 2.6. In response to recent questions this morning regard the 4 lots interfacing directly with the adjoining subdivision (Stage 3). There will be two future dwellings which will interface with a buffer / common lot separating the properties.
- 2.7. In my experience the immediate neighbouring dwellings have a high degree of sensitivity to landscape change. The values placed on the adjoining landscape, can without those submitters, be related to the anticipated outcomes of a rural zone. With that in mind the degree of visual amenity (not other aspects of amenity discussed today) will be degraded. This would relate to loss of northerly aspect to open fields comprising dominant rural land use, impacts on privacy and the overall effect of aesthetic coherence of the valley floor of the overall subdivision (Stage 3).
- 2.8. Placement of dwellings and how the composition of built form across this landscape will be viewed and interpreted as a high degree of visual change from the existing rural landscape and that anticipated by the PDP.
- 2.9. Based on my site observations, and knowledge of the site, the immediately adjoining four properties would result in potential moderate adverse visual effects, contributing to the overall landscape effect. This visual effect could be mitigated through soft landscape management (planting) of the buffer around the site, noting this would result in a loss of rural outlook for the properties in question. I understand that views are not protected and as of right the boundary interface could be screen with rural productive land use or measures.
- 2.10. Overall, I am of the view the higher degree of effects matters relate to the rural landscape character effects, and not those of natural character. Visual effects form part of this but are not the sole consideration of a landscape effects assessment. My earlier technical memorandum sought to understand the unique characteristics within the rural landscape that define the ability for the subdivision not to dominate the rural landscape. The question and matter has not been extensively addressed and in my opinion is the proposed subdivision remains dominant over the rural landscape, at the scale assessed by Ms Whitby, and that it would result in moderate adverse effects.

### **Mitigation of Landscape Effects**

- 2.11. I note that the applicant's legal counsel has raised, in response to the receipt of the Cultural Impact Assessment, that there is an intent by the applicant to "*undertake indigenous planting within the shared open spaces*". There is clearly a relationship that mana whenua has with the whenua and its wellbeing. I note the Kairakau Lands Trust CIA report remains confidential with pages 61 – 64 released<sup>1</sup>, and I have been unable to see the key recommendations. However, I support the approach of indigenous planting within the shared open space areas. This is a matter raised in my earlier memorandum as a need to provide a clear understanding of the layout and scale of this.

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<sup>1</sup> <https://www.chbdc.govt.nz/assets/Uploads/220003-CIA-Pages-61-64-Only-1.pdf>

- 2.12. In my experience the intent of statements for planting and what different parties may expect to see will likely differ. Reliance on a landscape plan to be prepared later, with limited direction of the outcomes or parameters it is required to meet, to mitigate effects (be those landscape or cultural landscape values), in my view provides no certainty of this planting. For example. There could be variance in the scale small groupings of low planting to large areas of larger tree planting.
- 2.13. I do not concur with the findings that the hillsides and the subdivision layout alone, notwithstanding agreed design controls, can mitigate the effects on the rural character of the area. Ms Whitby notes in paragraph 49 of her evidence that *the details of a landscape plan would have no impact on the overall effects on the landscape and natural character*. However, at paragraph 53 she agrees that a landscape plan should be provided and performance measures are required. I do not agree with her opinion that there is no reliance on a plan, and in her particularly when it is relied upon to enhance the natural character condition of the stream.
- 2.14. With regard to landscape effects, in particular on rural character, I do not agree with the degree of effects reached by Ms Whitby on rural landscape character (as separate of natural character) without reliance on landscape mitigation measures. I remain of the view that to appropriately mitigate the potential moderate adverse landscape effects<sup>2</sup>, a landscape mitigation plan should be prepared. I note at paragraph 53 of Ms Whitby's evidence she also agrees and provides recommendations of performance standards for vegetation for open spaces, detention pond, swales and riparian margins.
- 2.15. I agree that performance outcomes for any vegetation and its role of mitigation should be clearly outlined in the conditions, and preferably shown in a Landscape Mitigation Plan referenced in the conditions. I would welcome the opportunity to work with the applicant's landscape architect to characterise the parameters and outcomes.

### **3. Recommended Mitigation Measures**

- 3.1. Should the application be granted the mitigation measures are critical to this and in my view must go beyond just the building colours and heights. The relevant landscape mitigation measures recommended in the Section 42A report have been informed by the applicant's recommendations and my own suggested measures. It is correct I have used these measures from earlier methods applied which is a rural residential subdivision on the outskirts of Hamilton. The reasoning of use of these as a baseline of options, are responsive to rural environments and the impact of further residential housing in a rural landscape, of which is similar in this application.
- 3.2. Further discussion was held following my Technical Report, with Mr O'Leary, where we agreed for some of the measures not necessary and I concur with the recommended measures he has suggested.

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<sup>2</sup> Refer to paragraph 4.3 of Rebecca Ryder Technical Memorandum, dated

- 3.3. Ms Whitby does not agree with the following conditions:
- a. Disagrees with placement of buildings and consent setbacks provided in District Plan adequate<sup>3</sup>.
  - b. Disagrees with single storey statement with agreement of an 8m building height<sup>4</sup>.
  - c. Disagrees with form and materials selection but agrees with colour reflectance controls.<sup>5</sup>
  - d. Accepts the use of darker coloured surfaces if sealed driveways are implemented but should not exclude gravel driveways. Disagrees with the suggested kerb condition which such a design being better suited to the urban context<sup>6</sup>.
  - e. Agrees with lighting and utilities conditions but disagrees with street lighting exclusion but suggests use of ADSA approved lighting.
- 3.4. The purpose of the recommended design measures was in response to a lack of a landscape mitigation plan which would address the inclusion of dwellings and the design measures undertaken within lots. The placement of building platforms comprises a purpose of managing building scale and bulk in a landscape. The purpose is to manage building dominance, including ancillary buildings, sheds etc on the overall composition of the subdivision.
- 3.5. Regarding single storey dwellings and the conflict with 8m, I concur with Ms Whitby and note this should allow for two storey dwellings.
- 3.6. Recognising the lack of 'condition test' on some of the outcomes, the approach of these measures is, coupled with managing building scale, a method of applying design controls to the architectural outcomes within this rural landscape. I remain of the view that managing the building extent within a lot, form and scale is necessary to integrating with the rural landscape.
- 3.7. The recommended condition regarding exterior hard surfaces should be amended in my view to integrate and allow for gravel surfaces. I acknowledge the need to ensure gravel surfaces and more rural treatments are allowed for. I also concur that kerbs are not allowed for hence the recommendation that flush kerbs and swales are the preference of treatments on driveways.
- 3.8. Regarding street lighting, the need to create road lighting within the subdivision will be a roading standard required by the Transportation Team of the Council. I support, if required, the recommended performance standard suggested by Ms Whitby.

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<sup>3</sup> Refer Paragraph 54 of Ms Whitby's evidence

<sup>4</sup> Refer Paragraph 55 of Ms Whitby's evidence.

<sup>5</sup> Refer Paragraph 57 of Ms Whitby's evidence.

<sup>6</sup> Refer to Paragraph 58 of Ms Whitby's evidence.

#### 4. Statutory considerations

##### Operative Plan

- 4.1. My earlier technical report addresses the policies of the Operative Plan. Through the hearing discussion on the landscape matters addressed in the Proposed District Plan which I will respond to as it relates to concepts of natural character and landscape character. In my view, with the agreement of the degree of natural character effects, that the primary matter with regard to landscape assessment is that of landscape character, and in this case; rural landscape character. This is distinctively different to that of natural character.
- 4.2. Before I do so I wish to address the concepts of natural character and landscape character, in particular rural character as it applies to this site, as being separate assessment methods and constructs. Ms Whitby has referred to the New Zealand Institute of Landscape Architects national assessment guidance document; *Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines*. It is from this document I shared the table of scaling of landscape effects applied by our profession and where the guidance of our RMA 1991 terms of *less than minor, minor and more than minor apply*.

##### Proposed Plan

- 4.3. The management of rural character is addressed through policies GRUZ-P1, P2 and P4, P5, P7, P8 and P10. It also requires that minimum lot sizes can be 2500m<sup>2</sup> on the basis that a 20ha balance is created which reinforces the policies of maintaining the predominance of the farming landscape over a built one. There has been challenge on the method of identifying house sites, a method I have suggested in my technical report. Objectives and policies under the rural zone within the PDP are clear in their weighting toward the rural character and amenity. The explanation and following objectives and policies, are in my view, clear on this.
- 4.4. I remain of the view that with the limited mitigation measures and reliance on the surrounding hillsides to provide open space, the residential subdivision will dominate the rural valley floor and the role this has in the rural character of this zone. I consider measures are needed to define the extent of the urban development from the rural landscape and minimise the dominance of built form in this rural landscape.
- 4.5. CE-P3 addresses avoidance of sprawling or sporadic subdivision and development in the coastal environment. This policy in my view is challenged by the proposed subdivision by the extension of rural lifestyle development away from the settlement of Pourerere. I have considered the context of the adjoining and established subdivision and I note this follows a similar pattern to that of the remaining settlement of Pourerere where it aligns along margins and remains connected visually.

## 5. Conclusion

- 5.1. While I generally agree with parts of the Landscape Assessment Report, I do not agree with the reliance on undefined outcomes, e.g. house siting and unknown landscape treatments noting the general acceptance by Ms Whitby of some of the site design control conditions recommended and the need to prepare a landscape plan for both natural character and landscape outcomes for open space areas<sup>7</sup>. As stated in my technical report, subject to the scale and degree of this there is potential in my view to mitigate the adverse rural character effects to a moderate-low degree. These measures, in my view, need to be strongly distinctive to the site and its differentiation to its surrounding valley floor landscape.
- 5.2. I remain of the view that the landscape evidence has not provided further detail to understand the landscape response to the unique characteristics of the site, that differentiate the site from its immediate adjoining valley floor. Reliance on the hillsides to provide open space is not, in my opinion, suitable to mitigate the loss of rural open space and dominance of built form in this rural landscape.
- 5.3. I remain however of the view the scale of the subdivision in the context of the valley floor does not meet the Proposed District Plan policies of avoiding dominance of residential subdivision over the rural landscape. Overall, I conclude, with the information at hand, that there remains potential for moderate adverse landscape effects on the rural landscape character of the localised area.



Rebecca Ryder  
FNZILA (Registered)



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<sup>7</sup> Refer Paragraph 53 of Ms Whitby's evidence