

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of LUC 2017-255 & SUB 2017-
49, 94 Holyhead Street, Outram

STATEMENT OF EVIDENCE OF HUGH DUDLEY FORSYTH

1. Introduction

- 1.1 My name is Hugh Forsyth and I am appearing on behalf of Balmoral Development (Outram) Ltd to provide landscape evidence in relation to their resource consent application LUC 2017-255 & SUB 2017-49. Balmoral seeks to subdivide the northern 2.19 Ha part of 94 Holyhead Street, Outram.
- 1.2 I am a registered landscape architect and I have followed the Environment Court's Code of Conduct for expert witnesses in preparation of this evidence. The matters on which I express an opinion are within my expertise.
- 1.3 I have previously reviewed the landscape and visual amenity values of this site and to assess the contribution the site makes to the rural setting of Outram in respect of a submission to the proposed Dunedin City District Plan ('2GP') that was made by my Clients. I have included this assessment substantially in this evidence and have addressed the landscape and visual amenity policies and objectives in respect of the present application.
- 1.4 In preparation for the submission to the 2GP Panel I visited the site on the 28th of February 2017 and then again 17th of April to confirm my initial impressions. During these visits, I walked around the boundaries of the full area of 94 Holyhead Street, walked along the river embankment and drove along adjacent public roads. I took photographs and have included some of these in my present evidence.
- 1.5 In preparing this evidence I have read the consent application submitted by Paterson Pitts and the s42A report comments made by Liane Darby, and email comments from Barry Knox, Landscape Architect, Dunedin City Council (18 September 2017). I have reconsidered my evidence to the 2GP Panel (15 May 2017) and incorporated my response into this evidence.
- 1.6 My understanding is that the intent of SUB 2017-49 is to provide for the development of residential lots of 1000m² or more in size, and as an extension of the development outlined in the Structure Plan, which will meet the south/west boundary of the

consent area. I prepared a short landscape report that was lodged with this application and have incorporated the landscape plan and mitigation provisions in this evidence.

1.7 My evidence has the following structure:

- Site description
- Landscape Character and Visual Amenity
- Proposed development
- Planning context – Operative Plan and 2GP
- Amenity Effects
- Proposed Mitigation
- Summary and Recommendations

1.8 I am able to support LUC 2017-255 & SUB 2017-49 but have made some recommendations that to mitigate potential adverse effects that may arise from the future development of the submission area.

2. Site Description

2.1 The site area is located on the north/east outskirts of Outram Township and is part of the land contained within 94 Holyhead Street. The south/west boundary is approximately 420m from the main street of Outram (Holyhead Street). Its northern boundary meets the private residence of 51 Mountfort Street and is approximately 150m south/west of the Taieri River Bridge (Fig.1).

2.2 The site comprises a flat land area of approximately 2.19ha and forms an irregular rectangle of approximately 196m in length that is approximately 65m wide at its north/east boundary and 180m wide at its south/west end. Land cover includes pasture, trees (that surround the farmhouse), a small market garden area that meets a tall 5m+ hedge on the southern boundary, and a low and slightly rambling hedgerow that faces the lane and highway on the north/west boundary (Fig.2).

2.3 Balmoral farmhouse is located in the south/east corner of the site on a separate lot of 3115m² but visually and functionally appears part of the submission area. The farmhouse is a two-storey building with a ground floor area of approximately 150m² in area and is surrounded by a large garden and a range of medium sized and tall trees.

2.4 Upstairs attic bedrooms and windows face towards the highway and its white painted form is framed against tree planting and highlighted by the intersection of the flood embankment and the southern boundary hedge that runs across the south/east site

boundary. Two outbuildings are located either side of service yard to its south and where an access road extends to Holyhead Street (Fig.3 & Fig.4).

- 2.5 The combined area of the site and the farmhouse is approximately 2.5ha and equates to approximately 39.35% of the 6.3518ha of land that is included in legal title for 94 Holyhead Street. The balance of approximately 3.85ha forms the Structure Plan that was rezoned residential 5 and is the subject of an existing subdivision consent.
- 2.6 A 4m high flood bank marks its south/east boundary and a small non-continuing lane follows the north/west boundary. A walking track follows the top of the flood bank and provides views across the site towards the highway and over Taieri River to farmland in the opposite direction. This track presently ends at a private property sign adjacent to 51 Mountfort Street but the track appears to have legal access to the bridge.
- 2.7 The lane on the north/west boundary is approximately 4m in width, and is contained between the site and the embankment of SH87 above. It provides vehicle access to 51 Mountfort Street and pedestrian access from Outram to Outram Glen to the north.
- 2.8 Highway 87 is offset approximately 50m from the north/east site boundary and closes to approximately 20m as it passes the south/east boundary, and opposite Balmoral Farmhouse. The embankment drops in grade as the road runs from Taieri Bridge towards Outram and from approximately 5m to 2m above the site level.
- 2.9 This section of SH87 is named 'Mountfort Street' and extends between the Taieri River Bridge and the main street of Outram. It was consistently busy during early afternoon weekday site visit and carried approximately 20 cars per minute. Most vehicles appear to travel at approximately 80kph.
- 2.10 In summary, the site area is flat and contains pasture, Balmoral Farmhouse, surrounding tree planting and some outbuildings. It is located in the northern tip of the south/west side of the Taieri River terrace but is visually and physically cut off from the river by the flood bank.
- 2.11 The flood bank is a significant landscape element in itself and continues along the river boundary of the village to the south/west of the site. SH87 passes along the north/west site boundary, provides strategic views of the site area, and has a strong visual and auditory presence when experienced from within the site itself.

3. Landscape Character and Visual Amenity

- 3.1 The site has a simple landscape structure that includes an elongated open pasture, contains one area of building and tree planting, that is bounded by the Taieri River

flood bank to the south/east, and hedges, a small lane and other residential development to the south/west, north/west and north/east. The pattern is easy to perceive from a passing vehicle and for those walking the lane on the sites road boundary, or those occasionally walking on the flood bank.

- 3.2 The wider landscape context includes Taieri River, which gives form to the flood bank, the rural landscape to the east of the river, the hills rising to the north of Taieri River road bridge, and Outram Village, approximately 195m south/west. Fields, shelter planting, and the distant coastal hills are visible to motorists travelling past the site and towards Outram but are not visible from within the site itself.
- 3.3 The visual catchment for public views of the site and the farmhouse include the section of SH87, above the north/west boundary, and the lane that is used by locals when walking to Outram Glen Recreation Reserve, to the north/east. Off-site views can also be gained from the flood bank.
- 3.4 Views from SH87 are limited by roadside shrub and tree planting when approaching from the north/east and passing the site. A willow tree is located on the road opposite the south/west site boundary and which ends views into the site from the north/east. Hedging follows the land boundary to the south/west of the willow tree and presently prevents views into the south from the Outram approach until opposite the site.
- 3.5 Consequently, views into the site are limited to a distance of approximately 140m, which equates to a viewing time of approximately 6.5 seconds at 80kph (Fig.2). These views are under the canopies and between the trunks of the trees planted along the road but provide a clear impression of the farm house and its setting among trees and silhouetted by the rising flood bank behind.
- 3.6 It is not possible to view the site from the residential area to the south/west of the site or from the eastern side of Taieri River. This is due to presence of hedge and tree planting and the location of the flood bank.
- 3.7 Views gained from within and around the site have a more limited scale. The flood bank and SH87 embankment provide strong perceptual boundaries and planting associated with 51 Mountfort Street and other hedgerows limit views in and out at eye sight level.
- 3.8 The farm house is the dominant element within the site, and characterizes it to a large extent, but is also located in the bottom south/east corner. The remainder of the site contains a flat open land area that is currently planted in grass, apart from an area of

vegetable growing on the south/west boundary. This wider area is the proposed location of future residential development.

- 3.9 Views out of the site to the north/west and north include SH87 and associated tree and shrub planting, native vegetation on the slopes above SH87, and rising farm land and ridges along the horizon line. Views to the north/east are limited by the flood bank but include the canopies of some river side trees and Outram Glen hill tops.
- 3.10 In summary the site is accessible, easy to understand, and appealing to off-site road view, with Balmoral Farmhouse and the flood bank providing the focal points. The broad pasture setting and simple horizontal forms of the flood bank and hedging emphasize the presence of the farmhouse and brief views to the river side trees and fields beyond reinforce its apparent rural context.
- 3.11 My summary of site character is semi-rural/residential. This characterization takes into account the open space, hedgerow boundaries, trees and views to surrounding hill areas, the visual dominance of the farm house and its wider cultural and statutory recognition, and the contrasting factors of a relatively small land area, lack of 'rural' activity, and the presence of surrounding traffic and river infrastructure.
- 3.12 My assessment of present landscape value is 'low-medium' on a scale of 'low, low-medium, medium, medium-high' and 'high'. This assessment takes into account the higher value factors and the detracting factors associated with SH87 and is an assessment of land use as well as visual values.
- 3.13 While the site has a relatively high visual appeal my conclusion is that surrounding elements overlay and define the site more than the wider open rural land to the south/east of the flood bank. SH87 has an intensity of use and consistent associated visual and auditory effects that are exacerbated by the narrow linear form of the site.
- 3.14 My assessment of present amenity value is 'medium' on the same scale. This assessment draws on Section 7 (c) of the Resource Management Act (1991) and is a wider assessment than visual appeal, although this is often a key factor.
- 3.15 From site observation, the farmhouse is a key component of the visual value of the site, which is mostly perceived by passing motorists. As described in paragraph 3.1 the surrounding pattern of land form and simple land cover enhance the setting and prominence of the building. Balmoral Farmhouse also has historic significance that is formally recognized by its listing by Heritage New Zealand.

- 3.16 For both visual and cultural reasons its setting and visibility require consideration in further site development. I do not consider the site have amenity in the context of the wider rural landscape and address this in paragraph 5.5 onwards in my evidence.

4. Proposed Development

- 4.1 The part of 94 Holyhead Street subject to this application will be developed to provide for 'large-lot' residential sites of approximately 1000m² size. An access lane will be located in the middle of the site and run due south/west to north/east. Tree planting will be undertaken on both sides of the lane with parking restricted to the river side. The relevant drawings are:
- Drawing D15829:
'Lots 32 – 53 Being a Proposed Subdivision of Lots 10 and 27 SUB 2017',
Patterson Pitts Group, 27th April 17
 - Fig.1, Site Environmental Consultants, October 17:
'SUB 2017- 49 - 94 Holyhead Street – Landscape Concept,
- 4.2 In consideration of the setting of Balmoral Farmhouse a view shaft overlay is provided in Paterson and Pitt drawing D15829. This view shaft will be 42.5m wide at highway boundary and 22.5m wide adjacent to the farmhouse. Structures and planting more than 2m high are excluded from this area.
- 4.3 The access road has its route through the centre of the proposed development and will be a focus point for future residents as they drive in and out. Planting is proposed on both sides of the road (6m height) with parking restricted to the north/east side.
- 4.4 In order to filter road views for future residents and to soften the residential edge for road viewers further tree planting is proposed along the north/west boundary. A pedestrian walkway is proposed that will maintain the common access across the site that is currently enjoyed by Outram residents at the pleasure of the Fergusons. This will link the central access lane and provide a walking route from the north/east part of the village to Outram Glen.

5. Planning Context

5.1 Operative District Plan

Paterson Pitts have provided an assessment of the fit of the proposal in the context visual impact (Policy 6.7.13), sympathetic siting and design (14.7.3), landscape features and characterization (14.7.4), and compatibility of scale and character (14.7.5). They concluded that the proposed residential development of the site would

have a limited adverse visual effect following mitigation planting, the overlay of a view shaft to Balmoral Farmhouse, and as a consequence of the site plan (pg.20-21).

- 5.2 Site planning includes the provision of a pedestrian link from the median access lane and boundary and street tree planting. No further measures were considered necessary to integrate the size and scale of the development with existing housing to the north/east and south/west boundaries.
- 5.3 I agree with these conclusions and address the separate issues of wider rural character and amenity, and the potential adverse effects of the loss of the last open space in the north/east part of Outram that are raised by Ms. Darby in sections 167–172 of the s42 report, pg.31-32. The key themes appear to be that the loss of open space inevitably equated loss of rural character.
- 5.4 These themes are refined with reference to:
- a. Amenity values (Policy 6.7.3 & 8.13.5), pg. 34
 - b. Development consistent with rural character (6.3.5 & 6.3.6), pg.39
 - c. Subdivision should not lead to cumulative effects (6.3.14), pg.40
 - d. Views of rural areas are to be maintained (8.3.9), pg.41
 - e. Maintenance of rural amenity (16.2.3, 16.2.3.1, 16.2.3.2, 16.2.3.8), pg.48-49
- 5.5 Amenity Values and avoiding cumulative and adverse effects (a, b, c, d, and e)
- Under the section Landscape (6.7.25) Ms. Darby acknowledges that the site lies outside the areas considered to have higher landscape value under the Operative Plan and that the Plan does not seek to control the colour and location of buildings that are outside those areas. She then observes that visual appearance and potential effects on Rural Character do apply, particularly in a non-complying application, and refers to ‘amenity’ being a wider assessment than visual appeal, although a significant factor (Paragraph 167).
- 5.6 Continuing on to the site itself Ms. Darby notes that giving effect to SUB-2017-32, the present structure plan area, will change the appearance of the present site, with the removal of the mid site hedge revealing the future residential area to the south/west of Balmoral Farmhouse. Removal of the boundary hedge to the south of the proposed entrance from SH87 will further open the area and the remaining site will appear as a small area of open space surrounded by the river flood bank and road embankment.
- 5.7 In Ms. Darby’s view, removal of this remaining open space will also remove the remaining element of rural character that previously marked this area, and complete

the transition to residential character. The link made is that a loss of rural character will also mean loss of amenity, in the wider sense (Para 172).

- 5.8 To be more specific policy 8.3.9 seeks to retain views of rural areas that can be obtained from urban areas. Objective 16.2.3 and supporting policies 16.2.3.1-16.2.3.8 seek to maintain buildings and structures that are set back from the road boundary, residential activity and density to reflect rural character and visual amenity values, and subdivision that will maintain future rural values.
- 5.9 I agree that these policies are not going to be met within the land area that is subject to LUC 2017-255 & SUB 2017-49 but maintain my assessment that the land is not 'rural' in the broader context of the Plan. My reasons are that the scale of the present site is minor compared to surrounding rural land areas and more closely aligned to a single football field that is surrounded by residential development on two boundaries and a large bank and a road on the remaining.
- 5.10 I agree that the present 'open space' adds to the enjoyment of this small landscape for passing motorists but the Plan does not recognize and protect it as recreation open space, which would support its retention. At present the land area is isolated from other rural areas in a visual and physical sense and does not share the same scale of unit size or the rural uses that are common on the farm lots on the eastern side of Taieri River, or are anticipated by the subdivision rules in the District Plan or 2GP.
- 5.11 For the reasons of scale, location, connection, land cover, and lack of cropping or grazing I do not consider the land area to be 'rural' in any functional sense and therefore does not have the characteristics of rural amenity that the District Plan describes.
- 5.12 In my view, the site is a remnant of previous processes but no longer has the rural visual amenity characteristics of the kind that the District Plan speaks of. It follows that development consistent with rural character and avoiding cumulative effect do not apply (6.3.14 and 6.3.5-6.3.6).
- 5.13 This does not mean that the visual amenity of the road approach to and from Outram or the location of Balmoral farmhouse within those views should be set aside. The current proposal includes several measures – set back from the highway boundary, view shaft, and planting on boundaries and the internal access road.
- 5.14 Mr. Knox raises the separate issue of urban form, its extent, and the value, in his view, of maintaining a sense of separation between the residential areas of Outram and the wider rural environment. In this case rural land must include the pasture, structures,

shelter belts and river planting that marks the approach to Taieri River Bridge from Mosgiel and the open space associate with Balmoral House is the separation.

- 5.15 My response is that the scale of the open space and its limited visibility negate this positive effect. The Taieri River make a more logical and legible boundary to the Township from north/east approach. The views of Balmoral House that are gained from the highway as it runs past, due south/west, do add to the setting and perceived character of Outram as a rural town but, in my opinion, are not rural views per se.
- 5.16 The 2GP
- The proposed zone for the site is ‘Taieri Rural Zone’ within the 2GP. The site is assessed as containing high-class soils and being within a Hazard 2 flood area and Balmoral Farmhouse is identified as a heritage building. The site is not identified as reflecting higher landscape or natural character values.
- 5.17 The purpose of the rural zone is to provide for ‘productive rural activities’ and ‘ecosystem services’, which include soil, air, water and natural habitat for vegetation and fauna (Section 16, ‘Rural Zones’, ‘Introduction’). Potential threats are considered to lie in land fragmentation and the use of rural land for ‘non-productive’ use. Non-productive uses are linked to ‘adverse effects on landscape values, rural character and amenity values and the natural environment.
- 5.18 Objectives respond to these issues by encouraging acceptable rural activity (16.2.1.1), preventing unnecessary or inappropriate development (16.2.1.5), avoiding restrictions on rural activity through reverse sensitivity (16.2.1.7) and seeking to retain natural features and encourage building that is appropriate to its receiving environment (16.2.1.7).
- 5.19 The District is divided into seven landscape areas that include a summary of the key elements and values for each area. Appendix A7, Section A7.3 provides an overview of the ‘Taieri Plains’ and is relevant to the site. A pattern of intensive use describes the eastern part of Taieri Plains and larger scale and a less intensive ‘working landscape’ is found within the western parts, and including surrounding Outram.
- 5.20 The Taieri Plains rural landscape may include:
- Larger fields and beef and dairy farming
 - A grid-like pattern of development with a regular form to fence lines and shelter belts
- 5.21 To assess if the site is ‘rural’ in the manner envisaged by the 2GP I drove around the outskirts of Outram to gain an impression of land use patterns, land cover and land

holding size. I concluded that it is not “rural”, for reasons of size, its form, relationship to other rural land, and land use.

- 5.22 The two closest active rural field areas are located on the south/east side of Taieri River and are 25 and 52ha in area respectively. These farm areas contain one or two groups of buildings, fences, and carry stock or crops with farm tracks linking the different parts. They are also part of much larger area of land that extends eastward.
- 5.23 The part of 94 Holyhead Street that is included in the submission is 2.1ha in area and has a long narrow form that is separated from adjacent field areas. The site not big enough to carry stock, other than for domestic purposes, and has been previously used for horticultural purposes. This activity has ceased and market gardening has been discontinued.
- 5.24 I note Ms. Darby’s point that commercial viability does not feature as a policy requirement for the use of high class soils in the District Plan, and that issue is beyond be expertise anyway. However, scale and land use patterns do have a part to play in the assessment and protection of rural character that I suggest has been overlooked by Ms. Darby.

6. Amenity Effects

- 6.1 Future construction within the consented structure plan area will require removal of the hedge than runs across the site adjacent to the farmhouse, both to provide access to the highway, and to allow for sunlight to the lots adjoining it. The effect of this, and the removal of the shelterbelt further south on the road boundary, will be to open the combined land area to view from SH87.
- 6.2 My view is that this change to the present landscape structure is significant and that the Structure Plan now forms the “existing environment” for assessment for future development. Given its strategic location and open road view 94 Holyhead Street will continue to provide a setting to the entrance to Outram from but its character will be residential, even if the submission area remains undeveloped.
- 6.3 I do not consider current site landscape and amenity values, or its contribution to Outram’s setting, are sufficient to preserve it regardless. The present structure and setting of Balmoral Farmhouse are pleasant but do not, in my view, depend on the wider field area of the site for the visual amenity that is provided for the brief view that passing motorists gain.
- 6.4 The future amenity of the site area has been considered by the site plan and concerns the enjoyment and amenity of the inhabitants as well as passers-by. The measures that

have been included as enhancement and mitigation are set out in section 4.2 and 4.3 of this evidence.

7. Summary and Recommendation

7.1 My recommendation is that consent be given for subdivision and residential development subject to making the incorporation of the proposed landscape plan within the consent conditions and the proposed view shaft.

7.2 Specific development recommendations include:

- Undertake medium height tree planting along the north-east boundary
- For houses located on the north/west boundary:
 - (i) Reflectivity values of 40% and down on roofs and wall cladding
- A design statement be prepared for submission at consent and adoption by the development team that seeks to limit the height and prominence of street light fittings and light throw throughout the site and provides for planting of medium street trees (6m maximum height) at a maximum of 10m centre.

Hugh Forsyth

30th October 2017