

IN THE MATTER

of the Resource Management
Act 1991

AND

IN THE MATTER

of SUB-2017-74, LUC-2017-
407, LUC-2017-548 and LUC-
2017-555

34 Gorman Street, Macandrew Bay

STATEMENT OF EVIDENCE OF HUGH DUDLEY FORSYTH

1. Introduction

- 1.1 My name is Hugh Forsyth and I am appearing on behalf of Alistair and Sam Montgomerie to provide landscape evidence in relation to their resource consent application SUB-2017-74, LUC-2017-407, LUC-2017-548 and LUC-2017-555. This application seeks to subdivide their 18.7 site into 3 lots and to establish 2 further dwellings.
- 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 In preparation for this Hearing I re-visited the site on the 15th of February 2018 in the company of Mr. Montgomerie and Mr. Allan Cubitt, planner and project coordinator for this resource consent. Mr. Montgomerie has made some changes to the proposal that I outline. I reconsidered the physical, landscape and visual characteristics of the site during this visit, as this assessment underlies the present application.
- 1.4 In preparing this evidence I have read the s42A report comments made by Amy Young, and memorandum comments from Barry Knox, Senior Landscape Architect, Dunedin City Council (28 August 2017). I have also read the submissions of STOP, and the 2 residents who live adjacent to the site. A further submission is from a resident of Macandrew Bay who does not have direct view and submits widely on environmental issues within the Peninsula.
- 1.5 The consent application is supported by a landscape report and figures that I draw on in my evidence. There have been some changes in the extent of mitigation planting and these are reflected in updates to Figures 2, 4 and 12. I have reissued these as Figures 2a and 12a and have added two additional figures, figure 2b and 4b. Due to the number of changes I have reissued this figure set as Attachments 1 to my evidence.

- 1.6 These changes have also led to amendments to the conditions section 6.8 and 6.16 of the landscape report. The second to last condition in section 6.8 should now read:

“Planting of native shrub cover to be undertaken in the areas shown *prior to the uplifting of the building consent*” (changes in italics). An additional condition is added to the end of this section and should read:

“Pine trees to be retained at the top of the scarp bank for 5 years following consent”

A full list of the landscape conditions recommended for proposed Lots 2 and 3 are included in Appendix 1 to this evidence.

- 1.7 My evidence has the following structure:

- Site description, Landscape Character, and Visual Amenity
- Proposal
- Planning context
- Summary and Recommendations

- 1.8 I am able to support SUB-2017-74, LUC-2017-407, LUC-2017-548 and LUC-2017-555 and am assuming that my evidence will have been read and am prepared to answer questions that may be asked by the Panel that relate my evidence.

2. Site Description, Character, and Visibility

- 2.1 This section of my evidence provides a brief overview of the site, character and land use areas, and visibility. This analysis underpins the proposal and provides the basis of my assessment of potential landscape and visual effects.

- 2.2 The site area is located on the north/eastern slopes of Macandrew Bay and forms the backdrop above the coastal residential area (Fig.1, Attachment 1). It has a mostly rectangular form and rises between 48m above sea level above sea level (‘asl’) to 15 m (‘asl’) at midpoint, top to bottom over a horizontal distance of approximately (‘approx.’) 536.5m. It is approx. 355m in width on a north/east to south/west axis.

- 2.3 Two primary ridges underlie the site and divide either side of a gully. This contains an extensive cover of hawthorn trees from mid site, and a small stream that discharges to Wharfdale Street between Autumn and late Spring.

- 2.4 Apart from the stream land cover is mostly pasture and pine shelter planting in the upper parts of the site. The pasture area is used for casual horse grazing at present while the lower western boundary contains the present residence, access points and other uses. A more detailed description of the site is set out in Table One.

Table One

Character area	Grade (general)	Characteristics
Upper pasture area	14.9% to 5.9%	Easy to moderate grade, water supply, and some shelter. Contiguous with upper pasture slopes of adjacent farm to east and large pine shelterbelt on lower western slope boundary. Low to moderate off-site visibility
Southern ridge slopes	29.23%	Prominent landform with consistent steep grade, rocky soil, and little water. Exposed to SW winds and low pasture growth. Lower boundary formed by mature pine shelterbelt. High visibility in mid to upper slopes
Lower south/west terrace	15.4%	Pasture area between pine shelterbelt and western boundary. Visible to housing on southern Macandrew Bay slopes. Wet and relatively sheltered. Low to moderate visibility – Southern residential
Wharfdale Street Gully	North scarp: 45% South slopes: 24.7%	Convergence of both ridges, separated by stream. Sheltered by shelterbelt to east and wilding pine on western boundary and on scarp to north. Cold and damp in winter. Old farm buildings located on southern slope. Crossed by farm track. Low visibility - only within site
Hawthorn Stream	Stream bed: 24.5% Length: approx. 180m	A stream gully between the two main ridges that is characterized by dense hawthorn cover, which spreads up its lower banks. Bird song very evident. Low visibility – to adjacent neighbours only
Northern ridge mid slopes	18.7%	Pasture + two shelter belts. No formal water supply. Steeper and not as extensive as upper slopes. High visibility – to western side of Harbour
Residential curtilage and native planting	North side: 13.1% Gully: 23.64%	The house is located on the broadening base of the northern ridge and is surrounded by native shrub and tree planting. High visibility - to western side of Harbour
Porterfield spur and gully	South side: 19.19%	Narrow ridge above Porterfield Street that is bounded by Hawthorn Gully to the south and a narrow pasture gully to the north. Wilding pine trees mark the south side of an existing benched platform. High visibility - to western side of Harbour

2.6 Some observations that can be made are that:

- The site is not large but there is a clear sense of difference between different character areas, and most obvious between the slopes above mid site and the land along the western boundary - open and elevated vs. smaller and enclosed
- The northern and southern parts of site have developed differently due to a more gradual topography, water, and shelter on the northern side and a more exposed environment, less water, steep grade, and a stonier/shallow soil profile on the more prominent southern slopes
- Upper areas are larger in scale and have a simple framework of pasture and shelter belts while lower levels become more complex and involve smaller and more enclosed areas
- Pine shelter belts are a prominent site feature, both in the open uplands and the lower site areas
- The hawthorn stream gully area has a strong landscape character in itself and influences access, land use, and is also provides a robust wildlife habitat
- Native planting and residence have a separate and quite visible character in the lower site area that is strongly present within the site and visible off-site
- There is a clear difference in potential viewing audiences, with most of the site visible from the western Harbour side, but only the southern ridge and mid northern slopes visible to residences to south and from the shoreline

2.7 Discussion

The areas that have 'high to moderate' off site visibility are either elevated or are only visible from the west. The majority of western views are from the roads along the Harbour and from at a distance of approximately 2.5km +. Macandrew Bay views are closer, 0.7 – 1km, but limited by topography and site planting, and lack of vantage points (Fig.4b).

2.8 The upper site areas have a simple landscape structure that includes elevation, steeper slopes, pasture, with spatial boundaries often marked by pine belts. These areas appear to me to most reflect the rural characteristics sought by the Operative Plan. I discuss these in the landscape report submitted in support of this proposal (Section 7.3, Table One).

2.9 The western site areas are lower and more influenced by their proximity to the residential zone and the transport network that is included. The land form is similar to the upper areas but smaller in scale as two smaller ridge spurs break off from the main ridge and continue to run out to the coastline.

- 2.10 This part of the site includes the applicant's residence, native planting, a pine shelter belt (that parallels the western boundary), wilding pines, access from Gorman Street and Porterfield Street and a farm track follows the lower western boundary. This is also the route of a major Council water line.
- 2.11 My opinion is that the lower part of the site is more closely aligned to the residential pattern below the western border. It is both low in the landscape and part of the coastal ridge pattern that underlies Gorman and Porterfield Streets and seen in association with the vegetation that is a feature of these ridges.
- 2.12 The houses scattered within this vegetation, close to the site boundary, and the strong linear form of the shelter planting to the southern part of this boundary, further set this part of the site apart as a separate character area.
- 2.13 The consented residential development and established native vegetation, in the north/west corner, brings a further and noticeable point of difference within and without the site.

3. Proposal

- 3.1 It is proposed to subdivide the site into 3 lots and to establish two further residential Lots. Both additional Lots include proposed building platforms (Fig.2a). These are located on a platform of the site of redundant farm buildings (Fig.5). Access will be gained from Porterfield Street.
- 3.2 The design approach has sought to integrate the development with the surrounding landscape and to utilise existing infrastructure and landform, and to remediate part of the mid site area on the western boundary. A significant element of mitigation of potential effects and a design decision is to integrate the development with the existing residence and its native planting regime through extensive additional planting.
- 3.3 Remediation will include removal of wilding pine trees from the western boundary and on the scarp that lies below proposed Lot 2 house platform. The pine trees are wilding sourced and pre-exist the applicant. Several are mature and large and combine with other wilding pines and the adjacent pine farm shelterbelt to create a shady and damp environment in winter in this area. Removal is expected to increase winter sun and air movement in this area and several trees that are an increasing hazard to residential neighbours.
- 3.4 Native planting will begin on consent approval and no building permit may be applied for until the planting within the Lot has been completed (proposed consent

condition). Planting will be undertaken commercially and sourced from a reputable nursery. Maintenance provisions will be made with a local revegetation contractor to both plant the material and provide follow release weeding and replacement. Performance conditions require an 80% success rate at a 5-year period.

- 3.5 The proposed planting will include an area of approximately 3275m² and will include 6660 shrubs, if planted at 1.5m centre. This will increase the present area of native planting by approximately 90% and lead to the establishment of the basis for a self-sustaining area of native sub-canopy vegetation, and eventually forest trees.
- 3.6 When viewed off-site the lower western boundary will have a band of planting across it that extends for 20-30m above the fence line and then rises up to where the present pine trees above Porterfield Street. Views within the site and from immediate neighbours will not include native shrub canopy, and not the large pine trees that presently follow the western boundary. This planting will wrap around the sides of the small gully above Wharfdale Street as well.
- 3.7 Lot 2 will remove approximately 2ha from the active farm potential, at face value, and represents approximately 10.6% of the total site area. Not all of this area is farmed at present, as the area included also contains the Hawthorn Gully. Residential development will include a depth of approximately 75m between the access road boundary and including the building platform - a physical area of approximately 3000m² that will also include 930m² of planting. [are you referring to Lot 2 here?]
- 3.8 In order to mitigate any long views from the southern slopes of Macandrew Bay housing it is intended to remove the pine trees below the top of the scarp and then plant with native species. Planting will also occur on the northern and upper side of the pines as well. The remaining pines will be thinned to ensure they survive and then removed entirely at 5 years. It is expected that the native planting will have reached 4 – 5m at this stage and will filter any long-distance views to the house on Lot 2.
- 3.9 Other mitigation measures include design controls that seek to provide external cladding and colours that will have lower reflective values and led the structure to recede in distant views (Refer section 6.8 and 6.16 of the landscape report). The present residence at 34 Gorman Street demonstrates the combination of planting and colour that reduce visibility, apart from the relatively light colour roof.
- 3.10 The planting program will begin on consent and will include an additional 6660 shrubs, to be planted at 1.5m centres, or a rate sufficient to provide a closed canopy at a 5-year period from planting, and to include fertilizer, and water gel at planting. The

outline cost of planting, at 1.5m centres, is estimated at \$60,000. The removal of the pine trees will also be undertaken commercially but an estimate is yet to be supplied.

- 3.11 Species will include hardy pioneer species that work well in an exposed environment and then be thinned include the wider range are established around the present residence, and including:

- | | |
|--|---|
| ▪ <i>Myoporum laetum</i> - Ngaio | ▪ <i>Phormium cookianum</i> - Flax |
| ▪ <i>Hebe Spp.</i> | ▪ <i>Griselinia littoralis</i> – Broad Leaf |
| ▪ <i>Dodonea viscosa</i> - Akeake | ▪ <i>Plagianthus regius</i> – Ribbonwood |
| ▪ <i>Pittosporum tenuifolium</i> - Kohuhu | ▪ <i>Sophora microphylla</i> – Kowhai |
| ▪ <i>Pittosporum eugenioides</i> - Lemonwood | ▪ <i>Pseudopanax ferox</i> – Lancewood |
| ▪ <i>Pittosporum crassifolium</i> - Karo | ▪ <i>Pseudopanax arboreus</i> – Five Finger |
| ▪ <i>Cordyline australis</i> - Cabbage tree | ▪ <i>Kunzea ericoides</i> – Kanuka |
| ▪ <i>Phormium tenax</i> | |

- 3.12 The applicants are familiar with re-vegetation planting following the establishment of the planting around their present residence and intend to remain on the site if this application is approved.

4. Assessment of Effects

- 4.1 The Landscape Report contains an assessment of effects that considers the characteristics sought in the rural environment within Dunedin City boundaries and the features and characteristics to be protected in the NWLCA. My conclusion was that the proposal would not detract from present rural values and that potential adverse landscape and visual effects would be '**less-than-minor**'. This remains my assessment and which is underpinned by the restrictions on off-site visibility that the site provides and the positive effects that I consider will result from the implementation of this proposal.
- 4.2 Those most potentially affected, in a visual sense, will have view points on the residential slopes to the south of the site or be looking up from the southern road approach, or walking along the sea road walkway. None of these viewpoints indicated that either Lot 2 or Lot 3 were vulnerable to off-site view (Fig.6 and 7). The only viewpoints that provided wider and more strategic views were those taken from the opposite side of the Harbour. This relationship between the two viewing areas is shown in figure 4b.

- 4.3 The positive landscape effects that I anticipate include the development of some of the elements of natural character that the site does not possess at present. This will be exhibited in a growing diversity of native vegetation, and subsequent increase in insect and bird life. The removal of the pine trees and introduction of native trees and shrubs will also bring a more human scale to this part of the site and allow for greater visual diversity.
- 4.4 The physical changes will include visual effects but few changes to land form. The visual effects will follow the change in land cover and land use. Changes will include the implementation of the planting programme and construction of two houses.
- 4.5 Native vegetation will have a light olive foliage colour, round canopy form, and reflect the underlying land form in a way that contrasts to the pine trees that are growing to the south of Porterfield Street. These have a tall, dark green, and geometric form that is out of scale with their immediate surroundings.
- 4.6 The additional residences will bring a further change to this lower boundary area, and that began with the consent of the present residence. I expect the buildings to have a low visual impact, due to planting and design conditions. My view is that the footprint and visibility of the future dwellings will be readily offset by the framework of planting that they will appear within
- 4.7 A low level of earthworks is expected to be required for both houses and access is already in place. Provision has been made for retaining walls in the draft conditions but these are not expected to be significant, building platforms are flat.
- 4.8 The construction of two houses will bring about a change to the present pattern of adjacent to the Porterfield Street entrance. There are existing buildings on the proposed Lot 3 site and the area is currently unused for stock, so the change in use will not be as substantial on this house platform.
- 4.9 The lower part of the Lot 2 site will contain native planting, instead of pasture and pine trees. Native vegetation is identified as a positive value in the Operative Dunedin City District Plan within the rural environment and I consider this change would be a benefit to the overall landscape value of this part of the site as well.

5. Planning Context

Council's Planning Officer has provided an extensive s42a report as an advisory to the Panel and recommends the application be declined. The summary of reasons for this recommendation include (s42a, section 168):

- Adverse effect on site potential for productive agricultural use

- Blurring the boundary between residential and rural land
- Setting a precedent for other applications and undermining the Rural Zone

5.1 I would like to respond to these concerns by addressing the landscape characteristics sought for the Rural Zone and the North West Peninsula Landscape Conservation Area and then address the issue of ‘fragmentation of rural land’ that is raised in the s42a planning report.

5.2 Rural Zone – Objective 6.2.2

Objective 6.2.2 is concerned with maintaining and enhancing the amenity values associated with the character of the rural area. Some of the key elements of rural character are set out, including:

- Predominance of natural over human features
- High ratio of open space compared to building development
- Significant pasture, crops, forestry and indigenous vegetation
- Presence of large numbers of farmed animals
- Noises, smells and effects of pastoral animal production
- Low population densities relative to urban land

5.3 My assessment is that all of these elements will be either retained or met by the proposal. In particular I do not consider that the site will be ‘over developed’ or that residential structures will define its character or the wider land use within the site. My conclusion rests on the layout of the site and the present intensification of activity along the area that is proposed for development and the extent of the open rural land that will remain in the higher parts of the site.

5.4 The North West Peninsula Landscape Conservation Area (‘NWPLCA’)

The site is zoned Rural and lies within the NWPLCA. An overlay of Visually Prominent Area applies to the upper part of the site (Fig.4a). The landscape characteristics to be retained are set out in Section 14.5.3 (b) of the Operative Plan and include:

- Protection and predominance of natural landform and features
- Maintain contrast between rural land and harbour edge settlements
- Maintain balance of settlement to avoid dominance of rural landscape

5.5 The proposal requires a low level of earth works. Provision has been made for retaining walls for both building platforms but only Lot 3 is anticipated to require a rear retaining wall. The access road exists and has been formed as a service access

road. Roadside drainage and surface reforming will be required but not major works. In all these respects the natural landform and features will be retained.

- 5.6 The separation of residential and rural areas is a key concern of the s42a report as well as a policy objective. My view is that the level of change being proposed will result in an extension of the character that exists around the current residence and which includes a house within extensive planting.
- 5.7 I expect the band of planting proposed for the western boundary to provide a similar physical and visual separation between boundary and house and that will far exceed a typical residential boundary relationship. I think the separation between the new house on Lot 2 and the adjacent residential area will be apparent and the character of the two areas to be quite different. For these reasons I do not expect there to be a blurring of the boundary between residential and rural and that the values of the LCA will be maintained.
- 5.8 Fragmentation of Rural Land
- A brief review of the present site indicated that the best farmland is where the grade is less than 20% and there is water and shelter. The land that falls in this category is in the upper part of the site, and the mid north slopes. The site plan has grouped all remaining farm land into one lot and has provided an upgraded access road. These areas will not be affected by the proposed subdivision and casual stocking will be able to continue. The lower land area is either occupied or largely unsuitable for stocking.
- 5.9 The subdivision of the site into Lots that are smaller than 15ha will not, in my view, take away from either its rural amenity, or affect its productive capacity. This view is based on site observation and the comment from Mr. Montgomerie, who has a farming background.
- 5.10 The lower parts of the site that fall within proposed Lot 2 are not currently actively used for grazing by the horses that pastured. These tend to locate in the upper site areas. The house platform represents a small part of the 2ha lot and will have a limited curtilage for private use, with the remainder being allocated for native planting. This planting is a permitted use and identified as an expected element in the rural environment.
- 5.11 Lot 3 will be located on the site of disused farm sheds, and adjacent to Wharfdale Street. The steepness of surrounding land and the presence of the stream outfall and service utility road (for the Council water line) limit this part of the site for anything

other than utility purposes or storage. Its utilization for a house and accompanying native planting do not appear to me to reduce the productive capacity of the wider site, and where the accessible and desirable pasture is located.

- 5.12 I consider the proposal will have no more than minor effects on the sites productive capacity when taking these environmental and spatial issues into account. In addition, it is clear that the site is not large enough to become a self-sustaining economic rural unit without amalgamation with surrounding sites. This is the case with many rural areas around Dunedin and the option of life style blocks is increasingly sought.
- 5.13 From observation and from appearing on behalf of submitters seeking to establish these blocks, as smaller farm areas are not viable in themselves, I consider that this type of development can be successfully established near urban areas and provides a threshold form of residential development that sits between the urban and wider rural environment.
- 5.14 This land is usually 'rural residential' but I do not consider this to necessarily be the best outcome for the environment or maintaining the character of an area. In my view context and potential to integrate with the surrounding environment are key to success.
- 5.15 My observation is that 'rural-residential' sites can have the effect of arbitrarily imposing 2ha ownership blocks within the rural environment, that are too small for productive capacity and too large to maintain for many owners. The Operative Plan permits a 10m height and no restraints on size or impermeable area. In this case the two dwellings will be of a known size, located within a small site area, and underpinned by a high level of environmental mitigation.
- 5.16 The proposal will also allow bulk of the rural land to be maintained in a condition where it can be developed for an alternative rural economic activity, if that arises and meets the requirements of the rural zone or sold to a neighbor to create a more viable unit.
- 5.17 For both reasons of the limited environmental footprint, low to negligible off-site effects, the positive rural effects of the proposed planting, and the sustainable management of the land and landscape resource I consider that the rural integrity of the site and its rural amenity will be maintained, and not 'fragmented' by the proposal.

6. Conclusion and Recommendation

- 6.1 In my view the proposal makes good provision for the successful integration of the proposed two houses into the receiving landscape and is proposed by an applicant with a strong knowledge and understanding of what they are potentially committing to. The sites have been selected with the longer-term development of the rural site being taken into consideration and the layout makes efficient use of existing road infrastructure.
- 6.2 It also retains the bulk of the potentially usable rural land in an accessible and manageable rural holding. Planting and tree management responds to existing site conditions, potential off-site effects, and is aimed at reinforcing and progressing the process of landscape change that is already underway in the lower north/west site corner.
- 6.3 This approach appears to me to protect the future use of the most usable land and to enhance the environment at the same time. The mechanism of subdivision will provide resource to undertake the ambitious planting programme that has been proposed. If it is undertaken I expect the resulting vegetation to increase the amenity of the lower western boundary for the future inhabitants and adjacent neighbours.
- 6.4 For these reasons I do not consider the proposal to be contrary to Part II Matters or the objectives and policies of the Operative District Plan and I recommend consent, subject to the conditions that are included in the accompanying Landscape Report.

Hugh Forsyth

21 February 2018

Appendix 1

Landscape Conditions

6.8 Recommended consent conditions proposed for Lot 2 include:

- Maximum elevation of 7m above existing non-excavated ground level, including roof structure
- A stepped design for two-level structure that extends eastward
- Maximum retaining wall height of 3m across the eastern side of the curtilage and to extend no further than 2m to the north of the residential structure
- Maximum reflectivity value (RV) of 40% for roofs and 50% for external house/retaining walls
- Approved wall finishes include wood products, smooth faced concrete, stone, or a combination of these materials. Bare concrete block, plastered walls and tiled roofs are excluded. Roof materials are to include long-run colour steel sheet or similar.
- Concrete access ways to be tinted to 50% reflectivity value (Fig.13)
- External lights are to be limited to ground based garden lights, wall lights and back door security lights. Driveway 'street lights' are not acceptable
- Legal boundary fences are to be treated wooden post and wire, or warratah and wire, or electric fencing, or combination as appropriate for any stock present. Solid or domestic fences are to be located around the building platform or within its boundaries and may be constructed on any material, so long as the external colour is no higher than 40 -50% reflectivity value.
- Planting of native shrub cover to undertaken in the areas shown prior to uplift of building consent
- Planting to be at one plant per 1.5m at PB3 size, or a rate sufficient to provide a closed canopy at a 5-year period from planting, with liquid rain and a fertilizer pellet per plant. Success rate of 80% at 5 years from consent.
- Pine trees to be retained on top of southern scarp bank for 5 years

6.16 The conditions proposed for Lot 3 are:

- A maximum elevation of 7m and including roof structure
- A maximum height for a retaining wall across the rear of the curtilage of 3m
- A maximum height of 1m for retaining associated with the access way

- Maximum RV of 40% for roofs and 50% for external house/retaining walls
- Approved wall finishes include wood products, smooth faced concrete, stone, or a combination of these materials. Bare concrete block, plastered walls and tiled roofs are excluded. Roof materials are to include long-run colour steel sheet or similar.
- Concrete access ways to be tinted to 50% RV
- All retaining walls are to be stained or tinted to maximum of 50% reflectivity value or to be planted with climbers to a specification agreed by Council (Fig.13)
- Planting of native shrub cover to undertaken in the areas shown within the first planting season following construction (Fig.2)
- Planting to be at one plant per 1.5m at PB3 size with liquid rain and a fertilizer pellet per plant. Success rate of 80% at 5 years from consent.
- All existing pine trees, within the site, are to be removed from the western site boundary.