

Dunedin City Council
C/o Anderson Lloyd
Level 12 Otago House
477 Moray Place
Dunedin 9016

19 May 2022

Attention: Michael Garbett

Dear Michael

Response to Commissioner Questions

The following is in response to the further information and specific questions asked by the Hearing Commissioner in Section 2 of Minute 1 issued 10 May 2022. I copy the questions in italics and provide my response below.

Did you visit the property located at 40 Tunnel Beach Road for the purpose of informing your assessment of the landscape (including rural-residential amenity and natural character), visual effects and cumulative visual effects of the walkway modifications on this property?

1. No. I did not access 40 Tunnel Beach Road during my site visit.

If yes, please explain how any landscape, visual, and any cumulative effects of the walkway modifications on this property were considered. If not, please advise me of the implications of this on your assessments and conclusions.

2. Based on the Commissioner's own site visit observations and the photos attached to Anya Durling's evidence I accept that parts of the proposed walkway modifications are visible from 40 Tunnel Beach (the Property).
3. On that basis I accept that the assertion made in Paragraph 35 of my Evidence is incorrect and the proposed walkway modifications are visible, to varying degrees, from the southernmost portion of Ms Durling's property, proximate to the existing fence line and steep hill faces immediately to the South.
4. From an assessment methodology perspective, the utilisation of a 'reverse view' approach to visual assessment (i.e. looking from a proposal back towards a potentially affected dwelling or property) is not an uncommon approach to assessing visual effects when access to a particular property has not occurred.
5. The use of representative viewpoints to assess visual effects of a proposal on multiple locations (e.g. using a public road to represent several dwellings or properties that share a similar outlook) is another accepted approach to assessing visibility and subsequent visual effects of a proposal on a particular property without having direct access to that property.

6. Both approaches carry an element of risk and while neither are ideal or preferred over direct access, they reflect accepted industry practice and can provide a sound approach/ methodology to visual assessment.
7. Acknowledging that portions of the proposed walkway modifications are visible from the Property I turn now to the implications on the assessment and conclusions provided in Paragraphs 61 – 73 and 86 (b) of my evidence.

ASSESSMENT OF EFFECTS:

8. My assessment of the **physical effects** of the proposed walkway on the coastal landscape is unchanged – they will be very low. (Paragraphs 61 – 67 of my Evidence)
9. **Associative effects** will remain positive in line with Paragraph 72 of my Evidence.
10. Regarding **perceptual effects**, it is important to firstly address the matter of ‘viewpoint sensitivity’ that exists across the Property. Namely, how sensitive to the introduction of the walkway is a particular viewpoint.
11. This matter is traversed in Paragraph 31 and 32 of Bridget Irving’s legal submission. For clarification, the comments in my evidence regarding rural-residential dwellings weren’t implying that dwellings are the *only* location on a property that matter when assessing visual effects. However, in my experience it is generally accepted that dwellings and immediate outdoor living areas tend to be the *most* sensitive locations regarding perceptual effects. These are followed by areas that are regularly used but perhaps in a more periodic and transient way and then areas that are of lower amenity and/ or located far away from a proposed change in the landscape.
12. When assessing the potential effects of the proposed walkway there are notable differences in the nature and sensitivity of the elevated, flat pastureland where Ms Durling has taken photos from, which includes the immediately adjacent hill slope and the steeper hill faces that slope away to the southernmost property boundary. An indication of these areas are shown in red and blue below:

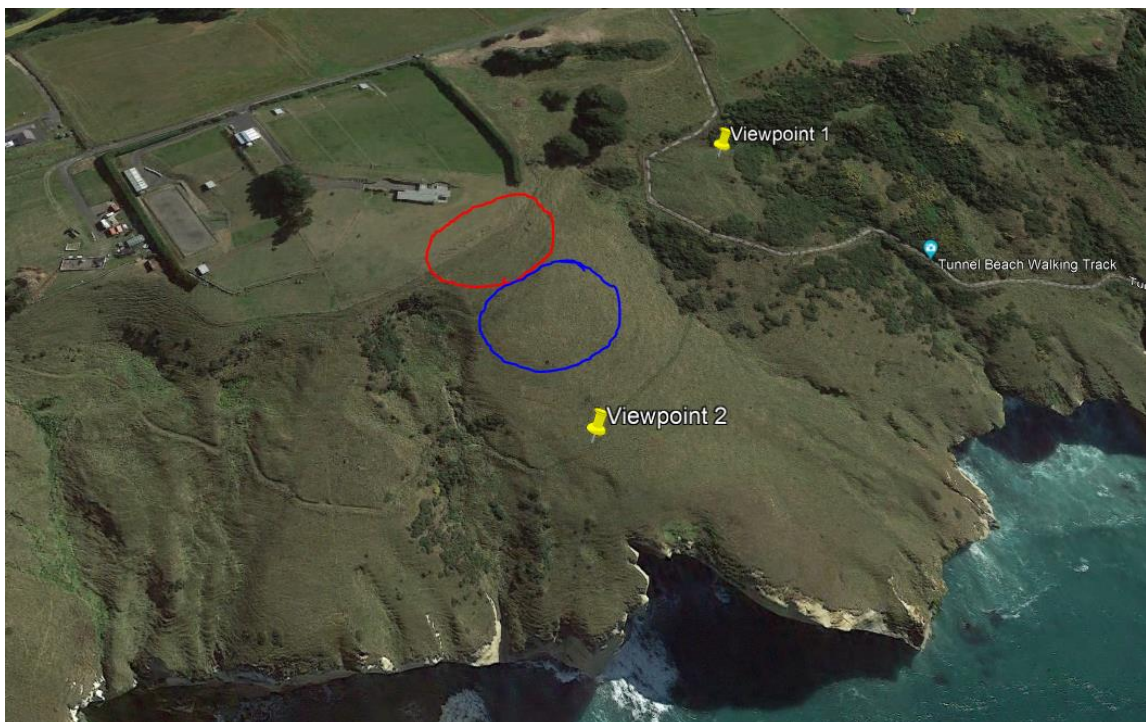


Figure 1: General distinction between flat and upper slopes (red) and steep lower slopes (blue).

13. In my view the **flat areas to the south of the existing dwelling exhibit a moderate high sensitivity to change**, owing to their proximity to outdoor living areas and use for grazing and working horses. As Ms Durling has indicated in her evidence these areas are regularly used and enjoyed.
14. Conversely **the steep hill faces to the south exhibit a lower level of sensitivity to change** because they aren't accessed, used, and enjoyed in the same manner and frequency as the flatter land to the north. Clearly there is nothing stopping Ms Durling and her partner from accessing this land and potentially standing in relative proximity to the proposed walkway and Viewpoint 2. However, I think the fact that Ms Durling has emphasised (in text and photos) the importance of the flat pasture land to the north and said very little about the potential visual effects on steeper hill faces to the south emphasises the difference in sensitivity to change between these areas.

VIEWPOINT 1:

15. Based on the photos provided by Ms Durling and further desktop analysis I do acknowledge that there is the potential for **perceptual effects** resulting from **Viewpoint 1** and immediately adjacent sections of the proposed walkway.
16. Aspects that *contribute* to an increase in adverse perceptual effects include:
 - a. An increase level of modification/ disturbance resulting from the expanded viewing platform and small-scale structures.
 - b. The absence of any intervening landform and vegetation to screen and/ or soften views.
 - c. Elevation – the proposed viewpoint is at a similar elevation (approximately 10m lower) to areas of the Property where views are obtainable, meaning that it has the potential to be in line of sight.
 - d. The potential for people to congregate at the viewpoint and increased background noise and resulting impacts on the “*quietness and tranquillity*” highlighted in Paragraph 68 of Ms Durling’s evidence.
 - e. The potential impact on a sense of privacy as the result of an increased number of people congregating and looking towards 40 Tunnel Beach Road.
 - f. The sensitivity of the portion of the Property that has views to this section of the proposed walkway. In my assessment, there is a moderate high level of sensitivity associated with the pastureland to the south of the existing dwelling. While an increased level of sensitivity might exist for the upper portions of the adjacent hill face this is limited to areas of an equal or higher elevation to the viewpoint itself.
17. Aspects that *mitigate* potential adverse perceptual effects include:
 - a. Distance – Viewpoint 1 and the adjacent visible sections of the walking track are approximately 120m+ away.
 - b. Complexity – The coastal landscape exhibits a complex landscape pattern and the resulting level of visual ‘busyness’ is more accommodating to small scale intervention than a simpler or more visually homogenous landscape would be my comparison.
 - c. Expanse – one of the defining characteristics of the wider landscape is its expanse, and this is particularly relevant to views. In this setting the eye is drawn to the expansive ocean view and (horizontally) along the land/water interface, which serve to highlight the highly exposed coastal escarpments and high degree of associated natural character.
 - d. Sections of the existing walkway are visible, which establishes a level of comparable modification in the landscape i.e. it’s not entirely foreign.
 - e. The photos provided by Ms Durling suggest that Viewpoint 1 does exist when standing on the southern flat pastureland, where views are not screened by the existing macrocarpa

shelterbelt, and the upper steep hill face to the south of the existing fence line (see Figure 1). Viewpoint 1 is not visible from most of the Property including the existing dwelling which (in practice) carries the highest level of sensitivity when considering impacts on amenity. It is unlikely that Viewpoint 1 is visible from the lower hill slopes due to the viewer being lower in elevation and it being screened by landform and vegetation.

18. Taking both contributing and mitigating aspects of the proposal and existing landscape into account, **adverse perceptual effects** resulting from Viewpoint 1 and the immediately adjacent section of the proposed walkway will be **low moderate** in my assessment and not significant.
19. In line with Paragraph 69 of my evidence, there is potential for perceptual effects to be heightened during construction when machinery is operating, and construction works look 'raw'. These construction effects will be short lived and in my assessment they will be low in degree.
20. Cumulative effects in this context relate to the visual impact of seeing the decommissioned existing walkway and the proposed viewpoint and adjacent section of new walkway at the same time. Like construction effects, cumulative effects will be low in degree and only experienced in the short term.

VIEWPOINT 2:

21. Based on the photos provided by Ms Durling and further desktop analysis I do acknowledge that there is the potential for **perceptual effects** resulting from **Viewpoint 2** and immediately adjacent sections of the proposed walkway.

Upper pastureland and immediately adjacent hill slope:

22. Aspects that *contribute* to an increase in adverse perceptual effects on the upper pastureland and immediately adjacent hill slope include:
 - a. An increase level of modification/ disturbance resulting from the modified track, expanded viewing platform and small-scale structures.
 - b. The absence of any intervening landform and vegetation to screen and/ or soften views from the lower, southernmost part of the Property (i.e. coastal hill faces).
 - c. These sections of the walkway are new to the landscape and will introduce additional modification development into the view.
 - d. The potential for people to congregate at the viewpoint and increased background noise and resulting impacts on the "*quietness and tranquillity*" highlighted in Paragraph 68 of Ms Durling's evidence.
 - e. The potential impact on a sense of privacy as the result of an increased number of people congregating and potentially looking towards 40 Tunnel Beach Road.
 - f. The moderate high level of sensitivity of the portion of the Property that has views to this section of the proposed walkway.
23. Aspects that *mitigate* potential adverse perceptual effects include:
 - a. Distance – Viewpoint 2 and the adjacent visible sections of the walking track are approximately 120m+ away.
 - b. Elevation – viewpoint 2 and adjacent sections of the walking track are approximately 50m lower in elevation than the upper pastureland, which means they will appear in the lower foreground of a view. This is preferable to a situation where an element is in 'line of sight'.
 - c. Expanse – one of the defining characteristics of the wider landscape is its expanse, and this is particularly relevant to views. In this setting the eye is drawn to the expansive ocean view and (horizontally) along the land/water interface, which serve to highlight the highly exposed coastal escarpments and high degree of associated natural character.

- d. While the steep hill faces to the south are increasingly proximate to proposed Viewpoint 2 and immediately adjacent sections of the walkway (as close as 10m in one location) they carry a lower level of sensitivity to change because they aren't accessed, used, and enjoyed in the same manner and frequency as the flatter land to the north.
- g.
- 24. Taking both contributing and mitigating aspects of the proposal and existing landscape into account, **adverse perceptual effects** resulting from Viewpoint 2 and the immediately adjacent section of the proposed walkway will be **low** in my assessment and certainly not significant. Both elevation and expanse play a significant mitigating role in this instance and the proposal will be more of a 'footnote' when viewed in this context.
- 25. Again, there is potential for perceptual effects to be heightened during construction when machinery is operating, and construction works look 'raw'. These construction effects will be short lived and very low in degree.
- 26. Cumulative effects in this context relate to the visual impact of seeing this new section of walkway in conjunction with other proposed sections of walkway. For example, it may be possible to see Viewpoint 1 in the periphery of a view at the same time as seeing Viewpoint 2 in the lower foreground. Given the degree of physical separation between the two elements I think the likelihood of them being viewed together is low and resulting cumulative effects will be low to very low in degree.

Lower hill slope:

- 27. Aspects that *contribute* to an increase in adverse perceptual effects on the lower hill slope include:
 - a. An increase level of modification/ disturbance resulting from the modified track, expanded viewing platform and small-scale structures.
 - b. The absence of any intervening landform and vegetation to screen and/ or soften views from the lower, southernmost part of the Property (i.e. coastal hill faces).
 - c. Proximity to the proposed walkway modifications e.g. approximately 30-40m from Viewpoint 2 at the property boundary and 10-20m from the walkway.
 - d. These sections of the walkway are new to the landscape and will introduce additional modification development into the view.
 - e. The potential for people to congregate at the viewpoint and increased background noise and resulting impacts on the "*quietness and tranquillity*" highlighted in Paragraph 68 of Ms Durling's evidence.
 - f. The potential impact on a sense of privacy as the result of an increased number of people passing by in close proximity to the property boundary, congregating and potentially looking towards 40 Tunnel Beach Road.
- 28. Aspects that *mitigate* potential adverse perceptual effects include:
 - a. Expanse – one of the defining characteristics of the wider landscape is its expanse, and this is particularly relevant to views. In this setting the eye is drawn to the expansive ocean view and (horizontally) along the land/water interface, which serve to highlight the highly exposed coastal escarpments and high degree of associated natural character.
 - b. While the steep hill faces to the south are increasingly proximate to proposed Viewpoint 2 and immediately adjacent sections of the walkway (as close as 10m in one location) they carry a lower level of sensitivity to change because they aren't accessed, used, and enjoyed in the same manner and frequency as the flatter land to the north.

29. Taking both contributing and mitigating aspects of the proposal and existing landscape into account, **adverse perceptual effects** resulting from Viewpoint 2 and the immediately adjacent section of the proposed walkway will be **low** in my assessment, and certainly not significant. This degree of effect is owing largely to the level of sensitivity discussed previously and while I acknowledge that the proposal is in close proximity to the southern property boundary, I do not think that the impacts of this proximity will be experienced frequently.
30. Again, there is potential for perceptual effects to be heightened during construction when machinery is operating, and construction works look 'raw'. These construction effects will be short lived and very low in degree.
31. Cumulative effects will be very low because it is unlikely that the existing, decommissioned, and rehabilitated sections of the walkway will be visible at the same time as any new sections. Should there be glimpses of the existing track, they will be distant and likely screened by intervening vegetation and landform.

ADDITIONAL MITIGATION

32. Despite a relatively low degree of effect, and certainly less than significant, I do see benefit in additional planting being undertaken in the indicative areas shown in Figures 2 – 4 below and recommend the Crown consider this assessment in their development plans. The purpose of this planting is not necessary to achieve the 'less than significant' test in s4(3), rather it is to respond to the perceived impacts of the proposal on Ms Durling and her property and to provide screening of the proposed works.
33. In my opinion 'block planting' of predominantly ngaio (*Myoporum laetum*) would be the most effective approach to achieving a visual screen in these locations. It is widespread on the coastal hill faces and grows to a favourable height and density. There is also potential to supplement with other lower growing species so these areas are consistent with the 'Highbank Planting Mix' identified on the current Track Alignment Concept Plans.

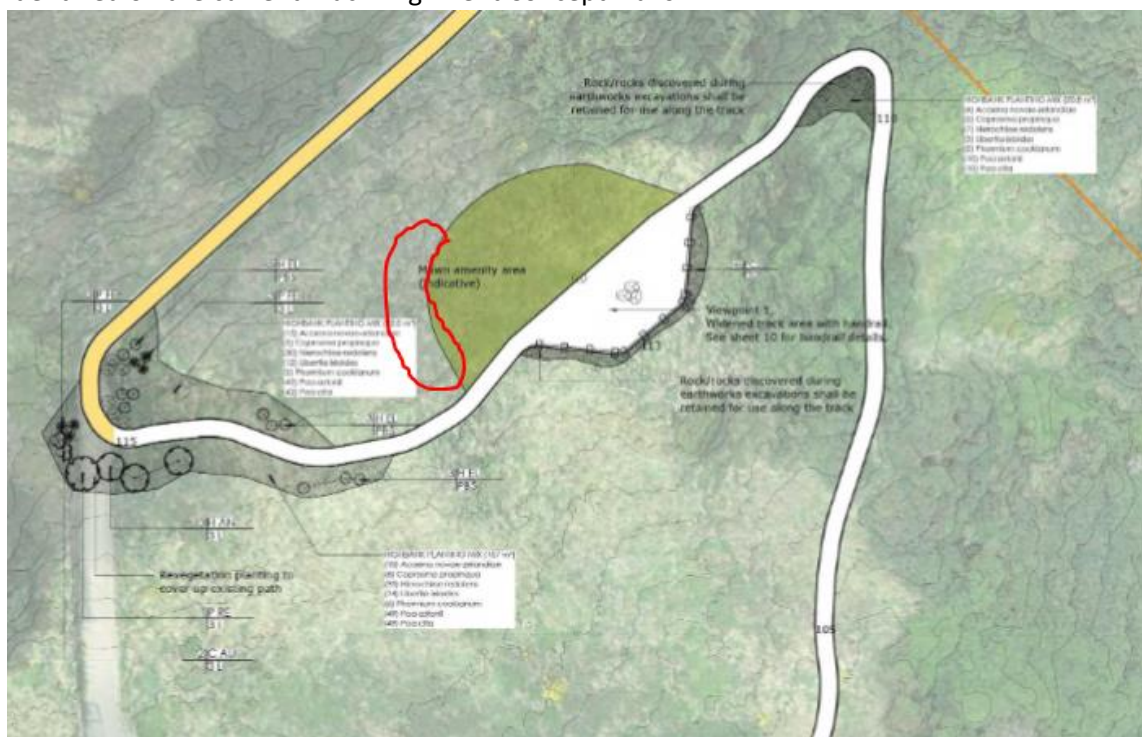


Figure 2: Additional planting adjacent to Viewpoint 1



Figure 3: Additional planting adjacent to track closest to southeastern property boundary

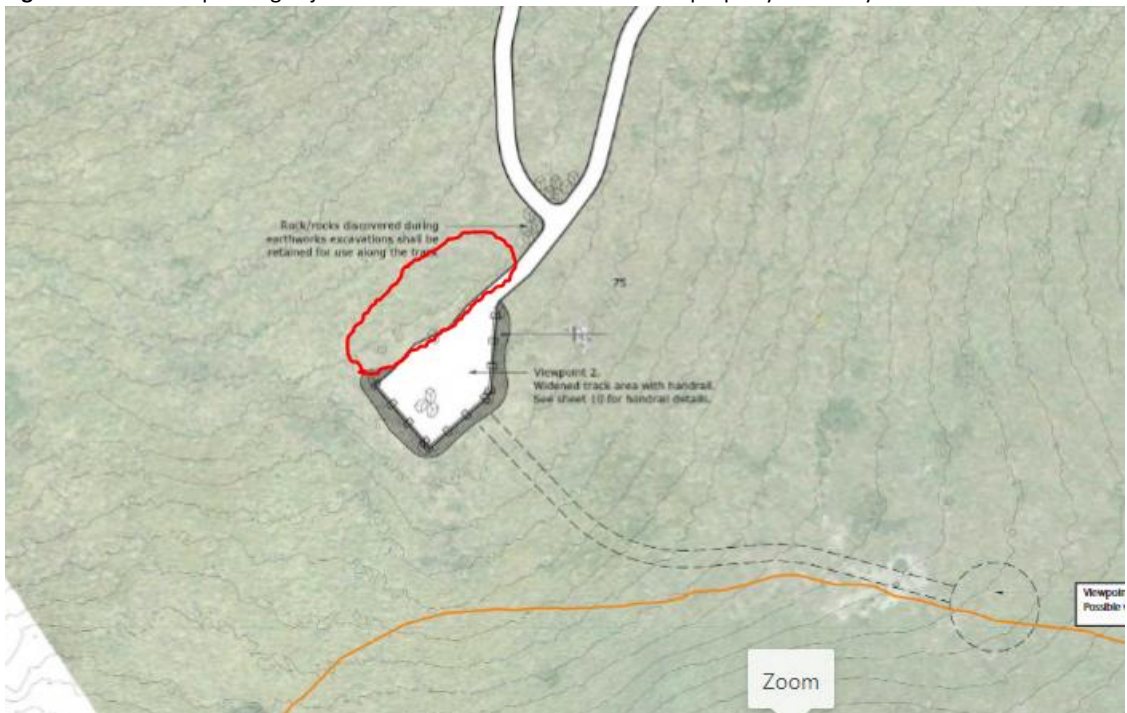


Figure 4: Additional planting adjacent Viewpoint 2

SUGGESTED CONDITIONS:

The commissioner has sought advice regarding the suitability of the following suggested conditions:

- *Requirement for a Landscape Management Plan (Refer Condition 7)*
- *Requirement for the annual review of the Landscape Management Plan by a suitably qualified professional (Refer Condition 8)*
- *Requirement for the outcome of the annual review to be submitted to the Council (Refer Condition 9)*

34. In my experience, LMPs are effective in framing and managing large scale and/or long-term initiatives where significant change is anticipated in the future. Examples where an LMP is very effective include:
- a. Quarry rehabilitation – an LMP is an effective tool to require and enable long term management and implementation of mitigation measures in response to quarry expansion. Often this kind of expansion is anticipated in the future, but the precise nature of that change is unknown at the time of consenting. An LMP allows for specific design responses to be developed over time in response to this change.
 - b. Large scale landscape rehabilitation – an LMP is often used to frame planting strategies where specific outcomes are sought in the long term. An example might be the approach to successional planting that sought the establishment of pioneer species and subsequent introduction of successional and climax species into the future.
35. In this situation, I am more in favour of Condition 7 requiring a **landscape specification** to accompany final planting plans.
36. The plans and specifications could be subject to review by a suitably qualified person and specific matters that are relevant to this situation can be required to be addressed.
37. For example, the condition might require the specification to include provisions regarding:
- a. the establishment and on-going maintenance of planting
 - b. retention and replacement of existing vegetation into the future
 - c. inspection and potential replacement of dead/ dying plants
 - d. pest management
 - e. submission of annual condition assessments of planting to Council
 - f. criteria to achieve final sign off and potential for extension of the maintenance/ management period.
38. I do not support the suggestion of a 10 year (minimum) period for landscape maintenance in **Condition 7**, because I think a high degree of certainty regarding planting establishment and long term survival can be achieved in an initial 5 year period.
39. The requirement to extend this initial period should be tied to a performance criterion within the specification that underpins practical completion and subsequent sign off of works.
40. I propose an amendment to proposed **Condition 7a)** to achieve a plant survival rate of “... 90% at the end of the 5 year maintenance period.”
41. The specification should then include a criterion that requires for the extension of the maintenance period beyond 5 years and in 2 year increments until the survival of any replacement planting is sufficient to achieve an overall 90% survival rate.
42. I do not support the inclusion of **Condition 7c)** and the requirement to provide for irrigation as a condition of consent. I acknowledge Ms Durling’s commentary regarding planting she has undertaken on her property and agree that the site in general does provide challenging growing conditions.
43. However, in my opinion the installation of site wide irrigation is impractical and would be very costly to achieve. In addition, the inclusion of a performance criteria that establishes the ‘gateway’ for final sign off of the planting (i.e. 90% survival) means the risk of not irrigating the proposed planting falls to the Consent Holder. In practice, if the planting struggles to achieve 90% survival rate due to lack of water, then the Consent Holder will be required to continue with establishment and maintenance into the future.
44. I do not support the inclusion of **Condition 7d)** because “...a high level of tidiness and amenity...” is an entirely subjective measure.

45. I agree with the intent of **Condition 7e)** but rather see it as a matter to be addressed in the planting specification and not by way of consent condition. It is a typical requirement of specifications to include provisions relating to monitoring and maintenance.

46. I do not support the inclusion of **Condition 8 and 9** because I see little to no value in reviewing the overarching maintenance document (whether LMP or specification) with such regularity. I see this process as redundant given the Council will have a role in reviewing and certifying the landscape specification and associated establishment and maintenance requirements. The responsibility then falls to the Consent Holder to achieve the outcomes and performance criteria that have been established in the specification.

- *No stockpiles are permitted within the ONF (Refer Condition 22)*

47. My assessment includes the likelihood of short term and small-scale (e.g. no longer than 30 days and no more than 2m high) stockpiles being required during the construction period and I do not foresee any significant effects arising as a result. Similarly, given the nature of works I think it is impractical to implement a blanket exclusion of stockpiles in the ONF because it would require the constructor to transport excavated material, however small the amount, from the site on a daily basis.

- *The installation of a deer fence along any currently unfenced areas of the legal boundary with 40 Tunnel Beach Road (Refer Condition 28)*

48. While a deer fence would restrict access to the Property for track users, it would serve no role in mitigating landscape and visual effects of the proposal. My understanding is that Ms Durling could erect a deer fence as of right as fences are anticipated within rural-residential land and the 2GP ONF overlay. On that basis I don't see the introduction of a deer fence being inconsistent with the anticipated character of the ONF.

- *A 1.8m impermeable wooden paling fence must be established around Viewpoints 1 and 2 between them and the boundary of 40 Tunnel Beach Road (Refer Condition 29)*

49. I do not support this condition because it would introduce an element into the ONF that is inconsistent with existing character. The fence itself would generate adverse effects. I am more in favour of planting in these areas. While accepting that it will take longer for screening to occur planting is more in keeping with exiting landscape character.

- *Landscape plantings between the track and the boundary of 40 Tunnel Beach Road (Refer Condition 30).*
- *Additional landscape planting for screening ViewPoint 1 & 2 from 40 Tunnel Beach Road (Refer Condition 32d)*

50. If s4(3) does not apply, these conditions should be amended to align with my assessment in Paragraph 32 and 33 above.

- *Landscaping implemented in accordance with the Landscape Management Plan shall be maintained (Refer Condition 37)*

If s4(3) does not apply, then I support intent of this condition, being the retention of new planting in perpetuity. As suggested in Paragraph 40 and 41 the target plant survival rate for these areas is 90%.

Should wholesale loss of plants occur in the future then they should be re-established and subject to a new maintenance period and plant replacement requirements as suggested above.

- *Existing Macrocarpa Trees located to the south of the carpark shall be retained (Refer Condition 38)*

51. Due to the provision to replace the trees if they are required to be removed, I do not oppose this condition.

Yours sincerely



Wade Robertson

Business Director - Design Practice

on behalf of

Beca Group Ltd

Email: wade.robertson@beca.com