

IN THE MATTER

of the Resource Management Act 1991
(RMA or the Act)

BETWEEN

The proprietors of Hauhangaroa No 6.

AND

Taupō District Council

REBUTTAL EVIDENCE OF REBECCA KEREN RYDER

ON BEHALF OF TAUPŌ DISTRICT COUNCIL

15TH MAY 2020

(LANDSCAPE AND VISUAL EFFECTS)

INTRODUCTION

1. My name is **Rebecca Ryder**. My qualifications and experience are set out in my Evidence-in-Chief.
2. My rebuttal statement of evidence is given on behalf of the Taupō District Council (**TDC**) in reply to evidence provided by Ms Mary Monzingo, Landscape Architect for the proprietors of Hauhangaroa No 6 (the **Proponent**) seeking a private plan change (**PPC36**) pursuant to Section 73(2) of the RMA 1991 (**the Application**). My evidence relates to landscape, natural character and visual effects of the Proposal.

CODE OF CONDUCT

3. I have read the Code of Conduct for Expert Witnesses, contained in the Environment Court Consolidated Practice Note (2014) and I agree to comply with it. I can confirm that the issues addressed in this statement are within my area of expertise and that in preparing my evidence I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
4. As a Registered Landscape Architect, I am also bound by the NZILA¹'s code of ethics.

SCOPE OF EVIDENCE IN REPLY.

5. This statement of rebuttal evidence is to respond to responding and new matters raised in the evidence of Ms Mary Monzingo. These matters address recommendations made in my evidence in chief and is followed by my conclusions.

¹ New Zealand Institute of Landscape Architects

COMMENTS ON MS MONZINGO'S EVIDENCE

6. The evidence of Ms Monzingo responds to many of the matters raised in the earlier peer review. These matters relate to the 'Remaining Issues to be Identified' addressed in paragraphs 39 to 55 of my evidence in chief. I will address matters raised in my evidence in chief.
7. I note that a number of changes to the landscape concept plan responds to measures identified in Ms Monzingo's evidence and in turn is connected to the Appendix 8 Outline Plan provisions.

Scale of Effect

8. Forming the foundation to Ms Monzingo's evidence is a response to the matters raised in my peer review and at paragraph 44 c) of my EIC. Ms Monzingo provides a scaling of effects and description of that weighting in Appendix 3 of her evidence. This provides a six-point scale, that appears helpful in interpreting the assessment both within the application and her evidence in chief.
9. The scaling, however, appears to be heavily weighted toward low effect, and with reference to the 'moderate effect' as having a 'low effect' on the character, visual context and perceived amenity. This appears somewhat contradictory and leaves no scaling description for moderate scaled effects, given the scaling moves from a low effect to a significant effect. The reasons I raise this concern is that it may affect the interpretation of the overall level of an effect.
10. I note however at paragraph 9.10 of Ms Monzingo's evidence she applies the NZILA Best Practice Note 7 Point scale when footnoting the term moderate. In my interpretation of the scaling of effects it is my preference to apply the NZILA Best Practice Note 7-point scale. Therefore when I concur with the level's of effects raised, it is in accordance with the application of the NZILA Best Practice Note 7-point scale.

11. To assist in interpreting the term moderate it is my view that moderate sits above low and in its application to RMA1991 effects, would be interpreted as being more than minor. I raise this because considering the Okura Decision² the interpretation of how moderate relates to minor is relevant. A moderate effect in that case was considered to not equate to the term minor.

Site Specific Values

12. In order to underpin her assessment of effects Ms Monzingo has provided, at Section 6 of her evidence, further analysis of the landscape values and sensitivities. I concur with these findings as they relate to landscape, natural and visual effects analysis and recognise these form the foundation for the evaluation of effects of the proposed plan change. I concur that the southwestern parts of the Taupō District and in particular the vegetated lake margins display a high degree of natural character³.
13. As part of her baseline analysis of the values attributed to the landscape Ms Monzingo denotes the WRPS and TDC landscape classifications (ONFL and OLA respectively) for the site. These are noted and inform the agreed baseline evaluation of the site's landscape values.

Landscape Effects

14. In responding to the evaluation of effects on landscape character and the appropriateness of the proposal Ms Monzingo has outlined the main methods applied to respond to the identified landscape sensitivities at paragraph 9.9 of her evidence. The key outcomes she anticipates are

² [2018] NZEnvC 78 Zhi Li, Jing Nui and Weili Yang and ors v Royal Forest and Bird Protection Society Inc ('Okura')

³ Refer 6.6 of Ms Monzingo's Evidence in Chief.

important to managing the landscape effects for the residential development on the land are:

- (a) Quality urban design and residential amenity
- (b) Controls on building height, colour and lighting and
- (c) Minimising the clearance of existing indigenous vegetation and the proposed planting of indigenous vegetation

15. At 9.10 of Ms Monzingo's EIC, she concludes that the adverse landscape effects on the surrounding character and amenity landscape will be moderate. The level of effect of moderate, at this paragraph, is footnoted as applying the NZILA best practice note scale.
16. Section 7 of Ms Monzingo's evidence details the approach and methods applied to enable the proposed residential land use to integrate with the surrounding rural landscape. Largely I concur with the outcomes the proposed mitigation measures are seeking to achieve and consider these to be fundamental elements to the successful integration into the wider rural landscape. I do however below raise serious concerns as to the implementation of such measures.
17. I recognise the land use change will result in a change to the immediate character of the site. Therefore the boundary and bowl edge planting measures outlined by Ms Monzingo are critical to the integration into the surrounding rural and native vegetated landscape.
18. With regard to the native escarpment and stream Ms Monzingo assesses the bridge and access road separately (Refer 9.11 – 9.14 of Ms Monzingo's evidence). I concur with her findings that the localised effects on the OLA 60 of the access road and bridge will be high. She notes at 9.11 – 9.13 the sensitivities and aspects of the proposed road and bridge that are attributed to her identified effect. As raised by Ms Monzingo at her paragraph 9.13, there remains uncertainty of the alignment and design which requires further detailed site investigations.

19. Where I remain unclear is that given the agreed high level of adverse effect, at a localised scale, on the OLA 60, what degree of modification can be accommodated on this area of notated OLA60. I recognise Ms Monzingo's consideration of the large scale of OLA60, however I disagree that given the scale of the OLA that any adverse effect, with unknown design parameters, will be suitably absorbed and eliminated. By this I mean where Ms Monzingo has applied the overall scale of OLA60 in the assessment she concludes that there will be no adverse landscape effect on the overall values and character of OLA60. Assessing landscape at a proper scale is important and in my view the landscape remains outstanding at a localised scale and therefore the assessment should apply at this scale. Too broad of an assessment can result in discounting of localised landscape values.
20. It is apparent that this opinion is reliant upon the visual simulations provided which assume an undersigned methodology and successful mitigation implementation outcome. I accept the visual simulation and modelling provided depicts an anticipated outcome and it is understood this is the desired approach. However, certainty surrounding this approach is not evident in the rule framework or mitigation recommendations of Ms Monzingo.
21. In my view by concluding that the effects on the OLA-60 are contextual only at a broad scale does not, in my opinion respond to the values of this landscape and avoids actively integrating clear provisions that relate to the values of the OLA60. I cannot agree that no effect, with an unknown extent of earthworks, vegetation clearance and retaining for the access road, will occur. I also note that Ms Monzingo does not bring the two components assessment back into the round for an overall assessment of landscape effects. Consideration of the combined landscape effects of the proposed residential land use and the access road have, together, on OLA 60.
22. I am unable to agree, despite the anticipated outcomes, that the mitigation measures through the plan, provide any guidance in managing the localised high adverse effect on OLA 60. The only outcome in Ms Monzingo's evidence is in her summarising paragraph on Page 30 of her

evidence, where she states *“the access will initially create localised high adverse effects on the natural and amenity values if OLA 60 (and these adverse effects can be somewhat mitigated by revegetation planting and other measures)...”* At this point she goes on to rely on the scale of OLA 60 to conclude there is no adverse effect on OLA60.

23. I find this difficult to resolve that there are no specific measures or outcomes set out in Appendix 8 (Appendix 1 of Ms J Lewis evidence), that connect to managing the degree of adverse effect on OLA60, nor any reference to OLA60. I am concerned that the method of applying the broadest scale to the overall effects assessment on OLA60 results in no meaningful methods or measures that recognise the degree of effect that can be accommodated and mitigated. In my opinion specific assessment on the biophysical, sensory and associative values of OLA60 or tangible outcomes that drive the design set out in Appendices 5 and 6 of Ms Monzingo's evidence, require clear expression. An example of this is the disruption to the natural landform by way of earthworks. Appendix 8 could for example identify the % of coverage, approach of earthworks considered appropriate and upper limits of vegetation clearance and cuts. These measures can assist to informing the eventual construction method and in turn assist in managing the effects of an eventual access road within this landscape.

Natural Character Effects

24. Ms Monzingo does not provide a separate assessment of Natural Character taking into account the WRPS Objective 3.12.b. She refers in the table at Section 12 of her evidence that it is assessed in Section 9 of her evidence, however no separate natural character assessment has been undertaken.
25. In my view this remains a gap in the assessment, an in particular the consideration of the effects of human modification on the natural character of Lake Taupō and its margins and the Whareroa Stream.

26. I recognise the mitigation measures proposed however a separate assessment of natural character assessment has not been provided to baseline and assess the effects against.

Visual Effects

27. The further visual assessment provided in Ms Monzingo's evidence (paragraphs 9.15 – 9.48) provide a thorough analysis of the visual effects of the proposal. I note that the supporting Visual Simulations in her Appendix 5, do not depict the anticipated residential development and therefore can only be relied upon to assess the effects of the proposed access road and bridge and not the combined effect of the access road, bridge and urban development.
28. The visual simulations in Appendix 5 depict the proposed bridge and access road within OLA60. It is unclear from this documentation what the mitigation timeframes shown within the planting are. This is an important consideration with regard to temporary and long-term effects. From my estimation of growth rates and the vegetation grade shown, the planting depicted could range from a 10yr to 20yr outcome.
29. **It would be helpful to depict the proposal with the mitigation planting shown at 5yrs growth and the proposed building heights, at the very least) of the proposed subdivision, for Viewpoints 1 to 3.**
30. I concur with the revised assessment provided by Ms Monzingo, for the different components and I agree the assessment identifies methods for visually integrating the residential land use into the site. I concur with Ms Monzingo, at her paragraph 2.5, that the adverse visual effects will be moderate however it is unclear 'how' these will reduce to 'low' adverse effects when the outcomes of mitigation elements and site sensitivities are not clearly stated within the proposed provisions and plan. I recognise this remains subject to a subdivision application and further detail, however performance outcomes of mitigation planting height, timing with stages and scale are not clear. Therefore, whilst I recognise the purpose of Ms Monzingo's mitigation measures I am unable to agree that these can be

sufficiently relied upon with the current methods outlined in proposed Appendix 8 (Appendix 1 of Ms Lewis' evidence).

31. It is apparent within the visual assessment, represented by the identified viewpoints, there are visual sensitivities and a response to these sensitivities has been provided in landscape outcomes (refer paragraph 9.20) providing for visual integration. However, specificity on where within the site these sensitivities are, via a plan or otherwise, are not clearly provided and are recommended to be identified at subdivision stage. In my experience providing direction of the degree of acceptability of building height, or parameters (RL's) to inform height, are identified in a structure plan. I find it difficult to resolve the level of visual effect when the consideration of visual sensitivity, magnitude of change and visual effects relating height, upon the visual catchment, has not been explored.
32. I find this difficult to resolve when the recommended parameters for addressing building height, as set out in the *Key Subdivision Outcomes 21* (Refer Appendix 1 of Ms Lewis' evidence) require a 'moderate or greater' off site visibility. This parameter is unclear and is not directly linked to what has been assessed in Ms Monzingo's assessment and evidence.
33. As a result of identified landscape and visual effects by Ms Monzingo there have been changes made to the Concept Plan included in Proposed Appendix 8. These measures are supported, by myself, in their intent but am not certain that they are able to be implemented in the manner relied on by Ms Monzingo in terms of her conclusions of effects. However, two areas of proposed planting remain outside of the proposed Plan Change area, being the access road and the western (internal) boundary. At this point it not apparent as to whether their extent and location can be relied upon, or what the mechanism is to implement these.
34. Given this remaining uncertainty with regard to site sensitivity to building height, landform changes, and ownership of mitigation planting, the resultant low effect assessed by Ms Monzingo, whilst possible, remains, in my view, unlikely.

Cumulative Effects

35. Ms Monzingo addresses cumulative landscape and visual at section 10 of her evidence and finds that the proposal would form no cumulative landscape and visual effects. Whilst I recognise there is the ability to integrate the proposal into the site, with the identified adverse landscape effects on the OLA and landscape character and amenity, I am unable to agree that in turn there is no cumulative landscape or visual effect.

CONCLUSIONS

36. The assessment provided within the evidence of Ms Monzingo and the provisions provided as proposed Appendix 8 (within Appendix 1 of Ms Lewis' evidence) provide further analysis and direction of the mitigating identified adverse landscape and visual effects.
37. I concur with the following findings of Ms Monzingo:
- (a) The identification of moderate adverse landscape effects.
 - (b) High adverse effects on OLA60, noting these are assessed at a localised scale.
 - (c) The identification of moderate adverse visual effects.
 - (d) The design measures integrated into Appendix 8 largely contribute to integrating the proposal into the landscape and visual catchment. Excluding building height provisions.
38. I cannot agree that the moderate adverse landscape effects are 'low' effects (as described in Ms Monzingo's Scale of Effects table) and assert that moderate effects are in line with the scaling provided by the NZILA Best Practice Note 10.1.
39. I cannot confidently agree that the visual effects will reduce to low, based on the lack of spatial analysis of the effects of building height within the proposed subdivision area, nor ongoing concern as to the deliverability of the mitigation measures proposed and how these recognise and respond

to visual sensitivities. Therefore, to provide certainty on the level of effect to be managed 'areas' or overlays managing building height could be within applied to provide certainty round this level of effect. Combined with certainty around the scale of mitigation planting proposed the eventual low degree of adverse visual effect could be, in my opinion be achieved. However with the assessment, evidence provided and provisions proposed I do not agree that clear direction is provided on what is being mitigated and that clarity within the provisions is also provided.

Rebecca Keren Ryder

14th May 2020

