

**Before a Panel Appointed by the
Clutha District Council**

In the Matter of the Resource Management Act 1991 (RMA)

And

In the Matter of RM3030 being a resource consent application to subdivide a title within the Coastal Resource Area of the Clutha District Plan. The subdivision will create one lot (Lot 2) for rural residential activity within the Coastal Resource Area, whilst the balance lot (Lot 1) will be retained by the applicants with an existing dwelling (building consent issued).

Evidence of Hugh Dudley Forsyth
on behalf of Clark and Megan Campbell

Dated 22nd August 2024

Background:

1. My name is Hugh Dudley Forsyth. I hold a BA from Canterbury University and a Diploma of Landscape Architecture from Lincoln University, and I am a registered member of New Zealand Institute of Landscape Architects Tuia Pito Ora (NZILA). I have been the principal of Site Environmental Consultants Limited since 2008 and have provided professional landscape consultancy services within the Auckland, Coromandel, Waikato, Manawatu and Otago districts in the areas of urban development and landscape planning. My work has been main located within Otago since 2015. I have produced evidence for Council hearings and for the Environment Court.
2. This evidence is based upon site visits and research undertaken in providing an assessment of landscape and visual effects for the resource consent application for this proposal, subsequent s92 response, and a site visit undertaken on 20 August 2024. In preparation for this Hearing. I have reviewed the peer review of my primary assessment, the s42A planning report provided by Clutha District Council and the amended subdivision scheme plans provided by Mr. Scott Cookson¹. Consequently, I have prepared an additional set of figures which respond to the concerns raised by submitters. This set of figures is attached to my evidence as Attachment 2².
3. Several changes were made to the proposal resulting in the amended subdivision scheme plans. These included the decision to reduce the permitted building height to 4.5m above ground level, agreement with the changes to the landscape planting conditions proposed in the s42A report, and the relocation of the fire storage tanks to the side of the ROW between the consented dwelling on lot 1 and proposed building platform on lot 2. I support these changes and have incorporated them into the survey methodology and within my evidence.
4. The scope of my evidence will include a review of this supplementary visual evidence, followed by responses to the issues raised by the submitters as set out in the s42A report, and in the landscape peer review, undertaken by Mr. Mike Moore. I also identify positive effects that I consider have resulted from previous development or proposed mitigation. Where I use a scale of effect, I apply the NZILA scale that also includes a comparative technical planning scale for reference:

¹ 'Lots 1 & 2 Being a Proposed Subdivision of Lot 9 DP 399272 - Lot 2 Detail Plan' and 'Lots 1 & 2 Being a Proposed Subdivision of Lot 9 DP 399272 - Lot 1 Detail Plan', Cookson Land Surveying, 21 August 2024

² Attachment 2: Figures, 239d Moturata Road, Taieri Mouth, 20 August 2024

							SIGNIFICANT
Planning scale	LESS THAN MINOR	MINOR	MORE THAN MINOR				
Landscape scale	VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH

Visual Evidence

5. The landscape and visual assessment that I prepared for the consent application drew on current Clutha District Council aerial maps and information from site observation. Further development has followed since RM1411³, the original 9-lot subdivision providing for 8 residential units for which Mr. Moore provided landscape support, also formed part of my assessment of the landscape baseline.

6. To provide an overview of the current environment Mr. Clark, one of the joint applicants, commissioned a drone survey, which was undertaken on 20 August 2024. To assist in understanding the proposal, and potential effects, poles were placed along the northern boundary and on the corners of the proposed lot 2 building platform prior to the flight. These were marked to indicated heights of 3m and 4.5m above ground. Site photographs were also taken. I now address the figures attached to my evidence and later draw on the observations that I consider relevant to this Hearing.

7. Figure 15 – Development Pattern, March 2024

This figure was provided as part of the s92 response and is reissued with this evidence as it shows the wider development pattern and the potential off-set distances between existing residential dwellings and includes the proposed Lot 2 building platform. ‘No build’ areas associated with the subdivision north of the site boundary are shown in Figure 15 based on the covenant survey plan. Points to note include:

- The consented lot 1 platform will screen many views to the proposed lot 2 development from the existing dwelling at 239F Moturata Road – some permeability will remain for the minor dwelling, attached to the west.
- Mitigation planting will extend across the southern site boundary and further filter views north from 239F Moturata Road, which will primarily include the open terrace area that meets the coastline.
- 239e Moturata Road will have a direct line of sight to the proposed lot 2 development from the upper floor at approximately 185m - concurrent to a view to consented lot 1 at approximately 104m.

³ 27 April 2006

- Lot 10, DP 556442 is aligned to the north boundary adjacent to proposed lot 2 and may have a similar screening effect on the longer coastal terrace views currently gained from 239e Moturata Road, including boundary planting.

8. Figure 18 – Coastal Land Use

This aerial view provides an overview of the topography of the site and surrounding areas, the pattern of the 9-lot subdivision development (RM1411), recent subdivision to the north of proposed lot 2, and the elements of the coastal environment that have been classified as being an outstanding natural feature⁴ although this coastal environment has not been given this classification by the Clutha District Plan. Points to note include:

- The gully planting pattern promoted by Mike Moore in the original RM1411 consent has been successful and indicates that further native mitigation planting of coastal species can be expected to thrive in the area.
- Development pursuant to RM1411 has changed the landscape character of this part of the coastline from open farmland to small lot rural residential, separated by native vegetation – the current proposal fits within the pattern of development shown by this aerial view.
- The consented dwelling on lot 1 and proposed building platform on lot 2 are located on the southern half of a relatively flat coastal terrace, including small gullies, that extends northwards and includes recent subdivision to the north of the subject site boundary.
- This terrace area is slightly elevated above the small valley area that contains 239e and 239f Moturata Road.
- The schist rock shelves are very evident in the foreground and run out to the shallow horseshoe bay that is a draw up area for sea lions, mentioned by submitters.
- There is a clear separation between the proposed lot 2 building platform and the edge of the coastal terrace and a clearly defined edge to the pasture terrace and the rough upper bank area above the shoreline beach.

9. Figure 17 – Proposal – Lot 2 and Figure 18 Design Character – lot 2 house

⁴ Coastal Environment of Otago, Natural Character and Outstanding Natural Features and Landscapes Assessment, Dunedin City Section, 28 April 2015

This oblique image includes a block model of the concept development on the proposed building platform for lot 2 that extrudes the floor plan to a maximum height of 4.5m that is shown on the poles. This is not a representation of the final building as it does not allow for roof, window, or veranda details that will be included in the final design for the building. Figure 18 shows the elevations of consented lot 1 and is indicative of the building character anticipated for proposed lot 2. Points to note include:

- Mitigation planting is in place on the northern site boundary and, in agreement with the adjacent neighbour, extends beyond the proposed building platform towards the coast.
- Mitigation planting has also begun along the boundary to the south of the consented dwelling on lot 1.
- The banks below the site, to the east, show the gradient from managed exotic vegetation to exotic weeds and then to coastal tussock and grasses, as the salt and strong wind effects prevail.
- Proposed lot 2 is located to the north/west of the site and west of the slight ridge that runs along parallel to the shoreline and continues the pattern of residential development descending from Moturata Road.

10. Figure 19 – Viewpoint 1 and Figure 20 – Viewpoint 2

These two figures address the relationship between the proposed building platform on lot 2 and 239c Moturata Road, the closest potentially affected neighbour to lot 2. The first image, Figure 19, is taken from the drone, flying at approximately 5m above ground. The second image, Figure 20, is taken standing in the middle of the building platform at GL 13.15m⁵. Figure 19 includes the south/west platform corner pole, and a dotted line shows the 4.5m mark. Figure 20 includes the 3m planting boundary pole that is also shown on the survey drawing at GL 11.6m. Points to note include:

- The second floor of 239c appears to be above the 4.5m height mark at this point, or GL17.65m (GL 13.5 + 4.5m).
- The lower floor of 239c is mostly screened by the ROW planting and the additional planting proposed will reinforce this separation.
- The pole in Figure 20 indicates the upper eastern boundary of the proposed planting at this point, approximately 13m from the present gate, and the potential screening effect this will have for most adjacent road views.

⁵ Lots 1 & 2 Being a Proposed Subdivision of Lot 9 DP 399272 - Lot 2 Detail Plan, Cookson Land Surveying, 21 August 2024

- Ti kouka/cabbage tree and flax provide a substantial visual and physical boundary to the western boundary of the present site and will screen future traffic from general off-site view.

11. Figure 21 – Viewpoint 3

Viewpoint 3 is taken from the mid part of the proposed building platform for lot 2 and is orientated towards the southern site boundary and the location of 239f and 239e Moturata Road beyond. Points to consider include:

- The alignment of proposed building platform for lot 2 is further to the west than the consented dwelling on lot 1 and this off-set will screen most of the potential change from view from 239f Moturata Road, as illustrated by the approximate outline of the consented lot 1 building envelope.
- The upper floor of 239e will have a direct line of site to a dwelling on the proposed building platform for lot 2.
- A substantial area of native planting is successfully established between the proposed site and 239e Moturata Road and can be expected to increase in mass and height.
- The proposed location of the two fire storage tanks will be against the western boundary fence line and the established wetland planting that follows it, which will screen these elements from outside view. I consider this to be a better landscape solution than locating the tanks on the open and more elevated terrace areas associated with the consented and proposed dwellings, as well as easily accessible for fire tenders.

12. Figure 22 – Viewpoint 4 and Figure 23 – Viewpoint 5

These two figures address the northern site boundary and its relationship to the ROW that is accessed by 5 existing residential properties. Figure 22, viewpoint 4, looks west to the ROW and along the boundary mitigation planting whilst Figure 23, viewpoint 5, looks down the ROW towards the coastline, and over the site. Viewpoint 5 was taken at a point that was assessed as adjacent to the rear ground floor of 239c Moturata Road to gain some indication of the potential views from that property. Points to consider include:

- The proposed building platform on lot 2 does not extend into the viewshaft of those descending Moturata Road and views to the coastline, indicated by sea spray and light reflection in this image, will not be affected by the proposed development of Lot 2.

- Mitigation planting extends up the slope along the northern boundary and has a width of 6m, including closely planted native species at approximately PB.5 size within protective sleeves and mulched and fenced.
- This planting and the proposed planting along the lower western boundary will build on the present native planting and can be expected to significantly extend the biodiversity, as well as visual amenity, of this part of the wider terrace landscape.

Submissions

13. The s42 report provides a summary of submissions to this Hearing. These are all in opposition and address concerns of adverse effect on wildlife, loss of visual amenity for surrounding residents, and lack of assessment of the wider meaning of the landscape for residents (physical, associative, or perceptual relationships with the whenua). I address these concerns with reference to my visual evidence, Attachment 2, and to NZILA landscape assessment guidelines⁶.

14. Natural Character Effects

The submitters raise concern about wildlife, which is a significant component of the natural character of the coastal environment within this section of shoreline and extending southwards along this coastline. Alexandra and Shane Tickle identify that the lower shoreline and bank is used as a landing area for sea lion. Large number of gulls were also observed while on site.

15. Policy 13 of the New Zealand Coastal Policy Statement addresses the preservation of natural character and factors that may appear or apply:

Policy 13 Preservation of natural character

(2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:

(a) natural elements, processes and patterns;

(b) biophysical, ecological, geological and geomorphological aspects;

(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;

(d) the natural movement of water and sediment;

(e) the natural darkness of the night sky;

(f) places or areas that are wild or scenic;

⁶ Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines, August 2022

(g) a range of natural character from pristine to modified; and

(h) experiential attributes, Including the sounds and smell of these; and their context or setting.

16. Figures 16 and Figure 17 provide aerial views of the existing residential development and vegetation most closely associated with the proposed site and the shoreline, the relationship of the upper terrace and its land cover, and the shoreline, inner banks and vegetation, the shallow horseshoe bay, and the striking form of the schist rocks that extend outwards into the sea. A different coastal pattern is evident further north and where the terrace runs out to sand dunes. The distinction between coastal environment and the factors that indicate it is not as clear for that different coastal pattern as on the terrace within the site area, which is elevated and highly modified.
17. The coastal environment below the terrace is consistent with many of the factors listed in NZCPS Policy 13 with the schist rock shelves being assessed as 'outstanding' within the Otago Regional Council assessment, of which Mr. Moore was a principal author⁷. Access to this shoreline is via a walking track on the southern boundary of the site and will be retained. The wildlife mentioned in the Tickle submission lives in the sea and shore environment below the elevated coastal terrace on which the consented dwelling for Lot 1 and proposed building platform for Lot 2 are located. In my opinion, based on evidence at hand, other factors, such as the sound, smell, and visual appreciation of the coastal environment will not be altered or diminished by the proposed development of lot 2 in the upper north/west part of the terrace which is elevated from the coastal environment assessed as 'outstanding' by the Otago Regional Council assessment.
18. Landscape Effects

The coastal landscape above the shoreline abuts the area of outstanding natural feature as assessed by the Otago Regional Council and discussed in paragraph 15, but has not been assessed as having a higher landscape value in the Clutha District Plan. Prior to the consent and development of RM1411, the land was farmland, like the land underlying the subdivision to the north of the site, and south of 239e and 239f Moturata Road.
19. It is my observation that RM1411 has significantly improved the environmental quality of this section of the coastline. Nothing in the current proposal indicates that the current proposal will change the existing pattern of development given the resulting lots will be larger than most of the existing residential sites and will maintain and continue the

⁷ Coastal Environment of Otago, Natural Character and Outstanding Natural Features and Landscapes Assessment, Dunedin City Section, 28 April 2015

pattern of boundary planting. The open character of the coastal terrace will be maintained along the banks above the shoreline and remain fenced to prevent intrusion in either direction by animals or people.

20. Visual Effects

One dwelling, 239c Moturata Road, is located adjacent to the boundary of proposed lot 2. Two dwellings, 239e and 239f, are located adjacent to the southern site boundary. All have submitted against the proposal and make the following points:

239c

- Views across the coastal terrace from 239c will be diminished.
- Concerned that the building height is 1 metre above that permitted for Lots 2 – 8 DP 399272 (resulting from RM1411).

239f

- Views across the coastal terrace from 239f will be diminished.
- Privacy will be compromised.
- More sound and light may be introduced.

239e

- Views across the coastal terrace will be diminished.
- The loss of visual connection with the wider coastline will reduce the associative and perceptive relationship that is drawn from these views.

21. 239c

Figure 20 and Figure 23 consider the potential relationship of 239c to the proposed building platform on lot 2 and the degree of roof visibility that may result. The centre of field of the drone image appears to be slightly lower than the upper ground floor line of 239c (Figure 19). I observed that the drone was flying slightly higher than the 4.5m mark during this shot, from the ground and consider the outcome reflects that location.

22. From survey data the top of the proposed roof height at mid building platform on lot 2, would be approximately GL 17.65, and a similar plane to this viewpoint. I took the image from approximately at the rear of 239c and would expect the upper floor of the dwelling at 239c to be slightly higher than the adjacent road level, which would indicate a clear view of 1.5 – 2m over the roof of a dwelling on the proposed building platform for lot 2.

23. Following from this consideration, I would expect the residents of 239c to see the upper part of the walls and the roof, if they look down, but retain clear and reasonably unencumbered views of the edge of the coastal terrace and the sea scape beyond. The proposed consent conditions include recessive external colours and natural materials which will also aid the integration of a dwelling on the proposed building platform for lot 2 into its setting. My assessment of adverse visual effects from this location is **low-moderate**.

24. 239f

Figure 21 examines the relationship of 239e and 239f to the proposed development on lot 2. As discussed in paragraph 11 of my evidence, the location of the already consented building envelope for lot 1 will largely screen views from 239f to the proposed building platform on lot 2. Mitigation planting along the southern boundary above 239c is part of the consent conditions provided in the current proposal and will further filter potential views of the dwelling on the lot 2 building platform. Views along the open coastal terrace will remain. My assessment of potential adverse effect for 239f is **low**.

25. 239c

Viewpoint 3, Figure 21 indicates that the upper floor of the dwelling at 239c will have direct views to the proposed lot 2 building platform. Figure 15 indicates these views will be at approximately 185m and will also include views to the consented dwelling on lot 1, at 104m. As evident in the image an extensive area of native planting screens the lower floor of 239c and extends to the subject site boundary. Figure 16 indicates that both floors are likely to have ocean views to the east. Considering the distance of the views and the mitigation planting to the west and south of the proposed lot 2 building platform, my assessment of potential adverse visual effects is **low-moderate**.

26. Peer Review

Mr. Mike Moore was commissioned to undertake a review of the assessment of landscape and visual effects that I provided for the resource consent application. Mr. Moore found that the assessment had followed the NZILA guidelines for landscape assessment, though not including as much consideration of the potential natural character values of the coastline as he might have. I accept Mr. Moore's comments and have responded in more detail in paragraphs 14 to 16 of my evidence above.

27. Mr. Moore also made recommendations about the proposed planting conditions which I support, and the applicants have agreed to. Lastly, Mr.

Moore suggested lowering the building height to 4m and shifting the proposed building platform on lot 2, 10m to the west. This last measure would bring the western edge of the building platform to the location of the 3m pole in viewpoint 2, Figure 20.

28. The applicants have agreed to reduce the permissible roof height to 4.5m above ground level but have not agreed to the shift in location of the building platform on lot 2. I support the applicants in both these decisions. As discussed in paragraphs 21 to 23 of my evidence I conclude that a 4.5m height in the present location is acceptable, particularly as there is no provision for uninterrupted views in the Clutha District Plan and the site landscape is not included in the Clutha District Plan schedule of higher value landscapes. Lastly, moving the platform further west would increase the potential for larger scale earthworks to establish the site for the dwelling.

29. Conclusion

I support the establishment of lot 2 including residential activity on the identified building platform with the controls on built elements as proposed, contingent on lowering of the roof height to 4.5m and undertaking the planting mitigation as set out in the proposed consent conditions.

Hugh Forsyth

A handwritten signature in black ink, appearing to read 'H Forsyth', with a long horizontal line extending to the right from the end of the signature.

Registered Landscape Architect

22 August 2024