

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

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

And

In the Matter of RM3063 being a resource consent application to
subdivide a title within the Rural Resource Area of
the Clutha District Plan. The subdivision will create
six lots, four lots for residential activity, one lot (Lot 6) for
access, whilst the balance lot (Lot 1) will be retained by the
applicants with an existing dwelling.

Evidence of Hugh Dudley Forsyth
on behalf of Peter Barnes

Dated 24th February 2025

Background:

1. My name is Hugh Dudley Forsyth. I hold a BA from University of Canterbury 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 mainly located within Otago since 2015. I have produced evidence for Council hearings and for the Environment Court.
2. In preparing this evidence, I have reviewed my site visits, made on 13th and 16th January, assessed the landscape and visual effects of the proposal, and drawn upon my previous experience in the Taieri Mouth area. I have also read the s42a report provided by Clutha District Council, reviewed the submissions received, and updated my assessment and supporting figures accordingly.
3. I have prepared two additional figures that are attached to my evidence as figures 16 and 17. I have also corrected some errors that I found in Figure 3 of my original figure attachment and updated the assessment report to reflect these changes. Both amended figure 3 and assessment report were reissued to all parties as Revision A on 20th February 2025¹ and are attached to my evidence.
4. The scope of my evidence will include a review of supplementary visual evidence, potential landscape and visual effects and effects on rural character and amenity, and responses to the issues raised by submitters. I also identify positive effects that I consider will result from proposed mitigation. Where I use a scale of effect, I apply the NZILA scale which includes a comparative technical planning scale for reference²:

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

¹ Figure 3 Rev a, Landscape Proposal, 2 Akatore Road, Taieri Mouth, 20 February 2025;

² '2 Akatore Road, Subdivision Proposal, Taieri Mouth, Assessment of Landscape And Visual Effects', Rev a, 20 February 2025

² Landscape Effects, Pg. 140, Chapter 6, Te Tangi a te Manu, Aotearoa, New Zealand Landscape Assessment Guidelines.
 Tuia Pito Ora New Zealand Institute of Landscape Architects

Supplementary Visual Evidence

5. I attach the following additional figures to my evidence:
 - Figure 3, Landscape Proposal, Rev A, February 20, 2025
 - Figure 16, Taieri Mouth Coastal Landscape, February 22, 2025
 - Figure 17, Offset distances, February 22, 2025
6. Figure 3 was reissued to all parties on 20th February 2025. An amended copy of the accompanying landscape and visual assessment report was included, with amended sections highlighted in yellow. The amended paragraphs include:
 - 7.2 – 7.7: planting conditions clarified
 - 8.13: 7.5m setback clarified
 - 10.3. Shelter planting applies to western boundary

To help clarify, the figure number, titles, and issue dates of my visual evidence are attached to my evidence as Appendix 1.

7. Figure 3: Points to note include:
 - Low shrub and tree planting to a depth of 5m will be undertaken across the eastern boundary of proposed Lot 2 and Lot 5, apart from the ROW (right-of-way) entrance. This native planting will provide a food source for birds and insects and maintain some visual permeability. A 7.5m building set-back applies on this boundary.
 - Mitigation planting on the northern site boundary will provide short-term screening (1–5 years) across proposed Lots 4 and 5 using fast-growing shelter belt species with a narrow, columnar form. This planting is to be maintained at a height of 5 m by the applicant and removed after three years once the native shelter planting has become established, as a condition of land use consent for individual lot owners.
 - The native shelter shrub planting includes hardy coastal species that will thrive, provide good habitat and food sources for birds and insects, and applies along the full outer western and southern boundaries of Lots 3 and 2. A recommendation for larger tree species is included in assessment report (Appendix A).
 - A boundary planting of up to 2 m in height is recommended on the southern side of the proposed ROW access to complement the existing hedge at 196 Moturata Road and to help filter light from nighttime vehicle traffic.

8. Figure 16 provides an oblique aerial view of the Taieri Mouth coastal landscape, taken 19th July 2024. It is included to provide a wider context to comments made about development patterns and the wider landscape context made in my assessment³. Points to note:
- Large lot rural residential development occupies all the upper coastal terrace, in the foreground, to the left of the image. The lot sizes contrast with the tighter grain of previous settlement which can be seen adjacent to the proposed site and on the lower coastal shoreline, to the right of the image.
 - The previous forestry headquarters occupies a prominent land area, sharing the southern boundary of proposed Lot 1, west side of Akatore Road. This development separates Lot 1 and an existing house from the wider farmland that extends southwards.
 - Pasture extends along the boundary of Coutts Gully Wetland⁴ to the far west, hidden from view, and Akatore and Moturata Road between this development and the toe of the ridge, which ends at the wetland, approx. 955m north.
 - The farmland includes several ownerships and crosses Coutts Gully Road. Taieri Mouth School and scattered residential development form the western boundary, except for the southern part of proposed Lot 1 which follows Akatore Road for approx. 240m. The remains of a previous macrocarpa shelter belt extend across the farmland adjacent to Taieri Beach School.
 - Coutts Gully Wetland extends west from the pastureland. A dense, vegetated texture characterizes the area adjacent to the site; open water is visible below the embankment for Coutts Valley Road⁵. This part is more tidal and forms part of the entrance experience when entering the coastal settlement from the north.
 - Forestry, small pasture ridges and hills, and vegetated escarpments form the backdrop to the wetland and provide a visual boundary to the Taieri Mouth coastal landscape, as experienced from the ground.
 - The proposed site occupies a small portion of proposed Lot 1 and can be seen located behind the residential development adjacent to the school.

³ Section 4, 2 Akatore Road, Subdivision Proposal, Taieri Mouth, Assessment of Landscape And Visual Effects', Rev a, 20 February 2025

⁴ Officially known as 'Coutts Gully Swamp' but commonly identified as 'wetland'

⁵ Figure 4 and Figure 12, Attachment 1, 2 Akatore Road, Site Environmental Consultants, 29 January 2025

9. Figure 17, Offset distances, February 22

Figure 17 provides a screen shot from Clutha District Council's web-based maps that provides indicative off-set distances on the proposed site boundaries. Points to note include:

- 182 Moturata Road appears to be offset from the northern boundary of proposed Lot 5 by approx. 36.8m.
- 196 Moturata Road appears to be offset from the eastern boundary of proposed Lot 2 by approx. 10.6m.
- The internal offset boundaries for proposed Lot 5 and Lot 2 are shown as 5m and 7.5m, respectively.

Adverse Effects

10. The s42 report considered the potential for adverse effects on natural character, landscape character, visual amenity, and rural character. I now address my assessment of these potential effects.

11. Natural Character

The site and the remainder of proposed Lot 1 exhibit elements of 'naturalness' due to continuous pasture cover; however, they lack the diverse vegetation patterns and riparian features that typically contribute to a higher level of natural character.

12. Coutts Gully Wetland (wetland) does contain and express many of these elements and is recognised as having regional significance. These include:

- Natural processes – tidal influence, wildlife, insects, indigenous vegetation species.
- Long views to indigenous vegetation and open farmland above, in parts.
- A lack of man-made structures and infrastructure (except for Coutts Gully Road embankment).
- A sense of peacefulness and isolation near its shoreline.

13. The subdivision scheme plan shows that the western boundaries of Lots 3 and 4 are more than 100m from the edge of Coutts Gully Wetland⁶. This setback meets the National Environmental Standards for Freshwater Management.

14. Fluent Solutions Memorandum states that onsite wastewater is feasible for Lots 2-5 using secondary treatment of effluent and mound dispersal and that the potential effects of treated effluent dispersal and stormwater from the development on Coutts Gully Wetland are "...considered to be less than

⁶ Fluent Solutions Memorandum, 6 August 2024 MM 24-08-01 EB 000842(Rev A) page 11, 4.0 and page 12, 4.3.2

minor". For these reasons, I do not consider it necessary to further assess potential effects on natural character for this proposal.

15. Landscape Character and Visual Amenity

The introduction to the Rural Resource Section of the Clutha District Plan describes the rural environment as being 'distinct from the built-up Urban Resource Area of the District on the basis of its existing amenity values, which generally comprise a natural, open environmental character⁷.

16. The 200m offset rule between residences in the rural resource area is the method to protect these values⁸. The proposal has a discretionary activity status due to breach of this rule, requiring assessment for potential visual effects, dwellings density, and impacts on indigenous flora and fauna⁹.

17. Technical landscape assessment identifies existing values, considers the potential effect of proposed change on those values, and provides management provisions to mitigate or avoid potential effects when significant. The scale and extent of mitigation has a relationship to the values identified. This methodology was applied in my assessment of landscape and visual effect and I now bring out the main points and provide some more context.

18. Section 6 of my assessment report lists landscape factors and values that I considered would apply to the site. The biophysical factors have a relatively low value while the perceptual and associative factors are drawn from the perception of the adjacent wetland, an open pastoral landscape, and distant western views to the far side of the wetland:

Biophysical factors

- *Gentle underlying grade and western aspect*
- *Pasture cover with a small wet area with sedges and wetland grasses*
- *Physical boundaries to the north and east and partly open boundaries to the south*
- *Shelter from the north/east coastal winds and exposure to south-west*

Perceptual factors

- *A sense of enclosure in the eastern part of the proposed site*
- *Coutts Gully Wetland lies to the west*
- *Absence of mechanical activity or residential noise and light*
- *The underlying and surrounding topography is very legible due to pasture cover*

⁷ Section 4.1.1 Overview, 4.1 Rural Resource Area, Clutha District Plan (1998)

⁸ Rule RRA.3(2), 3.7 Subdivision, Clutha District Plan (1998)

⁹ Rule RRA.3(iv)(a)

Associative factors

- *Open views to rural fields and distant hills*
 - *Silage making*
 - *Animal grazing*
 - *Little mechanical or human activity on the site*
19. The land is not recognized in the District Plan as having higher landscape value in an RMA context, and I agree with this assessment. The area of pastoral land provides a rural setting for the coastal ridge when viewed from parts of Coutts Gully Road. The proposed site area also provides visual amenity for adjacent neighbours.
20. However, in my opinion, the amenity of the site is derived from its context with the wider wetland and rural landscape rather than its intrinsic landscape values. This puts an emphasis on visual effects rather than landscape effects. Both are to be assessed together.
21. My assessment of potential adverse landscape effects was **moderate to high** in the short term and **low to moderate** in the long term, with visual effects assessed as **high** in the short term and **low** in the long term. Having reconsidered this basis, I would support revising the potential adverse landscape effects to **moderate** in the short term and **low** in the longer term.
22. As discussed in the assessment report, my assessment is based on the wider values of the pasture in proposed Lot 1, the adverse landscape effects of the adjacent collector road, and the minimal to nil level of adverse effect on the high landscape values of Coutts Gully Wetland that will result from the development.
23. I do not consider the potential loss of visual amenity for adjacent neighbours to be significant for the following reasons:

187 Moturata Road

- Views are likely to remain from the rear of the house due to its slight elevation above the proposed development.
- The farm area extends to the edge of the wetland and the higher values associated with this area will remain visible.
- The house is surrounded by shelter planting and a shed to the rear, substantially screening present views to the proposed site area.
- The main house orientation is to the north and away from the site.

196 Moturata Road:

- Views to the wider rural environment will remain for upper storey windows
 - Trees and some hedging are established along this boundary and will eventually filter these views, without further development.
 - The main house orientation is to the east and away from the site.
24. The proposed development is likely to significantly affect the sense of place and visual amenity that residents currently draw from the open pasture, but I consider that the planting measures proposed are also significant. In the longer term I anticipate an increase in other amenity values from maturing trees, bird life, changing foliage and flowers, and an increase in shelter.
25. Rural Character
- Farming activity has been limited on the wider pasture area, after the passing of Peter's father who had a range of exotic animals and birds for personal pleasure and occasional public display. The land now has a low stock rate of sheep and is also being used for silage making. It retains a rural character due to the pasture that extends along a shared boundary with Moturata Road and with Coutts Gully Wetland.
26. I do not consider the proposed development of four residential sites in the north/east corner of this pasture area will detract from the site's wider visual value or diminish its prominence and value as a setting and physical continuation of Coutts Gully Wetland. For these reasons I do not consider the proposal will have more than minor adverse effect on existing rural character.

Submissions

27. Two submitters have responded to the notification of the proposal and include Rachel Damody, 182 Moturata Road and Greg Patterson, 196 Moturata Road.

Ms. Damody's concerns include:

- **Landscape and Rural Character Effects (Section 1)**
 - Reverse sensitivity will restrict farming practices (noise and scope)
 - Proposed buildings will have cumulative impact that will erode rural character and clutter the landscape
 - Residential development and a school adjoin the southern boundary of the affected site and Akatore Road and further development should be declined
 - Character of the area has been farmland and development will dilute and adversely affect this character

- **Proximity** (Section 2 of submission)
 - Development will contravene RRA.3(2) which requires an offset of 200m while current residence will be only 27m from the proposed development, resulting in increased noise, potential nuisance, and visual impact of four dwellings and associated buildings
 - Development will have substantial adverse effect on southern boundary (Policy RAA.8)
 - **Size and Density** (Section 3 of submission)
 - Lot sizes are insufficient to manage setbacks and building coverage
 - **Inadequacy of Mitigation** (Section 7 of submission)
 - Lack of screening on adjoining boundary
 - Height of buildings is proposed at 6m whereas recent development in the area is set at 4.5m
28. Mr Patterson’s concerns include the loss of views from the upstairs windows of the western face of his house, loss of privacy in his rear yard, and the impact of traffic on the proposed accessway, which does not include screening.
29. I have addressed potential effects on existing landscape and rural character and do not conclude that these effects will be high long term. I acknowledge that the perceived changes in a small part of the site could have a high short-term impact on adjacent neighbours by altering the current visual amenity.
30. Figure 17 provides an overview of the proposed site building setbacks as well as the offset distances between the existing dwellings of both submitters. These distances will have a combined effect.
31. For example, the additional 5m set back recommended for the boundary of Lot 5 will increase the distance between the existing rear shed and a potential dwelling to approx. 42.8m. The offset distance will be greater to the rear wall of the dwelling. Some shrub planting is already established along this wall.
32. The relationship between the rear and western elevation of 196 Moturata Road will have a similar combined effect. The additional 7.5m set back proposed on this boundary will increase the potential separation between existing and proposed dwellings to approx. 18m. A 5m width of additional planting is specified on this boundary.
33. The site areas of adjacent residential neighbours are as follows:
- 190 Moturata Road – 839m²
 - 190a Moturata Road – 848m²
 - 192 Moturata Road – 851m²
 - 200 Moturata Road – 1504m²
 - 196 Moturata Road – 1233m²

34. The proposed lots are all approx. 1600m² in area and are equal to or larger than these adjacent sites. The consenting planner has proposed a maximum site coverage of 500m². I assume this area includes all hard standing and impermeable area, which I consider appropriate.
35. On this basis, the built development will reach approximately 31% site coverage and will be comparable to that of similar rural residential properties, as referenced in Section 8.2 of my assessment report.
36. I agree the lack of mitigation planting undermined this application. I have considered the existing amenity of the site and surrounding residents and the amenity of the future residents in developing the planting proposals.
37. My objective is to provide a strong boundary planting structure that has the built-in capacity to further develop and include tree cover, variety and visual interest for residents, as well as shelter and biodiversity. Similarly, the planting along the eastern boundary is intended to provide amenity for adjacent neighbours and not to produce a 'visual wall'.
38. The building height of 4.5 m, as suggested by Ms. Damody, was applied to a recent development consented in a coastal environment at a sensitive site. This height limit is unusual; I would suggest 5.5 m as a reasonable alternative if a compromise is required.

Conclusion

39. I have assessed the proposed six-lot subdivision at 2 Akatore Road and consider that the overall landscape and visual effects will be **low to moderate** over the longer term (8–20 years). I support the consent of this application, subject to the mitigation measures I have proposed.

Hugh Forsyth



Registered Landscape Architect

24 February 2025

Appendix A

Schedule of figures: 2 Akatore Road, Site Environmental Consultants

No.	Issue	Title
Figure 1	January 2024	Context & Viewpoints
Figure 2	January 2024	Site Visibility
Figure 3 rev a	20 February 2024	Landscape Proposal
Figure 4	January 2024	Viewpoint 1
Figure 5	January 2024	Viewpoint 2
Figure 6	January 2024	Viewpoint 3
Figure 7	January 2024	Viewpoint 4
Figure 8	January 2024	Viewpoint 5
Figure 9	January 2024	Viewpoint 6
Figure 10	January 2024	Viewpoint 7
Figure 11	January 2024	Viewpoint 8
Figure 12	January 2024	Viewpoint 9
Figure 13	January 2024	Viewpoint 10
Figure 14	January 2024	Viewpoint 11
Figure 15	January 2024	Viewpoint 12
Figure 16	24 February 2024	Taieri Mouth Coastal Landscape
Figure 17	24 February 2024	Offset distances