

BEFORE THE INDEPENDENT HEARINGS COMMISSIONER

IN THE MATTER OF:

An application for
subdivision consent,
pursuant to section 11
RMA for a 11-lot
subdivision (8 rural
residential allotments, 2
balance lots and a
boundary adjustment
(amalgamation)

AND

IN THE MATTER OF:

A hearing by Central
Hawke's Bay District
Council

HEARING STATEMENT – ERIN GRIFFITH - LANDSCAPE

Dated 26 June 2024

IN RESPONSE TO APPLICANTS' SUMMARY OF EVIDENCE & QUESTIONING FROM THE COMMISSIONER

1. Before we go much further, I'd like to clarify that my quoted closing rebuttal paragraph should be read in the context of how it was meant. Which is: that I support ensuring the subdivision **seeks greater affinity** (bold added for emphasis) with the PDP and NZCPS policies and objectives; in other words, a development that ultimately achieves an outcome where, in my view, the introduction of built form (and all other associated effects) are subservient and complementary to the receiving environment.
2. In my view, given the site's location, where restoration and rehabilitation of natural character are the vehicles by which adverse character effects are predominantly mitigated, I consider these aspects need to be the defining feature and take precedence. (I return to this later with regards to the CE Obs and Pols and SUB-AM16)
3. We have established several things at this hearing:
 1. The site is highly valued by the trust in one way or another (whether this be through the current subdivision or development through permitted rights)
 2. People experience and perceive the site differently.
 3. When human intervention (via grazing) is removed, the site exhibits resilience, quickly reverting to a more natural state—I note this wouldn't be everywhere.
 4. The site is complex and requires sensitive development interventions.
 5. Although 8 lots are shown, there are two more potential "building sites," which are geotechnically more difficult. The effect of the "two more" appears to be captured in consent conditions relating to future development on balance lot 11, but I note their location has not been defined. I consider it appropriate to locate these as it would not be an onerous task. I also note that the built form on Lot 1 and 11 has increased in size from the original 250m² to 350m², and height restrictions have been removed.
 6. The applicant considers planting to be expensive and difficult to maintain, which is one reason why more encompassing mitigation and landscape enhancement have not been entered into. I consider it a matter of intent and commitment, and if this is

the vehicle by which mitigation is managed in the coastal environment, then investment in this aspect of the proposal is well-directed.

7. Lot 8 is visible against the skyline from various locations, and for some, it is the crème de la crème – and with regards to this lot – and the assertion that “you’re going to get this” I draw attention to para 8.11 of my original statement of evidence and policy 6.1h of the NZCPS which states “*consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable, apply controls or conditions to avoid those effects*”,
8. Cumulative effects, which include sequential effects, have not been overly addressed. Cumulative effects on landscape character arise when additional development introduces new features into the landscape. Adverse cumulative effects can occur when alterations to the landscape, change landscape character to such an extent that they create a different landscape character type. In this regard, the approach and arrival to the site has been discussed by various submitters. It is this location (noting it does not have a defined viewing platform). Mr Bray notes the tops of Lot 3 or 4 may be visible.
9. Throughout the applicant’s evidence, the site is referenced as being ‘directly adjacent’ – I agree the farm is directly adjacent, as is proposed Lot 1, but post-development, the other seven lots are separated from the bach community by a balance of rural land together with farm plantings of eucalyptus and poplar.
10. Instead, it is my view that the proposal seeks an ‘extension or expansion’ of the existing settlement and large lot residential character of the lower bach community to the upper crest of Williams Road – to take the character experienced at the beach and Okura Road and locate it up ‘high’ which essentially allows (as it doesn’t restrict) all those things that come with a beach community within those lots (boats, shipping containers, mechanical equipment, utes, retaining walls, etc). This brings me to the concept of ‘domestication’ the Commissioner raised yesterday.
11. It is the transfer of this domesticated character to the upper reaches, albeit I understand why building platforms have been located here for geotechnical reasons. I am of the opinion that built form and domestication will, on balance, still remain prominent while taking into consideration the proposed level of mitigation included in the lifestyle lots, and balance farm. I note mitigation is not proposed as a means to screen development – which is accepted.
12. Response to questions around mitigation points in my original statement of evidence:

- I. Private Landscape Zones: I am not in agreement with the application of private landscape zones that 'spill over' into the building platforms into the more 'natural' contours of the site in that this allows for, among other things, retaining walls, and an extension to that platform albeit only 900mm high and then again 2m away where gardens and other development can be located. Retaining walls are a sure sign of. Domestication and an 'urbanesque' form.
- II. Lot 1 and 11, without the 6.5m height restriction, default to the PDP threshold, which is 10m (GRUZ-S2).
- III. In answer to whether I still consider 5m is still an appropriate height restriction for all lots – I answered yes – but I would be more lenient on Lot 1. The difference by that 1.5m allows a more sizeable gable – and I question whether that is the appropriate building form/scale for dwellings on ridgelines (in this setting).
- IV. In answer to whether there are any lots that I consider are mitigated appropriately, I responded 'Lot 1' it has a smaller building platform, is encapsulated by the hillslope behind, is adjacent to the existing baches, and has a sizeable area of restoration planting between the platform and the existing baches. I also noted 3 and maybe 4.
- V. Fencing and lighting recommendations have been incorporated into the consent conditions.
- VI. Comments around wastewater related to the ability of alternative systems to forego the need to provide extensive effluent dispersal fields and, therefore, create synergistic outcomes: the ability to absorb these areas into the coastal restoration planting (bolstering this in biotic and mitigation/buffering terms) and provide an alternative source of irrigation, given the site is known to suffer from extended dry periods.
- VII. Regarding 'maintaining' rural character, I noted that this is a matter of degree and density. Built form is not excluded from rural zones, but it is intended to be managed in terms of density and frequency.

1. Regarding the point raised that the site is located within an area not considered of high value in the Hudson character (and therefore PDP), I note that the natural character value of the site is not overly in contention as no one is suggesting that it should be considered high as per the Hudson assessment. Nevertheless, the high-level guidance contained in the Coastal Environment chapter
2. *“The intent of the District Plan is for consolidation of existing coastal settlements that are set back from the coastal marine area, to avoid sprawling or sporadic patterns of settlement in the [coastal environment](#), and to ensure that built development and associated public infrastructure does not compromise other values associated with the [coastal environment](#).”*
3. **Comment:** I do not consider the proposal ‘sprawling’ or ‘sporadic (as these terms suggest development is accidental and unplanned), and it is clear much work has gone into the proposal thus far.
4. **CE – Issue 1:** Preservation of the Natural Character of the [Coastal Environment](#)

Inappropriate [subdivision](#), use, and development can adversely affect the natural character of the [coastal environment](#), particularly in those areas identified as having high natural character.

The explanation for this issue includes, among other things, *“The amount of landform and [land](#) cover modification...including modifications such as flattening... landform modification through [earthworks](#), drainage of [wetlands](#), and general vegetation clearance and [exotic](#) vegetation colonisation, as well as the introduction of buildings and [structures](#), have all reduced the natural character level from an outstanding natural state.”*

The coastal settlements are considered to have moderate or low natural character (albeit they have their own ‘special character’) within the PDP. Special character is not defined – but I in this instance, the submitters have helped outline these qualities.

The natural character of the [coastal environment](#) can be adversely affected through the [effects](#) of coastal [subdivision](#), use and development.

The plan does not preclude use and development in appropriate places and forms and within appropriate limits. However, uses and developments are subsequently referenced as those *“that depend upon the use of natural and physical resources in the coastal environment that*

are important to the social, economic, and cultural well-being of people and communities, such as public infrastructure and some public facilities.”

In preserving the natural character of the coastal environment, subdivision, use and development activities that restore or rehabilitate natural character should be promoted where practicable, particularly in areas where the coastal environment is degraded.

Appropriate sections with regards Landscape Matters:

1. CE-O1

Preservation of the natural character of the coastal environment of Central Hawke’s Bay, comprising the following distinctive landform of:

(5) small settlements, recessed into bays, adjoining a number of sheltered beaches.

2. CE-O2

Protection of the natural character of the coastal environment of Central Hawke’s Bay from inappropriate subdivision, use and development, **and identify and promote opportunities** for restoration or rehabilitation.

3. CE-P2

To avoid significant adverse effects **and avoid, remedy or mitigate other adverse effects** (bold added for emphasis) on the natural character of the coastal environment area (*particularly in the areas of high natural character identified on the Planning Maps and in CE-SCHED7*); including adverse effects resulting from the following activities:

(3) buildings outside of the Large Lot Residential Zone (Coastal) within the coastal environment;

4. CE-P3

To avoid sprawling or sporadic subdivision and development in the coastal environment area.

5. CE-P4

To manage the activities that can occur in the coastal environment area, including:

1. expansion and consolidation of existing coastal settlements;
2. **the scale, location, design and use** of structures, buildings and infrastructure;
3. **earthworks**; and
4. subdivision.

6. CE-P6

To require that proposed activities within the [coastal environment](#) area **demonstrate** that the activity is located appropriately, having regard to its [effects](#) and:

1. the particular natural character, ecological, historical or recreational values of the area;
2. the extent to which the values of the area are sensitive or vulnerable to change;
3. opportunities to restore or rehabilitate the particular values of the [coastal environment](#) of the area;
4. the presence of any [natural hazards](#) and whether the activity will exacerbate the hazard and/or be vulnerable to it;
5. the impacts of [climate change](#);
6. appropriate opportunities for public [access](#) and recreation; (*Comment: I note the public are not invited into the farm in this proposal*)
7. the extent to which any adverse [effects](#) are avoided, remedied or mitigated;
8. consistency with underlying zoning and existing land use.

7. CE-P7

To require that proposed activities within the [coastal environment](#) area minimise any adverse [effects](#) by:

1. ensuring the **scale, location and design of any built form or [land](#) modification is appropriate** in the location; (bold added for emphasis)
2. **integrating** natural processes, landform and topography into the design of the activity, including the use of naturally occurring building platforms;
3. **limiting the prominence or visibility of built form;** and
4. limiting buildings and [structures](#) where the area is subject to the impacts of [climate change](#) and the related impacts of sea level rise, sea temperature rise and higher probability of extreme weather events; and
5. restoring or rehabilitating the landscape, including planting using local coastal plant communities.

8. CE-P8

Encourage restoration and rehabilitation of natural character, [indigenous vegetation](#) and habitats, landscape features, dunes and other natural coastal features or processes. (which is why lifestyle subdivision is discretionary)

9. **ASSESSMENT MATTER 16** is applicable (struck out as N/A)

SUB-AM16- [Subdivision of land](#), including [Lifestyle Sites](#) within ~~Outstanding Natural Landscapes and Features, Significant Amenity Features, (struck out as N/A)~~ and the [Coastal Environment](#) (including identified areas of High Natural Character)

1. The design of the [subdivision](#) and the development it will accommodate, to ensure that it will not have adverse visual or landscape [effects](#) on the values of the feature, landscape or area (~~identified in [ECO SCHED5](#), [NFL SCHED6](#), and [CE SCHED7](#) of the District Plan~~) and will not detract from the natural character of the [coastal environment](#).

Reference will be made to the proposed nature and location of building platforms, [roads](#) and [accessways](#), [earthworks](#), [landscaping](#), and planting. In particular, the [subdivision](#) will be assessed in terms of its ability to achieve the following:

- a. Be of a scale, design and location that **is sympathetic to the visual form of the [coastal environment](#)** or the natural character area, **landscape**, or feature, and **will not dominate the landscape**.
- b. Avoid large scale [earthworks](#) on **rural ridgelines, hill faces and spurs**.
- c. Be **sympathetic to the local character, to the underlying landform** and to surrounding visual landscape patterns.
- d. Be designed to minimise cuttings across hill faces and through spurs, and to locate [boundaries](#) so the fencing is kept away from visually exposed faces and ridges.
- e. Where planting is proposed, its scale, pattern and location is sympathetic to the underlying landform and the visual and landscape patterns of surrounding activities.
- f. Where necessary, for the avoidance or mitigation of adverse [effects](#), any proposals to ensure the successful establishment of plantings.
- g. Be sympathetic to the natural science, perceptual and associational values (including for [tangata whenua](#)) associated with the natural character area, landscape, or feature.