

BEFORE THE INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER Resource consent applications by Te Puna Industrial
Limited in relation to 297 Te Puna Station Road

**STATEMENT OF EVIDENCE OF TOM WATTS ON BEHALF OF
TE PUNA INDUSTRIAL LIMITED**

(LANDSCAPE AND VISUAL EFFECTS)

25 JUNE 2024

1. EXECUTIVE SUMMARY

1.1 My name is Tom Watts and I am an Urban Designer with the Environmental Planning Team at Tauranga City Council. I was engaged by TPIL in April 2022 in my former role as an Urban Designer and Landscape Architect at Momentum Planning and Design to assess the potential landscape and visual effects of the Application and provide recommendations as to landscape mitigation and compliance with landscaping requirements of the Te Puna Business Park Structure Plan.

1.2 In relation to landscape and visual effects of the Application, I consider that there will be:

- (a) low to very low visual effects on receptors within the surrounding rural visual catchment, subject to the mitigation proposed; and
- (b) low physical landscape effects associated with the earthworks and development of the Site, when taking into consideration the underlying industrial zoning and structure plan, and the anticipated level of land development required to facilitate industrial land uses.

1.3 The Western Bay of Plenty District Council Section 42A report, and landscape and visual assessment peer review by Mr Dave Mansergh, raised several queries with respect to landscape and visual amenity. In relation to this I consider:

- (a) The methodology applied to the viewpoint assessment, which utilises a reverse approach to assessment, is considered a recognised one, and appropriate for this context, where access into all 43 private properties within the identified visual catchment was not practical.
- (b) The width of the perimeter planting and ability to strictly comply with the Structure Plan requirement of 10m width / 5 x planted rows, has been accurately illustrated on the 'Permitted Work, Boundary Landscaping Plan' dated 10 August 2023, and was submitted to Council on 30 August 2023 to demonstrate compliance.
- (c) Regarding the Suitability of tree species; *Pseudopanax crassifolius* (lancewood), and *Cordyline australis* (NZ cabbage tree) are to provide boundary screening to Te Puna Station Road. These were not intended as the primary screening trees (those being Titoki, Manuka and Pohutukawa). Rather, they will play a supporting role

to these larger, thicker canopy trees and help define a naturalised buffer to Te Puna Station Road.

- (d) The internal / inter-lease planting is entirely appropriate for the development as proposed, while future industrial yards in the west of the Site will also be subject to this Structure Plan requirement. Further, as described in section 6 of Mr Murphy's evidence, there is no requirement for the land to be subdivided down into smaller lots, to accommodate additional inter-lease planting.
- (e) To soften short-medium term effects of containers while boundary planting reaches maturity, Mr Mansergh has proposed a horticultural shade cloth structure be erected to the perimeter of the ContainerCo yard. This has been adopted into a condition by WBOPDC. This is supported as an additional mitigation measure.
- (f) The lack of screening planting to the workshop building was identified as a non-compliance with the Structure Plan. As per my assessment within section 11 of the LVA, an appropriate level of screening is already provided by the roadside planting and western edge of wetland. If the workshop was to be moved into a more open area of the yard, then this landscape requirement should still apply.
- (g) The proposed avenue of trees along the internal road, although currently not shown in a staggered arrangement as per the Structure Plan, for all intents and purposes, will still meet the outcomes sought, and will not result in any material difference on effects from outside of the site.
- (h) In relation to the effects of the proposed workshop design, and similarly the effects from the noise attenuation container rows: as it relates to both, provided these structures meet the height requirements of the zone and the reflectivity values stipulated under proposed condition 6 for permanent buildings (WBOPDC recommended consent conditions), then there are no additional concerns related to bulk and location and landscape and visual effects for these structures.

1.4 Overall, I maintain my position that the mitigation proposed is in general accordance with the requirements of the structure plan and will appropriately mitigate temporary and short-medium term landscape and visual effects,

taking into consideration the sequencing of development and operations themselves.

Post Section 42A Report landscape matters

- 1.5 To mitigate landscape and visual effects of the borrow area and associated cut face, it is recommended that a landscape condition is imposed requiring this slope to be appropriately planted.
- 1.6 To mitigate the loss of screening height to Te Puna Station Road, associated with the removal of the bund as a result of flood modelling and reduction of flooding effects, it is recommended that the trees along this boundary have a minimum height of 2.5m at time of planting, to ensure an adequate level of screening is provided from the outset of the development.

2. INTRODUCTION

- 2.1 My name is Tom Watts. I am a Registered Landscape Architect and Urban Designer, and I am currently employed at Tauranga City Council as an Urban Designer with the Environmental Planning Team.
- 2.2 I was formerly employed as an Urban Designer and Landscape Architect at Momentum Planning and Design through which I have undertaken landscape and visual impact assessment work concerning the subject application, and remain employed as a sub-contractor to Momentum Planning and Design in respect of this matter.

Qualifications and experience

- 2.3 I have had 13 years' experience in the field of Urban Design, Planning and Landscape Architecture.
- 2.4 I have obtained a Bachelor of Landscape Architecture (Hons) Victoria University of Wellington, a Master of Urban and Regional Planning, Curtin University Perth Western Australia and a Diploma in Architectural Technology, Open Polytechnic of New Zealand.
- 2.5 I am a registered member of the New Zealand Institute of Landscape Architects.
- 2.6 I have carried out numerous Landscape and Visual Impact Assessments ("LVA") in urban, coastal, and rural environments, to assess potential effects on landscape values, and establish where landscape mitigation is required. I have also peer reviewed a number of LVAs on behalf of Council.

Code of conduct

- 2.7 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearings Commissioners. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

3. SCOPE OF EVIDENCE

- 3.1 My evidence relates to the resource consent applications by Te Puna Industrial Limited ("**TPIL**") in relation to its site at 297 Te Puna Station Road ("**Site**"). The applications are to authorise the development of the Site for the establishment and operation of industrial activities, with associated earthworks and discharge to water, within the Site. The proposed development will give effect to the Te Puna Business Park Structure Plan ("**Structure Plan**") provisions that apply to the Site under the Western Bay of Plenty District Plan. ContainerCo will be the anchor tenant of the Site. ContainerCo intends to store, repair, and lease out/sell shipping containers.
- 3.2 Regional resource consents to enable the Project are required from Bay of Plenty Regional Council ("**BOPRC**") and land use consents are required Western Bay of Plenty District Council ("**WBOPDC**") (together, "**Application**"). The specific consent requirements are set out in the planning evidence of Mr Murphy.
- 3.3 I was engaged by TPIL in April 2022 to assess the potential landscape and visual effects of the Application and provide recommendations as to landscape mitigation and compliance with landscaping requirements of the Structure Plan. As part of this, I prepared the LVA dated 12 April 2023, which was attached at Appendix 14 of the Assessment of Environmental Effects ("**AEE**"). I also prepared the "Landscape Plan and Planting Palette including Outline Wetland Establishment Plan" dated 23 January 2023, which was included at Appendix 15 of the AEE. As part of the s92 further information process, some minor updates were made to the LVA.
- 3.4 Engagement with Council's LVA expert Dave Mansergh (Mansergh Graham) who has been engaged by WBOPDC to provide technical review of landscape and visual impact assessment material, was facilitated by Council through an online meeting (28 March 2023) and email correspondence to work through

points of clarification in March 2023. Since this time, no further correspondence was received from WBOPDC or their technical expert on landscape and visual matters, except confirmation to the planner Mr Murphy in July 2023 that the landscape and visual Request for Information matters had been adequately responded to in the opinion of WBOPDC.¹

- 3.5 The purpose of my evidence is to address the potential landscape and visual effects associated with the Application. In this statement of evidence I will:
- (a) describe the existing landscape of the Site and surrounding area;
 - (b) summarise my assessment of potential landscape and visual effects as a result of the Application and my recommendations to address those potential effects;
 - (c) respond to matters raised in submissions and in the Council Officer's Section 42A Report; and
 - (d) comment on the proposed conditions of consent.

4. EXISTING ENVIRONMENT

- 4.1 The Site is highly modified, and largely consists of low-lying pasture paddocks which is degraded farmland. The topography of the Site is mildly undulating or close to flat across the majority of the Site (except for south-western corner), with a gradual reduction in elevation from generally Reduce Level (RL) 3m at the western end of the Site to as low as RL 1.4m at the eastern end of the Site. The shed and house sites (south-west corner) are the high points of the Site. There are artificial farm drains at the edges of paddocks across the Site, and to both sides of an east-west farm race through the Site. There is also a road drain at the northern boundary between the Site and Te Puna Station Road.
- 4.2 Trees surround the dwelling at the Site and line the northern side of a secondary vehicle access route running east-west across the Site. There are no other features of terrestrial vegetation of ecological or natural-character value within the Site. There are no wetlands within the Site. Section 4 of the LVA provides a more detailed assessment, including maps.
- 4.3 In terms of natural watercourses, the Hakao Stream lies to the east of the Site with a 20m segment of the stream passing at the very eastern edge of the Site. The Wairoa River, a reasonably large river of local and (as I understand it)

¹ Statement of Evidence of Vincent Murphy (25 June 2023).

cultural significance, to which the Hakao Stream runs to, is located some 1.3km east of the Site.

- 4.4 Immediately surrounding the Site are mixed land-uses of varying proportions containing grazing / pastoral land and industrial / commercial uses. Commercial activities and yards have been established directly north of the Site on the opposite side of Te Puna Station Road (250 Te Puna Station Road) and at the adjoining property to the east (245 Te Puna Station Road). Both these sites are within the Te Puna Business Park and the Te Puna Business Park Zone.
- 4.5 South of the Site is grazing / pastoral land. South-west of the Site is land in horticultural use (avocados and kiwifruit), being orchard properties accessed from Te Puna Road. The land directly west elevated above the Site is covered in bush.
- 4.6 Directly west of the Site is a property (148-158 Te Puna Road) containing dwellings and bush on a significant proportion of the site. The surrounding locality beyond the Industrial-zoned land within the Te Puna Business Park can generally be characterised as semi-rural, including grazing / pastoral and horticultural activities. The open space characteristics of the surrounding locality is a prevalent feature of the landscape.
- 4.7 The surrounding catchment also contains a number of smaller 'lifestyle' properties which result in a density of dwellings in the general area higher than that of a typical rural environment.
- 4.8 I have been advised that legally under the RMA, the 'existing environment' also takes into consideration the underlying industrial zoning and the development of the Site in a manner that complies (ie is a permitted activity) with the Structure Plan inclusive of landscaping, screening and water management requirements. I have taken this into consideration in my assessment, although in doing so I have continued to consider all potential landscape and visual effects of the Application.

5. LANDSCAPING REQUIREMENTS UNDER THE STRUCTURE PLAN

- 5.1 The Site is located within the Structure Plan area. The Structure Plan anticipates the following landscape outcomes will be delivered:²

² Appendix 7 to the Western Bay of Plenty District Plan.

- (a) Native and exotic tree and shrub planting atop of a bund a minimum of 1.5m high along Te Puna Station Road. The landscaping requirement extends for the entire length of Te Puna Station Road, while the bund requirement extends from the Site entrance to the east only.
- (b) Secondary planting along internal roads (mix of natives and exotics);
- (c) Secondary planting on boundaries between land parcels or leases (mix of natives and exotics);
- (d) Shelter/perimeter planting at Structure Plan perimeter (remainder of northern, southern and western boundaries of the Site), including mix of fast-growing exotics and native species;
- (e) Wetland planting within Structure Plan overland flow path to convey water from the Site through 245 Te Puna Station Road to a roadside drain to the north of 245 Te Puna Station Road; and
- (f) Stormwater ponds alongside the above.

5.2 The landscape mitigation included in the Application is in general accordance with the anticipated Structure Plan landscape outcomes listed above.

6. SCOPE OF DEVELOPMENT

6.1 The scope of the Application, including additional mitigation measures now proposed by TPIL, is as follows:

- (a) Construction of an acoustic bund towards the southern boundary of the Site, formation of stormwater treatment pond and proposed wetland/overland flowpath (at the east of the Site, and through 245 Te Puna Station Road). The bunds to the northern boundary, as previously proposed, have been removed to address potential flooding effects.
- (b) Planting of the above features, and perimeter planting to the remainder of the northern, southern and western boundaries of the Site as required by the Structure Plan.
- (c) Undertaking of earthworks to form finished levels of the Site complying with inundation requirements. This includes the potential for use of elevated land beneath the existing house for as a 'borrow

pit' source of fill material, particularly so as to reduce reliance on importing fill material from off-site and associated earthworks transport movements.

7. ASSESSMENT OF POTENTIAL EFFECTS

7.1 This LVA has been undertaken with consideration of the recently published Aotearoa New Zealand Landscape Assessment Guidelines (Te Tangi a te Manu).³ The general methodology is outlined below:

- (a) review of the statutory context and landscape requirements as set out by the Structure Plan. The statutory context includes the Industrial zoning of the Site, and the Structure Plan landscaping provisions and associated permitted land uses, including: intensity of use, roading, yards, vehicle movements, lighting, and all ancillary infrastructure;
- (b) consideration of stakeholders and custodians of the land, including Pirirākau (and associated cultural values, which I discuss further below in section 9 of my evidence) and any viewing audiences who appreciate amenity values associated with the landscape (ie rural aspect and rural amenity values);
- (c) ascertaining and mapping the visual catchment;
- (d) undertaking two site visits - including camera and drone photography;
- (e) evaluation of the existing landscape values, including the attributes on which these values depend and apply to the site-specific context;
- (f) assessing landscape effects, including visual effects, taking into consideration the industrial zoning of the Site under the Structure Plan; and
- (g) taking the above into consideration, preparation of the landscape mitigation plan in accordance with the Structure Plan, including boundary planting and naturalised wetland to manage stormwater.

7.2 Taking all of the above matters into account, potential resulting landscape and visual effects were assessed in categories, in accordance with the 7-point

³ Tuia Pito Ora New Zealand Institute of Landscape Architects Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (July 2022).

effects rating scale provided for in the NZILA Landscape Assessment Guidelines (Te Tangi a te Manu).⁴

7.3 The above landscape and visual impact assessment components have been completed as detailed across sections 7-9 of my LVA and I do not repeat the assessment verbatim in this evidence. Rather, as set out in section 13 of my LVA, the following conclusions on landscape and visual effects were made and are summarised below:

- (a) The Application, and consequential change in use and appearance from Rural to Industrial, in accordance with the Structure Plan, will result in low to very low landscape and visual effects on receptors within the surrounding rural visual catchment, as identified in the viewpoint analysis, subject to the mitigation proposed.
- (b) There will be a moderate to high degree of physical change, as a result of the predominantly open pastoral land being modified as a result of the bulk earthworks, and formed and surfaced as required for the Project. However, this change is anticipated at the Site, given the underlying zoning and Structure Plan provisions. Based on the assessment within section 9.2 of the LVA, any adverse effects upon the physical dimension of the landscape of the Site, in this particular context, is assessed as low.
- (c) The naturalisation of degraded pastoral land to a naturalised wetland area is considered a landscape and visual amenity improvement in the eastern portion of the Site. This is considered a positive landscape effect.

7.4 As it relates to the workshop enclosure which exceeds the 100m² limit as specified under Rule 21.3.7 (and relevant matters of control at Rule 21.5.1) of the District Plan. Effects related to the workshop enclosure are appropriately managed through landscape screening at boundaries and reflectivity standards which apply to wall and roof finishes, to ensure the structure is recessive in the landscape. This is discussed in detail under section 11 of the LVA.

⁴ Tuia Pito Ora New Zealand Institute of Landscape Architects Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines (July 2022) at p 140.

8. RESPONSE TO ISSUES RAISED IN SUBMISSIONS

8.1 I have reviewed relevant submissions on the Application that raise matters relating to landscape and visual effects. The concerns expressed by submitters in relation to landscape and visual effects primarily raised concerns regarding the:

- (a) general effects of the activity to the visual amenity of the area;⁵
- (b) effects of high stacking of containers to the landscape;⁶
- (c) activity not being "in-keeping" with the rural landscape;⁷
- (d) effects to visual amenity during the earthworks period;⁸ and
- (e) development of the wetland, in that this should occur in the area once the roading is completed.⁹

8.2 With respect to the first four points above ((a) to (d)), when assessing effects, while consideration is given to the existing rural character of the Site, the LVA also takes into consideration the Site's industrial development anticipated by the Structure Plan, which requires a level of land development, to transform the pastoral land into functional industrial yards. Provided the landscape requirements of the Structure Plan are generally met, which were imposed to soften / mitigate landscape and visual effects on the surrounding context, in my opinion the levels of effects associated with the Project are in keeping with what is anticipated by the Structure Plan, including temporary effects throughout the earthworks period.

8.3 As it relates to the wetland (point (e) above), the establishment and timing of this is necessarily dependent on the stormwater management and civil engineering requirements of developing the Site. However, it is logical from a landscape standpoint, that the timing of planting within the wetland should be carefully considered in relation to the construction works, including establishment of roads, to ensure the planting has the best chance of survival.

8.4 My understanding, drawing upon the evidence of Mr Murphy, is that the Site is to be developed firstly with the overland flowpath (within which the wetland sits), followed by stabilisation of that feature, and then creation of the wetland

⁵ Submitters #67, #76, #85 and #207.

⁶ Submitter #56.

⁷ Submitters #43, #132 and #244.

⁸ Submitters #38, #84, #99 and #119

⁹ Submitter #79.

upon completion of bulk earthworks, so as to avoid silting of the created wetland during the earthworks / construction period.¹⁰ Planting within the wetland will then occur immediately thereafter. I support this sequencing from a landscape and visual perspective.

9. CULTURAL LANDSCAPE

- 9.1 As per Te Tangi a te Manu, visual amenity values are described as a subset of landscape effects. The visual amenity values as per the RMA definition of amenity include cultural attributes.¹¹
- 9.2 As part of their submission on the Application, Pirirākau has prepared an Assessment of Cultural Effects ("**PACE**"). I have reviewed the PACE, in which Pirirākau describe the wider effects of the Application on the cultural landscape in the Te Puna area. Pirirākau highlight in the PACE their deep attachment to this cultural landscape and the importance of their role as Kaitiaki in respect of it.
- 9.3 I understand TPIL have been consulting with Pirirākau regarding cultural values held for the Site and its broader setting. This is set out in the evidence of Mr Harris.¹²
- 9.4 Based on my review of Pirirākau's submission on the Application and in particular the PACE, it is my understanding that the Site is considered to be a part of the Pukewhānake kainga settlement area and that there are a number of sites of cultural and spiritual significance to Pirirākau in the wider area. These include Tahataharoa, Pukewhānake Pā and Te Tawa as well as waterways beyond the Site, in particular the Te Wairoa Awa and Te Hakao and their catchments.¹³
- 9.5 I acknowledge Pirirākau's relationship with the whenua, awa and landscape is different to a western view of landscape and amenity. As a landscape architect, I have analysed the landscape character and the physical and visual effects of the Application and have concluded that these will be low-to-very low (see summary in section 6 above). That said, I do not purport to fully understand, nor have I attempted to assess, the connection and values held by Pirirākau associated with the whenua of the Site and its relationship to the wider area, including the cultural landscape that is articulated in the PACE. I

¹⁰ Statement of evidence of Vincent Murphy (26 June 2023).

¹¹ Resource Management Act 1991, s 2 definition of "amenity values".

¹² Statement of evidence of Kenneth Harris at section 7.

¹³ Page 7 of the PACE.

note this approach to landscape and visual assessment was recently accepted by the Environment Court in *Waste Management NZ Limited v Hauraki District Council*.¹⁴

10. RESPONSE TO MATTERS RAISED IN THE SECTION 42A REPORT

- 10.1 I have reviewed the Council's Section 42A Report and recommendations dated 17 June 2024. Matters relating to landscape and visual effects are addressed primarily at paragraphs [102]-[132] and in attachment 7, which is the Mansergh Graham landscape review ("**Landscape Review**").¹⁵
- 10.2 My evidence below responds to the key issues raised by Mr Mansergh in the Landscape Review, and as summarised and interpreted within the Section 42A Report by the Reporting Planner for the WBOPDC, Ms Heather Perring. These are grouped into the key themes.
- 10.3 Working through the Landscape Peer Review, the following queries are raised – these are referred to in sections 105-109 of the Section 42A Report and summarised below.

Queries raised

- 10.4 Methodology – being 'accepted practice', not 'best practice', especially as it relates to the reverse approach to viewpoint assessment, and the inability to verify the effects on the surrounding properties.
- 10.5 Width of the perimeter planting and bunding, and ability to strictly comply with the required 10m width and 5 planted rows required by the Structure Plan.
- 10.6 Suitability of the selected plant species to provide screening along Te Puna Station Road, specifically *Pseudopanax crassifolius* (lancewood), and *Cordyline australis* (NZ cabbage tree).
- 10.7 Concern raised over the lack of internal inter lease screening, given the proposed use of the site as 'super lots', and thus less overall be less secondary planting than that indicated on the Structure Plan.
- 10.8 Sequencing / staging of development and commencement of industrial activity before all landscaping is completed across the business park. This is not strictly in accordance with what is anticipated under Structure Plan.

¹⁴ *Waste Management NZ Limited v Hauraki District Council* [2024] NZEnvC 047 at [176] - [177].

¹⁵ Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024).

- 10.9 The effects of the visual difference between the two types of ContainerCo workshop options and the impact that providing no screening to the workshop will have.
- 10.10 The effects of the proposed noise attenuation container rows, and whether the container stacks will be visible over the proposed bunding and what effect this will have on amenity.
- 10.11 Short-medium term effects while boundary planting reaches maturity.
- 10.12 Lastly, Mr Mansergh notes that avenue of internal roadside trees illustrated on the landscape plan is not staggered as per the Structure Plan. However, he notes that this will unlikely result in any additional effects from outside of the Site.

RESPONSE TO ABOVE

Methodology

- 10.13 The main matters raised by Mr Mansergh in his peer review relates to the method of view shaft assessment from private properties within the identified visual catchment.¹⁶
- 10.14 As discussed within the LVA, it was not practical to visit the 43 private properties identified on the visual catchment plan (Figure 7 of LVA). Therefore a reverse approach was taken, which looks back from the Site towards the viewing audience, and relies on photography, aerial maps and contour maps, to understand topography, location of existing trees and vegetation and orientation of dwellings to assess view shafts.¹⁷ This has been mapped on the visual catchment plan to demonstrate conservative consideration of receptors/audiences.
- 10.15 In my experience, this approach to LVAs is common, particularly for projects where gaining access into private properties is not readily available and where effects are not considered to be materially high. The acceptability of this approach is confirmed by Mr Mansergh:¹⁸

While I have some concerns about the approach taken to identify and verify the effects on visual amenity from surrounding private property, the approach used is a recognised one.

¹⁶ Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024) at p. 10. WBOPDC s42A Report (17 June 2024) at [105].

¹⁷ Momentum Planning and Design, Landscape and Visual Assessment (dated 12 April 2023) at [8.0].

¹⁸ Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024) at p. 10.

- 10.16 It is also worth noting that Te Tangi a te Manu does not stipulate a rigid approach to methodology, rather it promotes a tailored approach to assessment:¹⁹

The intent of the Guidelines is to set out a coherent framework of concepts, principles, and approaches that can be tailored to suit each assessment's purpose and context. Promotion of such flexibility is not to be misconstrued as 'anything goes': on the contrary, the approach promoted by these Guidelines demands that practitioners understand what they are doing, and why, and that they explain it in a transparent and reasoned way.

- 10.17 Taking this intent into consideration, the reverse approach to viewpoint assessment was required in this context, given the number of private residents within the visual catchment (43). Gaining physical access was not practical.

Perimeter Planting

- 10.18 Mr Mansergh raised some queries around the precise spacing and dimensions of the perimeter planting and its capacity to meet Structure Plan requirements, and questioned the appropriateness of a select few tree species for screening (Lancewood and NZ Cabbage Tree).²⁰
- 10.19 In response, these species were never intended to be the taller / denser screening trees in the mix along Te Puna Station Road, and were instead intended to help bolster / thicken the canopy alongside the taller / denser natives proposed (Titoki, Manuka and Pohutukawa). These will provide the primary screening, supported by a native shrub mix ground cover. The Lancewood and NZ Cabbage Tree are also indigenous to these lower lying landscapes and will help define a naturalised buffer to Te Puna Station Road. As such, in my opinion it would be preferable if they maintained this function in the species mix for the permitter planting.
- 10.20 In any event, final details as to the species mix for planting is appropriate, in my view, to be finally determined at time of detailed design, when a detailed landscape plan will have to be developed and submitted to Council to meet the landscaping conditions imposed.
- 10.21 As it relates to the dimensions and precise spacing of permitter planting, a landscape plan was submitted to the Council to demonstrate compliance on

¹⁹ Tuia Pito Ora New Zealand Institute of Landscape Architects Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines' (July 2022) at [1.09].

²⁰ Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024) at p. 19. WBOPDC s42A Report (17 June 2024) at [106](iv).

30 August 2023.²¹ This layout meets the requirements of the Structure Plan (10m wide, 5 x rows), as shown in the screenshot of the landscape plan shown below (crosshatching represents the row of native shrubs to the outside of landscaping strip), and will be refined further at detailed design, whilst ensuring compliance with landscaping Structure Plan pre-requisites concerning planting patterns.

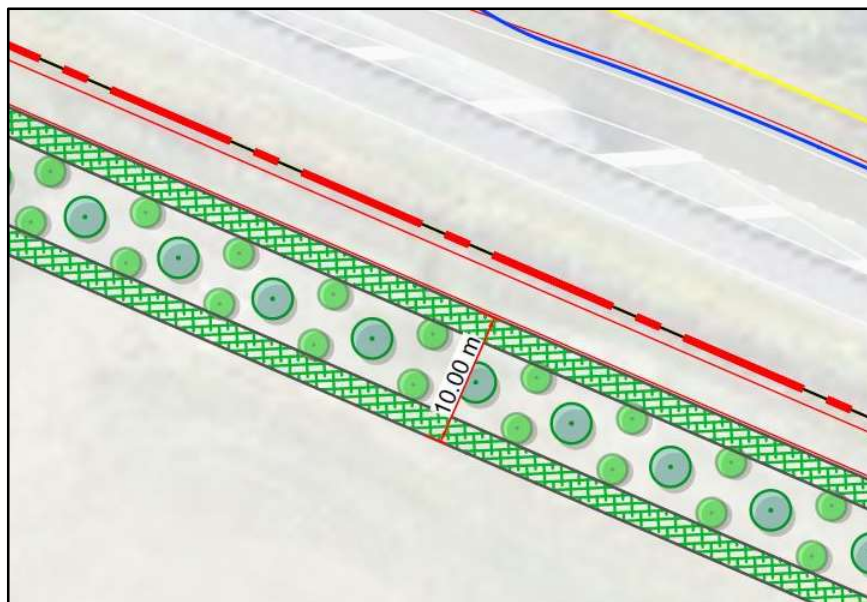


Figure 1. Screenshot from Landscape Plan 'Permitted Works Boundary Landscaping (dated 10 August 2023) showing dimension and 5 x rows.

Internal planting

- 10.22 The Structure Plan requires secondary planting on boundaries between land parcels as two staggered rows (mix of natives and exotics). Internal planting is proposed between the internal boundaries of the ContainerCo lease area and the adjacent yard which extends down from the southern side of the culdesac head to the southern boundary. As it relates to the other future industrial yards, inter lease planting will also be required between boundaries.
- 10.23 In summary it is considered that the internal planting is entirely appropriate for the development now proposed. Further, as described in Mr Murphy's evidence, there is no requirement for the Site to be subdivided down into smaller lots to accommodate additional interlease planting. I rely on Mr Murphy's evidence in this regard.

²¹

Landscape Plan - Permitted Works Boundary Landscaping (dated 10 August 2023).

Short-medium term effects and shade cloth

- 10.24 Mr Mansergh raises short-to-medium term landscape and visual effects as a potential concern, given it can take between 5-8 years for some species of the perimeter planting to reach maturity and provide screening that is aligned with the effects to be mitigated.²²
- 10.25 To soften visual effects while trees reach maturity, Mr Mansergh recommends inclusion of an advice note in the conditions of consent, that a shade cloth structure (70% block-out horticultural shade screen) of up to 6m could be erected at the boundaries of the ContainerCo yard, to visually screen and soften the visual impact of the containers, while the planting reaches maturity.²³ The WBOPDC recommended consent conditions include a condition requiring:²⁴

7. Upon commencement of operation, The ContainerCo Depot shall be visually mitigated with a 6m high 70% block-out horticultural shade screen around the yard perimeter (excluding yard entrance). This shall remain in place until such time that the landscape screening rows have generally reached a minimum height of 6m (to be inspected and verified by a Council compliance officer).

- 10.26 I agree that having a condition as set out above would assist as an additional short-to-medium term measure to mitigate potential effects, however I do not consider that this condition is strictly necessary in order to mitigate landscape and visual effects to an appropriate level.

No screening to proposed workshop

- 10.27 Mr Mansergh has also raised questions regarding the effects of the visual difference between the two types of ContainerCo workshop options and the impact that providing no screening to the workshop will have.²⁵
- 10.28 As discussed in section 11 of the LVA, the proposed boundary planting, (including rows of trees to all boundaries), along the western edge of wetland and to each side of the internal road, will ensure an adequate level of screening to the workshop is provided from outside of the Site in my opinion, and

²² Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024) at p. 8. WBOPDC s42A Report (17 June 2024) at [111]-[113].

²³ Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024) at p. 23-24.

²⁴ Western Bay of Plenty District Council Section 42A Report, Recommended Consent Conditions at Condition 7.

²⁵ Dave Mansergh (Mansergh Graham Architects), Assessment of Landscape and Visual Effects and Landscape Management Plan – Review (12 June 2024) at p.10.

therefore additional screening is not considered necessary around the workshop. If the location of the workshop was to change to a more open area of the Site, then screening planting to the workshop should apply, however in this circumstance it is considered a double up.

- 10.29 Further, there were concerns raised in relation to the visual difference between the two ContainerCo workshop options, being either a container-wall structure to three sides and roof canvass, or a concrete tilt-slab building with iron roof. Both options will be subject to reflectivity values for surface finishes, as stipulated under Rule 21.4.1.d. Specifically, these require that all external surfaces of buildings/structures (excluding glazing) within the Te Puna Business Park shall comply with the following reflectivity standards: no greater than 35% for wall and no greater than 25% for roofs. Provided both options meet these values, both options are considered acceptable in this context. This is secured by way of condition 6 of the WBOPDC recommended consent conditions within the Section 42A Report:

6. All external surfaces of buildings/structures (excluding glazing) and the container stacks and noise mitigation wall shall comply with the following British Standard BS5252 reflectance values:

- i. Walls no greater than 35%;
- ii. Roofs no greater than 25%.

Advice note: For the container stacks, the above performance standards may be met by stacking the containers in a manner where the exterior observable facades (only) of the container stack meet the above performance standard; or containers that do not achieve the following are stored behind a 6m high 70% block-out horticultural shade screen.

Noise attenuation container rows and stacked containers

- 10.30 In relation to the effects of the proposed noise attenuation container rows: provided any permanent row of stacked containers meets the height requirements of the zone, then there is no additional concern related to bulk and location and landscape and visual effects. Further, provided any permanent row of stacked containers meets the reflectivity standards stipulated in proposed condition 6 of the WBOPDC conditions and the proposed landscape mitigation implemented, then it is maintained that landscape and visual effects are appropriately mitigated in this context.

Internal Avenue of Trees vs Staggered

- 10.31 Mr Mansergh notes that avenue of internal roadside trees illustrated on the landscape plan is not staggered, as per the Structure Plan. He also notes that

while this may have an internal effect on the level of screening, this is unlikely to result in any additional effects from outside of the Site. I agree with this conclusion in that there will be no material effects as a result of this departure and is therefore acceptable as proposed.

Cumulative effects / Sequencing of Development

10.32 A key conclusion from the WBOPDC s42A report is at [125]:

In my opinion, a pertinent consideration with regard to landscape and visual effects, is the overall or cumulative effect on visual character that results from commencing depot / outdoor storage activity ahead of completing development works, and in combination with the landscape rule departures, and in particular, before the planting reaches sufficient heights to provide effective screening.

10.33 In response to this, I maintain my position that the mitigation proposed is in general accordance with the requirements of the Structure Plan and will appropriately mitigate temporary and short-medium term landscape and visual effects, taking into consideration the sequencing of development and operations themselves. The introduction of the shade cloth structure as recommended by Mr Mansergh will further help to soften effects from the outset and integrate with the rural / horticultural character if imposed as a condition of consent. Overall, I maintain my conclusion that all effects, during construction and operation of the Site, can be appropriately addressed through the mitigation (secured by conditions) that is proposed

ADDITIONAL MATTERS

Borrow Area

10.34 An earthworks borrow area is proposed in the south-western corner of the Site where the existing dwelling is located, as per MPAD Cut and Fill Contour Plan (DWG 14: 5/06/24 Rev 1). This will result in a cut face of approximately 6-8m in height (follows the topography difference between the shed level and house level, depending on precise extent of earthworks) and would have a slope of approximately 1:2.

10.35 Taking the height and slope into consideration, this slope can be planted with native shrubs and grasses, so that it visually integrates with the existing trees and shrubs in the immediate context, and mitigates any potential landscape and visual effects. Biodegradable geotextile matting maybe required for

planting into slope. It is recommended that a requirement for the planting of the borrow area is integrated into the landscape conditions.

Removal of bund to Te Puna Station Road

- 10.36 Recent flood modelling has indicated that the proposed bunding to the north of the Site (along the boundary with Te Puna Station Road) will exacerbate flooding on the neighbouring property to the east (OLP Logistics site) in the 10-year storm event.
- 10.37 To mitigate this, the bunding is now proposed to be removed, which will result in a reduced ground level height to this boundary, with the new level being approximately 0.6m above road level (matching RL 3m contour to be out of the 100-year floodplain as required by the District Plan). The proposed 10m wide landscape boundary planting strip will be maintained in full as proposed, including planting layout and species mix.
- 10.38 Given that there will be a reduction in height associated with the removal of bund, it is recommended that larger, semi mature trees with a minimum height of 2.5m, are established from the outset of the project in order to establish an appropriate level of tree screening to Te Puna Station Road in the short-medium term.
- 10.39 This landscape requirement should apply to this boundary only (being the northern boundary), to offset the loss of bund. It is recommended that this minimum height is specifically referenced within the landscape conditions, to ensure that this is captured at detailed design.

11. COMMENTS ON PROPOSED CONDITIONS

- 11.1 The landscape conditions recommended by Mr Mansergh, and included in Attachment 10 of the WBOPDC Section 42A Report, are summarised below:²⁶
- (a) Provision of a detailed landscape implementation plan (LIP) within 3 months.
 - (b) Planting to be implemented within six months.
 - (c) Plans for certification of the workshop building including colour.
 - (d) Building and structures to meet reflectivity standards in accordance with the ODP.

²⁶

WBOPDC s42A Report (17 June 2024) at [129].

- (e) Shade cloth screen (6m in height) around the perimeter of the ContainerCo yard to soften the container stacks / wall in the short-medium term.
- (f) Perimeter planting shall be established along the southern boundary of the first stage earth platform.
- (g) Maintenance and protection conditions.

11.2 The landscape conditions proposed by WBOPDC are considered acceptable and are aligned with the intent of the proposed landscape mitigation included within the Application. I support these proposed conditions and do not recommend any changes.

11.3 As above, it is also recommended that the recommended landscape outcomes for the borrow area cut face and the northern boundary (with the removal of the proposed bunding) are also included in the conditions of consent. Mr Murphy has proposed conditions in this regard the attachment to his planning evidence, which I have reviewed and endorse.

12. CONCLUSION

12.1 The Application is supported from a landscape and visual amenity perspective, provided the landscape mitigation proposed within the landscape mitigation plan is adhered to, which will be subject to detailed landscape design in the future, and secured through the proposed conditions.

Tom Watts
25 June 2024