

BEFORE THE ENVIRONMENT COURT

UNDER the Local Government (Auckland Transitional Provisions) Act 2010 (LGATPA) and the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of appeals under section 156(1) of the LGATPA

BETWEEN **Weli Yang, Zhi Lu and Jing Ni**
ENV-2016-AKL-000196
Okura Holdings Limited
ENV-2016-AKL-000211
Appellants

AND **AUCKLAND COUNCIL**
Respondent

AND **Weiti Development Limited Partnership**
Section 274 Party

AND **Long Bay - Okura Great Park Society**
Section 274 Party

AND **Royal Forest and Bird Protection Society Incorporated**
Section 274 Party

**STATEMENT OF REBUTTAL EVIDENCE OF BRIDGET MARY GILBERT
(LANDSCAPE, NATURAL CHARACTER AND VISUAL EFFECTS) ON BEHALF
OF LONG BAY - OKURA GREAT PARK SOCIETY**

Date: 8 September 2017

INTRODUCTION

1. My full name is Bridget Mary Gilbert. My qualifications and experience are set out in my Evidence in Chief dated 8 August 2017 (paragraphs 1-5).
2. I confirm that I am familiar with the Environment Court's Code of Conduct for Expert Witnesses (2014) and that I agree to comply with it.

SCOPE

3. Following the exchange of Evidence in Chief and attendance at the second landscape expert conferencing on 29 August 2017, it became apparent that Ms Absolum's opinion and mine are closely aligned. To minimise repetition in the preparation of (concurrent) rebuttal evidence in response to OHL's Evidence in Chief, we have agreed the scope of our rebuttal evidence in advance of our evidence preparation and effectively agreed a 'division of labour'.
4. On this basis, my rebuttal evidence will address the following matters:
 - a. Confinement of the ONL assessment to the values identified in AUP:OiP Schedule 7.
 - b. The approach taken by Ms Rachel de Lambert to the assessment of effects on natural character.
 - c. The value of the landscape benefits associated with the proposed open space network.
 - d. The relevance of the urban ONL and HNC examples cited in Ms de Lambert's and Mr Karl Cook's evidence.
 - e. Ms de Lambert's comments with respect to ridgeline development in relation to her Viewpoint 6 (refer Photograph Viewpoint Combined Bundle Viewpoint 6, page 6)
 - f. Ms de Lambert's comments in relation to views from Grannys Bay in the regional park.
5. In the interests of brevity, I have presented my rebuttal comments within a table that lists the issue alongside my response.

Issue raised in the EiC of RdL	BG Response
<p>Confinement of the ONL assessment to the values identified in AUP:OiP Schedule 7 (RdL paragraphs 5.46 to 5.58).</p>	<p>As recorded in the Joint Witness Statement from the second landscape expert conferencing (JWS2), this raises a fundamentally important issue. Schedule 7 effectively rolled over the legacy ARPS ONL schedule (and mapping) prepared under Change 8 to the ARPS¹. The ONL assessment work that informed the ARPS did not include the consideration of all of the <i>WESI</i> factors: Historical Associations and Values to Tangata Whenua were omitted as it was considered these were addressed elsewhere under the ARPS (Mr Stephen Brown confirming this in evidence to the Independent Hearings Panel on Topic 10). In addition, “Shared and Recognised Values” are not addressed in Schedule 7.</p> <p>Each of these <i>WESI</i> factors are identified in NZCPS 2010 Policy 15 (c) and AUP:OiP B4.2.2 (which set out the factors to be considered in the identification and evaluation of ONLs under the AUP).</p> <p>For this reason, I consider that the confinement of RdL’s analysis to the effects of the development on the values outlined in Schedule 7 is deficient. This is illustrated by RdL concluding that there would be moderate effects on views from within these ONL areas² but very low adverse effects on the ONLs themselves.³ RdL states she considers any effect is confined to “a specific sensory attribute” of Area 51.</p> <p>The tables in her evidence largely focus on the absence of physical impacts or changes to the values recorded in Schedule 7 (i.e. for the Okura Estuary and Long Bay park land). Applying this approach, it is my expectation that almost any development on the Okura land would be assessed to be appropriate despite the level of adverse perceptual effects arising.</p> <p>In my opinion, consideration of the existing values and effects of the development in terms of the full range of <i>WESI</i> factors is required to understand the effects on the ONLs at Okura. This is particularly important given the strong ‘sense of place’ at Okura as outlined in my evidence,⁴ and where I consider the ‘Shared and Recognised’ values factor covers the key concern for the Society as set out in their lay evidence.⁵</p> <p>In expert conferencing, RdL explained that her evaluation considered Shared and Recognised Values under her discussion of</p>

¹ As confirmed in the relevant section 32 report I cited in giving evidence to the AUP Hearings on Topics 10 and 19 on this issue, i.e. Report 2.19, at Page 5.

² See paragraph 5.87, RdL Attachment A Paragraph 9.22. I note that RdL’s EiC does not seem to include an equivalent assessment of the urban development option from the southern and northern viewpoints referred to in her evidence (but does so for some of these viewpoints for the CSL option), so her current opinion regarding the effects of the urban development option on these viewpoints is unclear to me.

³ RdL EiC paragraph 5.57.

⁴ Paragraph 49-51 of my EiC.

⁵ Ibid paragraph 147.

Issue raised in the EiC of RdL	BG Response
	<p>sensory (or perceptual) effects.</p> <p>I disagree with this approach and consider that Shared and Recognised Values fall squarely within the realm of the associative (rather than the sensory or perceptual) values of landscape assessment.</p> <p>Overall, the assessment in RdL's evidence essentially misses the point in concluding effects on the ONLs would be very low, by not considering effects in relation to one of the critical aspects (Shared and Recognised Values) for which the area is esteemed.</p>
<p>The approach taken by to the assessment of effects on natural character (RdL paragraphs 5.20 to 5.44).</p>	<p>RdL would appear to rely on the mitigation benefits of the stream daylighting, riparian planting and open space framework, to mitigate the adverse biophysical natural character effects that she has identified in relation to both the level of earthworks proposed, and stream removal (intermittent and ephemeral).⁶ On the one hand RdL concluded adverse effects on (biophysical) natural character would be high (because of changes in topography and stream reclamation),⁷ but on the other she finds there will be a significant positive effect on the <i>overall</i> level of biophysical naturalness, based largely on stream enhancements and legal protection of the limited areas of existing vegetation on the site.⁸</p> <p>I acknowledge these benefits (my paragraph 133, i.e. stream and gully plantings, protection of existing vegetation), and defer to the ecologists as to how far stream riparian enhancements address the effects of stream loss and modification itself. As a landscape expert however, I do not consider these benefits can more than offset the <i>overall</i> adverse effects RdL refers to on biophysical natural character, including the 80 hectares of earthworks (i.e. 1.8 million cubic metres cut and fill), to create a significant <i>overall</i> positive outcome.</p> <p>I also note that biophysical benefits would not overcome the adverse effects on the perceptual elements of natural character. In my opinion, these various benefits would not address the adverse perceptual natural character effect of introducing urban development in an area that currently displays a relatively high perception of naturalness as a consequence of its tranquillity and the sense of 'getting away from it all'.</p> <p>In addition, I note that as to perceptual natural character effects, RdL describes what she considers to be a moderate adverse effect on natural character from the countryside living (CSL) option,⁹ including for people within and around the estuary.</p>

⁶ Ibid paragraph 5.22.

⁷ Ibid paragraph 5.26.

⁸ Ibid paragraph 5.31.

⁹ RdL EiC paragraph 5.37

Issue raised in the EiC of RdL	BG Response
	<p>However, for the urban option, RdL is (again) careful to focus on the specific location of (and stated values in) the HNC area descriptions, and the fact that they do not immediately adjoin the site (or cover the southern half of the estuary),¹⁰ in finding effects would be very low on these areas. The approach seems inconsistent, and I certainly do not see how a conclusion of very low can be reached for the urban option, but moderate for the considerably less intensive CSL option, if a consistent approach is applied.</p>
<p>Value of the landscape benefits associated with the proposed open space network. (RdL paragraphs 5.59-5.64).</p>	<p>In my opinion, the lack of certainty around the extent of planting as a consequence of the proliferation of archaeological sites and the likely desire to retain coastal views, together with the disagreement within other disciplines with respect to benefits of the stream modifications¹¹ diminishes the mitigation benefits of this aspect of the development proposal.</p> <p>As to the 'public access' benefit referred to by RdL, I acknowledge that under the CSL option, the open space benefits associated with the OHL development will not accrue. Whilst I am aware that Council are considering similarly scaled boardwalk proposals throughout the region where riparian rights limit public access¹², there is no certainty around such an outcome at Okura.</p>
<p>Relevance of the urban ONL and HNC examples cited in RdL and KC EiC.</p>	<p>RdL and KC cite a number of examples around the region where HNC and ONLs about urban development, demonstrating (in their view) that the two can coexist comfortably without compromising natural character and landscape values.</p> <p>I do not consider the examples of Tahuna Torea HNC¹³, Gulf Harbour ONL,¹⁴ Lucas Creek ONL¹⁵ and the central part of the Warkworth ONL¹⁶ to be of relevance to the Okura proposal as these comprise examples where urban development existed at the time of their identification as a HNC or ONL area. In those situations it was assessed that the ONL and HNC classification was deserving despite the <u>existing</u> urban context. At Okura, the issue relates to the introduction of new urban development</p>

¹⁰ Ibid: paragraphs 5.40 and 5.43.

¹¹ For example, the Stormwater Conferencing Statement 6 June 2017 records that all of the stormwater experts agree that the modified streams will not retain their pre development hydrology and may not retain baseflows that support aquatic systems.

¹² For example, the Holly Street/Heron Park boardwalk link to the SH16 shared path, through the Motu Manawa Marine Reserve in Avondale/Waterview.

¹³ RdL EiC paragraph 5.41.

¹⁴ RdL EiC Attachment B Figure LV 11

¹⁵ RdL EiC para 7.16 and Attachment B Figure LV 10.

¹⁶ RdL EiC Attachment B Figure LV 12 KC EiC Appendix 1.

Issue raised in the EiC of RdL	BG Response
	<p>within the immediate context of established ONL and HNC areas.</p> <p>In the case of the Long Bay and Weiti examples,¹⁷ it is my understanding that very careful consideration has been given to the appropriate management of urban effects on the ONLs via limiting the scale, character and extent of development in a manner that I consider is far more restrictive than that proposed at Okura. Refer for example the controls set at the PIVP's referred to by Ms Absolum, whereby development must not be visible within the ONL areas at the northern end of the park.¹⁸</p> <p>For the FUZ/ONL examples (Hatfields ONL¹⁹, Dairy Flat ONL²⁰ and the southern portion of the Warkworth ONL²¹), the ONLs are clearly legible landscapes in their own right and typically comprise elevated hill slopes with bush patterning that read as distinctly different to the (generally) lower lying FUZ land. In contrast, the open waterbody nature of much of ONL 51 and HNC Area 94 (in particular) make them considerably more vulnerable to the effects of urban development on the site altering the values of each of these areas.</p> <p>Further the requirement for development in the FUZ to consider effects on areas scheduled for natural heritage or natural resource values²² and to prepare a landscape assessment²³ is in my view likely to result in the integration of an appreciable landscape buffer between the two that ensures the urban development does not detract from values of the scheduled area. My EiC demonstrates that the buffer proposed at Okura will not deliver such an outcome.</p>
<p>Visibility of ridgeline urban development in Photograph Viewpoint Combined Bundle Viewpoint 6</p>	<p>RdL is of the view that urban development will be "relatively unremarkable if it were to remain off the elevated parts of the spur".²⁴</p> <p>I note that there is no such requirement in the Okura Precinct provisions appended to KC EiC (Appendix 3).</p>

¹⁷ RdL EiC paragraph 7.16.

¹⁸ MAL EiC 13.28.

¹⁹ RdL EiC Attachment B Figure LV 9.

²⁰ KC EiC Appendix 1.

²¹ RdL EiC Figure LV12.

²² AUP:OiP Appendix 1 Structure Plans 1.4.2 (1).

²³ Ibid: 1.5 (3) (a).

²⁴ RdL EiC paragraph 5.85.

Issue raised in the EiC of RdL	BG Response
Views from Grannys Bay in the Long Bay Regional Park	<p>RdL is of the view that the focus of revegetation works throughout the Piripiri Point Protection Area, together with the proposed plantings that form part of the approved three (additional) lot subdivision along the eastern edge of the site would screen views of infrastructure and housing along Piripiri Point Drive.²⁵</p> <p>The Long Bay Precinct provisions limit activities in the Piripiri Point Protection Area (sub precinct C) to “grazing, pastoral farming and indigenous re-vegetation”. I do not consider that this amounts to a “focus on revegetation” in this area.</p> <p>I have reviewed the legible plans for the approved three (additional) lot subdivision provided by RdL at the second landscape conferencing session. In my opinion the plantings proposed as part of that development may partially ground and filter views of the urban development on the site in views from the Grannys Bay viewpoints. However the lie of the land is such that urban development will be visible along the Piripiri Point Drive ridgeline, at least in part, from each of these locations.</p> <p>For these reasons, I remain of the view that the proposed urban development will detract from the perception of naturalness and visual amenity values associated with this portion of the regional park and is at odds with the policy intentions of the Long Bay Precinct provisions.</p> <p>In addition, I do not consider the absence of a trail or walkway in relation to my Photograph 3 (PVCB Viewpoint 13, page 10) downgrades the importance of this viewpoint as inferred by RdL.²⁶ This vantage point was deliberately selected as part of the development of the Long Bay Precinct provisions as an important reference and monitoring point, to ensure that the visual effects of urban development associated with Long Bay do not detract from the landscape values of the regional park. Given that the distant urban development at Torbay was in existence at the time this PIVP was identified, I consider that the focus of management is on close and mid-range views of housing and RdL’s comments in that regard to be of no relevance. Further, in light of the carpark proposed at the northern end of the regional park, it is in my view entirely plausible that a trail or walkway could be developed in the vicinity of this viewpoint.</p>

²⁵ Ibid paragraph 5.90.

²⁶ Ibid paragraph 5.91.

Abbreviations

RdL	Rachel de Lambert
KC	Karl Cook
EiC	Evidence in Chief
AUP:OiP	Auckland Unitary Plan: Operative in Part
ARPS	Auckland Regional Policy Statement
FUZ	Future Urban Zone
PIVP	Park Interface Viewpoints
JWS2	Joint Witness Statement 2
PVCB	Photograph Viewpoint Combined Bundle

6. I have read Ms Absolum's rebuttal statement and confirm that I generally agree with her comments.
7. Like Ms Absolum I am unable to reconcile how Ms de Lambert has consistently (with the exception of BML Viewpoint 4 from the Okura Bush Walkway²⁷) arrived at a lower adverse visual effects rating for the urban development in comparison to the CSL option, particularly given the topography of the site which means that coastal and gully plantings will have a very limited effect in terms of visual mitigation, and the uncertainty around the extent of such plantings (discussed earlier).
8. Ms Absolum explains that Shared and Recognised, Mana Whenua Values and Historical Values are not included in Schedule 7 because these factors require input from other experts. I agree that Mana Whenua Values and Historical Values typically fall outside the scope of landscape expertise. However in my experience, landscape architects often undertake an evaluation of Shared and Recognised Values, relying on published material such as recreational feature mapping, tourism resources, art, books, poetry, music and the like. In an ideal

²⁷ Photograph Viewpoint Combined Bundle Viewpoint 4, page 4

world this initial 'desktop' research into Shared and Recognised Values is augmented with community consultation.

9. In this instance and given their long association with the area, I consider that the lay evidence of the LBOGP Society comprises valuable community input into the Shared and Recognised Values associated with the Okura landscape.
10. In conclusion, I remain of the opinion set out in my Evidence in Chief that the proposed urban development at Okura will generate **Very High** (significant) adverse visual effects, **Moderate-High** natural character effects and **High-Very High** (significant) adverse landscape effects.

Bridget Gilbert

Landscape Architect