

MARLBOROUGH DISTRICT COUNCIL PROPOSED ENVIRONMENTAL PLAN

LANDSCAPE SUBMISSION

PREPARED FOR: Marlborough District Council

SUBMISSION #1093.1

By: Liz Gavin LANDSCAPE ARCHITECT/LANDSCAPE PLANNER.

Date: 10th October 2018

TOPIC 21: Zoning

KEY MATTER - ZONING MAP 76 - PORTAGE

Background and experience

1. My name is Elizabeth Jane Gavin (nee Kidson). I reside in Nelson and I am a director of the landscape architectural firm Canopy NZ Limited (2010-present). From April 2005-2010, I worked for my own landscape practice (Kidson Landscape Consulting). Before this I was employed by Civic Corporation Limited in Queenstown from January 2000 until April 2005.
2. I hold the qualification of a Bachelor of Landscape Architecture (Hons) from Lincoln University, a Bachelor of Arts majoring in Anthropology and a postgraduate Diploma (Distinction) in Anthropology from Otago University. I am a member of the New Zealand Institute of Landscape Architects, Member of the Resource Management Law Association and am on the joint Nelson City Council/Tasman District Council Urban Design Panel.
3. Most of my work involves providing landscape assessments for resource consents relating to activities in the form of either subdivision consents or land use consents. I have provided landscape advice to councils as an expert witness involving the creation of new zones and landscape classification, and have 18 years experience in the identification and assessment of landscapes, mostly in the Queenstown Lakes and Nelson/Marlborough area. I have worked on both council-led and private plan changes. This work has been in Nelson, Tasman, Marlborough, West Coast, Queenstown and Christchurch. My landscape classification work has occurred in Queenstown, Christchurch, Tasman and Marlborough. In terms of the proposed Marlborough Environment Plan, I was commissioned by the Marlborough District Council to peer review the Marlborough Sounds aspect of the Marlborough Landscape Study. This involved attending public consultation meetings with Council Planners and Councillors, as well as conducting site visits with land owners to ground truth landscape areas where landowners requested a second opinion. I have visited Portage in the past (one of the community consultation meetings was held at Portage) and have visited on 4th October 2018 to consider the Rewa Rewa submission (#1093.1).
4. I appear as a landscape expert witness for Marlborough District Council.
5. I have read the Code of Conduct for Expert Witnesses (Rule 330A, High Court Rules and Environment Court Practice Note) and I agree to comply with it. I have complied with it in the

preparation of this statement of evidence and confirm that my evidence is within my area of expertise. I state any instances where I am relying on the evidence of another person.

SCOPE

6. I have been asked to provide a landscape report that considers the Rewa Rewa submission (#1093.1) on the Marlborough Environment Plan (MEP). My scope is to assess the landscape effects of extending the geographical extent of an existing Coastal Living Zone on Lot 3 DP 403652 as submitted, and provide recommendations to the Hearing Panel. These recommendations are preliminary, relating to written submissions. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).
7. This report also relies on, and is intended to be read in conjunction with, the related s42A report of Mr. Paul Whyte on Topic 21 submission 1093.1. Mr. Whyte's report has responded to the submission in terms of the Objectives, Policies and Rules of the Plan to determine the best zone for the site.
8. I have undertaken a site visit to the site on 4th October 2018, and have read the relevant plan provisions. I attach a photo attachment that shows the site context. I have also read the submission prepared by Boffa Miskell on behalf of Rewa Rewa and have read the decision U080286.

OUTLINE OF SUBMISSION

9. Rewa Rewa seek to rezone a portion of lot 3 DP 403652 (the site) from its current Coastal Environment Zone to Coastal Living Zone. Lot 3 DP 403652 is 20.9507ha in size¹. The Coastal Environment Zone will relate to about 10% of the site.

CURRENT LANDSCAPE CHARACTER OF THE SITE AND ENVIRONS

10. The site is described in the submission and I agree with this description, however consider additional context would help to describe how the site fits in to the wider landscape.
11. The site sits on the southern arm of Kenepuru Sounds. This area, while not part of an outstanding natural landscape, is valued for its natural character, amenity and experiential values. The vegetation is accurately described in the Rewa Rewa submission as regenerating native bush and secondary forest, and is part of a wider area of regenerating native bush that

¹ Based on Marlborough Smartmaps <https://maps.marlborough.govt.nz/smaps/?map=4fda1ff4b0694393986fc58b9aa0a1d8>

has high natural character values. This area of high natural character runs from Portage Bay east towards the Kenepuru Head and takes in most of the southern coastline, with the natural character extending over the ridge into the Queen Charlotte Sounds.

12. The site is composed of moderately steep to steep northeast facing slopes composed of a Manuka scrub and an understorey broadleaf forest with kamahi, mahoe, ponga, toro and kawakawa establishing under the Manuka. Weed species are present, with wilding pines targeted in this area, and the large poisoned pine trees a notable feature in the landscape.
13. The experiential value of this area of Kenepuru is linked to the dominant cover of regenerating bush which is valued for its naturalness², displaying very high abiotic and biotic character, and high experiential character with the Queen Charlotte Track – an internationally renowned walking and mountain biking track that winds along the central ridgetop that separates Kenepuru from Queen Charlotte Sounds. The Queen Charlotte Track sits above the site, with limited views down into the area proposed for a zone change. The other main (terrestrial) method of experiencing the southern arm of Kenepuru Sounds is via the Kenepuru Road which runs at a lower elevation along the coastline. This road runs down into Portage Bay directly behind “Portage Resort Hotel” – an established resort that along with other baches and jetties have formed part of the settlement of Portage Bay, with a residential and holiday settlement focused around the resort. The existing Coastal Living Zone and the extension to this occur above the Kenepuru Road. Other smaller Coastal Living zones are dotted along the coastline - either below or above Kenepuru to both the north and south of Portage Bay, with Lawrence Road settlement located 300m to the west.
14. Portage Bay has a layer of cultural modification that has established over the years, with baches set amongst native bush. This settlement pattern has occurred either just below or above the Kenepuru Road, with a cluster of 14 residential lots to the south east of the proposed zone change area. These residential lots are located in the Coastal Living Zone, and have been excluded from the natural character mapping. The Portage Lodge/Resort forms the central focus to the settlement which is a reasonably large complex including hotel rooms, backpackers, a pool, restaurant and shop. Other notable modifications within the wider bay include the private marina against the northern shore of Portage Bay, the ramp, a boat storage area, and an old water reservoir against the northern boundary of the proposed zone³.

² Marlborough Coastal Study page 136

³ Application Number: 7/01/1304

15. Modification within the site has occurred as a result of the now lapsed subdivision⁴, through removal of vegetation and earthworks associated with roading.

ASSESSMENT

16. The question that I have considered is whether the Coastal Living Zone would achieve the same or better landscape outcomes as the previously approved subdivision under the Rural Environment Zone – i.e. which zone would achieve the best landscape results?

17. The proposed Coastal Living Zone is located on the lower to mid slopes of Portage Bay, above the existing settlement. The zone boundaries are not located in the outstanding natural landscape, and are not located on a sensitive ridgeline or a skyline, with the arms of the bay providing geographical containment, and overall visibility from terrestrial vantage points being moderate to low due to screening and vegetation. The site does extend up into the more sensitive slopes of the bay, although the upper three quarters of the slope within Portage Bay will still form a natural backdrop. While not having conducted a site visit from a boat, I envisage that when seen centrally within Portage Bay (based on the Graphic Supplement supporting the subdivision application⁵), and given the Coastal Living Zone provisions the subdivision would be initially highly visible, however seen in the context of a foreground of greater modification and the undeveloped backdrop of the bush-clad hills. The area is within a part of the Sounds that has been modified through cultural change, firstly through forest clearance, then through roading and settlement patterns. The biotic patterns are highly modified however the regenerating shrublands are a significant component of the landscape, especially above Kenepuru Sounds.⁶⁷ The coastal terrestrial character has been assessed as containing high natural character within the site⁸ in terms of both abiotic and biotic values. I note that the high natural character map includes the site, but excludes the Coastal Living Zone to the south east.

18. From a visual amenity perspective, the site can absorb change in the area identified for the proposed zone, with the topography and the native bush providing mitigation to the visual appearance of the subdivision if other controls can be included to mitigate potential adverse

⁴ U080286

⁵ U080286 appendix four of Application

⁶ Marlborough Coastal Study page 135.

⁷ <https://maps.marlborough.govt.nz/smmaps/?map=4fda1ff4b0694393986fc58b9aa0a1d8>

⁸ <https://maps.marlborough.govt.nz/smmaps/?map=4fda1ff4b0694393986fc58b9aa0a1d8>

effects⁹. I have considered the zone rules below to assess the different landscape effects associated with each zone.

Coastal Living Zone Coastal Environment Zone comparison of rules		
Provision	Coastal Living Zone	Coastal Environment Zone
Subdivision area	Between 2000 – 4000 depending on sewage reticulation ¹⁰	30ha ¹¹
Dwelling	1 per Computer Register ¹²	1 per Computer Register ¹³
Height	7.5m and 10m for pole foundations ¹⁴	10m ¹⁵
Colour	Light reflectance value of 45% or less ¹⁶	Light reflectance value of 45% or less ¹⁷
Setbacks	8m from any boundary ¹⁸	8m front and rear boundary and 5m side boundary ¹⁹
Site coverage	15% ²⁰	15% ²¹
Indigenous vegetation clearance	2000m ² in any 5 year period where canopy height is between 3m and 6m ²²	2000m ² in any 5 year period where canopy height is between 3m and 6m ²³

⁹ Which was part of the support of subdivision application U080286 Appendix 4 Boffa Miskell landscape assessment subdivision application, page 3.

¹⁰ PMP 24.3.1.2 page 24-8

¹¹ PMP 24.3.1.2 page 24-8

¹² PMP 7.2.1.1 page 7-2

¹³ PMP 4.2.1.1 page 4-4

¹⁴ PMP 7.2.1.3 page 7-2

¹⁵ PMP 4.2.1.2 page 4-4

¹⁶ PMP 7.2.1.9 page 7-3

¹⁷ PMP 4.2.1.12 page 4-5

¹⁸ PMP 7.2.1.7 page 7-2

¹⁹ PMP 4.2.1.10 page 4-5

²⁰ PMP 7.2.1.4 page 7-2

²¹ PMP 4.2.1.9 page 4-5

19. The Coastal Living Zone anticipates residential activity at one house per computer register²⁴, with the potential to subdivide down to 7500m² rather than the greater 30ha of the Coastal Environmental Zone²⁵. The lot size makes a difference when considering the effects of a 15% site coverage that relates to both zones, and the clearance of indigenous vegetation that is limited to 2000m² in both zones in any 5-year period²⁶.
20. The lapsed subdivision consent application²⁷ has been used by the submitter as a reason for approving a zone change from Coastal Environment to Coastal Living. This subdivision consent located residential lots in a similar area of land that is proposed to be rezoned, however also had covenants that related to the balance lot (Lot 51). This lapsed subdivision was for 27 lots of which 24 were residential allotments, at a density ranging from 1000m² to 6980m²²⁸ covering an area of 1.45 ha. The settlement pattern had greater density at the base of the site, where the lot sizes were between 1000-2000m², with larger lot sizes in the upper sections forming a buffer and recognising the increased sensitivity and lower absorption capacity of the upper slopes. The Balance lot (Lot 51) was 19.5ha²⁹ and had both a walking track linking to Queen Charlotte Walkway, and a covenant protecting indigenous vegetation clearance. These benefits and the environmental and community benefits of the new wastewater system were recognised in the decision as being the benefits of what enabled the non-complying activity being able to pass the relevant test of the act and plan integrity.
21. The previously consented subdivision offered both environmental and public benefits that were contingent in achieving consent. This included:
- A public access easement that linked Queen Charlotte Walkway through the subdivision to Kenepuru Road;
 - Protection of all indigenous vegetation on Lot 51 (the balance lot) – that sits outside of the proposed plan change boundaries.

²² Indigenous Vegetation Clearance 7.3.7.6 (a) page 7-5

²³ PMEP Chapter 4 Indigenous Vegetation Clearance 4.3.10.6 (a) page 4-11
page 3-16

²⁴ PMEP Chapter 24 page 24-8

²⁵ PMEP Chapter 24 page 24-8

²⁶ PMEP Chapter 7 Indigenous Vegetation Clearance 7.3.7.6 (a) page 7-5

²⁷ U080286

²⁸ U080286

²⁹ U080286 plans attached to decision.

22. Reasons for granting the consent of U080286 were as follows:

“Despite the application being a non-complying activity, the development is considered unique and unlikely to set an unwanted precedent due to the enhanced sustainable management of the land arising from the following main mitigation measures:

- a) Vegetation on at least 71% of the site will be protected in perpetuity for the benefits of the community. This area forms a backdrop to the township.*
- b) The provision for a public walking track easement linking Queen Charlotte Track to the Portage Hotel, and*
- c) The environmental and community benefits of the new wastewater system discharging to land, instead of to sea, are significant³⁰.”*

23. As well as these mitigation measures, the application included building controls and earthworks that limited vegetation clearance to the building platform or vehicle access areas only on each of the new lots. The height of buildings was controlled (between a range of 5-8metres), and design controls were provided on materials, colour and reflectivity, with maximum building footprints set at between 250-300m². This building footprint included sheds and garages. A native species list was also provided for any planting within the 400m² curtilage area (with native vegetation outside of the curtilage area protected on Lot 25)³¹.

24. These controls and mitigation measures give a very clear indication of the level of change that were proposed to be introduced into the environment, ensuring that this change is moderate and in keeping with the sensitivities of the site.

25. These site-specific measures have not been brought through into the zone change application. None of these measures are relevant unless offered by the applicant, with the balance lot (that was to be protected under the previous subdivision) sitting outside of the proposed zone change. The plan change would result in the potential for a subdivision at a greater density in a similar area of the site in a way that may not reflect the landscape and natural character constraints of the site, without the environmental benefits offered previously.

26. Given this, I consider that while the site is capable of absorbing residential density in the area proposed, this density would be more suited to the pattern suggested in the lapsed consent (with smaller lots at the base of the hill and a lower density at the higher elevation). It may be


³⁰ U080286 Reasons for Decision page 9.

³¹ See condition 32 of the U080286 that refers to Appendix 9 of the application: suggested conditions of consent in particular conditions 21-32 and 41 which relate to building controls and earthworks, landscape, natural character and indigenous vegetation and public access.

that this would be the outcome of a Coastal Living Zone, but this may not be the case given that the lot sizes in the Coastal Living Zone are between 2000 and 4000m². The loss of natural character resulting from the development is not able to be offset by the Coastal Environment Zone provisions unless volunteered by the applicant, with no special provisions offered by the applicant as part of this process to date.

27. The submission requests the ability to make consequential relief that may be necessary or appropriate to address matters raised in this submission. I consider that as the application stands, there is not enough certainty over the landscape effects that have been successfully addressed in past applications for development on this site.

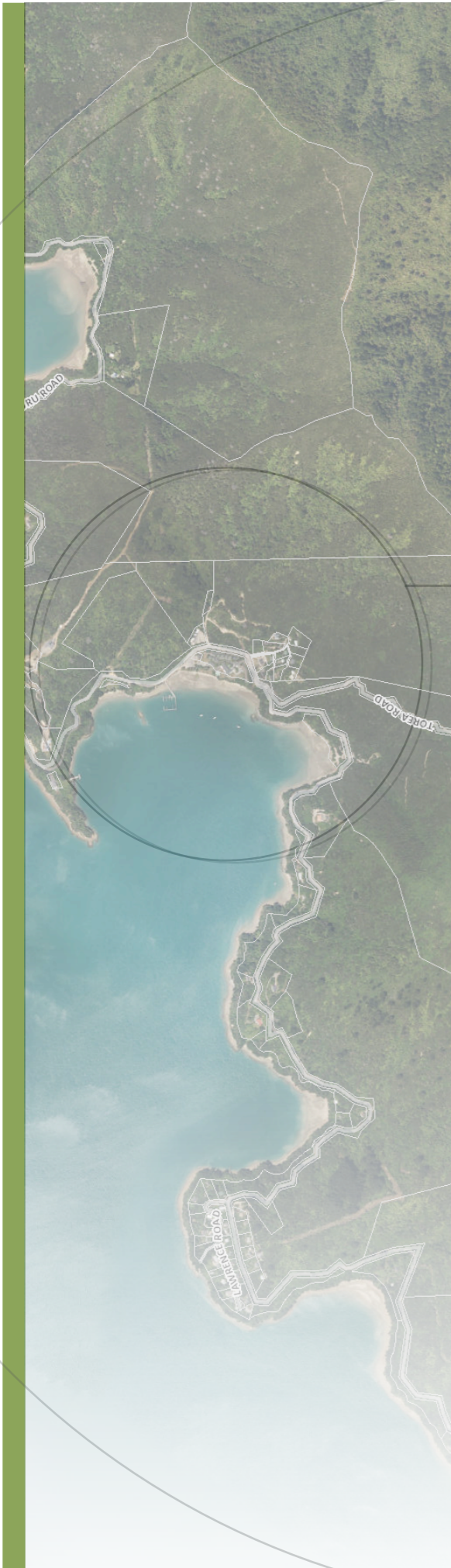
SIGNED



A handwritten signature in black ink, appearing to read 'Liz Gavin', is written over a horizontal dotted line. The signature is fluid and cursive.

LIZ GAVIN
DIRECTOR
CANOPY LTD

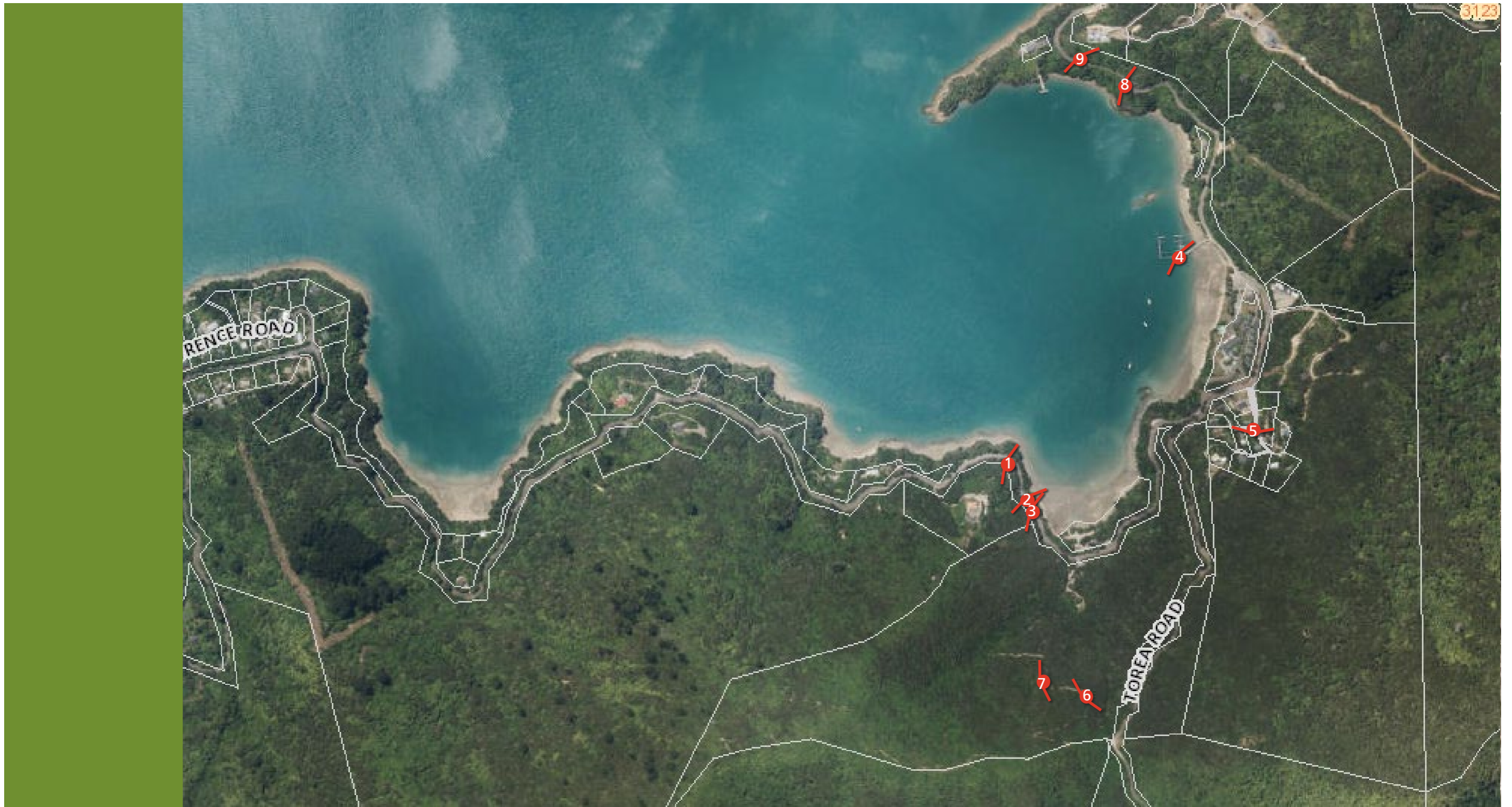
10th October 2018



LANDSCAPE ATTACHMENT

REWA REWA

OCTOBER 2018



LEGEND



-  VIEWPOINT LOCATION
-  PHOTOGRAPH NUMBER



PHOTO 1

View from Kenepuru Road approaching from the west. Buildings in the existing subdivision and the upper portion of the proposed zone site become visible.



PHOTO 2

View from Kenepuru Road through the trees showing limited visibility and extent of native bush cover.

Viewpoint Details
Date of Photograph : October 2018
Taken by : Liz Gavin (nee Kidson)
Camera : Canon 400ESO Representing 50mm lens
Panoramic stitched using Photoshop CC 2014



PHOTO 3

The winding nature of Kenepuru Road and the extent of bush cover limits views.



PHOTO 4

From the jetty, the proposed Coastal Living area would be seen sitting above the existing development within the bay, below the change of slope to steeper topography.

Viewpoint Details
Date of Photograph : November 2017
Taken by : Liz Gavin (nee Kidson)
Camera : Canon 400ESO Representing 50mm lens
Panoramic stitched using Photoshop CS6



PHOTO 5

Context view from within the access of the existing subdivision showing the existing Coastal Living character - looking towards the area proposed to be developed.



PHOTO 6

Indicative view from the Queen Charlotte Track above and to the west of Torea Road.

Viewpoint Details
Date of Photograph : October 2018
Taken by : Liz Gavin (nee Kidson)
Camera : Canon 400ESO Representing 50mm lens
Panoramic stitched using Photoshop CC 2014



PHOTO 7

From Queen Charlotte Track above Torea Road saddle.



PHOTO 8

View on Kenepuru Road from the north eastern end of the bay.

Viewpoint Details
Date of Photograph : October 2018
Taken by : Liz Gavin (nee Kidson)
Camera : Canon 400ESO Representing 50mm lens
Panoramic stitched using Photoshop CC 2014



PHOTO 9

View from the north eastern approach along Kenepuru Road. The Coastal Living Zone extension would be located centrally and to the north (left) of the existing settlement pattern.

Insert description here

Viewpoint Details
Date of Photograph : October 2018
Taken by : Liz Gavin (nee Kidson)
Camera : Canon 400ESO Representing 50mm lens
Panoramic stitched using Photoshop CC 2014

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PHOTOGRAPHIC ATTACHMENT
OCTOBER 2018
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