

**IN THE MATTER OF**

the Resource Management  
Act 1991

**AND**

**IN THE MATTER OF**

of a resource consent  
application to Waikato District  
Council for subdivision and land  
use consents for residential  
development at 24 Wayside  
Road, Te Kauwhata, including  
earthworks and construction of  
four show homes.

**BY**

Te Kauwhata Land Ltd

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**STATEMENT OF EVIDENCE OF DAVID GRAHAM MANSERGH ON BEHALF OF  
TE KAUWHATA LAND LTD**

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1. My name is David Mansergh. I am a qualified Landscape Architect and Recreation Planner. I am a Registered Member of the New Zealand Institute of Landscape Architects. My qualifications include a Dip P&RM (Diploma in Parks and Recreation Management with Distinction) completed in 1988, a BLA Hons (Bachelor of Landscape Architecture with Honours) completed in 1990 and an MLA (Master of Landscape Architecture) completed in 1992, from Lincoln University, Canterbury.
2. I have been a Director of Mansergh Graham Landscape Architects Ltd since 1996. Prior to 1996, I was employed by the company as a landscape architect (1992 - 1996). I have also worked for the Department of Conservation (1986 – 1988) and before that, the Department of Lands and Survey (1985).
3. During my career I have been involved in the preparation of a large number of visual and landscape assessments and the peer review of landscape, visual and amenity assessments for a range of activities and developments in rural and urban landscapes. I have prepared several district-wide landscape studies, and have provided advice to a number of councils on the preservation of landscape character, landscape mitigation and restoration, urban design, reserve design and growth strategies in both rural and urban areas, including the *Te Kauwhata West Living Zone* and more recently the *Te Kauwhata Lakeside Plan Change*. As part of these studies, I have familiarised myself with the relevant landscape assessment work undertaken for each plan change area.
4. I was responsible for the assessment of effects of the (then) proposed plan change (Variation 13) for the *Te Kauwhata West Living Zone* (TKWLZ) and the review and amendments to the draft *Te Kauwhata West Living Zone Urban Design Guide* on behalf of Waikato District Council.

5. I have visited the application site and I am familiar with the landscape surrounding the site having inspected it on many occasions in conjunction with the TKWLZ plan change, and more recently in association with this application and other projects in the immediate vicinity.
6. I was involved in the NZILA Landscape Planning Initiative, tasked with developing the 'best practice' approach for landscape and visual assessment in New Zealand.
7. I have presented evidence at Resource Management hearings before Council, the (then) Planning Tribunal and the Environment Court. I have acted as an Independent Commissioner at the Rangitikei District Plan hearings.
8. I have read the Expert Witness Code of Conduct set out in the Environment Court's Consolidated Practice Note 2014 and agree to comply with it. I confirm that my evidence is within my area of expertise, unless I state I am relying on the expertise of another person. I have not omitted to consider material facts known to me that might alter or detract from my opinion expressed in my evidence.

#### **SCOPE OF EVIDENCE**

9. While I have been involved in the analysis of the effects of this application in a GIS technical support capacity, I was not involved in the design or overall assessment of effects. My evidence is therefore limited to responding to the issues raised in the S42A report that relate to the Te Kauwhata West Living Zone variation plan change process (which I was involved with) and the intended purpose of the hilltop knoll reserve.

## SECTION 42A REPORT

10. I have read the Council Planner's section 42A report. In her report, Ms Salmon appears to conflate the significance and value of the existing hilltop knoll within the application site beyond that originally assessed or contained within the design guide or the provisions of the plan.
11. My understanding from my involvement in the TKWLZ plan change process is that the reserve's location was essentially the result of a request by the local Waikato District Councillor to incorporate a reserve into the structure plan at the high point, because it was an advantageous location to attain views across the surrounding landscape. The proposed location and intended function of this reserve had been established prior to my involvement in the TKWLZ plan change process.
12. From a structure plan and design perspective, there was no compelling reason not to locate the reserve on the subject hill. The landform was assessed by myself, as part of my broader assessment of effects, and was not found to be an outstanding natural feature or landscape within the context of the RMA. I also note that it was not identified as such in the technical landscape reports that informed the s32 analysis for the operative Waikato District Plan (pre-variation).
13. The design guide (Appendix Og to the ODP) identifies the intended purpose of the hilltop reserve as follows:

Og8.5 | HILLTOP RESERVE This proposed reserve keeps the highest point of the Travers/Wayside block as a green feature and preserves natural character in what will become an urbanised area. The reserve is envisaged as a neighbourhood passive open space approximately 1.8 hectares in area with views of the wetland, town centre and Lake Waikare.
14. The location and function of the reserve received little attention during the Environment Court Hearing or in the decision. However the role of the reserve as a high point does appear to have been

taken into consideration by the Court (within the context of the structure plan and subdivision densities proposed at the time) when it stated in paragraph 63 of the decisions:

[63] It [(Te Kauwhata West Living Zone)] offers higher levels of amenity to the village in terms of roading networks, recreational areas, street lighting, footpaths; the cost of this is borne by the developer and is able to be realised through section sales by virtue of the density being achieved. Nevertheless, it appears that the densities that the developer has in mind are within the frame of those considered by the Plan to maintain the character of the Te Kauwhata Village. We are confident that from within this area there will still be clear views towards wetland and waterways, and with further views into the countryside beyond. [Emphasis added]

15. In my opinion, the key outcomes emphasised above are still achieved in this application. This has been confirmed in the GIS view shed analysis which shows that there is relatively little difference in the extent of visibility from within the hilltop reserve, when the two reserve proposals (as referred at paragraph 141 of Mr Graham's evidence as the *Engineered Contour Reserve* and the *Existing High Point Reserve*) are compared.
16. While the Court placed little focus on the hilltop reserve in the decision, it did consider overall amenity at length. In its consideration of the benefits of the suite of provisions within the proposed plan change that were aimed at ensuring an appropriate level of amenity would occur, the Court, at paragraph 73 of the decision, recognised that:

For the most part, after planting and growth of trees, there will be partial views of houses, it will be clear that there will be a greater concentration of houses in the Te Kauwhata West Living Zone, than within the Country Living Zone, but this will be most obvious to those with boundaries adjacent. [73]

17. In my opinion, the proposal to modify the natural landform of the hilltop reserve is not dissimilar to that which occurred as part of a subdivision application associated with the Hitchen Stage 2 development in Pokeno in late 2015/early 2016.
18. In this situation the developer proposed to significantly modify an existing knoll, identified as a landscape feature in the Pokeno Structure Plan, and relocate the proposed reserve which was to be located on it to an area containing three established trees to the south.
19. As a consequence I was engaged by Council to review this aspect of the application and provide independent advice as to the landscape value of the existing knoll and the effect of relocating the reserve and modifying the landform.
20. On the face of the (Hitchen) application, the proposal appeared contrary to the provisions of the ODP, in that the knoll was a natural landform feature identified to be maintained in accordance with Objective/Policy 54.15.2.3 of the Pokeno Structure Plan. However after a review of the proposal and additional analysis, it was identified (and accepted by Council) that the relative importance of the knoll had been overstated in the structure plan and that the solution proposed still met the intention of the plan and structure plan (provision of a high point reserve with views over the surrounding landscape).
21. In the assessment of landscape and visual effects associated with the Hitchen application, Harrison Grierson states:

The knoll located within the Hitchen Block of the Pokeno Structure Plan area is identified in the LVA as one of two knoll landscape features on the Structure Plan. The LVA considers the knolls have high visual sensitivity due to their higher contour and rural character, and that the visual absorption capacity is low. [Emphasis added]

22. In advocating modification to the Hitchen knoll on behalf of the applicant, Harrison Grierson concluded:

It must be understood that by protecting the Norfolk Pines, achieving a road alignment which is practical and consistent with the Structure Plan means that it will not be possible to retain the knoll in its present form. The knoll will no longer be a green landscape feature and will form part of the subdivision. This is not in keeping with Principle One of the Structure Plan LVA. However it can be argued the knoll is not visually prominent outside of these localised views, and if development were to occur as per the Structure Plan proposal, these localised views would be obscured by dwellings. Any development on this knoll will need to be low level to avoid dominating these localised views. From some viewpoints, the lowered landform will contribute to reduced visual impact from development. [Emphasis added]

23. In my opinion there appears to be an inconsistency in how the Hitchen knoll and the Te Kauwhata knoll are treated. In the Hitchen application, it was concluded by Harrison Grierson that the existing knoll could be lowered and subdivided. The consequential visual effects associated with a loss for views of a hilltop reserve from outside of the site were deemed acceptable by Harrison Grierson.
24. I was engaged by Council to review the Hitchen proposal and its effects. In this case, Council accepted my findings that:

While the proposed stage 2B earthworks are not wholly consistent with the objectives and policies of the Pokeno Structure plan or WDP Franklin Section, the proposal provides a pragmatic urban design and engineering solution.<sup>1</sup>

25. While I accept that the Hitchen application and this application are subject to a different set of provisions and structure plans, I consider that, in the absence of any provisions that would suggest otherwise, there should be a consistency in how similar landscape features and functions are treated across the district.
26. With regard to the application by Te Kauwhata Land, in my opinion while the *Existing High Point* proposal means that the top of the

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<sup>1</sup> WDC Combined Notification and 104 Decision Report Land Use Consent, 10 February 2016.

existing knoll remains unaltered; modifications to the slopes below will result in a landform that does not appear natural. While the *Engineered Contour Reserve* proposal will result in a greater extent of modification, in my opinion it will result in a landform that is closer to that which was intended when the original TKWLZ plan change was being assessed. This option also provides more usable passive open space. This is more consistent with Og8.5 of the design guide than the *Existing High Point* option.

27. I therefore consider, from a landform perspective, that the *Engineered Contour Reserve* proposal will result in a better outcome as it will more closely emulate the wider natural landform surrounding the application site and provide more usable area for passive recreation, while continuing to meet its original intended purpose of providing a high point with "...clear views towards wetland and waterways, and with further views into the countryside beyond."<sup>2</sup>

Dave Mansergh

DipP&RM(Dist), BLA(Hons), MLA, Registered ANZILA

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<sup>2</sup> Te Kawhata Action Group Incorporated and Waikato District Council - NZEnvC83; paragraph 63