

S92 RFI – Addendum to Landscape Assessment Report

RE: RFI for Resource Consent Application RC240079, Punakaiki Wild

This report is prepared by Rough Milne Mitchell Landscape Architects in response to a Request for Further Information (RFI) from the Buller District Council concerning the above application.

The following report is an addendum to the existing assessment to address the recommendations detailed in Section 4.2 of the landscape peer review by Mr Stephen Brown. At 4.2 Mr Brown seeks that the Landscape Assessment Report (LAR) more directly addresses natural character values and effects on those values. Further, he recommends that the effects of the proposed development are evaluated with reference to the relevant provisions of Te Tai o Poutini Plan (TTPP) and the New Zealand Coastal Policy Statement (NZCPS) in particular Policy 13.

In addition, Mr Brown mentions that the landscape assessment needs to clarify that the proposal is a **non-complying activity** and must be assessed against both limbs of s.104(D) and not the operative Buller District Plan's (oBDP) Criteria for a Discretionary Activity. He further advises that better quality graphic material should be provided with particular reference to the inclusion of a visual render from Viewpoint 4.

Natural Character Assessment Response

Mr Brown has drawn attention to the lack of assessment against the NZCPS and the TTPP the Coastal Environment provisions at CE – P2, P3 and P5 in the LAR. The LAR did not explicitly address the relevant provisions because the district plans must give effect to the NZCPS and also to avoid unnecessary repetition. However, I note that NZCPS Policy 13 was considered by default with reference to Part 4 Significant Resource management Issues, Objectives and Policies of the BDP at 4.7 addressed at 5.1 of the LAR.

Mr Brown's Peer Review sets out the values of site and receiving environment with reference to the TTPP Schedules. I point out that the LAR included these values at Section 4.3 Landscape Values of the Receiving Environment where according to the TTPP:

- Schedule 5, the whole site is described as being part of an ONL (refer ONL45 overlay Razorback, Dolomite Point and Perpendicular Point)
- Schedule 7, part of the site has High Coastal Natural Character (HCNC) (refer NCA43 Perpendicular Point to Woodpecker Bay)
- Schedule 8, the steeper slopes of the site have Outstanding Coastal Natural Character (OCNC) (refer NCA42 Dolomite Point – Pancake Rocks south of the site and NCA44 Woodpecker Bay to Needle Point north of the site). These areas lie further south and north of the site but identify values relating to the broader coastal landscape.

These landscape and natural character values relate to physical and experiential attributes with reference to the sequence of geomorphological elements, interface with the Tasman Sea, dramatic processes and presence of indigenous vegetation in common.

The HCNC and OCNC and the ONL values are inter-related because the ONL values are largely derived from the overwhelming natural character of the West Coast. In this regard the natural character values are related to a scale much broader than the site (as identified by NCA42 and NCA44). The site then forms a very small component of the bigger picture. The landscape values relating to the receiving environment including natural character were ground-truthed onsite and identified at Section 4.3 in the LAR.

Mr Brown considers that the LAR conflates the assessment of effects on landscape values and natural character and he makes the point that landscape and natural character values are treated separately by the RMA and the NZCPS.

I understand that under the RMA s6a refers to the 'preservation' of the natural character of the coastal environment and the 'protection' of it from inappropriate development, whereas s6b focus is on the 'protection' of ONFLs from inappropriate development.

It is understood that 'preservation' is defined as retained for its own state, a lack of change whereas 'protection' is keeping safe from harm or injury. Both refer to inappropriate development so the question becomes – is the proposed development appropriate in terms of sustainable development?

What is 'inappropriate' is assessed by reference to what the relevant objectives or policies seek to preserve or protect.

To address Mr Brown's request for further information, the following paragraphs provide an assessment of the proposal under the relevant provisions of the NZCPS. The policies of relevance to the proposed development are:

*Policy 13(1)(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and
(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment*

Direction as to the definition of natural character is given by the NZCPS at Policy 13 (2) which Recognises *that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*

- (a) natural elements, processes and patterns;*
- (b) biophysical, ecological, geological and geomorphological aspects;*
- (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
- (d) the natural movement of water and sediment;*
- (e) the natural darkness of the night sky;*
- (f) places or areas that are wild or scenic;*
- (g) a range of natural character from pristine to modified; and*
- (h) experiential attributes, including the sounds and smell of the sea; and their context or setting.*

Response

The proposed development is designed and located with a generous vegetation buffer outside the OCNC area of the site and therefore will avoid effects on outstanding natural character and satisfy Policy 13(1)(a).

To further clarify, in addressing Policy 13(1)(b) the LAR concluded that effects on HCNC will be **no - low** for the following inter-related reasons.

Although the proposed development is within an area of HCNC, the site has been modified by pastoral farming and therefore on the 'spectrum of naturalness' has a lower level of natural character than the balance of the site and the adjoining land within the receiving environment, which is dominated by a very high level of natural character. This is a characteristic of the West Coast in general, where outside the main towns the majority of the land is within the coastal environment with much of it being conservation land / Crown land / reserve land.

The aspects to take into account in the assessment of the effects on natural character are broadly encompassed by a consideration of the context, existing character, the history of development in the receiving environment, what is anticipated by the district plan, the scale and elements of the proposal and any benefits arising from the proposed development.

The context of the site is defined as the receiving environment along a stretch of coastline along the West Coast between Kaipakati Point to the north and Dolomite Point / Pancake Rocks in the south and coastal hills to the east, where there is a predominance of outstanding to high level of natural character. The OCNC and HCNC prevails despite an existing level of human habitation, which demonstrates that the coastal environment can absorb development while retaining natural character.

This is recognised by the NCA43 schedule¹ where the values specifically mention *the prominence of a number of houses / baches and SH6 along the coastline affects the perceived intactness and cohesion of the coastal environment, however they do not overly detract from the highly expressive and natural processes that dominate the landscape*. This relates to the historical development of the West Coast, which has been restricted to a narrow band of coastal terraces along the coastline and around river mouths with a backdrop of coastal hills.

Although not particularly apparent, the site is in fact well set back from the coastal cliff, separated by a paper road some 20m in width. This means that the dynamic coastal processes of erosion and water movement and interaction with the cliff edge are separated in a physical sense from the site, both horizontally and by elevation at approximately 34masl. This amongst other aspects assists in reaching a conclusion that the natural landform expression of the peninsula and cliffs will remain as a dominant feature.

The site is zoned rural with the expectation by the oBDP of development for farming land use. The site has been modified to include fencing, farm tracks, a dwelling, a farm shed, indigenous vegetation cleared for the establishment of exotic pasture grass and inevitably the introduction of weed species. Further physical effects resulting from farming include the degradation of water ways and wetlands through unconstrained stock access with pugging evident.

The HCNC overlay is accepted, notwithstanding that despite the obvious site modification and reduction to natural character relating to farming activity, farming is considered appropriate on this site.

The question is, taking in account and in comparison to the natural character outcome resulting from farming, will the proposed development be appropriate?

Focusing on natural character, 'appropriate' development is interpreted as that which would not disrupt existing and / or potential natural elements, patterns and processes from being present and / or occurring. In this sense the proposed development will retire farmland, which will improve natural character by removing the management of landcover by human intervention and will actively remediate an existing degraded environment. The site will be managed to facilitate natural processes of revegetation using indigenous vegetation (natural elements) and in natural patterns. The VMP identifies the areas of restoration that will occur both actively and passively. Refer GA, Sheet x. The exception being the amenity planting, which will comprise indigenous vegetation to provide an immediate natural bush setting for each building, but not necessarily in a natural pattern.

While the retirement of farming aspect of the proposal doesn't accord with the RMA concept of preservation or protection, it is considered to be a benefit of the proposal that can be taken into account as directed by NZCPS at Policy 14 and Policy 11. A substantial amount of indigenous revegetation will

¹ TTPP. Schedule 7. HCNC Values

occur as part of the proposal and this meets Policy 14, which promotes the restoration or rehabilitation of the natural character of the coastal environment and Policy 11, which seeks to protect indigenous biodiversity in the Coastal Environment.

The proposed development is considered small in comparison to the overwhelming scale of the receiving natural character landscape elements and features and will respond to the context and natural characteristics of the site by locating built elements within the HCNC area of the site that is mainly pasture and avoiding the steeper OCNC areas of the site that are mainly forested. Further, the bespoke, organic form of the architecture and other built form will utilise recessive colours and materials that display the vernacular and contribute to a sense of place. In addition, the location of the built forms will avoid identified waterways, comply with the setbacks from waterways and wetlands and avoid the need to remove areas of indigenous vegetation for construction.

In terms of an experiential recognition of what is natural character, a development becomes inappropriate when it diminishes in any significant way the natural character of a reasonable person's perception of it. The visual assessment indicates that the introduction of unnatural elements (being the built forms and tracks that are part of the proposed development) in overall vistas of the landscape will not overwhelm the site to the point where modification of its natural character is detrimental.

The proposed development will be experienced mainly by people travelling along SH6, which is a steep, winding road along the coastline enclosed to the east by steep densely vegetated mountain slopes and views to the coastline on the west, partly obscured by roadside vegetation punctuated by brief glimpses of the coastal land interface, dramatic cliffs interspersed by small enclosed sandy / rocky beaches, rock outcrops, features and platforms, steep river gorges and open stretches of beaches and tidal river-mouths.

There are a number of viewpoints along the scenic coastal highway (SH6), which provide visitors with panoramic views of the coastline where space allows being restricted by the steep and winding nature of the road. However, those of relevance to the proposal are limited, with the key vantage points located at viewpoints 4 and 5. A visual render has been prepared at the request of Mr Brown from Viewpoint 4.

Mr Brown has concluded that the proposal will result in a **moderate** level of effects on natural character, while the LAR concluded that there would be **very low** adverse effects on landscape values and **no – low** effects on HCNC once the VMP and amenity planting establishes and takes effect. According to the 7-point scale used to describe the magnitude of effect (as recommended by TTaTM²) *this degree of adverse effects equates to a less than minor effect. A minor adverse effect means some real effect but of less than moderate magnitude and significance.* Even if, as Mr Brown suggests, effects were moderate it would still meet the gateway test for non-complying activities under s104D, i.e., that “the adverse effects of the activity on the environment will be minor”.

Mr Brown conservatively estimated that the time for vegetation to establish and mitigate the visual effects of the proposed building will take around 10 years rather than the 5 years set out in the LAR. I disagree.

In my experience indigenous vegetation on the West Coast grows rapidly due to the high rainfall and mild temperatures, especially when managed to achieve optimal results. While I accept that the passive revegetation will take some time, the active planted areas will establish rapidly due to the mix of species that comprise colonising / pioneer species assisted by active onsite management including pest control, fertiliser etc.

The critical planting for visual mitigation is the amenity planting, which will occur immediately post construction of the buildings to nestle the built forms into the landscape. I consider that due to the low height of the built form (3 – 5.5m) screening will establish and reach 3-5m within the short term of 5 years. Overall, the level of visual effects on natural character will reduce from the moderate level suggested by Mr Brown at the completion of construction to **low to very low** as demonstrated by the visual render from Viewpoint 4.

² Te Tangi a te Manu. 6.21. 7-point scale

Mr Brown has also drawn attention to the lack of assessment against the relevant policies in the TTPP addressing the natural character of the coastal environment. Although he notes that because the proposal will meet the test of Policy 13(1)(a) above, the proposal will also be aligned with TTPP policies CE-P2, CE-P3 and CE-P5. For completeness my response to the CE policies are set out below:

CE-P2 *Preserve the natural character, natural features and landscape qualities and values of areas within the coastal environment that have:*

- a. *Significant indigenous biodiversity including Significant Natural Areas as described in Schedule Four*
- b. *Outstanding natural landscapes as described in Schedule Five;*
- c. *~~Outstanding natural features as described in Schedule Six;~~*
- d. *High coastal natural character as described in Schedule Seven; and*
- e. *Outstanding coastal natural character as described in Schedule Eight*

Response

With reference to schedules Five, Seven and Eight, the natural character and landscape values overlap to a high degree with a focus on the physical and experiential attributes present in common including the sequence and geomorphology of the landforms, dramatic interface and relationship with the Tasman Sea, legibility of coastal processes, presence of indigenous vegetation, natural character displayed in landforms and wind-swept vegetation.

It is considered that the proposed development will be comparatively small scale and will not interfere with the dramatic landforms including the skyline of the distinctive rock formations, nor the dramatic sea – cliff interface, legibility of coastal processes or wind-swept vegetation. While the introduction of built form will inevitably reduce the perception of natural character and wildness, the proposal is contained on a site that is modified by farming, by removing the natural indigenous landcover that could be expected on this site. The proposal will ensure that the indigenous vegetation cover will be restored to offset any adverse effects on natural character.

CE-P3 *Only allow new subdivision, use and development within areas of outstanding and high coastal natural character, outstanding coastal natural landscapes and outstanding coastal natural features where:*

- a. *The elements, patterns, processes and qualities that contribute to the outstanding or high natural character or landscape are maintained;*
- b. *Significant adverse effects on natural character, natural landscapes and natural features, and adverse effects on areas of significant indigenous biodiversity, areas of outstanding natural character and outstanding natural landscapes and features are avoided;*
- c. *The development is of a size, scale and nature that is appropriate to the environment;*

Response

As mentioned above, the proposed development will maintain the elements, patterns and processes and qualities that contribute to the ONL and HCNC and will avoid adverse effects on OCNC. But the proposed development will go further and improve the same within the site through retirement of farmland and active restoration of indigenous land cover. Despite the proposed development, the site will remain dominated by natural character pertaining to the coastal environment that may be confirmed with reference to the visual render from Viewpoint 4.

It is also considered that the size, scale and nature of the proposed development is appropriate given the absorption capacity of the site, including its undulating topography, the presence of existing and proposed indigenous vegetation in addition to the proximity of existing urban development to the site.

- CE-P5 Provide for buildings and structures within the coastal environment outside of areas of outstanding coastal natural character, outstanding natural landscape and outstanding natural features where these:*
- a. Are existing lawfully established structures; or*
 - b. Are of a size, scale and nature that is appropriate to the area; or*
 - c. Are in the parts of the coastal environment that have been historically modified by built development and primary production activities; or*
 - d. Have a functional or operational need to locate within the coastal environment.*

Response

As noted in the LAR, the development is in a part of the coastal environment that has been historically modified by built development and primary production activities. It is by default located in the coastal environment because most of the available and accessible private land on the West Coast lies within between the coastal hills and the Tasman Sea along the coastline.

The proposal is for visitor accommodation and therefore has an operational need to locate within the coastal environment. It is appropriate in terms of context, because the site is located 640m from the Te Miko subdivision and 2.25km from Punakaiki village, which has been developed as the access point for popular visitor attractions and the Paparoa National Park. Punakaiki village includes a campground and local tavern to support other tourist activities. Around 500,000 visitors per year pass through Punakaiki.

Non-complying Activity Status

Mr Brown finds fault with the LAR methodology, pointing out that, as a non-complying activity, the RMA threshold test for non-complying activities is either the adverse effects of the activity on the environment will be minor or the proposed activity will not be contrary to the objectives and policies of a proposed plan or plan. In Section 1 and Section 3 of the LAR the activity status is clearly identified as **non-complying** under the oBDP and conservatively as either a restricted discretionary or discretionary activity (particularly in relation to vegetation clearance activity) under the proposed TTPP.

On Page 11 the LAR states that the proposal is assessed against the objectives and policies relevant to landscape matters and with regard to effects of the proposal on the receiving environment. The LAR was tailored to suit the nature of the project and its context as instructed by TTaTM, noting that the oBDP and the proposed TTPP both give effect to the NZCPS. However, it is accepted that the LAR could have been better structured to directly consider the NZCPS and specific TTPP policies relating to the Coastal Environment.

To clarify, in addressing the oBDP objectives and policies, at Section 5, the ODP's Assessment Criteria for a Discretionary Activity was referenced as providing **further guidance to the assessment**. The LAR provided an assessment against the Assessment Criteria at 9.2.1, which sought consideration of the extent to which the activity complies with any relevant objectives and policies of the Plan. The relevant objectives and policies addressed by the LAR included those under Chapters 4.4 Rural Land and Water Resource, 4.6 Cultural Values, 4.7 Coastal Environment, 4.8 Ecosystems and Natural Habitats, 4.9 Landscapes and Natural Features.

The LAR concluded that the proposed development will 'not be contrary to the relevant objectives and policies in the oBDP. Further assessment against 9.2.3.3 addressed the natural character of the coastal environment and found that the high coastal natural character will be maintained, or in other words 'preserved'. The above assessment considers the NZCPS and the relevant objectives and policies under the TTPP and finds that effects will be not be contrary to the relevant objectives and policies under both. This accords with both gateway tests for non-complying activities where the LAR concluded that the adverse effects of the activity on the environment will be minor and the proposed activity will not be contrary to the objectives and policies of a proposed plan or plan³.

³ TTaTM. Page 150. 6.38

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