

**BEFORE HEARING COMMISSIONERS**

**IN THE WESTERN BAY OF PLENTY DISTRICT**

**UNDER THE**

Resource Management Act 1991

**IN THE MATTER OF**

an application for resource consent to authorise four existing industrial activities within part of the Te Puna Business Part structure plan area for a term of two years.

**BETWEEN**

**TINEX GROUP**

Applicant

**AND**

**WESTERN BAY OF PLENTY DISTRICT COUNCIL**

Consent Authority

**STATEMENT OF EVIDENCE OF DAVID MANSERGH**

**INTRODUCTION**

1. My full name is David Graham Mansergh. I am a qualified Landscape Architect and Recreation Planner. I am a Registered Member of the New Zealand Institute of Landscape Architects ("NZILA"). My qualifications include a Diploma in Parks and Recreation Management with Distinction (completed in 1988), a Bachelor of Landscape Architecture with Honours (completed in 1990) and a Master of Landscape Architecture (completed in 1992), all from Lincoln University, Canterbury.
2. I have been a Director of Mansergh Graham Landscape Architects Ltd since 1996. Before this, 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. I was engaged by the Western Bay of Plenty District Council to review the landscape and visual effects assessment associated with the application. I was responsible for preparing the Peer Review

Report and recommendations contained in the Project Memorandum dated 21 August 2023, appended to the s42A report.

4. I have over 30 years' experience. During my career, I have been involved in the preparation of and/or the peer review of a significant number of visual and landscape assessments for a wide range of activities and developments. These include industrial developments, subdivision developments, quarries (hard rock and sand), mines (coal and gold) and landfills; residential, commercial and industrial buildings within the urban and rural environment; power stations, hydro dams, wind farms, power transmission lines, and substations; marine farms, major port facilities, coastal developments, canal housing and marinas; telecommunication masts; ski fields, gondolas and zip lines; dairy factories and poultry farms; and major roading infrastructure projects.
5. I was involved in the NZILA Landscape Planning Initiative, tasked with developing the 'best practice' approach for landscape and visual assessment in New Zealand and provided feedback on the more recent update to the guidelines.
6. I have presented evidence at Resource Management hearings before Councils, the (then) Planning Tribunal and the Environment Court. I also acted as an Independent Commissioner at the Rangitikei District Plan hearings.

#### **CODE OF CONDUCT**

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 agree to comply with it while giving evidence.
8. 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.

#### **RESPONSE TO ISSUES RAISED DURING THE HEARING**

9. I confirm the findings of my report and my recommendations except were amended by my following statement and responses to any questions that arise.
10. I listened to the live stream of the evidence of Mr May and the submitters over the past two days. I have listened to the questions posed to Mr May by the Commissioners and his responses. I listened

to the various Submitter presentations, relating to landscape and amenity issues. I did not hear anything that would cause me to alter my report.

11. The Commissioners asked Mr May several questions about the proposed mitigation and indicated to the Council's planner that they would like a response to the issues raised as well.
12. In response to the questions raised about performance standards for the mitigation planting, while I agree with Mr May that the TPSP does not give specific guidance in terms of how high the mitigation planting should be, it does guide the type, densities and location. However, further guidance in the form of Activity Performance Standards is contained in Section 4C.5.3.2(a) which says (emphasis added):

*4C.5.3.2 Screening in Industrial and Commercial Zones*

*The following landscape areas and requirements will be implemented either at the time of subdivision or development as the case may require.*

- a. **Unless otherwise required by a rule in the District Plan** any activity which has a common boundary with a Residential, Rural-Residential, Future Urban or Rural Zone, or a public reserve shall be screened by landscape planting to a **minimum depth of 3m and a minimum height of not less than 2m.**

**The screen must be a minimum of 1.2m high at the time of planting and be capable of achieving a height of 2m within two years.**

13. In terms of the questions raised around how long it might take for the mitigation to become effective, the growth rates of the various species proposed are known and therefore it is relatively easy to calculate the timeframe within which the mitigation planting will reach a certain height under normal conditions. Professional judgement can then be applied to identify when the mitigation will become effective, taking into consideration factors such as plant spacing and depth of planting which affect visual permeability. I would note that this factor is flagged within the TPSP through the perimeter planting requirements contained in the cross sections in section 7 of the plan.
14. Based on the information provided in the application and the LMP, in my opinion, any additional (new) mitigation is unlikely to reach 2m or achieve closure much before the end of the 2-year consent period, placing greater reliance on the existing planting within the site to provide the necessary screening. As outlined in my report I believe that the temporary effects will be a magnitude higher, being a minor adverse effect until the mitigation becomes established over time. As identified in my Memorandum, Mr May's assessment appears to rely on the proposed mitigation

being established. In my opinion, the temporary effects associated with the proposal will last as long as the consent period being sought.

15. Concerning the difference in opinion between Mr May and myself over the recommended height of the shade cloth mitigation around the pool site, I am concerned that Mr May's calculations may have underestimated the height required to screen the pools from elevated surrounding locations. A simple cross-section through the site from 110 Te Puna Road suggests that the proposed shade cloth screen would need to be approximately 9m tall to screen a 4m tall object at the rear of the site when viewed from 110 Te Puna Road. I proposed 6m as this is a practical height, consistent with horticultural practices in the surrounding landscape and, in my opinion, is sufficient to reduce the effects to less than minor. I agree with Mr May that the shade cloth solution will be more effective in the short term than the proposed planting.
16. Addressing the issue of the 3m, I do not concur with Mr May's opinion that 1m is sufficient to protect the mitigation planting in all instances. I accept however that this could be applied to the lower growth species and shrubby planting and the proposed condition modified to only preclude activities that would result in the compaction of soils around the roots of the trees (beneath the dripline) or potential damage to the trees or restrict its potential growth. My particular concern is the soils around the specimen trees proposed within the site are not compacted, leading to adverse growing conditions for, what I consider to be, an important component of the mitigation plan. In my opinion, this is critical to the long-term survival and eventual effectiveness of the mitigation, which relies in part on the internal boundary planting to partially screen the effects of the proposal from elevated locations to the west.
17. I do not agree with Mr Crossman's suggested amendments to the draft conditions of consent (Conditions 11(c)) in the version attached to his evidence) that would restrict the mitigation planting along the western and south boundaries to being adjacent to the tire site and the pool site. Mr May's recommended mitigation, as shown in his landscape mitigation plan dated 12 May 2023 (and contained on page 5 of my memorandum) identifies the extent of mitigation that he considers is required to mitigate the effects of the existing on-site activities.
18. The other suggested amendments which I am concerned about, are addressed in my previous response to the issue of the root protection and the height of the proposed shade cloth screen.
19. Further to the response from Ms Perring regarding the purpose of the Landscape Implementation Plan. The purpose of the plan is to provide more detail and greater certainty around the mitigation

planting. As correctly identified by Mr May, this plan would provide a greater level of detail than is currently contained in the proposed mitigation plan. It would allow for a degree of fine-tuning, as it is noted that the location of the internal boundary planting shown on the Boffa Miskell plan is in a different location to the existing fence lines within the site in some locations (such as between the Tire and Pool site). The document would be provided to the Council for certification against the requirements of the TPSP and Amenity Activity Performance Standard, and therefore, contrary to Ms Perring's response yesterday, should be provided before the mitigation planting is implemented.

20. Further to Commissioner van Voorthuysen's line of inquiry around whether the mitigation should be required to be implemented as soon as possible, having further reflected on this, to reduce any temporary effects as much as possible, I agree. Subsequently, the requirement for the LIP for the lodgement of the LIP within 6 months would also need to be amended.