Hastings District Council

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PRE-CIRCULATED APPLICANT EVIDENCE

COMMISSIONER HEARING

Meeting Date: **Tuesday, 11 June 2019**

Time: **9.00am**

Venue: **Council Chamber**
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings

Hearing Commissioners	**Chair:** Commissioner Paul Cooney Commissioner Rau Kirikiri
Officer Responsible	Group Manager: Planning & Regulatory Services
Reporting Planner	Consultant Planner – Philip Brown
Committee Secretary	Christine Hilton (Extn 5633)

HASTINGS DISTRICT COUNCIL

A COMMISSIONER HEARING MEETING WILL BE HELD IN THE COUNCIL CHAMBER, GROUND FLOOR, CIVIC ADMINISTRATION BUILDING, LYNDON ROAD EAST, HASTINGS ON TUESDAY, 11 JUNE 2019 AT 9.00AM.

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1. APOLOGIES

At the close of the agenda no requests for leave of absence had been received.

2. PRE-CIRCULATED APPLICANT EVIDENCE FOR CRAGGY RANGE TRACK REMEDIATION HEARING ON 11 JUNE 2019

DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT

Document 1 The covering administrative report **Pg 1**

Attachments:

1	Attachment 1 - Gaylynne Carter statement of evidence for applicant	97017#0140	Pg 3
2	Attachment 2 - Trevor Butler - statement of evidence for applicant	97017#0141	Pg 13
3	Attachment 3 - Rebecca Ryder statement of evidence for Applicant	97017#0142	Pg 31
4	Attachment 4 - Janeen Kydd Smith statement of evidence for applicant	97017#0143	Pg 81

The Application and Submissions can be viewed on the Council website and a reference hardcopy is held at the Council Civic Administration Building.

Item 2

REPORT TO: **COMMISSIONER HEARING**

MEETING DATE: **TUESDAY 11 JUNE 2019**

FROM: **COMMITTEE SECRETARY**
CHRISTINE HILTON

SUBJECT: **PRE-CIRCULATED APPLICANT EVIDENCE FOR CRAGGY RANGE TRACK REMEDIATION HEARING ON 11 JUNE 2019**

1.0 SUMMARY

1.1 The purpose of this report is to have a way to attach the pre-circulated Applicant evidence and to put it onto the website prior to the hearing – as is required by the provisions of the Resource Management Act.

2.0 RECOMMENDATIONS AND REASONS

That the Applicant evidence pre-circulated in relation to the Craggy Range Track Remediation application be put onto the website prior to the hearing commencing on 11 June 2019 so it can be viewed by the submitters and members of the public.

Attachments:

1	Gaylynne Carter statement of evidence for applicant	97017#0140
2	Trevor Butler - statement of evidence for applicant	97017#0141
3	Rebecca Ryder statement of evidence for Applicant	97017#0142
4	Janeen Kydd Smith statement of evidence for applicant	97017#0143

In the matter of	the Resource Management Act 1991
And	
In the matter of	an application by Hastings District Council to the Hastings District Council (RMA20190006) for resource consent to remediate the remaining sections of the Te Mata Peak Track (Craggy Range Track)

Statement of evidence of Gaylynne Marie Carter

RICE SPEIR

PO Box 3450
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Auckland 1140
Ph: 09 972 9418
Solicitor: N Speir / L E Bielby
Email: nathan@ricespeir.co.nz / laura@ricespeir.co.nz

Statement of evidence of Gaylynne Marie Carter

1. Introduction

1.1 My full name is Gaylynne Marie Carter.

1.2 I am Director and Archaeologist & Heritage Consultant of Archaeology Hawke's Bay Ltd in Napier.

Qualifications and Experience

1.3 I have the following qualifications and experience relevant to the evidence I shall give:

a. I have a Bachelor of Science (Hons) from the Open University, UK and Master of Science (Environmental Archaeology & Palaeoeconomy) from the University of Sheffield, UK;

b. I have over 12 years' experience as an archaeologist, the last four of which as an Archaeological Consultant in New Zealand for WSP Opus and Archaeology HB Ltd; and

c. I have attained s.45 status (HNZPTA 2014) for archaeological projects at HNZPT discretion.

1.4 I have the following relevant experience:

a. Archaeologist (Technician – Supervisor), Oxford Archaeology, UK (1998 – 2002; 2006 – 2007);

b. Archaeobotanist / Research Technician / Teaching Assistant, University of Sheffield, UK (2004 – 2006);

c. Archaeological Consultant, WSP Opus , Napier (2015 – 2018); and

Archaeologist & Heritage Consultant, Archaeology HB Ltd, (2018 – present).

Involvement in the project

1.5 I was engaged by Hastings District Council **(the Applicant)** in December 2018 to provide archaeological advice on the potential requirement for an Archaeological Authority in order to undertake the Te Mata Peak track remediation work. A copy of my letter of advice to the Applicant dated 19 December 2018 is attached as **Appendix A (archaeological advice)** and should be read in conjunction with this statement.

1.6 In accordance with my recommendation in the **archaeological advice**, I subsequently prepared the Archaeological Assessment of Effects, Archaeological Site Instruction and collated other supporting information for the anticipated application to Heritage New Zealand Pouhere Taonga (**HNZPT**) for an Archaeological Authority to undertake the work under Heritage New Zealand Pouhere Taonga Act 2014 (**the HNZPTA**). These documents, at time of writing this statement, are going through the pre-application tāngata whenua consultation. This process is discussed in further detail below.

2. Code of conduct

2.1 I confirm that I have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. Response to archaeological issues arising in the s 42A report

3.1 By way of summary, in my archaeological advice to the Applicant, I explained that:

a. My site inspection on 7 December 2018 demonstrated the following:

i. That there are anomalous profiles present in the track bank cuts that could represent pit cuts, albeit in slightly unexpected locales.

ii. There was also evidence of bone material, which potentially could include *koiwi tangata,* has been transported from the upper slopes into the lower reaches and redeposited.

iii. There are two currently recorded (NZAA Site Record Database) archaeological sites within ca. 100 m of the proposed work, V21/180 and V21/182.

iv. V21/182 is an extensive archaeological site that likely extends beyond the boundary fence and into the immediate area of the proposed work. Further, the wider area is one of an archaeologically rich landscape, albeit under-recorded in the NZAA Site Record Database. The Archaeological Assessment of Effects: Craggy Range Track Remediation: Havelock North that I prepared identified that the proposed track remediation carried inherent risk of modifying or destroying archaeological sites or features.

3.4 In addition to my archaeological advice to the Applicant, I have been asked to prepare this statement of evidence to provide an update on the Archeological Authority application and to address a matter arising arising out of my review of the Hastings District Council's s 42A Report in relation to archaeological risks and required procedures.

4. Archeological Authority application

4.1 The applicant has commissioned the archaeological assessment of effects and associated supporting documentation for the purposes of applying to HNZPT for a Type A (General) Archaeological Authority for the proposed work. These documents have been prepared and are currently going through the HNZPT required tāngata whenua consultation and engagement processes. At the conclusion of these consultation and engagement processes the application can be submitted to HNZPT for processing.

4.2 I would expect that the conditions of any approved Archaeological Authority might include:

a. On-site archaeological monitoring of work at the discretion of the Approved Archaeologist as per the Archaeological Site Instruction;

b. Investigation and recording to current archaeological standards of any features or materials identified during work (as per the Authority Advice Notes); and

c. The preparation of interim and final reports on the results of the monitoring or investigations within the standard timeframes of 20 working days and 12 months respectively from completion of physical work.

4.3 Other Conditions may be imposed at HNZPT's discretion.

S 42A Report

4.4 I also noted that the s 42A Report includes an Accidental Discovery Protocol relating to archaeology. However, under the HNZPTA, an Accidental Discovery Protocol is only appropriate where the risk of encountering archaeology is sufficiently low that it can reasonably be deemed 'accidental'. Where there are recorded or suspected unrecorded archaeological sites in the immediate environs, as in this case (albeit not identified exactly within the area of proposed work), there is reasonable cause to suspect that archaeology may be encountered during work. Accordingly, any such encounter is not accidental and an Accidental Dscovery Protocol is not an appropriate protection for the applicant or their contractors. It should also be noted that, when work is being undertaken with an Archaeological Authority in place, the work is guided by the protocols and conditions imposed by the Authority and Accidental Discovery Protocols are not applicable.

4.5 As part of the HNZPTA consultation process between Applicant and tāngata whenua, and nominated archaeologist and tāngata whenua, it is possible that a Cultural Archaological Discovery Protocol will be prepared. The nature of this document cannot be discussed by myself, suffice to say its remit lies with ensuring the cultural safety of those working on the site, and outlining procedures and tikanga to be observed in the event of archaeological features or materials being identified. Any such document and its contents are subject to any and all relevant legislation including but not limited to HNZPTA 2014, Protected Objects Act 1975, and the Burial and Cremation Act 1964.

Gaylynne Carter

24 May 2019

Appendix A

Rowan Wallis
Environmental Policy Manager
Hastings District Council
By e-mail: rowanw@hdc.govt.nz

Gaylynne Carter
Archaeologist & Heritage Consultant
contact@archaeologyhb.nz
www.archaeologyhb.nz
021 526 293

19 December 2018

RE: Te Mata Zig Zag Remediation

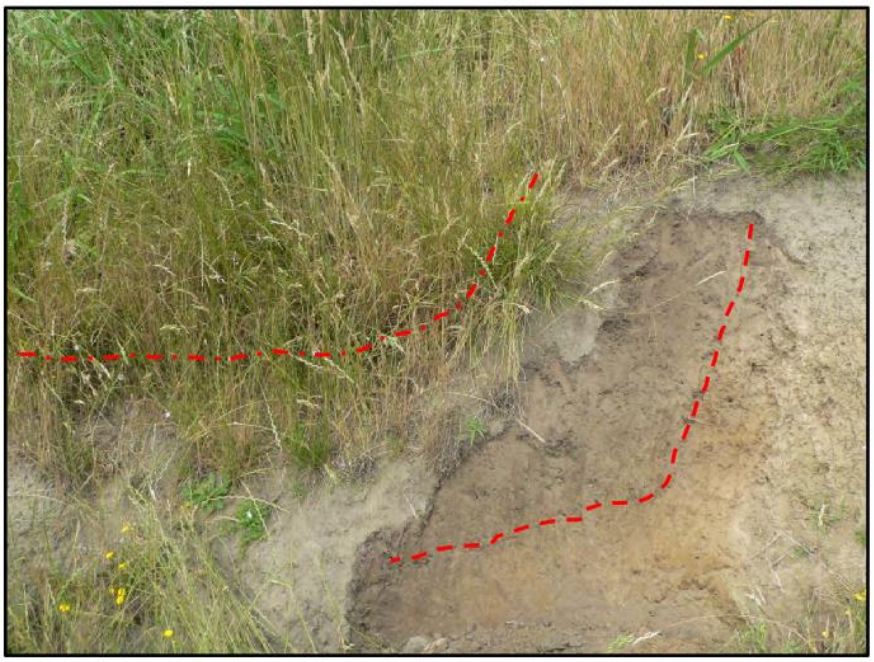
Kia ora Rowan

Thank you for your phone call (Friday 30 Nov) to discuss the proposed remediation of the 'Te Mata Zig Zag Track'. As we discussed, Hastings District Council (HDC) requested archaeological advice with respect to the potential requirement for an Archaeological Authority in order to undertake the proposed remediation work. This letter summarises the results of my site visit (7 Dec 2018), and briefly considers the risk posed by the remediation work in the light of evidence from historic aerial imagery and the recorded sites currently listed within the NZAA ArchSite database.

Site Visit

The 'Zig Zag' track was visited by myself on Friday 7 December and walked from the gated entrance to the first return corner that has been hessian-covered approaching the summit. Prior to commencing the survey, *karakia* was observed with Marei Apatu (Te Taiwhenua –o-Heretaunga). Conditions on the day were overcast to clearing, and the paddock itself was in long grass (often > 500 mm high). During this pedestrian survey I looked for any evidence within the exposed track bank cuts for potential archaeological features or materials such as pit profiles, shell midden and burnt (potential hangi) stone. I also observed the wider landscape within which the track sits, looking for archaeological features such as pits and potential occupation areas.

Within the track bank cuts several potential archaeological profiles were noted. These were of a size and shape that would be consistent with pits (see photograph below). Unfortunately the extreme long grass made identifying further evidence of these potential pits in the ground surface difficult. Further, the location of these potential features on apparent gully slopes could be considered unusual for pits, however they have been identified in similar locations in other areas in Hawke's Bay so cannot be ruled out on this basis alone.



Example of a potential pit profile identified in track cut as highlighted by red dash.

Fragments of as yet unidentified bone were also noted in the track cut near the base of the track. These were embedded deeply within the subsoil. No feature profile was evident however, the bank was significantly re-vegetated. It would appear that these bones were likely in a secondary deposition position, having been moved, e.g. through land slip, down the hill from an origin upslope. Whilst it is entirely likely that these particular bones are of sheep or other domestic animal origin, the possibility of *koiwi tangata* having become dislodged through natural or human induced events from upslope and being deposited within the soil matrix down-slope cannot be discounted. As there was no remit to investigate further, these bones remain in-situ. It is possible that an archaeo-osteologist might be able to rule them in or out as human in origin based on photographs of the exposed fragments. However, I could not conclusively identify them as sheep (the most likely animal based on size) from what was visible.

Observing the wider landscape it was evident that there was a large area immediately adjacent to the track that would have lent itself to occupation. Despite the long grass obscuring the ground, it did appear that there were several potential pit clusters in this area, along with possible terracing on several of the ridge spurs. This area lies within < 50 m of the 'Zig Zag' track, a distance that *kainga* and their associated features are understood to frequently have extended from any observable surface evidence.

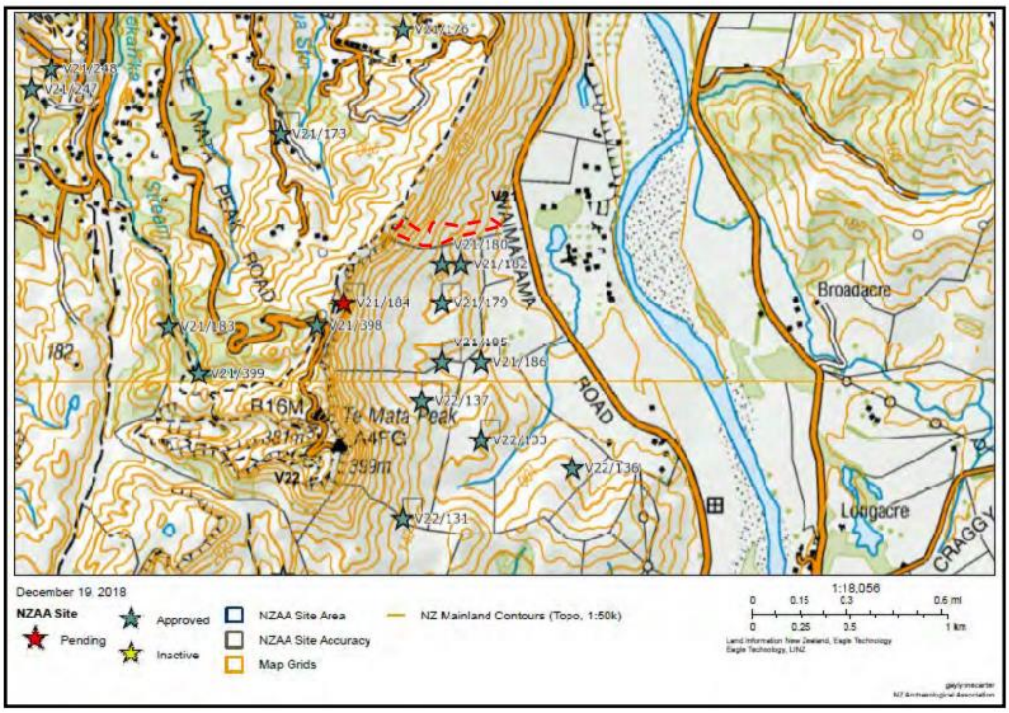
ARCHAEOLOGY
HAWKE'S BAY

Location identified as represented by recorded sites V21/180 and V21/182 location in relation to the track (red arrow).

Recorded sites: ArchSite

There are numerous recorded archaeological sites in the wider area, including V21/180 and V21/182, the ArchSite polygons of which lie between 0 m and < 50 m of the track cut. Recorded site V21/180 refers to a single raised rim pit, whilst V21/182 refers to an occupation area featuring numerous pits, drains and house sites. This is the *kainga* site that was noted during the site visit.

ARCHAEOLOGY
HAWKE'S BAY



ArchSite recorded site distribution in relation to 'Zig Zag Track' broadly indicated by red dash polygon.

Historic Aerial Images

The aerial imagery accessed to date commences in 1963. Unfortunately the recorded pits associated with V21/180 and V21/182 are not particularly clear in these or later images, making it unlikely that less well preserved pits elsewhere in the landscape would clearly show up. However, there are some anomalies that might represent archaeological features in the general vicinity of the track. These could not be absolutely confirmed during the site visit due to the long grass.

Google Earth Pro images from 2014 exhibited ground moisture conditions that were favourable for identifying subsurface anomalies. These do show a number of features both in the vicinity of V21/182 and in the area of the track that are potentially consistent with pits, albeit in somewhat unusual locations, according to our current knowledge base.

Conclusion & Recommendation

The site inspection undertaken on 7 December 2018 demonstrated that there are anomalous profiles present in the track bank cuts that could represent pit cuts, albeit in slightly unexpected locales. There was also evidence that bone material, which potentially could include *koiwi tangata* has been transported from the upper slopes into the lower reaches and re-deposited.

There are two recorded archaeological sites whose polygon extents are within 0 - < 50 m of the track cut. Unfortunately the historic aerial imagery in this case has not been particularly informative, but in at least two images (1980 & 2014) there are potential archaeological features that correspond to the types of location in which the soil profiles in the track cuts were observed.

Whilst the weather conditions on the visit day were good, unfortunately the long grass hindered visual assessment of the area beyond the exposed and over-growing track cut banks.

Given the extreme proximity of V21/180 and V21/182, which of themselves would in most cases be sufficient to trigger an Archaeological Authority application recommendation, in conjunction with the anomalous soil profiles and aerial imagery, it is recommended that an Archaeological Authority is sought from HNZPT for any invasive earthwork associated with the track remediation work.

I suggest that the Assessment of Effects currently being prepared by myself for the proposed Gulley Track could be amended to meet the Assessment of Effects requirement of the Authority application process.

I also suggest that the landowner of the Gulley Track and 'Mad Mile' areas proposed to be visually inspected by myself and Amber Aranui between 8 – 13th Jan 2019, be approached re the possibility of ensuring the grass at the time of the visit is short cropped, ideally by sheep. This will enable Amber and I to see surface anomalies much more clearly. Unfortunately, if the grass in that paddock is in a similar state to that in the Zig Zag paddock at the time of visit we will be greatly hindered in our ability to identify or reject potential archaeological features.

I trust that this summary letter meets your requirements with regard the remediation of the 'Zig Zag Track'.

If you have any questions about the recommendations as presented here, please contact me by e-mail or phone.

Ngā mihi

Gaylynne Carter

Gaylynne

Archaeologist & Heritage Consultant

021 526 293 | contact@archaeologyhb.nz | www.archaeologyhb.nz

In the matter of	the Resource Management Act 1991
And	
In the matter of	an application by Hastings District Council to the Hastings District Council (RMA20190006) for resource consent to remediate the remaining sections of the Te Mata Peak Track (Craggy Range Track)

Statement of evidence of Trevor Edward Butler

RICE SPEIR

Po Box 3450
Shortland St
Auckland 1140
Ph: 09 972 9418
Solicitor: L E Bielby
Email: laura@ricespeir.co.nz

Statement of evidence of Trevor Edward Butler

1. Introduction

1.1 My full name is Trevor Edward Butler.

1.2 I am the Managing Director and Principal Engineering Consultant of Frame Group Ltd, an engineering and project management consultancy business that specialises in the investigation, design and management of recreational tracks and walkways, cycle trails and forest roads.

1.3 Frame Group Ltd is based in Auckland, but provides services throughout New Zealand in its areas of expertise. I have been the Managing Director and Principal Engineering Consultant since 1997.

Qualifications and Experience

1.4 I have the following qualifications and experience relevant to the evidence I shall give:

a. I have a Bachelor of Engineering (Civil) with Honours from the University of Canterbury;

b. I have a Master of Business Administration (Exec) from the University of Auckand;

c. I am a Chartered Engineer (Civil,Structural) under the Chartered Professional Engineers Act 2002;

d. I am a Fellow Member of Engineering New Zealand and have 43 years experience as a Professional Engineer, working predominatly in the rural infrastructure, roading, and recreational trails fields;

e. I have experience in the design and construction of walking and cycle trails throughout New Zealand, including many of the Great Walks, NZ Cycle Trails, Te Araroa Trail, Department of Conservation tracks and a large number of City and District trails, including many tracks on precipitous terrain, and on sensitive ecological and archaeological sites.

f. I have provided several training courses throughout New Zealand to staff from Department of Conservation, Local Authorities, contractors and consultants on the planning, design, construction and maintenance of walking and cycle tracks on recreation reserves and conservation land.

g. I have provided on-site advice in trail development internationally in Nepal, Australia, the Pacific Islands and the Cribbean.

2. Involvement in the project

2.1 In July 2018 I was engaged by Hastings District Council (**the Applicant**) to prepare design drawings and technical specifications for the remediation of the Craggy Range Track to return the site occupied by the track formation to as near as is practically possible to the condition of the land prior to commencement of track construction.

2.2 I prepared a technical specification document dated January 2019 **(technical specification)**, a copy of which is attached to my evidence and as Appendix A to the resource consent application and Assessment of Enviromental Effects **(AEE).** This brief of evidence is to be read in conjunction with the technical specification and, for that reason, I do not intend to repeat the content of that document in my evidence. Rather, I provide a summary of the proposed remedial works below and respond to matters arising out of the s42A report prepared by Hastings District Council (as consent authority) which I have reviewed.

3. Code of conduct

3.1 I confirm that I have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Attachment 2

4. Proposed remedial works

4.1 The remediation has been designed to return the slope profile to, as near as possible, the original ground profile, and to remove articicially formed features that may have an adverse effect of surface water flows or slope stability. The remaining 1335m of track is to be removed in three portions, as follows:

a. Section A – Ch 0-195m – from the road boundary to base of the hill;

b. Section B – Ch 195m – 480m – from the base of the hill to Craggy Lookout; and

c. Section C – Ch 480 – 1335m – from Craggy Lookout to Sheeps Rest.

4.2 The proposed remediation works consist of the recovery of as much as possible of the original soil material that was side-cast down the slope below the track during the track bench formation activity that took place in 2017. This material will be supplemented with additional imported soil, and a portion of stripped soil material will also be taken from the slope immediately above the track formation. This recovered material will be placed and compacted on the track bench to re-establish a near uniform hillside slope.

4.3 The remediation of the track formation is required because if left as it is at present, there is potential for occasional slope failures over time. Small landslips have already initiated as a result of instability of wedges of soil above the cut faces that were formed during track construction. These small landslides are likely to continue to occur periodically for some time, and some of these may migrate for some distance up the steep face of Te Mata Peak before equilibrium is reached. The only means of reducing the risk of such slope failures is to re-instate lateral support to the cut faces along the track bench by placement of soil fill.

4.4 The formed track bench creates a potential interception drain across the face of the slope. This was intended to drain outward to avoid accumulation of surface water flows. If however the outward cross fall is not maintained, there is a possibility that vegetation growth on the outside edge, and wind erosion of the bench surface will result in the crossfall being ineffective. If abandoned, the track formation has the potential to intercept and concentrate surface water flows and direct these flows to the track switchback corners where gullying may be initiated. Without remediation,

the existing track formation is likely to trigger ongoing erosion effects on the slopes of Te Mata Peak that may extend well beyond the immediate vicinity of the current track.

5. S 42A report and resource consent application

5.1 In the following paragraphs, I clarify two matters that have arisen since I prepared the technical specification in January 2019. The first relates to the s42A report and the second relates to the resource consent application

S 42A report

5.2 I note that the author of the s42A report considers that the remediation works will involve cuts with overall vertical extent greater than 1 metre. Specifically, the report states:[1]

> *The overall vertical extent of the cut/fill face height required for remediation of the track is approximately 3.0m, given the proposed methodology that involves trimming of the slope above the track and pulling the lower sidecast material back onto the track bench. As such, the extent of the cut face is likely to exeed 1.0m and resource consent is required as a discretionary activity under Rule EM12.*

5.3 I do not agree that the cut face is likely to exceed 1.0m as the earthworks required as part of the remediation do not require any batter cut earthworks. Rather, the works will involve shallow stripping of up to 300mm depth of ground adjacent to the track formation and using this material as fill. This stripping will not create cut faces, but will taper uniformly to the adjacent ground to avoid the formation of cuts that are prone to instability. The maximum ground slope after stripping will typically be not more than 10% steeper than the ground slope prior to undertaking the stripping. Such earthworks are not regarded as the construction of cut faces in the normal use of this term.

5.4 The proposed remedial work does not require the formation of any new cut faces greater than 1.0m in vertical height. To the contrary, the work involves placement of fill against the previously formed cut faces in a manner that reduces the effective cut face height.

[1] S 42A report, paragraph 5.3.1

Attachment 2

Resource consent application

5.5 Since it was lodged, it has come to my attention that the resource consent application identifies that the slope of the site will exceed 45 degrees above horizontal. However, this is not correct. Rather, the works in Sections A, B and C of the track, which are the subject of this application, will be on slopes up to 35 degrees. It is possible that this misunderstanding came about as the works in Section D that were undertaken in late October/early November involved work on slopes that exceed 45 degrees, but I understand that this section does not form part of this application.

Trevor Edward Butler

24 May 2019

Attachment 2

HASTINGS DISTRICT COUNCIL

TECHNICAL SPECIFICATION

Client

HASTINGS DISTRICT COUNCIL

Project Title

CRAGGY RANGE TRACK – TE MATA PEAK TRACK REMOVAL WORKS - STAGE 2

Specification No

FGL 18/033/01B

January 2019

Prepared by

FRAME GROUP

Frame Group Limited
PO BOX 147211, PONSONBY, AUCKLAND 1144
LEVEL 2, 16 COLLEGE HILL, AUCKLAND, NZ
PHONE: 09 638 7221 FAX: 09 376 0531

TECHNICAL SPECIFICATION

1.0 SCOPE OF WORK

1.1. Project Outline

1.1.1. This specification covers remedial work required to decommission and remove the remaining 1335m length of walking track on the eastern face of Te Mata Peak, Hawkes Bay. The track to be removed is in three portions, consisting as follows:

- Section A – Ch 0-195m. From road boundary to base of hill
- Section B – Ch 195-480m. From base of hill to Craggy Lookout
- Section C – Ch 480-1335m. From Craggy Lookout to Sheeps Rest

1.1.2. The removal of this track is proposed together with remedial work to return the site to as near as possible the original site appearance and ground profile.

1.2. Location and Access

1.2.1. The sections of track to be removed and the remedial work details are shown on drawings as follows:

- Drawing 18/033/02 – Section A – Location Plan and Sections
- Drawing 18/033/03 – Section B – Location Plan and Sections
- Drawing 18/033/04 – Section C – Location Plan and Sections

1.2.2. The track to be removed is on land owned by Craggy Range Vineyards Ltd. Permission will be granted to enter the site off Waimarama Rd to access along the track corridor.

1.2.3. Any fences breached to obtain access to the site shall be fully re-instated at the completion of the work. Fences shall be kept stock-proof during the execution of the work to prevent livestock entering the site.

1.2.4. Access for small trucks, power barrows and construction machinery along the lower sections of the track is permitted provided the equipment use does not cause adverse effects to the adjacent ground.

1.3. Required Work

1.3.1. The work involves the replacement of soil on the previously formed track bench to dis-establish the benched track. Specifically, this includes the following:

- Recovery of as much of the original track formation side-cast soil as possible, and placing this in compacted layers on the constructed track bench to re-instate the original ground profile.
- Minor trimming of the batter edge above the track and the batter edge below the track in order to obtain additional material for filling the cut track bench.
- Carting material supplied by the Principal from stockpile, placing and compacting this imported fill where this is necessary to provide sufficient material to re-instate the approximate original ground slope profile across the track.

- Supply and installing Biocoir coconut matting over the strip of exposed earthworks on track Section C, covering the restored track corridor including the areas where batters have been trimmed.
- Placing limestone rock armouring at potential water flow crossing areas to protect from possible scour.

2.0 GENERAL REQUIREMENTS

2.1. Preliminary

2.1.1. Refer to the terms and conditions of the Contract which shall be equally binding on all trades. All sections of the specification shall be read in conjunction with all other sections.

2.2. Materials and Labour

2.2.1. The Contractor shall supply the whole of the materials, plant and labour necessary for the Contract. Work shall be carried out according to best trade practice by skilled and experienced personnel to the standards hereinafter specified.

2.2.2. The Contractor is to arrange his own access for plant and materials and all necessary transportation of plant and materials to the site.

2.3. Work Area

2.3.1. The work shall be confined to the immediate site only, which consists of the corridor of the track to be removed, including the access track from Waimarama Rd, and the imported soil stockpile area.

2.3.2. The Contractor shall be responsible for security of the site and shall make allowance in the tender price for the erection and maintenance of appropriate temporary barriers to prevent inadvertent access by the public onto the work site.

2.3.3. The Contractor shall be responsible for locating and avoiding services such as power cables, communication lines and water lines at the site and on access routes. If any of these services are damaged during construction, the Contractor shall reinstate these at his own expense.

2.4. Site Establishment

2.4.1. The Contractor shall ensure that no damage beyond fair wear and tear is caused to entrances, existing tracks and roads used for access and any other existing facilities at the site.

2.4.2. Upon completion the Contractor is to remove all establishment facilities, rubbish and surplus materials.

2.5. Public Interference

2.5.1. Any enquiries from members of the public who want to discuss or debate the work shall be referred to the Supervisor. The contractor shall not enter into debate with members of the public or make any publicity statements or releases without gaining prior approval from the Supervisor.

2.5.2. In the case of any trespassing onto the work site, obstruction of the works or any other malicious activities by members of the public; the Contractor shall advise the Police, and contact the Supervisor as soon as practicable.

2.6. Requirements from Other Parties

2.6.1. Any instructions that are communicated to the Contractor by other parties, council inspectors, archaeologists, or Heritage NZ personnel shall not be taken by the Contractor as an instruction under the contract.

2.6.2. If such a communication is received; prior to actioning any instructions, the Contractor shall contact the Supervisor for confirmation and subsequent issue of a contract instruction if appropriate.

2.6.3. Where other parties enforcing Acts of Parliament and Regulations (e.g. HSAW Act, Heritage Act, RMA) instruct the Contractor to stop work immediately, the Contractor shall comply with the instruction and advise the Supervisor as soon as possible.

2.7. Public Access

2.7.1. The site is on private land and is closed to public access.

2.7.2. The Contractor shall utilize temporary rigid barriers (minimum 1.8 metres height with solid top and bottom rail and with durable infill) to prevent members of the public from entering the work site on formed tracks.

2.7.3. The Contractor shall install warning signs at all points of pedestrian access to the site. The signs shall be formed from suitable durable materials and shall clearly indicate the areas where public access is prohibited.

2.8. Helicopter Operations

2.8.1. The Contractor shall obtain prior approval from the Supervisor before each and every helicopter operation.

2.8.2. The Contractor is responsible for obtaining all required Civil Aviation and other permits necessary for helicopter operations.

2.8.3. The Contractor's site and job specific Risk & Safety Management Plan shall include procedures for such operations and the proposed measures to ensure public safety during the operations.

2.8.4. Any materials dropped by a helicopter operator, either by accident or on purpose outside of approved sites must be reported to the Supervisor as soon as possible and any such materials shall be removed as soon as possible. Site restoration work must be carried out to the satisfaction of the Supervisor in the event of any damage from dropped items.

3.0 ENVIRONMENTAL AND HERITAGE ISSUES

3.1. General

3.1.1. While undertaking any works the Contractor shall at all times comply with the obligations, provisions and requirements of the Resource Management Act.

3.1.2. A Resource Consent shall be obtained by Hastings District Council for the work and a copy shall be provided to the Contractor. The Contractor shall comply with all conditions of the Consent.

3.2. Protection and Reinstatement of Area

3.2.1. The Contractor's activity shall be confined to the track zone. Damage to the vegetation or ground beyond the track zone shall be rectified at the Contractor's expense.

3.2.2. The Contractor shall not disturb, modify or remove any items or materials at the site other than that necessary to carry out the work.

3.2.3. Particular care shall be taken not to damage or modify any natural rock formations on the site.

3.2.4. The Contractor shall not bring any dog, cat or other animal on to the site without the express approval of the Supervisor.

3.3. Sediment and Erosion Control Measures

3.3.1. The Contractor shall prevent sediment from leaving the work site by maintaining and stabilising the entry points for equipment to the site.

3.3.2. The Contractor shall take all practicable steps to ensure that all storm water run-off from the track remediation work site is managed so that sediment is retained on site and any discharge does not cause adverse effects on the environment by entering a natural watercourse.

3.3.3. Silt traps, silt fences and other sediment control measures are to be installed and maintained wherever silt arising from earthworks is likely to be washed off the work site.

3.3.4. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment run-off.

3.3.5. The Contractor shall ensure that mud is not tracked off-site onto the public road beyond the site entrances, and shall, if necessary, clean road surfaces of silt and other spilt material.

3.4. Imported Fill Material

3.4.1. Imported soil fill shall be supplied by the Principal to a stockpile site near the entrance to the track on Waiotemarama Rd.

3.4.2. All materials shall be transferred from the stockpile by the Contractor, and on completion, the stockpile site shall be returned to original condition.

3.5. Removal of Waste Material

3.5.1. Waste is defined as all foreign material on the site. This includes offcuts and surplus materials.

3.5.2. All waste is to be removed from the site at the completion of the work.

3.5.3. Waste or rubbish being held at the site prior to removal is to be stored in such a fashion that it cannot be blown about by the wind.

3.6. Archaeological Discovery Protocol

3.6.1. If Taonga (treasure or prized possession, including a natural resource, having tangible or intangible value) or archaeological evidence is discovered in any area, the Contractor shall notify the Supervisor. The Supervisor will contact the appropriate iwi and Heritage Hew Zealand. The Contractor shall immediately cease all work in the area of discovery until approval is given by the Supervisor to resume work.

3.6.2. Work in the vicinity where Taonga or archaeological evidence is uncovered shall not re-commence until the Supervisor gives approval (after the Supervisor has received approval from all of the necessary parties).

3.6.3. Damage to archaeological sites caused by the Contractor may be subject to prosecution under the Resource Management Act and/or Heritage New Zealand Pouhere Taonga Act 2014.

4.0 TRACK REMOVAL

4.1. General

4.1.1. The track to be removed shall be filled with compacted soil as shown on the specific drawing for each section.

4.1.2. The track formation over the whole work section length of 1335m shall be removed as per the drawings.

4.2. Earthworks on Track Sections B & C

4.2.1. Earthworks may be undertaken with light mechanical equipment or by hand. It is the Contractors responsibility to ensure that any equipment proposed for use on the work, can be safely operated on the sloping site during the expected weather conditions.

4.2.2. The Contractor shall not undertake any rock breaking or damage any rock formations on site. Rock for armouring of water discharges shall be imported to the site, or may be recovered from the disturbed side-cast soil below the track bench. Scavenging of rock from the general area is strictly prohibited.

4.2.3. The natural slope shall be re-instated on completion of the track removal as best as possible with the available soil. Additional fill from the supplied stockpile shall be used for supplementing the available material on site where this is necessary. It is acceptable for the re-instated slope line to have a minor depression across the track alignment from the overall original slope line, but it

must never be dished to the extent that it could act as a collector drain. For clarity, the restored slope percentage shall at no point within the restoration area be less than half the natural slope grade percentage of the slopes above and below the work area.

4.2.4. Fill batter slopes in the restored area shall be no steeper than 10% greater than the natural slope percentage of the adjacent natural slope.

4.2.5. Material for filling the track formation shall be recovered from the side cast material from the original track construction, and from minor trimming of the upper and lower edges of the formation.

4.2.6. Additional fill for track bench filling will be supplied by the Principal to a stockpile on the site, near Waimarama Road.

4.2.7. Fill material shall be placed in level layers not exceeding 250mm loose depth and compacted using appropriate equipment. Where the existing track bench slopes at greater than 30%, a 300mm wide bench shall be formed on the ground before placing fill to key in the fill material into the slope and to facilitate compaction.

4.2.8. All formation fill shall be compacted by suitable mechanical compaction equipment. This shall be a plate compactor or tamping rammer.

4.2.9. Any fill material shall where practicable, be at a moisture content that is near the plastic limit so that compaction can achieve densification of the soil. If the moisture content of material to be used as fill is greater that the plastic limit, efforts shall be made to reduce the moisture content by covering with tarpaulins during rains and by exposing the soil to air and light during dry periods. Site drainage should be arranged to keep the fill free from saturation.

4.2.10. If necessary to achieve satisfactory compaction, the moisture content of soil material for fill shall be increased by watering.

4.2.11. Fill slopes shall be left in a tidy condition. It shall remain the Contractor's responsibility to make good any slumping or minor subsidence which occurs during the operation of this Contract.

4.3. Earthworks on Track Section A

4.3.1. On track Section A, the existing aggregate surfacing shall be removed by stripping with an excavator the top nominal 150mm depth of surface and removing this from this section of track alignment. This stripped material may be used as track bench fill material on Sections B and C, provided the aggregate content of this material is fully buried below the finished restored surface so that it does not inhibit grass growth.

4.3.2. Silt material from the stockpile of supplied fill material shall be applied at a 150mm nominal thickness layer over the stripped surface, and shaped to match the adjacent ground.

4.3.3. Shallow swales shall be formed across the placed silt material on the original track alignment at approximately 20m intervals, each having a fall to one side

to intercept and dispose of any surface water that may flow down the restored alignment.

4.4. Grassing

4.4.1. Where the restored slope surface consists of bare limestone derived soil, a nominal 50mm layer of organic soil shall be spread over the surface. This organic soil may be recovered from side-cast material or trimming, and may contain vegetation.

4.4.2. On completion of restoration earthworks, the soil shall be seeded with Browntop grass at a rate of 5-7gm per square metre.

4.4.3. After seeding, the exposed soil on track Section A and B shall be lightly raked to bed the seed.

4.4.4. After seeding, the exposed soil in track Section C shall be covered with BioCoir B300JR coconut matting, fixed in place with wire pins at 0.5m centres along edges and with three pins per square metre elsewhere. The matting shall be laid to closely fit the soil surface without air cavities and shall be overlapped by 100mm at the edges.

4.5. Drainage

4.5.1. Where natural stormwater drainage channel flows are likely to intercept the restored soil slope, swales shall be provided in the restored slope and these shall be armoured with limestone rock, placed to protect the swale from scour.

4.5.2. Rock armouring shall be stacked from a stable base and interlocked to ensure it remains in place during stormwater flows.

DO NOT SCALE

Rev	Date	Amendment

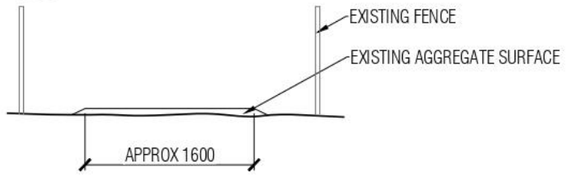
01 SECTION A - PLAN

SHT - 1:1000 @ A3

DO NOT SCALE

02 SECTION A: EXISTING FORMATION

SHT - 1:50 @ A3



03 SECTION A: PROPOSED TRACK REMOVAL

SHT - 1:50 @ A3

Frame Group Limited
PO BOX 147211, PONSONBY, AUCKLAND 1144
LEVEL 2, 16 COLLEGE HILL, AUCKLAND, NZ
PHONE: 09 638 7221

PREPARED FOR: HASTINGS DISTRICT COUNCIL

PROJECT: CRAGGY RANGE TRACK - TE MATA PEAK PARTIAL TRACK REMOVAL WORKS

TITLE: SECTION A - LOCATION PLAN AND SECTIONS

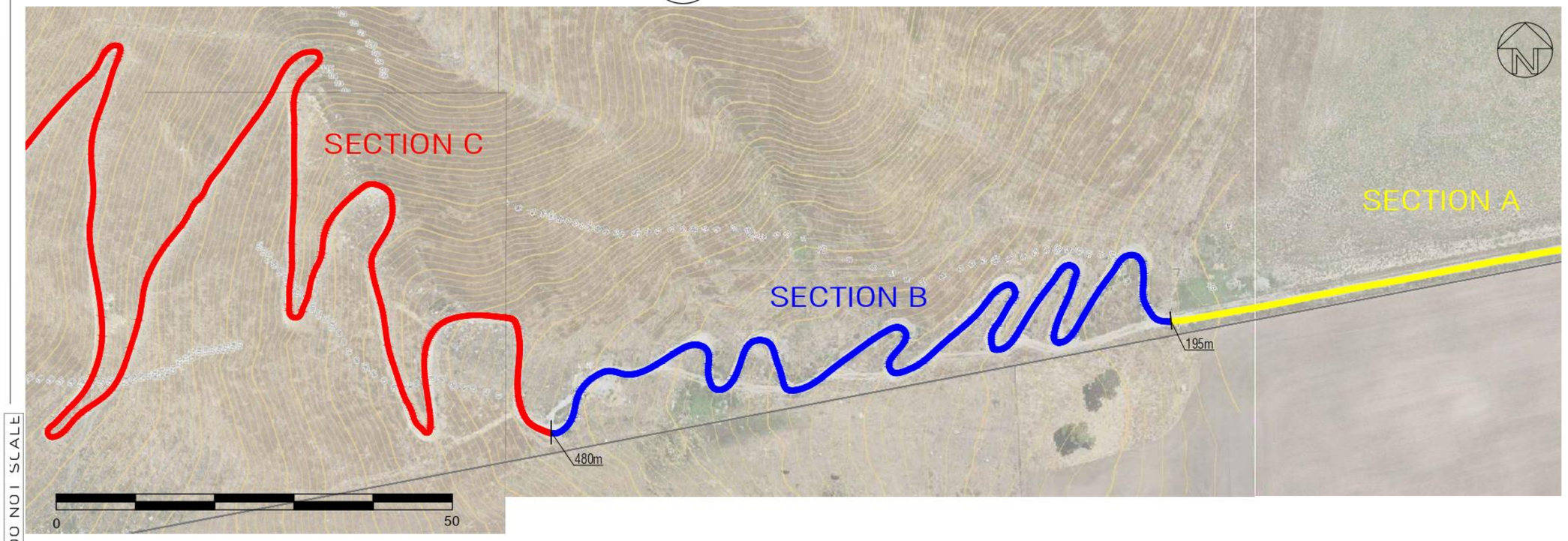
SCALE: AS SHOWN		DATE: JANUARY 2019	
DRAWN: JR	DESIGNED:	FGL JOB: 18/033/01	
APPROVED:		DRAWING: 18/033/01 SHT 02	REV:

DO NOT SCALE

Rev	Date	Amendment

01 SECTION B - PLAN

SHT - 1:1000 @ A3



DO NOT SCALE

02 SECTION B: EXISTING FORMATION

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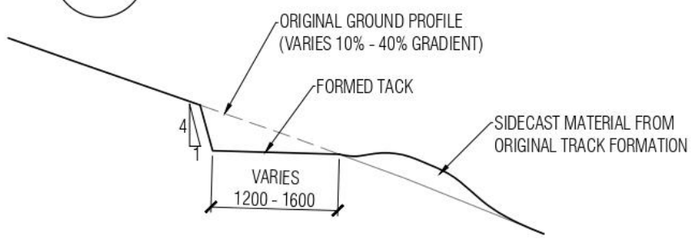

03 SECTION B: PROPOSED TRACK REMOVAL

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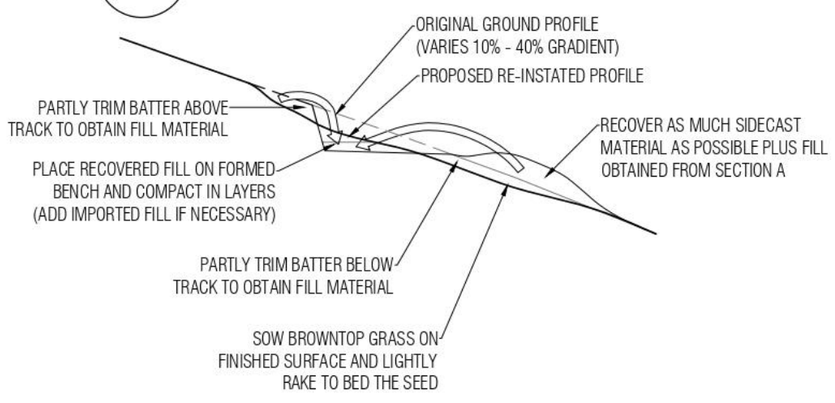

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PREPARED FOR: HASTINGS DISTRICT COUNCIL

PROJECT: CRAGGY RANGE TRACK - TE MATA PEAK PARTIAL TRACK REMOVAL WORKS

TITLE: SECTION B - LOCATION PLAN AND SECTIONS

SCALE: AS SHOWN		DATE: JANUARY 2019	
DRAWN: JR	DESIGNED:	FGL JOB: 18/033/01	
APPROVED:		DRAWING: 18/033/01 SHT 03	REV:

Item 2

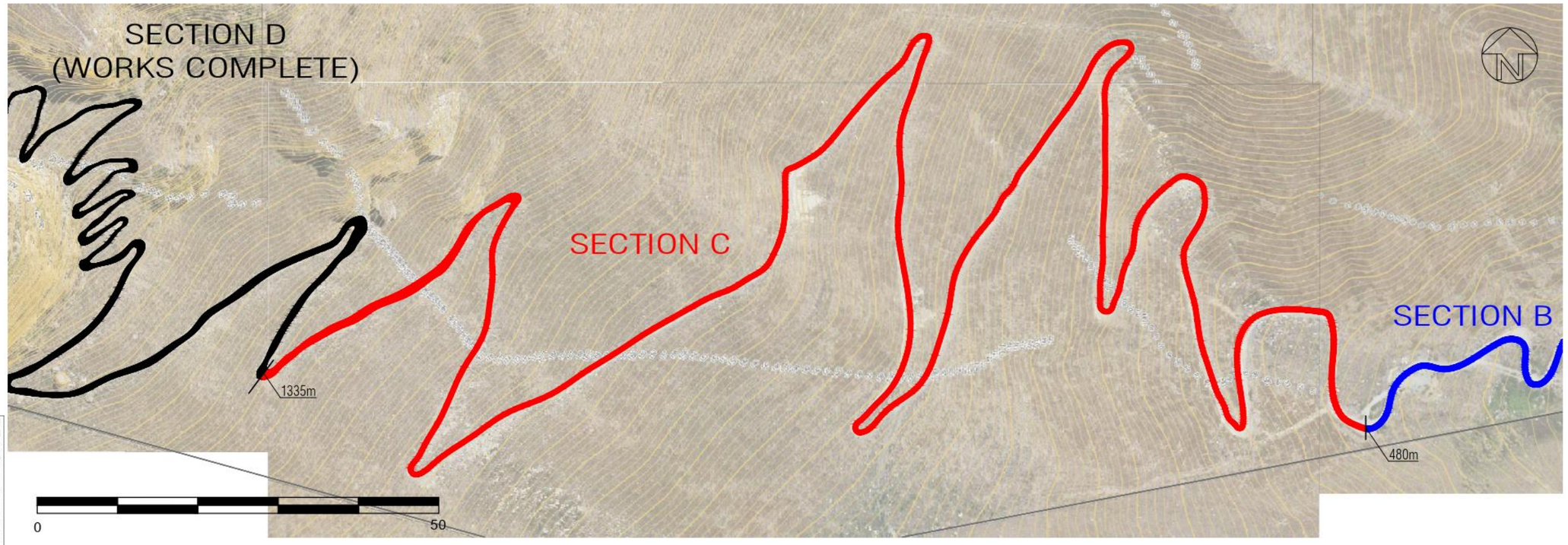
Attachment 2

DO NOT SCALE

Rev	Date	Amendment

01 SECTION C - PLAN

SHT - 1:1000 @ A3



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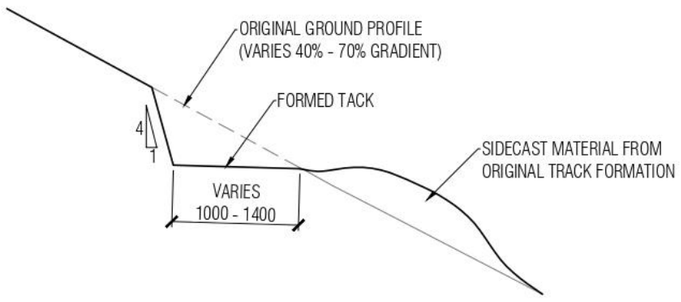
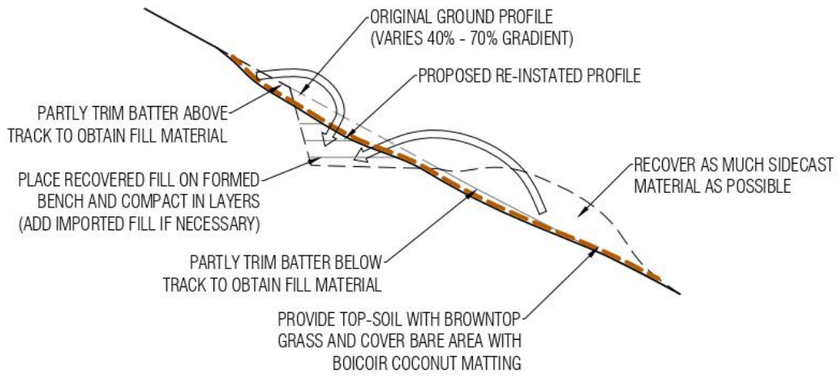


03 SECTION C: PROPOSED TRACK REMOVAL

SHT - 1:50 @ A3



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PHONE: 09 638 7221

PREPARED FOR: HASTINGS DISTRICT COUNCIL

PROJECT: CRAGGY RANGE TRACK - TE MATA PEAK
PARTIAL TRACK REMOVAL WORKS

TITLE: SECTION C - LOCATION PLAN
AND SECTIONS

SCALE: AS SHOWN		DATE: JANUARY 2019	
DRAWN: JR	DESIGNED:	FGL JOB: 18/033/01	
APPROVED:		DRAWING: 18/033/01 SHT 04	REV:

In the matter of	the Resource Management Act 1991
And	
In the matter of	an application by Hastings District Council to the Hastings District Council (RMA20190006) for resource consent to remediate the remaining sections of the Te Mata Peak Track (Craggy Range Track)

Statement of evidence of Rebecca Keren Ryder

RICE SPEIR

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LEB-100286-16-31-V1

Statement of evidence of Rebecca Keren Ryder

1. Introduction

Qualifications and experience

1.1 My name is Rebecca Ryder, and I am an Associate Partner and Landscape Architect at Boffa Miskell Limited (**BML**), a multi-disciplinary company with expertise in planning, design, ecology, landscape planning, cultural heritage, graphics and mapping.

1.2 I have been with Boffa Miskell Limited since 2001. I am experienced in the areas of landscape architecture and landscape and visual assessment. I have given expert witness evidence in this area of expertise before numerous district and regional councils and the Environment Court.

1.3 I hold a Bachelor of Landscape Architecture (Honours) from Lincoln University and am affiliated to the New Zealand Institute of Landscape Architects as a Registered Landscape Architect. I am also a member of the Resource Management Law Association of New Zealand.

1.4 I am the author of the Hastings District Landscape Assessment Review[1] (2013). In addition, I have undertaken a number of district and regional wide natural character and landscape studies and equally numerous assessments for both Structure Plan and resource consent applications.

2. Expert witness code of conduct

2.1 I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

[1] Review of Landscape Areas and Implications for Plan Review, Boffa Miskell Ltd, April 2013.

2.2 As a Registered Landscape Architect, I am also bound by the NZILA[2]'s code of ethics.

3. Background and involvement in project

3.1 In September 2017 Craggy Range Vineyards applied for resource consent to construct a walking track for public use from Waimarama Road opposite their property to the top of the Te Mata Peak ridgeline. Consent was granted by Hastings District Council (**the Council**) on 17 October 2017 and construction started immediately, with the track largely completed by early December 2017. However, following widespread adverse public reaction, including from local iwi, all work on the track was halted in mid-December 2017.

3.2 Despite the track being incomplete, particularly the upper section, the public continued to use the track over the 2017/2018 summer period. Security fences were installed to curtail public access, while the Council considered the future management of the track and the broader Te Mata ti Tipuna landscape. This process involved the Council engaging a team of consultants from a range of disciplines to consider the long-term management of the eastern face and formulate measures to remediate the effects of the track. In June 2018, as part of these wider investigations, the Council commissioned an assessment report of the condition of the track and the level of risk the track posed to users.[3] This report concluded that the track in its then current state represented a serious health and safety hazard to track users. Video monitoring confirms that the installation of security fencing and signs prohibiting entry and use of the track did not prevent people accessing the track.

3.3 A subsequent report by Frame Group Ltd in October 2018 on the condition and safety risk of the track determined that the upper sections of the track were becoming "more hazardous over time as a result of further deterioration of the retaining wall stability and the proliferation of stones and rocks that are tumbling down the track route."[4] The advice to the Council recommended that the upper 500m of track should be disestablished so walking access ceased. This recommendation sought to remove the hazard to possible track users and minimise the risk of soil erosion and drainage-related scouring on the upper slope.

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[2] New Zealand Institute of Landscape Architects.

[3] *Craggy Range Track, Te Mata Peak Assessment and remedial options*, Frame Group Limited, 25 July 2018.

[4] *Public Safety Issues-Craggy Range Track, Eastern Te Mata Peak*, Frame Group Limited, 24 October 2018.

3.4 The Council's Acting Chief Executive considered this recommendation and concluded that the first stage of the remediation works affecting the upper 500m of the track could proceed as emergency works without a resource consent under s 330 of the RMA. The area in which these emergency works were carried out is referred to as Section D in the resource consent application. The works were carried out in early November 2018 and Boffa Miskell was subsequently engaged to carry out a landscape and visual effects assessment in December 2018 for a retrospective resource consent application for these works.

3.5 Boffa Miskell was also engaged by the Council to carry out a landscape and visual effects assessment of the proposed remediation works for the remainder of the track that are the subject of this application (Sections A, B and C). This assessment is dated 11 January 2019 (**LVA**) and should be read in conjunction with this statement of evidence. For ease of reference, I have attached the January 2019 assessment to my evidence as **Appendix A**.

3.6 As part of understanding the sensitivities of this landscape, I have considered more specifically the eastern escarpment of the Te Mata Peak / Te Mata ti Tipuna and its landscape attributes. These are detailed within the Context section of this statement of evidence.

4. Outline of remediation works

4.1 The technical specification prepared by Frame Group Limited January 2019 outlines the scope of the works and requirements, a description of the environmental and heritage issues and other measures that need to be addressed. Specifically, the works set out in the technical specification involve:

a. The division of the remainder of the track into three sections: A, B and C;

b. Using an excavator recovery of the side-cast soil from track construction and placing it on the track bench;

c. Minor trimming of the batter edge both above and below the track bench;

d. Importing and placing of additional fill material on the track bench to supplement the recovered side-cast material;

e. Where required, providing a thin layer of topsoil and sowing a ryegrass seed mix on all exposed earthwork faces on areas B and C;

f. Installing BioCoir coconut matting over the exposed earthworks on areas B and C;

g. Provision of topsoil/silt mix on area A and sowing with a ryegrass seed mix to marry in with terrace productive pasture; and

h. Placing informal limestone rock armouring in selected locations integrate with topsoil to mitigate isolated water scouring.

5. Existing environment

5.1 The existing environment is described in detail in my 11 January 2019 assessment and summarised below.

5.2 The Te Mata range is one of many landforms within the Hastings District that is highly expressive of its formative processes. Te Mata Peak itself stands some 399 metres above sea level and forms the western boundary to the Heretaunga Plains. The Peak is known as a 'Hogs Back' ridge of erosion-resistant limestone dipping steeply to the west. The rock cliffs and outcrops are studded with fossils of marine shells with pockets of native groundcover and shrub vegetation along the upper slopes and ridge.[5]

5.3 The formative tectonic processes are strikingly evident for the eastern face of Te Mata range with the exposure of the dip fault's sedimentary rock seam and subsequent natural erosion along the slope.

5.4 The landform along the eastern scarp retains a steep scarp that rises steeply to a vertical face of the exposed rock seam. Along the face of the slope are a series of spurs that extend down from Te Hau and Te Mata Peak. On the mid slopes, the gradient falls away to meet a mid-slope plateau before rising to meet a series of hillocks on the foothills. At this intersecting of the lower scarp slopes and the foothills are a series of incised valleys formed from ephemeral and permanent water courses along the slopes. At the base of these slopes are seepage wetlands that are grazed as part of the

[5] Park_Trust, T. M. (2018). *Te Mata Park*. Retrieved from Te Mata - The Giant Among Us: http://tematapark.co.nz/environment/

dominant agricultural land use. Below the foothills the Tukituki valley floor comprises a series of river terraces, upon which agricultural cropping and grazing occurs.

5.5 Along the eastern scarp are several permanent and ephemeral water courses, originating from a series of springs along the mid slopes of the escarpment. A number of these features include active springs that are currently pumped or dammed for agricultural water supply.

5.6 The slopes of the wider eastern scarp have been modified through human land use changes resulting in the loss of native vegetation cover. Throughout Te Mata and Kohinerakau ranges there are remnants of the pre-human vegetation than covered the range. Small pockets of native trees remain on the lower slopes of Te Mata, both within private property and Te Mata Park.[6] Tree species included matai, totara, karaka, titoki, ngaio, tarata and mapou. Evidence of matai roots are found on the slopes of Te Mata along with remaining species including the native daphne (Pimelea spp.), tussocks, tree hebes and pohuehue (Park_Trust, 2018).

6. Statutory planning context

Hastings District Plan

6.1 I understand that the proposed work is a restricted discretionary activity in the Proposed Hastings District Plan and that the plan states:

> *For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications.*

6.2 I also understand that the activity status would be full discretionary if there were cuts of greater than 1.0m in vertical extent involved. However, Frame Group has advised that the proposed activity involves remediating the track by using the side-cast material and placing it on the track bench and filling of the existing cuts that were required to form the track did not result in any new cuts of greater than 1.0m. I am aware that the Council's s 42A report does not agree with this and has assessed the

[6] Grant, P. J. (n.d.). *Hawkes Bay, Forests of Yesterday.*

proposal as a discretionary activity. However, from a landscape and visual effects perspective, the resultant effect and assessment criteria are not impacted by this issue.

District Landscape Evaluations

6.3 Two district landscape assessments have been undertaken since 1996. In both studies Te Mata Peak and its range has been identified as being an Outstanding Natural Feature and Landscape. In the earlier 1996 Landscape Assessment (Isthmus Group Ltd, 1996) the iconic feature of the eastern escarpment featured within the broader assessment of landform patterns. The range itself forms the boundary between two ecological districts, the Heretaunga Ecological District and the Eastern Hawkes Bay Ecological District. The assessment looks at pre and post European landscapes and the impacts of the varying land use practices on the landscape character of the district. By defining landscape character areas, the study and identifying features within it the study identifies Te Mata Peak, including both east and west faces, as Outstanding Natural Features and Landscapes.

6.4 This earlier assessment was prior to the Environment Court decision where the Amended Pigeon Bay Criteria were first recognised and subsequently promoted. The more recent review of the landscape areas (Boffa Miskell Ltd, 2013) provided an update to the earlier study. This review reinforced the Te Mata Peak /Range as being an Outstanding Natural Feature and Landscape and identified the evaluation of the factors, values and associations by applying Policy 15 of the New Zealand Coastal Policy Statement and the Regional Coastal Environment Plan to the review. This review was a targeted review of the previously identified landscape areas and resulted in some changes to the extent and classification of some of the earlier identified Outstanding Natural Features and Landscapes. This recent study more specifically identifies Te Mata range as having:

a. An Outstanding Natural Feature along the exposed rocky ridgeline of the range;

b. An Outstanding Natural Landscape to the middle to lower foothills of the range; and

c. An Amenity Landscape Area around the foothills of the range connecting between Te Mata and Kohinerakau ranges.

7. Landscape context

7.1 The LVA identifies important biophysical features, sensory qualities and shared and recognised values of the landscape of Te Mata Peak. Distinctive biophysical features within the subject site include:

a. The limestone boulder field at the foot of rocky outcrop;

b. The exposed limestone seam, including feature rocks along the 'Hogs Back' ridge and the rising steep scarp that is formed beneath it;

c. Remnant seep wetlands at the foot of the eastern escarpments, and

d. Pockets of native vegetation cover along the ridgeline and steeper scarps, less accessible to stock.

7.2 These features are collectively distinctive to the biophysical feature of Te Mata ti Tipuna.

7.3 Sensory qualities comprise aesthetic values, transient values and other sensory values experienced within and of a landscape or feature. Te Mata ti Tipuna's striking landform as skyline feature and western boundary to the Heretaunga plains creates a strong sense of memorability. Its location adjacent to the plains landscape and gateway to the Tukituki Valley contribute to its position as a landform contributing to district and regional way finding as an iconic landmark.

7.4 Shared and recognised values are reinforced through the visual relationship the wider community have with the range. The eastern escarpment's shared and recognised values are depicted through numerous photographic media representing the district and region. Similarly, oratory, waiata and haka connect people with Te Mata ti Tipuna. Shared and recognised values relate to the visual, physical and spiritual connections humans have with a landscape or feature. The outward visual expression of these values are found through promotional photography for a place, district or region, art work and other illustrative and promotional material. The eastern escarpment is used by Hastings District to promote the area and is representative of the Te Mata Range in visual media, more so than the western face.

8. Landscape Effects

8.1 The ability of an area of landscape to absorb change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. The ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies. Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This includes the classification of Outstanding Natural Landscape (s 6(b) of the Resource Management Act 1991) based on important biophysical, sensory/aesthetic and associative landscape attributes, which have potential to be affected by a proposed activity.

The existing track and its effects

8.2 The nature of the site's existing environment includes the Craggy Range track and the remediated section of the track. The condition of the track and its landscape and visual effects has continued to change and erode since it was established.

8.3 Heavy use of the formed by unfinished track during the summer of 2017/2018 resulted in a zigzag track which was highly visible when viewed from a distance, such as from Tukituki Road on the eastern side of the valley, or close range from Waimarama Road and environs. The raw track surface, the zig zag alignment and the activity on it with heavy public use all contributing to the track's visual prominence (refer photograph - Figure 10 in the LVA).

8.4 A later site visit undertaken in June 2018 identified sheep and water damage to the track, while a further site visit in October 2018 identified the upper section of the track as being prominent because of the remedial works involved the installation of the Biocoir coconut matting contrasting with the green pasture and grey colour of the limestone rock outcrops.

8.5 I am of the opinion that the current alignment and profile of the existing track has resulted in high to very high adverse landscape effects on the Outstanding Natural Feature and Landscape of Te Mata ti Tipuna. This results from the track being incongruent with the biophysical, sensory and associative values attributed to the site and Te Mata ti Tipuna as a whole.

Proposed track remediation

8.6 The objective of the proposed track remediation is to remove what remains of the pedestrian track, and reintegrate the landform and landcover with its immediate surrounds. Integrating with the natural patterns and processes of the landscape are inherent in the proposed outcome. As a construction project there will be a period of time (up to 5 years) where the track alignment will remain visible, however following integration the alignment will weather and eventually visually merged with its surrounding landform and landcover.

8.7 Considering the existing environment, the proposed remediation will see the integration of the landform and removal of cut faces and fill batters that exist on site. The landform will retain some recognition of the track and the inclusion of some informal areas of limestone rock armouring in selected locations which will be integrated with topsoil to mitigate isolated water scouring. These areas are unknown at this point but intended to visually integrate with the vegetation cover and avoid 'engineered' rock armouring methods. The purpose of these is to help dissipate water scouring across the newly established landform.

8.8 The LVA identifies that **Short Term** landscape effects are largely those where the natural patterns of landform and vegetation cover are in contrast to that of the surrounding terrain.

8.9 The changes to the landform will see a move toward a less modified and human induced hydrological pattern, which currently exists on site. The alignment of the track will remain visible in the short term. The inclusion of the BioCoir matting will see a material that will eventually decompose into the landform but will for the first few years remain visible across the site. Vegetation patterns will take time to establish however the vegetation patterns will be an improvement on the current track condition.

8.10 The **Short Term** adverse landscape effects will be low in nature and, when compared to the existing track, positive.

8.11 The **Long Term** landscape effects, when considering the natural weathering of the landform and grass establishment will be positive, which is also the objective of the proposed works.

9. Visual Effects

Viewing audiences

9.1 Visual effects are attributed to the experience a viewing audience will have when viewing a landscape. This includes the consideration of visual amenity and the effects a proposal will have on the sensory, including aesthetic, attributes. The viewing audience for Te Mata ti Tipuna's eastern escarpment and the subject site comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces along Waimarama Road, Tuki Tuki Road and Craggy Range Road.

9.2 For some of the viewing audiences, views will be transient with many users visiting or moving past the site whereas for others the views from dwellings will be permanent. Given the alignment of Waimarama Road and the approaching angle of view, views from vehicles, bicycles and pedestrians moving south and north along Waimarama Road will have unimpeded views of the existing track and the associated remediation works. This viewing audience together with adjoining land owners are considered to have moderate to high level of visual sensitivity. Immediate views of the track are demonstrated by representative viewpoints from Waimarama Road, Te Mata Park and adjoining properties to the south (Wellwood Farms). The photographic viewpoints in [Section 6.3 of the LVA] demonstrate views from and to the track.

The existing track

9.3 The sensory qualities of the eastern escarpment are such that the unimpeded and striking landform are the dominant characteristics of the Te Mata ti Tipuna landscape. The track and particularly the zig zag alignment created a striking pattern and scar on the landscape that contrasts and interrupts the natural patterns of the landform. Visually, the track, whilst appreciated for its recreation access, is not sympathetic to the landform and forms a contrasting feature which degrades the aesthetic qualities of the natural landform.

9.4 In my opinion, the existing track is considered to have a high to very high adverse visual effect on the aesthetic qualities of the feature. The proposed remediation seeks to lessen these effects and reintegrate the affected area into the landscape.

Proposed track remediation works

9.4 As with Section D, the introduction of the BioCoir matting on Sections B and C will accentuate the alignment of the track but will be a temporary measure. It will begin biodegrade at around 6 months and continue to degrade amongst dominating grass cover over a period of up to 5 years.

9.5 Accordingly, in the Short Term, there will be a moderate temporary visual effect but this will be significantly reduce as the matting degrades and pasture grasses establish.

9.6 Existing remediation of Section D portion of the track demonstrates the integration of the landform. Photographs taken in early January 2019[7] (Figure 21) show the level of growth on the remediated section of the track (Section D) demonstrates the rapid grass and weed growth through the matting. Complete reinstatement of the pre-track landform is not possible from a construction perspective but over time the establishment of the ryegrass mix and invasion of surrounding pasture will ensure the track alignment will not be visible.

9.7 Section A of the track will not require BioCoir matting due to the flat gradient. A silt dominated topsoil will be placed on the site and seeded with a productive pasture mix dominated by ryegrass (Refer to Appendix 4 of LVEA report). This will see this area visually integrate within 1-2 years with a dominant pasture cover in three years.

9.8 When combined with the existing remediated section of the upper track (Section D), there is a recognised moderate magnitude of visual change to the existing track in the short term resulting in a moderate adverse visual effect for those viewing the site from Waimarama Road (residents, visitors and road users). However, over a period of 2-5 years, the BioCoir matting will become less apparent as it biodegrades.

9.9 The recommended measures set out in Section 8.0 of the LVA provides the key recommended measures to enable and enhance the rehabilitation of the track. A key measure is the removal of stock from the area until the surface is considered resilient enough to weather stock movement.

[7] Refer to the LVA Report, 11 January 2019.

9.10 Together with natural weathering of the soil / substrate breakdown of the BioCoir, grass growth, and invasion of surrounding grass species, the potential visual effects of the works will be very low to positive.

10. Submissions received

10.1 Most of the submissions received are in support of the proposed remediation and removal of the track. A number of these cite the importance of the landscape as a landmark. There are three submitters in opposition, each of which request the retention of the track for recreational purposes.

10.2 Two submissions seek the retention of the track (Marshall (2) and Perry (9)) and recommend the planting of native trees and returning the landscape to its original, pre-human state. The focus of these recommendations is to mitigate visual effects. However, in order to achieve this in a manner which is congruent with the aesthetic qualities of the eastern escarpment, the entire escarpment face would need to be considered in this method. In my view, the planting of native trees to screen the track itself whilst potentially effective for screening of the track, would also highlight and establish a pattern that is inconsistent with the broader ONFL of Te Mata ti Tipuna.

10.3 In my expert opinion, this method of mitigation does not respond or alleviate the landscape effects on these sensitive slopes. Whilst well intended, these recommendations do not respond to the landscape's biophysical, sensory or associative values of this area of the ONFL.

11. Conclusions

11.1 The focus of the proposed works is to address and repair the damage undertaken to the slope of Te Mata ti Tipuna. The landscape and visual effects of the existing track are high to very high and in turn significant. The establishment of the track has generated significant response from the community, some of which has been very negative (i.e. adverse cultural, landscape and visual effects on a widely recognised iconic landscape) while other reactions positive (e.g. provision of a recreational walking route with fantastic views). The removal of the track is focused on remediating the adverse landscape and visual effects together with removing health and safety risks associated with a poorly constructed track.

11.2 I remain of the opinion that the temporary effects of the track will have a moderate adverse visual effect, largely associated with the installation of the coconut matting, which will contrast markedly with the surrounding pasture. Recognising that the matting will biodegrade in approximately six months and full grass cover established in 12 months, the temporary effects are a necessary part of remedial action rather than a permanent visual effect.

11.3 Over the first 12 month period the visibility of the track will diminish and integrate with the surrounding grass cover. It is also recognised that there will be a period of 'bedding in' for the surface whereby the soils will 'weather' and the species mix of grass and weeds along the surface of the track will increase. It is expected that the medium (12 month plus) and long term (5 years plus) will decrease to a low level and continue to over time to generate a positive landscape and visual effect.

Rebecca Ryder

24 May 2019

Appendix A

Boffa Miskell

Craggy Range Track

Stage 2 Remedial Emergency Works: Landscape and Visual Effects Assessment
Prepared for Hastings District Council

11 January 2019

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Cover photograph: Photo from Craggy Range Winery – July 2018

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1.0 Introduction and Background

1.1 In September 2017 Craggy Range Vineyards applied for resource consent to construct a walking track for public use from Waimarama Road opposite their property to the top of the Te Mata Peak ridgeline. Consent was granted by Hastings District Council on 17 October and construction started immediately with the track was largely completed by early December 2017. However, following widespread adverse public reaction, including from local iwi, all work on the track was halted in mid-December 2017.

1.2 The construction of the track polarised views of the wider community with many wanting it to be removed and the site remediated while others want it to be retained in its present location or an alternative public walking track provided on the eastern face of the Te Mata te Tipuna, which is recognised in the Hastings District Plan as an Outstanding Natural Feature (ONF) and Outstanding Natural Landscape (ONL), with the lower flanks of the range recognised as an Amenity Landscape Area.

Figure 1 – Photo of installed track (June 2018)

1.3 Despite the track being incomplete, particularly the upper section, the public continued to use the track over the 2017/2018 summer period. Security fences were installed to curtail public access and while the Council considered the future management of the track and the broader Te Mata te Tipuna landscape. This has involved the Council engaging a team of consultants from a range of disciplines to consider the long-term management of the eastern face and to formulate measures that should be undertaken to remediate the effects of the track. As part of these wider investigations, in June 2018 Council commissioned an assessment report of the condition of the track and the level of risk the track posed to users.[1] This report concluded that the track in its then current state represented a serious health and safety hazard to track users. The installation of security fencing and signs prohibiting entry and use of the track did not prevent people accessing track as confirmed by video monitoring.

1.4 A subsequent report in October 2018 on the condition and safety risk of the track determined that the upper sections of the track was becoming "more hazardous over time as a result of further deterioration of the retaining wall stability and the proliferation of stones and rocks that are tumbling down the track route."[2] The advice to Council recommended that the upper 500m of track should be disestablished so walking access ceased. This would remove the hazard to possible track users and minimise the risk of soil erosion and drainage-related scouring on the upper slope.

1.5 Hastings District Council Acting Chief Executive considered this recommendation and concluded that the first stage of the remediation works affecting the upper 500m of the track could proceed as emergency works without a resource consent under s330 of the RMA.[3] These works were carried out in early November 2018 and a retrospective consent, including a landscape and visual effects assessment was undertaken in December 2018.

Figure 2 – Photo of remediated upper section of the track (November 2018)

1.6 The remainder of the track forms the subject of this assessment which addresses measures to remove the remainder of the track and remediate the land form.

[1] *Craggy Range Track, Te Mata Peak Assessment and remedial options*, Frame Group Limited, 25 July 2018

[2] *Public Safety Issues-Craggy Range Track, Eastern Te Mata Peak*, Frame Group Limited, 24 October 2018.

[3] Craggy Range Track-Emergency Works-Record of Consideration, Acting Chief Executive, Hastings District Council, 24 October 2018.

2.0 Method of Assessment

2.1 The assessment of landscape and visual effects are separate, although linked, procedures. The existing landscape and its existing visual context or visual envelope all contributes to the existing 'baseline' for landscape and visual assessment studies. The assessment of the potential effect on the landscape is carried out as an effect on an environmental resource (i.e. landscape features or character). Visual effects are assessed as one of the interrelated effects on the surrounding viewing audience. The differences between these types of effects can be summarised as follows:

> **Landscape effects** derive from changes in the physical landscape, which may give rise to changes in its character and how this is experienced. This may in turn affect the perceived value ascribed to the landscape.
>
> **Visual effects** relate to the changes that arise in the composition of available views as a result of changes to the landscape, to people's responses to the changes, and to the overall effects with respect to visual amenity.

2.2 To determine the overall nature and significance of landscape and visual effects, an understanding of the sensitivity of the landscape or viewing audience has been combined with an assessment of the magnitude of change resulting from the proposal in order to determine the overall significance of effects. This assessment has been undertaken with reference to the Quality Planning Landscape Guidance Note and its signposts to examples of best practice which include the recently published UK guidelines for landscape and visual impact assessment and the New Zealand Landscape Institute Guidelines for Landscape Assessment. Further detail on the method of assessment is included within Appendix 1.

3.0 Outline of Remediation Works

3.1 The Frame Group Limited July 2018 report included a technical specification for the remedial works outlining the scope of the works and requirements, a description of the environmental and heritage issues and other measures that needed to be addressed [4] (Appendix 2).

3.2 In summary, the works as set out in the technical specification involve:

- Division of the remainder of the track into 3 sections: A, B and C.
- Using an excavator recovery of the side-cast soil from track construction and placing it on the track bench;
- Minor trimming of the batter edge both above and below the track bench;
- Importing and placing of additional fill material on the track bench to supplement the recovered side-cast material
- Where required, providing a thin layer of topsoil and sowing a ryegrass seed mix on all exposed earthwork faces on areas B and C;
- Installing BioCoir coconut matting over the exposed earthworks on areas B and C.
- Provision of topsoil/ silt mix on area A and sowing with a ryegrass seed mix to marry in with terrace productive pasture.
- Placing informal limestone rock armouring in selected locations integrate with topsoil to mitigate isolated water scouring.

3.3 The October 2018 Frame Group report stated that because of the nature and extent of the earthworks required to form the track that it would not be possible to restore the original slope profile, but it would be possible to approximate it and to re-establish original surface drainage patterns and vegetation.

3.4 Remedial works started on 29 October and were completed two weeks later (8 November 2018). Where the slope permitted (i.e. the lower section of the remediation area, a 1.5 tonne excavator was used to retrieve side-cast material but on the upper steeper section, this was done by hand with the use of a plate compactor. 45m^3 of extra fill (silt material) was delivered to the site by helicopter.

3.5 A site inspection was made of the completed remedial works on 20 October 2018 by the peer reviewer, 12 days after completion of the emergency works; conditions during the site inspection were dry and sunny. A further site visit was undertaken by Hastings District Council staff on the 8th of January 2019 to investigate pasture growth on the emergency works site of the upper track.

3.6 **The proposed remediation of the remainder of the track**, for which this assessment addresses, will follow the same method. These works will involve the same approach as undertaken for the emergency works, minus the timber crib wall removal. The method of implementation will remain the same with the anticipated volume of earthworks being:

- 1,335m of track section to be removed;
- 1140m recovery of side cast soil;
- 140m^3 of additional imported fill material;
- 4m^3 of integrate rock armouring
- 43kg of grass seed
- 3,400m^2 of BioCoir matting.

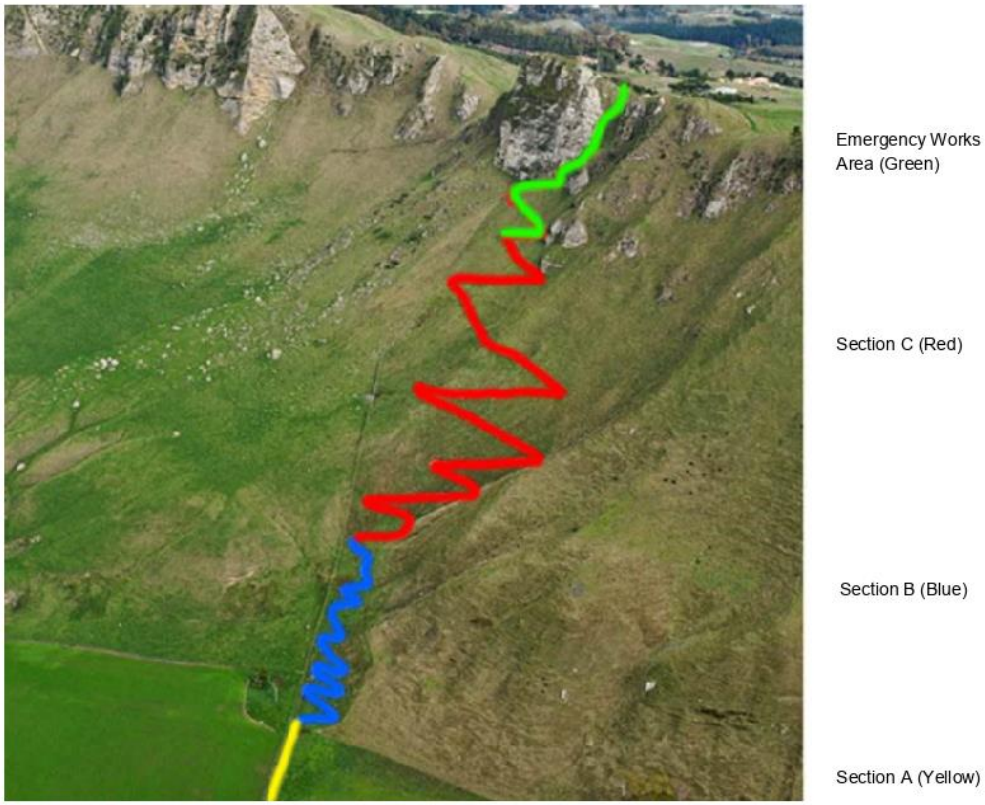

Figure 3 – Extent of completed and proposed works (Refer to AEE for Plans)

4.0 Statutory Context

In terms of the Hastings District Plan the status of the activity is restricted discretionary and the plan states:

For Restricted Discretionary Activities, the following criteria identify those matters which Council has restricted its discretion over in assessing Resource Consent applications.

The status would be full discretionary if there were cuts of greater than 1.0m in vertical extent involved, but Council considered that the proposed activity involved remediating the track by using the side-cast material and placing it on the track bench and filling of the existing cuts that were required to form the track did not result in any new cuts of greater than 1.0m.

Extracts from the Hastings District Plan are included in Appendix 3 and evaluated against in Section 7.0 of this report.

4.1 District Landscape Evaluations

Two district landscape assessments have been undertaken since 1996. In both studies Te Mata Peak and its range has been identified as being an Outstanding Natural Feature and Landscape. In the earlier 1996 Landscape Assessment (Isthmus Group Ltd, 1996) the iconic feature of the eastern escarpment featured within the broader assessment of landform patterns. The range

[4] *Technical Specification: Craggy Range Track-Te Mata Peak Partial Track Removal Works*, prepared by Frame Group Limited for Hastings District Council, Specification FGL No. 18/033/01.

itself forms the boundary between two ecological districts, the Heretaunga Ecological District and the Eastern Hawkes Bay Ecological District. The assessment looks at pre and post european landscapes and the impacts of the varying land use practices on the landscape character of the district. By defining landscape character areas, the study and identifying features within it the study identifies Te Mata Peak, including both east and west faces, as Outstanding Natural Features and Landscapes.

This earlier assessment was prior to the Environment Court decision where the *Amended Pigeon Bay Criteria* were first recognised and subsequently promoted. The more recent review (Boffa Miskell Ltd, 2013) of the landscape areas provided an update to the earlier study. This review reinforced Te Mata Peak /Range as being an Outstanding Natural Feature and Landscape and identified the evaluation of the factors, values and associations by applying Policy 15 of the New Zealand Coastal Policy Statement and the Regional Coastal Environment Plan to the review. This review was a targeted review of the previously identified landscape areas and resulted in some changes to the extent and classification of some of the earlier identified Outstanding Natural Features and Landscapes. This recent study more specifically identifies Te Mata range as having:

- An Outstanding Natural Feature along the exposed rocky ridgeline of the range;
- An Outstanding Natural Landscape to the middle to lower foothills of the range, and;
- An Amenity Landscape Area around the foothills of the range connecting between Te Mata and Kohinerakau ranges

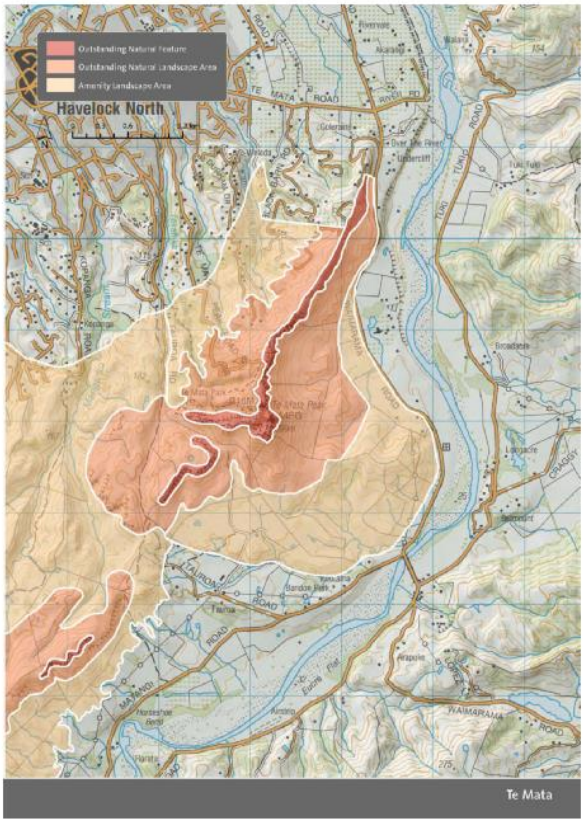

Figure 4 – Identified, Outstanding Natural Feature, Landscape and Amenity Landscape Area, 2013

Key management issues identified for the range are focused on human induced landscape change. The following key management issues were identified in the review:

- Retention of open character of the mid to lower slopes
- Retention of the interrupted skyline to ensure the depiction of the sleeping giant or ancestor is retained.
- Management of the elevation on Te Mata for built development to maintain the open rural context of the steep slopes.
- Retention of the open uninterrupted skyline between Te Mata and Kohinerakau
- Landscape change, in particular forestry, or other vegetation cover, can disrupt the legibility of the geology and landform. Management of any proposed new forestry or planting is needed.

Several of the above management issues identified are pertinent to the eastern escarpment and the following landscape evaluation explores this in more detail. The purpose of this evaluation is not to review the classification of the overall range or amend the extent of the Outstanding Natural Feature, Outstanding Natural Landscape or Amenity Landscape Area.

5.0 Landscape Context of Te Mata ti Tipuna

5.1 Biophysical Features

Te Mata range is one of many landforms within the Hastings District that is highly expressive of its formative processes. The Hawke's Bay landforms are a result of colliding plates of greywacke rock and sedimentary rock. The two rock groups are being pushed together by colliding plates with the Ruahine and Kaweka Ranges formed by the older greywacke rock and the younger sedimentary rock forming a series of folds. These folds have formed and faulted under pressure creating a pattern of steep escarpments, titled plateau and incised fault line rivers. Te Mata ti Tipuna comprises the sedimentary limestone layers that have faulted to form the steep eastern escarpment.

The Tukituki – Te Mata Hill country includes Te Mata ti Tipuna, Kohinerakau range and the Tukituki River. Te Mata range consists of tertiary aged sedimentary rocks that are broadly folded. The Kohinerakau range, including Te Mata Peak, tend to have fault dips toward the east and the east facing scarps, including the subject site (GNS, 2007).

Te Mata Peak itself stands some 399 metres above sea level and forms the western boundary to the Heretaunga Plains. The Peak itself known as a 'Hogs Back' ridge of erosion-resistant limestone dipping steeply to the west. The rock cliffs and outcrops are studded with fossils of marine shells with pockets of native groundcover and shrub vegetation along the upper slopes and ridge. (Park_Trust, 2018)

The formative tectonic processes are strikingly evident for the eastern face of Te Mata range with the exposure of the dip fault's sedimentary rock seam and subsequent natural erosion along the slope.

The landform along the eastern scarp retains a steep scarp that rises steeply to a vertical face of the exposed rock seam. Along the face of the slope are a series of spurs that extend down from Te Hau and Te Mata Peak. On the mid slopes, the gradient falls away to meet a mid slope plateau before rising to meet a series of hillocks on the foothills. At this intersecting of the lower scarp slopes and the foothills are a series of incised valleys formed from ephemeral and permanent water courses along the slopes. At the base of these slopes are seepage wetlands that are grazed as part of the dominant agricultural land use. Below the foothills the Tukituki valley floor comprises a series of river terraces, upon which agricultural cropping and grazing occurs.

Figure 5 – View from Communications Station at top of Te Mata ti Tipuna ridgeline.

Along the eastern scarp are several permanent and ephemeral water courses, originating from a series of springs along the mid slopes of the escarpment. A number of these features include active springs that are currently pumped or dammed for agricultural water supply.

The slopes of the eastern scarp have been modified through human land use changes resulting in the loss of native vegetation cover. Throughout Te Mata and Kohinerakau ranges there are remnants of the pre-human vegetation than covered the range. Small pockets of native trees remain on the lower slopes of Te Mata, both within private property and Te Mata Park (Grant). Tree species includedmatai, totara, karaka, titoki, ngaio, tarata and mapou. Evidence of matai roots are found on the slopes of Te Mata along with remaining species including the native daphne (Pimelea spp.), tussocks, tree hebes and pohuehue (Park_Trust, 2018).

Distinctive biophysical features within the subject site include:

- The limestone boulder field at the foot of rocky outcrop;
- The exposed limestone seam, including feature rocks along the 'Hogs Back' ridge and the rising steep scarp that is formed beneath it;
- Remnant seep wetlands at the foot of the eastern escarpments, and;
- Pockets of native vegetation cover along the ridgeline and steeper scarps, less accessible to stock.

These features are collectively distinctive to the biophysical feature of Te Mata ti Tipuna.

5.2 Sensory Qualities

Sensory qualities comprise aesthetic values, transient values and other sensory values experienced within and of a landscape or feature Te Mata ti Tipuna's striking landform as skyline feature and western boundary to the Heretaunga plains creates a strong sense of memorability. Its location adjacent to the plains landscape and gateway to the Tukituki Valley contribute to its position as a landform contributing to district and regional way finding as an iconic landmark. The eastern escarpment is highly visible from Waimarama Road with the northern extent of the scarp visually exposed to much of the Tukituki Valley and road users.

The exposed landform and its interplay of light and shadow in differing conditions provides a highly distinctive feature of the wider Te Mata range. The ridgeline itself is memorable as part of a wider vista, with the escarpment providing one of the most striking landscape features of the wider range, especially at a localised level. Other than the ridgeline and its depiction of *"The Sleeping Giant"*, the eastern scarp is recognised widely within the district, region and country. One of the most photographed features, the eastern escarpment's lack of built development and landform modification to the slopes contribute to its vividness. The geomorphology of this landscape feature creates a striking landscape that is reliant on the legibility of the landform itself.

Figure 6 – View from Middle Hill looking across Hutton property at rocky outcrop (right hand side of image)

The natural landscape's elements, processes and patterns are largely evident on the eastern escarpment as the formative geological processes. The natural systems that remain on the landscape reside mainly in the geology and hydrological processes. Most of what would have been indigenous vegetation cover has been removed for farming. The remaining native vegetation is apparent but not visually recognised from wider viewpoints. The visual exposure of the rocky outcrops, natural erosion patterns, hydrological patterns and boulder fields depict the fundamental formative processes of this landscape. Much of this resides on the mid to upper slopes of the range with the lower foothills, hillocks and valleys providing a setting to the escarpment.

The aesthetic coherence of the eastern escarpments is derived largely from the exposed slopes, rocky outcrops and seams and the numerous spurs and valleys that connect at the mid to lower slopes of the eastern face. The dominant element that provides the most visually coherent feature of the slope is the area between the mid slope and the ridgeline. The lower slopes are also important and provide the overall context, however, the land use practices on the lower sections have modified the natural elements and patterns. This includes farm tracks, fence lines and alterations to watercourses and native vegetation cover that are unsympathetic to the natural landform patterns.

Figure 7 –Middle hill and eastern escarpment's lower foothills, with land form modifications.

The eastern escarpment along with the ridgeline of Te Mata ti Tipuna provides a variety of transient experiences of the landform with the interplay of light and weather conditions. The varying weather conditions and light interplay on the landform, creates a memorable composition of shadow and light along the escarpment. The variance in lighting conditions, cloud cover and mist, while transient conditions create a variety of visual and physical experiences of the eastern escarpment. This contributes to the drama and scenic beauty provided by the mid to upper scarps of the eastern terrace. Grazed pasture on themed and upper scarps has exposed the underlying geology and has resulted in the exposure of the dramatic landform.

Figure 8 – Looking northward from Te Mata Peak Lookout, along the eastern escarpment.

5.3 Shared and Recognised Values

Certain natural features and landscapes are widely known and valued by the immediate and wider community for their contribution to a sense of place. This leads to a strong community association with or high public esteem for the place. Te Mata ti Tipuna is renown for its importance as *The Sleeping Giant* and the exposure of its ridgeline is significant in its story telling.

Shared and recognised values are reinforced through the visual relationship the wider community have with the range. The eastern escarpment's shared and recognised values are depicted through numerous photographic media representing the district and region. Similarly, oratory, waiata and haka connect people with Te Mata ti Tipuna. Shared and recognised values relate to the visual, physical and spiritual connections humans have with a landscape or feature. The outward visual expression of these values are found through promotional photography for a place, district or region, art work and other illustrative and promotional material. The eastern

escarpment is used by Hastings District to promote the area and is representative of the Te Mata Range in visual media, more so than the western face.

Cultural legibility is a vital component of many overseas landscapes where many centuries of human endeavour can be unravelled through study of the present landscape. In New Zealand this aspect of landscape has received only limited and belated attention. Hastings District with its rich history and a multitude heritage layers includes both Maaori and European history, as well as more recent multi-cultural influences such as those from Polynesia, Asia and Africa.

Maaori heritage values are often associated with significant natural features, that are in many cases now highly modified, such as former wetlands and swamps, as these places were important for mahinga kai (traditional food species and gathering) and supported associated kaainga (villages) and paa (fortified villages).

European heritage values attributed to Te Mata ti Tipuna are associated primarily with the land use, ownership and the heritage of those land owners.

> "*Te Mata Park has a rich human history spanning several centuries. The upper parts of the Park in particular have a strong cultural importance to Maori. There is evidence of past settlement including pa sites and other earthworks. The Karaka groves in the upper Te Hau Valley area and Moa bones found on the slopes suggest intensive Maori settlement.*
>
> *The land that makes up Te Mata Park was included in a block purchased in 1862 by early settler, John Chambers. Chambers farmed in the area, including what now encompasses the Te Mata Estate Winery and land along the Waimarama Road and Tuki Tuki River. In 1927, as a memorial to their father, his sons Bernard, John and Mason gifted a 242 acre (99 hectare) reserve on the upper Havelock North hills, including Te Mata Peak, to the people of Hawke's Bay in perpetuity.*
>
> *A charitable trust was set up for the benefit of all citizens of the provincial district of Hawke's Bay and to be kept as a recreational reserve. Protected by an open space covenant under the QEII National Trust, this generous and forward thinking gift has benefited not only the people of Hawke's Bay but the New Zealand public in general."* (Park_Trust, 2018)
>
> "*The human relationship Maori have with their whenua differs to that of non-maori. In Te Ao Maori the perception of the environment as the physical embodiment of atua (gods)and the topography of the whenua often being explained in terms of actions of ancestors. The physical and metaphysical aspects making up the environment are inseparable and give rise to their status as taonga"* (Te Taiwhenua o Heretaunga, 2012).

An interconnected relationship exists between tangata whenua and Te Mata ti Tipuna and its broader landscape. This relationship and connection comprises Whakapapa, Matauranga Maori, Kaitiakitanga, Mauri and Waahi Tapu. These are embedded through the people in Te Reo and expressed in korero, waiata and Kapa Haka. Te Mata ti Tipuna is one of the pillars that separated Papatuanuku from Ranginui.

Traditions and practices that connect tangata whenua to Te Mata ti Tipuna are found physically on the land and connected to the natural processes that occur. The landscape of Te Mata ti Tipuna and its eastern face hold significance to Tangata whenua for these reasons with numerous features and activities on the range identified as holding importance.

There are numerous places within the site that have written and unwritten korero that describes areas that are tapu, areas that were used for occupation and mahinga kai, the mauri of Te Mata, and areas that are waahi tapu (Te Taiwhenua o Heretaunga, 2012). The connection Te Mata ti Tipuna has to hapu and iwi is undoubtedly significant, and this is conveyed through the landform and land use practices. Access and the wellbeing of the landscape's natural processes, patterns and elements are important to tangata whenua 'values'. The eastern escarpment comprises several areas that at a localised level are important to tangata whenua. These areas and the management of this landscape feature require careful consideration to ensure the values are protected and/or enhanced.

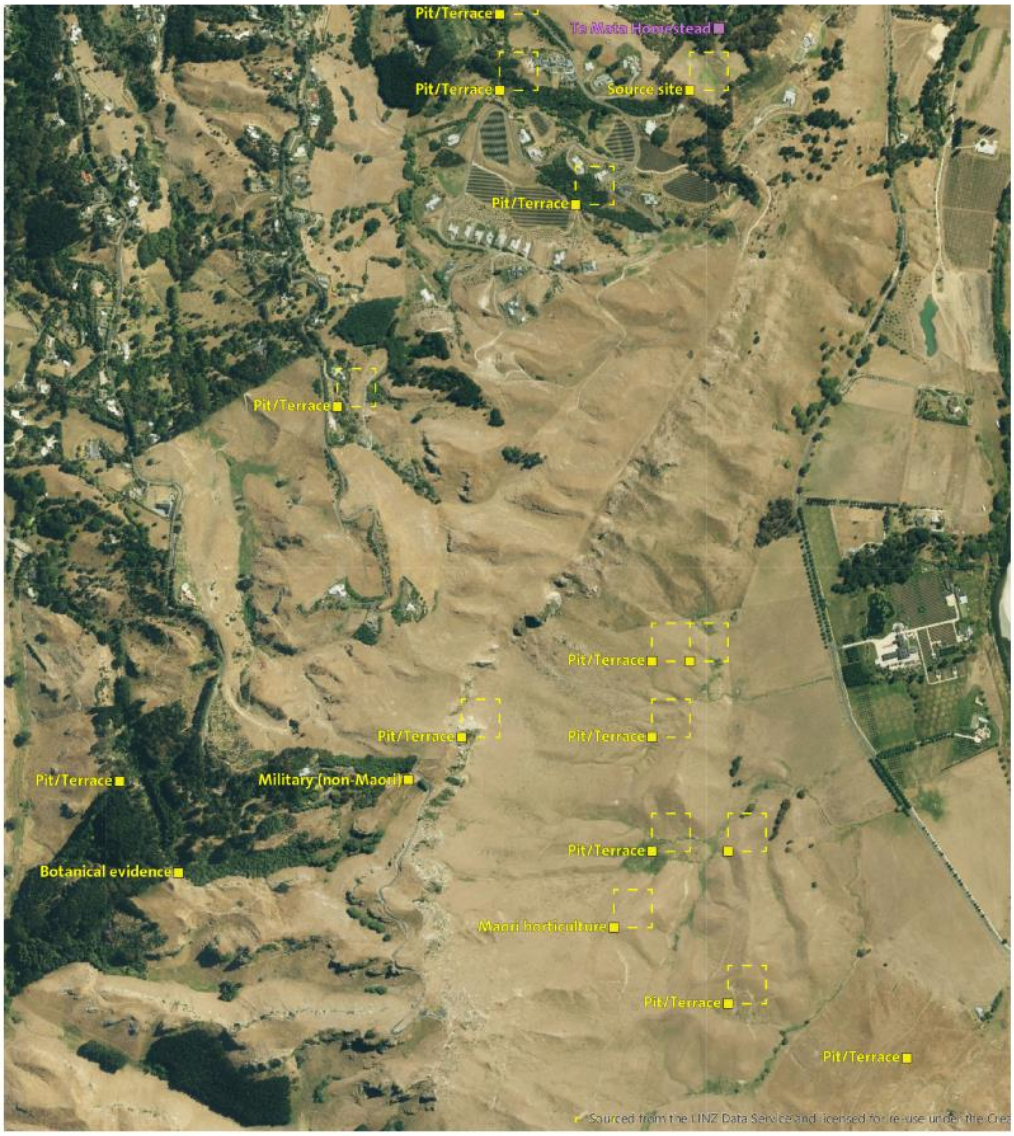

Figure 9 – NZAA Sites

6.0 Assessment of Landscape and Visual Effects

Assessing landscape effects requires an understanding of the nature of the landscape resource and the magnitude of change which results from a proposed activity to determine the overall level of landscape effects.

Assessing the nature of the landscape resource considers both the ability of an area of landscape to absorb change and the value of the landscape. The ability of an area to absorb change will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;
- The zoning of the land and its associated anticipated level of development;
- The scope for mitigation, appropriate to the existing landscape.

The ability of an area of landscape to absorb change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. It considers the ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies. Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Landscape (RMA s.6(b)) based on important biophysical, sensory/ aesthetic and associative landscape attributes, which have potential to be affected by a proposed development.

6.1 Landscape Effects – Existing Track

The nature of the subject site's existing environment includes the Craggy Range track and the remediated section of the track. The condition of the track and its landscape and visual effects has continued to change since establishment. In January 2018, despite the track formally being closed to the public since works ceased in December 2017, it was receiving heavy public use daily. Visitors wanting to use the track parked their cars on both sides of Waimarama Road and walked or ran to the Te Mata ridge on the newly formed track. Lack of suitable parking on what is a fast stretch of road created a potential hazard with people walking or running across the road to the track entrance. This heavy use continued over the summer holiday period but significantly reduced following the installation of the safety fences and notices and the video monitoring.

The heavy use on the formed but unfinished track during this period exacerbated some of the issues that have subsequently emerged contributing to generating landscape and visual effects. Public use, together with grazing the area with sheep have contributed to some of the adverse landscape and visual effects that are evident. In June 2018, when a second site visit was made, the paddock where the track is located was stocked with sheep, which had caused damage to the recently-formed track and earthworks and the excavated and side-cast material.

In these earlier visits, the zigzag track was highly visible when viewed from a distance, such as from Tukituki Road on the eastern side of the valley, or close range from Waimarama Road and environs. The raw track surface, the zig zag alignment and the activity on it with heavy public use all contributing to the track's prominence (Figure 10).

Figure 3 – Upper section track condition – July 2018

In the October 2018 site visit, the upper section of the track was prominent because of the remedial works involved the installation of the Biocoir coconut matting contrasting with the green pasture and grey colour of the limestone rock outcrops. However, in contrast, the middle and lower sections of the track, while visible, were not visually prominent. Stock had been removed and the grass was dense and tall, having benefitted by the removal of stock and the prime spring growing conditions.

Tall pasture on both the upper and lower edges of the track had masked its presence in many places and the previously prominent zigzag had disappeared along many stretches (Figure 11). Weeds, especially thistles, dock, dandelion were also present, especially on track edges and on the side-cast material of the middle and lower track sections (Figure 12 and 13). Flat weeds were also becoming established on the actual track surface.

Figure 11 – Existing track amongst long grass

Figures 12 and 13 – Weed Species

The lower section of the track the topography is much gentler and the track has been aligned with longer switchback lengths. In several places, when the track was heavily used by the public, walkers had bypassed track at the turn points, taking more direct routes. This has created a series of informal track connection (Figure 10). Given that the track construction was unfinished drainage and runoff had not been resolved and in places scouring has occurred

Whilst this assessment is not required to address the landscape and visual effects of the track, it is considered the resultant alignment and profile of the track has resulted in significant adverse landscape and visual effects. The track is incongruent with the biophysical, sensory and associative values attributed to the site and Te Mata ti Tipuna as a whole.

Figure 14 – Panorama looking west of eastern escarpment, including track (July 2018)

6.2 Landscape Effects – Track Remediation

The objective of the proposed track remediation is to remove the pedestrian track and reintegrate the landform and landcover with its immediate surrounds. Integrating with the natural patterns and processes of the landscape are inherent in the proposed outcome. As a construction project there will be a period of time (up to 5 years) where the track alignment will remain visible, however following integration the alignment will weather and eventually visually merged with its surrounding landform and landcover.

Considering the existing environment, the proposed remediation will see the integration of the landform and removal of cut faces and fill batters that exist on site. The landform will retain some recognition of the track and the inclusion of some informal areas of limestone rock armouring in selected locations which will be integrated with topsoil to mitigate isolated water scouring. These areas are unknown at this point but intended to visually integrate with the vegetation cover and avoid 'engineered' rock armouring methods. The purpose of these is to help dissipate water scouring across the newly established landform.

Short Term landscape effects are largely those where the natural patterns of landform and vegetation cover are in contrast to that of the surrounding terrain. The changes to the landform will see a move toward a less modified and human induced hydrological pattern, which currently exists on site. The alignment of the track will remain visible in the short term. The inclusion of the BioCoir matting will see a material that will eventually decompose into the landform but will for the first few years remain visible across the site. Vegetation patterns will take time to establish however the vegetation patterns will be an improvement on the current track condition.

It is recommended that a ryegrass core mix is used for the grass species to integrate with the surrounding productive pasture mix[5]. Within 5 years the grass cover on the track alignment will be invaded by the surrounding grass species and merge completely as a pasture cover, hiding the minor landform differences.

The short term adverse landscape effects will be low in nature and when compared to the existing track, positive.

Long term landscape effects, when considering the natural weathering of the landform and grass establishment will be positive, which is also the objective of the proposed works.

6.3 Visual Effects – Viewing Audience

To assess the visual effects of a proposed development on a landscape, a visual baseline must first be defined. The visual 'baseline' forms a technical exercise which identifies the area where the development may be visible, the potential viewing audience, and the key representative public viewpoints from which visual effects are assessed.

The viewing audience for Te Mata ti Tipuna's eastern escarpment and the subject site comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that reside along Waimarama Road, Tuki Tuki Road and Craggy Range Road.

Views range between transient and permanent, with many users visiting or moving past the site. Given the alignment of Waimarama Road and the approaching angle of view, views from vehicles, bicycles and pedestrians moving south and north along Waimarama Road will have unimpeded views of the existing track and the associated remediation works. This viewing audience along with adjoining land owners are considered to have moderate to high visual sensitivity.

Immediate views of the track are demonstrated by representative viewpoints from Waimarama Road, Te Mata Park and adjoining landowners to the south (Wellwood Farms). The following photographic viewpoints demonstrate views from and to the track.

[5] Advice provided by AgFirst Pastoral Consultant – Lochie MacGillivray

Figure 15 - View from Section C of the existing track, of eastern visual catchment

Figure 16 - View from summit above the existing track, of southern visual catchment

Figure 17 - View from Section C of the existing track, of southern visual catchment

Figure 18 - View from summit of Te Mata Park looking north along eastern escarpment

Figure 19 - View from Waimarama Road looking west at track

Figure 20 - View from Wellwood Farms property looking northwest at track.

6.4 Visual Effects – Existing Track

The existing track includes the upper section of the track which has been remediated and includes the BioCoir Matting in situ. The alignment of the graded track sought to provide a graded track that avoided the need for steps and was confined to an agreed landholding. As a result the switch back design established, consented and installed.

The sensory qualities of the eastern escarpment are such that the unimpeded and striking landform are the dominant characteristics of the Te Mata ti Tipuna landscape. The track and its alignment create a striking scar in the landscape that contrasts and interrupts the natural patterns of the landform. Visually the track, whilst appreciated for its recreation access, its not sympathetic to the natural landform and forms a contrasting feature which degrades the aesthetic qualities of the natural landform.

The existing track as a whole is considered to have a high to very high adverse visual effect on the aesthetic qualities of the feature. The proposed remediation seeks to lessen these effects and reintegrate the affected area into the natural landscape.

The introduction of the BioCoir matting is, as stated earlier, a temporary measure, however this does highlight the alignment of the track on the eastern escarpment. Recognising this is a temporary measure which will eventually biodegrade amongst dominating grass cover. There is a recognised short term temporary visual effect which will be low -moderate however this is recognised will be completely removed following the biodegrading of the material and dominance of grass cover along the track alignment.

6.5 Visual Effects – Proposed track remediation works

As with Section D, the upper section of the track, the introduction of the BioCoir matting on Sections B and C will be a temporary measure, however this will accentuate the alignment of the track on the eastern escarpment. This is a temporary measure which will begin biodegrading at 6 months and will continue to degrade amongst dominating grass cover over a period of up to 5 years. Recent examples of growth on the remediated section of the track (Section D) demonstrates the rapid grass and weed growth through the matting.

Figure 21 – View of Section D of track – January 2019

There is a recognised short term temporary visual effect which will be moderate however this is recognised will be completely removed following the biodegrading of the material and dominance of grass cover along the track alignment.

Examples of the remediated Section D portion of the track demonstrate the integration of the landform. This approach provides a successful remediation of the natural landform, recognising that complete reinstatement of the pre track landform is not possible from a construction perspective. Over time the integration of the ryegrass mix and long term invasion of surrounding pasture cover will ensure the track alignment will not be visible.

Section A of the track will not require BioCoir matting due to the flat gradient. A silt dominated topsoil will be placed on the site and seeded with a productive pasture mix dominated by ryegrass (Refer to Appendix 4). This will see this area visually integrate within 1-2years with a dominant pasture cover in three years.

Figure 22 - View of Section A track condition (October 2018)

Materials selected for the soil medium (silt based) will provide a medium where the soil begins to operate in a similar function to that surrounding it. Grass species selected will integrate with the surrounding pasture cover and respond to weather conditions in the similar manner to the surrounding pasture, ie drying / browning off over dryer periods.

Other materials include the importation of limestone for isolated rock armouring along swales to manage surface run off. Limestone is found throughout the site and surrounding eastern escarpment. It is imperative that the 'armouring' is naturalised and avoids an 'engineered channel. The purpose of remediating to marry into the natural landform of the escarpment will require the avoidance of 'linear rock features' on the slopes. Inclusion of soil amongst the rock armouring, creating a predominantly subsurface feature along with a more scattered approach to the placement of the material will ensure they are visually subservient to the landform and natural aesthetic patterns.

When combined with the existing remediated section of the upper track (Section D) there is a recognised moderate magnitude of visual change to the existing track in the short term resulting in a moderate adverse visual effect for those viewing the site from Waimarama Road (residents, visitors and road users). However, over a period of 2-5years the BioCoir matting will reduce in visibility and eventually biodegrade on site.

Combined with natural weathering of the soil medium, biodegrading of the BioCoir, existing and projected grass growth and invasion of surrounding grass species, the potential visual effects will be positive.

7.0 Assessment Against the Planning Provisions

7.1 The adverse landscape and visual effects of the first stage of the remedial work are low overall when assessed against the assessment criteria for visual impact and earthworks within an ONFL. The remedial works, together with the removal of stock from the site and preventing public access to the track has lessened the adverse landscape and visual effects that existed immediately prior. There is now in place a process that will allow the landscape to start to heal notwithstanding that other remedial measures will need to be actioned on the middle and lower sections of the track to advance this process further. In addition, careful management of the site will be necessary in the years ahead to satisfactorily complete the process.

7.2 Table 1 assesses the remedial works against the visual impact criteria and the criteria for earthworks within an ONFL.

POTENTIAL VISUAL EFFECT	EXPLANATION	EFFECT OF REMEDIAL WORKS
Residential or recreational (including tourism)	The development of the track was to provide a tourism opportunity enabling visitors to walk up the eastern face of Te Mata te Tipuna to the ridgeline and obtain panoramic views over the Tukituki Valley and beyond. For some people creating this opportunity has compromised the intrinsic landscape, visual and cultural values of Te Mata te Tipuna, which is accorded special status (ONFL) in the district plan. Preventing public access to the track has removed an opportunity of providing recreational use of the land but implementing the first stage of the remedial works has initiated a return to the status quo of the land, particularly in terms of its tourism value as ONFL.	To many in the community the remedial works will be seen as positive, the first step in restoring the mana and character of Te Mata te Tipuna. To others they will be seen as negative and preventing a distinctive recreational and tourist experience.

POTENTIAL VISUAL EFFECT	EXPLANATION	EFFECT OF REMEDIAL WORKS
Local character and amenity	The original landscape character and amenity values of Te Mata te Tipuna are recognised in its ONFL status. The construction of the track across the prominent eastern face has adversely affected the landscape character and amenity values. The implementation of the first stage of the remedial works has sought to provide a level of immediate mitigation and to establish a process that will further enhance landscape character and visual amenity towards what it was previously. The installation of the Biocoir coconut matting has had a moderate adverse level of visual effect because can accentuated the track alignment given its visual contrast with the surrounding pasture. However, this is considered only a short-term effect. As the pasture grasses establishes on the matting and the matting itself breaks down the level of visibility and visual effects of the matting will decrease.	Moderate adverse short term Positive long term effect
ONFL	Te Mata te Tipuna is a significant landscape icon in Hawke's Bay, having District, Regional and National significance. It is the most prominent landmark in the eastern Heretaunga Plains with a distinctive silhouette skyline. It is a source of identity for hapu, Ngati Kahungunu, and the Districts' residents. Te Mata te Tipuna is an Outstanding Natural Feature (ONF) and Outstanding Natural Landscape (ONL), with the lower flanks of the range recognised as an Amenity Landscape Area.	Positive, a step to restore the mana and ONFL status.

EARTHWORKS	EXPLANATION	EFFECT OF REMEDIAL WORKS
Scale, especially on prominent ridgelines	The eastern flank of Te Mata te Tipuna is highly visible with a wide viewing catchment. The grazed hillslopes sweep up to the ridgeline punctuated by prominent limestone outcrops along the skyline. Construction of the track from the valley bottom to the ridge has adversely affected the legibility that existed previously. The jagged ridgeline of limestone outcrops flanked by well grazed pasture across the eastern face has adversely disrupted this legibility. Although the first stage of the remedial works has further disrupted the legibility and scale with placement of the coconut matting has accentuating the alignment and form of the	Moderate adverse short term, positive long term.

EARTHWORKS	EXPLANATION	EFFECT OF REMEDIAL WORKS
	track, the effects are short term and will result in a positive outcome long term.	
Cuttings across hill faces	Construction of the track has not only zigzagged across the eastern slope, but it extends from valley bottom to the ridgetop. It is a poor example of track alignment and construction and has been designed and built with no regard to landform or landscape pattern. The remedial work will in time ameliorate the impact of the cut faces. The removal of the side-cast material on to the track bench and grassing will help to fix the damage and approximate the original slope and landscape and drainage patterns. Removal of stock and allowing pasture growth, which are also part of the remediation process has also helped to reduce the visibility of the earthworks and the prominence of the track alignment.	Very low adverse short term. Positive long term.
Relationship to natural contour	Construction of the track has cut across the natural contour as it zigzagged up the eastern face. The remedial works are focused on the track itself and have endeavoured to restore the relationship to the natural contour by removing the side-cast material on to the track bench to tie together the upper and lower edges of the track. Once the pasture grasses have established it will visually strengthen the relationship between the disturbed area and the adjoining natural contour.	Positive and beneficial
Visual mitigation	Superficial and ineffective measures were proposed as part of the visual mitigation of the track construction (e.g. minimising the height of cuts, treatment of the track surface). The alignment of the track across the hill face and its poor construction offset the mitigation proposed. The remedial works focus entirely on repairing the landscape and visual effects of the track.	Positive and beneficial

8.0 Recommendations

8.1 To ensure the remediation process progresses as planned stock will need to be excluded for around 12 months. Site and pasture management is likely to be an issue. Allowing grass to establish fully through the coconut matting and to prevent damage to the coconut matting during this period will require further land management consideration. The formation of the track, growth and establishment of weeds that has already occurred, together with no stock grazing will create potential risks (e.g. fire, establishment and spread of weeds, etc).

8.2 Another management issue that will need attention is dealing with adverse climate events as the coconut matting breaks down or is dislodged. Bi-monthly monitoring will be required over a period of 2 years to monitor the biodegrading and adherence of the BioCoir to the surface.

8.3 Weed control and maintenance of the grassed surfacing will be required in accordance with the technical specification set out in Appendices 2 and 4. It is important that once grass is established into the site and the BioCoir matting biodegraded that the site continues to weather with the surrounding landscape. Avoidance of 'isolated' pasture management will be required to avoid 'highlighting' the track pasture from the surrounding pasture cover.

8.4 To ensure the viability of the tracks gradual remediation it is important that the management of the site during the first 12 months avoids any disturbance to the surface by human and stock movement. It is recommended stock is excluded from the upper sections of the track (the remediated section) and maintenance is undertaken manually. At the end of 12 months a review of the stability of the remediated surface should be undertaken to determine if stock exclusion should be continued to minimise risk of erosion along the track surface.

9.0 Conclusion

9.1 The focus of the proposed works is to address and repair the damage undertaken to the slope of Te Mata te Tipuna. The landscape and visual effects of the installed track are considered significant and resulted in significant interest from the community. The removal of the track is focused on remediating these effects and those associated health and safety risks associated with a dangerous track condition.

9.2 The temporary effects of the track will have a moderate adverse visual effect, largely associated with the installation of the coconut matting. Recognising the matting will biodegrade at about 6 months and a full grass cover established in 12 months the temporary effects will be recognised as part of a remediation action, rather than a permanent visual effect. Over the first 12-month period the visibility of the track will diminish and integrate with the surrounding grass cover. It is also recognised that there will be a period of 'bedding in' for the surface whereby the soils will weather and the species mix of grass and weeds along the surface of the track will increase. It is expected that the medium (12month plus) and long term (5years plus) **will generate a positive landscape and visual effect**, particularly when compared to the track's earlier condition, pre remediation.

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Appendix 1 – Methodology

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Landscape and Visual Effects Assessment Methodology

5 April 2018

Introduction

The landscape and visual effects assessment process provides a framework for assessing and identifying the nature and level of likely effects that may result from a proposed development. Such effects can occur in relation to changes to physical elements, the existing character of the landscape and the experience of it. In addition, the landscape assessment method may include an iterative design development processes which includes stakeholder involvement. The outcome of any assessment approach should seek to avoid, remedy or mitigate adverse effects (see **Figure 1**). A separate assessment is required to assess changes in natural character in coastal areas and other waterbodies.

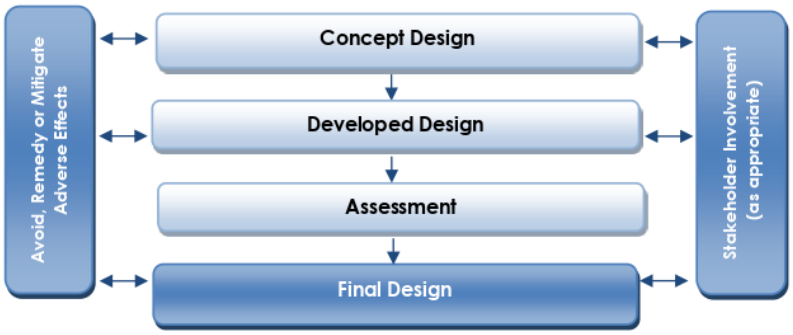

Figure 1: Design feedback loop

When undertaking landscape and visual effects assessments, it is important that a structured and consistent approach is used to ensure that findings are clear and objective. Judgement should always be based on skills and experience, and be supported by explicit evidence and reasoned argument.

While landscape and visual effects assessments are closely related, they form separate procedures. The assessment of the potential effect on the landscape forms the first step in this process and is carried out as an effect on an environmental resource (i.e. landscape elements, features and character). The assessment of visual effects considers how changes to the physical landscape affect the viewing audience. The types of effects can be summarised as follows:

Landscape effects:
Change in the physical landscape, which may change its characteristics or qualities.

Visual effects:
Change to views which may change the visual amenity experienced by people.

The policy context, existing landscape resource and locations from which a development or change is visible all inform the 'baseline' for landscape and visual effects assessments. To assess effects, the landscape must first be described, including an understanding of the key landscape characteristics and qualities. This process, known as landscape characterisation, is the basic tool for understanding landscape character and may involve subdividing the landscape into character areas or types. The condition of the landscape (i.e. the state of an individual area of landscape or landscape feature) should also be described alongside a judgement made on the value or importance of the potentially affected landscape.

This outline of the landscape and visual effects assessment methodology has been undertaken with reference to the Quality Planning Landscape Guidance Note[1] and its signposts to examples of best practice which include the UK guidelines for landscape and visual impact assessment[2] and the New Zealand Landscape Institute Guidelines for Landscape Assessment[3].

[1] http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape
[2] Landscape Institute and Institute of Environmental Management and Assessment (2013) Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (GLVIA3)
[3] Best Practice Note Landscape Assessment and Sustainable Management 10.1, NZILA
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Landscape Effects

Assessing landscape effects requires an understanding of the nature of the landscape resource and the magnitude of change which results from a proposed development to determine the overall level of landscape effects.

Nature of the landscape resource

Assessing the nature of the landscape resource considers both the susceptibility of an area of landscape to change and the value of the landscape. This will vary upon the following factors:

- Physical elements such as topography / hydrology / soils / vegetation;
- Existing land use;
- The pattern and scale of the landscape;
- Visual enclosure / openness of views and distribution of the viewing audience;
- The zoning of the land and its associated anticipated level of development;
- The value or importance placed on the landscape, particularly those confirmed in statutory documents; and
- The scope for mitigation, appropriate to the existing landscape.

The susceptibility to change takes account of both the attributes of the receiving environment and the characteristics of the proposed development. It considers the ability of a specific type of change occurring without generating adverse effects and/or achievement of landscape planning policies and strategies.

Landscape value derives from the importance that people and communities, including tangata whenua, attach to particular landscapes and landscape attributes. This may include the classification of Outstanding Natural Landscape (RMA s.6(b)) based on important biophysical, sensory/ aesthetic and associative landscape attributes, which have potential to be affected by a proposed development.

Magnitude of Landscape Change

The magnitude of landscape change judges the amount of change that is likely to occur to existing areas of landscape, landscape features, or key landscape attributes. In undertaking this assessment, it is important that the size or scale of the change is considered within the geographical extent of the area influenced and the duration of change, including whether the change is reversible. In some situations, the loss /change or enhancement to existing landscape elements such as vegetation or earthworks should also be quantified.

When assessing the level of landscape effects, it is important to be clear about what factors have been considered when making professional judgements. This can include consideration of any benefits which result from a proposed development. **Table 1** below helps to explain this process. The tabulating of effects is only intended to inform overall judgements.

Contributing Factors		Higher	Lower
Nature of Landscape Resource	**Susceptibility to change**	The landscape context has limited existing landscape detractors which make it highly vulnerable to the type of change which would result from the proposed development.	The landscape context has many detractors and can easily accommodate the proposed development without undue consequences to landscape character.
	The value of the landscape	The landscape includes important biophysical, sensory and associative attributes. The landscape requires protection as a matter of national importance (ONF/L).	The landscape lacks any important biophysical, sensory or associative attributes. The landscape is of low or local importance.
Magnitude of Change	**Size or scale**	Total loss or addition of key features or elements. Major changes in the key characteristics of the landscape, including significant aesthetic or perceptual elements.	The majority of key features or elements are retained. Key characteristics of the landscape remain intact with limited aesthetic or perceptual change apparent.
	Geographical extent	Wider landscape scale.	Site scale, immediate setting.
	Duration and reversibility	Permanent. Long term (over 10 years).	Reversible. Short Term (0-5 years).

Table 1: Determining the level of landscape effects

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Visual Effects

To assess the visual effects of a proposed development on a landscape, a visual baseline must first be defined. The visual 'baseline' forms a technical exercise which identifies the area where the development may be visible, the potential viewing audience, and the key representative public viewpoints from which visual effects are assessed.

The viewing audience comprises the individuals or groups of people occupying or using the properties, roads, footpaths and public open spaces that lie within the visual envelope or 'zone of visual influence' of the site and proposal. Where possible, computer modelling can assist to determine the theoretical extent of visibility together with field work undertaken to confirm this. Where appropriate, key representative viewpoints should be agreed with the relevant local authority.

Nature of the viewing audience

The nature of the viewing audience is assessed in terms of the susceptibility of the viewing audience to change and the value attached to views. The susceptibility of the viewing audience is determined by assessing the occupation or activity of people experiencing the view at particular locations and the extent to which their interest or activity may be focussed on views of the surrounding landscape. This relies on a landscape architect's judgement in respect of visual amenity and reaction of people who may be affected by a proposal. This should also recognise that people more susceptible to change generally include: residents at home, people engaged in outdoor recreation whose attention or interest is likely to be focussed on the landscape and on particular views; visitors to heritage assets or other important visitor attractions; and communities where views contribute to the landscape setting.

The value or importance attached to particular views may be determined with respect to its popularity or numbers of people affected or reference to planning instruments such as viewshafts or view corridors. Important viewpoints are also likely to appear in guide books or tourist maps and may include facilities provided for its enjoyment. There may also be references to this in literature or art, which also acknowledge a level of recognition and importance.

Magnitude of Visual Change

The assessment of visual effects also considers the potential magnitude of change which will result from views of a proposed development. This takes account of the size or scale of the effect, the geographical extent of views and the duration of visual change which may distinguish between temporary (often associated with construction) and permanent effects where relevant. Preparation of any simulations of visual change to assist this process should be guided by best practice as identified by the NZILA[4].

When determining the overall level of visual effect, the nature of the viewing audience is considered together with the magnitude of change resulting from the proposed development. **Table 2** has been prepared to help guide this process:

Contributing Factors		Higher	Lower
Nature of the Viewing Audience	**Susceptibility to change**	Views from dwellings and recreation areas where attention is typically focussed on the landscape.	Views from places of employment and other places where the focus is typically incidental to its landscape context. Views from transport corridors.
	Value attached to views	Viewpoint is recognised by the community such as an important view shaft, identification on tourist maps or in art and literature. High visitor numbers.	Viewpoint is not typically recognised or valued by the community. Infrequent visitor numbers.
Magnitude of Change	**Size or scale**	Loss or addition of key features in the view. High degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture). Full view of the proposed development.	Most key features of view retained. Low degree of contrast with existing landscape elements (i.e. in terms of form scale, mass, line, height, colour and texture. Glimpse / no view of the proposed development.
	Geographical extent	Front on views. Near distance views; Change visible across a wide area.	Oblique views. Long distance views. Small portion of change visible.
	Duration and reversibility	Permanent. Long term (over 15 years).	Transient / temporary. Short Term (0-5 years).

Table 2: Determining the level of visual effects

[4] Best Practice Guide: Visual Simulations BPG 10.2, NZILA

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Nature of Effects

In combination with assessing the level of effects, the landscape and visual effects assessment also considers the nature of effects in terms of whether this will be positive (beneficial) or negative (adverse) in the context within which it occurs. Neutral effects can also occur where landscape or visual change is benign.

It should also be noted that a change in a landscape does not, of itself, necessarily constitute an adverse landscape or visual effect. Landscape is dynamic and is constantly changing over time in both subtle and more dramatic transformational ways, these changes are both natural and human induced. What is important in managing landscape change is that adverse effects are avoided or sufficiently mitigated to ameliorate the effects of the change in land use. The aim is to provide a high amenity environment through appropriate design outcomes.

This assessment of the nature effects can be further guided by **Table 3** set out below:

Nature of effect	Use and Definition
Adverse (negative):	The proposed development would be out of scale with the landscape or at odds with the local pattern and landform which results in a reduction in landscape and / or visual amenity values
Neutral (benign):	The proposed development would complement (or blend in with) the scale, landform and pattern of the landscape maintaining existing landscape and / or visual amenity values
Beneficial (positive):	The proposed development would enhance the landscape and / or visual amenity through removal of restoration of existing degraded landscapes uses and / or addition of positive elements or features

Table 3: Determining the Nature of Effects

Cumulative Effects

During the scoping of an assessment, where appropriate, agreement should be reached with the relevant local authority as to the nature of cumulative effects to be assessed. This can include effects of the same type of development (e.g. wind farms) or the combined effect of all past, present and approved future development[5] of varying types, taking account of both the permitted baseline and receiving environment. Cumulative effects can also be positive, negative or benign.

Cumulative Landscape Effects

Cumulative landscape effects can include additional or combined changes in components of the landscape and changes in the overall landscape character. The extent within which cumulative landscape effects are assessed can cover the entire landscape character area within which the proposal is located, or alternatively, the zone of visual influence from which the proposal can be observed.

Cumulative Visual Effects

Cumulative visual effects can occur in combination (seen together in the same view), in succession (where the observer needs to turn their head) or sequentially (with a time lapse between instances where proposals are visible when moving through a landscape). Further visualisations may be required to indicate the change in view compared with the appearance of the project on its own.

Determining the nature and level of cumulative landscape and visual effects should adopt the same approach as the project assessment in describing both the nature of the viewing audience and magnitude of change leading to a final judgement. Mitigation may require broader consideration which may extend beyond the geographical extent of the project being assessed.

[5] The life of the statutory planning document or unimplemented resource consents.

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Determining the Overall Level of Effects

The landscape and visual effects assessment concludes with an overall assessment of the likely level of landscape and visual effects. This step also takes account of the nature of effects and the effectiveness of any proposed mitigation.

This step informs an overall judgement identifying what level of effects are likely to be generated as indicated in **Table 4** below. This table which can be used to guide the level of landscape and visual effects uses an adapted seven-point scale derived from NZILA's Best Practice Note.

Effect Rating	Use and Definition
Very High:	Total loss of key elements / features / characteristics, i.e. amounts to a complete change of landscape character.
High:	Major modification or loss of most key elements / features / characteristics, i.e. little of the pre-development landscape character remains. *Concise Oxford English Dictionary Definition* *High: adjective- Great in amount, value, size, or intensity.*
Moderate- High:	Modifications of several key elements / features / characteristics of the baseline, i.e. the pre-development landscape character remains evident but materially changed.
Moderate:	Partial loss of or modification to key elements / features / characteristics of the baseline, i.e. new elements may be prominent but not necessarily uncharacteristic within the receiving landscape. *Concise Oxford English Dictionary Definition* *Moderate: adjective- average in amount, intensity, quality or degree*
Moderate - Low:	Minor loss of or modification to one or more key elements / features / characteristics, i.e. new elements are not prominent or uncharacteristic within the receiving landscape.
Low:	No material loss of or modification to key elements / features / characteristics. i.e. modification or change is not uncharacteristic and absorbed within the receiving landscape. *Concise Oxford English Dictionary Definition* *Low: adjective- **1.** Below average in amount, extent, or intensity.*
Very Low:	Little or no loss of or modification to key elements/ features/ characteristics of the baseline, i.e. approximating a 'no change' situation.

Table 4: Determining the overall level of landscape and visual effects

Determination of "minor"

Decision makers determining whether a resource consent application should be notified must also assess whether the effect on a person is less than minor[6] or an adverse effect on the environment is no more than minor[7]. Likewise, when assessing a non-complying activity, consent can only be granted if the s104D 'gateway test' is satisfied. This test requires the decision maker to be assured that the adverse effects of the activity on the environment will be 'minor' or not be contrary to the objectives and policies of the relevant planning documents.

These assessments will generally involve a broader consideration of the effects of the activity, beyond the landscape and visual effects. Through this broader consideration, guidance may be sought on whether the likely effects on the landscape resource or effects on a person are considered in relation to 'minor'. It must also be stressed that more than minor effects on individual elements or viewpoints does not necessarily equate to more than minor effects on the wider landscape resource. In relation to this assessment, moderate-low level effects would generally equate to 'minor'.

Table 5: Determining minor effects for notification determination and non-complying activities

[6] RMA, Section 95E

[7] RMA Section 95D

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In the matter of	the Resource Management Act 1991
And	
In the matter of	an application by Hastings District Council to the Hastings District Council (RMA20190006) for resource consent to remediate the remaining sections of the Te Mata Peak Track (Craggy Range Track)

Statement of evidence of Janeen Anne Kydd-Smith

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Statement of evidence of Janeen Anne Kydd-Smith

1. Introduction

1.1 My full name is Janeen Anne Kydd-Smith.

1.2 I am a Director and Principal Planner of Sage Planning HB Limited, in Napier.

Qualifications and Experience

1.3 I have the following qualifications and experience relevant to the evidence I shall give:

a. I have a Bachelor of Arts (Geography) and a Master of Regional Resource Planning from the University of Otago;

b. I have over 28 years' experience as a Planner working in local government and the private sector; and

c. I am an accredited Commissioner (with Chair Endorsement) under the Ministry for Environment 'Making Good Decisions' programme.

1.4 I have the following relevant experience:

a. Development Planner, Hastings District Council (February 1992 – July 1992);

b. Policy Planner, Hastings District Council (July 1992 – April 1996);

c. Senior Policy Planner, Hastings District Council (April 1996 – May 1998);

d. Development Manager, Hastings District Council (June 1998 – September 2001);

e. Environmental Planner, MWH New Zealand Limited (September 2001-January 2002);

f. Planning Manager, MWH New Zealand Limited (January 2002 – December 2002);

g. Senior Environmental Planner, Environmental Management Services Limited (February 2003 – August 2014);

h. Director, Kydd-Smith Environmental Planning Limited (September 2014 to 31 March 2017); and

i. Director and Principal Planner, Sage Planning HB Limited (1 April 2017 – present).

Involvement in the project

1.5 I have been engaged by Hastings District Council (**the Applicant**) to prepare and present planning evidence in relation to their application under section 88 of the Resource Management Act (**RMA**) to Hastings District Council (**HDC**) to undertake earthworks required to remove the remaining sections of Te Mata Peak track (commonly known as the 'Craggy Range Track'), reinstate the original contours of the land, and restore the land cover to pasture.

1.6 I am familiar with the contents of all documents that were submitted as part of the application, the application site and environs, and the relevant planning documents. I prepared the resource consent application, including a description of the proposal and an assessment of environmental effects, which was lodged with HDC on behalf of the Applicant on 14 January 2019.

1.7 The purpose of this statement of evidence is to:

a. Respond to matters arising out of HDC's Consultant Planner's (**the Planner**) section 42A report (**the s 42A Report**);

b. Clarify that the slope of the site of the proposed earthworks will not exceed 45 degrees above horizontal;

c. Respond to the recommended conditions of consent; and

d. Comment on submissions received.

2. Code of conduct

2.1 I confirm that I have read the 'Expert Witnesses Code of Conduct' contained in the Environment Court of New Zealand Practice Note 2014. My evidence has been prepared in compliance with that Code in the same way as I would if giving evidence in the Environment Court. In particular, unless I state otherwise, this evidence is within

my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

3. Response to section 42A report

3.1 I have read the s 42A Report and concur with that report in respect of the following:

a. The details of the proposal;

b. The description of the site;

c. The assessment of the actual and potential effects on the environment (s104(1)(a));

d. The relevant statutory documents (s104(1)(b)), although I consider that only two of the six Hawke's Bay Regional Policy Statement objectives identified by the Planner as relevant to the application (i.e. OBJ11 and OBJ14) are relevant to this application;

e. The assessment of the proposal against the relevant objectives and policies of the Proposed Hastings District Plan;

f. The assessment of consistency of the proposal with Part 2 of the RMA; and

g. The conclusion.

3.2 With respect to the activity status of the application (assessed in Section 5 of the s 42A Report), I disagree with the Planner that the remediation works should be assessed as a Discretionary Activity and stand by my assessment in the application document that it is to be assessed as a Restricted Discretionary Activity pursuant to Rule EM6 of the Proposed Hastings District Plan. I discuss this further in my evidence below.

3.3 With regard to the recommended conditions of consent, I concur with the Planner's recommendations, although I consider that Condition 4 (relating to the Accidental Discovery Protocol) is inappropriate and should instead be replaced with a new Archaeological Authority condition. I discuss this further in my evidence below.

Activity status

3.4 As I set out in Section 5.4 of the resource consent application report[1] (**the application report**), Rule EM1 in Table 27.1.5 of Section 27.1 Earthworks, Mineral, Aggregate and Hydrocarbon Extraction of the Proposed Hastings District Plan (**the Proposed Plan**) permits earthworks where they meet the General Performance Standards and Terms in Section 27.1.6 of the Proposed Plan.

3.5 In the application report I assessed the proposal against the relevant General Performance Standards and Terms of the Proposed Plan (as set out in Table 1 of the application document, on pages 10-11) and identified that the proposal will not comply with General Performance Standard 27.1.6A Extent of Earthworks (as the proposed volume of earthworks will exceed the permitted volume of 200m^3 within ONFL1) and General Performance Standard 27.1.6C Slope (as the work will be undertaken on land with a slope greater than 45 degrees above horizontal). Given these non-compliances, I assessed the proposed earthworks as a Restricted Discretionary under Rule EM6 of the Proposed Plan.

3.6 The Planner notes in the s 42A Report[2] that the section diagrams provided with the application indicate that the cut/fill face height will be approximately 3 metres. The Planner therefore concludes that, because the extent of the cut face is likely to exceed 1 metre, the proposal will also not comply with Rule EM12 in Rule Table 27.1.5 which provides that "*Cuts with overall vertical extent greater than 1 metre in ONFL1*" are a Discretionary Activity. As such, the Planner concludes that overall, the proposed earthworks are a Discretionary Activity, being the most stringent status for all activities when they are bundled.

3.7 In the application report, I did not assess the proposal under Rule EM12 as I did not consider it to be relevant, given that the proposal does not involve any cuts with an overall vertical extent greater than 1 metre within any part of the track, including that located within ONFL1.

3.8 In his evidence for the Applicant, Mr Trevor Butler discusses the technical specifications, describes the proposed earthworks and clarifies that the work will involve shallow stripping of up to 300mm depth of ground adjacent to the track

[1] "*Hastings District Council: Land Use Consent Application: Craggy Range Wailking Track Removal, Waimarama Road, Havelock North*", dated 14 January 2019, prepared by Sage Planning HB Ltd.
[2] S 42A Report, page 9.

formation and using this material as fill. Mr Butler confirms that the proposed work will not require the creation of any new cuts greater than 1 metre in vertical height.[3]

3.9 On that basis of Mr Butler's evidence, I disagree with the Planner that the proposed works should be assessed as a Discretionary Activity under Rule EM12, as there will be no new cuts greater than 1 metre in vertical height. I therefore stand by my assessment in the application report that the proposal is to be assessed as a Restricted Discretionary Activity under Rule EM6 of the Proposed Plan.

3.10 However, if the Hearings Panel is minded to accept HDC's Consultant Planner's opinion that the application should be assessed as a Discretionary Activity, I consider that there is no other relevant criteria to be assessed as a result of that, and it would not alter my opinion that consent can be granted to the application, for the reasons I have set out in my conclusion below.

4. Clarification as to slope of the site

4.1 In his evidence, Mr Butler[4] advises that, while the emergency work undertaken last year to remove the upper section of the track (Section D) was on slopes exceeding 45 degrees, the proposed works in the remaining sections of the track (Sections A, B and C) will be on slopes up to 35 degrees.

4.2 On that basis of Mr Butler's advice, I consider that the proposed works will comply with General Performance Standard 27.1.6C Slope. However, this does not change my opinion that the application should be assessed as a Restricted Discretionary Activity.

5. HDC's recommended conditions of consent

5.1 The Planner's recommended Condition 4 sets out an Accidental Discovery Protocol that is to be followed by the consent holder if, at any time during the site works, potential *koiwi* (human remains), archaeology or artefacts are discovered. Justification for the recommended condition is provided on page 23 of the s 42A Report, in the last bullet point immediately above the heading "27.1.7B Visual Impact", which states:

> *"There is no conclusive evidence of any archaeological sites within the area of the proposed earthworks, although it would be appropriate to impose a condition addressing accidental discovery protocols if consent is to be granted. A brief*

[3] See paragraphs 5.3-5.4 of Mr Butler's Statement of Evidence dated 24 May 2019.
[4] In paragraph 5.5 of Mr Butler's Evidence in Chief.

archaeological assessment by Archaeology Hawke's Bay was attached to the application (as Attachment C). That report identified some potential for archaeological features in the vicinity of the track, and recommended that an Archaeological Authority is sought from HNZPT. That is a matter for the applicant to consider if consent is granted. The proposed condition requiring adherence to an accidental discovery protocol will be sufficient to protect archaeological features until such time as an Authority is obtained".

5.2 As noted in the application report, Ms Gaylynne Carter, the Applicant's archaeologist, recommended that, given the extreme proximity of recorded archaeological sites V21/180 and V21/182, an Archaeological Authority should be sought from Heritage New Zealand (**HNZPT**) under the Heritage New Zealand Pouhere Taonga Act 2014 for any earthworks associated with the track remediation work that would be invasive (i.e. that would damage, modify or destroy the archaeological sites).

5.3 Since lodging the resource consent application, Ms Carter has consulted with HNZPT, and HNZPT has confirmed that an Archaeological Authority is required prior to works commencing. This advice was confirmed by HNZPT in the correspondence they sent to HDC (which is referred to by the Planner in Section 6.5 of the s 42A Report).

5.4 Ms Carter has commenced the preparation of an application for an Archaeological Authority and discusses the status of this application in her evidence.[5]

5.5 In her evidence, Ms Carter also explains that, under the Heritage New Zealand Pouhere Taonga Act 2014, it is not possible to have an Accidental Discovery Protocol in operation when work is subject to an Authority. Accordingly, in reliance on Ms Carter's advice, I consider that the Accidental Discovery Protocol in recommended Condition 4 should be deleted and replaced with the following new Condition 4 relating to an Archaeological Authority:

> "4. The consent holder shall obtain an Archaeological Authority from Heritage New Zealand under the Heritage New Zealand Pouhere Taonga Act 2014 to modify, damage or destroy archaeological sites prior to the commencement of site works."

[5] See paragraphs 4.1-4.5 of Ms Carter's Statement of Evidence dated 24 May 2019.

6. Submissions

6.1 I have reviewed all of the submissions received and for completeness note that there are no matters raised in submissions that alter my planning assessment in the application report.

7. Conclusions

7.1 In summary, I concur with the Planner that, subject to the recommended conditions of consent (which I have submitted should be amended), consent can be granted to the application pursuant to s 104C(2) of the RMA, insofar as I consider that:

a. Any actual or potential adverse effects of the proposal will be no more than minor, and less than minor in the longer term;

b. The proposal is consistent with the relevant objectives, policies of the Proposed Hastings District Plan; and

c. The proposed activity is consistent with the Part 2 of the RMA.

Janeen Kydd-Smith

24 May 2019