

BEFORE THE AUCKLAND UNITARY PLAN INDEPENDENT HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991 and
the Local Government (Auckland
Transitional Provisions) Act 2010

AND

IN THE MATTER of Topic 081c Rezoning and Precincts
(Geographic Areas)

**REBUTTAL STATEMENT OF FIONA MCLAUGHLIN
ON BEHALF OF
THE LONG BAY-OKURA GREAT PARK SOCIETY
and
OKURA ENVIRONMENTAL GROUP**

Okura

24 February 2016

SUMMARY OF EVIDENCE

1. The Long Bay – Okura Great Park Society and the Okura Environmental Group (the **Submitters**) have engaged me to review Okura Holdings Limited's (**OHL**) evidence by Karl Cook and Neil Donnelly for Topic 081c Rezoning and Precincts (Geographic Areas) - Okura.
2. As previously outlined in the evidence for Topic 016 Rural Urban Boundary and in evidence for Topic 081c Rezoning and Precincts (Geographic Areas) the submitters strongly disagree with further intensification as is being sought in east Okura by submitter OHL.
3. However, the submitters realise that if the development proposed by OHL is accepted by the Unitary Plan Panel (**the Panel**) it would have significant adverse effects on the values of the Long Bay Regional and Piripiri Parks (the **Park**). The submitters therefore have considered what alterations are needed to the OHL proposed zoning plan should such a development be approved.

INTRODUCTION

4. My name is Fiona Diane McLaughlin.
5. My relevant working experience lies in the property management and development fields. I was a property officer for the Lands and Survey Department, later Land Corporation Ltd. There I was responsible for managing land holdings on the Kapiti Coast and the Wairarapa, and disposing of surplus land in these areas.
6. I have also worked as a full-time property consultant for Wellington City Council. There I was responsible for inner-city ground leases, assessing the Council's total land holdings and recommending surplus land for sale, planning and purchasing land for the Wellington sewage treatment project and Newlands Landfill land purchase, project management for the Civic Centre development including financing projections, marketing and sales of Council's subdivisions, and advising the Mayor, Councillors and Legal Executives on property matters.
7. After leaving Council, I worked for a private property development company in Wellington. My role there included investigation and purchase of development sites in central Wellington, and their subsequent development and sale. These projects included town house developments, suburban infill housing, and subdivisions.

8. I was the Convenor of the Long Bay – Okura Great Park Society during the Long Bay Structure Plan hearing at the Environment Court. During this time, I was intensively involved in the mediations and caucusing discussions on the Structure Plan text.
9. I am authorised to act on behalf of the Submitters.

BACKGROUND

10. I wish to address issues of zoning and precincts for Okura and in particular the evidence presented by Karl Cook and Neil Donnelly for OHL.
11. My evidence is also informed by the evidence presented on behalf of OHL for Topic 016 Rural Urban Boundary:
 - a. Neil Donnelly, Corporate
 - b. Neil Donnelly, Okura Structure Plan
 - c. Karl Cook, Planning
 - d. Nick Barratt-Boyes, Design
 - e. Rachel de Lambert, Landscape
 - f. Gordon Cessford and Craig Jones, Parks
 - g. Peter Phillips, Social Impact
12. The submitters are opposed to further intensification as is being sought in Okura by submitters including Okura Land Holdings (submitter #5133) for comprehensive medium density urbanisation, or by Bin Chen et al (submitter #5047) for large lot urbanisation. The submitters agree with Mr Fox that both these submissions should not be supported as this would provide for urban development outside the Rural Urban Boundary (RUB) and not give effect to the New Zealand Coastal Policy Statement 2010 and the National Policy Statement on Freshwater Management.
13. The reasons for the submitters' opposition to further development is clearly outlined in their evidence on Topics 016 RUB and primary evidence on Topic 081c Rezoning and Precincts (Geographic Areas) – Okura. This evidence is listed below:
 - a. Alan Webb, Legal Submission
 - b. Christina Bettany, Overview
 - c. Di Lucas, Landscape
 - d. Peter Reaburn, Planning
 - e. Bernard Michaux, Ornithology
 - f. Sarah Wells and Dylan van Winkel, Terrestrial Ecology

- g. Lezette and Geoff Reid, Terrestrial Ecology
- h. Dianne Gatward, Public Importance
- i. Peter Townend, Public Importance
- j. Bernard Stanley, Public Importance

14. I have also taken account of Di Lucas' evidence prepared for the Long Bay – Okura Great Park Society for Topic 019 Natural features, landscape and character. Her evidence defines the boundary of the Outstanding Natural Landscape in the northern region of Long Bay Regional Park.

15. In addition, I have considered Mr Mead's evidence on behalf of the Auckland Council on Topic 081c Rezoning and Precincts (Geographic Areas) for the Long Bay Precinct.

DEVELOPMENT ADJOINING THE LONG BAY REGIONAL AND PIRIPIRI PARKS

16. As previously expressed the submitters are opposed to further development in Okura. The submitters are of the opinion that the development proposed would have an adverse effect on the values of the adjoining Park. In fact, the submitters consider that there is no way to mitigate the effects of the subdivision that OHL propose and these effects and the other effects on surrounding values, as detailed in the submitters' evidence, are so severe that the development should not be permitted to proceed.

17. However, if development was to be permitted by the Panel, then the submitters also consider how the adverse effects of urbanisation could be lessened, even if not prevented or mitigated.

IMPORTANCE OF THE PARK

18. The northern end of the Park is currently not visually imposed upon by houses and has a sense of remoteness that visitors to the Park seek out. The area provides an accessible countryside experience with a perception of leaving the urban environment behind.

19. As part of the Long Bay Structure Plan Hearing, the Court determined that the northern area of the Park has a remote quality that is important to protect. The Environment Court stated in respect to proposed development:

“We... find that Piripiri Point Ridge is such an important part of the coastal environment and of the Hauraki Gulf/Long Bay ONL that urban development is completely inappropriate.”¹

and:

“...uncluttered naturalness and ruralness, the unbuilt character of Grannie’s Ridgeline [that] is a key characteristic of the Long Bay Coast”²

and the Environment Court stated:

“We predict that unless a buffer is created – specifically one which uses the shape and height of the spur to shield the Regional Park from urban development – both structure plans would have significant adverse effects on the wider landscape and on Homestead Spur.”³

20. As a result of this decision rules were carefully constructed for the Long Bay Structure Plan area located at the northern part of the Park. These rules ensure that no nearby housing development can be seen from within the northern Park’s environs. These rules have been transferred into the PAUP.
21. Mr Mead, in his review of the Long Bay precinct rules supports the provisions which provide for the protection of the northern end of the Park from the visual effects of development.
22. The far northern end of the Regional Park and Piripiri Park has also been determined by the submitters’ Landscape Architect, Di Lucas, to be an Outstanding Natural Landscape. Please refer to Ms Lucas’ evidence for the Long Bay – Okura Great Park Society on Topic 019 Natural features, Landscape and Character for a detailed landscape analysis on the Park.
23. In her evidence Ms Lucas states:

“For the entire Piripiri – Long Bay landscape delineated only one building exists. In addition to the Vaughans Homestead, an old farm building above Grannies Bay, located near mature and naturalistic pine trees, is the only building present. In this landscape, 2.34 km long, only a single house is permitted to be developed on the site

¹ 2008 NZEnvC 205 Para 672.

² 2008 NZEnvC 205 Para 670.

³ 2008 NZEnvC 205 Para 494.

of the old farm building. Considering naturalness in terms of not having built clutter, this extensive Piripiri – Long Bay landscape scarcely displays any clutter and certainly meets the naturalness threshold for considering landscape outstandingness.”⁴

IMPACTS OF URBAN DEVELOPMENT ON THE PARK

24. OHL propose urbanising the land in east Okura along the north western boundary of the Park. Karl Cook’s Appendix 1 – Proposed Okura Precinct Provisions and the Okura Structure Plan Design Report prepared by Studio Pacific Architecture detail the proposed development.
25. The boundary between the Park and the proposed subdivision lies on a ridgeline running south to north terminating at the Okura Estuary. The area in question is located in the Park’s northernmost area which has the greatest sense of remoteness. Urbanisation on the edge of this area would have a significant impact on the Park’s visual amenity values.
26. If urbanisation was permitted, from the western part of the Park viewers would be able to see the entire development, while buildings on the ridgeline boundary would be seen from most of the northern reaches of the Park. Along the Te Araroa Walkway there would be many places where development would be able to be seen. Due to the rural nature of the Park, most of the Park is easily accessible by foot, and much of the northern part of the Park would have views of the development.
27. It is important to note that as part of the Long Bay precinct development a new access into the north western edge of the Park is being created from the end of Vaughans Road. The Parks section of Auckland Council have advised the submitters that they propose a small parking area at the end of this access. From this area a series of loop walkways will be developed in the northern end of the Park very similar to the walkway loop track currently in Grannies Bay. The development of these tracks will encourage more people to explore the north western part of the Park. Visitors to this area of the Park will be subjected to the full impact of the entire development, not just of the nearest ridgeline.
28. For this reason, as well as the other points the submitters have commented on in their evidence, the submitters consider that the proposed development impacts on

⁴ Point 44, Di Lucas’ evidence Topic 019 Natural features, landscape and character

the Park's landscape and visual amenity in such a way that the adverse effects will not be able to be mitigated.

29. To retain the experience of remoteness and beauty that the Park currently provides, the submitters suggest that, if urbanisation of Okura is permitted, it is important to lessen the impact of housing in the far northern area of the Park as much as possible. Unfortunately, any intensification of housing will have dramatic impacts on the Park's landscape.

OTHER MATTERS

30. Ms de Lambert notes in her evidence at 8.6 that the ridgeline can be seen from along the Te Araroa Walkway within the Regional Park. The submitters agree with her assessment that houses will be able to be seen from this area. However, as described above, the development will be able to be seen from many more areas than assessed by Ms de Lambert. In addition, far more of the buildings will be seen than just their roofs. The submitters therefore, do not agree with her overall assessment that the visual impact on the Park will be minor.
31. In Ms Bettany's evidence for the submitters she considers that a one storey restriction on houses in east Okura abutting the Park should be incorporated into the Unitary Plan. The submitters suggested this option in relation to the notified Unitary Plan zoning of four hectare lots. Development on the four hectare lots will have a lesser impact on the Park than the urban development proposed by OHL so a restriction of building to one storey is considered an effective way to mitigate these effects in these circumstances. However, simply reducing building heights will not be effective in relation to the urban development that OHL proposes.
32. As pointed out in Ms Bettany's evidence, due to the expansive sea views both to the north and east, requiring mitigation with vegetation screening to block the dwellings from the Park will not be successful. The future house owners of the urban lots are likely to trim and destroy vegetation blocking their views, as already happens in other parts of Auckland in similar situations.
33. In regards to the Long Bay Environment Court decision, the Court's advice on the use of trees for screening was:

Those factors are reinforced by the Environment Court's observation of using shrubs and trees for screening. While trees can take a long time to grow - especially if native

species like pohutukawa are used (as is proposed in the LBSPA) - they can be pruned, or killed, accidentally or on purpose, very quickly. That is a real issue when one considers the likelihood that any houses built under the structure plan will be there for many generations. The Environment Court has expressed concern in the past about owners not wanting to retain screening: Thorn v Queenstown Lakes District Council. The common law has an old expression which says, in effect, that the Court should assume that everything will be done which is said will be done. We do not consider that saw can be applied with any confidence in respect of maintaining vegetation as screening. While we have little doubt that the initial planting shown on any structure plan will be carried out, we find, based on the evidence of Mr Brown, Mr Olsen, and Ms Lucas and the Court's experience (including of enforcement proceedings) that it is likely over the longer term that there will be major cumulative degradation of screening.

In this coastal environment one of the prime motivations for people to buy sections and later residences will be the presence of views and the potential to maintain or develop views of the Hauraki Gulf. We predict that screening by vegetation is likely to be an unsuccessful technique for completely maintaining the amenities of users of the Regional Park and Marine Reserve during the lifetime of the houses built under the structure plan. In effect, despite the presence of covenants or other instruments to maintain screening or 'filtering', many residences are likely to be visible in part or fully to users of the public spaces adjacent to the LBSPA.⁵

Therefore, the screening of houses with vegetation is not an effective method to prevent the impacts of development on the Park.

CONCLUSION

34. Unfortunately, the proposed development will change the experience of the Park from a remote rural experience surrounded by spectacular views of Okura Estuary, the Hauraki Gulf and Islands, to being more of an urban park experience. This changed experience was explicitly rejected as an acceptable outcome for the Park in the Long Bay Precinct directly to the south. The submitter considers the same considerations apply to preventing development west of the Park from being seen from within the Park in this remote area.

⁵ 2008 NZEnvC 205 Paras 485 & 486.

35. In summary, the submitters consider that the effects of the proposed development on the Park cannot be mitigated.
36. However, if the Panel decides to permit urbanisation in the East Okura area the submitters asks the Panel to consider the effects the development will have on the Park.
37. To that end, the submitters recommends that development is pushed back from the boundary of the Regional Park as far as possible.