BEFORE THE SOUTH WAIKATO DISTRICT COUNCIL'S INDEPENDENT HEARING COMMISSIONERS

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an application for resource consent for a 73-lot rural lifestyle subdivision with two roads to vest and associated land use consent for earthworks and the future construction of a dwelling and an accessory building on each of the resulting rural lifestyle allotments at 597 Horahora Road, Tirau (RM240115) by K. & L. Tylee.

STATEMENT OF EVIDENCE OF DAVID GRAHAM MANSERGH ON BEHALF OF SOUTH WAKATO DISTRICT COUNCIL

(Landscape)

Dated: 22 October 2026

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INTRODUCTION

Qualifications and experience

1. My full name is David Graham Mansergh. I am a qualified Landscape Architect and Recreation Planner. I am a Registered Member of the New Zealand Institute of Landscape Architects ("NZILA"). My qualifications include a Diploma in Parks and Recreation Management with Distinction (completed in 1988), a Bachelor of Landscape Architecture with Honours (completed in 1990) and a Master of Landscape Architecture (completed in 1992), all from Lincoln University, Canterbury.

2. I have been a Director of Mansergh Graham Landscape Architects Ltd since 1996. Before this, I was employed by the company as a landscape architect (1992 - 1996). I have also worked for the Department of Conservation (1986 – 1988) and before that, the Department of Lands and Survey (1985).

3. During my career, I have been involved in the preparation of and/or the peer review of a significant number of visual and landscape assessments for a wide range of activities and developments and have been involved in several plan changes in varying capacities including providing advice to Councils, applicants and submitters.

4. I have extensive experience assessing landscape, natural character and visual amenity effects associated with subdivision and development in both rural and urban environments. This includes residential and rural lifestyle subdivision, the introduction of built development into rural landscapes, and the assessment of associated earthworks, access, vegetation change, landscape mitigation and effects on surrounding visual amenity. My wider experience includes commercial and industrial development, marine and coastal development, energy and infrastructure projects, quarries and landfills, telecommunications facilities, recreation developments, primary production activities, and major roading projects.

5. I was involved in the NZILA Landscape Planning Initiative, tasked with developing the 'best practice' approach for landscape and visual assessment in New Zealand and

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provided feedback on the more recent *Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines*.

6. I have presented expert evidence at resource management hearings before local authorities, the former Planning Tribunal, and the Environment Court. I have also served as an Independent Commissioner for the Rangitikei District Plan hearings.

CODE OF CONDUCT

7. Although this is not an Environment Court hearing, I have read the Environment Court Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023 and agree to comply with it. I confirm that the opinions expressed in this statement are within my area of expertise except where I state that I have relied on the evidence of other persons. I have not omitted to consider materials or facts known to me that might alter or detract from the opinions I have expressed.

INVOLVEMENT

8. I was engaged by South Waikato District Council to undertake an independent peer review of the Landscape and Visual Effects Assessment ("LVEA") prepared by Boffa Miskell in support of the proposed subdivision at 597 Horahora Road. I was involved in the review of both the original application for 81 residential lots and the revised application for 73 residential lots. My evidence focuses on the current, revised application and considers its landscape, natural character and visual effects, the proposed mitigation and design response, relevant landscape-related planning provisions, and the landscape matters raised in submissions.

9. I prepared two requested for further information (Memo 1, dated 22 April 2025, and Memo 2, dated 2 September 2025), and am the author of the technical review report (*Memo 3: Landscape, Natural Character and Visual Effects - Technical Review and Report to the Consultant Planner*) dated 10 July 2026.

10. I confirm the content and opinions stated in my report, unless otherwise amended by my evidence below.

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11. I visited the site on two separate occasions in conjunction with this application, the most recent visit being 30/5/2025. I have also observed the site on other occasions and more recently, when either passing by or in conjunction with other project work.

SCOPE OF EVIDENCE

12. In this statement of evidence, I discuss:

    (a) My technical review of the applicant's landscape, natural character and visual effects assessment including:

        (i) The proposed development.

        (ii) Method.

        (iii) The relevant landscape.

        (iv) Description and analysis of the landscape's existing attributes, interpretation of character and explanation of values.

        (v) Statutory context.

        (vi) Effects Analysis; and

        (vii) Submissions received.

    (b) Expert Evidence (Landscape)

        (i) Ms Ryder

        (ii) Mr Bray

        (iii) Matters raised during the hearing

    (c) The s4A report and conditions.

LANDSCAPE, NATURAL CHARACTER AND VISUAL EFFECTS - TECHNICAL REVIEW AND REPORT TO THE CONSULTANT PLANNER (Memo 3)

13. In the following part of my evidence, I provide a section-by-section summary of the main content and key findings of my Technical Review Report, starting with my review of the landscape and visual effects assessment ("LVEA") on page 3.

The Proposed Development

14. I identify the key components of the proposed development from the LVEA, noting the current proposal is materially different from that originally notified. Key changes include a reduction in the number of residential lots from 81 to 73, a reduction in the

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volume of earthworks, particularly within Stage 3, and that a 10-metre esplanade strip is now proposed along the river frontage.

15. I say that I consider enough information has been provided to understand and assess the effects of the proposal and I draw attention to the lot numbering, which can be slightly confusing, because the plans still extend to Lot 83 even though only 73 residential lots are now proposed.

Method

16. In the method section of my report (page 4) I confirm that the LVEA follows the approach set out in *Te Tangi a te Manu*. It separates natural character, landscape character and visual effects, uses the seven-point effects scale, and is supported by several site visits, photography and ZTV analysis, including assessment from the Waikato River.

Relevant Landscape

17. I identify (on pages 6 and 7) that the LVEA uses a one-kilometre study area, supported by ZTV mapping, to identify the parts of the surrounding landscape most likely to experience effects. I consider that to be a reasonable basis for assessment but note that some elevated locations beyond that distance may still have views toward the site.

Description and Analysis of the Landscape's Existing Attributes, Interpretation of Character and Explanation of Values

18. On page 7 through 9, I summarise the key attributes and values identified in the LVEA and comment that although the assessment does not formally divide the discussion into physical, associative and experiential headings, those matters are addressed in substance. Landform, vegetation and land use are described; views and audience experiences are considered; and the LVEA recognises recreation values and tangata whenua associations with the Waikato River.

19. It should be noted however that while the LVEA acknowledges the significance of the whenua and awa to tangata whenua, at the time of my review the conclusions reached within the assessment report were not supported by a Cultural Impact Assessment or

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direct consultation. I consider that such matters are better informed by tangata whenua evidence and fall outside the conclusions I can properly reach as a landscape architect.

Statutory Context

20. The key planning context is discussed at pages 10 and 11 of my review.

21. The site is within the Rural Lifestyle Zone, but it is also within the Horahora Outstanding Natural Landscape, ONL10. I say that, regardless of the history around how the ONL came to be included in the district plan, the operative District Plan maps the site as an ONL, and therefore that is the relevant framework within which the application should be considered.

22. I identify that there is also, in my opinion, an obvious tension between the requirements of the Rural Lifestyle Zone, which anticipates rural lifestyle subdivision and development, and the ONL provisions, which seek to protect outstanding landscape values from inappropriate subdivision, use and development.

23. In my opinion, this means that the scale, layout and design of the development enabled by the RLZ provisions need to be appropriately balanced by design controls and mitigation, so that the resulting change is both appropriate within the context of the ONL and consistent with the relevant ONL provisions.

Effects Assessment

24. The effects assessment is addressed at pages 11 to 16 of my review. The LVEA considers natural character, landscape character and visual effects separately, while recognising that they are interrelated. In broad terms, it concludes that the proposal will result in a noticeable and permanent change to the application site, but that the effects reduce when considered within the wider Waikato River landscape and as the proposed mitigation becomes established.

25. I generally agree with that overall approach and with the applicant's conclusions on natural character and landscape character. I consider the site and its immediate margins to be relatively modified, and I agree that natural character effects will be **low-**

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moderate adverse. I also agree that landscape character effects will be greatest within the site and its immediate setting, where the change from open pastoral land to rural lifestyle development will be substantial and permanent, but will reduce in the wider landscape context.

26. While the LVEA identifies the relevant viewing audiences and appropriately considers distance, viewing conditions, landform, vegetation and mitigation, I consider some of the visual effect ratings to be slightly lower than I would have applied. I regard this as a difference in professional judgement rather than a flaw in the assessment. It does, however, reinforce the importance of ensuring that the mitigation and design controls relied upon by the LVEA are fully secured, implemented and maintained.

27. Overall, my view is that the LVEA provides a sufficient basis for understanding the nature and scale of the landscape, natural character and visual effects of the proposal. The LVEA clearly acknowledges that the landscape character of the site will change from open rural land to rural lifestyle development, as anticipated by the underlying Rural Lifestyle Zone. In my opinion, given the site's location within the ONL, it is important that the scale, layout and design of the development are appropriately balanced by the proposed design controls and mitigation, so that the resulting change remains consistent with the relevant which seek to protect the identified landscape values of the ONL, including NFL-O2 and NFL-O3.

Mitigation

28. The mitigation recommendation described in the LVEA and Landscape Masterplan are identified on pages 17 to 21 of my report. They include the 25 m setback from the Waikato River, control over building height and location, the use of recessive colours and materials (including low reflective glass), fencing controls, site-wide and lot planting, screen planting along Horahora Road, native tree clusters, and the retention and enhancement of gully and ecological areas.

29. The LEVA recommends that the masterplan be developed and implemented though a consent condition that requires the production of a Landscape, Visual Amenity and

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Mitigation Planting Plan ("LVAMPP"), to be submitted to the Council for certification before the s224 process for each stage.

30. I say that I am generally in agreement with those measures, subject to them being translated into clear and enforceable consent conditions and that the mitigation package needs to be implemented as a whole to achieve the landscape, natural character and visual outcomes relied on by the LVEA. I consider this is particularly important given the site's ONL status because if key elements of that package are omitted, weakened or not maintained, the ability of the proposal to integrate into the Waikato River / Lake Karapiro landscape would be reduced. The proposed LVAMPP process is therefore a critical mitigation mechanism, as it is intended to translate the Masterplan into detailed planting plans, species schedules, implementation requirements, maintenance and monitoring.

31. If consent is granted, I recommend that the conditions include clear and enforceable landscape requirements for the preparation, certification, implementation and maintenance of an LVAMPP, prepared generally in accordance with the Landscape Masterplan and the recommendations of the LVEA.

32. I agree with the LVEA recommendation that the LVAMPP should be certified prior to s224 for each stage and that site-wide mitigation planting be implemented prior to s224 for each stage, with consent notices used to secure future implementation of on-lot planting areas.

Submissions Received

33. I address the submissions received in detail on pages 21 to 28 of my review.

34. Of the 33 original submissions, 29 raised landscape, natural character, visual amenity or rural character matters.

35. The main issues raised were broadly consistent and included the scale and density of development, the change from open rural land to rural lifestyle development, effects on the Horahora ONL and Waikato River setting, modification of the river terraces,

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visual effects from public and private viewpoints, and the adequacy and longevity of the proposed mitigation.

36. I have also reviewed the further submissions received following the reduction in lot number and note that they generally reinforce the concerns raised in the earlier, with some acknowledging small of improvements to the proposal.

37. Overall, my view remains that the amended proposal addresses or reduces several of the concerns raised but does not remove the underlying change in landscape character or the reliance on the mitigation package being fully implemented and maintained.

38. My understanding is that a MOW has now been signed between the applicant and the river iwi, potentially resolving these issues. This resolves the cultural landscape matters that could not be resolved through the LVEA or my landscape review.

EXPERT EVIDENCE

Ms Ryder

39. At paragraphs 36–38 of her evidence, Ms Ryder outlines the design response adopted for the subdivision in recognition of the site's ONL status and contrasts this with the approach that might otherwise have occurred in the absence of the ONL. This provides a useful point of comparison with the alternative design recommendations advanced by Mr Bray.

40. A question was put to Ms Ryder from the Chair around the role of the existing vegetation along the riverbank in mitigating effects and who was responsible for managing that vegetation. Ms Ryder's response, as I understood it, was that the existing planting (outside the site) contributes to existing natural character, but her assessment and subsequent mitigation recommendations do not relay on it. She confirmed that for the mitigation design, emphasis was placed on using native planting within the site. She confirmed that the existing riverbank planting (outside the site) was managed by Mercury Energy.

41. The Landscape Master Plan(s) show that planting will be established along the riverside boundary of the site, and while it might not be as dense or continuous as that on the

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riverbank, in my opinion, it will be sufficient to offset any unforeseen minor loss of vegetation along the bank, should that occur.

42. The LVAMMP attached to Ms Ryder's evidence includes some additional pages and details, not assessed during my original review. I have reviewed the additional pages and consider provide useful additional detail.

43. Mr Shannon Bray

44. At paragraph 46, Mr Bray discusses the relationship between the Rural Lifestyle zoning and the ONL provisions. I agree that the identified ONL values need to be central to the assessment of whether the proposed form and pattern of development are appropriate. That agreement however does not extend to endorsing his interpretation of the relative emphasis placed on those provisions in the s42A report. In my review of the landscape assessment accompanying the application I have considered whether the amended proposal appropriately responds to the identified ONL values, taking account of its layout, retained landform, design controls and mitigation.

45. At paragraph 116, Mr Bray concludes that rural lifestyle development can occur on the site but considers that retaining the identified ONL values would require a more fundamental redesign of the layout, with greater emphasis on landform, clustering, open space and coordinated management, supported by planting and built-form controls.

46. From the Council's perspective, an applicant is entitled to advance its preferred design and have that proposal assessed on its merits. Council can identify concerns and seek amendments through the consent process, but it does not generally direct that a proposal be redesigned in a particular way.

MATTERS RAISED DURING THE HEARING

Existing ONL Values

47. During the questioning of Mr Moule from the panel, there was some discussion around s6b values and how these are measured. To assist the panel, I have provided Addendum 2 of the South Waikato District Landscape Assessment (Isthmus 2012),

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which was undertaken as part of the s32 analysis for the District Plan review. This document identifies the key landscape features and attributes that informed the adoption of the ONL into the district plan and was considered in the landscape assessment prepared by the applicant's experts.

48. I am advised that following the release of the draft district plan, SAL 2 was upgraded to be ONL 10, following feedback from iwi and the Regional Council and was notified as such. No submissions were received on the proposed district plan and the ONL was adopted. The values identified in Addendum 2 is therefore the authoritative assessment which identifies the values for the ONL. As such these are the values which must be considered, when considering effects on the ONL.

Riparian Access and River Trail

49. In Ms Forrets opening she raised concerns about there was no allowance for or insufficient room for riparian access and/or the relocation of the cycleway. I draw the Panels attention to pages 20, 21 & 22 of the LVAMMP attached to Ms Ryder's evidence which shows where this could occur.

Lineal & Clustered Development

50. In relation to the discussion over lineal vs clustering, a linear arrangement describes the spatial alignment and overall configuration of development, whereas clustering describes the degree of spatial concentration within that arrangement. These characteristics are not mutually exclusive. Development may exhibit a linear pattern at the broader landscape scale while comprising identifiable clusters at a more localised scale and visa versa. The distinction is therefore dependent on both the density and proximity of development and the spatial scale at which the pattern is assessed.

51. As stated in my technical report, while the central area has a more clustered internal layout, parts of the proposal retain a linear relationship with Horahora Road and the river corridor. That said, the masterplan's roadside and inter-lot native planting, supported by height and colour controls, the 25m river setback, the retention and

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enhancement of gullies, and the proposed reserve / esplanade provision, will in my opinion, help soften the road edge, filter views from Horahora Road, and reduce the apparent linearity of built development. In short, while the layout retains linear characteristics, the proposed planting framework and design controls should screen much of the built form and mitigate the associated visual effects.

THE S42A HEARING REPORT AND DRAFT CONDITIONS

52. I have read the s42A report and note that the reporting planner, having considered the relevant planning matters and potential effects (including those on natural character, the landscape, visual effects and the ONL), has recommended that consent be granted subject to the recommended conditions contained in Appendix A of the s42a report.

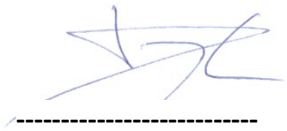
53. I have reviewed the working version of the conditions, which are still a work in process. In my opinion, to reduce the effects of the proposal on surrounding landscape character and the Horahora ONL to an appropriate level, it is critical that they require the implementation of the mitigation relied on in the LVEA and as identified in the LVAMMP.

54. Subject to an appropriate set of conditions being implemented and maintained, I consider the proposed mitigation appropriately responds to that tension and will mitigate the landscape and visual effects of the proposal to an acceptable level.

55. Having listened to the evidence presented during the hearing, I remain of the opinion that there is no landscape reason why consent could not be granted, subject to the implementation and ongoing maintenance of the proposed landscape mitigation conditions.

56. I also remain of the opinion that there is an inherent tension within the District Plan between the protection of the Horahora ONL and the more enabling provisions of the Rural Lifestyle Zone, which anticipate subdivision and an inevitable change in landscape character. In my view, the proposed mitigation provides an appropriate response to that tension.

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