

Before an Independent Hearing Commissioner at Hurunui District Council

under: the Resource Management Act 1991

in the matter of: application RC210098 for land use consent to install
and operate a Gravity-Based Recreation Activity within
the Conical Hill Reserve, Hanmer Springs

between: **Hanmer Springs Thermal Pools & Spa**
Applicant

and: **Hurunui District Council**
Consent Authority

Statement of Evidence of Tony Douglas Milne

Dated: 23 September 2021

REFERENCE: J M Appleyard (Jo.Appleyard@chapmantripp.com)

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STATEMENT OF EVIDENCE OF TONY DOUGLAS MILNE

INTRODUCTION

- 1 My full name is Tony Douglas Milne.
- 2 I am a Landscape Architect and Director of Rough & Milne Landscape Architects Limited, which is a Christchurch based consultancy established in 2010.
- 3 I hold a Bachelor of Arts degree from the University of Canterbury and a Bachelor of Landscape Architecture degree from Lincoln University. I am a Registered Member of the New Zealand Institute of Landscape Architects Inc.
- 4 I have been practising as a landscape architect since 1995. Our consultancy is involved in a wide range of landscape design and land planning projects throughout New Zealand. Many projects have involved preparing reports and evidence, which address matters of visual impact and landscape effects concerning proposed development.
- 5 I am familiar with the Hanmer Springs Village and surrounding environs having visited and spent numerous holidays within it. Since 1999 Rough and Milne have been the consultant landscape architects for the Hanmer Springs Thermal Pools and Spa. I have also undertaken several projects within the area and region.

CODE OF CONDUCT

- 6 Although these proceedings are not before the Environment Court, I have read the Environment Court's Code of Conduct for Expert Witnesses in its Environment Court Practice Note 2014 and I agree to comply with it as if these proceedings were before the Court. My qualifications as an expert are set out above. I confirm that the issues addressed in this brief of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SCOPE OF EVIDENCE

- 7 My role in relation to the Conical Hill Flyride application has been to provide advice in relation to landscape strategy and design for the proposal and the assessment of landscape and visual effects. Rough & Milne Landscape Architects prepared the overall master plan for the proposal as well as the revegetation strategy. I peer reviewed the Landscape and Visual Assessment (LVA) report and LVA Addendum accompanying the Application. In the course of providing these services I have visited the application site on several

occasions and have good working knowledge of its general surroundings.

- 8 In preparing this statement of evidence I have considered the following documents:
- 8.1 Section 42A Officer's Report prepared by Ms Kelsey Bewley with respect to landscape and visual amenity matters.
 - 8.2 Submissions relevant to my area of expertise.
 - 8.3 I have carefully re-read and considered the LVA report and Addendum. Rather than repeat its contents in evidence I ask the hearing commissioner to have due regard to these reports.
- 9 My evidence will deal with the following:
- 9.1 Landscape and visual amenity matters and conditions raised in the Section 42A Officer's Report; and
 - 9.2 Landscape and visual amenity matters raised by Submitters.

MATTERS RAISED IN THE SECTION 42A OFFICER'S REPORT

- 10 I have read the Section 42A Officer's Report prepared by Ms Bewley. Matters raised with respect to landscape and visual amenity matters are addressed in the following paragraphs.
- 11 As outlined in paragraph 63 of the S42A report, the purpose of the Hanmer Springs design standards is to maintain and enhance the amenity values and alpine character of Hanmer Springs. The proposed toilet will not comply with the design standards in respect to roof pitch.
- 12 However, I consider that this type of single toilet block structure is typical of alpine and backcountry environments, being frequently located at trailheads. Further, while the design is functional over aesthetic, it is not out of character in the context of the setting and the alpine character of Hanmer Springs.
- 13 Paragraph 63 also acknowledges that the finish of the proposed poles and track line, being steel, is not a permitted cladding under the Hanmer Springs design standards. It is noted in paragraph 64 that the proposed steel poles will have a light reflectance value (LRV) of less than 10% and will be either dark grey, green, or brown in colour.
- 14 This recommendation was made in the LVA to ensure that the poles will be recessive in the landscape and largely blend in with the treed

setting of the hillside. In paragraph 64, Ms Bewley notes that while steel is not a permitted cladding material, the colour and light reflectance value recommendation is consistent with the Open Space exterior colour requirements within the provisions of Council Plan Change 5 which has been recently reviewed and is awaiting a decision.

- 15 I consider that in this instance, as the poles do not constitute a traditional building, being tall and narrow, the proposed colour and light reflectance values will largely mitigate landscape character and visual effects.
- 16 In paragraphs 77-86, Ms Bewley addresses potential effects on amenity values as raised by the submitters and describes the potential loss of privacy for dwellings to the south of the stop station at 17, 24 and 32 Oregon Heights. Ms Bewley is largely in agreement with the findings of the LVA report, stating that the design and scale of the stop station will not detrimentally affect the scenic outlook and visual amenity of nearby dwellings.
- 17 She does however consider that the elevation of the stop station and increased level of activity may result in a further loss of privacy as passengers of the ride will overlook these properties. She states that this loss of privacy would be mitigated with the provision of screening and recommends a condition requiring planting between T7, the stop station and the south boundary of the site. The specific condition requires a landscape plan including existing and proposed planting to be submitted to Council as well as a pest and weed maintenance strategy outlining maintenance and monitoring to ensure the planting establishes successfully.
- 18 I support Ms Bewley's recommendation and consider this condition to provide adequate mitigation in terms of loss of privacy.
- 19 In the Conclusion of the Section 42A report, Ms Bewley has outlined some preliminary conditions of consent. Conditions 12 – 16 relate to landscape. I consider each of these conditions to be generally appropriate and support their inclusion as conditions of consent.
- 20 However, regarding Condition 16, I am concerned about the requirement to replace plants "immediately upon failure". This is because plants planted between October and April struggle to survive in Hanmer, particularly those not watered regularly. There is no irrigation system proposed for this planting on Conical Hill.
- 21 Therefore, I suggest the word "*immediately*" should be replaced with "*as soon as reasonably practicable*". I propose the amended Condition now reads:

16. All planting required by conditions 13 and 14 shall be maintained with any diseased, damaged or dying plants to be replaced as soon as reasonably practicable upon failure, with plants of a similar species.

MATTERS RAISED BY SUBMITTERS

- 22 The application was publicly notified on 8 July 2021 with 55 submissions received prior to closing on 5 August 2021. I have read the submissions received and observed that matters raised regarding landscape and visual effects are associated with the following:
- 22.1 Visual effects of the ride poles, lines, stop and start stations as experienced from both private residences and public places from the township and walking tracks;
 - 22.2 Landscape and visual impact of the tree removal;
 - 22.3 Effects on residential amenity and privacy for residents in proximity to the ride; and
 - 22.4 Effects on the peace, tranquillity, and natural amenity of the reserve as experienced by users of the walking track.

Visual effects of the ride poles, lines, stop and start stations

- 23 A number of submitters have raised concerns regarding the visual effects of the built form, including the visibility of poles on the hill as well as the visual impact of the stop station on views from residences in close proximity to the base of the hill.
- 24 The visibility of the poles and platforms has previously been assessed from key and representative public viewpoints in the LVA and Addendum.
- 25 As described in the Addendum, from the assessed public viewpoint beyond the town centre (viewpoints 1 – 4) the built form will not be visually prominent and is unlikely to be noticeable. This is attributed in part to the distance and angle of the view, with the majority of the ride obscured by trees and/or landform in some of these views. Further, the small scale of the proposed built form (small platform structures and the narrow poles) and the proposed recessive finish for the poles will help them to blend in with the treed setting of the hillside. I maintain that the adverse effects rating for these viewpoints was appropriately assessed as low to very low in the short term, with potential for effects to be fully mitigated from some of these viewpoints in the long term as revegetation planting in the south clearing becomes established.

- 26 From viewpoints in and near the town centre (viewpoints 5 – 7) pole T7 and the stop station will be visible. The rest of the ride will be obscured from view by trees and landform. As these views are somewhat closer to the ride there is potential to see more detail in terms of the platform and potential movements of riders. The platform itself is designed to comply with the Hanmer Springs Design Standards, so while noticeable, it will be appropriate to the setting. The pole will be recessive in colour but may still be noticeable given the proposed tree removal around and behind it. The adverse effects rating for these viewpoints was assessed as moderate-low and I maintain that this is appropriate.
- 27 Regarding the closest viewpoints assessed (viewpoints 8 – 10), adverse effects ratings were assessed as moderate due the closer proximity and thus opportunity to see either more of the proposal (viewpoint 8) or a greater level of detail (viewpoints 9 – 10). I consider it likely that private residences in proximity to the stop station will experience a similar degree of adverse effects on visual amenity as viewpoint 9 for their north facing views. However, I note that this view is already degraded due to the weed infested clearing. As such, I consider that a potential positive effect of the proposal is the revegetation of this hillslope with native vegetation between these dwellings and the stop station, as recommended in the conditions of Ms Bewley’s report (landscape condition 13). This would likely lessen the visual impact of the stop station on these residences.
- 28 Some of the submissions also raise the non-complying finish and height of the poles. I consider the slender form, paired with a dark colour and recessive finish to be mitigating factors, ensuring the poles will largely blend in with the treed setting.

Landscape and visual impact of the tree removal

- 29 Several submitters have raised concerns regarding the potential landscape character and visual effects of the proposed tree removal.
- 30 The landscape and visual effects of tree removal have also been addressed in the LVA and Addendum. While the number of trees proposed to be removed has increased since the original application, this has been the result of further site investigations and consultation with an Arborist to provide a greater level of accuracy in the application and ensure the desired project outcome. While some of the submissions suggest that this is a substantial increase, it is only proposed to remove trees within the ride corridor or those that pose a risk to the ride operations. As a result, the forested character of Conical Hill will be maintained.
- 31 Regarding the visual impact of the tree removal, the majority of the proposed tree removal will be undertaken on the west slope and

consists of exotic conifers. The west slope is generally obscured from view from the majority of identified views, the exceptions being viewpoints 3, 4 and 8. Viewpoints 3 – 4 are at a distance in which the change to the tree cover is not likely to be noticeable to the average observer. From viewpoint 8 there is potential to notice the removal of some of the taller conifers but as the hillside will largely remain forested this will not constitute a significant change.

- 32 A number of submitters have expressed concern regarding the visibility of tree removal from private properties. Tree removal on the south face adjacent to the existing clearing and above existing dwellings is minimal, with only two stands recommended for removal/pruning in this area. Refer to Span 6-7 HS43, HS44, HS45 and associated table on Sheet 29 and 30 of the GA-REV2. In proximity to the base of the hill and town centre, these clusters are the most visible to nearby residents and users of public places. The removal of these clusters will be somewhat noticeable but could be reasonably anticipated given the recent clearing of the lower part of the hillside to which they are adjacent to.
- 33 Further, part of the proposal includes revegetation of areas where tree removal has been undertaken utilising native species as per Sheet 31 of the GA-REV2. I consider this to have important visual and ecological benefits for Conical Hill including visual mitigation, improved biodiversity, habitat creation for geckos and erosion prevention. If revegetation as per Ms Bewley's recommended landscape conditions (condition 13 in particular) are accepted this would contribute to further positive effects.

Effects on residential amenity and privacy for residents in proximity to the ride

- 34 Several of the submissions raise the issue of privacy for residents at the base of the hill on Oregon Heights, given the proximity to pole 7 and the stop station. I consider that this has been addressed in the previous section of this evidence in response to Ms Bewley's comments regarding the same issue. As stated previously, I support inclusion of the recommended planting condition which will adequately mitigate the potential loss of privacy.

Effects on the peace, tranquillity, and natural amenity of the reserve as experienced by users of the walking track

- 35 Several submissions also raise concerns regarding loss of residential amenity, referring to the 'peace' and 'tranquillity' currently experienced by residents of the area. The primary reasons given for this concern were potential increased noise from users of the Flyride and increased vehicle traffic and parking issues. I understand that these have been considered by **Dr Jeremy Trevathan** and **Mr**

Simon de Verteuil and defer to their expertise on these potential effects.

- 36 On the topic of 'peace' and 'tranquillity', many of the submissions raised a related concern regarding the potential loss of natural amenity, peace and tranquillity as experienced by users of the Conical Hill walking track. This was addressed in the LVA and Addendum.
- 37 In regard to effects on natural amenity, it was assessed in the Addendum that there would be adverse effects of a low degree on the naturalness of Conical Hill as experienced from the township. This is associated with tree removal and the potential perception of built form. Within the site it is considered that adverse effects on naturalness are primarily confined to the area around the start station due to earthworks and the addition of built form. These effects were assessed as low. I maintain that this is appropriate.
- 38 In regard to effects on peace and tranquillity, it was assessed that the proposal will have moderate adverse effects on the tranquillity of the hilltop lookout area. This is attributed to the proximity of the start station and first pole, T1, which will become a hub of activity associated with the ride. While I do not consider the new activity to dominate the summit, being a complementary activity to the walking track and lookout, it will likely result in a livelier summit experience than at present.
- 39 Aside from the summit area, the ride track is located on the west side of the hill, away from the existing walking track. This means it is unlikely to affect the landscape values associated with the Conical Hill walking experience. Noise from ride users may be an exception to this, which I understand has been addressed in **Dr Trevathan's** evidence.

CONCLUSIONS

- 40 Following my review of Councils Section 42A report and the submissions received relating to landscape and visual amenity effects, I maintain the opinion that the Conical Hill Switchback™ Flyride has been appropriately designed and sited, taking into consideration the character and values of the application site and surrounds.
- 41 I consider that overall, regarding landscape and visual amenity the proposal will sit comfortably with the surrounding environment and will represent a level of change that is acceptable within this setting.

Dated: 23 September 2021

A handwritten signature in black ink, appearing to read 'Tony Milne', with a horizontal line extending to the right from the end of the signature.

Tony Milne