

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

**of the proposed service centre, 47 Millbrook
Road, Waipu**

**STATEMENT OF EVIDENCE OF RICHARD KNOTT
LANDSCAPE AND VISUAL EFFECTS**

25 SEPTEMBER 2024

1. INTRODUCTION

Background and experience

- 1.1 My name is Richard John Knott. I hold a Master of Arts in Urban Design from the University of the West of England, UK (1995), a Bachelor of Arts in Town and Country Planning (1988) and a Bachelor of Planning (1989) from the Victoria University of Manchester, UK, and a Post-Graduate Diploma in Building Conservation Bournemouth University, UK (2002).
- 1.2 I have undertaken the Planning Institute of Australia Training in Landscape and Visual Assessment.
- 1.3 I have been elected as a full member of the following professional institutes:
- (a) Member New Zealand Planning Institute
 - (b) Chartered Town Planner (Member of the Royal Town Planning Institute, UK)
 - (c) Member Institute of Historic Building Conservation (UK)
 - (d) Member Institute of Highway Engineers (UK)
- 1.4 I am a Making Good Decisions Certificate Holder (since 2010 and last renewed in 2021 with Chairing Endorsement) and have sat as Independent Planning Commissioner (panel member and/or Chair) for Hamilton City Council, Whangarei District Council, Taupo District Council, Tauranga City Council, South Wairarapa District Council and Auckland Council on over 70 hearings. I often sit on Hearings Panels where specialist design, character or heritage expertise is required.
- 1.5 I have 35 years' experience working in the areas of character, urban design, heritage and planning.
- 1.6 My work has included designing and leading a wide range of projects, including masterplans/development frameworks for existing urban sites and greenfield areas through to providing advice for individual owners on their proposals to make alterations to their individual heritage home. These projects include:
- (a) Urban designer for residential, commercial and supermarket/local centre developments across New Zealand including Palmerston

North, Hastings, Te Atatū, Wainuiomata, Kapiti, Lincoln, Hāwera and Mosgiel for Woolworths and/or individual landowners.

- (b) Lead Masterplanner for the Taumarunui | Manunui Spatial Plan – Ruapehu District Council (with Ree Anderson Consulting).
- (c) Lead Masterplanner for Featherston Masterplan Plan – South Wairarapa District Council (with Ree Anderson Consulting).
- (d) Designing and authoring a Framework for Action, a masterplan for the Papakura Metropolitan Centre – Papakura Local Board.
- (e) Designing and authoring a masterplan for Ōpōtiki Town Centre – Ōpōtiki District Council.
- (f) Designing and authoring a masterplan for Ōpōtiki Harbour and Wharf – Ōpōtiki District Council (with The Goodfellow Group).
- (g) Designed and authoring a strategy for regeneration and development in Manurewa town centre – Manurewa Local Board.
- (h) Designed and authored The Lakes Masterplan in Foxton Beach – Horowhenua District Council (not yet published).
- (i) Urban designer for a number of greenfield and brownfield residential and mixed-use developments in Auckland.

1.7 I am familiar with the application site, having made dedicated site visits to it on the 19 March 2022 and 24 October 2023. I prepared the Updated Landscape and Visual Effects Assessment - 6 August 2024. I also oversaw the preparation of the proposed landscape plans for the application site and the photomontages prepared to inform the Landscape and Visual Effects Assessment.

Code of conduct

1.8 I confirm that I have read the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

2. SUMMARY

- 2.1 I have undertaken two site visits to the site and local area, overseen the preparation of the landscape plans and photo montages and prepared an Updated Landscape and Visual Assessment report (06 August 2024). This report has been prepared in line with the concepts and principles outlined in *Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines*; Tuia Pito Ora New Zealand Institute of Landscape Architects (July 2022).
- 2.2 My Updated report considered the amended plans (July 2024) which removed two of the three illuminated signs from the entrance to Waipu Service Centre and also divided the development into stages.
- 2.3 Through evidence, it is proposed to provide additional planting to the boundaries of the development, to protect and plant 2.28ha of indigenous vegetation and riparian margins of the Ahuroa River and to restrict the lighting within the Stage 2 area with dimmable LEDs - 10pm to 6am.
- 2.4 The local environment is **not** an area of 'high rural amenity'¹, as suggested by the Council. It is a modified rural environment:
- (a) The rural land is bisected by SH1 and by local roads.
 - (b) The existing vets (a commercial use located immediately to the north), the residential development along the Braigh, and residential development along SH1 are all located on Rural Production Zone land.
 - (c) There are clear views of the Waipu village from SH1 across the Rural Production Zone land.
 - (d) High voltage overhead powerlines cut across the area.
- 2.5 Whilst there are likely to be areas of the Rural Production Zone where the '*distinctive rural character and amenity of the Rural Production Zone*'² is formed by only those matters listed at 1.a to g of policy RPROZ-P1, in this instance this is not the case. In this case, the '*distinctive rural character and amenity of the Rural Production Zone*' is a product of a different balance of natural and man-made features, which do not reflect the general description in RPROZ-P1. It is this '*distinctive rural character and amenity*' which should be

¹ As described in paragraph 97 of the s92 report

² As required to be protected by policy RPROZ-P1

used in considering the appropriateness of the proposed development in this location, adjacent to the dominant SH1, on the edge of Waipu village.

- 2.6 Having considered various viewpoints, I selected six representative viewpoints for assessment. My report concluded that in the long term, with the implementation of the updated landscape plan, the proposed development will have a minor or less than minor adverse effect on the rural character and amenity of the local area.
- 2.7 In relation to views from the limited number of private properties in the area:
- (a) Dwellings in The Braigh, close to the intersection with SH1 would experience low-moderate visual effect equal to a minor adverse effect once the planting is established.
 - (b) Dwellings to the south on both the east and west sides of SH1 would experience visual effect ranging from less than Low (equivalent to a less than minor adverse effect) through to a Low-Moderate visual and landscape effect (equivalent to a minor adverse effect).
- 2.8 Overall, I remain of the view that, subject to the mitigation proposed, any adverse effects from the proposal on the existing rural landscape, character and amenity values will be no more than minor.
- 2.9 Regarding the proposed new street lighting at the proposed roundabout, there are many other locations within rural settings along SH1 (north of Auckland) where there is street lighting. I anticipate that with the upgrade of SH1 to four lanes, there will be many more areas where new lighting poles will be installed to aid road safety. Lighting poles will therefore become an even more common feature along SH1 and in the local area.
- 2.10 Both in the short term and long term, the additional lighting in the vicinity of the site will not be out of character with the experience of drivers as they journey along SH1; it is an expected feature given the national significance of SH1.
- 2.11 I consider that signage, including large signs, are not an unexpected feature along the Warkworth to Whangarei section of SH1.
- 2.12 Whilst Sign 1 will represent a new feature in the landscape, its location is directly associated with the SH1, it will maintain the amenity and not be out of character with the surrounding modified rural environment and will meet the expectations of SIGN-O1, SIGN-O2, SIGN-P1 and SIGN-P7.

- 2.13 The planting along the site boundaries has been designed to reach a height which will disrupt view of the buildings, signage on buildings, low height freestanding signage and other 'urban' features within the site.
- 2.14 The scale of the proposed buildings is not out of keeping with the local modified rural area; their 8.0m minimum setback from the SH1 road boundary, 20% built coverage and height are in keeping with the provisions for buildings and major structures in the Rural Production Zone. I consider that the materials and colours for the Stage 2 buildings should generally be recessive colours. A condition is proposed to address this matter.
- 2.15 Whilst the Objectives for the Rural Production Zone seek to protect the land for rural production activities (Objective RPROZ-O1), they do anticipate commercial and industrial activities which support rural production activities and rural communities (Objective RPROZ-O2 and Policy RPROZ-P2). This includes recreation and tourist-based activities.
- 2.16 Based upon the list of proposed activities, I consider that the development is a form of development which could be anticipated in the area, supported by Objective RPROZ-O2 and Policy RPROZ-P2.
- 2.17 I have reviewed the applicant's updated proposed conditions and am satisfied that they appropriately respond to the relevant matters addressed in my evidence, as set out above.
- 2.18 I remain of the opinion that the development will in the long term, with the proposed conditions, have a minor or less than minor adverse effect on the rural character and amenity of the local area:
- (a) The proposed landscaping scheme around and within the development will mean that for the majority of viewers there will be only glimpses of "rural styled buildings", which are not out of keeping with other views they experience along SH1.
 - (b) The wider pastoral landscape around the site will remain and will be enhanced by the protection of vegetation along the Ahuroa River margins, which also contributes to the framing of Mareretū Forest and hills beyond, both acknowledged by Mr Kensington and myself as an important feature of the wider landscape.

3. SCOPE OF EVIDENCE

3.1 In my evidence I will address the following matters in so far as they relate to Landscape and Visual matter:

- a) Background; including my involvement in the application and a short description of the proposed development
- b) Permitted Baseline
- c) Landscape character; including a description of the landscape setting of the site
- d) Landscape and Visual Assessment – rural character and amenity; including a summary of the key findings of my report
- e) Landscape and Visual Assessment – signage and lighting; including comment on the visual effects of signage and lighting
- f) Landscape and Visual Assessment – scale and cumulative effects; including the appropriateness of the buildings, their scale and form
- g) Statutory Context; taking my findings from my consideration of landscape and visual matters, I consider relevant District Plan objective and policies
- h) Council section 42A report and specialist reporting
- i) Conclusion

4. BACKGROUND

4.1 I was asked by Vaco Investments (Waipu Project) Limited, in February 2022, to assist with their project for the development of a new service centre, and to prepare the landscape scheme for the site, accurate photo montages and a landscape and visual assessment.

4.2 Whilst the contract was with my company, the first two elements were to be prepared by my contractors, Nic Kay Landscape Architecture and Virtual Rift Limited, with who I have a close working relationship and who have previously, and subsequently, undertaken work for me.

4.3 Since my appointment, I have undertaken two site visits to the site and local area, overseen the preparation of the landscape plans and photo montages and prepared my Landscape and Visual Assessment report. Due to changes

in the proposal the landscape plans were updated 02 August 2024, and my report was updated 06 August 2024; it is these updated plans and report that should be utilised for the purpose of this hearing.

- 4.4 My Landscape and Visual Assessment report was prepared in line with the concepts and principles outlined in *Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines*; Tuia Pito Ora New Zealand Institute of Landscape Architects (July 2022).
- 4.5 It was further informed by my knowledge of good practice, including Auckland Council's *Information requirements for the assessment of Landscape and Visual Effects* (September 2017) and the Landscape Institute and Institute of Environmental Management and Assessment's *Guidelines for Landscape and Visual Impact Assessment – Third Edition* (2013).
- 4.6 In line with *Te Tangi a te Manu - Aotearoa New Zealand Landscape Assessment Guidelines*¹, the adopted methodology has been tailored to meet the specific requirements and circumstances of the proposal, context, and relevant provisions. It recognises that the **primary purpose** of the assessment is to establish the landscape and visual effects of the proposed service station, and in particular consider the effects of change and development on the views available to people and their visual amenity, and in turn on the rural character and amenity of the area.

Proposed Development

- 4.7 As described in the updated AEE, the updated application plans (July 2024) show the site being developed in two stages, with two options being shown for Stage 2. The difference between the two options is within the northern portion of the site, adjacent to Millbrook Road. My Landscape and Visual Assessment report assesses Stage 1 and Stage 2 - Option 1 together. I did not assess Stage 2 - Option 2.
- 4.8 The proposed service centre will provide a range of facilities and uses, contained within nine buildings:
- a) Stage 1 Activities include petrol station and truck stop service centre, 2 x fast food outlets, 2 x café or general food outlets.
 - b) Stage 2 Activities include rural/home services and supplies, warehousing, marine or vehicle sales and service, farming agricultural supplies, marine and vehicle sales and service.

4.9 As set out in the evidence of Mr Firth, the July 2024 plans have been amended in response to the landscape and rural amenity concerns of Mr Kensington who reviewed the application for the Council, and in response to submissions received, in order to further reduce and mitigate the landscape, rural character and amenity effects of the development:

- (a) Removal of two of the three illuminated signs from the entrance to the Service Centre (as confirmed in the updated application, 4th August 2024 and discussed in my 06 August 2024 Landscape and Visual Assessment).
- (b) Additional planting to the boundaries of the development, including specimen trees, particularly to the north of the site adjacent to Millbrook Road (as discussed in paragraphs 7.8(b), 8.19(a) and 8.20 below).
- (c) The protection and planting of 2.28ha of indigenous vegetation and riparian margins of the Ahuroa River which provide a landscaped rural character and panoramic back drop to the site (as discussed in paragraph 7.8(a) below and set out in the evidence of Ms Vilde).
- (d) The Lighting of Stage 2 of the development will be restricted with dimmable LEDs – 10pm to 6am (as discussed in paragraphs 8.18(b) and 8.20 below).

5. PERMITTED BASELINE

5.1 I note Mr Firth's discussion regarding the Permitted Baseline in his Evidence, and his view that the permitted baseline is relevant when considering rural character, landscape and visual effects, having regard to the range of activities that are expressly permitted in the RPROZ, and that he considers that the effects associated with the following activities should be discounted from the effects assessment in accordance with S104(2), given that these activities are permitted to be undertaken on the subject land without the need for a resource consent:

- (a) Farming, including horticulture and greenhouses, free range poultry farming and plantation forestry within an unlimited number of buildings and accessory buildings up to 10m in height, set back 8m from the property boundary with a 20% coverage of the net site area.

- (b) Activities ancillary to farming or forestry that have a cumulative GFA of 2,000m² per site or an outdoor area greater than 500m², which could include premises for the manufacture of dairy products, abattoirs, timber processing, stock and sale yards, cool stores, pack houses and rural contractor depots.
- (c) Artificial crop protection structures (including greenhouses tunnel houses) up to 10m in height, and 1m from boundaries.
- (d) Intensive Livestock Farming that includes buildings and major structures with a cumulative GFA of 2,000m² per site, which could include, including pig farming and cattle feedlots and their associated buildings.
- (e) Farm Quarrying of up to 5,000m³/year, where the quarried material is used on the farm of origin.
- (f) Rural Air Strip.

5.2 I accept Mr Firth's opinion regarding this matter, and where relevant I have therefore referred to the types of buildings which could be expected in the zone in my assessment.

6. LANDSCAPE CHARACTER

6.1 The site is located immediately to the west of State Highway 1 (SH1), to the south of the intersection with Millbrook Road. It has an (approximately) 400m frontage to SH1 and a 150m frontage to Millbrook Road.

6.2 The site and its surroundings are an area of coastal plain surrounded by the higher Brynderwyn Hills to the south and Mareretū Forest to the west. The area is bisected by the Waipu River, and its tributaries, the Pohuenui River and Ahuroa River (which is located to the west of the site). There are views towards the Brynderwyn Hills, Mareretū Forest and Whangārei Heads (north) from the site; these visual connections are an important feature of the area.

6.3 Whilst the site and surrounding land is in pasture, there are areas of trees in groups and lines alongside SH1, and within the landscape generally, forming field boundaries or freestanding.

6.4 The main Waipu village is located 'offline' from SH1, to the east. The village centre is approximately 1.5 km from the site, with fingers of development stretching from the main village to SH1 along The Braigh (which forms the

fourth leg of the intersection of Millbrook Road with SH1) and along Shoemaker Road (which intersects with SH1 approximately 1km to the north of the site). Dwellings in these streets come close to SH1; the final dwelling in The Braigh faces towards SH1 and is clearly viewed from the state highway. The dwellings in The Braigh closest to SH1 are all on Rural Production Zone land.

- 6.5 The edge of the main village is also seen in views across pastoral land at Shoemaker Drive. Together these provide travellers along SH1 with an understanding of the location and scale of the village.
- 6.6 Dwellings and farm buildings are scattered alongside SH1, mainly some distance from the road frontages; these are on Rural Production Zone land. Many have areas or lines of trees associated with them.
- 6.7 Most dwellings along SH1, and seen within these views, are single storey. Some of the farm buildings viewed from SH1 are large in scale (for instance the buildings/tunnels at 4245 SH1 Waipu), arranged in large groups (for instance the buildings at 3930 SH1 Waipu), or with no setback from the road (for instance those close to 3971 SH1 Waipu).
- 6.8 Immediately to the north of the site, close to the intersection of Millbrook Road with SH1, is a veterinary practice; this is located on Rural Production Zone land.
- 6.9 This single level building was at the time of my last site visit undergoing alterations and was being significantly extended. It has a simple overall shape and form; lean-to extensions with catslide roofs were being added either side of the gable roofed original building, significantly increasing the floorspace and adding to the overall bulk and form of the building (albeit that the extensions are lower in height than the original building). Whilst there is landscaping around the site of this building, it is a dominant form within the context of the site, being clearly seen in views along SH1 from both the south and north.
- 6.10 There are high voltage transmission lines passing over the landscape; these cut across the southwest corner of the site, running approximately north-south, with the closest pylon to the north being about 140m from the site boundary, and the closest pylon to the south being only approximately 50m from the site boundary. The pylons and lines are a dominant feature in the landscape. The pylon to the south is seen in conjunction with the site for travellers travelling both north and south along SH1.
- 6.11 Having spent time alongside SH1 taking photographs for the preparation of the montages, it is clear that SH1 is a very dominant feature of the area.

- 6.12 The impact of SH1 has been underplayed by the Council; it has a significant impact on the visual and natural character values of the local area:
- (a) SH1 is a busy road with fast moving vehicles passing by the site.
 - (b) It is used by a large number of heavy vehicles.
 - (c) It provides a barrier to east-west movement through the local area.
 - (d) The heavy vehicles, cars and other vehicles move at pace through the area; they have a significant impact on the character and values of the area.
 - (e) The fast-moving vehicles make the area alongside the road noisy and feel unsafe for pedestrians and other non-vehicle users.
 - (f) Most drivers pass through the area; they associate it with movement and travel, rather than a place to stop and spend time.
 - (g) There are already areas of streetlighting and overhead powerlines along SH1, including at its intersection with The Braigh and Shoemaker Road.
- 6.13 The road will be an even more significant feature in the area in the future; its form, design and footprint may alter significantly with the Government's announcement that work on a new four-lane expressway between Auckland and Whangārei is to be progressed.

Summary - Landscape Character

- 6.14 The local environment is **not** an area of 'high rural amenity'³, as suggested by the Council. It is a modified rural environment:
- (a) The rural land is bisected by SH1 and by local roads.
 - (b) The existing vets (a commercial use located immediately to the north), the residential development along the Braigh, and residential development along SH1 are all located on Rural Production Zone land.
 - (c) There are clear views of the Waipu village from SH1 across the Rural Production Zone land.

³ As described in paragraph 97 of the s92 report

(d) High voltage overhead powerlines cut across the area.

6.15 Whilst there are likely to be areas of the Rural Production Zone where the '*distinctive rural character and amenity of the Rural Production Zone*'⁴ is formed by only those matters listed at 1.a to g of policy RPROZ-P1, in this instance this is not the case. In this instance, the '*distinctive rural character and amenity of the Rural Production Zone*' is a product of a different balance of natural and man-made features, which do not reflect the general description in RPROZ-P1. It is this '*distinctive rural character and amenity*' which should be used in considering the appropriateness of the proposed development in this location, adjacent to the dominant SH1, on the edge of Waipu village.

7. LANDSCAPE AND VISUAL ASSESSMENT – RURAL CHARACTER AND AMENITY

7.1 Having visited the site and local area on two occasions for the purpose of preparing my landscape and visual assessment, I consider that the most likely viewers of the proposed development are:

(a) Travellers passing by, both north and south, along SH1. Viewpoints along SH1 are likely to be the most travelled viewpoints of the site.

(b) Vehicles exiting The Braigh, coming from Waipu village and Waipu Cove, and the residents of the dwellings who live in close proximity of this (in particular the residents of 107 The Braigh who will have some views towards the site).

(c) Vehicles entering Millbrook Road and passing by the site along Millbrook Road (in both directions). This is likely to be the least travelled viewpoints of the site.

7.2 Having considered various viewpoints from these directions, as illustrated in section 4 of my report, I selected six representative viewpoints for assessment.

7.3 3D photomontages from these viewpoints were prepared by specialist Virtual Rift and were used to inform my assessment.

7.4 My report concluded that in the long term, with the implementation of the updated landscape plan, the proposed development will have a minor or less than minor adverse effect on the rural character and amenity of the local area, which as noted in paragraph 6.14 and 6.15 above is not a not a pristine rural

⁴ As required to be protected by policy RPROZ-P1

environment of *'high rural amenity'* but is shaped by a range of dominant man made elements, including the State Highway, other roads, high voltage overhead lines, commercial developments and dwellings all within the Rural Production Zone and by views of the close by Waipu village.

- (a) With the implementation of the updated landscaping scheme, the proposal will satisfactorily protect the rural character and amenity of the area (as expected by the objectives and policies for the Zone).
- (b) To ensure that the anticipated level of effects from all viewpoints, a condition should be placed on the consent requiring that the landscaping scheme be implemented and maintained, and that materials and colours for buildings generally be recessive colours.
- (c) All signs and lighting should comply with the relevant District Plan standards, unless otherwise agreed by way of a resource consent.

7.5 I provided further comment on views from the limited number of private properties in the area:

- (a) The Vets in Millbrook Road – this is a commercial site/premises. I consider that the susceptibility of this to effects from the changes to the site are less than those experienced by general passersby on SH1. This was therefore not chosen as a viewpoint to assess.
- (b) Dwellings in The Braigh, close to the intersection with SH1 – these viewpoints are not dissimilar to viewpoints E and G, albeit that these dwellings are all orientated to have views away from the site and there is planting and trees along their boundaries (disrupting views beyond their boundaries). The visual effects on them would therefore be less than seen at Viewpoint E (low-moderate visual effect equal to a minor adverse effect) and G (once the planting is established, a low-moderate visual effect equal to a minor adverse effect)
- (c) Dwellings to the south on both the east and west sides of SH1
 - (i) The closest dwelling on the west side of SH1 is located further from the site than viewpoint H, and would experience visual effects less than the Low experienced at H, equivalent to a less than minor adverse effect.
 - (ii) The dwellings on the east side of SH1 (3785 State Highway 1 and 3817 State Highway 1) would experience visual

effects similar to viewpoint J. With additional specimen trees to the front of the buildings adjacent to the entrance to the Service Centre and hedging along the drive through (as set out in the updated landscape plan attached as Appendix 5 to the AEE), any visual and landscape amenity effects would be reduced to have a Low-Moderate visual and landscape effect. This is equivalent to a minor adverse effect.

- 7.6 Relative to other existing service centres, such as that at Taupiri, which as noted in my report I am very familiar with; I consider that even although the proposed service centre is larger than that at Taupiri, the landscaping proposed as part of the current application would better screen the proposed service centre from external views than that existing at Taupiri.
- 7.7 There are large gaps in the planting at Taupiri which allow north bound traffic to have clearer views of the development than would be anticipated from the planned landscaping at the application site. It appears that this is in part due to the topography of the borders of the Taupiri site and the limited space provided for planting at the top of a bank. The flat elevation of the proposed service centre assists in this regard and ensures that a similar issue is unlikely to arise there.
- 7.8 Recognising Mr Kensington's continued concerns with the landscape and visual effects of the proposal, further mitigation is proposed to the Commissioners:
- (a) It is proposed to protect and plant 2.28ha of indigenous vegetation and riparian margins of the Ahuroa River. Further details are included in the Evidence of Ms Vilde, the Ecological Assessment and Ecological Management Plan:
 - (i) I consider that this, in addition to the planting and trees proposed within the site, would provide additional mitigation/offset of the effects of the development on rural character.
 - (ii) This would protect, enhance and supplement existing planting and provide an improved backdrop to the proposed development in view across the site towards the Mareretū Forest.

- (b) Increase the density of planting along the boundaries of the site to reduce the visibility of signage, buildings and activity within the development from SH1; as set out in Section 6 of my report this is already proposed for the areas to the northwest of the proposed roundabout, close to the site entrance (as seen in viewpoint J).
- (c) Consent conditions are proposed to provide greater certainty regarding the future built form of Stage 2 development is proposed by way of consent conditions including:
 - (i) Building and major structure colour controls.
 - (ii) 8m setbacks for buildings from the northern and eastern property boundaries.
 - (iii) Permeable fencing requirements around the site.

7.9 I consider that these additional controls will ensure that development will largely be of a form consistent with rural buildings and structures permitted in the zone, such as livestock and implement sheds, barns, tunnel housing and modern milking sheds.

7.10 The proposed updates to the Landscape Plan and the requirements for the implementation of the Ecological Enhancement Plan will increase the vegetation and planting both within the Service Centre and in the wider site. Collectively these amendments will further reduce the visual effects of the development, including from buildings, signage and lighting. These matters are considered in more detail below.

7.11 Overall, I remain of the view that, subject to the mitigation proposed, any adverse effects from the proposal on the existing rural landscape, character and amenity values will be no more than minor.

8. LANDSCAPE AND VISUAL ASSESSMENT – SIGNAGE AND LIGHTING

8.1 The District Plan allows for signage and illuminated signage: amongst other matters SIGN-O1 Provision for Signs, SIGN-O2 Illuminated Sign, SIGN-P1 Scale and Intensity and SIGN-P7 Illuminated signage (Amenity and Character) relate to the maintenance of amenity and character values of the area.

8.2 Signage is not an unexpected feature along the Warkworth to Whangarei section of SH1; including large signs at commercial sites such Atlas Concrete, at the south of the Brynderwyn Hills, and at various petrol filling stations. There

are also some large signs on Rural Production Zone land alongside the SH1, including the brightly coloured signs advertising Waipu Village and the Waipu Scottish Migration Museum.

8.3 With regards to lighting, the District Plan allow for artificial lighting; LIGHT-O1 Provision of Lighting allows for artificial lighting, LIGHT-O2 Adverse Effects and LIGHT-P1 Amenity and Character look to maintain or enhance amenity and character values, and LIGHT-P2 Health and Safety enables lighting where it is required for health and safety reasons.

8.4 Lighting included with the application consists of three components:

- (a) Street lighting and signs along SH1
- (b) High level (height) lighting and illuminated signage within the site
- (c) Low level (height) lighting and illuminated signage within the site

8.5 My evidence regarding lighting has been informed by Evidence regarding lighting from Mr Leung; he confirms that:

- (a) All the lighting luminaires will be aimed within the site, away from the boundaries and any roading networks.
- (b) As the LED lighting luminaires are of efficient output performance, the number of lighting pole columns required is significantly reduced, mitigating the visual pollution.
- (c) The proposed lighting luminaires provide good and precise cut-off control, mitigating any unwanted spill light and visual glare.
- (d) The proposed lighting luminaires have no tilt from the horizontal, avoiding any unwanted light pollution to the sky.

8.6 In addition, I note and accept Mr Leung's conclusions and in particular that:

'The illumination from the Stage 1 activities will be mitigated by the proposed landscaping (acting as a visual screen) and their relative positions in relation to SH1, in comparison to other existing services stations along SH1 in close proximity to the site, i.e. located directly adjacent to SH1 with no form of screening installed.'

and that

'Overall, I consider the effects of lighting are acceptable, comply with the plan provisions, and will produce light spill/glare that is less than other locations, and that nonetheless, the application has sought to have these effects mitigated further through the use of dimmable LED in the lighting solution.'

Street lighting and signage along SH1

- 8.7 At nighttime, the intersection of The Braigh and Millbrook Road with SH1 is already well lit by streetlights.
- 8.8 New streetlights will be provided at the proposed roundabout. The only remaining proposed sign along the site frontage is Sign 1. This provides an important marker for passersby. As set out in my report, such a sign is a common feature of other service areas on SH1, including those at Taupiri (as discussed above) and the two sites at Bombay. The BP pylon sign, close to the site entrance, will ensure that the operator is able to meet their obligations to display the prices of diesel and petrol to a person at, or passing by, the site.
- 8.9 Mr Kensington's previously expressed concerns regarding signage at the site. In response the applicant removed signs 2 and 3 from the application when the updated plans were submitted in August 2024. Sign 2 was previously located on the SH1 frontage of the site, adjacent to the Stage 2 development, and Sign 3 was offline from the existing SH1 alignment close to the site entrance.
- 8.10 There are many other locations within rural settings along SH1 (north of Auckland) where there is street lighting; lighting is provided at most intersections and there is lighting for a length of over 300m leading to major intersections, such as the roundabout at the end of the new section of SH1 which bypasses Warkworth.
- 8.11 I anticipate that with the upgrade of SH1 to four lanes, there will be many more areas where new lighting poles will be installed to aid road safety. Lighting poles will therefore become an even more common feature along SH1 and in the local area, given the vicinity of the Millbrook Road, The Braigh and Shoemakers Road intersections.
- 8.12 Both in the short term and long term, the additional lighting in the vicinity of the site required to enable safe access to the site will therefore not be out of character with the experience of drivers as they journey along SH1; it is an expected feature given the national significance of SH1.

- 8.13 Whilst Sign 1 will represent a new feature in the landscape, its location is directly associated with the SH1, which as discussed above, will overall likely become more urban in character as it is developed into a four-lane expressway. Accordingly, both in the short and longer term, Sign 1 will maintain the amenity and not be out of character with the surrounding modified rural environment and will meet the expectations of SIGN-O1, SIGN-O2, SIGN-P1 and SIGN-P7.
- 8.14 Based upon the above, and whether or not the section of SH1 adjacent to the site is developed into a four-lane expressway, I consider that the proposed additional street lighting will be in keeping with the modified rural character of the area and with the zone and performs an essential health and safety purpose. As such it meets the requirements of policies LIGHT-P1 and LIGHT-P2.
- 8.15 **High height lighting and illuminated signage within the site, and Low height lighting and illuminated signage within the site**
- 8.16 The proposed lighting scheme utilises 3000K LED lighting, which is a warmer colour and would soften the visual impact of the lighting relative to the use of 4000K LED white light. Additionally, the lighting scheme has been designed to ensure that there is no upward spill light.



Figure 1: Illustration retrieved from <https://upwardlighting.com/3000k-vs-4000k-vs-6000k/> 05 09 2024

- 8.17 The planting along the site boundaries has been designed to reach a height which will disrupt view of the buildings, signage on buildings, low height freestanding signage and other 'urban' features within the site. I consider that this planting will to reduce the visual effects of this signage and lighting within the site on the wider local area to the levels as confirmed in paragraph 7.4 above; that is in the long term, with the implementation of the updated

landscape plan, the proposed development will have a minor or less than minor adverse effect on the rural character and amenity of the local area,

- 8.18 Accordingly, I consider that the expectations of policies LIGHT-P1, LIGHT-P2, SIGN-P1 and SIGN-P7 will be met as the site will, when viewed from outside, be in keeping with the modified rural character of the area and of the zone, and the lighting performs an essential health and safety purpose. In addition, the signage will be screened such that both in the short and longer term, the amenity and character values of the surrounding modified rural environment will be maintained.
- 8.19 However, recognising Mr Kensington's remaining concerns regarding the adverse effects beyond the site from the lighting, building signage and low height freestanding signage within the site, the applicant is proposing to:
- (a) Increase the density of planting along the boundaries of the site to reduce the visibility of signage, buildings and activity within the development from SH1; as set out in Section 6 of my report this is already proposed for the areas to the northwest of the proposed roundabout, close to the site entrance (as seen in viewpoint J).
 - (b) Reduce nighttime lighting levels, recognising that whilst the uses in Stage 1 with either be open 24/7 or close late evening/night, and therefore require 24/7 lighting, the uses within stage 2 are likely to maintain 'standard' business hours. Lighting within the Stage 2 area will be reduced during late evening and at nighttime. The ability to do this must be balanced against safety and crime prevention (CPTED) expectations.
- 8.20 In relation to 8.19(a), whilst I do not consider that signage on buildings, low level signage, parked and circulating vehicles, the roads, kerb and channel, refuse storage areas, or water tanks will be dominant features which impact the modified rural character of surrounding land, I accept that further planting would further mitigate any effects.
- 8.21 In relation to 8.19(b), I consider that incorporating a dimming control with motion sensors to reduce the lighting level in the Stage 2 area could further mitigate the effects of the proposed development. This could be designed to ensure appropriate levels of lighting at all times to overcome any CPTED concerns whilst increasing lighting levels when the Stage 2 area is populated by staff and visitors.

9. LANDSCAPE AND VISUAL ASSESSMENT - SCALE AND CUMULATIVE EFFECTS

- 9.1 The scale of the proposed buildings is not out of keeping with the local modified rural area; their 8.0m minimum setback from the SH1 road boundary, 20% built coverage and height are in keeping with the provisions for buildings and major structures in the Rural Production Zone. I consider that the materials and colours for the Stage 2 buildings should generally be recessive colours. A condition is proposed to address this matter.
- 9.2 With the proposed landscaping around the perimeter of the site, passersby will not be aware of the large areas of hard surfacing and views of the buildings will also be disrupted.
- 9.3 As noted above, it is the intention to include consent conditions to provide greater certainty regarding the future built form of Stage 2, including:
- (i) Building and major structure colour controls.
 - (ii) 8m setbacks for buildings from the northern and eastern property boundaries.
 - (iii) Permeable fencing requirements around the site.
- 9.4 It is also the intention that updated landscape plans be provided which increase the density of planting around the site.
- 9.5 As established above, SH1 is already a dominant feature of the area; it is a busy road with fast moving vehicles passing by the site, including many heavy vehicles.
- 9.6 Overall, given the limited views which will in time be available of the proposed buildings, I consider that the Stage 1 buildings and Stage 1 and 2 buildings together will not together create cumulative effects.
- 9.7 Should the section of SH1 adjacent to the site be upgraded to four lanes, it will be an even more significant feature in the area, with likely a significantly wider footprint, a range of hard features such as large concrete barriers, overhead gantry signs and streetlights to provide significantly improved nighttime lighting. Within this potential altered context, Stage 2 would have an even lesser impact on the character values of the local area.

10. STATUTORY CONTEXT

- 10.1 Whilst the land is zoned Rural Production Zone in the Whangārei District Plan (operative in part), it is not identified as an outstanding natural feature or landscape; it is therefore not a matter of national importance under s6(b) of the RMA and it is therefore not a requirement to recognise and provide for the protection of the land from inappropriate subdivision, use, and development.
- 10.2 Whilst the Objectives for the Rural Production Zone seek to protect the land for rural production activities (Objective RPROZ-O1), they do anticipate commercial and industrial activities which support rural production activities and rural communities (Objective RPROZ-O2 and Policy RPROZ-P2). This includes recreation and tourist-based activities.
- 10.3 In this instance, the proposed development will deliver facilities which will support recreation and tourism in the wider area and businesses which support rural production activities:
- (a) Petrol station/truck stop
 - (b) Restaurants/Café
 - (c) Agricultural and rural/home supplies (with an example being Farmlands)
 - (d) Warehousing
 - (e) Marine and vehicle sales and service (such as rural machinery and sales - not general car sales)-
 - (f) Requires a rural location, in so much as SH1 is passes through rural land and a number of the facilities provided on the site, including the petrol filling station and restaurants are intended to meet the needs of travellers on SH1
 - (g) Will deliver employment and investment in the local community-Buildings, particularly at the north end of the site, which are of a scale and character appropriate to the zone.
- 10.4 Based upon the list of activities I consider that, the development can be viewed as a form of development which could be anticipated in the area, supported by Objective RPROZ-O2 and Policy RPROZ-P2.

- 10.5 Mr Kensington has responded in his 5 September 2024 memorandum, included with the s42A report, to my comments in my Updated Landscape and Visual Effects Assessment report (6th August 2024) regarding his consideration of Statutory Provisions in his original (25 March 2024) memorandum.
- 10.6 In my report I had noted that in his 25 March 2024 memorandum he had focused on RPROZ-O3 – Rural Character and Amenity, RPROZ-O4 – Adverse Effects and RPROZ-P1 – Rural Character and Amenity. I noted that Mr Kensington has not considered Objective RPROZ-O2 Land Use Activities and Policy RPROZ-P2 Land Use Activities.
- 10.7 In response Mr Kensington⁵ has considered the purpose of the Rural Production Zone and also noted that *‘under Policy RPROZ-P1.1.c. (Rural Character and Amenity), such activities should be limited to a low intensity of development, in order to protect the distinctive rural character and amenity of the zone.’*
- 10.8 In response, I consider that the purpose of the zone to, amongst other things, *‘Maintain rural amenity and character’* and the consideration of *RPROZ-P1 Rural Character and Amenity*
- To protect the distinctive rural character and amenity of the Rural Production Zone including but not limited to:*
1. *A dominance of natural features including landforms, watercourses and vegetation.*
- c. A low intensity of development, involving a combination of domestic and rural production buildings and major structures’*
- is intended to be considered at a zone level, rather than being directly relevant to the consideration of a single resource consent on a single piece of land. The proposed development would therefore meet these requirements.
- 10.9 In addition, as set out in paragraph 6.15 above, whilst there are likely to be areas of the Rural Production Zone where the *‘distinctive rural character and amenity of the Rural Production Zone’* is formed by only those matters listed at 1.a to g of policy RPROZ-P1, in this instance this is not the case. The *‘distinctive rural character and amenity’* of the application site and its surroundings is a product of a different balance of natural and man-made

⁵ Addendum Specialist Review Advice – Assessment Of Landscape Effects. KPLC, Peter Kensington 5 September 2024

features, which do not reflect the general description in RPROZ-P1. It is this '*distinctive rural character and amenity*' which should be used in considering the appropriateness of the proposed development in this location, adjacent to the dominant SH1, on the edge of Waipu village.

11. COUNCIL SECTION 42A REPORT AND SPECIALIST REPORTING

11.1 I have covered relevant landscape and visual assessment matters in my evidence above.

12. PROPOSED CONDITIONS

12.1 I have reviewed a set of the applicant's updated proposed conditions and am satisfied that they appropriately respond to the relevant matters addressed in my evidence, as set out above.

13. CONCLUSION

13.1 I remain of the opinion that the development will in the long term, with the proposed conditions, have a minor or less than minor adverse effect on the rural character and amenity of the local area.

Richard John Knott

25 September 2024