



**BEFORE THE INDEPENDENT HEARING COMMISSIONER FOR  
WHANGAREI DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of an application by EVO Lands  
Limited for a 38 lot subdivision of  
the site over three stages at 420  
Three Mile Bush Road, Kamo

**STATEMENT OF EVIDENCE OF SIMON JOHN COCKER**

**Introduction**

1. I hold a Bachelor of Arts in Geography and a Master of Philosophy in Landscape Design, both from the University of Newcastle upon Tyne. I have 25 years' experience as a landscape architect, practising primarily in the United Kingdom and New Zealand. In New Zealand I was employed from 1994 to 2002 as a landscape architect by Boffa Miskell Limited, within both their Auckland and Whangarei Offices. From 2002 to 2004 I was a Parks Landscape Officer within the Whangarei District Council. Until August 2009 I was employed as a Senior Landscape Architect by Littoralis Landscape Architecture and since that date I have practising as Simon Cocker Landscape Architecture.
2. I am an Associate (full and registered member) of the New Zealand Institute of Landscape Architects and a fully qualified member of the Landscape Institute in the United Kingdom.
3. As a consultant, my primary focus of work has been landscape planning. This has involved assessing the visual or landscape effects of a range of development projects including private dwellings, subdivisions, commercial developments, infrastructure projects, extensions to power stations and quarries, roading and rail projects, and developing mitigation strategies for those activities.

4. I have also assisted Auckland, Whangarei, Kaipara and Far North District Councils with the assessment of resource consents from a landscape and visual perspective, and with the provision of landscape architectural advice with regard to consent matters.
5. I confirm that I have read and am familiar with the "Code of Conduct for Expert Witnesses" in the Environment Court Practice Note. I agree to comply with the Code. I confirm that the evidence is within my scope of expertise and I have not omitted to consider material facts known to me.

## **Involvement with the application**

6. In December 2016, I visited the site and viewed the site from the surrounding area before preparing a landscape and visual assessment.

## **Structure of Evidence**

7. In May 2017 I prepared a report titled 'Assessment of landscape, rural amenity and visual effects'. This document, which was contained in the application described in detail the site and its context, the proposal, the statutory context as it applies to my area of my expertise, and assessed the potential landscape, rural amenity and visual amenity effects.
8. It concluded that the potential adverse landscape and rural character effects of the proposal where it relates to built development and associated infrastructure will be low (less than minor) and that the potential adverse visual amenity effect will be low (less than minor).
9. In addition, it concluded that the proposal will not generate cumulative effects.
10. The Council Planner, in his s42A report has fully concurred with the conclusions of my report<sup>1</sup>
11. In my evidence therefore, I will summarize the main features of the application where they apply to my area of expertise, and comment on matters raised in submissions.
12. I have appended a copy of the proposed Landscape Plan as **Appendix 1**.

## **The proposal**

13. The application is illustrated in the Landscape Plan contained in Appendix 1. The applicant seeks consent to subdivide the property into a total of 38 residential lots using the UTE provisions of the District Plan. The residential lot sizes will range between 2,100m<sup>2</sup> and 1.50 ha. The arrangement of lots, and their area has been designed to respond to the landscape character and features, and with the intention of providing open space and retaining a rural character between clusters of lots.
14. In order to maintain a sense of spaciousness along the Three Mile Bush Road corridor, the lots adjoining the road within the 'Roadside' character area will be larger – being in the order of 4,000m<sup>2</sup>. Within the central portion of the site –

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<sup>1</sup> Section 42A Hearing report (SD1700129) Paras. 6.3.2, 6.5.2, 6.9.2

the southern edge of the Roadside character area and within the Central character area – the lot sizes are at the smaller end of the scale (between 2200m<sup>2</sup> and 4300m<sup>2</sup>), although a larger lot (Lot 14) of some 1.5 ha. will fragment this cluster. The purpose of Lot 14 is to create a sense of openness within the centre of the site, and provide some 'relief' from the dominance of built form within the cluster.

15. At the southern end of the site, within the Valley character area, the areas of the lots will be larger so that the rural character and the sense of openness is maintained. Here, a cluster of lots (Lots 33 – 38) of between 3845 – 9463m<sup>2</sup> is proposed, separated from the primary cluster within the Central character area by Lot 32 which will be some 5.17 ha. in area. This reflects the approach adopted within the previous (Karanui) subdivision. As with the Karanui subdivision, with the exception of a dwelling located within an identified building site, Lot 32 will be subject to a no-build covenant and retained in pasture, with significant planting proposed along the margins of the stream and wetland areas.
16. Developing the design for the site's future has revolved around a number of key elements of the character of the site and wider setting:
  - a sense of openness and permeability, combined with low definition of the road boundary, of the existing Three Mile Bush Road corridor;
  - a rectilinear division of the Roadside and Central character areas by a powerful network of historic stone walls;
  - the spacious rural atmosphere of the Central and Valley character areas site;
  - the informal division created by the native hardwood grove of trees that separates the Roadside and Central character areas, and forms part of a much wider pattern of indigenous groves;
  - the discrete character associated with the Valley character area;
  - the development pattern associated with the subdivision on the eastern boundary of the site, and;
  - a relationship with Pukenui Forest and related drifts of indigenous vegetation in this same southern part of the land.
17. Responding to the above key elements, reflecting the approach established for the neighbouring Karanui development to the east, the subdivision design (comprising Lots 1 – 10) has sought to provide a spatial buffer between the Three Mile Bush Road corridor and built development through the requirement for a 30 metre offset from the road boundary. Constrained by this offset, the balance of the Roadside character area will form a cluster of built development which is bounded and back dropped by, the belt of native trees to the south. This belt of trees will be retained, contained within Lot 14, and vested as Road Reserve which will provide access to residential lots to the west. The trees form part of a more extensive landscape element which crosses the site boundary into the adjoining property to the east. Their retention will serve to

maintain and enhance the wider landscape values of the area, as well as providing valuable visual and spatial separation between future built development.

18. In addition, pedestrian links will be created between Lot 101 (vested as Road), Lot 100 and existing Karanui Road to the east and also through Lot 32 to continue the riparian walkway established by the neighbouring development to the east. These will serve to increase the permeability of the development and strengthen pedestrian linkages.
19. As previously mentioned, adjoining Lot 100 on its southern side, Lot 14 is a larger residential lot at 1.42 ha. It is the intention that this larger lot - within which future built development will be contained within a defined building area – provide a sense of openness and spaciousness within the main body of the subdivision.
20. The proposed subdivision pattern within the Central character area (Lots 11 – 26) forms the central core of the development, where the tightest grid of stone walls strongly defines the spatial structure and makes this one of the most introspective parts of the site. The arrangement of the walls and resulting structured format of the land sees this area lending itself to some of the highest levels of density. Adjoining this central core on its southern edge, Lots 27 – 30 will be afforded a greater sense of openness by virtue of their location on the edge of the cluster, and the contour which slopes to the south west.
21. Lot 32, which will have an area of 5.17 ha, will serve a similar function to that described for Lot 100. It occupies the majority of the valley within the Valley character area. Maintaining this discrete feature area as open space displays a logic in terms of landscape patterning, as well as minimizing the need for large scale earthworks and landform modification that would potentially result from the development of this area for residential development. Furthermore, it provides for the comprehensive enhancement of the stream and its riparian margins within the site, continuing the enhancement work undertaken within the adjoining property to the east. The identification of this valley feature as the primary area of open space within the subdivision enables the creation of a swathe of open rural land which straddles two separate properties. The advantages of creating a wider landscape patterning includes benefits to landscape values, ecological values and hydrological values and water quality.
22. Reflecting the development patterns associated with the Karanui development to the east, a small cluster of generally larger lots is proposed at the southern extreme of the site. The existing grove of native trees will be retained and protected as will the scattered individual native trees. The proposed building sites within this southern cluster are situated on the north west facing slopes, thereby avoiding the wet seepage areas occupying the lower slopes and valley floor.
23. The proposal will be staged, with the stage numbers continuing from the three stages completed within the adjoining Karanui subdivision. Therefore, the first stage will be stage 4 and will include Lots 33 – 38, the second stage – stage 5 will comprise Lots 1 – 11, 14 and 100 and the third stage (stage 6) will comprise Lots 12, 13, 15 – 32, 101 – 102 and 301.

24. The detailed approach to achieving the above is set out in my assessment contained in the application. It is proposed that consent notices requiring compliance with those matters be registered against the titles.

## Submissions

25. Two submissions are of relevance to my area of expertise; one from Stephen Hewitt, the other on behalf of Rod and Louise McGregor.

*Stephen Hewitt*

26. The submission from Stephen Hewitt (721 Three Mile Bush Road) states, among other matters, that he opposes the application on the ground that there should be fewer smaller sites, and more larger 10 acre sites so that the pattern of development reflects the surrounding area.
27. The submitter's description of the settlement pattern of the wider area is generally accurate, although it does not reflect the development pattern within the adjoining Karanui development, which like the application site is subject to the UTE zone provisions. In my opinion both developments reflect the pattern of development anticipated for that zone.
28. UTE 1.4 sets out the policy direction and intent with respect to maintaining a measure of rural character and amenity:

*"To preserve rural character and amenity whilst enabling urban development in a transitional environment and maintaining factors that contribute to the rural character including:*

- *Dominance of natural landforms with built features and roading subservient to and cohesive with these;*
- *A sense of spaciousness;*
- *Low night time light levels;*
- *Dominance of natural features including landforms,*
- *Watercourses, and vegetation."*

29. Although the UTE rules are strongly indicative of the density of subdivision, they are also open about the form of development that is intended to result – appropriately recognising the variety in the underlying character of the UTE zoned areas. As such, it is important that there is a level of flexibility to allow site planning to respond to those differing characteristics.
30. The subdivision policies set out in UTE.3 of the UTE zone provide guidance regarding the outcome anticipated in terms of the spatial arrangement of lots, and the resulting pattern of development. Those of relevance are as follows:
31. UTE.3.2.1 Lot size

*To minimise the amount of unproductive land use and unnecessary curtilage by requiring additional allotments to be as small as practicable*

32. Lot sizes are determined by the space requirements for a dwelling site and curtilage, including vehicle manoeuvring space, wastewater disposal and setbacks to ensure amenity within the subdivision as described previously. They are also governed by the yield indications contained in the UTE provisions. The proposal typically envisages lot sizes of between 2,200m<sup>2</sup> – 3,500m<sup>2</sup>, although a number of the proposed lots are larger, generally where these are typified by groves of trees or steeper slopes, or where there is a need to retain a greater level of spaciousness.

33. In my opinion, the application achieves the outcome sought by UTE 3.2.1. The subdivision design responds to the landform and features of the site as well as responding to the landuse and spatial pattern established by the neighbouring development to the east. On this latter issue, additional productive and landscape benefits are realised, with the creation of a comprehensive swathe of open space which bisects the subject site, and the neighbouring property along the stream gully.

34. UTE.3.2.2 Density

*To limit the maximum yield of subdivision in the Urban Transition Environment to a low level residential density so as to maintain a sense of open space and rural outlook*

35. In my view, the proposal has been structured around the expectation of the UTE provisions. I note that the stated objective of the UTE provisions, is to retain a sense of spaciousness and a rural character. These outcomes have been achieved through a number of design and planning approaches. These include design measures such as the aggregation of private open space, public open space and open space within the adjoining Karanui development to create a comprehensive structure of built development and open space and the imposition of spatial controls such as no-build zones.

36. UTE.3.2.3 Clustering

*To locate new building sites near any existing or proposed building site so as to maximise the extent of uninhabited space between residential clusters*

37. The subdivision design has been driven by the existing spatial characteristics of the site and its context; including landform, vegetation and landuse features such as stone walls. The design has also sought to reflect the landscape and development pattern established by the adjoining Karanui development. The design therefore seeks to extend and reflect the development pattern and areas of open space established within the adjoining Karanui development.

38. As a consequence, the resulting landscape patterns will form a comprehensive and spatially dominant patterning which embraces and integrates both developments with the wider landscape.

39. UTE.3.2.4 Uninhabited spaces

*To require the retention of the uninhabited spaces between residential clusters indefinitely by defining where buildings can be located*

40. Proposed Lots 14 and 32 provide ownership for the large, open pastoral areas that are to be perpetuated. It is envisaged that covenants would be imposed that to maintain grazed open character and to manage stocking to minimise reverse sensitivity issues, damage to soils and steeper slopes.
41. At a smaller scale, there is a pattern of “no build” zones applying to many of the sites that identifies areas where buildings cannot be sited; specifically, to conserve open space characteristics in adjacent public areas.
42. It is my opinion that the proposal is consistent with this policy.
43. UTE.3.2.7 Road setbacks
- To avoid ribbon development and maintain the rural outlook from State Highways and roads shown on the planning maps, by ensuring building platforms are setback from the road boundary.*
44. This policy is achieved by a 30 metre setback along the Three Mile Bush frontage of the site, reflecting the setback established for the adjoining Karanui development. Setbacks from the internal roads are also proposed.
45. UTE.3.2.9 Site specific design
- To require all subdivision proposals to recognise and take into account all site-specific elements and features, and present comprehensive design solutions*
46. The subdivision design was based on an analysis and understanding of the characteristics of the site. In my opinion, the resulting design clearly responds to the presence of the stone wall network, the groves of native trees, the stream corridor, the presence of the grazed southern slope and the backdrop provided by Pukenui Forest.
47. The open space framework that is central to the proposal can be seen as a unifying belt that then draws together most of these facets. It extends the open space framework adopted for the Karanui subdivision to the east. As such, it is my opinion that the proposal is entirely specific to, and responds to the character of the site.
48. UTE.3.2.10 Land management
- To require the uninhabited spaces between residential clusters to be contiguous wherever practicable to preserve management flexibility*
49. As I have explained previously, the pastoral block within the subject site is contiguous with the adjoining pastoral block within the Karanui development to the east, and contiguous within the subject site. This approach ensures a strong legibility in terms the landscape patterns – the open space reflecting the stream gully which bisects the subject site and neighbouring property – and a solution that is practical and flexible in terms of its land management.
50. In my opinion, the proposal achieves the policy.

51. I am of the opinion that overall the proposal is consistent with the provisions of the UTE zone where they relate to my area of expertise. I note that this view is shared by the Planner in the s42A report<sup>2</sup>.

*Rod and Louise McGregor*

52. A submission prepared by Joseph Henehan of Redburn and Bryant on behalf of Rod and Louise McGregor seeks that the amenity streetscape planting be removed within 20m of Three Mile Bush Road.
53. The submitter's reason for this is to ensure that visibility issues are avoided when entering or exiting the site.
54. This element of the proposal reflects the approach undertaken for the adjoining Karanui development. It is intended to enhance the frontage of the site, and soften views of built development within the site. In my view, this latter objective reflects the intent sought under UTE.3.2.7 Road setbacks.
55. I am of the understanding that this matter will be commented on by the applicant's Traffic Engineer. I am of the opinion however, that requiring a 20m setback is a very crude approach to achieving visibility. If there is potential for safety to be compromised, the objective can be achieved through careful design and the selection of appropriate species.

## Conclusion

56. It is my opinion that the proposal will result in landscape and rural amenity and character effects that are less than minor, and visual amenity effects that are less than minor.
57. It is my opinion that the proposal will not generate a cumulative adverse effect.
58. It is my opinion that the proposal is consistent with the relevant policies and objectives of the District Plan where these apply to policies and objectives of relevance to my area of expertise.



Simon John Cocker



14 December 2017

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<sup>2</sup> Ibid. para 8.3.4.



**IN THE MATTER**

**of the Resource Management Act 1991**

**AND**

**IN THE MATTER**

**of an application by EVO Lands Limited for a 38 lot  
subdivision of the site over three stages at 420 Three Mile  
Bush Road, Kamo**

# **EVIDENCE OF SIMON COCKER**

## **Appendix 1 - Figures**



Simon Cocker  
Landscape Architecture

November 2017



### Plant Schedule

Common Name	Species	Grade	% mix	Comments
Bottlebrush	Bottlebrush tree	7.1	2.5%	
Landia	Grey myrtle	9	2.5%	
Cherry	Common cherry	8.5	10%	
Leptospermum	Black bay	8.5	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	2.5%	Plant at 1200mm c/s
Landia	Grey myrtle	8.2	2.5%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s
Myoporum	Myoporum laetifolium	8.2	10%	Plant at 1200mm c/s

### Stream Edge Planting

Common Name	Species	Grade	% mix	Comments
Pond	Cherry tree	8.5	35%	Plant at 1200mm c/s
Pond	Cherry tree	8.5	35%	Plant at 1200mm c/s
Pond	Cherry tree	8.5	35%	Plant at 1200mm c/s
Pond	Cherry tree	8.5	35%	Plant at 1200mm c/s

### Wetland Area Planting

Common Name	Species	Grade	% mix	Comments
Wetland	Grey myrtle	8.5	15%	Plant in areas of shallow depth of water
Wetland	Grey myrtle	8.5	15%	Plant in areas of shallow depth of water
Wetland	Grey myrtle	8.5	15%	Plant in areas of shallow depth of water
Wetland	Grey myrtle	8.5	15%	Plant in areas of shallow depth of water

### Amenity Streetscape Planting

Common Name	Species	Grade	Spacing (m)
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
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Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm
Amenity	Leptospermum	8.2	500mm

#### Legend

- █ Building Area
- █ Riparian area planting
- █ Stream edge area planting
- █ Wetland area planting
- █ Amenity streetscape planting

Rev:	Rev A
Date:	18 May 2017
Drawn:	BC
Scale:	As shown
Drawing number:	16156_GILP
Client:	Evo Lands Limited
Project:	420 Three Mile Bush Road, Kamo
Drawing:	Landscape Plan

