

**Before Northland Regional Council and Far North District Council**

**In the Matter** of the Resource Management Act 1991 (**Act**)

**And**

**In the Matter** of an application for regional and district resource consents to extend the hardstand area immediately adjoining the southern extremities of Bay of Islands Boatyard, Opua (legally described as Lot 1 DP 199153)

**Applicant** Far North Holdings Limited

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**Evidence of Simon Cocker on behalf of Far North Holdings Limited**

**(Landscape Architecture)**

**Dated 20 November 2020**

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## INTRODUCTION

1. My full name is Simon John Cocker. 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 26 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 practised 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 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, reclamations, 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 2014. 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 APPLICATIONS**

6. I was the author of the assessment of Landscape, Natural Character and Visual Amenity Effects, dated 16 September 2019 that was lodged with the application. I will cross refer to that document where possible in my evidence to avoid repetition.

## **STRUCTURE OF EVIDENCE**

7. I have read the s42A report prepared by Alister Hartstone on behalf of the Far North District Council (FNDC) and will address those matters in that report of relevance to my area of expertise. In addition, I have reviewed the submissions with respect to both the FNDC and the Northland Regional Council (NRC) applications and will address matters raised where they apply to my area of expertise.
8. My evidence adopts the following format:
  - a description of the proposed landscape concept/design;
  - the existing environment, including;
  - visual catchment;
  - the site and its immediate context, and;
  - identified values.
  - Comment on submissions, including;
  - potential visual amenity effects, and;
  - effects on natural character.
  - Response to the s42A report.

## **THE PROPOSAL**

9. The proposal is illustrated in the plans (Figures 1a – 1g, contained in the attachments to this report). In summary, the application includes an area of reclamation of some 2,400m<sup>2</sup>, comprising 1,700m<sup>2</sup> for new docks, and 700m<sup>2</sup> for a new 20 metre wide boat ramp. The reclamation will be supported by a pile or rock wall, and an area of 1200m<sup>2</sup> will be dredged 'in

front' of the three dock areas to provide sufficient depth for the barges.

10. Road access will be gained from Baffin Street by means of a 4.5 metre wide single lane road, and a 2.0 metre wide cycle trail. The road will be aligned along the Boatyard boundary with the cycle trail being realigned on its landward side. The slope above was formed previously but a retaining wall 85 metres long with a typical height of 2.5 metres will be constructed at the toe of the slope.
11. At the southern end of the existing boatyard area the road will become a 6.0 metre wide two-way access leading to a turning loop to provide sufficient manoeuvring space for trucks. Parking spaces for the oyster farmers will be provided within the road loop.
12. The reclamation will not be lit at night.
13. The cycle trail will be aligned along the landward side of the road access and diverted around the inward side of the loop before connecting back to the existing alignment to pass through an existing cut through a small headland.
14. At the southern end of the road loop, a timber jetty, gangway and pontoon (projecting a total of 57 metres from the coastal edge into the CMA) will be provided for use by mooring owners together with dinghy racks as replacement for the existing facilities at the end of the Boatyard. The pontoon at the end of this jetty will provide an 'out of service' mooring location for the Minerva steamship but no embarking or disembarking of passengers.
15. Construction of the boat ramp and reclamation will necessitate the removal of a number of existing trees that are growing along the seaward edge of the cycle way, (refer to Figure 2 and photo 1).
16. The trees growing between the edge of the cycleway and rock sea wall to be are identified on Figures 1 and 2 and described as Groups 1 – 5. Comprising a mix of native coastal species including pohutukawa (*Metrosideros excelsa*), and kanuka (*Kunzea robusta*).

17. Group 5 includes pohutukawa of some 5.0 – 7.0m in height, whilst the trees within the other groups are smaller, being between 3.0 – 5.0m in height. These trees provide some localised amenity benefit for users of this section of the cycleway; offering shade, shelter and spatial containment.
18. The vegetation within Groups 1, 2 and 3 will be retained. The vegetation within Groups 4 and 5 will be removed.
19. Vegetation clearance is addressed in the statement of Mr Kemp. His statement, in paragraph 9 explains the following:

*I agree with Mr. Hartstone's assessment of the FNDP rules on vegetation clearance in paragraph 11 of his Report that clearance of indigenous vegetation as a permitted activity is limited to an area extent of 500m<sup>2</sup>. An ecological assessment of the southern end of the site was undertaken by Northland Ecology, and an assessment of ecological effects was also undertaken by 4Sight Consulting (refer evidence of Ms Sanderson Kane). The majority of the area to be cleared consists of exotic weed species with the indigenous vegetation being limited to the scattered individual mangrove and pohutukawa along the shoreline and parts of the toe of the slope where the cycle trail is diverted. I have approximated the total length of the diversion at about 120 metres. At 3 metres wide this would give an area of 360m<sup>2</sup>. As not all of the vegetation is indigenous, the total area to be cleared is less than 500m<sup>2</sup> and no consent for vegetation clearance is required.*

20. Revegetation planting is proposed within areas of the site not subject to built development. This includes a triangular area to the south west, to the north of the turning area (identified as B on Figure 1a) and within the turning area island (identified as C on Figure 3a). The planting will comprise locally appropriate coastal species including kanuka (*Kunzea robusta*), manuka (*Leptospermum scoparium*), karo (*Pittosporum crassifolium*), houpara (*Pseudopanax lessonii*), karamu (*Coprosma robusta*), and pohutukawa (*Metrosideros excelsa*), planted at 1,400mm centres.

## **EXISTING ENVIRONMENT**

21. The existing environment, including the subject Site and its context is described in detail my assessment, contained in the application. I will however, touch on the key points covered in these sections of my assessment.

22. To the south east and south of the Site is the Kawakawa and Whangae Rivers. These are characterized by indented shorelines, punctuated by a series of headlands and a predominance of native bush. These watercourses display a high level of natural character.
23. The sense of remoteness experienced within these bodies of water contrasts with the developed character of Opua which occupies the vegetated coastal slopes on the western side of the Veronica Channel and, on the eastern side of the channel, the Okiato settlement, clustered on Okiato and Tapu Points.
24. At the tip of the point, the ferry terminal, wharf and cluster of buildings marks the northern end of a linear ribbon of marine based activities which display a commercial and industrial character. These occupy a flat strip of primarily reclaimed land which extends from the northern tip of Waimangaroa Point, south for some 800 metres to the eastern edge of the Site.

### **Visual Catchment of the Site**

25. The visual catchment to the north and west is contained by landform and vegetation.
26. Views from these directions are limited to those dwellings located on the south eastern side of the ridge and associated spurs.
27. In preparing this evidence I have undertaken an additional survey of the visibility of the proposed reclamation and jetty insofar as it is visible from dwellings on the slopes to the west, north west and south west. This has involved recording those dwellings that are visible (and therefore have the potential to offer views), from within the footprint of the of the proposed reclamation and jetty
28. This survey indicates that dwellings located within numbers 2 (glimpse views), 4, 8, 10, 12, 14 and 16 (glimpse through dense vegetation) Kennedy Street, and number 14 Scoresby Street have the potential to offer views of

the proposed reclamation (refer to Figure 3 in my attachments for the location of these properties).

29. Numbers 2, 4, 8, 12, and 14 Kennedy Street, and number 14 Scoresby Street, numbers 3 and 5 Marine Rise, have the potential to offer views of the proposed jetty.
30. The dwelling within number 12 will offer views of the majority of the reclamation and jetty.
31. The dwellings within number 10 will offer partial views of the middle portion of the reclamation.
32. The dwelling within number 8 will offer views of the middle and southern portion of the reclamation and of the jetty.
33. The dwellings within numbers 2, 4 and 16 Kennedy Street and 14 Scoresby Street will offer views of the southern portion of the reclamation and the jetty.
34. Immediate land based views are possible from the cycle trail, which is aligned along the coastal edge of the landward portion of the site for a distance of some 160 metres.
35. To the north east, views are available from the south western end of the Ashby's boatyard reclamation, but buildings restrict views from further to the north east.
36. The visual catchment to the east, south east and south is more extensive, with views possible from the water for distances up to 500 metres to the east, and in excess of 1.0km to the south. Views from the north east tend to be obscured by the finger wharves and breakwater associated with the marina, and views to the east and south east are impeded by boats on swing moorings.

## The Site & its Immediate Context

37. Ashby's boatyard adjoins the Site on its north eastern edge and is contained on its western end by a small, vegetated headland.
38. The visibility of the reclaimed area associated with Ashby's boatyard, and the presence of the marina breakwater structure, finger wharves and boats – both within the marina, and on moorings – strongly influences the character of the bay associated with the site on its north eastern edge.
39. In contrast, to the west of the southern headland, the character of the adjoining bay displays a much higher degree of naturalness. The small, vegetated headland provides a physical and visual separation from the areas of reclamation and activity to the north east.
40. Thus, the subject Site is more closely related to the commercial and industrial character landscape to the north east, than the estuarine and vegetated character landscape to the south west.
41. The landward portion of the Site itself has been subject to modification in the past, both in terms of vegetation clearance and earthworks, although the slopes which contain the Site to the west, north west and north retain a cover of vegetation.
42. As is evidenced by Figure 3 in my attachments, the steep slopes that contain the landward portion of the site are – below number 10 Kennedy Street – vegetated with a dense mix of native and exotic species including kanuka (*Kunzea robusta*), manuka (*Leptospermum scoparium*), totara (*Podocarpus totara*), mapou (*Myrsine australis*), kawakawa (*Macropiper excelsum*), houpapa (*Pseudopanax lessonii*), pukatea (*Laurelia novae-zealandiae*), and hangehange (*Geniostoma ligustrifolium*).
43. At the southern end of the Ashby's boatyard the vegetation on the landward side of the cycle trail is more botanically diverse and contains ponga (*Cyathea sp.*), mahoe (*Melicactus ramiflorus*), flax (*Phormium tenax*) and ground ferns, in addition to the native species previously noted. Exotics and



pest plants remain and additionally include wild ginger (*Hedychium gardnerianum*) and pampas (*Cortaderia sp.*).

44. At the southern end of the site, and below number 12 Kennedy Street, a small area of scrub contains pampas, woolly nightshade, brush wattle, gorse, pine, wild ginger along with the some native such as mapou, ponga, totara, manuka, pukatea, kawakawa, ground ferns and pohutukawa (*Metrosideros excelsa*).

## **IDENTIFIED VALUES**

45. My assessment contains a detailed evaluation of the existing natural character and landscape values of the Site and its context.
46. The level of modification associated with the subject site and its immediate context has resulted in these areas not displaying elevated natural character values, although the Northland Regional Policy Statement, does identify some areas in the vicinity of the site as displaying elevated natural character values.
47. The most proximate area is situated some 250m to the north (id. 09/53) and is separated from the Site by residential development on Kennedy, Lyon and Austin Streets. Approximately 660m across the inlet to the east, an area of High Natural Character overlays the western side of the Ranui Road peninsula.
48. The proposal will only result in very localised and/or limited effects on biotic and abiotic attributes, and this will be offset to a slight degree by the proposed weed control and enhancement planting. The experiential attributes would be affected at a local scale to a level that is minor.
49. Overall, it is my opinion that the potential adverse effects on landscape and natural character values will be low when considered within the wider context of the subject site

## SUBMISSIONS

50. A total of 18 submissions expressed concern over matters linked to adverse effects on neighbouring properties. The context of submissions which relate to my area of expertise is recorded below.

NAME	LOCATION	STANCE	SUBMISSION
Beck P.	Broadview Road	O	<ul style="list-style-type: none"> <li>▪ Destruction of beach and removal of trees</li> </ul>
Matthews C.	Marina Rise	O	<ul style="list-style-type: none"> <li>▪ Removal of pohutukawa and other trees</li> </ul>
Taylor, D / K	27 Scoresby Street Opua	O	<ul style="list-style-type: none"> <li>▪ Effects on local residents walkers and cyclists due to loss of access to esplanade reserve</li> <li>▪ Loss of trees</li> </ul>
Kennedy, E	14 Scoresby St	O	<ul style="list-style-type: none"> <li>▪ adverse effects on cycle trail users;</li> <li>▪ effects on residents of Opua</li> </ul>
Clark J.	Opua	O	<ul style="list-style-type: none"> <li>▪ effects on environment; noise, light and safety issues;</li> </ul>
Bateman D.	2 Kellet St	O	<ul style="list-style-type: none"> <li>▪ effects on environment; noise, light and safety issues;</li> </ul>
Ashby SJ.	5 Kennedy St	N	<ul style="list-style-type: none"> <li>▪ Effects on local residents</li> </ul>
Clark P.	Opua	O	<ul style="list-style-type: none"> <li>▪ spiritual, cultural, historical, environmental and moral grounds</li> </ul>
Base AH.	14 Kennedy St	N	<ul style="list-style-type: none"> <li>▪ Effects on local residents</li> </ul>
Crooks C.	20 Franklin St	O	<ul style="list-style-type: none"> <li>▪ Effects on local residents</li> </ul>
Drey B.	Russell	O	<ul style="list-style-type: none"> <li>▪ Effect on community not considered sufficiently;</li> <li>▪ Cycleway unacceptably compromised;</li> <li>▪ Environmental impact under estimated;</li> <li>▪ Area permanently alienated from community, loss of scarce open space;</li> <li>▪ amenity of local beach, fishing access and dinghy storage compromised;</li> </ul>
Johnson, G & M	Paihia	O	<ul style="list-style-type: none"> <li>▪ Effects on environment including removal of trees;</li> <li>▪ Effects on local residents;</li> <li>▪ Loss of access to shoreline;</li> </ul>
Cooper V.	Te Haumi, Paihia	O	<ul style="list-style-type: none"> <li>▪ Loss of beach'</li> <li>▪ Effects on local residents</li> </ul>
Francis B.	3 Kennedy St	O	<ul style="list-style-type: none"> <li>▪ Effects on local residents</li> </ul>
Halliday D.	6 Lyons St	O	<ul style="list-style-type: none"> <li>▪ Potential visual effect of containers and other elements on the reclamation. Effects of lighting.</li> </ul>
Cooke, R.	4 Kellet St	O	<ul style="list-style-type: none"> <li>▪ Land alteration and destruction of habitat;</li> <li>▪ Adverse effects on residential area and walking/cycle trail</li> <li>▪ Incompatible with tourism;</li> </ul>
Cooke, P.	4 Kellet St	O	<ul style="list-style-type: none"> <li>▪ Land alteration and destruction of habitat;</li> <li>▪ Adverse effects on residential area and walking/cycle trail</li> <li>▪ Incompatible with tourism;</li> </ul>
Kelsey S. and Templeman S.	16 Kennedy St	O	<ul style="list-style-type: none"> <li>▪ Loss of beach</li> <li>▪ Effects on local residents</li> </ul>

51. The submissions express concern relating to the removal of vegetation, effects on the environment, users of the cycleway and local residents, and loss of amenity.
52. When referring to adverse effects on residents, my reading of the submissions is that these submitter's focus is principally focused on adverse effects arising from noise, traffic or smells emanating from activity on the proposed reclamation. These are not matters that are within my areas of expertise.
53. When referring to visual amenity issues, the submissions are mainly concerned with the visual amenity experienced by users of the cycleway, and users of the beach / esplanade reserve.
54. Notwithstanding this, I will comment on potential adverse effects that will be experienced by occupants of dwellings who have raised adverse effects on residents as a matter of concern in their submission.

## **POTENTIAL VISUAL AMENITY EFFECTS**

### **Occupants of dwellings**

55. Of the above, numbers 2, 14 and 16 Kennedy Street, and number 14 Scoresby Street will offer the opportunity to gain views of the proposal. Occupants of numbers 2 and 16 will only gain views of a small part of the proposed reclamation, and these views will be filtered by vegetation. Occupants of number 2 Kennedy Street, and 14 Scoresby Street will have the potential to gain views of the jetty.
56. Views of the reclamation in its entirety will be limited to the dwelling within number 12 Kennedy Street. The owners of this property have not submitted on the applications.
57. Where views of elements of the proposal will be possible from other locations, these will be glimpse views of a small portion of those elements, and in the case of number 16, those views will be filtered through

vegetation.

58. Seen from the submitter's properties, the proposed reclamation and jetty will comprise a new midground element, largely hidden from view, whilst longer views of the River will remain unaffected.
59. I discuss potential adverse visual amenity effects in detail as experienced by occupants of dwellings on Kennedy Street and Scoresby Street in section 5.3.2.1 of my assessment. The assessment recognises the fact that the landward portion of the Site has an industrial zoning, which anticipates a significant change in the character of the terrestrial portion of the Site.
60. Given the potential scale of building provided for in the zone, such built development will have the potential to result in a marked change in the midground outlook from the above identified properties.
61. As stated in my assessment, I am of the opinion that the potential adverse visual amenity effect that will be experienced by the above identified submitters will be, at most, low to moderate.

## **POTENTIAL VISUAL AMENITY EFFECTS**

### **Users of the cycleway**

62. This group comprises a moderate number of transitory individuals, whose sensitivity is – in my opinion – low.
63. Users of the cycle trail are either travelling to, or from an area that displays an industrial or maritime character similar to that anticipated for the subject site. If departing Opuia, the receptors will view the development within the subject site as an extension of the maritime industrial activity within Opuia, whilst the cutting through the headland to the south west of the site will mark the transition from the industrial area to the natural riverine environment.
64. Similarly, for those heading to Opuia, the cutting will mark the 'gateway' / transition from the natural riverine to the maritime / industrial character

environments, and the development within the site will be regarded as a part of the 'arrival' experience within the Opuia settlement.

65. To the north of the cutting, the character of the shoreline is strongly allied to the maritime industrial character landscape further to the north. The presence of the existing reclamation, the boatyard, finger wharves and boats on swing moorings influence the character of this area.
66. Similarly, the landward portion of the site – between the cycleway and foot of the vegetated slope – displays a modified and slightly derelict character.
67. Together, these elements lend this section of the cycleway a 'peri-maritime industrial' character and in my opinion, this character imparts on this area a lower sensitivity to change (refer to photo 2).
68. This differs from the character of the landscape to the south of the 'southern headland' and cutting. Here, the landscape displays a greater level of naturalness, and a less modified character.
69. The proposal will result in a loss of a limited area of native vegetation, including a number of young pohutukawa trees (located between the cycleway and coastal edge).
70. This vegetation offers some localised amenity benefits (refer to photo 3), but the loss of these small trees represents a very small change within the context of the experience of travelling along the cycleway.
71. To the west and south west of the reclamation, the cycleway will be routed along the foot of the vegetated slope, and the areas between the cycleway and coastal edge will be revegetated. Within 5 years, views of the truck turning area and car park will be screened from the cycleway, and in my opinion this vegetation will offset the loss of the pohutukawa.
72. It is my opinion that the potential adverse visual amenity effect that will be experienced by these individuals will be very low.
73. Furthermore, I note that the subject Site is zoned Industrial, and as such loss

of this vegetation as a result of development could be anticipated.

## **EFFECTS ON NATURAL CHARACTER**

74. Natural character effects are discussed in section 5.2 of my assessment.
75. This section concludes that the coastal margin and its backdrop associated with the subject site has been modified such that it retains a low to moderate level of natural character and its sensitivity to change has been diminished.
76. The character is influenced by the presence of buildings and structures within the industrial area to the north, and the presence of dwellings on the elevated land to the west and north west. As such, the overall impression is of an area that is settled, and 'peri-maritime industrial', and with a very limited sense of wildness or remoteness.
77. To the north of the cutting, the character of the shoreline is strongly allied to the maritime industrial character landscape further to the north. The presence of the existing reclamation, the boatyard, finger wharves and boats on swing moorings influence the character of this area.
78. As I have noted previously, the landward portion of the site – between the cycleway and foot of the vegetated slope – displays a modified and slightly derelict character, and together, these elements lend this section of the cycleway a 'peri-maritime industrial' character(refer to photo 2).
79. In my opinion, this character imparts on this area a lower sensitivity to change.
80. This differs from the character of the landscape to the south of the 'southern headland' and cutting. Here, the landscape displays a greater level of naturalness, and a less modified character.
81. The proposal will not affect the character or natural character values of this area.

82. The proposal will result in a loss of a limited area of native vegetation, including a number of young pohutukawa trees (located between the cycleway and coastal edge).
83. The statement of Ms. Pamela Kane-Sanderson notes that the main area of vegetation removal will occur at the southern end of the site. Vegetation in this area consists of low value scrub.
84. She concludes that the botanical effect of removal of this vegetation is negligible.
85. Ms. Kane-Sanderson also states that the ecological significance of vegetation located between the cycleway and coastal edge is small. She concludes that the adverse effects arising from loss of this vegetation will be less than minor and could be offset by enhancement plantings.
86. To the west and south west of the reclamation, the cycleway will be routed along the foot of the vegetated slope, and the areas between the cycleway and coastal edge will be revegetated. Within 5 years, views of the truck turning area and car park will be screened from the cycleway, and in my opinion this vegetation will offset the loss of the pohutukawa.
87. The proposal will only result in very localised and/or limited effects on biotic and abiotic attributes, and this will be offset to a slight degree by the proposed weed control and mitigation planting. The experiential attributes would be affected at a local scale to a level that is minor.
88. Overall, it is my opinion that the potential adverse effects on natural character values will be low when considered within the wider context of the subject site.

## **RESPONSE TO S42A REPORT AND MATTERS RAISED IN OTHER COUNCIL EXPERT REPORTS**

89. Effects on natural character, landscape and visual amenity are discussed in paragraphs 76 – 80 of the s42A report.

90. Noting that the conclusions regarding the extent of effects are largely based on the current industrial zoning of the land and existing modification of the natural character, it concludes that the extent of effects on landscape and natural character is considered to be minor in the receiving environment will be minor.
91. I concur with that conclusion.
92. In paragraph 78, the s42A report states that no specific landscape plan has been provided in the landscape report. A conceptual plan was included as Figure 3A in my assessment. This plan has been reproduced and supplemented with the addition of a plant schedule as Figure 1 in my attachments.
93. I note that, in paragraph 79 the s42A report states that a condition of any consent to grant can incorporate a requirement for a landscape planting plan to be prepared, and the planting then implemented and maintained as part of the site development.
94. I understand that the applicant accepts that recommendation.

## **CONCLUSION**

95. The application includes an area of reclamation of some 2,400m<sup>2</sup>, comprising 1,700m<sup>2</sup> for new docks, and 700m<sup>2</sup> for a new 20 metre wide boat ramp. The reclamation will be supported by a pile or rock wall, and an area of 1200m<sup>2</sup> will be dredged 'in front' of the three dock areas to provide sufficient depth for the barges.
96. Revegetation planting is proposed within areas of the site not subject to built development. This includes a triangular area to the south west, to the north of the turning area (identified as B on Figure 1a) and within the turning area island.
97. The presence of the marina breakwater structure, boatyard, finger wharves and boats – both within the marina, and on moorings – strongly influences the Site, lending it a 'peri-maritime industrial character.



98. I am of the opinion that the potential adverse visual amenity effect that will be experienced by the above identified submitters will be, at most, low to moderate. This conclusion recognises the fact that the landward portion of the Site has an industrial zoning, which anticipates a significant change in the character of the terrestrial portion of the Site.
99. The potential adverse effects on natural character values will be low when considered within the wider context of the subject site.

**Simon John Cocker**



Dated 20 November 2020