

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS IN THE  
WAIKATO REGION**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHEKE WAIKATO**

**UNDER** the Resource Management Act 1991 (RMA)

**AND**

**IN THE MATTER** of Proposed Variation 3 to the Waikato Proposed  
District Plan (PDP)

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**STATEMENT OF REBUTTAL EVIDENCE OF DAVID MANSERGH FOR WAIKATO  
DISTRICT COUNCIL  
(Landscape)**

**Dated 19 JULY 2023**

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## **INTRODUCTION**

1. My name is David Graham Mansergh and I am a director at Mansergh Graham Landscape Architects Ltd.
2. My qualifications and experience are set out in my statement of evidence in chief (EIC) dated 20 June 2023.
3. I reaffirm the commitment in my EIC to adhere to the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023.
4. I have read the evidence provided by the submitters to the Independent Hearing Panel that is relevant to my area of expertise.
5. This statement of rebuttal will respond to the evidence of Mr Giles Boundy on behalf of Tuarangawaewae Marae and Te Whakatitenga O Waikato (Waikato Tainui) concerning the matters raised in his evidence about the cultural view shafts from Tuarangawaewae Marae and the need for a future plan change.
6. The fact this rebuttal statement does not respond to every matter raised in the evidence of a submitter within my area of expertise should not be taken as acceptance of the matters raised. I have focused this rebuttal statement on the key points of difference that warrants a response.

## **REPPONSE TO MR GILES BOUNDY**

### **Qualifying Matters - Cultural View Shafts**

7. Mr Boundy at paragraph 10.9 states:

Whilst landscape matters and visual assessment are outside of my area of expertise, I generally agree with how the recommendations of Mr. Mansergh have been adopted by Ms. Hill in her S42A Report. There are however two matters addressed in the evidence of Mr. Mansergh that I do not see as being advanced through planning provisions recommended by Ms. Hill in the S42A Report. These are:

- a) the reference and recognition of the Waikato Awa as forming part of the culturally significant view shaft from Tuurangawaewae Marae<sup>10</sup> and,
- b) additional assessment criteria referred to in the recommendations of Mr. Mansergh<sup>11</sup>

8. In response to a) above, for clarification, I support the inclusion of the Waikato Awa within the description of features that contribute to the cultural view shaft. I note that the land between Tuurangawaewae and the Waikato Awa is Road Reserve and therefore it is less likely that development, that would encroach into this part of the cultural view shaft, would occur.

9. I consider that while development along the western side of the river may be experienced within the context of the awa, its effects on existing visual amenity (from a landscape architectural perspective) have been taken into consideration and are addressed through the recommendations contained in my evidence.

10. In response to b) above, I accept that, in planning terms, a difference exists between an “assessment criteria” and a “matter of discretion”. In my evidence, I have used the term “assessment criteria” in the sense that it means factors that need to be assessed. I am not advocating a particular approach for their inclusion in the plan. I have relied on the District Council’s planning team to identify the appropriate mechanism for their inclusion.

11. Mr Boundy at paragraph 10.16 states:

I take assessment criteria as addressing areas beyond Area D identified in his evidence and as further shown in Figure 27 of the Planning Report (at pg. 150). Mr. Mansergh and Ms. Hill may wish to clarify this in rebuttal. For the benefit of Mr. Mansergh, Ms. Hill and the IHP I will explore the matter of assessment criteria further.

12. At paragraph 159 of my EIC I state:

...Non-complying development outside of the high potential effects area will need to be carefully assessed.

13. This means that while I expect development within the “high potential effects” area is most likely to affect the cultural view shafts identified in my evidence, I acknowledge that potential exists for non-complying development outside of this area to intrude into the view shaft. To clarify, in my opinion, there would be a need to apply the “assessment criteria” in the following circumstances:
- a) Where the height and/or coverage of proposed development within Area D exceeds the height and/or coverage recommendations within my evidence; and
  - b) Where the height and/or coverage of a proposed development in all other areas exceeds the development standards identified for MRZ2, where those properties are located between Tuurangawaewae and the Haakarimata Range, Taupiri Maunga and the Waikato Awa.

#### **Plan Change Recommendation**

14. In paragraph 10.26 Mr Boundy states:

Like Ms. Hill and Mr. Mansergh, I see the concerns of Tuurangawaewae Marae will not be resolved through Variation 3 given the Waikanae decision. I note that neither Ms. Hill nor Mr. Mansergh go as far as recommending a plan change be investigated to address the matter of reduced heights.

15. In paragraph 162 of my EIC I state:

It is however my understanding that this option is not able to be considered as part of the IPI process and could only occur through a separate plan change process.

16. Accordingly, such a recommendation is outside of scope.

David Graham Mansergh  
19 July 2023