

BEFORE THE HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of proposed Plan Change G: Aokautere Urban
Growth to the Palmerston North City Council
District Plan

**STATEMENT OF REPLY EVIDENCE OF JOHN HUDSON ON BEHALF OF PALMERSTON NORTH
CITY COUNCIL**

LANDSCAPE

Dated: 28 November 2023

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REPLY EVIDENCE OF JOHN HUDSON

A. INTRODUCTION

- [1] My full name is John Robert Hudson.
- [2] I prepared a s 42A report dated 15 September 2023 on Landscape (**s 42A Report**) on behalf of the Palmerston North City Council (**Council**) for proposed Plan Change G: Aokautere Urban Growth to the Palmerston North District Plan (**PCG**).
- [3] My experience and qualifications are set out in my s 42A Report.
- [4] I repeat the confirmation given in my s 42A Report that I have read and will comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that code.
- [5] I attended a pre-hearing meeting on 25 September via Microsoft Teams on the topic of landscape.

B. SCOPE

- [6] My reply evidence responds to points made in evidence by:
 - (a) Rosemary Gear (Submitter 39) regarding setbacks and a transition zone;
 - (b) Brett Guthrie (Submitter 41) regarding setbacks and a transition zone; and
 - (c) Paul Thomas on behalf of CTS Investments Ltd, Woodgate Ltd, and Terra Civil Ltd (Submitter 58) regarding the filling of gullies.
- [7] The fact that this reply statement does not respond to every matter raised in the evidence of witnesses in the areas of landscape and planning should not be taken as acceptance of the matters raised. Rather, I rely on my s 42A Report and the expert evidence of Ms Anita Copplestone (Planning), Ms Allison Reiko Baugham and Mr Tony Miller (Stormwater), and Mr Eric Bird (Geotechnical) to address these matters.

C. RESPONSE TO ROSEMARY GEAR

Setbacks

- [8] The submitter agrees with my recommendation for a 15m setback from the boundary of Moonshine Valley properties for houses on the Aokautere promontories. I refer to this recommendation in my original s 42A Report,¹ and I note that this has carried through into the recommended provisions.
- [9] I do not, however, agree with Ms Gear's view that a transitional Rural-Residential zone similar to Mr Waters' Rural-Residential zone (1 ha with 0.5m min as Restricted Discretionary) is required on the ends of the promontories. In my opinion, the 15m setback and the insertion of an assessment criterion regarding higher buildings is adequate to preserve the Moonshine Valley character.
- [10] Further, from a landscape perspective, I do not agree that a further 15 m of planted reserve land would be necessary in this location to address any landscape character issues.

D. RESPONSE TO MR BRETT GUTHRIE

- [11] Mr Guthrie agrees with my recommendation for a 15m setback and the assessment criterion for taller buildings.² He also accepts the explanation by Mr Andrew Burns of the 'transition area' with which I agree - i.e. a transition area is incorporated into the design by virtue of topography and planned density expanding away from the town centre.³ In my opinion, there is no need for a rural-residential zoning on the promontory ends.

E. REPONSE TO PAUL THOMAS ON BEHALF OF CTS INVESTMENT LTD, WOODGATE LTD, AND TERRA CIVIL LTD

- [12] Mr Thomas raises a number of issues. Within my expertise are his views regarding the filling of gullies, and the previous gully crossing.

¹ Section 42A Technical Report of John Hudson dated 15 September 2023 at [1](c)(i).

² Statement of Evidence of Brett Guthrie dated 27 October 2023 at p 2.

³ At p 2.

Filling of gullies – Abby Road

- [13] Mr Thomas discusses the zoning of an area of land within the Abby Road Gully in his evidence at paragraph 123 – 128 and this has some relevance to landscape considerations.
- [14] Mr Thomas notes at paragraph 126 and 127 that a previous resource consent application by this submitter was declined by an independent commissioner largely in reliance on my landscape opinion. This is correct. This was a proposal to fill the Abby Road Gully between the existing housing and Manga o Tane Reserve.
- [15] I later gave my opinion in the context of the Notice of Requirement for a road through the Abby Road Gully that the landscape effects of that proposal would be acceptable.
- [16] The difference between the two proposals is important to understanding my perspective about the latent landscape values of the Abby Road Gully and why I would recommend they be preserved. The landscape values are not just the *‘low vegetation and low amenity values’*⁴ and the *‘recreation’ zoning does not imply that it needs to be ‘flat playable recreation space.’*⁵
- [17] It is not my opinion that the gullies must remain untouched. Landform, to some extent, can absorb certain impacts without compromising their inherent values. It is essential, however, to strike a balance, acknowledging that gullies can absorb certain works while retaining the distinctive features that contributes to the landscape character of the environment. The road project across the Abby Road gully achieved this in my opinion, while the proposal to fill the Abby Road gully, such as to fill and flatten it for residential development, did not.
- [18] In the landscape assessment for PCG, it was identified that the remaining gullies play a pivotal role in defining the existing landscape character, making a significant contribution.⁶ While filling these gullies, such as Abby Road, might yield more flat land

⁴ Statement of Evidence of Paul Thomas dated 27 October 2023, at [124].

⁵ At [127].

⁶ Section 42A Technical Report of John Hudson dated 15 September 2023, Attachment 1.

for housing, it comes at the cost of permanently losing features that contribute to the area's distinctive character.

- [19] I do not agree with an approach that requires the Council to accept that the filling of Abby Road Gully can be tolerated because it is of lesser significance or has not been kept in a natural state. While I accept that plan change assessments as to the appropriate zonings are multi-disciplinary exercises, my view is that the Structure Plan should align with and preserve the existing landscape character of the Abby Road Gully, encompassing this gully network and its associated systems. This involves not only the physical aspects but also the appreciation of these gullies through public views, resisting the privatisation of such vistas with housing developments and refraining from eroding the character through extensive filling. My stance remains firm: the landscape character of the area should not be eroded completely, and any zoning should align with the preservation of these valuable natural features.

Previous gully crossing application

- [20] Mr Thomas makes a number of references to a resource consent application that is with the Council, proposing large scale earthworks in Gully 1 adjacent to 'Alan Miers Drive' and Johnstone Drive. This is discussed at paragraph 87, for example.
- [21] I confirm that I did undertake a peer review of this resource consent application for the Council in which I gave my opinion that:

The proposal is for earthworks to create a gully crossing, with project effects being assessed as moderate to low (or minor) after mitigation. The effects assessment largely focuses on visual effects and does not assess effects on the area's overall landscape character in a manner which would be expected for a project of this scale.

The area is strongly characterised by its plateau and gully landforms, the proposed earthworks will fundamentally change this landform. The project essentially proposes that the top of a terrace be 'pushed' into an adjoining gully. It is likely this will have more than minor landscape character effects.

I consider the effects from change on the landform to be fundamental. With the design in its current form, it is my view that planting will effectively

mitigate visual effects but effects on landscape character are not adequately assessed. A route which crosses the gully will inevitably affect the gully character of the area but is not necessarily inappropriate, particularly with comprehensive mitigation.

- [22] I understand that a decision was made to publicly notify this resource consent. The developer disagreed with this decision, and began a judicial review proceeding in the High Court to challenge it, which proved unsuccessful. I was involved in the judicial review as a witness for the Council. As far as I know it is the developer who has not moved forward with the notification since the decision was made.
- [23] This application serves as another illustration of my earlier point. The issue highlighted in my peer review which I quote above is not a concern about ‘any’ earthworks in Gully 1, but rather revolves around the nature and extent of the effects of that proposal on landscape character, particularly a 100 m wide, 13 m high earth wall that I regarded to have ‘moderate’ effects. While I endorse a road crossing through Gully 1, as depicted in the structure plan, Mr Thomas misses this key aspect in his evidence – there are factors to consider in a landscape assessment that I considered were omitted and that the conclusion of ‘minor’ was inappropriate – not that fill in the gully was unacceptable.

28 November 2023

John Hudson