

**BEFORE THE INDEPENDENT HEARING PANEL
APPOINTED BY UPPER HUTT CITY COUNCIL**

IN THE MATTER of the Resource Management
Act 1991 (**RMA**)

AND

IN THE MATTER of a request by **MAYMORN
DEVELOPMENTS LIMITED** for
Private Plan Change 55
(Gabites Block) to the Upper
Hutt District Plan under Part
2 of Schedule 1 to the RMA

STATEMENT OF EVIDENCE OF JOHN ROBERT HUDSON

LANDSCAPE AND VISUAL AMENITY

30 SEPTEMBER 2022

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INTRODUCTION

1. My full name is John Robert Hudson.

Qualifications and experience

2. I am a landscape architect and principal of my own practice, Hudson Associates, and have been practicing in this field for over 40 years. I am a registered member, fellow and past president of the New Zealand Institute of Landscape Architects (NZILA). I have also held the roles of member and chairman of the Institute's professional examination committee for ten years, as well as judge for the NZILA's biennial award.
3. I have attained the Making Good Decisions certificates from the Ministry for the Environment as both a Hearing Commissioner and with the Chairing Endorsement and have been engaged as an independent commissioner for several large consent applications. The largest was an appointment by the Minister for the Environment to a Board of Inquiry, called in as a project of national significance. The most recent was chairing a hearing for a large landfill in Waikato.
4. My practice consults on projects throughout New Zealand, with a particular focus on landscape assessment, subdivision, large scale design, and infrastructure. I regularly appear as an expert witness at both Council hearings and Environment Court appeal hearings.

Code of Conduct

5. While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and confirm that I have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

SUMMARY OF EVIDENCE

6. I have prepared evidence in relation to the landscape outcomes of the proposal.
My evidence includes:
- (a) involvement in PC55;
 - (b) description of the existing environment;
 - (c) an assessment of PC55;
 - (d) matters raised by section 42A report;
 - (e) matters raised by Submitters;
 - (f) a conclusion.
7. My evidence addresses the appropriateness of making changes to the Upper Hutt District Plan, as described in the 'Private Plan Change Request', in order to enable low density and rural residential development on the property known as the Gabites Block at 1135 Maymorn Road, Maymorn. This is considered in relation to the landscape, and the extent of potential development which may be achieved while maintaining the identified landscape characteristics and values.
8. This evidence considers whether there are potential landscape issues that are of such significance, in terms of the Structure Plan that forms part of PC55, that the land should not be rezoned, or whether addressing the range of potential landscape and visual issues can be left to the resource consent stage.
9. I consider the key considerations to be:
- (a) Relationship to existing residential areas.
 - (b) Rural lifestyle character in the wider Mangaroa valley.
 - (c) Natural setting – the south-west facing hillside which provides a natural backdrop to the broader area, Gabites Block Natural Areas (GBNAs), and the existing waterways.
 - (d) Recreational values and connectivity.
10. Overall, I consider that the Plan Change (PC55) including the proposed Structure Plan responds appropriately to the application site's attributes, sensitivity and the

surrounding environment. In my opinion, there are no landscape or visual amenity reasons why the land could not be rezoned in the manner sought by PC55.

INVOLVEMENT IN PC55

- 11.** I first became involved in this project in May 2021. I undertook my first site visit on 19 May 2021 and have undertaken subsequent site visits since then. I have worked on various projects in the Maymorn area over the last 20 years and am familiar with the local and wider area, having seen it change considerably over this time through rural residential development. My role in the current project has been to work with the engineers, planner, and client to develop the rezoning proposal, incorporating the constraints identified by both the client and engineers, advising the planner on the intent of provisions and subsequently responding to issues identified in submissions received after public notification.
- 12.** The method used has been to identify the landscape character and constraints of the site and provide for development that allows the landscape character of the area to be retained. Although change is taking place, and appears to be further envisaged by the Upper Hutt City Council (**Council**) in draft Plan Change 50 (which has been the subject of public consultation by the Council), change does not necessarily equal adverse effects and in my opinion the overall landscape character and amenity of the site and surroundings will not be adversely affected.
- 13.** A more detailed explanation of the method is that following the site survey, a site analysis was undertaken. This included a visibility analysis considering views from a range of viewpoints to determine visual constraints on development capacity. I also undertook a character assessment, being mindful of the rural residential development south of Maymorn Road and visibility of the west-facing hillside slopes and main north-south ridgeline within the site. These landforms are locally prominent, and care has been taken to maintain a dominance of the landform character within these areas. Once the results of the engineering and water constraints were included, we were able to prepare the initial layout and density plan. I supervised the production of the landscape report which was prepared to illustrate the development process. There was close liaison with the planner, who

formulated the provisions which are designed to maintain the intended character of the new development.

14. Following a peer review of the draft landscape report by Ms Annan of 4Sight Consulting on behalf of the Council, the Landscape Report was updated.¹ This appears at Attachment 4 of the Section 32 Evaluation Report. The Landscape Report includes:

- (a) Statutory and non-statutory context relevant to landscape matters.
- (b) Landscape character analysis and identification of landscape values.
- (c) An estimation of the capacity of the landscape to absorb change.
- (d) An outline of the proposed Structure Plan.
- (e) An assessment of the proposed Structure Plan.
- (f) Recommendations to ensure the intentions and outcomes of the plan change provisions align with the landscape values of the site.

15. The peer review of the draft landscape report commented on several areas that required further consideration or explanation, namely:

- (a) Consideration of reverse sensitivity in relation to industrial activity.
- (b) Further description of the values (Residential Character, Rural Lifestyle Character, Natural Setting, Recreation, and Connectivity).
- (c) Methodology contributing to landscape capacity of the Hillside area.
- (d) Increased emphasis on the Gabites Block Natural Areas.
- (e) General restructuring for increased clarity.

16. These comments were addressed in the updated Landscape Assessment dated 1 March 2022, with changes described in a memo.² A key change was the inclusion of the indicative ridgeline in the Structure Plan in reference to the provision 'DEV3-P2', the purpose of which was to highlight the highest topography of the ridge for the application of DEV3-P4 (v).

¹ Hudson Associates. *Gabites Block Private Plan Change: Landscape Report*. 03 March 2022.

² Hudson Associates. *Memo: Changes to Landscape Report*. 03 March 2022.

17. More recently I visited the site on 16 June 2022 to prepare Artist's Impressions and again on 13 September 2022 to meet with the peer reviewer. The Artist's Impressions were intended to assist in illustrating the densities of the development areas proposed for PC55 and have subsequently been followed up by more detailed visual simulations based on earthworks modelling and illustrating possible development .

EXISTING ENVIRONMENT

18. Maymorn is a small rural area, in the Mangaroa Valley, at the peri-urban edge of Upper Hutt city, in the Wellington region of New Zealand. The site is located near Maymorn station which is on the Metlink Wairarapa Line. Development has already occurred in the immediate vicinity. An Industrial Ready Mix batching plant operates from 1066A Maymorn Rd and Alpha house removal is located next door opposite the southwestern end of the site. Lifestyle zoned land is located south of the site and contains about 65 lots and the Wairarapa Line railway passes the site to the east. The site itself is flat pasture which formerly contained effluent ponds for a pig farm plus a pine plantation covered hills to the north and east. Modification is a key characteristic of the existing environment and, as I mentioned earlier, the Council's draft PC50 anticipates more development in this exact area to implement the Upper Hutt Land Use Strategy 2019-2043.



Figure 1: Site in relation to its surroundings.

19. The site of proposed PC55 (Figure 1) is located within an area of transition. This is evident in many ways:
- a) To the west lies the residential built-up area of Plateau Rd, Plateau School and Maymorn Road;
 - b) To the south lies the intensification of lifestyle development opposite the site;
 - c) To the north lies Pākuratahi Forest managed by the GWRC; and
 - d) To the east lies Tunnel Gully and the Wairarapa Railway Line.
20. It is an area surrounded by increasing density, some industry, transport links and an historic character as a working rural landscape. The flat paddocks have previously been effluent ponds for the long-standing piggery that was there. The hills are covered in regenerating self-sown pine trees seeded from the production forestry that stood there before being harvested.
21. In my opinion, this characteristic of transition illustrates why draft PC50 envisages development of the site. It is located within an area of Maymorn Valley that has

already seen substantial change and is an area where further change can be readily accommodated, from a landscape and visual amenity perspective.

Planning Context

- 22.** Under the Upper Hutt Operative District Plan 2004, the site is currently zoned 'Rural Valley' and 'Rural Hill'.

- 23.** I understand that the Council's intention is for its review of Rural Chapters of the District Plan, being Plan Change 50 (PC50), to now be publicly notified later in early 2023³. This is intended to set the future direction for rural development. At this stage, the Council has identified the north-east side of Mangaroa Valley for rural-residential development, including the Gabites Block. The draft policy direction anticipates "*denser Rural lifestyle living over the Gabites Block, transitioning to rural-residential settlement near the Maymorn Railway Station*".⁴ The site is indicated to be predominantly in the intended future 'Settlement' zone with a minimum of 2000m² allotments. Near the train station the site is also intended to be zoned 'Village Precinct', which may allow a 1,000m² minimum. 'General Rural' zone would cover most of the south-west facing hillside to protect the natural backdrop.

- 24.** The site is not identified as an Outstanding Natural Feature or Landscape (ONFL) or a Special Amenity Landscape (SAL) in the District Plan. UHCC had identified a draft Significant Natural Area (SNA) at the northern end of the site but subsequently resolved not to proceed with a plan change to formalise the identification and protection of SNAs pending the gazetting of the National Policy Statement for Indigenous Biodiversity. In the absence of a City-wide approach, PC55 has chosen to fulfil s6 obligations in respect of indigenous biodiversity by identifying and protecting 6 site-specific natural areas, which have been termed Gabites Block Natural Areas (GBNAs).

³ The Council's website states that PC50 will now be confined to a Rural Review: <https://www.upperhuttcity.com/Your-Council/Plans-policies-bylaws-and-reports/District-Plan/PC50>

⁴ See objective 7. *Upper Hutt City Council. Outcomes and Methods for the Rural and Residential Review – Rural Edition*. December 2020. Page 6.

Broader Context

25. The broader context is defined by Mangaroa Valley. This is a broad alluvial valley set between the Remutaka Ranges (east) and the Southern Hills (west). The northern extent is considered the foothills behind Plateau Road residential area (north) and the road crossing of Mangaroa Valley Road over Mangaroa River (south).

Localised Area

26. The localised area is focused around Maymorn Station which is near the plan change site. Landscape features which define the landscape at this scale include the nearest foothills and Mahers Stream, as evident in Figure 1.

Mixed Character

27. There is a diverse mix of land use in the localised area including residential, light industry, rural lifestyle, forestry, pasture, a GWRC reserve to the east (Pākuratahi Forest), and historic and current railway.
28. Residential characteristics are evident to the north of the site towards Te Mārua, along Plateau Road adjacent to the site and along Maymorn Road west of the site. A residential enclave of railway houses also exists at McLaren Street.
29. While rural character is valued in the wider Mangaroa Valley, the land use has changed from rural production to rural lifestyle and rural residential properties. This is particularly evident in Maymorn. Draft PC50 consultation revealed that residents in rural areas wanted *“recognition of open spaces as a feature of rural areas including vistas, the sense of openness, and peace and quiet”*.⁵
30. Viewshed analysis (Digital Zone of Theoretical Visibility) and Google Streetview desktop analysis was confirmed with on-site observations. The site has limited

⁵ Upper Hutt City Council. *Public Engagement Report: Strategic Objectives & Policies for the Rural & Residential Chapters Review*. December 2020. Page 9.

visibility due to varied topography, and due to riparian regenerative, shelter and amenity plantings.

Landscape Values

- 31.** From the above observation and assessment, the key landscape values of the site and its context are summarised as:
- (a) Relationship to existing residential areas.
 - (b) Rural lifestyle character in the adjacent Mangaroa valley
 - (c) Natural setting – the Tunnel Gully/Pākuratahi Forest and the south-west facing hillside which provides a natural backdrop to the broader area, Gabites Block Natural Areas (GBNAs), and the existing waterways.
 - (d) Recreational values and connectivity.

Natural Character

- 32.** The site contains a highly modified and unnamed tributary of the Blaikie Stream, which flows to the Mangaroa River and then to Te Awa Kairangi / Hutt River. The existing natural character of the stream is **low**. This is because the flow path is highly modified and indigenous vegetation is absent, due to prior farming land management practices. Some experience of natural processes remain as the stream remains open (unpiped), albeit natural processes are very limited due to the degree of modification.
- 33.** Blaikie Stream is just outside of the site, located to the north-east. Blaikie Stream has prior modification on the upper banks, with rural residential properties on the true left bank, accessed from Roseveare Grove on the true right bank. Riparian margins of Blaikie Stream are typically a mix of native bush and pine trees from adjacent forestry.

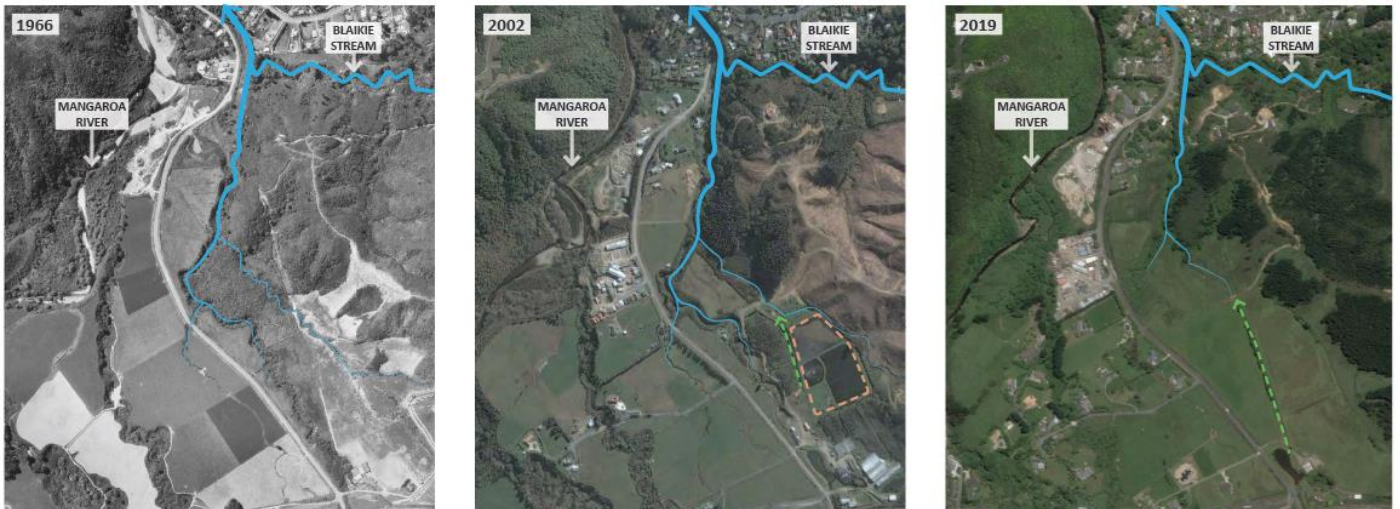


Figure 2: Historic aerial imagery showing changes to the site's land cover and waterways.

ASSESSMENT OF PC55 DEVELOPMENT AREAS

34. The proposed plan change would rezone the site to Settlement Zone with a site-specific Gabites Block Development Area identified in a Structure Plan. Plan provisions propose to tailor the development to be appropriate to the different sub-areas of the site.

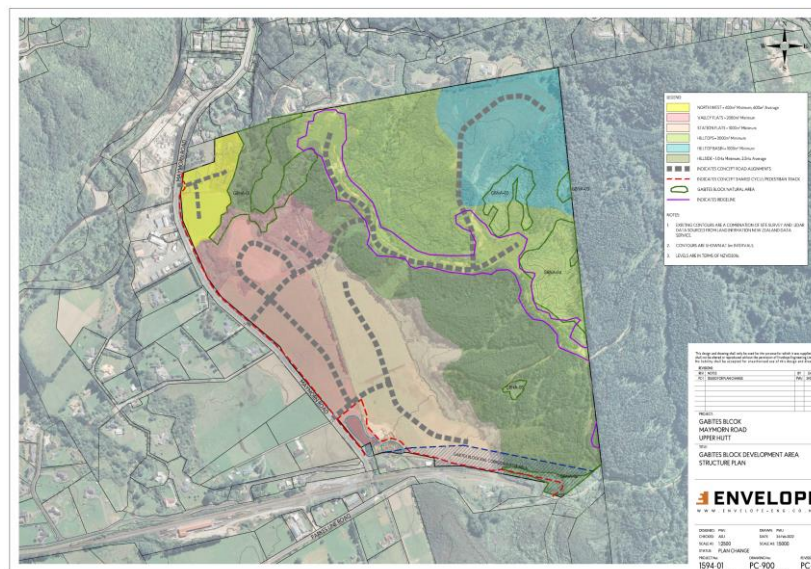


Figure 3: Structure plan illustrating character areas and landscape values of the site.

35. Due to the site's distinct features and transitional landscape character, six-character areas were identified during the preparation of the Structure Plan. A summarised description of each area follows, along with an assessment of PC55.

North-West –

36. This area is close to existing residential development to the north, along Maymorn Road, and opposite the light industrial activity. A cluster of residential development is proposed in this area, with a minimum of 400m² lots and a 600m² average. The residential character analysis⁶ shows the proposed residential density would be in-keeping with the character of the existing residential area to the north. The contained nature of the North-West area is considered compatible for extending the residential character. Reverse sensitivity, noise and visual effects in relation to the industrial activity can be addressed through landscape treatments.

Valley Flats –

37. Along Maymorn Road, and on the lower aspects of the southwest hillside, rural residential lots are appropriate for extending the residential development already occurring along Maymorn Road down to Maymorn Station. The Structure Plan proposes rural residential development in this area with a minimum lot size of 2000m². Development along Maymorn Road would help unite the residential area towards Te Mārua, with Maymorn Station. The rural residential density proposed can provide a suitable transition to the rural lifestyle activity occurring in the wider Mangaroa Valley.

Station Flats –

38. Located between the Valley Flats Area along Maymorn Road, and the lower aspects of the south-west hillside. Greater density of development is appropriate in this location around the train station. Locating the bulk of development on the flats, ensures the hillside area can remain predominantly free from built development. This area is largely away from the central valley area and from public views. The Structure Plan proposes no less than 1000m² lots in this area. Low density development can be accommodated on the Station Flats, as this area is set back from Maymorn Road, and framed by the railway line and hillside. The separation created by the proposed 5m wide landscaped buffer, the Valley Flats, and the ponds (to be converted to public space) will ensure the low-density residential

⁶ Hudson Associates. *Gabites Block Private Plan Change: Landscape Report*. 03 March 2022. Pages 30-31 & 48-49.

activity in this area does not detract from the rural lifestyle amenity values in the wider Mangaroa Valley.

Hilltops –

- 39.** This area has varied topography and encompasses the main east-west ridge north of the Hillside area. Some areas are more suited to development than others. In this area there is potential for the steeper slopes to remain free from dwellings, and instead, these may be positioned sensitively along the ridge. One or more larger balance lots, which include the steep hillsides and valley, can be owned by one or several residents. This balance lot approach is intended as a mechanism to achieve consistent land use throughout the valley north of the Ridgetop. This will enable a few people to have responsibility for a large undevelopable area which will most likely remain predominantly natural landcover.
- 40.** The Structure Plan proposes that this will be a landscape with vegetated hillsides interspersed with sensitively located rural residential development. Lots are to be no less than 2,000m² and have an average of 4,000 m². Specific policies relate to the Hillside and Hilltop areas with the aim of preventing urban type development. Building platforms will be selected at the subdivision consent stage following a landscape assessment.
- 41.** Development will be guided by the local landscape character within each portion of the site plus the provisions proposed for the plan change. I have carried out some modelling of the potential areas of housing along the ridgetop, with these depicted in the visual simulation below. Due to the early stages of the design process, it is not possible to know exactly which trees will be affected by road construction, therefore a simulation was prepared (*Figure 4* below) showing a worst case scenario. In order to allow for replacement or additional planting should trees need to be replaced, new provisions are recommended to allow for this screening:

SUB-DEV3-P4 *The western side of the road reserve along the main north-south ridge includes a buffer vegetation area that visually screens built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road;*

SUB-DEV3-IR-1 2.a.iv *A buffer vegetation area in the western side of the road reserve along the main north-south ridge that visually screens built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road.*

SUB-DEV3-IR-1 2.b.ii *Details of planting or existing vegetation in buffer vegetation areas to visually separate neighbouring sites or screen built development in the Ridgeline Protection Overlay when viewed from Maymorn Road or Parkes Line Road;*

42. Detailed earthworks and roading design has yet to be done as part of the resource consent process, plus a Landscape and Visual Assessment is required as part of the subdivision process. These will provide the opportunity to mitigate and reduce adverse effects to appropriate levels through design or through revegetation by using the provisions above.



Figure 4: Visual simulation from raised platform at Maymorn Station showing worst case of development as still subject to detailed earthworks and roading design.

Hilltop Basin –

43. The north-east corner of the site has the capacity for denser rural lifestyle lots due to the more gradual slopes at a lower elevation, close to the residential area towards Plateau Road and development along Roseveare Grove. The Structure Plan proposes an enclave of low density residential development in this area, secluded in the natural hilltop basin, framed by hillsides and ridges. Lots are to be no less than 1000m² in this area. The natural character of Blaikie Stream could be slightly reduced due to an increase in built form on the river's upper slopes. However, built

form is already present here from several Roseveare Grove properties. There will be no impact on Blaikie Stream due to the steep sided topography and consequent inability to develop in proximity to the watercourse. A building setback of 5m could be imposed but, in my opinion, this is unnecessary due to the impracticality of building within this setback. The building platform would best be located close to the road (at subdivision stage) due to the site's topography.

Hillside –

44. The ridgeline and hillside are more sensitive to changes as this landscape feature is valued as a natural backdrop to the wider area. The potential for development here is much lower, and as per my recommendations, the Structure Plan proposes an open, vegetation-dominated, west-facing hillside and ridgeline with sparse and sensitively located rural residential development. This translates to a 2.5ha (25,000m²) average lot size, allowing for a minimum of 1ha (10,000m²). Lots should be shaped around the topography. To the south-east lots it is preferable that lots are restricted to one allotment per spur, with property boundaries located in the valleys.
45. These outcomes will be achieved through the Landscape and Visual Assessment required as part of the subdivision process. Land use consents will be required as a restricted discretionary activity for any development with structures over 6m high within the Hillside or Hilltops area, with a Landscape and Visual Assessment stipulated as an information requirement. This is to ensure a green backdrop is achieved. This will enable steeper and more sensitive areas to be appropriately managed. The height limit of 6m is intended to allow single storey buildings as permitted within each of the Hillside lots or Hilltop lots (on building platforms required to be identified at the time of subdivision), with this height considered sufficient to allow surety of building for a purchaser but low enough to prevent prominent skylining.
46. Heights above that would be subject to a visual and landscape assessment with the intent of limiting obtrusive skylining and maintaining the predominantly vegetated hillside and ridgeline north of Maymorn Road. This height has been tested by visibility analysis modelling and includes the extent of the defined Ridgeline Protection Overlay. In addition, the 2.5ha average lot size for the Hillside area was

arrived at by limiting potential building sites to suitable locations on more gentle contours then dividing this into the total area (21.5ha).

ASSESSMENT OF PC55 PROVISIONS AND CONTROLS

- 47.** PC55's Section 32 Report considers PC55 to be the preferred planning option as it anticipates "*better environmental and housing outcomes...with site specific provisions*".⁷ The evaluation agreed that "*development can respect rural character and landscape values*".⁸ It also concluded that "*the subdivision provisions are well understood and provide a high level of certainty of providing the outcomes sought*".⁹

Overview of provisions

- 48.** The summary explanation of PC55 provisions set out here includes my recommended changes in response to submissions and matters identified in the s42A Report.
- 49.** Each of the six Areas of the Gabites Block has an objective (DEV3-O1 – O6) that states a desired outcome for its character and amenity values.
- 50.** Subdivision in all Areas except the Hillside Area and the Hilltops Area is a controlled activity subject to meeting a range of standards including minimum allotment size and shape factor, requirements to form building platforms and access outside of GBNA's, provision of infrastructure and services, geotechnical and roading access.
- 51.** The transport network must be in accordance with the Road Typologies of the Structure Plan. There are controls on streetlighting to support rural character. The first subdivision of the site must adjust the boundary with Maymorn Road to provide sufficient width in Maymorn Road for a future cycleway and walkway and a pedestrian and cycling connection to Maymorn Station must be provided.

⁷ Upper Hutt City Council. *Proposed Plan Change – Gabites Block Section 32 Report*. November 2021. Page 49.

⁸ *Ibid.* Page 52.

⁹ *Ibid.* Page 77.

52. Subdivision in the landscape-sensitive Hillside Area and Hilltops Area is a restricted discretionary activity if it meets the standards mentioned above (and discretionary if it does not). Building platforms, accessways and buffer vegetation areas must be identified on the subdivision plan and meet requirements to protect the main north-south ridge, which is identified on the Structure Plan as the Ridgeline Protection Overlay. The Hillside Area has a minimum allotment size of 1 ha and a minimum average size of 2.5ha. The Hilltops Area has a minimum allotment size of 2000m² and a minimum average size of 4,000m².

53. Subdivision consent applications must be supported by a comprehensive landscape and visual assessment (see SUB-DEV3-IR1) that addresses the location and layout of each proposed allotment in relation to landform and views, sets out landscape development and planting and includes an explanation of how the subdivision provides for the matters in SUB-DEV3-P4:

- *Allotment boundaries on hillfaces do not divide existing natural edges in the landscape including spurs and ridges;*
- *Building platforms, vehicle accessways and buffer vegetation areas are identified on the subdivision scheme plan;*
- *Building platforms provide for built development that does not have significant unacceptable adverse visual effects on the skyline of the main north-south ridge when viewed from Maymorn Road or Parkes Line Road;*
- *Building platforms are located to prevent the appearance of linear or urban development and are visually separated from neighbouring sites by buffer vegetation areas that are legally protected in perpetuity;*
- *Roads and building platforms in the Ridgeline Protection Overlay follow the overall natural curvature of the main north-south ridge;*
- *In the Hillside Area, cumulative development is managed by a minimum average allotment size to retain the overall pattern of openness and green slopes, particularly on the prominent south-west facing hillside;*
and
- *In the Hilltops Area, cumulative development is managed by a minimum average allotment size to achieve an overall rural residential pattern of development that responds to landform including highly sensitive areas.*

54. Land use and development is managed by directive policies in DEV3-P2:

Provide for low density residential and rural residential use and development that achieves the following:

1. Site design, layout and scale of the activity that are compatible with the character and amenity values anticipated in the applicable Area;
2. Site design and implementation that:
 - a. Avoid built development that has unacceptable adverse visual effects on the skyline of the main north-south ridge shown on the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1, when viewed from Maymorn Road or Parkes Line Road;
3. Building design and implementation that achieves:
 - a. Recessive built forms and finishes;
 - b. Attenuation of external noise for sleeping rooms locating in the Gabites Block Rail Corridor Buffer Area of the Gabites Block Development Area Structure Plan in DEV3-APPENDIX1.
4. Landscape design and implementation that:
 - a. Maintain and enhance the vegetated hillside backdrop to Maymorn;
 - b. Avoid visually-impermeable boundary fencing, including avoid close-boarded and solid panel fencing, and avoid front boundary fences of higher than 1.2m;
 - c. Ensure outdoor living spaces are well located, accessible and have access to sunlight;
 - d. Use planting to achieve visual amenity, safety and functionality;
 - e. Ensure driveways, manoeuvring and parking areas are visually unobtrusive;
 - f. Screen water tanks from views from public places with timber lattice or planting;
 - g. Provide a visually-permeable, planted buffer along Maymorn Road.

5. Lighting that enhances safety and security without adversely affecting the amenity of other sites.
6. Private vehicle crossings that do not connect directly to Maymorn Road.
7. Transport networks that:
 - a. Avoid unacceptable adverse effects on rural character or landscape values; and
 - b. Achieve the management of stormwater quality and quantity set out in DEV3-SW-P1 and DEV3-SW-P2.

55. Buildings and structures are permitted activities (Rule DEV3-R1) as long as they comply with a suite of development standards. The key standards for landscape are:

- *DEV3-S1 Maximum height of buildings and structures;*
- *DEV3-S3 Maximum building coverage;*
- *DEV3-S4, S5 and S14 Minimum building setbacks from boundaries and waterbodies;*
- *DEV3-S7 Maymorn Road landscaping buffer;*
- *DEV3-S9 Fences;*
- *DEV3-S10 Reflectance of buildings and structures; and*
- *DEV3-S13 Visual screening of water tanks.*

56. If a standard is breached, a building or structure becomes a restricted discretionary activity. Each standard, except DEV3-1.2, sets out its matters of discretion.

57. DEV3-1.2 sets the maximum permitted height of buildings and structures in the landscape-sensitive Hillside Area and Hilltops Area within the Ridgeline Protection Overlay. The permitted building height provides for a single storey (on building platforms appropriately located during subdivision design) to avoid unacceptable effects on the skyline of the main north-south ridge. If DEV3-1.2 is breached, a building or structure becomes a restricted discretionary activity, with discretion restricted to the matters set out in Policy DEV3-P2. An application for consent must

include a landscape and visual assessment that addresses the requirements of DEV3-IR1.

Residential Character –

58. As per 'DEV3-O1', the objective for the North-West Area is to provide "*a cluster of residential development that is compatible with the built development of adjoining residential areas to the north and industrial areas to the west*".¹⁰
59. The North-West area is close to existing residential development of Maymorn to the north, along Maymorn Road, and opposite the light industrial activity. This is the more dense area of the development, providing for small lots with a minimum of 400m² and average of 600m². This density is appropriate considering the relationship to existing development and the transition it provides between this existing development and the larger existing and proposed lots to the east.
60. Further to the south, there is provision for "*rural residential development on flat land along Maymorn Road*" and "*a cluster of low density residential development on flat land framed by the Maymorn Station and railway line and the western hillside*".¹¹
61. In my opinion, these are the two areas within the Block that are more suited to denser development than other parts of the Block. They are set back from Maymorn Rd by the cycleway plus the 5m planted buffer. Rural/residential development has already occurred south of Maymorn Road and this is a continuation of the densification characteristic of this area. This also appears to be the Council's intention based on the direction of draft PC50.

Rural Lifestyle Character –

62. The separation created by the proposed 5m wide landscaped buffer along Maymorn Road, and the ponds (to be converted to public space) will ensure the low-density residential activity on the flats does not detract from the rural lifestyle amenity values in the wider Mangaroa Valley (natural setting, the sense of

¹⁰ Private Plan Change Request Gabites Block, Maymorn, Upper Hutt. Maymorn Developments Ltd: 5 November 2021. Page 38.

¹¹ Ibid. Page 38.

openness, and peace and quiet). This is supported by other design and landscape controls, such as 'SUB-DEV3-P2': "Lighting that enhances safety and security without adversely affecting the amenity of other sites", for maintaining rural characteristics.

Natural setting –

63. The GBNA's have several provisions under objective 'DEV3-ECO-O1',¹² to protect the ecological values from inappropriate subdivision, use and development. Applications for activities in Gabites Block Natural Areas must include an Ecological Assessment by a suitably qualified person as per 'DEV3-ECO-IR-1'.¹³ No changes are envisaged within the GBNA but, should they occur, I support this requirement for an ecological assessment.

64. Subdivision consent applications in the Hilltops Area or the Hillside Area must include 'SUB-DEV3-IR-1's' requirements for a Landscape and Visual Assessment, to ensure the green backdrop is maintained.¹⁴ This requires building platforms, access and visual buffer vegetation areas to be identified on the subdivision scheme plan per 'SUB-DEV3-P4' and 'SUB-DEV3-S1'. At the subsequent land use stage, several effective controls apply, including: a 6m permitted activity height limit (DEV3-S1), building colour and reflectivity restrictions (DEV3-S10), and fencing standards (DEV3-S9). After reviewing the provisions in the light of submissions, I am of the opinion that a 400m² building coverage (DEV3-S3) is too permissive, and building coverage above 350m² should be a matter for discretion.

Recreation values –

65. Development on the eastern side of the site would not impose on the recreation values of Pākuratahi Forest, which are predominantly concentrated around Collins Stream. However, there is potential to enhance recreational value by connecting the proposed low-density residential area to the tracks in Blaikie Stream valley (on the adjacent forestry land owned by Greater Wellington Regional Council).

¹² Private Plan Change Request Gabites Block, Maymorn, Upper Hutt. Maymorn Developments Ltd: 5 November 2021. Page 31.

¹³ Private Plan Change Request Gabites Block, Maymorn, Upper Hutt. Maymorn Developments Ltd: 5 November 2021. Page 34.

¹⁴ Ibid. Page 25.

Connectivity with Pākuratahi Forest tracks could provide high amenity in the long-term. This is recommended in the Landscape Report.¹⁵

66. The shared path indicated on the Structure Plan¹⁶ is proposed to connect with Tunnel Gully Track (Remutaka Rail Trail) in Pākuratahi Forest, via the Hillside. This would enhance the recreational values of the local and wider landscape. There is potential for public space surrounding Gabites pond to further enhance this trail.

Connectivity –

67. The proposed shared path will also improve connectivity along Maymorn Road. This is covered by provision ‘SUB-DEV3-P5: Maymorn Road Cycle Trail and Walkway’. This provision requires *“the first subdivision in Valley Flats Area to adjust the boundary of Maymorn Road to provide sufficient width in Maymorn Road for a future cycleway and walkway”*.¹⁷
68. In addition to the shared path, I recommend a public access easement (i.e. paper road) along the ridgeline to Tunnel Gully track to provide connectivity for the residents of the development (Hillside, Hilltops, Hilltop Basin) to Pākuratahi Forest and Maymorn Station.¹⁸

ISSUES RAISED IN SUBMISSIONS

69. The main issues raised by the submitters which are relevant to my expertise related to the asserted loss of rural character, a request for lower density (i.e., 2000m² average across the entire site), concerns regarding lighting, and a query about the hillside average approach. I respond to these concerns below.

Loss of Rural Character

70. Numerous submitters have expressed a concern about the loss of rural character. The Maymorn area has already undergone considerable change with the

¹⁵ Hudson Associates. *Gabites Block Private Plan Change: Landscape Report*. 03 March 2022. Page 80.

¹⁶ Ibid. Page 48.

¹⁷ *Private Plan Change Request Gabites Block, Maymorn, Upper Hutt*. Maymorn Developments Ltd: 5 November 2021. Page 18.

¹⁸ Ibid. Page 81.

development of rural-lifestyle properties in the local area. Over 60 such properties now exist in the lifestyle zoned square kilometre immediately south of Maymorn Road, with a quarter of these being less than the 1ha standard. This density has occurred, with sites under 1ha being consented. One of the objectives of the Rural – Lifestyle zone is *‘To provide for rural lifestyle subdivision which maintains the rural character and amenity value...’*.

- 71.** In my opinion, it is challenging to maintain rural character when the minimum lot size is 1ha or smaller. An example is shown below with lots ranging from 5080m² to 7673m².



Figure 5. Example of smaller existing lots within Rural Lifestyle Zone immediately south of Maymorn Road.

- 72.** The resulting character could be described as rural-residential or lifestyle lot. The flat topography helps maintain the characteristic of ‘openness’, which the Upper Hutt District Plan Policy (SUB-RUR-P2) seeks in its explanation, despite the smaller lot sizes. The point being that change has already occurred in the local area and in my view it cannot be described as having ‘rural character’, but this approach and its resulting character is perfectly acceptable as an attractive development option at Maymorn.

- 73.** The average lot size of the proposed development varies according to the landscape character of each area. The Valley Flats have a minimum of 2,000m², whereas the adjoining hillside has an average of 2.5ha. The overall expected average (which can only be determined after Resource Consents are issued for subdivision) will be spread over the 75ha site.
- 74.** In my opinion, the area is well suited to development in the manner proposed because it recognises the different characteristics of each area. Greater development capacity is proposed in areas where there is flat land with less visibility, while the hills which are more visible across a wider area have less density proposed.

Request for Lower Density

- 75.** Submitters have requested a wide range of alternative densities. These includes submission for 1,000m², 1,500m² - 2000m², 2,000m², 2 acres, 4ha minimum lot size, with one submitter stating *“high density housing ruins the aesthetic of Maymorn”*. It should be noted that no high density housing is enabled. A small portion of the site is proposed to be residential which is consistent with the residential zoning to the north. The rest of PC55 ranges from 1000m²-10,000m² minimum lot sizes which is considered to be a suitable range from low density residential to rural residential development with each density being related to the topography and character.

Lighting

- 76.** One submitter noted that *“At present there is no street lighting past the 80km sign heading south. We would hate for this to change as this area is mainly lifestyle blocks and putting in street lighting would change the whole feel of the place and is not in keeping with the rural character this area”*.
- 77.** I agree that standard urban-style street lighting would be inappropriate and impact the character of the local area. As such, PC55 includes a provision to address streetlighting, accepting the need for traffic and pedestrian safety. I recommend that this is one of the Restricted Discretionary matters to be considered at resource

consent stage under DEV3-P2 'Lighting that enhances safety and security without adversely affecting the amenity of other sites.'

78. Another submitter expressed concern regarding light pollution, stating that *"the development should require low light pollution design as in McKenzie [sic] Basin and Tekapo Dark Sky Reserve"*. I do not think it is appropriate for strong controls to be required in this location given the existing lighting from the existing housing and relatively close proximity of Upper Hutt City, Lower Hutt City, Porirua City and Wellington City. Mackenzie Basin / Tekapo is an internationally recognised Dark Sky Reserve and as such strong controls are appropriate in this location. The proposed Porirua District Plan includes sky glow provisions for the Settlement Zone which are the same as the General Rural Zone: *"outdoor artificial lighting must not exceed an upward light ratio of 3%"*, which I consider to be appropriate for the PC55 context.

Use of 'Avoid' in provisions and Average Lot Sizes

79. One submitter commented that: *'Avoid direct property access'* implies it may occur¹⁹.
80. Based on my own experience and on advice received from the applicant's counsel, case law has developed over recent years giving direction to the meaning of the word *'avoid'*. The general nature of the case law was that *'avoid'* means precisely what it says i.e. do not allow. I support the submitter's concern regarding individual direct property access off Maymorn Road and agree that this should be avoided. The Structure Plan has been designed with this *"avoidance"* in mind. The submitter also commented about the avoidance of street lighting. As stated above, this is influenced by 'safety and security' but the overall aim is to enhance amenity.

Buffer planting

81. Another submission point is that *'the Maymorn buffer planting area needs to be in a single title to work. Individual titles will also generate complexities in establishing building set back distances from the boundary'*²⁰.

¹⁹ Submission 15, R. J. (Bob) Anker

²⁰ Ibid

- 82.** The buffer planting will be within individual lots but be protected by means of a covenant on records of title. Building setbacks are commonly used in district plans to manage the distance of buildings from boundaries. I see no issue with this use of a building setback from the road reserve boundary.

Skyline effects

- 83.** Another submission point related to the Subdivision in Hillside Area objective which includes *'Built development does not have a significant adverse effect on the skyline.'* The submission stated: *"The word significant seeks to quantify the level of the effect and will open the matter up to considerable debate. For clarity this clause should read "does not have adverse visual effects on the skyline"²¹.*
- 84.** The Resource Management Act uses different language relating to effects (*less than minor, minor, significant*) and all involve an element of judgement. The substitute wording suggested by the submitter of *'does not have adverse visual effects..'* also involves judgement. There are practices that experts need to follow in making this judgement which are recognised by the Courts. In considering this matter I suggest that "significant adverse effect" may be too high a threshold of effect and "adverse effect" may be too low a threshold. I propose the alternative term "unacceptable", which would provide for some effects but not to the extent of being significant.

Calculation of average lot sizes

- 85.** A further submission point is that *'PC55 is putting forward the concept that you should include the area of Public Open Space when calculating the 2.5-hectare average size for lots in this area. This concept makes no sense. First you exclude an area termed Public Open Space from the subdivision and then you add it back in again to calculate an average size'.*
- 86.** The provisions have been revised to remove this ambiguity. The explanation for this apparent double dipping is that any area on the Hillside is in fact not Public Open Space. Any area marked GBNA is not Public Open Space and any other area

²¹ Ibid

on the Hillside that may have been indicated to be Public Open Space has been revised. The total Hillside area is 21.5ha. When the Resource Consents are applied for, the policies indicate that housing platforms should be assessed and identified. The policies steer these platforms away from the hill face. The average area of 2.5ha has been determined by firstly selecting the number of locations on the Hillside where houses could acceptably be placed, then dividing that number into the area of the Hillside. Other policies with SUB-DEV3-P4 also steer development of the Hillside, such as locating boundaries to follow natural features. The aim of this is to prevent boundaries and varied land uses from cutting across spurs in an imposed cadastral pattern.

SECTION 42A REPORT

- 87.** The Council Planner's Section 42A report is supportive of PC55 and the landscape provisions relating to the proposed development. Discussions with the 4Sight landscape architect were helpful throughout the process of developing PC55 and the provisions have been enlarged to address matters raised.

SUMMARY AND CONCLUSIONS REGARDING PC55

- 88.** In my opinion the Structure Plan and provisions together will provide for a plan change and subsequent development that responds to the landscape characteristics of the different part of the site.

DATED this 30th day of September 2022



John Hudson