

**BEFORE AN INDEPENDENT HEARING COMMISSIONER
APPOINTED BY MASTERTON DISTRICT COUNCIL**

IN THE MATTER OF The Resource Management Act 1991

AND An application by East Leigh Limited for consent to subdivide land at Riversdale Beach (Lot 102 DP517369) to create 21 residential allotments and a local purpose reserve to vest, to adjust the boundary between Lots 12 & 13 DP383390, and for land use consents to enable development of the allotments for residential use.

MDC Reference RM210207

**STATEMENT OF EVIDENCE OF JOHN ROBERT HUDSON
FOR EAST LEIGH LIMITED
13 May 2022**

QUALIFICATIONS AND EXPERIENCE

1. My name is John Robert Hudson. I am a landscape architect and principal of my own practice, Hudson Associates, and have been practicing in this field for over 30 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 Institute's biennial award.
2. I have attained the Making Good Decisions certificates from the Ministry for the Environment as both a Hearing Commissioner and with the Charing 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 the Board of Inquiry hearing Mighty River Power's Turitea Wind Farm consent application, Called In as a project of national significance.
3. 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.
4. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses and that I have complied with it when preparing my evidence. I confirm that I have considered all the material facts that I am aware of, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express. This evidence is within my area of expertise, except where I have relied upon the evidence of other experts, in which case I have indicated such in my evidence.
5. My evidence concerns the landscape character and natural character effects of an application for resource consent to subdivide an area of the Riversdale Terraces, to create 21 additional allotments.
6. I assisted with the design of the subdivision for this application and was involved with the 2004 applications to Masterton District Council and Greater Wellington Regional Council for consent to subdivide and develop the Riversdale Terraces development.

BACKGROUND

7. The application is for the subdivision and development of 21 allotments within Riversdale Beach. The proposed allotments are located on a terrace towards the southern extent of the existing township.
8. The proposal includes an extensive area of native revegetation, with further mitigation including:
 - Building height limits of 5m.
 - Restrictions on material, colour and reflectivity of buildings.
 - 8m setback from the terrace slope change (10m from seaward boundary) for allotments 310-312, 314-319 and 321-323. The edge of the terrace line for the setback will be surveyed for clarity.
 - Restrictions for fences (including discouragement of solid fences along whole property boundaries and a maximum height of 1.2m).
 - Screening, or partially buried, placement of water and wastewater storage tanks.
9. Visual simulations from various viewpoints have been provided to assist in illustrating the proposal.

SCOPE OF EVIDENCE

10. This statement of evidence is intentionally brief and provides an overview of key matters. It is based on my detailed landscape character and natural character assessment undertaken for the application. This evidence can be read in conjunction with the full assessment for a complete understanding of the process and findings. This evidence covers the following matters:
 - The environment
 - Landscape character effects
 - Visual effects and visual simulations

- Relevant statutory matters to landscape character (including visual attributes)
- Natural character effects
- Relevant statutory matters to natural character
- Mitigation measures
- Submissions
- Conclusion

THE ENVIRONMENT

11. The existing environment is characterised as an urban residential development in a coastal setting, surrounded by a wider rural context. The urban residential extent of Riversdale township is considered to include the consented lots on the terraces that are yet to be developed. This residential character of the terraces is also reflected in the visibility of some existing houses on the terrace skyline. As such, the terraces are characterised by residential modification, rather than a strong sense of naturalness. There is a clear distinction between rural and urban areas, which will be maintained with the proposed development.
12. The context of the proposal is characterised by a linear strip of beach to the east, which is backdropped to the west by farmland. A series of terraces form the eastern extent of this backdrop, with farmland further to the west having an undulating landform. As the land has been cleared for pastoral farming, the landforms of the coastal terraces and the erosion from streams are more legible. The long stretch of coastline, as well as the extensive coastal escarpment and the expansive terraced landforms and escarpments are of a scale which makes them dominant features in the area.
13. Riversdale is a distinctly developed node of a much wider coast. The pattern of residential development along the Wairarapa Coast is at distinct locations, separated by farmland. This concentration of development leaves much of the coastline without residential development. The proposal continues that pattern.
14. The area proposed to be used for residential development is between two existing areas of development. I have assumed that the sections which have been sold but

which have not yet been built on will be built on in time. They have been sold as residential sections. Consequently, the environment from which my assessment is based includes those houses yet to be built.

LANDSCAPE CHARACTER EFFECTS

15. I have assessed landscape character effects as very low to low. While I acknowledge that some of the proposed sites will be visible from selected viewpoints, my assessment is based on what I have identified as the values of the landscape in this location.
16. Values which contribute to the character of the area include its recognition as a beachside settlement, the presence of nature reserves, and the larger coastal farmland context. The area is relatively modified, with native vegetation previously cleared for farming, and housing development being located on dune and wetland systems. The legibility of the landforms creates a memorable landscape and contributes to the scenic qualities of the setting. The coastal location is reinforced by the seaside ambience provided by the smell of salty air, sound of waves, views of the sea and presence of seabirds. The area is valued for its recreational attributes, such as fishing, surfing, boating and walking. Overall, Riversdale Beach is characterised by human activity, including the working landscape of the pastoral areas and residential development.
17. Houses and residential activity are an accepted part of the values of Riversdale. Mitigation measures, which I will detail below, ensure that the proposed additional dwellings will compliment rather than compete with the existing level of development. At most it is more of the same rather than a new element in the landscape.
18. The peer reviewer considers that effects will be higher than those assessed in my landscape and natural character assessment. Their main reason for this conclusion appears to revolve around the visibility of the proposed houses on the terrace and, consequentially, effects on the terrace landform. Ms Clark states that the proposal will not have adverse effects on the rural character of the area (paragraph 76) and that *“it would be difficult to attribute any change in character of Riversdale as a direct effect related to this development”* (paragraph 77). As such, this section focuses on the potential effects of the proposal on the terrace landform and the coastal escarpment.

19. The backdrop to Riversdale is contributed to by the escarpment and terrace farmland to the west, although prominent views are towards the coast, including up and down the coastline and to the east. The terrace landscape provides a backdrop to Riversdale Beach to the west. It is important to recognise that the terrace landscape area around the proposal has already been altered by consented development (Figure 1).



Figure 1 Photograph taken looking towards the middle terrace, illustrating the existing houses seen along the skyline (taken behind 97 Blue Pacific Parade).

20. Although the proposed development will be visible in some locations along the top of the terrace, this will only create a marginal difference to how the landscape is currently experienced. The visibility of the proposed houses along the skyline will be consistent with the visibility of existing houses in this area and, as such, the proposed dwellings will maintain the current level of coherence provided by the terrain backdropping Riversdale. See Attachment 1. The escarpment remains unchanged except for revegetation. Effects are also lessened due to the dominant and large scale of the terrace and escarpment landform. Furthermore, the proposed planting in the foreground will increase the scenic quality of the coastal escarpment and will re-establish its once vegetated state.
21. The design of the subdivision has taken into consideration the need to set houses back from the edge of the escarpment, to limit over-looking and to protect the

attributes of this feature. The building height restrictions and the proposed colour and reflectivity constraints also assist in ensuring the houses will be set into the landscape and remain unobtrusive.

22. For these reasons I consider the perception of the terrace landform will be retained and the coastal escarpment will remain prominent, with the revegetation planting further enhancing the escarpment's prominence and its appreciation as a natural feature. The terrace landform will not physically be changed, nor will the escarpment's physical form.
23. The peer reviewer also considers the proposal to represent 'creep' or 'sprawling' development. I do not agree that the proposal represents development of this nature. The proposed allotments are generally located between consented/built development to the west and existing houses to the east. While there is a vertical height difference between the proposal and the lower area of the Riversdale settlement, the development on the terraces (including that which is consented, as well as that which is proposed) will be experienced as a coherent area of urban, residential development. Similarly, the terraces are still experienced as part of the coastal environment, even though they are situated above the beach.
24. The proposed density of development on the terrace is less than the density of housing adjacent to the beach. That is deliberate. Had the development continued at a similar density that would have appeared over-bearing, even with the proposed mitigation measures. The development will be at similar densities as existing and consented houses on the upper terrace. Overall, landscape character effects will be very localised, within an area already built-up with residential development.

VISUAL EFFECTS AND VISUAL SIMULATIONS

25. As part of my assessment, I provided visual simulations from four viewpoints. These were selected as being representative of key public viewpoints, recognising that public viewpoints of the development will be limited. Effects from the viewpoints were assessed as very low to low-moderate.
26. I can confirm that the visual simulations have been prepared in accordance with the NZILA Best Practice Guide for visual simulations.
27. It is important to note that according to the NZILA Te Tangi Manu Landscape Assessment Guidelines, "*visual effects are a subset of landscape effects... They are*

one technique to understand landscape effects... These Guidelines take a different approach from that in some other guidelines which treat landscape and visual effects as separate... Such approaches treat each of the landscape and visual matters in a narrow way. These Guidelines promote an integrated approach” (page 61 of the guidelines).

28. It is also important to note that according to the NZILA Best Practice Guide Visual Simulations BPG 10.2 that:
29. *3¹The primary purpose of a visual simulation is to accurately portray, in as realistic manner and context as possible, a proposed activity, modification or change in the viewed landscape.*
30. I disagree that the peer reviewer’s photo simulations showing orange boxes meet this purpose.
31. I acknowledge that some of the proposed dwellings will be visible on the terrace, however, visibility does not necessarily equate to adverse effects.² While some of the proposed houses will be partially visible on the terrace skyline, the effects of these houses will be consistent with the effects experienced from consented houses on the terraces. The proposed houses will be seen in association with these existing houses, which are visible along the skyline currently (Figure 2 and Attachment 1). Furthermore, the proposed houses will also be seen within the context of the Riversdale settlement lower down. It appears that the visual affects assessment undertaken by the peer reviewer focuses solely on one small area and does not take into consideration housing in the wider context nor housing on the skyline elsewhere in the area.

¹ NZILA Best Practice Guide Visual Simulations BPG 10.2 page 6 section 3.3

² NZILA Te Tangi Manu Landscape Assessment Guidelines at [6.28] and elsewhere



Figure 2 Photograph looking west towards lot 316, showing the existing houses visible on the skyline to the south (left and centre left).

32. Boffa Miskell provided visual simulations as part of their peer review. These simulations completely disregard the mitigation provided by the proposed planting. This along with the use of orange boxes provides an inaccurate and unrealistic impression of the development and its effects. Houses designed in accordance with the proposed conditions of the application will ensure the buildings are not overbearing or dominant (unlike orange boxes).

33. I have provided some updated simulations which depict the proposed houses as orange boxes (as per the Boffa Miskell simulations). This has been done to provide a direct comparison between these boxes and actual houses in recessive colours, in the same location. These simulations show all existing houses and additionally have included all consented houses that would be visible from the viewpoints. Boffa Miskell only provided simulations from two viewpoints, only one of which was marked as a Viewpoint on their Map 1. To assist an understanding of visibility, I have provided simulations from four viewpoints (attached). One Viewpoint from the beach matches the peer reviewer's VP4 as indicated on their Map 1. My second simulation is from the same location as their VSA, although the viewpoint for this was not marked on their Map 1. Another of my simulations is from VP1/VP2 on their Map 1, but they did

not provide simulations from this VP. My last simulation is from the end of Harapaki Drive, which the peer reviewer did not provide a simulation from.

34. The floor area of the houses depicted in my visual simulations are between 121m² and 154m², making the average floor area 133m². These floor areas were chosen to realistically reflect housing development in the area. The floor area is less than that depicted in Boffa Miskell's rectangular box visual simulations, as mine are not a regular box shape but rather have multiple facades, typical of modern houses and the style of housing in the area (Figure 3).

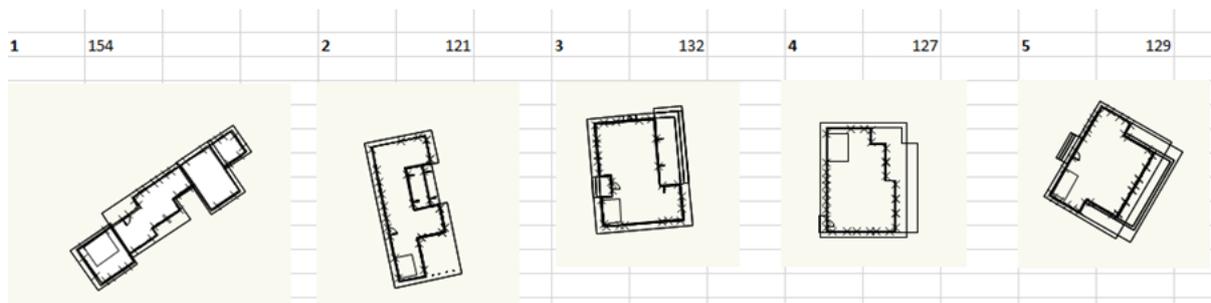


Figure 3 Plan view of housing footprints used in the visual simulations. The numbers above each floor plan indicate the floor area in m².

35. Taking a conservative approach and to allow comparison, I have also depicted orange boxes with a 230m² footprint in my simulations. This is based on the largest footprint shown in Boffa Miskell's visual simulations. It is unlikely that the houses will have a footprint of this scale or that they will be rectangular in shape.
36. One of the main points of difference between the simulations I provided and those undertaken by Boffa Miskell are the shape and colour of the proposed and consented dwellings. Boffa Miskell have used orange, purple and green boxes, while I have used simulations which depict real houses, with a muted colour scheme.
37. The other main difference between the simulations is the camera lens and the horizontal field of view (FOV). While my simulations have used a 50mm equivalent lens and 40° horizontal FOV, Boffa Miskell's visual simulations use a 24mm lens and have a 74° horizontal FOV. As such, Boffa Miskell's simulations have a wider field of view, with more of the development depicted in a single image. Using this wide angle of view has resulted in the A3 simulation images having a reading distance of only 24cm, making it difficult to accurately view the image. In comparison, the simulations I have provided have a reading distance of 50.3cm for an A3 print, making it practical

to view them accurately. A 50mm focal length lens (which provides a 40° horizontal FOV) is widely used in the preparation of visual simulations.³

RELEVANT STATUTORY MATTERS TO LANDSCAPE CHARACTER (INCLUDING VISUAL ATTRIBUTES)

38. Policy 15 of the 2010 NZCPS requires that adverse effects are avoided on outstanding natural features and natural landscapes, and that significant adverse effects are avoided in other areas (which are not outstanding). I agree with the peer review which finds that there are no outstanding areas relevant to this application and the proposal will not result in significant adverse effects. In my opinion, the effects being no more than minor.
39. Policy 6(1)(c) of the NZCPS “encourage(s) the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth.” What is proposed here is consolidation in that the development is between two established residential areas. The development does not sprawl, as there is an edge to the development. Consolidation is the antithesis of being sporadic.
40. Policy 6(1)(f) requires decision-makers to “consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable.” In my assessment what is proposed here is a maintenance of the existing values, even though some of the proposed dwellings will be more visible. In my view this does not go so far as to be a change in character, although the NZCPS would permit that were that to occur.
41. Policy 6(1)(f) requires the consideration of “how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects.” This location, being within Riversdale, is not particularly sensitive considering the extent of existing and consented housing in the immediate area. The proposal is not on a ridge, much less a prominent ridgeline.
42. Policy 6(1)(i) directs “set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character,

³ NZILA Best Practice Guide: Visual Simulations BPG 10.2, Page 4

open space, public access and amenity values of the coastal environment.” The development is set back behind the established Riversdale settlement as well as being set back from the edge of the terrace, and is screened by native plantings.

NATURAL CHARACTER EFFECTS

43. I have assessed natural character effects as very low. Boffa Miskell consider that effects on natural character will be higher.
44. Reasons for my very low assessment include:
- The development will maintain the terrace landform.
 - The avoidance of housing development on the coastal escarpment or within the gullies.
 - The proposal is not in a significant natural area.
 - The proposal is not on a ridge.
 - The area is not wild or remote and is relatively developed, with Riversdale representing the largest settlement along the Wairarapa coast.
 - The additional lots are consolidated within existing residential development.
 - There is an extensive area (over 4ha) of proposed native planting, which is already being implemented.
45. Additionally, the extensive area of proposed planting will have positive natural character effects and will enhance the quality, and increase the extent, of native ecosystems in the Wairarapa.
46. The peer reviewer raised concerns regarding the proposed pedestrian pathway. The pathway will be constructed to follow the existing track and contours of the land as much as possible and will be routed to minimise earthworks. Furthermore, the pathway will be located within the proposed planting area and will be screened when planting becomes established. Walking connectivity is a common urban design principle which the applicant has adopted but can be easily removed from the design if required.

47. Overall, it is my opinion that the natural character of the coastal environment will be maintained due to the existing developed nature of the area, the location of the proposed development away from important natural features (such as the escarpment) and the enhancement of the escarpment due to the proposed native planting.

RELEVANT STATUTORY MATTERS TO NATURAL CHARACTER

48. Policy 13 of the 2010 NZCPS requires that adverse effects are avoided on outstanding natural character, and that significant adverse effects are avoided in other areas (which are not outstanding). I agree with the peer review which finds that there are no outstanding areas relevant to this application and the proposal will not result in significant adverse effects. In my opinion, the effects being no more than minor.
49. The presence of residential development both in front of and behind the proposed sections reinforce the degree of modification in the area. This modification is also reflected in the native landcover which has been previously cleared from the escarpment and terrace. In terms of Policy 14, the proposed planting is an opportunity for restoration and rehabilitation. Specifically indigenous habitats and ecosystems will be restored, using local genetic stock where practicable. The proposed initial planting will also provide a seed source for natural regeneration.

MITIGATION MEASURES

50. Both the peer reviewer and submitters have raised concerns regarding the feasibility of the proposed mitigation planting. In 2004 I was involved in designing the planting plan for the revegetated areas of the East Leigh Riversdale Terrace development. These large sections of planting were in exposed areas, including along the same east facing escarpment where planting is proposed for this application. As the photos illustrate, this planting has been very successful and contributed positively to the landscape and natural character of the area (Figure 4).
51. Planting shown in Figure 4 is approximately 15 years old and is on the same coastal-facing escarpment as the planting area on the southern terrace, as part of this proposal. Based on previous planting, it is estimated that plants will provide effective screening within four to five years (with plants being 2m to 4m high within this timeframe).



Figure 4 Photograph showing established revegetation planting undertaken previously (taken outside 36 Blue Pacific Parade).

52. The established planting will not only assist in screening the development but will also enhance the scenic quality of the coastal escarpment. The peer reviewer discounts the mitigation and enhancement provided by the existing and proposed planting. They do not provide clear justification for this approach.
53. In my assessment I recommended that the proposed buildings were restricted to colour groups A, B and C within the British Standard 5252 colour chart and for them to have a light reflectivity value (LRV) of 60% or less. Taking into consideration the peer reviewer's recommendations, it would be acceptable to alter these standards slightly if the hearing panel believed this was necessary. It could be altered to have building colours and reflectivity to only include groups A and B in the colour chart, and to specify a LRV of no more than 40%. Alternatively, it could be made clear that Group C colours can only be used as colours on minor features such as door or window frames. In my opinion, neither of these changes are necessary but I am willing to accept them if the panel considers it necessary.
54. Boffa Miskell had also recommended that no fencing be permitted and for restrictions to be placed on the location of water tanks. While it will be impractical to disallow the use of fences, it is intended for the covenant of the 2004 subdivision to also be applied

to this application. This covenant discouraged the implementation of solid fences along whole property boundaries and the requirement for fences to have a maximum height of 1.2m. It also specified that all water and wastewater storage tanks were preferably located below ground or a maximum of 1.2m above ground and screened by native plants.

SUBMISSIONS

55. A number of submissions have been received which raise various landscape and natural character issues. These main issues can be summarised as:

- Visual effects and the visibility of the proposed development.
- Effects on natural character.
- Amenity effects, including the change in rural/village/coastal character of the area and loss of privacy.
- Effectiveness of mitigation planting.
- Mitigation in relation to roof slopes and limitations on colours.
- Cumulative effects, including effects on night skies and lighting effects.

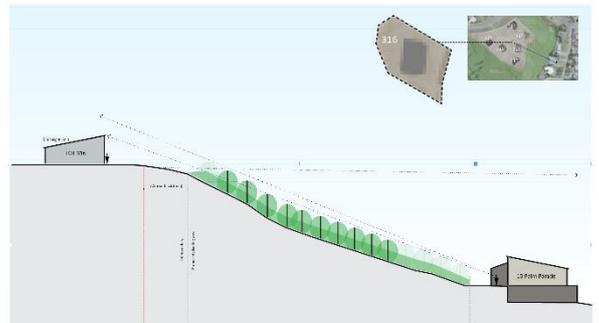
56. The visual simulations demonstrate that the closer one is to the base of the escarpment, the more difficult it will be to see the proposed dwellings. Those existing properties at the base of the escarpment are unlikely to see the proposed houses on the terrace above. While the proposed houses may be more visible from locations further away to the east, the extended distance of these views will assist in diminishing effects, with multiple existing houses seen in the foreground. In my opinion, the proposal will not appear overbearing and certainly not dominant. The escarpment will remain the dominant feature.

57. For the same reasons I do not consider that the privacy of existing residents will be affected by the proposed allotments looking down into the properties, below the escarpment. The 10m setback from the boundary (8m from terrace edge) for houses in lots 314-319 has been calculated such that over-viewing from these houses will not occur into the private area of houses along the base of the escarpment. The planting will diminish views of the proposed housing from below in the area of Tamarisk Drive.

58. As discussed above, the proposal is in-keeping with the existing character of Riversdale. The development is located within the urban residential area and is consolidated within this existing development.
59. The above sections address concerns regarding natural character and mitigation measures, including the effectiveness of the proposed planting. Building height restrictions of 5m make conditions on roof slopes redundant.
60. I have assessed cumulative effects as very low to low. The peer reviewer also considers cumulative effects to be low (paragraph 42).



Error! Reference source not found. shows existing views from the 10m setback for Lot 316. Planting will lessen the area visible below.



61. There will be a small amount of light spill from the proposed development, however, this will be confined to residential lighting, as no streetlights are proposed as part of the subdivision. As such, people in Riversdale will still be able to appreciate the existing natural darkness of the night sky, including within the reserves and on the beach.

CONCLUSION

62. For the reasons I have explained in my evidence, I consider the proposal to be appropriate in terms of landscape and natural character. I consider effects will be no more than minor. While the peer reviewer states that the proposal will have greater effects than those assessed by myself, they do not quantify what these effects will be and do not state that effects will be significant.
63. Although some parts of the development will be visible (with visual effects only being a subset of landscape and natural character effects), this visibility will not result in inappropriate, adverse effects. Additionally, the terrace landform will be maintained, and the coastal escarpment will be enhanced through restoration planting. Overall, the proposal will not result in adverse landscape or natural character effects that would be contrary to the objectives and policies of the relevant planning framework.

John Hudson

ATTACHMENT 1

Graphic Package illustrating visual simulations from six viewpoints

ATTACHMENT2

Planting design and schedules for additional planting covering over 4ha around Southern Tce