



**HUDSON ASSOCIATES
LANDSCAPE ARCHITECTS**

A division of Hudson Group Ltd

IN THE MATTER

A submission on Plan Change 22, Outstanding
Natural Features and Landscapes

A SUBMISSION BY

FRP Investments Ltd.

STATEMENT OF EVIDENCE BY JOHN HUDSON

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Solicitor: **J W Maassen**

Address: 240 Broadway Avenue

P O Box 1945

DX: PP80001

Palmerston North

Telephone: (06) 353 5210

Facsimile: (06) 356 4345

Email: **jmaassen@crlaw.co.nz**

INTRODUCTION

1. My name is John 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 have a Bachelor of Arts Degree in Geography from Victoria University and hold post graduate diplomas in landscape architecture and business administration from Lincoln and Victoria Universities respectively. I am a registered member, fellow and past president of the New Zealand Institute of Landscape Architects, and 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 awards.
2. I hold 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 most recent was an appointment by the Minister for the Environment to the Board of Inquiry hearing Mighty River Power's Turitea Wind Farm consent application, which was Called In as a project of national significance. This was a significant process presided over by Judge Kenderdine, with 38 days of hearings, over 4000 pages of transcripts and 100 statements of expert evidence. Our final decision was released 2 months ago, and has not been appealed.
3. My practice consults on projects throughout New Zealand, with particular focus on landscape assessment, subdivision, large scale design, infrastructure, and expert witness at both Council hearings and Environment Court appeals.

SCOPE OF EVIDENCE

1. Background
2. Plan Change 22
3. FRP Site
4. Pakiri Beach Decision
5. Owhiti Bay Decision
6. Treadwell Analysis
7. Auckland Regional Council Plan Change 8
8. Conclusion

BACKGROUND

4. I have been engaged by FRP Investments Ltd to provide an expert opinion on the landscape status of their 109ha block of land in the Horowhenua District, located near the coast north of the Foxton Beach Township. I visited the site, which is completely covered in pine plantation, on 11 April this year and conducted aerial photography over the site in a small fixed wing aeroplane later that day.
1. The Operative District Plan Zoning Maps 1 and 12 (*Figure 1a*) locate the FRP Investments land (*1b*) within a Rural Zone on the northern side of Palmer Road (*1c*). Under the Operative Plan the subdivision of land in the Rural Zone has a Controlled Activity status and allows a minimum allotment size of 2000m² provided that the proposal is not situated on Land Use Capability Soils Class 1 & 2. The FPR site has a parcel area of approximately 110ha and is free from restrictions based on soil class and so under the rural zone requirements could potentially be subdivided into approximately 550 sites.
2. However, Map 32 (*Figure 2a*) of the Operative District Plan also locates the FRP site within a Coastal Buffer Area overlay (*2b*) and as such changes the status of subdivision to a full Discretionary Activity. There are no specific requirements associated with minimum allotment size within this overlay and FRP Investments could theoretically seek a similar minimum allotment size to that of the Rural Zone (2000m²) through the full discretionary assessment process. This may potentially be achieved by an appropriately planned subdivision, but this would be decided through the discretionary consent process.
3. As a precursor to Plan Change 20, the Horowhenua Rural Subdivision Design Guide (2009) was prepared. While this has no weight under the Operative Plan, other than being an 'other matter' under s105, it has been introduced as Schedule 6 to the Proposed Plan Change 20. Subdivision rules of Change 20 require subdivision to comply with this Design Guide.
4. The notification of Plan Change 20 saw the introduction of Domains across the District (*Figure 3a*), with the FRP site falling within the Coastal Environment Domain (*3b*). This would require the FRP Site to have a minimum average lot size of 5ha with a balance lot

size 50% of the parent title (yielding 11 lots). Thus it can be seen that there has always been a Discretionary Status on the FRP Investments property. Originally it was within the Coastal Buffer Area of the Operative Plan and now it sits within what is identified as the Coastal Environment under Proposed Plan Change 20. In both cases, subdivision holds a full Discretionary Status. However, in the Proposed Plan, the subdivision of the FRP site would be limited to 11 lots, whereas the Operative Plan simply left it as full discretion with an underlying Rural zone limit of 2000m².

5. The Operative District Plan refers to the coastal buffer in which the FRP land is situated as needing special protection because of its susceptibility to erosion and the importance of public access to the coast. However, there is no clear direction that the Coastal Buffer is an Outstanding Natural Landscape. While the coastal foredunes and Foxtangi dunefield buffer are listed as outstanding natural features in Schedule 4 of the Operative Plan, these do not correlate with named areas on the Operative Plan Maps 32 and 33, which are titled Outstanding Landscape Areas and Electricity & Gas Transmission Lines.

PLAN CHANGE 22

6. The Planning Map amendments in Proposed Plan Change 22 take the original Outstanding Landscape Areas (as identified on Planning Map 32) and bring them in line with the Treadwell and Associates Report (*Figure 4*) (Assessment of the Outstanding Landscapes and Natural Features of the Horowhenua District). These amendments appear to have two purposes; firstly to achieve the re-categorisation of Landscape Areas along with some boundary adjustment, and secondly to locate the 8 Outstanding Natural Features within the Horowhenua District as identified by Treadwell and Associates. Notably the amendments have separated the original Coastal Environment from the Operative Plan into two main categories (*Figure 5*). Along the coast it becomes the Coastal Environment High Amenity Landscape and inland it becomes the Coastal Lakes High Amenity Landscape. Part of this original Coastal Environment also joins the Foxton Dunefields Outstanding Natural Landscape (Known as the Foxton Ecological Area under the Operative Plan).
7. The Foxton Dunefields remain on the Plan Change 22 map, but are identified as an ONL and are located entirely east of the FRP site. The Coastal Buffer Area has been removed

from the Maps and the area it occupied in the Operative Plan now joins the proposed Coastal Environment High Amenity Landscape in Plan Change 22.

8. The Proposed Coastal Environment High Amenity Landscape is derived from combining both the Outstanding Natural Features and High Amenity Landscape overlays found in the Treadwell Report. The anomaly lies in the fact that of the 8 Outstanding Natural Features (*Figure 6a*) identified in the Treadwell report, the Coastal Foredues Feature is the only category not mapped on Proposed Planning Map 32 of Plan Change 22. (*6b*) It instead relies solely on a written definition:

*Coastal Foredune Outstanding Natural Feature is a shore-parallel dune ridge formed on the top of the backshore of a beach by wind and sand transportation and deposition and where any vegetation consists of sand colonising flora such as pikao or pingao (*Desmoschenus spiralis*); spinifex (*Spinifex sericeus*); sand tussock (*Austrofestuca littoralis*) or marram grass (*Ammophila arenaria*).*

9. In using this definition it would be reasonable to then conclude that any site not fitting the above description would be excluded from this Outstanding Natural Feature.
10. Following the notification of Plan Change 22 (*Figure*), the Horowhenua District Council engaged Boffa Miskell to undertake a comprehensive review of the District's Outstanding Natural Landscapes and Features, which states;

"This review considered the entire coastline and whether any of the coastline warranted to be an ONFL. This assessment also considered the coastal environment inland of the foredues."

11. The outcome of this review has been to once again map the extent of Coastal ONFL, rather than rely on a written definition. The resulting map produced by Boffa Miskell (*Figure 7a*) is however a significant reduction in the ONFL area identified in the Treadwell Associates assessment and does not include the land owned by FRP Investments (*7b*).
12. There has been a progression over the FRP site as follows (*Figures 8 - 14*);

- Site Aerial
- Rural Zone
- Coastal Buffer Area
- Coastal Environment Domain
- Outstanding Natural Landscape – Treadwell Associates
- Outstanding Natural Landscape Unmapped Definition – Plan Change 22
- Not an Outstanding Natural Landscape – Boffa Miskell

13. In summary, Plan Change 22 defined a Coastal Fore-dune Outstanding Natural Feature but this is not mapped. This definition excludes the FRP site due to the vegetation cover of pines. Inland of the FRP site lies the Foxton Dunefields, which are mapped as a Landscape Domain in Change 22 and identified as an ONL in the Treadwell report. The FRP site lies between the Coastal Fore-dune and Foxton Dunefield, but is touched by neither. It should also be noted that the Sn 32 report on Change 22 states that:

The coastal landscape is complicated in policy terms by the need for the Plan to protect the natural character of the coastal environment which clearly overlaps with landscape issues. However, this will be addressed further in the full review of the District Plan.

And

Similarly further work is required on the Coastal Environment Policy which will be undertaken as part of the Plan Review. Therefore, in order to achieve an improved cost benefit performance an interim approach to the coastal outstanding landscape has been proposed.

14. This interim approach is assumed to be the definition of the coastal fore-dune ONFL, which was noted above.

15. Under the Operative District Plan there are currently no Rules for the Coastal Environment Area and Plan Change 22 states that the Policies and Methods for the Coastal Environment will need to be reviewed as part of the review of the district plan.

FRP SITE

16. With this background to the current situation, it is pertinent to consider the merits of the FRP site in terms of its potential ONFL status.
17. The FRP site (*Figure 15*) is completely covered in plantation forestry. Seaward of the site lies an HDC reserve, running in an L shape with the long side paralleling the FRP coastal boundary for approximately half its length. Most of this HDC Reserve is covered in pines, which are contiguous with the pines on the FRP land. Seaward of the pines on both the HDC and FRP land are dunes with a very limited planting of pines and predominantly a varied cover of low growing vegetation generally comprising a mix of exotic coastal grasses. These grass covered foredunes seaward of the FRP site would likely fall within the definition above of Coastal Foredune Outstanding Natural Feature.
18. Inland of the FRP site lays the area identified in Change 22 as the Foxton Dunefields. Land cover is generally pastoral, although there are areas of plantation pines throughout the farmland. Where there are pines in the farmland, they are frequently planted on the inland dunes, while pastoral land use predominates on the extensive flat inter dunal areas. This typifies the land use pattern along the Horowhenua District coast; there is a coastal edge of foredunes vegetated in coastal grasses, abutting plantation forestry stretching inland for varying widths, then pastoral farmland.
19. The Treadwell report has mapped the combined foredune/plantation areas along the Horowhenua Coast as a mix of ONFL and High Amenity Landscape (*Figure 16a*), with the FRP site (*16b*) being part of the former. However, south of the Foxton estuary, large areas of pine plantation have been mapped as High Amenity landscape. There appears an inconsistency in this approach.

PAKIRI BEACH DECISION

20. Considering the issue of whether pines should be part of the coastal ONL or not, it is relevant to refer to a similar situation considered by the Environment Court (A147/2004) (*Figure 17*). In considering an application for subdivision on a coastal headland at Pakiri Beach (figure 9), Auckland, the court found the following:

[78] *The variation in quality as one proceeds inland from the sea is in our view not only a characteristic of the property, but also of the locality at large. Inland from the beaches, both to north and south of the property, are large areas of exotic pine forest. Viewed from the property and from Te Arai Headland/Reserve, the forest can be seen to “march” in lines across the landscape. From other viewpoints it simply appears as a mass of pine trees. We are mindful of the decisions of the Environment Court in **Wakatipu Environmental Society Inc v Queenstown Lakes District Council**¹¹ and **Harrison v Tasman District Council**¹² (cited in Wakatipu), about the meaning of “natural” in s.6(b) RMA. We agree in a general way with what was there said that it would be wrong to equate natural with endemic to New Zealand; also that “natural” does not necessarily equate with “pristine”; and that the absence of certain vegetation, landforms, or water features (listed in **Wakatipu**) may simply mean that a landscape is “less natural” rather than non-natural. Subject to whatever the landscape evidence on any given occasion may be, it is possible in our view that there may arise a question as to whether a hand-planted or wilding exotic forest may be sufficiently natural to qualify for the purpose of protection as a matter of national **importance** or at the very least as to whether the landscape may qualify as “**outstanding**” for those purposes.*

¹¹ [2000] NZRMA 59 at para [87] to [89].

¹² [1994] NZRMA 193 at 197.

[79] *In answer to questions from the Court Mr Brown conceded the presence of a moderate degree of intervention by man, in the lines of pines visible from high points on the reserve, but countered that one’s focus tended to be drawn more towards the sea and headland/beach interface which, he said, is “quite dramatic”.*

[80] *We consider that “naturalness” in the hinterland is at least strongly diminished, to the point where there is no question of the hinterland landscape being outstanding. We feel able to leave open the question of whether or not it is natural because its lack of outstanding character takes it outside the protection afforded by s.6(b) in any event. The two beaches, headland and seascape, comprise the key element for consideration in that regard.*

[81] Mr Brown described an update of the regional landscape assessment that he is currently assisting with. That work is currently in draft and lacks statutory weight, but apparently accords both the Pakiri coastline and Te Arai -Eyes Point an “Outstanding” classification. Mr Brown also recently assisted the ARC in (2003) with an assessment of the natural character of the north-eastern Rodney coastline in which both Pakiri Beach and Te Arai -Eyes Point are identified as having “High” natural character value (based on natural land cover, natural landforms, areas of sea and water, land uses, evident processes, transient/ephemeral elements, feelings of remoteness/wilderness/wildness). In reply to a question from Mr Enright, Mr Brown stated that a key component of the natural character of this area is “... an absence of human structures more than anything else”. We accept that view, but note again that the outstanding landscape qualities are confined quite strongly to areas on and near the coastal edge.

OWHITI BAY DECISION

21. The Court again referred to the role of exotic vegetation in a more recent Decision (# [2010] NZEnvC 248) when considering an application on Waiheke Island ([Figure 18](#)). The area was found to be part of an ONL. However, in its considerations, the Court addressed the two qualifying verbs of ‘outstanding’ and ‘natural’. If an area could not satisfy these, it could not qualify as an ONL. Outstanding was considered in terms of the dictionary definitions of ‘remarkable, exceptional, and exceptionally good.’ In my view, the FRP site ([Figure 19](#)) cannot be considered to meet this standard. Natural was considered with reference to the Pakiri decision, referring to those *lines of hand planted pines marching inland from the coast*¹ and their *failure to attain sufficient ranking on a naturalness scale to qualify for the purpose of protection as a matter of national importance*²

22. Pines are typically planted as a plantation crop, and although they have a degree of naturalness in the sense that they are unbuilt, they are far from the pristine end of the naturalness scale. Plantation planting has an expectation of removal as a rotation crop, or

¹ Environment Court Decision # 248 [2010] para 78

² Environment Court (A147/2004). para 78

in the Horowhenua situation, perhaps also as an erosion control crop. To assign a high naturalness value to them could be a misinterpretation of their functional intention and could also be misplaced emphasis on their temporary aesthetic values, which are possibly associated with their vegetated unbuilt character. The Treadwell report (*Figure 20a*) assigns the FRP and adjacent areas to the west and east an ONF status (*20b*). This includes the foredunes with coastal grasses, the pines, the sewage treatment ponds, and areas of pastoral land use.

23. Further south, between the Foxton estuary and Waiterere, large tracts of pine plantation (*20c*) similarly close to the coast as the FRP site have been assigned a High Amenity status. Areas of this plantation forest are currently being felled, illustrating the temporary cropping character of the forest. This could easily happen to the FRP forest and adjacent areas of plantation forest. It is not clear why the FRP area has been assigned ONF status and the southern areas High Amenity status, so there is some difficulty in understanding the consistency of approach.

24. The Court in the Owhiti decision proceeded to carry out its own assessment using the Pigeon Bay criteria. An assessment using the same criteria has also been done in the Treadwell report. The summary of the Treadwell assessment are shown in *figures 16 and 17*, with the overall finding that the Coastal Environment north of Foxton is an ONF.

TREADWELL ANALYSIS

25. The Coastal Environment defined in the Treadwell analysis combines the Severe Salt Belt (the area that I understand to be Coastal Foredunes as defined below) and Inland Dunes. The Inland Dunes abut the seaward boundary of the Foxton Dunefield. The character of the Coastal Foredunes is quite different to that of the Inland Dunes. This difference is recognised in the Treadwell Domains, where the two areas are assessed separately. However, the analysis appears to lead to the conclusion that they both are of sufficient ranking to qualify as an ONF.

26. In my view, there is sufficient difference between the two to cause the Severe Salt Belt (Coastal Foredues) to qualify as an ONF, but not the Inland Dunes portion of the Coastal Environment.

27. In the FRP case, the Coastal Foredues are those seaward of the site and generally trend towards being vegetated in low growing grasses, while the Inland Dunes underlie the FRP site, and also underlie pastoral areas inland of this site. The Coastal Foredues and Inland Dunes have quite different land cover, and in my opinion the inland dunes have significantly diminished aesthetic values and potentially diminished ecological values. While an area does not need to score highly on all Pigeon Bay factors to be considered an ONF, in my view there are no other factors that are so highly rated as to raise the overall score sufficiently to cause the FRP site, and potentially the Inland Dunes, to be an ONF.

28. If the extent of ONLF was to be determined in the area, an appropriate method could involve application of the description on the Change 22 documentation, which (as noted above) states:

Coastal Foredues Outstanding Natural Feature is a shore-parallel dune ridge formed on the top of the backshore of a beach by wind and sand transportation and deposition and where any vegetation consists of sand colonising flora such as pikao or pingao (*Desmoschenus spiralis*); spinifex (*Spinifex sericeus*); sand tussock (*Austrofestuca littoralis*) or marram grass (*Ammophila arenaria*).

29. This would generally place the ONF as a strip of varying width between the beach and the pine plantations, and would not include the FRP site.

AUCKLAND REGIONAL COUNCIL PROPOSED PLAN CHANGE 8

30. Another issue of relevance to the ONFL issue is the work undertaken³ for the former ARC Plan Change 8. Change 8 has been notified, submissions heard and the Decisions Version was released in October 2010. It maps Outstanding Natural Landscapes for the Auckland Region, and has a raft of accompanying provisions. It is under appeal by a number of parties, including Federated Farmers.

³ Undertaken by Stephen Brown Landscape Architect and Rachel de Lambert of Boffa Miskell Landscape Architects

31. Of interest from this Proposed Plan Change is the research carried out by Mr Brown, who undertook a similar exercise in the early 1980's. At that time, his research found that people valued highly natural landscapes most, and ranked these as outstanding. However, his research 20 years later found that the bar had been lowered and people now also valued cultural landscapes as outstanding. This included farmland, but the defining factor was an absence of structures:

The key determinant of an Outstanding Natural Landscape is the absence of built development, or where it is present it is subservient to the dominance of natural elements and does not reduce the overall visual coherence of the landscape.

32. Mr Brown therefore chose to describe outstanding natural landscapes in two ways: wild nature and cultured nature. Change 8 states:

Outstanding Natural Landscapes shown in Map Series 3a A have been identified and described in two regional landscape assessments. The first assessment, based on a public preference survey of what types of landscape are outstanding within the context of the Auckland Region, identified two types of Outstanding Natural Landscapes. have been identified. The first type is a "wild nature" landscape, where there is little or no evidence of human presence or modification and indigenous vegetation patterns dominate. These wild nature landscapes include those areas closest to the pristine natural state. The second type of Outstanding Natural Landscape is one where "cultured nature" is evident. An example of a cultured nature Outstanding Natural Landscape is one where there is a picturesque mix of bush and pastoral picturesque mix of bush and pastoralland. In these instances some types of exotic vegetation, such as mature oak trees and the presence of pasture are viewed as important components of Outstanding Natural Landscapes

33. When applying this to the Horowhenua DC situation, there is potential for tracts of farmland to qualify as outstanding. It can be seen that this aligns with the picturesque notion of landscape. While this allows for farmland as part of the ONL, the openness of the Horowhenua rural landscape and its highly developed nature limits the opportunity for areas to qualify as outstanding if the ARC approach is used as a guide. It should be noted that determination of this issue is not relevant to the FRP situation.

CONCLUSION

34. The FRP site is a 110ha rectangle of land immediately north of the built up area of Foxtan Beach. It is planted in pine plantation, abuts coastal dunes with low growing coastal grasses on its seaward side, and pastoral farmland on its inland side. It is zoned as Rural with a Coastal Buffer overlay in the Operative District Plan. The Rural zone has subdivision to a 2000m² minimum site size as a controlled activity, but this reverts to a discretionary activity in the Coastal Buffer Overlay. The Coastal Buffer is shown on the Operative Plan Outstanding Landscape Map 32, but there is some ambiguity as to whether the Buffer is an ONL as it is not listed in Schedule 4, which lists ONFL.
35. An assessment of the District's landscapes carried out by Treadwell Associates in 2009 ([Figure 21](#)) assigned an ONL status to the FRP site, including this as part of her mapped Coastal Environment. She assigned a similar ONL status to the Foxtan Dunefields that run inland for up to 10km. Boffa Miskell has now reviewed the Treadwell work and ONFL's of the District and concluded that ([Figure 22](#)) the FRP Investments site is not contained within an ONFL.
36. The FRP site has therefore been mapped within the Coastal Buffer in the Operative Plan, but not listed in the Operative Plan Schedule of ONFL. It has been identified in the Treadwell report as part of an ONL, but this has not been carried over into the ONFL recommendation made by Boffa Miskell in their review ([Figure 23](#)). This then leaves the site within a void between the Coastal ONL and Foxtan Dunefields, because the review was not required to take into account the existing high amenity areas, let alone the scattered patches of land untouched by any ONLF of High Amenity overlay ([Figure 24](#)). Similar pine plantations mapped by Treadwell south of Foxtan have been defined by her as High Amenity Landscape, and areas within this are currently being felled.
37. Case law of similar coastal pine plantation at Pakiri Beach was not found to have high naturalness values and did not contribute to the ONFL character of the beach, being referred to as *lines of hand planted pines marching inland from the coast*⁴.

⁴ Environment Court Decision # 248 [2010] para 78

38. Having considered the background material relating to the FRP site and the character of the site and its immediate area, it is my opinion that the modified character of the farmland and afforested Inland Dunes immediately north of Foxton cause the FRP site to lack the qualities and characteristics necessary for it to be classed as an Outstanding Natural Feature. I concur with the findings of the Boffa Miskell peer review in this regard

John Hudson

4 November 2011