

**IN THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

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**ENV-2023-WLG-000005**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** the direct referral of applications for resource consents and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project

**BY** **WAKA KOTAHI NEW ZEALAND TRANSPORT AGENCY**

Applicant

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**STATEMENT OF EVIDENCE OF JULIA ANNE WILLIAMS ON BEHALF OF THE  
MANAWATŪ-WHANGANUI REGIONAL COUNCIL, THE GREATER WELLINGTON  
REGIONAL COUNCIL, HOROWHENUA DISTRICT COUNCIL AND KĀPITI COAST  
DISTRICT COUNCIL**

**LANDSCAPE, VISUAL AND NATURAL CHARACTER**

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Dated: 26 September 2023



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## STATEMENT OF EVIDENCE OF JULIA ANNE WILLIAMS

### A. INTRODUCTION

[1] My name is Julia Anne Williams. I am a landscape architect and a director at Drakeford Williams Ltd Landscape Architects. I have been in that position since the company was established in 2003.

[2] I reviewed the application by Waka Kotahi for resource consents and the notices of requirement for designations (**NoRs**) relating to the Ōtaki to North of Levin Highway Project (**the Ō2NL Project or Project**).

[3] I prepared reports (pursuant to sections 87F and 198D of the Resource Management Act 1991 (**RMA**)) on the resource consent applications and NoRs on behalf of Manawatū-Whanganui Regional Council (**Horizons**), Greater Wellington Regional Council (**GWRC**), the Horowhenua District Council and the Kāpiti Coast District Council (**District Councils**). My reports were dated 28 April 2023 (**s87F and 198D Reports**).

[4] My s87F and 198D Reports addressed the landscape, visual and natural character effects of the resource consent applications and NoRs.

[5] I confirm I have the qualifications and experience set out at paragraphs 6-11 of my s87F Report and paragraphs 8-14 of my s198D Report.

[6] Since filing my s87F and 198D Reports I have reviewed the evidence of Waka Kotahi and participated in expert conferencing on landscape, visual and natural character, which resulted in a joint witness statement dated 27 July 2023 (the **Landscape, Visual and Natural Character JWS**). I confirm the contents of the Landscape, Visual and Natural Character JWS. I discuss any outstanding issues and related conditions below.

### B. CODE OF CONDUCT

[7] I repeat the confirmation provided in my s87F and 198D Reports that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. This evidence has been prepared in accordance with that Code. Statements expressed in this

evidence are within my area of expertise, except where I state I am relying on the opinion or evidence of other witnesses.

**C. SCOPE OF EVIDENCE**

[8] My report will cover the following:

- (a) The extent to which issues identified in my s87F and 198D Reports have been resolved through Waka Kotahi evidence, expert conferencing and mediation;
- (b) A response to section 274 party evidence; and
- (c) Conditions.

[9] In preparing this evidence I have reviewed the following reports:

- (a) The Landscape, Visual and Natural Character Technical Assessment by Gavin Lister attached as Technical Assessment D to the Assessment of Effects on the Environment for the Project;
- (b) The s198D report prepared by Graeme McIndoe for the District Councils in relation to urban design dated 28 April 2023;
- (c) The s198D report prepared by Bryn Hickson Rowden for the District Councils in relation to ecology dated 27 April 2023;
- (d) The s87F report prepared by James Lambie for Horizons and GWRC in relation to terrestrial ecology dated 28 April 2023;
- (e) The Statement of Evidence of Gavin Lister on behalf of Waka Kotahi NZ Transport Agency dated 4 July 2023;
- (f) The version of the updated draft proposed designation and resource consent conditions provided by Waka Kotahi on 4 September 2023 following mediation (**Final Draft Proposed Conditions**);
- (g) The Statement of Evidence of Karen Prouse (section 274 party) dated 12 September 2023;

- (h) The Statement of Evidence of Anna Carter for the Prouse Property Partnership (section 274 party) dated 12 September 2023;
  - (i) The Statement of Evidence of Amelia Geary for the Royal Forest and Bird Protection Society of New Zealand Inc (section 274 party) dated 14 September 2023;
  - (j) The Statement of Evidence of James Lambie (on behalf of Horizons and GWRC in relation to terrestrial ecology) dated 26 September 2023; and
  - (k) The Statement of Evidence of Graeme McIndoe (on behalf of the District Councils in relation to urban design) dated 26 September 2023.
- [10] Planting is the major landscape component of the Ō2NL Project and my evidence focusses on soft landscape works and planting in particular. While there is an overlap in expertise between myself and Graeme McIndoe in particular, for issues concerning the design of built elements including all minor and major structures, safety features and the shared use path, I rely on the expertise of Graeme McIndoe and his urban design evidence.

#### **D. OUTSTANDING ISSUES**

- [11] I have reviewed the list of issues in dispute arising from my s87F and 198D Reports. Issues raised in my report for the Regional Councils and their role in monitoring natural character planting have been resolved through the Landscape, Visual and Natural Character JWS, or the Final Draft Proposed Conditions filed by Waka Kotahi on 4 September 2023.
- [12] While some issues raised in my s198D Report for the District Councils have been resolved, in my opinion the following issues remain outstanding:
- (a) Adequacy of the Cultural and Environmental Design Framework (CEDF) in respect of landscape design; and
  - (b) The design review audit process.

- [13] I address these issues in turn below, although I note that effectively they are closely related through condition DTW5, which states:<sup>1</sup>

**DTW5 Cultural and Environmental Design Framework**

- (i) The Project must be consistent with the Design Principles in Chapter 3 of the '*Cultural and Environmental Design Framework*', Consent Version, dated October 2022.
- (ii) Design Review Audits, set out in Chapter 4 of the '*Cultural Environmental Design Framework*', to confirm that the Project is consistent with the Design Principles must be undertaken: ...

**Adequacy of the CEDF in respect of landscape design**

- [14] Through the mediation process it has been established that bespoke planting specifications for Ō2NL planting characterised as 'Landscape and Visual Planting'<sup>2</sup> will be provided to District Councils for approval in the manner provided by the section 176A RMA Outline Plan(s) process.
- [15] I consider that if the Project is approved by the Court, certainty is required that the planting and associated soft landscape works will be consistent with Waka Kotahi's own landscape guidelines (Waka Kotahi Landscape Guidelines 2014<sup>3</sup>) (the **Guidelines**). While the CEDF states it is consistent with the form and content of the Guidelines,<sup>4</sup> noting the reference is to the Final Draft 2014 rather than the Final 2018 version, there is no condition that requires the consequent landscape plans and specifications that form part of the Outline Plan(s) to be consistent with or in accordance with the Guidelines. The only relevant condition is DTW5, as set out above.
- [16] CEDF Chapter 3 sets out a list of core design principles that in themselves are admirable but do not include detailed landscape design principles.

<sup>1</sup> Page 21 of Final Draft Proposed Conditions (Tracked Changes Version).

<sup>2</sup> Planting Concept Plan: RMA Purpose Type. Refer Ō2NL Conditions Schedule 1: Referenced Drawings.

<sup>3</sup> <https://www.nzta.govt.nz/resources/nzta-landscape-guidelines/>.

<sup>4</sup> CEDF Chapter 1.1 Overview.

[17] CEDF Chapter 4 outlines a well-balanced response to landscape planting design and the association between planting and water in all its forms below and above ground, but with little detail on qualitative principles or the processes that will be followed (such as ground preparation, planting implementation, pest control and planting maintenance) to provide assurance that the final planting will establish and thrive as a sustainable plant community.

[18] I recommend that the guidance provided in the following sections of the Guidelines be considered in conjunction with the principles set out in the CEDF Chapter 3 and applied /added to the development of the (Chapter 4) design and design review audits for this project:

**Section 4 Part 3: Landscape Treatments**

- 4.12 Topsoil
- 4.14 Planting and Vegetation Management
- 4.16 Further Planting Considerations
- 4.18 Materials Source and Supply

**Section 4 Part 5:**

- 4.22 Defects Liability and maintenance

[19] In lieu of more detailed specifications either set out or referenced in the conditions, the above sections of the Guidelines benchmark minimum standards for planting implementation and management.

[20] Regarding the adequacy of the CEDF in respect of built elements and urban design, I support the recommendation of Graeme McIndoe to include the guidance from a number of sections of Bridging the Gap to the development of design and design review audits for this Project. The relevant sections have been set out in paragraph [22] of his evidence.

**The design review audit process**

[21] The District Councils will review the CEDF Design Audit together with the detailed design plans and planting specifications when the Outline Plan(s) is/are submitted. As I have discussed above, there are additional quality

assurance issues that are contained within Waka Kotahi's own best practice guidance that I recommend be included in the design audit.

[22] However, the validity of the design audit relies on the expertise of the people who undertake it. I therefore recommend that a landscape architect be included in the Design Audit team.

[23] I further support Graeme McIndoe's recommendation that an urban designer be included in the Design Audit team, noting that there are a number of people who have combined urban design and landscape expertise and a single person may be able to fulfil both roles.

#### **E. RESPONSE TO SECTION 274 PARTY EVIDENCE**

[24] I have reviewed the section 274 party evidence of Karen Prouse, Amelia Geary for Forest and Bird, as well as the evidence of Anna Carter, planner for the Prouse Property Partnership.

##### **Karen Prouse**

[25] Karen Prouse details the agreement in principle the Prouse Property Partnership have with Waka Kotahi in relation to landscape and visual effects.<sup>5</sup> I have reviewed the proposed mitigation and support measures to mitigate:

- (a) adverse effects on the Prouse's residential amenity including the potential replacement of an existing shelterbelt on the Prouse boundary with new planting, construction of a solid fence along the final designation boundary and hedge planting on the eastern side of the fence undertaken in consultation with the Prouses; and
- (b) adverse landscape and visual effects in views from the road towards the Prouse property and the proposed fence, which include tall screen planting the length of the Prouse property eastern boundary.

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<sup>5</sup> Statement of Evidence of Karen Prouse, 12 September 2023, paragraph [16].



[26] The Planting Concept Plan Rev F submitted in the Application documentation was updated in June 2023 and the plan set is included as Appendix A to Gavin Lister's evidence. I have reviewed Sheet 5 of the revised Planting Concept Plan. In my experience, the proposed 20-25m deep band of planting using species that will easily achieve 6-8m height, plus the avenue of native (evergreen) trees to the west, next to the shared path, will screen the fence and views into the Prouse property.

**Planning Evidence of Anna Carter for Karen and Stephen Prouse.**

[27] In her evidence on the appropriate mitigation of visual and landscape effects, Anna Carter outlines the discussions Waka Kotahi have undertaken with the Prouses for further visual mitigation.<sup>6</sup>

[28] She goes on to state that:<sup>7</sup>

while these proposals have been advanced, they have not yet been captured in the planting concept plan and/or in the Outline Plan requirements. Without the certainty these works being imposed through consent conditions, the mitigation of adverse visual and landscape effects remains unresolved.

[29] At the time my evidence was written, consent conditions had not been updated to include all the additional mitigation proposed by Waka Kotahi, although I note that the planting concept plan referred to in Anna Carter's evidence as Figure 1 is an earlier version that has been superseded by Planting Concept Plan Rev F.

[30] Leaving to one side the planning status of the agreed measures and the mechanisms for including them in the conditions, I consider the additional mitigation proposed by Waka Kotahi will screen the Prouse western boundary, and in turn resolve their concerns regarding views into their property from the shared path and road further to the west.

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<sup>6</sup> Statement of Evidence of Anna Carter, 15 September 2023, paragraphs [31] – [33].

<sup>7</sup> Statement of Evidence of Anna Carter, 15 September 2023, paragraph [34].

## Forest and Bird

### *Landscape versus ecological planting conditions*

- [31] In her evidence Amelia Geary recommends that landscape and natural character plantings require the same standard of management as the terrestrial offset plantings and that the conditions for all restoration planting need to be the same if the effects are to be managed as a 'whole of landscape'.
- [32] In principle I agree, and ecologists James Lambie and Nick Goldwater also agree, that the landscape planting within the designation also provides mitigation for ecological effects. However, the reality is that ecological mitigation and off-setting sit within a different regulatory framework that requires a more rigorous set of establishment and management conditions. Ecological planting also is undertaken on sites with existing ecological attributes and values, uses a complex suite of plant species and frequently requires on-going planting in the form of enrichment planting that in turn extends the maintenance regime.
- [33] In contrast, the bulk of the proposed landscape planting occurs on sites within the earthworked footprint, using broad planting patterns and a palette that reflects rather than replicates the natural groupings of plants and ecosystem types.
- [34] The proposed condition DLV1(b) for landscape planting, by which I mean the planting defined on the Planting Concept Plan referenced above in paragraph [14] is as follows<sup>8</sup>:

Landscape planting must be implemented, maintained, monitored and replaced to achieve a 90% survival rate and 80% canopy coverage of the ground at five (5) years following the date that initial planting commenced;

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<sup>8</sup> Page 23 of Final Draft Proposed Conditions (Tracked Changes Version).

- [35] This meets current best practice for measuring landscape planting success. The linking of planting survival rate to canopy coverage is an incentive to the contractor to implement and consistently maintain the planting through to final completion and handover.
- [36] The 5-year maintenance period is more generous than a number of other large landscape projects I have been involved with, and it is not uncommon for well implemented and maintained landscape plantings to achieve 80% canopy coverage in three years, let alone five years. I also agree with Amelia Geary that pest plants may establish after a three year, five year or eight year planting maintenance period, and I have seen advanced weed growth occur in plantings that had 100% canopy closure at the time of final completion.
- [37] However, at some point in time the planting contract must finish and the site be passed over to the landowner. While the planting is designed to minimise whole-of-life cost, my experience is that landscape planting is never completely self-sustaining, particularly in highly modified, high visibility areas such as alongside a state highway where some long term management will be required.
- [38] I have had the opportunity to read James Lambie's evidence. On the issue of management of pest plants within natural character plantings, I support the concept of maintenance for the natural character plantings to ensure they retain more than 50% indigenous cover.

*Landscape planting detail and quality assurance*

- [39] Amelia Geary also argues that the conditions for landscape planting are severely lacking in detail and requirements to ensure that planting survives beyond five years.<sup>9</sup>
- [40] I acknowledge that if and when the Project is approved, Ō2NL planting specifications that cover pest control, implementation, monitoring and maintenance will be provided in the Outline Plan(s) for approval by the Councils. However, I agree that at this point in time, the level of detail

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<sup>9</sup> Statement of Evidence of Amelia Geary, 14 September 2023 paragraph [21].

provided in condition DLV5 (as proposed by Waka Kotahi) does not provide assurance that the final planting will establish and thrive as a sustainable plant community. I have discussed this in my evidence in paragraphs [15] – [19], and recommended changes to the conditions accordingly.

*Natural character terminology*

- [41] As Amelia Geary states,<sup>10</sup> I wrote in my s87F Report that the Regional Council has a role in managing the natural character plantings and that natural character plantings should be included in the Ecological Management Plan, together with the offset planting.<sup>11</sup>
- [42] The Planting Concept Plan shows natural character planting, mostly wetland forest and riparian typologies, located in existing grassed/pasture alongside waterways, wetlands and stormwater ponds. I might have preferred to have this planting included in the Ecological Management Plan and implemented in conjunction with the ecological planting but have come to understand Gavin Lister's position that the natural character planting was always conceived as a sub-set of the landscape planting, and the production of two sets of Planting Concept Plans, one labelled '*Indicative Typology*' and one labelled '*RMA Purpose Type*' was deliberately designed to show the purpose and location of the types of landscape planting, and the differentiation between landscape and ecological plantings.
- [43] While I accept that Regional Councils will not manage the natural character plantings, I support James Lambie's recommendation to provide scope in condition RWB3 for the Regional Councils to check that the natural character plantings have met the criteria for success set out in the condition, and to review any additional measures that may be proffered that will optimise ecological linkages.

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<sup>10</sup> Statement of Evidence of Amelia Geary, 14 September 2023, paragraph [41].

<sup>11</sup> Section 87F Report, paragraphs [69]–[72].

## F. CONDITIONS

[44] I have reviewed the Final Draft Proposed Conditions updated by Waka Kotahi following mediation and circulated to the parties on 4 September 2023. I have recommended amendments to those conditions that I consider are essential to ensure the urban and landscape design outcomes that are proposed will occur. I am comfortable with the conditions subject to the following additions and modifications to condition DTW5 Cultural and Environmental Design Framework as described below:

### **DTW5 Cultural and Environmental Design Framework**

[45] At present condition DTW5 requires only that the Project be consistent with the Design Principles in Chapter 3 of the '*Cultural and Environmental Design Framework*', Consent Version, dated October 2022. My recommendation is that further content be included in this condition DTW5 as follows (additions underlined):

- a) The Project must be consistent with the Design Principles in Chapter 3 of the '*Cultural and Environmental Design Framework*', Consent Version, dated October 2022.
- b) While achieving the consistency with the Design Principles directed by (a) above, appropriate regard must also be given to ensuring a fit-for purpose, high level of design quality, through consistency with the following sections of:
  - i. 'Bridging the Gap: Waka Kotahi Urban Design Guidelines' (NZTA, October 2013):
 

Part 2 – Supporting walking and cycling

    - 4.5 Pedestrian paths
    - 4.6 Pedestrian crossings
    - 4.7 Cycle lanes and paths
    - 4.8 Pedestrian and cycle bridges
    - 4.9 Underpass design

- 4.10 Lighting
- 4.11 Crime prevention

Part 3 Highway components

- 4.12 Road bridges
- 4.13 Retaining walls
- 4.14 Earthworks
- 4.15 Noise barriers
- 4.16 Highway furniture
- 4.17 Stormwater Management Devices
- 4.19 Roundabouts
- 4.23 Public art

ii. 'Landscape Guidelines' (NZTA, September 2014):

Section 4 Part 3 : Landscape Treatments

- 4.12 Topsoil
- 4.14 Planting and Vegetation Management
- 4.16 Further Planting Considerations
- 4.18 Materials Source and Supply

Section 4 Part 5:

- 4.22 Defects Liability and maintenance

[46] I support adding further content to condition DTW5 as well as further guidance with a new clause to require that the Design Audit team include people with expertise in landscape and urban design.

c) Design Review Audits, set out in Chapter 4 of the *'Cultural Environmental Design Framework'*, to confirm that the Project is consistent with the Design Principles, and with the Urban Design and Landscape Guidelines referenced in (b) above, must be undertaken:

- i. at least three (3) months prior to the outline plan being submitted to Council as set out in Condition DGA6; and
- ii. every three (3) months until the Project is open for public use.

f) The team undertaking a Design Review Audit must include a suitably qualified person (or persons) with formal qualifications and expertise in landscape and urban design matters.

[47] It follows that I also support amending condition DGA9 to reference the requirement for the Design Audit team include people with expertise in landscape and urban design.

[48] I agree with Graeme McIndoe that these changes are necessary to ensure urban and landscape design matters are covered in design and design review auditing, and to give surety on the robustness of the audit process and the quality of the outcome.

[49] I also support the proposed amendments to condition RWB3 Natural Character Planting.<sup>12</sup>

## **G. CONCLUSION**

[50] In my opinion, the landscape, visual and natural character matters I have identified that are outstanding can be addressed through changes to the conditions.

[51] I support directly cross-referencing relevant sections of Waka Kotahi's *Bridging the Gap: Urban Design Guidelines* and Waka Kotahi's September

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<sup>12</sup> Page 73 of Final Draft Proposed Conditions (Tracked Changes Version).

2014 *'Landscape Guidelines'* for appropriate urban and landscape design criteria in condition DTW5.

- [52] The Design Review Audit should be modified to include additional urban and landscape design criteria to ensure design review auditing is comprehensive, transparent and complete, and consequently effective in contributing to the intended quality of design outcomes.
- [53] The design review audit process should be informed by professionals with appropriate expertise and experience in landscape and urban design, and this should be provided for in conditions DTW5 and DGA9.
- [54] I support the proposed amendments to condition RWB3 that provide scope for the Regional Councils to confirm that the natural character plantings have met the criteria for success set out in the condition.
- [55] I endorse the additional landscape and visual mitigation agreements with Waka Kotahi recorded in the section 274 evidence of Karen Prouse.

**26 September 2023**

**Julia Anne Williams**