

**ENVIRONMENT COURT OF NEW ZEALAND  
WELLINGTON REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA**

**ENV-2023-WLG-000005**

**Under** the Resource Management Act 1991

**In the matter of** the direct referral of applications for resource consent and notices of requirement under sections 87G and 198E of the Act for the Ōtaki to North of Levin Project

**By** Waka Kotahi NZ Transport Agency

---

**STATEMENT OF REBUTTAL EVIDENCE OF GAVIN CRAIG LISTER ON  
BEHALF OF WAKA KOTAHI NZ TRANSPORT AGENCY**

Dated 10 October 2023

---

**BUDDLE FINDLAY**

Barristers and Solicitors  
Wellington

Solicitor Acting: **David Allen / Thaddeus Ryan**  
Email: david.allen@buddlefindlay.com / thaddeus.ryan@buddlefindlay.com  
Tel 64 4 044 620450 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6011

## TABLE OF CONTENTS

INTRODUCTION.....	1
RESPONSE TO MS CARTER AND MRS PROUSE .....	1
RESPONSE TO MS GEARY .....	2
RESPONSE TO MS WILLIAMS.....	4
RESPONSE TO MR MCINDOE.....	7

## INTRODUCTION

1. My full name is **Gavin Craig Lister**.
2. I prepared a statement of evidence (**Evidence**) regarding landscape, visual and natural character effects of the proposed Ōtaki to North of Levin Project (**Ō2NL Project** or **Project**), dated 4 July 2023.
3. My qualifications and experience are set out in my Evidence.
4. In this rebuttal evidence I use the same defined terms as in my Evidence.
5. I repeat the confirmation given in my Evidence that I have read the 'Code of Conduct' for expert witnesses and that my evidence has been prepared in compliance with that Code.
6. This rebuttal evidence responds to points made in evidence by:
  - (a) Ms Anna Carter, and Mrs Karen Prouse, on behalf of the Prouse Trust Partnership, Mrs Karen and Mr Stephen Prouse;
  - (b) Ms Amelia Geary, on behalf of the Royal Forest and Bird Protection Society of New Zealand (**Forest & Bird**);
  - (c) Ms Julia Williams, on behalf of Manawatū-Whanganui Regional Council (**Horizons**), Greater Wellington Regional Council (**GWRC**), Horowhenua District Council (**HDC**) and Kapiti Coast District Council (**KCDC**) (together, the **Councils**); and
  - (d) Mr Graeme McIndoe, on behalf of the Horowhenua District Council (**HDC**) and Kapiti Coast District Council.
7. I attended expert conferencing with Ms Williams, Ms Siobhan Karaitiana (representing Muaūpoko Tribal Authority) and Mr Quentin Parr (representing Ngā Hapū o Ōtaki) on 27 July 2023.

## RESPONSE TO MS CARTER AND MRS PROUSE

### Landscape plans

8. I understand there is now a proposed agreement between the Prouse Trust and Waka Kotahi with respect to the landscape treatment opposite the Prouse property<sup>1</sup>. The Ō2NL landscape plan (Rev F) submitted with my

---

<sup>1</sup> Rebuttal Evidence of Lonnie Dalzell, representing Waka Kotahi at [7].

evidence depicts the Shared Use Path (**SUP**) aligned alongside the highway, a row of trees alongside the SUP, and tall screen planting between the SUP and the boundary of the Prouse property – such planting extending from Queen Street East to approximately 60m south of the forest curtilage area. (For clarity, the boundary is approximately 20m from the fence of the Ashleigh garden and curtilage area, but the designation extends over the boundary and up to the fence to accommodate construction activities.)

9. Following discussions, I understand Waka Kotahi has also agreed to:
  - (a) build a 2m high solid timber fence along the boundary (following construction) and to plant along the eastern side of the fence in consultation with the Prouse family;
  - (b) extend the tall screen planting, fence, and fence planting for the full 585m of the Prouse property (including adjacent to the paddocks south of the Ashleigh garden and curtilage area); and
  - (c) remove the existing macrocarpa trees within the Ashleigh garden area (and grind the stumps and provide replacement planting), if an arborist engaged by Waka Kotahi determines the trees are compromised.
10. Ms Carter acknowledges these measures under “appropriate mitigation of visual and landscape effects” but notes that the recently agreed measures are not yet depicted on the landscape plans. These recently agreed matters are addressed through the evidence of Mr Dalzell.
11. I note, for the sake of completeness, my opinion that extending the fence and tall screen planting the full 585m length of the Prouse property is unnecessary to address adverse visual effects on the Ashleigh home and curtilage area, and may limit the potential for integrative design between Ō2NL and future urban development of the paddocks south of the curtilage area.

## **RESPONSE TO MS GEARY**

### **Landscape specifications (Condition DLV1)**

12. Amelia Geary supports the landscape design approach (referred to as a ‘whole landscape approach’) – namely that the landscape planting complements the ecological planting. However, Ms Geary considers the conditions for landscape planting (DLV1 and RWB3) do not provide enough

certainty with respect to such things as species mix, fencing, pest and weed control, survival rates/canopy cover, monitoring, and replacement / enrichment. She therefore recommends that the more detailed conditions and management plan approach applied to ecological planting should also apply to landscape planting.

13. In response, the detailed landscape plans, specifications, and management methods would be submitted as part of the Outline Plan. The reason is that the landscape planting (including that which is labelled 'natural character planting') relates primarily to the designation and Outline Plan. The ecological planting, on the other hand, is a separate workstream and relates to the regional consents.
14. The landscape planting is designed to complement the ecological workstream (and other workstreams) to maximise the overall benefits of the Project, but it is different from, and additional to, the ecological planting that is required to address ecological effects. Landscape planting covers a different range of purposes and situations. For instance, the landscape planting addresses visual amenity and landscape character, and entails rehabilitation of engineered earthworks as well as restoration of natural ground. The landscape planting is also guided by the CEDF, which gives effect to the partnership between Waka Kotahi and the iwi partners.
15. The complementary approach between ecology and landscape is most pronounced with the proposed rehabilitation of stream banks. Landscape planting – labelled 'natural character planting' – is designed to extend the areas identified for ecological offset restoration further along streams. I agree with Ms Geary that where such restoration planting is contiguous it might make sense to implement them together, and in general I support similar outcomes as Ms Geary (i.e. that the planting will comprise appropriate species mix, be fenced, subject to weed and pest control, and subject to maintenance and monitoring to ensure success). However, as discussed above, the landscape planting is part of a different workstream to be addressed under the Outline Plan process. The issue is an unintended consequence of the desire to integrate the ecological and landscape planting (and thereby to maximise the complementary benefits), and the different processes for the designation and regional consents.

### **Natural character planting outside the designation (Condition RWB3)**

16. Ms Geary considers that 'natural character planting' outside the designation should be covered by legal agreements as is the case when ecological offset restoration is proposed outside the designation.
17. In response, this relates again to the distinction between ecological and landscape planting, and between the regional resource consents and the designation. As noted above, the 'natural character planting' is part of the landscape planting workstream and is not part of the planting (and other measures) required to address ecological effects on streams and wetlands. For explanation, natural character is the overall combination of an area's natural characteristics and qualities and includes both biophysical and perceptual aspects. Natural character effects are addressed through a combination of highway alignment, culvert and bridge design, stormwater treatment, ecological offset restoration, and landscape ('natural character') planting. The sections of stream bank or wetland restoration that will have most benefit for perceptual aspects of natural character are those that fall within the designation and are nearest the highway. Such stream bank restoration includes a combination of ecological and landscape planting. In addition, landscape ('natural character') planting is also proposed beyond the designation to further emphasise the natural pattern of streams perpendicular to the highway and, by doing so, help stitch the highway into the landscape. I understand it is unlikely that the highway designation could be extended along streams (or acquired through the Public Works Act) for such a purpose. I also understand the relevant policy is to avoid, remedy or mitigate the adverse effects of regionally significant infrastructure as far as practicable. In that context, I consider the proposed extension of restoration planting along stream banks beyond the designation, subject to landowner agreement, is a best practicable approach.
18. For reference, I support Ms Williams' response to these matters at paragraphs 31 to 43 of her evidence.

### **RESPONSE TO MS WILLIAMS**

19. Julia Williams considers that the outstanding landscape matters can be addressed through conditions.

## Cultural and Environmental Design Framework (CEDF)

20. Ms Williams considers that, while the detailed planting design and specifications will be provided as part of the Outline Plan, the designation conditions should reference certain sections of the Waka Kotahi 'NZTA Landscape Guidelines (March 2018)'<sup>2</sup> as "benchmark minimum standards for planting implementation and management".
21. I agree this would, with greater certainty, provide a backstop against which to measure the details anticipated in the Outline Plan. Ms Williams has suggested certain sections of the NZTA Landscape Guidelines which I agree are most relevant, although I would also support reference to the Guidelines as a whole.
22. Mr McIndoe makes the same point in his evidence with respect to urban design matters and 'Bridging the Gap: NZTA Urban Design Guidelines' (October 2013).
23. For background, pages 16-17 of Chapter 1 of the CEDF already reference the 'NZTA Landscape Guidelines' and 'Bridging the Gap' (along with other guidelines) that have been used to inform the CEDF, and Waka Kotahi landscape and urban design principles are listed at page 10. However, DTW5 focuses on giving effect to the project-specific principles and measures developed with the Project Iwi Partners – namely the Core Principles in Chapter 1, Design Principles in Chapter 3, and the design process and response set out in Chapter 4. To put it another way, the Waka Kotahi Guidelines provide general guidance, while the CEDF is intended to provide more specific direction and to give effect to a specific local partnership between Waka Kotahi and the Iwi Partners.
24. The changes Ms Williams and Mr McIndoe recommend are to reference the Waka Kotahi Guidelines under Condition DTW5. Ms McLeod recommends instead that the following amended condition DGA6 (which sets out the content of the Outline Plan) to the same end and explains her rationale in her rebuttal evidence:

"a description of how the ~~landscaping~~ landscape and urban design proposed is informed by the design guidance in Section 4 of the 'NZTA Landscape Guidelines (March 2018) and Parts 2 and 3 of 'Bridging the

---

<sup>2</sup> Ms Williams correctly points out that the CEDF references the 'Final Draft September 2014' rather than 'Final March 2018'

Gap: NZTA Urban Design Guidelines (October 2013)' except that, where there is inconsistency between these Guidelines and the 'Cultural and Environmental Design Framework' (Consent Version, dated October 2022), the 'Cultural and Environmental Design Framework prevails."

25. I consider this addresses the matters raised by Ms Williams and Mr McIndoe, while remaining true to the intent that specific matters in the CEDF (in response to specific cultural and environmental context) take precedence over the general guidelines, and with the intent for the CEDF to be a 'live document' that will be developed during the detail design process along with an audit trail.

### **Design Review Audit process**

26. Ms Williams and Mr McIndoe recommend that a landscape architect and urban designer respectively be part of the team undertaking the Design Review Audits required by Condition DTW5 b) – e). They recommend the following clause: "The team undertaking the Design Review Audit must include a suitably qualified person (or persons) with formal qualifications and expertise in landscape and urban design."
27. Ms McLeod recommends instead the following condition which recognises that input would extend beyond landscape and urban design where relevant:

*'Design Review Audits must be completed in collaboration with the Project Iwi Partners and with the support and guidance of suitably qualified and experienced persons.'*

28. For background, the Design Review Audit process was instigated as an internal tool by Waka Kotahi and the Iwi Partners to ensure the cultural and environmental principles in the CEDF remain central to the design development – although the conditions require the audit trail also be made available as part of the Outline Plan. In practical terms, I expect the audits will be carried out by the Planners and Iwi Partners with input of the design teams, and specialist disciplines where relevant (including landscape and urban design).
29. The Design Review Audits required by DTW5 do not replace the Outline Plan process. Councils will appoint their own relevant specialists (including landscape architect and urban designer) to review the Outline Plan.



## **RESPONSE TO MR MCINDOE**

### **DTW5 Cultural and Environmental Design Framework (CEDF).**

30. Mr McIndoe raises the same concerns with the CEDF as Ms Williams but with respect to urban design matters and recommends changes to DTW5 to reference parts of 'Bridging the Gap: NZTA Urban Design Guidelines (October 2013)'. I have responded to those recommendations together above.
31. Specifically, I expect measures to be developed to address the interface between the highway and urban development as the detail design for both Ō2NL Project and Tara-Ika advances. Ideally, an integrated design approach would be taken to that interface. Such measures would be incorporated in the detail design and the matters in Chapter 4 of the CEDF and may result in further elaboration of the relevant principles in Chapter 3.

### **Design audit**

32. Likewise, Mr McIndoe raises the same concerns with membership of the design audit team as Ms Williams but with respect to urban design. I responded to those recommendations together above.

### **Tara-Ika connections across the Ō2NL Project**

33. For reference, I comment on matters raised by Mr McIndoe with respect to the provision of connections between Tara-Ika and Levin across the Ō2NL Project at paragraph 75 following of my Evidence.

### **SUP at Queen Street**

34. I agree in principle with Mr McIndoe's suggested alignment of the SUP beneath the Queen Street overbridge for the reasons he outlines – acknowledging that there is much detail design to be done at this complex and significant location.

**Gavin Craig Lister**

**10 October 2023**