

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of applications by Waka Kotahi NZ Transport Agency (Waka Kotahi) to Manawatū-Whanganui Regional Council and Greater Wellington Regional Council for resource consents to enable the construction, operation and maintenance of new state highway, shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and Stage Highway 1 north of Levin.

**SECTION 87F REPORT OF JULIA ANNE WILLIAMS – NATURAL CHARACTER**

**MANAWATŪ-WHANGANUI REGIONAL COUNCIL AND GREATER WELLINGTON REGIONAL COUNCIL**

**28 April 2023**

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## **A. OUTLINE OF REPORT**

1. This report, required by section 87F of the Resource Management Act 1991 (“**RMA**”), addresses natural character with regard to resource consent applications lodged with the Manawatū-Whanganui Regional Council (“**Horizons**”) and Greater Wellington Regional Council (“**GWRC**”) (the “**Regional Councils**”) for the Ōtaki to North of Levin Highway Project (the “**Ō2NL Project**”).
2. The resource consents applied for, by Waka Kotahi NZ Transport Agency (“**Waka Kotahi**”), are required to authorise the construction, operation and maintenance of a new state highway, shared use path and associated infrastructure, between Taylors Road (to the north of Ōtaki) and State Highway 1 north of Levin.
3. In addition, Waka Kotahi separately lodged Notices of Requirement (“**NoRs**”) relating to the Ō2NL Project with Horowhenua District Council and Kāpiti Coast District Council (the “**District Councils**”), respectively. I have assessed landscape and visual effects for the purpose of the NORs, which are addressed through a separate report for the District Councils.
4. In preparing this report, I have relied on the expert advice from the following technical experts advising Horizons and GWRC:
  - (a) James Lambie, Terrestrial Ecology; and
  - (b) Logan Brown, Water Quality and Freshwater Ecology.
5. While this report is pursuant to section 87F of the RMA, I have in accordance with section 42A(1A) and (1B) attempted to minimise the repetition of information included in the application and, where I have considered it appropriate, adopt that information.

## **B. QUALIFICATIONS / EXPERIENCE**

6. 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.

7. My role with the Ō2NL Project for Horizons and GWRC involves provision of pre-application advice on natural character, including dialogue with Waka Kotahi contracted landscape architects prior to lodgement, input into the section 92 request to Waka Kotahi from the Regional Councils and liaising with the Regional Councils' terrestrial ecology and freshwater ecology experts post lodgement to evaluate effects on natural character.
8. I hold a Bachelor of Architecture degree (Auckland University) and a Postgraduate Diploma in Landscape Architecture (Lincoln College). I am a current certificate holder in the 'Making Good Decisions' Programme for Resource Management Act decision-makers. I am a Fellow of the New Zealand Institute of Landscape Architects (NZILA) and hold current professional registration. I also am Chair of the NZILA Accreditation Panel. I have over 40 years of experience as a landscape architect in landscape design, development and assessment projects.
9. In my professional capacity I have been involved in landscape assessments, landscape management and strategy reports and peer reviews. I have prepared and presented landscape expert witness evidence at Council, Environment Court and Board of Inquiry hearings on behalf of applicants and in my capacity as providing expert input and review for s 87F and s 42A reports.
10. Projects of relevance I have been involved in include:
  - (a) RiverLink Proposal (2022) where I provided evidence for Hutt City Council;
  - (b) Eastern Bay Shared Path (2019) where I prepared a s 42A report for Hutt City Council;
  - (c) Transmission Gully Project where I assisted Wellington City Council, Porirua City Council and Kāpiti Coast District Council in a review capacity from 2013 – 2022;
  - (d) Mackays to Peka Peka Expressway Proposal (2012), where I presented evidence to the Board for Kāpiti Coast District Council;

- (e) Peka Peka to Ōtaki Expressway Proposal (2012), where I presented evidence to the Board for Kāpiti Coast District Council; and
- (f) Turitea Wind Farm Proposal (2009), where I prepared a section of the 42A report for the Board of Inquiry.

11. I am familiar with the site and surrounding area. I visited the site along with other Horizons and GWRC experts on 3 August 2021 and 24 August 2022. I also accompanied Waka Kotahi landscape experts to the project site on 30 June 2022 to review the representative viewpoints for the photo simulations.

**C. CODE OF CONDUCT**

12. I confirm that I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023. I confirm that I have stated the reasons for my opinions I express in this report and have considered all the material facts that I am aware of that might alter or detract from those opinions.

13. Statements expressed in this report are made within the scope of my expertise, except where I rely on the technical advice I have referred to in paragraph 4 of this report.

14. I have all the information necessary to assess the application within the scope of my expertise and am not aware of any gaps in the information or my knowledge.

**D. EXECUTIVE SUMMARY**

15. The key conclusions of my report include:

- (a) I acknowledge the requirement for the Ō2NL Project to avoid the coastal environment and the functional necessity for the highway to cross numerous waterways and wetlands. I generally consider the natural character of the development to be appropriate.

- (b) I agree with the methodology used to assess existing natural character levels, and the effects of the O2NL Project on natural character.
- (c) I support the package of natural character mitigation measures across the Ō2NL Project area that are illustrated in the Planting Concept Plan and supplemented by the long-term restoration concept set out in the Cultural and Environmental Design Framework (“**CEDF**”).
- (d) I agree that natural character in each catchment will be maintained once the proposed measures to rehabilitate and restore the natural characteristics and qualities have been fully implemented as part of the Ō2NL Project.
- (e) I support the proposal to extend natural character riparian restoration planting beyond the designation and into private property.
- (f) I recommend changes to the proposed conditions to require that Waka Kotahi enter into legal agreements and/or hold other authorisations necessary to allow entry onto land to undertake and maintain the proposed natural character planting mitigation. The proposed mitigation ensures that each of the catchments retains its existing natural character, and for some catchments the benefits of the proposed restoration will continue to increase over time.
- (g) I recommend the addition of new conditions to provide the Regional Councils with oversight of the natural character planting through the Ecological Management Plan (“**EMP**”) and its certification and ongoing management. I also recommend that Horizons and GWRC retain oversight of the CEDF and the landscape planting plans, plant schedules and specification for the natural character planting areas. In my opinion, Horizons and GWRC should also have a role in monitoring the natural character planted areas post implementation.

- (h) No submissions directly spoke on natural character. A limited number of submitters made more oblique references on natural character related issues. The outcomes they sought will be addressed through the proposed conditions.
16. On the evidence provided, I have limited confidence that existing levels of natural character will be maintained across the one GWRC and five Horizons catchments if landowner approval cannot be obtained for the riparian restoration planting, and planting is confined to the designation areas.

#### **E. SCOPE OF REPORT**

17. My report focuses only on issues related to natural character. It covers the following topics:
- (a) The Regional Councils' relevant regulatory framework;
  - (b) A background to the review of natural character;
  - (c) A review of the application, setting out:
    - (i) Matters of agreement, including: mitigation measures; assessment of effects on natural character; and the Indicative Typology Planting Concept plans; and
    - (ii) Matters of disagreement, including: lack of provision for Regional Councils' oversight of natural character planting plans and implementation; and lack of provision for mitigation of natural character effects where landowner approval is not given for planting on private land;
  - (d) A regulatory review assessment;
  - (e) Comments on submissions;
  - (f) Recommendations for conditions; and
  - (g) Conclusions.

18. In preparing my report I have reviewed the following information from Waka Kotahi:
- (a) Technical Assessment D: Landscape, Visual and Natural Character (the “**Technical Assessment**”);
  - (b) Planting Concept Plans: Indicative Typology Ref:310203848-01-700-C1000 Rev D and RMA Purpose Type Ref:310203848-01-700-C2000 Rev A;
  - (c) Draft CEDF;
  - (d) Appendix 5: Proposed Conditions (updated 21-03-23)<sup>1</sup>, and
  - (e) Waka Kotahi, Ōtaki to North of Levin Highway Project – Response to request for additional information pursuant to section 92 of the Resource Management Act 1991, dated 23 December 2023 (the “**Section 92 Response**”).

## F. BACKGROUND

### Regulatory framework

#### *Outstanding and special amenity landscapes*

19. The components of Objective 6-2 of the Manawatū-Whanganui One Plan (the “**One Plan**”) that address outstanding natural features (“**ONFs**”) and outstanding natural landscapes (“**ONLs**”) are not relevant to this assessment as there are no identified ONFs and ONLs directly affected by or in proximity to the proposed designations.
20. Objective 18 of GWRC’s Regional Policy Statement requires that the region’s special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced. Within the GWRC area, the Kāpiti Coast District Plan notes Pukehou Hill as a ‘special amenity landscape’ and lists some of its values. The highway skirts the base of the hill but does

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<sup>1</sup> Correspondence from Waka Kotahi, Ōtaki to North of Levin Highway Project, dated 21 March 2023.



not encroach into the identified feature or its values. On that basis, the Ō2NL Project is consistent with the Objective.

*Natural character*

21. There are six primary catchments crossed by the proposed highway, namely Koputaroa Stream tributaries, Ōhau River, Kuku Stream, Waikawa Stream, Manakau and Waiauti Streams and Waitohu Stream tributaries. All but one of the catchments lie within the Horizons region, with only the Waitohu Stream catchment falling within the GWRC region.
22. Preservation of natural character and protection of wetlands and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development is a matter of national importance as set out in s 6(a) of the RMA.
23. Natural character is addressed in the One Plan at 6.1.3 where Horizons acknowledges its national importance with an approach to “*at least maintain, and enhance where appropriate, the current degree of natural character... of the coastal environment, wetlands, rivers, lakes and their margins...*”.
24. There are no outstanding or high natural character rivers or wetlands in the Ō2NL Project area. The regulatory focus therefore is: Objective 6-2(a)(ii) (protecting natural character from inappropriate subdivision, use and development); Objective 6-2(b) (ensuring adverse effects including cumulative adverse effects are avoided, remedied or mitigated); and Objective 6-2(c) (promoting the rehabilitation or restoration of the natural character of wetlands, rivers and their margins).
25. The overarching requirement in Objective 6-2(b)(iii) is that adverse effects on the natural character of these areas are avoided, remedied, or mitigated.
26. Policy 6-8 sets out requirements to:
  - (a) Protect these areas from inappropriate subdivision, use and development; and

- (b) Restore and rehabilitate the natural character of these areas where this is appropriate and practicable.
27. Policy 6-9 tells us that development must generally be considered appropriate in relation to natural character effects, if (among other things) it:
- (a) Has a functional necessity to be located in or near a river or wetland and no reasonably practicable alternative locations exist; and
  - (b) Will provide for the restoration and rehabilitation of natural character where that is appropriate and practicable.
24. GWRC's Regional Policy Statement includes more general provisions on landscape values, but the Proposed Natural Resources Plan (the "**PNRP**") contains objectives and policies that directly refer to natural character:<sup>2</sup>
- (a) Objective O14 is that "*the natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins is preserved and protected from inappropriate use and development*".
  - (b) Policy P24(e), which applies outside of areas of outstanding and high natural character, has a focus on preserving natural character and protecting it from inappropriate use and development by "*avoiding, remedying or mitigating other adverse effects of activities on the natural character of wetlands, rivers, lakes and their margins...*".
25. To the extent that it is relevant, I consider Horizons has a stronger directive regarding natural character. First, it has jurisdiction over five of the six catchments affected by the Ō2NL Project. Secondly, its approach to restore and rehabilitate the natural character of these areas where appropriate and practicable, seems wider than the GWRC's objective to preserve and protect from inappropriate development.

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<sup>2</sup> Appeals Version 2022.

26. By definition, a large section of new roading infrastructure running north/south in a largely rural landscape that drains east/west from mountains to the sea, will have an impact on natural character values. In this regard, I acknowledge the selection of the proposed road corridor and the avoidance of the coastal environment to the west of the existing SH1, and the functional necessity for the highway to cross the waterways of six catchments.
27. The Technical Assessment discusses the proposed highway location and layout, and the river and stream crossings, and sets out a package of mitigation measures to provide for the restoration and rehabilitation of natural character. To this extent, the natural character effects of the development generally must be considered appropriate (per One Plan Policy 6-9) and when having regard to the mitigation proposed by Waka Kotahi through wetland restoration and riparian vegetation and planting, the Ō2NL Project satisfies One Plan Objective 6-2(b)(iii). In doing so, the GWRC objective will also, in my view, be met.

### **Background to Review of Natural Character**

28. Natural character can be defined as the combination of natural characteristics and qualities that make an area or a feature distinctive and it includes perceived naturalness.
29. I reviewed the draft natural character methodology provided by Mr Gavin Lister, Waka Kotahi's landscape architect, in July 2021, on request from Horizons and GWRC, and further updated my review in July 2022 when the draft Technical Assessment D: Landscape, Visual and Natural Character (Draft 7, 2-07-22) and draft Landscaping Plan set (Ref:310203848-01-700-C1009 Rev A dated 20-04-22) were released.
30. Waka Kotahi's assessment of existing natural character was the result of conferencing and consensus with specialists in hydrology and river processes, water quality, terrestrial ecology, freshwater ecology and landscape, and included reference to the cultural and environmental issues of the Ō2NL Project and its wider landscape context.
31. The proposed highway crosses six primary catchments. The collective assessment by Waka Kotahi's technical experts considered the rivers,

streams, tributaries and wetlands associated with each catchment and agreed that:

- (a) The selection of the route east of the current SH1 avoided effects on the significant natural character areas located in the western part of the districts;
- (b) There were no areas of outstanding or high natural character within the Ō2NL Project area; and
- (c) Existing natural character levels ranged between low-moderate and moderate-high, based on the 7-point scale used in the assessment.<sup>3</sup>

## **G. REVIEW OF APPLICATION**

### **Matters of agreement**

- 32. I support the proposed methodology for the assessment of effects on natural character, which is unchanged from the earlier drafts of the application I reviewed and is consistent with the landscape practice requirements set out in 'Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines'.<sup>4</sup>
- 33. Based on the specialist input and the methodology employed, I agree with the assessment of existing natural character levels across the six identified catchments.

### *Mitigation measures*

- 34. Mr Lister has detailed the proposed mitigation measures, acknowledging that where he refers to ecology, water quality, and hydrology, he is relying on the input of technical experts and the findings in their technical assessments.
- 35. To clarify, the package of mitigation measures across the Ō2NL Project area that impact on natural character includes mitigation for freshwater ecology, terrestrial ecology benefits, and measures that directly target

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<sup>3</sup> Gavin Lister. Technical Assessment D. Pages 103-104.

<sup>4</sup> Tuia Pito Ora/New Zealand Institute of Landscape Architects, June 2022.

the perceptual components of natural character. For example, mitigation includes (but is not limited to):

- (a) Improvement in local water quality due to the treatment of almost all stormwater from the highway and hard surfaces, and the reduction of untreated contaminated stormwater from the existing highways;
- (b) Bridge design that accommodates the stream bed and retains natural channel morphology;
- (c) Re-creation of stream meanders;
- (d) Formed wetlands for stormwater treatment;
- (e) Improved water quality arising from fencing and revegetation of riparian margins;
- (f) Removal of concrete rubble around Ōhau River bridge and replacement with gabions of river cobbles;
- (g) The proposed restoration of gullies, and wetlands;
- (h) Restoration of riparian vegetation and/or enhancement planting on riparian margins;
- (i) Fencing of waterways;
- (j) Weed control in riparian margins;
- (k) Installation of fish friendly culverts on tributary streams;
- (l) Offset riparian vegetation and revegetated gullies and wetlands that provide habitat and promote wider connectivity for bird species;
- (m) Naturalising the form and planting of stormwater treatment wetlands; and
- (n) Extending riparian vegetation upstream and downstream of bridge crossings.

36. I agree with the proposed restoration planting measures that improve the natural appearance of gullies, wetlands and riparian margins, as well as the proposed rehabilitation planting to revegetate land disturbed by project earthworks.
37. Issues of terrestrial and freshwater ecological mitigation are beyond my area of expertise. However, any indigenous revegetation that can be seen from the road, bridges or the shared path, improves the natural appearance of the highway landscape. From a landscape natural character perspective, there is little difference between the designated 'ecological mitigation planting' on the margins of rivers and streams, in gullies and around wetlands and 'natural character planting'. Both planting typologies increase the visibility and naturalness of the rivers, streams and associated gullies and wetlands.
38. I also endorse the proposed environmental design measures described in the CEDF that collectively set out a 'whole of landscape approach' to the design, the mitigation of effects of the Ō2NL Project and the long-term restoration of the highway's landscape context.<sup>5</sup>

*Assessment of effects on natural character*

39. Given the areas of agreement set out above, I therefore also agree with Mr Lister's assessment of natural character effects, which concludes that natural character in each catchment will be maintained once the proposed measures to rehabilitate and restore the natural characteristics and qualities have been fully implemented.
40. More specifically, I support the proposal to extend riparian restoration planting beyond the designation and into the wider stream and wetland landscape context. While I consider this to be an appropriate mitigation response to the adverse effects of the proposed highway and bridge construction on natural character, it also promotes the restoration of the waterways and wetlands.
41. There is a mutually beneficial relationship between wetland and riparian mitigation planting and natural character planting. Planting for riparian

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<sup>5</sup> Gavin Lister. Technical Assessment D Paragraph 203.

and wetland ecological offsetting and mitigation contributes to and enhances natural character. This is referenced in the Natural Character Restoration strategy set out in the CEDF.<sup>6</sup> Equally, natural character planting, particularly in the form of riparian and wetland planting has benefits for ecological connectivity and potential to raise ecological values over time.

42. For example, around the Waikawa Stream, natural character enrichment planting is proposed on both sides of the stream beyond the designation boundaries.<sup>7</sup> It extends approximately 300m upstream and 200m downstream of the bridge, which is beyond the bend and beyond view from the road in both directions. A small tributary of Waikawa Stream to the north has riparian mitigation planting from the highway to the edge of the NOR designation, with natural character enrichment planting beyond. An area of re-established forest separates and further defines the two watercourses.
43. Collectively, these proposed mitigation measures will provide improvement in water quality and terrestrial ecology, maintenance of freshwater ecology and hydrology, and the natural character riparian enrichment will increase the natural appearance of the stream corridors, embed the road corridor into the wider landscape, and offset the presence of the Ō2NL Project.
44. As Mr Lambie, terrestrial ecologist for Horizons and GWRC, states in his s 87F report: "*The buffer, landscape and natural character plantings are separate to the ecological offset plantings and yet are equally as important for mitigating the effects on fauna*".<sup>8</sup>

*Indicative Typology Planting Concept plans*

45. I support the Indicative Typology Planting Concept Plan, which sets out the proposed planting across the Ō2NL Project route and includes restoration planting, rehabilitation planting and ecology mitigation and

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<sup>6</sup> CEDF Stream riparian p 67, Terrestrial buffer plantings p 69, Natural character restoration p 77.

<sup>7</sup> Planting Concept Plan: RMA Purpose Type Ref: Sheet 12.

<sup>8</sup> Section 87F Report, Mr James Lambie, 28 April 2023, paragraph 69.

offsetting in a level of detail that I am familiar with and would expect to see in an infrastructure project of this scale and stature.

### **Matters of disagreement**

#### *RMA Purpose Planting Concept plans*

46. I consider the RMA Purpose Type Planting Concept Plan to be confusing.<sup>9</sup> Sites shown as wet forest, wetland, riparian margin, wetland, restoration planting and enrichment planting in the Indicative Typology Plan are identified within these plans as areas of 'natural character' planting for RMA purposes. In my professional experience, I have never worked with or reviewed projects where planting has been described as 'natural character' planting on concept plans. This is not to say that I disagree with the process adopted by Waka Kotahi, but the rationale behind the labelling has not been set out in Technical Report D, the concept plans, or the CEDF.
47. Furthermore, this natural character planting has been bundled with landscape and visual planting. Consequently, the detailed design, implementation and maintenance of the natural character planting is addressed through the District Council conditions. This effectively removes any Regional Council oversight on natural character matters. In my view, this should be remedied. As set out in paragraph 22, natural character is an issue of national importance, and all local authorities have a role in managing it.
48. While both regional and district councils have statutory provisions on natural character, the Regional Councils have a wider responsibility for watercourses and wetlands. Under the One-Plan 6-8 (within the Horizons region), the policy directive is to restore and rehabilitate where appropriate and practicable, and under the GWRC PNRP Policy 24, the directive is to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on all other areas of natural character. I provide recommendations addressing this in the 'Conditions' section of this report.

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<sup>9</sup> Volume III, Drawings and Plans, Section 8.0 (Plantings).



*Natural character planting outside the designation*

49. The Planting Concept Plans provide for planting to mitigate effects on natural character within the proposed designation footprint and as required, beyond the designation on private land.
50. Generally, the natural character planting is adjacent to or embedded in terrestrial and wetland offsetting sites. The purpose of the proposed natural character planting outside the designation, particularly the riparian restoration planting proposed upstream and downstream of the highway, is to increase the naturalness of the waterways and wetlands. In other words, the planting has been designed to balance the presence of the Ō2NL Project and mitigate the effects of the road, bridges, traffic and lighting on the perceived naturalness of the wider landscape context.
51. As noted at paragraph 21 above, six catchments have been evaluated in the natural character assessment. Natural character mitigation extends beyond the designation into private property for waterways and associated wetlands in all six catchments.
52. The restoration and rehabilitation measures for each catchment have been assessed within the Technical Assessment. The proposed mitigation balances the adverse effects of the Ō2NL Project, and each of the catchments retains its existing natural character. In every case there is no net gain or loss once the mitigation measures have been implemented, and for some catchments the benefits of the proposed restoration will continue to increase over time.<sup>10</sup>
53. Without mitigation existing levels of natural character are reduced in all catchments by one level of magnitude, based on the evaluation scale set out in the Technical Report.<sup>11</sup> This is important to note as the Planting Concept Plans presently identify planting outside the designation as being “*subject to landowner approval*”.

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<sup>10</sup> The application states, at Volume II, Part G (at page 254) “Overall, with the proposed restoration and rehabilitation measures, all natural character areas will retain their current degree of natural character. In addition, the benefits of the proposed restoration will continue to increase over time.”.

<sup>11</sup> Technical Report D: Appendix D1: Methodology. Paragraph 12.

54. Waka Kotahi has confirmed there are sufficient alternative sites available for offsetting purposes if landowner approval cannot be secured for areas of planting beyond the designation. However, by definition, natural character (or at least the landscape component of natural character) is site-specific and relies on the perceived naturalness of the river/stream/wetland landscape that can be viewed from the highway, bridges and the shared use pathway. Offsetting therefore does not and cannot mitigate perceived effects on natural character.
55. Further, an offsetting approach does not address the Regional Councils' effects management hierarchy for natural character to avoid, remedy or mitigate.
56. As such, where landowner approval is not provided for the necessary 'place based' planting, the extent to which these site-specific adverse effects on natural character could be mitigated becomes constrained.
57. The Technical Report does not quantify the potential of the individual natural character mitigation components for each catchment, and nor should it. However, based on the evidence provided, I have limited confidence that existing levels of natural character will be maintained across the one GWRC and five Horizons catchments if landowner approval cannot be obtained, and planting is confined to the designation areas.
58. I do not consider that planting within only the designation areas would achieve the One Plan's policy directive regarding natural character, which is to at least maintain it, and enhance where appropriate, nor GWRC's policy to preserve natural character by avoiding, remedying or mitigating adverse effects.
59. The reduction and/or removal of areas of natural character riparian and wetland planting also has flow-on effects for ecological connectivity and the long-term natural character restoration strategy set out in the CEDF.
60. On this basis, I support Mr Lambie's opinion that where there are priority areas of natural character and landscape planting occurring outside the proposed designation that are of paramount importance to mitigating the effects on wetland natural character, legal agreements and/or other

authorisations are necessary to allow entry onto land to undertake and maintain the planting if landowner agreement is not obtained.<sup>12</sup> In my view, it would be satisfactory for this to be completed before or at the time of certification of the CEDF, or at the very least, prior to commencement of construction.

61. I therefore recommend that changes are made to condition RWB3 (Natural Character Planting) to reflect the approach set out in REM13 (Sites for Off-set and Compensation Measures) for legal arrangements. I address this in more detail in paragraph 74 below.

### **Regulatory review assessment**

62. As set out in paragraph 28, the natural character effects of the proposal are generally considered appropriate. The CEDF and the proposed Planting Concept plans set out environmental design principles and measures to promote the rehabilitation and/or restoration of the natural character of the wetlands, waterways and their margins. With the proposed restoration and rehabilitation measures, I therefore agree with Mr Lister that all natural character areas will retain their current degree of natural character, and the Ō2NL Project complies with One Plan Objective 6-2(b)(iii) and (c), Policy 6-8 and Policy 6-9, as well as the GWRC's PNRP Objective O14 and Policy P24(e), respectively.

## **H. SUBMISSIONS**

63. No submissions received on the Ō2NL Project directly referenced natural character.
64. Submitter 62, Forest and Bird, submits that pest plants need to be absent or suppressed from terrestrial offset and enhancement planting for the duration of the consent, and rabbit and hares require additional control for at least 10 years to enable plant establishment. In my opinion, the natural character planting is a sub-set of terrestrial offset and enhancement planting, and it is implicit in the submission that similar pest control measures should be used during the plant establishment period.

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<sup>12</sup> Section 87F Report, Mr James Lambie, 28 April 2023, at paragraph 116.

65. Submitter 74, Muaūpoko, spoke to the planting of each awa upstream and downstream, and requested measures to manage the negative impacts on taonga from weeds and pests, and the need to enhance biodiversity in tandem with development.
66. Submitter 80, Ngā Hapū o Ōtaki (on behalf of 10 hapū (submissions 81-90)), seek to embed the CEDF as the framework for delivering and defining Ō2NL Project outcomes, including the Core Principles set out in Chapter 1, the Design Principles set out in Chapter 3, and the Design Response set out in Chapter 4 of the CEDF. Ngā Hapū o Ōtaki also want to ensure appropriate opportunity is provided for hapū participation in developing and confirming the CEDF and the Ō2NL Project outcomes that the CEDF delivers.
67. I agree with these submitters that weed and animal pest control is crucial for plant survival, and the design principles set out in the CEDF should be considered through the design and implementation of the Ō2NL Project. In my opinion, the outcomes sought by the above submissions can and should be appropriately addressed through changes to the proposed conditions.

## **I. CONDITIONS**

68. As I explained in paragraph 48, natural character planting has been bundled with landscape and visual planting in implementation of the Ō2NL Project, and the detailed design, implementation and maintenance of the natural character planting is addressed through the District Council conditions.
69. As I have described above, Horizons and GWRC have obligations with respect to natural character under the RMA and under their respective regional plans. In my opinion, the Regional Councils should have oversight over planting proposed as part of the Ō2NL Project to manage effects on natural character. There is no provision for this presently, due to the structure and scope of the NOR and consent conditions.
70. I recommend that a new condition is added to the proposed resource consent conditions which requires the natural character planting to be included in the EMP (including the location), together with the ecological

mitigation and off-setting planting, with Waka Kotahi required to carry out the planting and its maintenance in accordance with the EMP. I further recommend that the condition set be amended so as to ensure the Regional Councils have a role in certifying the CEDF and the landscape planting plans, plant schedules and specification to the extent they relate to the natural character planting areas. For example, they may wish to ensure that the eco-sourcing requirements for natural character planting are the same as the requirements for ecological mitigation planting.

71. I also recommend that all planting, whether it is for landscape or natural character purposes, be implemented, maintained and managed in accordance with an agreed set of specifications. While the detail may be further updated and refined during the design process to create a more bespoke specification for planting, at the very least Waka Kotahi's Landscape Guidelines Specifications should be referenced in the conditions (whether it be for the consents or NOR) as the base standard for planting.
72. Given the strong association in many locations between the ecological mitigation planting and the natural character planting, and the alignment between the two typologies in terms of the performance targets established in Condition DLV1 and REM 12, I also recommend that Horizons and GWRC have a role in monitoring the planted natural character areas until they meet the specified performance targets.
73. As identified earlier, I recommend that RWB3 (Natural Character Planting) is amended to reflect the approach in REM13 (Sites for Off-set and Compensation Measures) to access to land for offset and compensation measures. For reasons I have explained, legal agreements and/or other authorisations necessary to allow entry onto land to undertake, complete, and maintain the natural character planting must be obtained by Waka Kotahi at the time of certification of the CEDF, or at least, prior to construction.<sup>13</sup>

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<sup>13</sup> Section 87F Report, Mr James Lambie, 28 April 2023, at paragraph 116.

## **J. DISCUSSION AND CONCLUSION**

74. I have reviewed the natural character component of the Technical Assessment and support the conclusion that potential adverse effects on natural character have been avoided and reduced by the selection of the proposed road corridor. I agree that adverse effects on natural character have been managed by the mitigation, restoration and remediation measures put together by technical experts in ecology, water quality, hydrology and landscape. These measures include benefits for terrestrial ecology and mitigation for freshwater ecology, and also directly target the perceptual components of natural character. The overall natural character mitigation will be managed through a long-term restoration concept set out in the CEDF.
75. There is potential to maintain existing levels of natural character across the six affected catchments provided that the draft conditions are amended to allow Horizons and GWRC greater oversight and certainty around implementation, planting design and specification, and long-term monitoring of natural character planting.

**Julia Williams**

**28 April 2023**