

Before Hearing Commissioners

under: the Resource Management Act 1991

in the matter of: notices of requirement and resource consent applications by the NZ Transport Agency and Hamilton City Council for the Southern Links Project

Rebuttal evidence of Adrian Morton (Landscape Visual and Urban Design)
on behalf of the **NZ Transport Agency and Hamilton City Council**

Dated: 8 July 2014

Hearing date: 21 July 2014

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**REBUTTAL EVIDENCE OF ADRIAN DUKE MORTON ON BEHALF OF
THE NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL**

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REBUTTAL EVIDENCE OF ADRIAN MORTON ON BEHALF OF THE NZ TRANSPORT AGENCY AND HAMILTON CITY COUNCIL

INTRODUCTION

- 1 My full name is Adrian Duke Morton.
- 2 I have the qualifications and experience set out in paragraphs 2 to 6 of my statement of evidence-in-chief (*EIC*) dated 12 June 2014 and paragraph 33 of my rebuttal evidence.
- 3 My rebuttal evidence is given in support of notices of requirement (*NORs*) and applications for resource consents lodged by the NZ Transport Agency (*the Transport Agency*) and Hamilton City Council (*HCC*) on 9 August 2013 in relation to the construction, operation and maintenance of the Southern Links Project (*Project*).
- 4 I repeat the confirmation given in my *EIC* that I have read and agree to comply with the 'Code of Conduct for Expert Witnesses' contained in the Environment Court Practice Note 2011.
- 5 In this statement of rebuttal evidence, I respond to the relevant sections of the following evidence:
 - 5.1 Ben Inger (planning) on behalf of Ronald and Carolyn Ingram (30);
 - 5.2 Paul Ryan (planning) on behalf of HCC (44);
 - 5.3 John Olliver (planning) on behalf of Titanium Park Joint Venture (*TPJV*) (38);
 - 5.4 Peter Skilton (planning) on behalf of Shona and Grant Mackintosh (27); and
 - 5.5 James Lunday (planning and urban design) on behalf of Adare Company Ltd (52).
- 6 The fact that this rebuttal statement does not respond to every matter raised in the evidence of submitter witnesses within my area of expertise should not be taken as acceptance of the matters raised. Rather, I rely on my earlier technical reports, including my Landscape, Visual and Urban Design Assessment (*Landscape Assessment*) and supporting Urban and Landscape Design Framework (*ULDF*), my *EIC* and this rebuttal statement to set out my opinion on what I consider to be the key landscape and visual matters for this hearing.

RESPONSE TO EXPERT EVIDENCE OF SUBMITTERS

Ben Inger (Ingrams)

- 7 In paragraph 5.2 of Mr Inger's evidence, he states that the Concept Landscape Plan (CLP) relevant to the Ingrams' property has not been updated to reflect the discussion and information provided in paragraph 130 of my EIC. In paragraph 5.5, Mr Inger requests that this CLP be updated.
- 8 The CLP Drawing No. 2316305-E-20-2002 Rev C for the Ohaupo Road location has now been updated, and is attached as **Annexure A** to my rebuttal evidence.
- 9 The amended CLP illustrates the proposed replacement hedge location, the adjustment of the embankment to avoid the pond and the retention of the existing trees. Additionally, the designation boundary has been reduced with it being adjusted west to avoid the pond, to provide certainty to the submitter in relation to their concerns in retaining these features.¹
- 10 I disagree with Mr Inger's statement in paragraphs 5.6 and 5.7 of his evidence that there will be no certainty that consultation with landowners will be properly regarded. The Ingrams have been identified as stakeholders to be consulted with in the design of the replacement hedge, as stated in condition 9.4(s). That condition clearly specifies that the effect of the replacement hedge shall be to reinstate the visual screening from the Ingram home property to at least the extent that existed prior to its removal.
- 11 In paragraph 5.8 of his evidence, Mr Inger raises the issue that no adverse visual and landscape effects have been considered on the residual titles to the west of Penniket Road. In addition, he requests that suitable landscape mitigation should be established in anticipation of future dwellings being established on those titles.
- 12 In response, the Ingrams' residual titles are located immediately to the west of the proposed realigned Penniket Road and are situated on flat to slightly undulating topography. The lots are located in open pastoral land with views of the surrounding landscape and of Ohaupo Road/SH3 to the east. The realigned Penniket Road will define the boundary to the lots and will be constructed close to existing grade resulting in the loss of one tree. Consequently, the landscape effects will be low. The realigned Penniket Road will be a new feature in the landscape, but as it will be close to existing grade with low vehicle counts it will have only a low visual effect. Therefore, in my opinion the realigned Penniket Road does not require landscape mitigation planting in relation to the Ingram's residual titles.

¹ Grant Eccles' rebuttal appends the amended Land Requirement Plans.

- 13 In relation to the main North-South alignment, this will traverse the pastoral land approximately 130 metres to the east of the lot boundaries. The alignment will be located in a shallow cut that increases as it underpasses Ohaupo Road, where cut batters will be formed. No vegetation removal will be required within the vicinity and the placement of the Main North-South will result in a localised moderate landscape effect. The distance of the lots and placement of the alignment within cut, in conjunction with the formation of the underpass structure will potentially have a moderate visual effect on the Ingrams' residual titles. The landscape mitigation has been considered for this location and is illustrated in the CLP Drawing No. 2316305-E-20-2002 Rev C (**Annexure A** to my rebuttal), which shows extensive planting along the western boundary of the proposed North-South alignment. In my opinion, the proposed landscape mitigation measures will effectively screen the main North-South alignment and underpass structure from the residual land lots located to the west of the alignment.

Paul Ryan (Hamilton City Council)

- 14 As Mr Ryan's evidence on landscape conditions is outside the scope of HCC's submission, I do not propose to respond to his evidence, other than to the comments he makes on condition 9.3A.

- 15 In paragraph 153, Mr Ryan points out that condition 9.3A is repetitive and in paragraph 154, he seeks to amend this condition to remove the repetition. I acknowledge that condition 9.3A is somewhat repetitive and note that it has been reworded to avoid this repetition. Mr Eccles addresses this in his planning rebuttal evidence.

John Olliver (Titanium Park Joint Venture)

- 16 In paragraphs 2.26 and 5.14 of Mr Olliver's evidence, he highlights a concern in relation to the "... *limited detail in relation to landscape and urban treatment around the SH3/21 Intersection and that only small-scale generic plans are available*". In paragraph 8.4(d) of his evidence, Mr Olliver also seeks an amendment to the conditions in to ensure that TPJV is closely involved in finalising landscape and urban design of the SH3/21 roundabout.

- 17 I consider this issue has been covered within paragraphs 139 and 140 of my EIC. Additionally, proposed condition 9.4(r)² requires evidence of consultation with TPJV during the development of the LMP to ensure the landscape and urban design treatments are well co-ordinated with the future TPJV Western Precinct development. In my opinion, the information provided within the ULDF, CLPs and condition 9.4(r) should provide certainty to TPJV that the landscape and urban design issues highlighted by Mr Olliver can be resolved during the detailed design stage and in consultation with TPJV.

² NZTA 168 Waipa.

- 18 I do not support Mr Olliver's request in paragraph 8.4(a) of his evidence to amend condition 9.2(c). The CLMP stage is not the appropriate stage to resolve the issues Mr Olliver raises within his evidence. From my experience, the CLMP will be conceptual and only define the general framework, principles and objectives of the Project. Therefore, as required in condition 9.4(r), the LMP development stage will be more appropriate to consult, co-ordinate and address any concerns TPJV may have.
- 19 I support Mr Olliver's request in paragraph 8.4 (b) to change the wording of the condition 9.2 to include "*and urban design proposals*", which strengthens the requirement to incorporate the material within the ULDF.
- 20 I do not support Mr Olliver's request in paragraph 8.4 (c) to include "*urban designer*" into condition 9.4, as I consider that the development of the Project can be successfully addressed by a "*suitably qualified and experienced landscape architect*". This approach has been demonstrated to be successful on a large number of other infrastructure projects across the country where a variety of landscape architectural practices have been involved, including Te Rapa, the Hamilton and Cambridge Sections of the Waikato Expressway and the Tauranga Eastern Link. The proposed condition is consistent with those projects, requiring experienced landscape architects being part of the broader design team. I consider that those projects have delivered quality landscape and urban design outcomes.

Peter Skilton (Mackintoshs)

- 21 In paragraph 3.0.4(d), Mr Skilton raises concerns in regards to the adverse effects of the removal of screening vegetation, which will affect the Mackintoshs' privacy. In paragraph 6.1.9, he also raises concerns in relation to the visual effects of headlight glare.
- 22 In paragraphs 6.02 and 6.03, Mr Skilton notes that the HCC evidence does not specifically address the issues raised in the Mackintosh submission. The reason for this was because the effects of removal of vegetation and headlight glare were not specifically identified in the Mackintoshs' submission. Rather, their submission refers to effects on the environment, without identifying the specific environmental effects. As Mr Skilton's evidence raises these specific visual effects, I will now respond in this rebuttal evidence.
- 23 With respect to the removal of vegetation, the Mackintoshs' property currently benefits from the mature vegetation that is situated along the west and southern boundaries. The existing vegetation contains the property and provides a dense screen between the road and adjacent properties, while affording the property a quality visual amenity. The extent of vegetation removal would be substantial and in close proximity to the Mackintoshs'

house, which will result in a significant landscape and visual effect on the property. Additionally, the proximity of the road network being immediately adjacent to the property will result in the headlight glare being noticeable, which will be in contrast to the well screened environment that currently benefits the property. Therefore, the visual effects of the headlight glare will be moderate to high.

- 24 Mitigating these visual effects on the property will be difficult to achieve, due to the extent of vegetation removal, the current high level of amenity that the property enjoys and the close proximity of the proposed road from the house. During the detailed design phase, it may be possible to identify and retain several of the trees that are situated close to the house, which are located at the outer edge of the designation boundary, although the majority of screening will be removed. A headlight glare fence of approximately 50 metres along both the southern and western boundaries, with planting on both sides, could be implemented, which would help to minimise the effects of the headlight spill, with the planting helping to soften the appearance of the fence. However, such a fence would not fully mitigate the change in the visual amenity currently afforded to this property.
- 25 In paragraph 50.3 of Mr Denton's EIC, he states that "*the property would likely be purchased in its entirety given the access limitations created because of the proximity of the road to the house*". The significant visual effects of the Project on this property are a factor that would support the acquisition of this land.

James Lunday (Adare Company Limited)

- 26 In paragraph 16 of Mr Lunday's evidence, he considers that the urban design reports produced do not adequately cover the urban design issues. Additionally, he outlines his issues that the concept design for the network has been over-designed and does not provide sufficient flexibility or integration to meet the objectives of the Peacocke Structure Plan (PSP).
- 27 In response to Mr Lunday's comment that I am not an Urban Designer, I acknowledge that I have no formal certificate as an Urban Designer. However, I have extensive urban design experience, spanning 18 years, obtained by working on a broad range of landscape, master planning and urban design projects both in New Zealand and abroad. Therefore, I consider my experience and skills to be suitable to provide input and deliver reports and detailed design information for large scale infrastructure projects, such as my work on Te Rapa, the Hamilton, and Cambridge Sections of the Waikato Expressway. Additionally, over the past twelve months, I have also been involved in the urban design and master planning of the Avon River Precinct and Eastern Framework for the Canterbury Earthquake Recovery Authority.

- 28 I disagree with Mr Lunday's comment in paragraph 16 of his evidence that the Landscape Assessment and ULDF are more suitable to large scale expressways in rural environments, and lack in guidance on integrating with a proposed urban area. I consider the ULDF for the Project provides a descriptive contextual study and outlines the guiding principles and objectives for the design of the Project, and is suitable for securing the designation for the network. The ULDF will provide the basis for development of the initial CLMP that will inform the detailed LMP, which is where the detailed design approach and integration with the PSP will be carried out and is a requirement in condition 9.4. Furthermore, given the likely long time lapse from confirmation of the designation to the commencement of detailed design, by this stage, it is likely that a master plan for the Peacockes area will have been developed, which will allow further integration and refinement of the Project design.
- 29 Mr Lunday has appended information to his evidence in Appendices A and B to his evidence (referred to in paragraphs 30 and 31 of his evidence) to show what a master plan could look like. The images Mr Lunday has provided illustrate a variety of collector roads and lower order local roads that serve the various character areas within the PSP, which are not necessarily comparable to the minor and major arterial, which the HCC NOR seeks to designate. However, it is anticipated that the lower order roads will form a suite and hierarchy of road types that will be incorporated into the future master plan for the area. As the concept material presented by Mr Lunday provides illustrative information on what may be included in the master plan, it is difficult to pre-empt the final form of the proposed master plan to integrate with the CLPs at this stage.
- 30 However, Sections 4 and 5.3.0 of the ULDF list the key design issues and other considerations that reflect many of the objectives of the PSP. Therefore, it is intended that the ULDF will provide the framework for the future development and interface of the Project with the surrounding environment and the PSP.
- 31 Overall, I agree that the Project needs to be developed in relation to the surrounding environment and in particular, the PSP area, as outlined in the ULDF. The Project aims at balancing the need for an efficient transport system with future development and integration with the surrounding environment. To that extent, conditions 9.1 and 9.2 provide the mechanisms for developing and integrating the Project to meet the future development requirements in relation to the PSP. Additionally, condition 9.4 will provide the opportunity for consultation and engagement with HCC on the LMP to further develop the Project in relation to the PSP area and future master plan during the detailed design stage.

CONCLUSIONS

- 32 In response to Mr Inger's evidence, the relevant CLP has now been amended to show the location of the replacement screen hedge, and the altered designation boundary to ensure the pond and surrounding vegetation is retained. In my opinion, the landscape mitigation planting along the western boundary of the proposed North-South alignment will provide suitable mitigation for the Ingram's residual titles, and no further mitigation to Penniket Road is required.
- 33 In relation to Mr Ryan's evidence on the landscape conditions, I agree with some minor rewording to condition 9.3A to remove repetition.
- 34 In response to Mr Olliver's evidence, I consider that the issues he raises were addressed in my EIC, and by condition 9.4(r), which will require consultation with TPJV during the development of the LMP.
- 35 In response to Mr Skilton's evidence regarding the Mackintosh's property, my assessment has determined that the landscape and visual effects in relation to the loss of vegetation and headlight glare will have a significant effect. Although some vegetation retention may be possible and the installation of a headlight glare fence would benefit the property, it is unlikely the landscape interventions will be sufficient to fully mitigate effects on this property. To this extent, I note that this property is likely to be purchased.
- 36 In relation to Mr Lunday's evidence, I consider that the landscape and urban design information that has been compiled for the Project in relation to the NOR process is adequate and suitable to secure the designation while being sufficiently flexible to respond to the future development that will occur within the PSP area. The landscape management conditions appended to Mr Eccles' rebuttal provide the mechanisms to ensure that the development of the CLMP and LMP will enable future co-ordination and integration with the surrounding environment, which includes the PSP.
- 37 Overall, I have read the statements of expert evidence provided by submitters in relation to landscape and visual issues, and the evidence provided has not caused me to depart from the opinions expressed in my EIC. Subject to my conclusions on specific submitter issues above, I reconfirm the conclusions reached in my EIC.

Adrian Morton

8 July 2014

Annexure

A Revised Concept Landscape Plan - Drawing No. 2316305-E-20-2002 Rev C

ANNEXURE A
REVISED CONCEPT LANDSCAPE PLAN
 Drawing No. 2316305-E-20-2002 Rev C

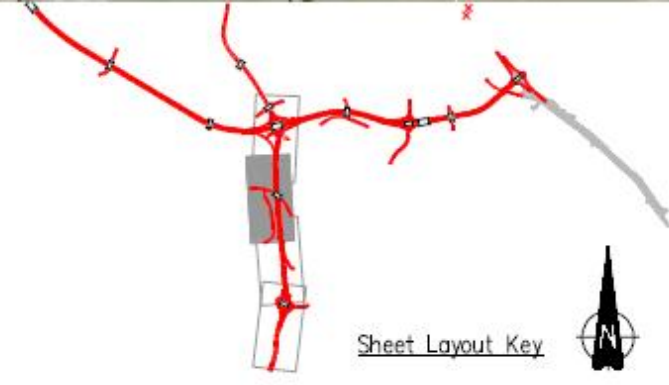


LEGEND:

GRASS	EXOTIC TREES (PB85)
LOWING GROWING NATIVE SHRUBS AND GRASSES	WETLAND PLANTING
NATIVE TREES AND SHRUBS AND HEDGES	NEARBY EXISTING VEGETATION RETAINED
NATIVE TREES (PB12)	GULLY RESTORATION
	DESIGNATION BOUNDARY

NOTES:

1. LANDSCAPE PLANS CONCEPT ONLY - NOT FOR CONSTRUCTION
2. 300mm TOPSOIL FOR ALL PLANTING AREAS, 100mm MULCH
3. 150mm TOPSOIL FOR GRASSING AREAS - MAXIMUM 1:4 SLOPE FOR GRASSING
4. FOR PB85 TREE SPECIES ALLOW 0.5m³ TOPSOIL PER TREE



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