

**BEFORE THE COMMISSIONER
APPOINTED BY MANAWATU DISTRICT COUNCIL**

Under the Resource Management Act 1991
IN THE MATTER Resource Consent Application LUC9145/SUB9144
443 Makino Road, Feilding
BETWEEN Clinton Brown
Applicant
AND
BETWEEN MANAWATU DISTRICT COUNCIL
Respondent

**BRIEF OF EVIDENCE OF
JOHN HUDSON**

Dated 22 January 2020

Introduction

1. Hudson Associates have been asked to respond to the Sn42A Planning report prepared by Michelle Grinlinton-Hancock, in relation to the proposed subdivision application at 443 Makino Road.
2. I am familiar with the area, having undertaken a site visit and many projects in the Manawatu area including a detailed review of rural subdivision trends for Council.
3. I have been engaged by the Applicant to provide independent advice on the landscape and rural amenity effects that may arise from this application. I have reviewed the planner's response to the resource consent application and submissions received.

Qualifications and Experience

4. My full name is John Robert Hudson. I hold qualifications of BA, DBA and Dip LA. I am a landscape architect and principal of my own practice, Hudson Associates, and have been practicing in the field of landscape architecture for over 40 years. I am a registered landscape architect member, fellow and past president of the New Zealand Institute of Landscape Architects. I have also held roles of member of the Institute's biennial awards committee and member and chairman of the Associate examination committee for 10 years.
5. I have previously obtained accreditation in the MfE "Making Good Decisions" as an RMA decision maker, having also held the Chair accreditation. I have been engaged as an independent commissioner for several large resource consent applications, the largest being an appointment by the Minister for the Environment to a Board of Inquiry for a project of national significance. I also regularly appear as an expert witness at Council hearings and on appeal to the Environment Court.
6. My practice consults on projects for the public and private sectors throughout New Zealand. I have considerable experience assessing the landscape, natural character and visual effects of activities for the public and private sector. I also assist local

authorities with strategic and policy plan provisions, including the identification and assessment of Natural Character and Outstanding Natural Landscapes and Features.

Code of Conduct

7. I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014 and I agree to comply with it. My qualifications as an expert are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

Background

8. We had initially prepared an assessment on the 3rd of February 2017 which accompanied the application for resource consent. In that assessment the 'Influencing Factors' section identified both the collaborative approach to the subdivision design and consideration of what could be achieved under a staged subdivision approach as contributing to the appropriateness of the application. This second part was instrumental in identifying the level of effect that had been anticipated by the District Plan.
9. We had been advised that the application was Discretionary, and that a two stage subdivision was feasible, as outlined in Paragraphs 18-23 of our original assessment. We are not concerned by the indication, from Michelle Grinlinton-Hancock, that in her opinion the application is in fact a Non-Complying Activity. The activity status itself does not appreciably alter the content of our assessment. What is concerning is the suggestion from Ms Grinlinton-Hancock that the theoretical Controlled Activity Subdivision which we have discussed in our original 2017 assessment, is not correct. She considers a three lot subdivision entitlement from the original parent title is wrong and that only one additional title is available (e.g. a two lot subdivision). However, we remain of the view that the presence of the nodal overlay (and associated potential development) has strongly influenced the effects conclusion of minor.

10. Therefore, three scenarios appear to exist which need to be clarified in relation to the validity of the Hudson Assessment conclusions and support for this application.

Scenario 1 – Original Premise

11. Should the original advice provided to Hudson Associates be accepted (e.g. a Discretionary Activity status and a theoretical three lot Controlled Activity), then the Hudson Associates Assessment submitted with the application is valid, with the effects on landscape and amenity considered to minor.

Scenario 2 – Controlled Subdivision Reconfiguration

12. Having reviewed the Sn42A Report, the key concern relating to the Hudson Assessment and proposed density of the application appears to relate to an error in application of the theoretical two stage subdivision.

13. As indicated by Michelle Grinlinton-Hancock at Paragraph 50 of her Report, *"The subdivision entitlement available for the proposal site is one additional allotment and a base portion of 8.0668ha."*

14. In order to achieve compliance with C2.4.1 for Nodal Controlled Activity subdivision (allowing a 4000m² minimum and no balance lot under Rule A1 1.3.4 xxiv), it is suggested now that only one additional title is subdivided, as indicated in Figure 1 below. This would result in a single 2.9ha northern title, and a balance title (Base Portion) of over 8ha (actually 12ha). This would then allow for a second stage application to subdivide the entirety of the 12ha title (contained entirely within the nodal overlay, provided an access easement is included).



Figure 1 – Subdivision Reconfiguration

15. Should the Controlled Subdivision Reconfiguration example outlined above be accepted (e.g. a current Non-Complying Activity status and a theoretical two lot Controlled Activity), then it is considered that the conclusions and validity of the original Hudson Associates Assessment remains. This would essentially result in a loss of one section (in order to create a 12ha title contained entirely within the node overlay). Once there is a section entirely within the Node, then it is understood that the Discretionary Activity status would apply to subdivision down to 4000m² with no balance lot. In this scenario, the effects on landscape and amenity are still considered to be minor, despite the Non-Complying Activity status.

Scenario 3 – The Node Overlay becomes irrelevant

16. Should there be no recognition of the potential yield achievable within the Node Overlay (due to previous subdivision of the Parent Title), then the assumed existing environment anticipated by the District Plan is incorrect. In this situation, the original Hudson Associates Assessment cannot be relied upon, with the most likely result being a conclusion of effects that are more than minor.

Submitters

17. Having read through the 7 Submissions received, the key concern within my area of expertise relates to the potential loss of rural amenity. In response to this concern, it

falls on the applicability of the Nodal Overlay. Many of the concerns raised are relevant within an area of Rural Zone that is not influenced by the Node, however my interpretation has been to accept that the Nodal Overlay is an existing District Plan development mechanism.

Summary

18. In essence, I believe what has been highlighted by Michelle Grinlinton-Hancock, is that the theoretical subdivision illustrated in the original Hudson Assessment should have only allowed for an additional one title, rather than two. By correcting this error (e.g. Scenario 3), the remainder of the original assessment is still valid.

19. The proposal does suggest a higher density than that of the wider Makino Road locale, and despite the poorly implemented intention of the Node to achieve a “continuous flow between residential and rural activities” (Sn 42A Report - Para 54), the fact remains that the Node overlay exists and the applicant intends to utilize its potential development yield.

20. Our assessment had not “relied on the consent classification’ as suggested by Michelle Grinlinton-Hancock, rather it relied on acceptance of node as a development incentive regardless of its precise implementation.

21. It will be up to the commissioners to decide upon whether or not they believe that the existing Node Overlay and associated development advantages form part of the overall consideration. If the Node is relevant, then it is my opinion that the effects are minor.

John Hudson

A handwritten signature in black ink, appearing to read 'J. R. Hudson', with a long horizontal flourish extending to the right.

Hudson Associates