

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL**  
**INDEPENDENT HEARINGS COMMISSIONER**

**IN THE MATTER**

of the Resource Management Act  
1991

**AND**

**IN THE MATTER**

of an application under section 88  
of the Act to construct and  
establish a Fonterra Farm Source  
Retail Store and undertake a two  
lot subdivision at 2475 South  
Road, Okato

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**STATEMENT OF EVIDENCE OF Richard Bain**

**Landscape Architect**

14<sup>th</sup> March 2019

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## **INTRODUCTION**

### ***QUALIFICATIONS AND EXPERIENCE***

1. My name is Richard Alexander Bain. I hold an honours degree in Landscape Architecture from Lincoln University (1992), and I am a registered member of the New Zealand Institute of Landscape Architects (NZILA).
2. I have been working for over 26 years in New Plymouth as a self-employed Landscape Architect, specialising in site design and visual assessment.
3. I confirm that I have read the Code of Conduct for expert witnesses contained in the 2014 Environment Court Practice Note and that I agree to comply with it. I confirm I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

### ***ROLE***

4. I was engaged by the Applicant to prepare a Landscape and Visual Impact Assessment (LVIA), 24<sup>th</sup> November 2018, as part of the Assessment of Environment Effects (AEE) for the project.

### ***SCOPE OF EVIDENCE***

5. This evidence covers the following:
  - Brief Description of the Proposal;
  - Site Context, Character and Amenity;
  - Assessment of Effects – Character and Amenity;
  - Proposed Mitigation;
  - Comments on issues raised in Submissions and Planning Officer's Report;
  - Summary and Conclusions.

## **PROPOSAL**

6. A full description of the proposal is contained within the Application/AEE and is also described in Mr Brophy's evidence. The main aspects of the proposal that have potential landscape and visual effects are the construction of a retail store (813.70m<sup>2</sup> in area) and associated infrastructure, as well as its underlying two lot subdivision.
7. In preparing my evidence I have relied on the following information:
- The Application for Resource Consent and Assessment of Environmental Effects, and additional information prepared by BTW Company, 14<sup>th</sup> December 2018; Planning Officer's Notification Report, dated 11<sup>th</sup> January 2019; Planning Officer's Section 42a Report, dated 7<sup>th</sup> March 2019.
  - Submissions;
  - Information and evidence from the Applicant and experts in the Applicant's project team;
  - I have visited the site several times and also have a good understanding of the landscape context of the surrounding area.

## **SITE CONTEXT, CHARACTER AND VISUAL AMENITY**

8. The following evidence describes the site's existing landscape/rural character, visual and aesthetic qualities and receiving environment.
9. The subject site (site) is located within the Rural Environment Area in the Operative New Plymouth District Plan (ODP).
10. The site is located on the eastern corner of South/State Highway 45 and Upper Kaihihi Road, west of Okato. The site currently comprises an open paddock, a dwelling and sheds.
11. The proposed subdivision will divide the property into two lots. Lot 1 being 0.51 hectares in area and lot 2 being 3.51 hectares. Lot 2 contains the existing dwelling and

sheds, and will remain 'as is' in terms of land use. Lot 1 will contain the Farm Source proposal and is therefore the focus of my evidence.

12. The receiving environment consists of a mix of land uses and parcel sizes. These are described in detail within the Notification Report (paragraphs 27 to 32) and so is not repeated here. The planner's description of neighbouring landuses matches my own assessment of the area, in particular the description that this is an area of mixed landuse that includes a hotel, childcare centre, surfboard manufacturer, service station/garage, lifestyle sized block properties, fertiliser storage, as well as pasture.
13. The site for the Farm Source building is an area of open pasture currently devoid of any structures.

#### ***ASSESSMENT OF EFFECTS – CHARACTER AND AMENITY***

14. As described in the LVIA, the site is highly visual due to its openness and position on the intersection of SH45 and Kaihihi Road. However, in my opinion, the visual significance of the proposal is lessened by the mixed-use nature of the receiving environment. Although openness and spaciousness will be reduced, these qualities do not represent the defining characteristic of the area. This is not an area where spaciousness is critical to its character, with potential enclosure a threat. Although the site will contain a building that is 813.70m<sup>2</sup> in area and 6.4m high (at its apex), the remainder of the site, as well as lot 2 will remain 'open'. Furthermore, openness (and an appreciation of it) in this context is largely a matter of luck. Shelter planting just happens to have not occurred on this property, but has occurred on a number of properties further along Kaihihi Road, including 8,12,20,46, and 58 Kaihihi Road.
15. The proposal will potentially create two main changes to the landscape. These being fragmentation of a 4.02ha rural allotment, and the construction of the Farm Source building, which will create change from open pasture to built form. This could potentially create a perceptual change for the site from a rural landscape to a commercial one.

16. With regard to the two lot subdivision, in my opinion it creates a low magnitude of change. Landform will remain predominantly unchanged and boundary fencing is largely indistinguishable from internal farm fencing. It is the activity on lot 1 that creates the greatest potential landscape effects.
  
17. The building and its surrounds (which consists of an asphalt yard, fencing, material for sale, and roadside sign) will create a permanent change in site character. There will be a change from openness to built development, which will be obvious by its presence. However, given the mixed-use nature of the area, this change is not necessarily adverse, rather part of the inevitable change from openness to built form that occurs on the peri-urban fringes of growing townships.

### **MITIGATION**

18. The most significant effect of the proposal is the construction of the Farm Source building that is larger in area, and closer to the SH45 boundary than permitted in the ODP (when considering the size of proposed Lot 1 being under 4ha).
  
19. In order to create a context for the building that is appropriate for this area (an area of landscape change within a rural environment), a Landscape Mitigation Plan has been prepared as part of the application.
  
20. The Landscape Mitigation Plan includes the planting of 5 evergreen native trees (rata) along the SH45 boundary, 7 along the northern boundary, and 5 along the eastern boundary. Trees along the Kaihihi Road boundary were also initially recommended, but these would have blocked views of Mount Taranaki from the Stony River Hotel. On balance, I considered that the amenity afforded by hotel patrons of seeing the mountain outweighed the benefits of the trees for mitigating effects from users and residents of Kaihihi Road, particularly given that the view from Kaihihi Road of the building is set back over 50m from the road boundary (the canopy is setback 40m). I note that In paragraph 11.19 of the s42a report the planner also finds that the lack of planting on Kaihihi Road is mitigated by the building setbacks. There is also continuous shrub planting proposed along the two road boundaries. Planting is not continuous along the

northern and eastern boundaries to enable views into the site of commercial signage and to accommodate truck visibility and turning movements.

21. I note that in the notification report (para 66), the council landscape architect supports the proposed planting and considers that the *'development has minor adverse landscape and visual effects once mitigation is taken into account'*.

22. Additional landscape mitigation is proposed as described in the s92 response dated 14th December 2018. This includes the following;

- a. In order to prevent undue glare effects, the roof colour be changed to Resene 'Gull Grey', which has a light reflectance value (LRV) of 48%.
- b. To reduce glare from bright white concrete, vehicle crossings at the entrances of the site will be tinted with a dark grey additive, similar to that of Resene Outback.
- c. To avoid night lighting effects, external lighting will be activated by motion. The light fittings will be installed away from the road frontages and adjoining boundaries of the site. There will be no night time illumination of the proposed panel sign.
- d. An amended Landscape Mitigation Plan (Planting Plan, Revision 04, dated December 2018) was submitted as described in paragraph 20 of my evidence.

### **RESPONSE TO SUBMISSIONS - LANDSCAPE MATTERS**

23. I have read the submission of James Dinnis of 12 Upper Kaihihi Road, and Robert and June Dinnis of 8 Upper Kaihihi Road. These two properties are located opposite the Farm Source development site. I make the following comments to matters pertaining to my area of expertise.

24. In paragraph 5.3 the submitters state the “Farmsource building is over double the size permitted on a site in the Rural Environment and is located closer to the road and the submitters properties than what the District Plan anticipates”.

My response:

Yes the building is larger in area than permitted in the ODP. Elsewhere in my evidence I discuss the effects that the building has on character and amenity.

The building is closer to the SH45 road boundary than permitted, but is further from the Kaihihi Road boundary (and therefore the submitter’s properties) than required.

25. In paragraph 5.6 the submitters refer to lighting levels.

My response:

I have discussed lighting in paragraph 22 (c) of my evidence. Mr Brophy’s evidence covers the matter of light emission compliance within the ODP.

26. In paragraph 5.7 the submitters refer to cumulative effects, stating that the application is heavily reliant on existing activities in the immediate environment and the effect these activities have on the rural character and amenity of the existing environment.

My response:

In my opinion, the character of this rural environment includes all the lawfully established activities within it, thereby being constitute parts of the existing rural area. The rural environment that the submitters appreciate includes these activities. The submitters do not specify that the site possesses qualities that they appreciate over and above the area generally. In my view the proposal (with mitigation) is not inconsistent with this mix that creates the character of the area.

27. In paragraph 5.9 the submitters state that the mitigation measures proposed in the application do not sufficiently mitigate the size, scale and nature of the activity to an extent that the adverse effects on the submitters and their properties are appropriately addressed.

My response:

The submission does not state what the adverse effects on their properties are (other than general comments about appreciation of the rural environment).

In my LVIA I specifically assess the potential landscape and amenity effects on the submitters (page 17). I note that for 8 Upper Kaihihi Road, “the property is heavily screened along its road boundary, preventing external views. The property’s occupants will see the proposal when exiting their driveway”. In my opinion this creates a low to moderate effect, as amenity when exiting one’s property is short in duration and transient.

For 12 Kaihihi Road, I describe in the LVIA that the dwelling orients towards the proposal and includes a narrow view with the remainder of the property being screened along its road boundary preventing the majority of external views. It is also my understanding that there is a consent notice on the title of 12 Kaihihi Road that requires screen planting along its frontage to be maintained in perpetuity. As such, this planting will screen all views of the proposal from the dwelling and outdoor areas.

The Landscape Mitigation Plan will soften the site from eye height (the shrub planting will reach a height of approximately 1.5m), but I acknowledge there are potential views via the site’s vehicle crossing, and the building will be visible above the planting. Mr Brophy’s evidence discusses the permitted baseline, which is relevant to the potential views from 12 Kaihihi Road.

28. I have read the submission of Steven Looney of 18 Upper Kaihihi Road.

My response:

Mr Looney expresses no concerns in his evidence with regard to any visual effects of the proposal. This aligns with my professional opinion as outlined in paragraph 7 of the s92 response, which describes why I consider effects on Mr Looney’s property to be negligible.

29. I have read the submission of Mrs Martin.

My response:

Given the meeting between Mrs Martin and Fonterra subsequent to submissions being received, I do not comment on her submission in this evidence. .

**RESPONSE TO OFFICER'S REPORT**

30. I have read the council officer's report (report), and make the following comments.

31. In paragraph 11.28 of the report it states that "while the proposal may result in adverse effects on spaciousness and low density characteristics of the rural environment the vegetated element of rural character will be improved through the proposed planting - which can be required by conditions on consent."

I agree with this statement.

32. In paragraph 11.58 of the report it states the assessment of environmental effects "has considered the actual and potential effects of the proposed land use and subdivision activities, both positive and adverse effects and those effects raised by submitters. Overall, I consider the adverse environmental effects of the proposal will be no more than minor, namely in relation to rural character and amenity..."

I agree with this statement.

33. Suggested Conditions

I have reviewed the Landscaping conditions 21-23 and in my view condition 21 is unnecessary. The Planting Plan in the application is sufficiently detailed to meet condition 21. Condition 22 and 23 are appropriate.

I have also reviewed the conditions 26 & 27 relating to colour and reflectivity and note the requirement for the roof colour to be painted 'Gull Grey' with a reflectivity value of no more than 48%. It is my understanding that Gull Grey as a Resene paint colour has a reflectivity value of 48% but that Colorsteel Gull Grey has reflectivity of 50%. Given the likelihood of the roof being colorsteel, I suggest this would be better to read;

*d) coloured 'Gull Grey' with a reflectivity value of no more than 50%.*

**SUMMARY & CONCLUSIONS**

34. This assessment considers the proposal's impact on rural character and visual amenity and specifically considers effects on 8 and 12 Upper Kaihihi Road (and the surrounding area).
35. I consider that the proposal will not create significant adverse character or amenity effects on either the submitter's property or broader landscape.

A handwritten signature in blue ink that reads "Richard Bain". The letters are cursive and fluid, with a small mark above the final 'n'.

Richard Bain  
Registered Landscape Architect

bluemarble

14<sup>th</sup> March 2019