

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an application under section 88
of the Act by Devon 5
Investments Ltd, to the NEW
PLYMOUTH DISTRICT COUNCIL to
construct five townhouses, at 196
Mangorei Road, New Plymouth.

STATEMENT OF EVIDENCE OF Richard Bain

Landscape Architect

5th September 2018

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.

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), 22nd February 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 aspect of the proposal that has the potential landscape and visual effects is the construction of five townhouses.

7. In preparing my evidence I have relied on the following information:

- The Application for Resource Consent and Assessment of Environmental Effects, prepared by BTW Company, 9th June 2017; the applicant's response to the Section 92 requests dated 5 April 2018 and 15 June 2018, and Planning Officer's Section 42a Report, dated 29th August 2018;
- 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/urban character, visual and aesthetic qualities and receiving environment.

9. The site is located within an established Residential Environment Area.

10. The subject site is presently part of a larger site that includes the Stumble Inn Restaurant, Cafe and Bar property. Upon subdivision, the site will become 1300m² in area located north of the Stumble Inn. The site includes a right-of-way (ROW) that provides vehicle access to the Stumble Inn carparking area.

11. The receiving environment consists of commercial activity to the south, and residential to the north, distinguished by a gully that contains houses on its flanks and a dwelling within the gully - 192A Mangorei Road.

12. A feature of the site is its north facing elevated position at the head of the gully, and its proximity to an established commercial centre. It is the proximity to the commercial area that drives the appropriateness of the townhouse development in this location.

13. A view catchment was established as part of the bluemarble LVIA, and identified that there are a number of houses with views into the subject site (generally those closest), and one property (192A Mangorei Road), that is overlooked by the proposal. The property includes a large dwelling that is situated 90m to the north, and a small cottage (uninhabitable building) that was converted from a garage in 2008 and is situated 5m to the north. The southern boundary of 192A Mangorei Road includes a row of alder trees that are planted close together.
14. Visual amenity of the area largely pertains to residential character and topography. The site itself is an unkempt piece of land covered with weeds and rank grasses. The gully is legible as a landform, as are its sides, which are occupied by houses abutting the adjacent roads. Visual amenity is provided by suburban typologies that although eclectic in housing style, are nonetheless overtly suburban in their site coverage, outdoor living areas, gardens, and orientation. The elevated position of most of the houses in the area provides a distinguishable open character and amenity.
15. The property at 192A Mangorei Road is unlike others in the area as it is lower in elevation and larger in area. However, like most of its neighbours, the dwelling is overtly oriented to the north.
16. In understanding the amenity of the area, it is important to recognise not just aesthetic amenity (e.g. elevated views and gardens), but urban amenity, which in this area includes proximity to a supermarket, cafe, doctor, pharmacy and so on. The site is located at one of this area's interfaces between urban and residential activity and character.

ASSESSMENT OF EFFECTS – CHARACTER AND AMENITY

17. As detailed in the LVIA in the Application, I consider effects on two properties could experience **moderate adverse** amenity effects. That is, *have a moderate level of effect on the character or key attributes of the receiving environment and/or the visual context*

*within which it is seen; and/or have a moderate level of effect on the perceived amenity derived from it.*¹

18. These properties are 194 Mangorei Road, and 51A Mangorei Road. It is my understanding that these two properties have signed affected parties form 8a, thereby accepting effects of the proposal. My assessment of effects for 192A Mangorei Road concluded that they were low. Later in my evidence I discuss effects on 192A in more detail.

19. Bulk and shading have been assessed. The townhouses create a single structure, which is modulated by a staggered roofline, and northerly façade that includes glazing of various sizes, balconies, and doorways. Bulkiness is avoided by this modulation, as the building will appear as five separate apartments. There are no adverse shading effects from the proposal. It is noted that as a permitted activity, a two units could be constructed on the site. Such dwellings would require no design controls over and above District Plan bulk and location rules.

20. Notwithstanding that two properties may experience adverse effects from the proposal, the development also creates positive effects. These result from the increased residential density of the project. Being located adjacent to a suburban commercial node, the proposal efficiently uses land and provides potentially additional vibrant intensity to the area. Best practice urban design (e.g. as expressed in the NPDC Residential Design Guide October 2017) prescribes projects such as this in areas where there is supporting amenity and infrastructure. This project's location is ideal in terms of proximity to shops and health care, and it uses land that is currently unoccupied and poorly maintained. So long as amenity effects on specific receptors are acceptable, the effects on the broader character of the area are considered beneficial.

¹ Effects Rating and Definitions Table 2 bluemarble LVIA

MITIGATION

21. The most significant effect of the proposal is a change in residential character from that which currently exists within the area. The proposal is medium density residential, albeit there are a small number of units (five). However, overall the effect of this change is positive in terms of creating strong urban form in an area appropriate for such use.
22. The effects of the proposal on amenity are limited to two receptors with open and elevated views of the site. These effects are largely avoided by good quality design that includes modulation of facades and roofline, pleasant scale, and recessive colours. I note that the architectural plans have been amended subsequent to the Application to meet specific concerns from the Council's Landscape Architect.
23. With regard to mitigating effects, planting of trees in and around the site will assist in reducing the buildings' scale and soften their appearance. I have recommended that six specimen trees be located within the project site to grow to a least six metres height at maturity.
24. As described in the LVIA, there is an existing row of alder trees (by my estimate 6m tall) along the southern boundary of 192A Mangorei Road. These trees screen views of the subject site and Stumble Inn area from 192A Mangorei Road. In my experience, alders lose their leaves for between 3 and 6 months a year (depending on the severity of winter), with their branches still providing a level of screening. In spring and summer, the trees come into full leaf providing a full screen.

RESPONSE TO SUBMISSIONS - LANDSCAPE MATTERS

25. I have read the submission of James Finlayson and Alina Leigh dated 31 May 2018. They state that they are the owners of 192A and 192B Mangorei Road, and reside in the dwelling located at the northern end of 192A Mangorei Road. In the in the south-western corner of their property, near the adjoining boundary to the Application site, is

a standalone cottage that they hope to convert for use as home occupation or visitor accommodation.

26. With regard to character and amenity, the submitters oppose the development on the basis that it will result in adverse visual amenity effects on residential properties, adverse effects on the character and amenity of the surrounding area, adverse effects on privacy and outlook, adverse effects on the character and amenity of the surrounding area created by the subdivision, and adverse cumulative and precedent effects.
27. I note that the effects as described by the submitters are general and all encompassing rather than specific. The submitters do not appear to describe any specific impacts that the development will have on them. In my assessment, I consider that there are no significant amenity effects created by the proposal on the submitters, particularly when the permitted baseline is taken into consideration. The submitter's dwelling and outdoor living areas (the areas of highest amenity) are some distance from the townhouse development, and are oriented to the north, away from the site. For these reasons I do not consider that being able to see, or be seen by the development from the driveway or garden areas south of the house, or from the undeveloped allotment (192B Mangorei Road) also owned by the submitters, constitutes an adverse amenity or character effect.

RESPONSE TO OFFICER'S REPORT

28. I have read the council officer's report, and make the following comments.
29. I note that in paragraph 8.8 the council officer states that the assessment focuses on the effects on 192A Mangorei Road. I have therefore focused my evidence on 192A Mangorei Road (the submitters).
30. In paragraph 8.10 the council officer states that the effects on the southern part of the property are relevant, as complying building or developed outdoor living areas could

occur. While I agree that this is possible, I consider that it is unlikely that a habitable building and/or outdoor living area would be located in this area in an orientation that would be impacted by the proposal. Any such development is likely to orient north, and or east, away from the townhouse site, towards the sun, view, and open space. To orientate towards the elevated land to the south (subject site) is, in my opinion very unlikely.

31. In paragraph 8.11, I agree with the council officer's statement that the alder trees will *"assist to a degree"*, in regard to reducing effects on 192A Mangorei Road.
32. As described in paragraph 8.13, I disagree with the Council's Landscape Architect that 192A Mangorei will experience greater effects due to the site's elevated position in relation to that property. In my view, the nature and configuration of the property at 192A, as well as the distance between the development and dwelling, mean that effects are not greater on 192A Mangorei Road.
33. With regard to Residential Character, in paragraph 8.18, I agree with the Council's Landscape Architect's opinion that the *"adverse effects on character have been mitigated through planting and design variation / articulation"*. I also agree with the concluding position of the Assessment of Landscape and Visual Effects, *"that the development has minor adverse landscape and visual effects, which takes into account the various residential amenity considerations described above"*.

Conditions of Consent for Landuse (LUC18/47224 - Landscape Items

34. I agree with the report's recommended landscape conditions except I note the following:
35. Condition 3. The condition requiring a variation of neutral colour tones (non-reflective) on the building façades is potentially very open to interpretation. In my opinion it would be simpler to remove "(non-reflective)" from this condition.

36. Condition 4, bullet point three. This requires the planting of trees that will reach a height of at least 6 metres in 5 years. This requires a growth rate of more than 1m per year, albeit the tree will be 1.5m high at the time of planting. In my opinion this may overly restrict the number of species available to meet this condition. I would suggest that the condition should change to.....*a height of at least 5 metres in 6 years, or..... reach at least 6m in height at maturity.*

SUMMARY

37. This assessment considers the proposal's impact on residential character and visual amenity and specifically considers effects on 192A Mangorei Road (and the surrounding area).

38. I consider that the proposal will not create significant adverse residential character or amenity effects on either the submitter's property or broader landscape, residential character and amenity. I also consider that the proposal will create positive effects, as discussed earlier.

A handwritten signature in blue ink that reads "Richard Bain". The signature is written in a cursive, flowing style.

Richard Bain
Registered Landscape Architect

bluemarble

5 September 2018