

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of an application under section 88
of the Act by L and H Greensill to
the NEW PLYMOUTH DISTRICT
COUNCIL to undertake a three-lot
rural subdivision, at 1303 South
Road, Oakura

STATEMENT OF EVIDENCE OF Richard Bain

Landscape Architect

15 June 2022

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 29 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 have been engaged by the Applicant to undertake the following:
 - Prepare Landscape and Visual Impact Assessment (LVIA) - 31 January 2021 Rev 1;
 - Prepare a response to a s92 request - 13 April 2021;
 - Prepare a Landscape Mitigation Plan - 10 June 2021;

I have not attached a copy to the LVIA or s92 response to this evidence.

I have attached a copy of the Landscape Mitigation Plan to this evidence.

SCOPE OF EVIDENCE

5. This evidence covers the following:
 - Brief Description of the Proposal;
 - Site Context & Character;
 - Assessment of Effects – Character and Visual Amenity;
 - Cumulative Effects;
 - Mitigation;
 - Comments on issues raised Planning Officer’s Report;
 - Comments on issues raised in Submissions;
 - Conclusions.
 - **Annexure 1** – Landscape Mitigation Plan.

PROPOSAL

6. A full description of the proposal is contained within the Application/AEE and s42A report.

The main aspects of the proposal that have potential landscape and visual effects are as follows:

- The creation of two rural-residential sized allotments. These are Lots 2 and 3 shown on the Subdivision Scheme Plan.
- The enabled development that is likely to occur on each new lot. That is, new dwellings, associated outbuildings, driveways, fencing, shelter, and amenity landscape.

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

- The Application for Resource Consent & Assessment of Environmental Effects, prepared by Juffermans Surveyors Ltd (Application number SUB 21/47711); and Planning Officer's Section 42a Report, dated 8 June 2022;
- Information and evidence from the Applicant and experts in the Applicant's project team;
- I have visited the site on 3 November 2020, 27 May 2021, and 10 June 2022 and also have a good understanding of the landscape context of the surrounding area.

SITE CONTEXT & CHARACTER

8. The wider landscape setting is described in the application and my LVIA, therefore I focus this evidence on the context and character of proposed Lots 2 and 3.

9. Lots 2 and 3 are located on essentially flat open pastoral land tucked in behind two existing dwellings positioned between these lots and SH45. There is also a nearby existing dwelling on the subject site. There is a shelter belt between Lots 2 and 3 and the existing dwelling (with the main farm race in between). The southern boundary of

Lot 3 comprises a farm fence, and the eastern boundary is open to the wider farm. The northern boundary comprises a 7-wire post and batten fence shared with the south-eastern boundary of 1305A South Road and its driveway. This driveway separates 1305B South Road from Lots 2 and 3.

10. The character of this part of the site is influenced by its context. It is clearly pastoral in the broader sense but also has a rural-residential context because of its proximity to dwellings. In terms of orientation, Lots 2 and 3 lie 'behind' the rural-residential properties as they orient more northerly with their driveways, garages and water tanks located on the south eastern side adjacent to the proposal.

ASSESSMENT OF EFFECTS – CHARACTER AND VISUAL AMENITY

11. As detailed in the LVIA submitted as part of the Application, I considered effects on character (including landform) and visual amenity.
12. With regard to landscape character, I conclude that effects are anticipated to be very low - primarily due to the small amount of land that will change (8870m²). Because area's character includes rural-residential development and existing roadside vegetation, character effects are largely imperceptible to the wider receiving environment.
13. With regards to the Operative District Plan (ODP), Issue 4 of the Plan addresses loss or reduction of rural amenity and character, with relevant policies being 4.1-4.6, and 4.8. I note that Ms Marner assesses the proposal against these policies and considers the proposal is consistent with ODP Polices 4.2 to 4.5. Matters such as scale (there is minimal loss of productive land through the retention of a larger balance lot), density (does not undermine the level of rural character), visibility (screening), building controls (bulk and location rules contained in the Plan), landscaping to mitigate effects, and setbacks provide consistency with these policies. Ms Marner also considers although the proposal is potentially contrary to Policy 4.1 this does not equate to it being overall contrary to Objective 4 in its entirety.

14. With regard to visual effects, I conclude that two properties within the viewing audience would experience visual effects greater than Low. These being 1305A and 1305B South Road, noting that 1305B has provided written approval.
15. For 1305A, in my LVIA I described this property as a *rural-residential sized allotment accessed via a driveway from the ROW. The driveway runs along the eastern side of 1305B. The property includes a large dwelling, separate building located close to its eastern boundary, and large expanse of concrete and basketball hoop near the boundary. There is also a smaller second dwelling located close (well within the ODP 15m permitted setback) to the property's southwestern boundary. Both dwellings are oriented to the north way from Lots 2 & 3 but these lots will be visible from the receptor's main garage, driveway, second dwelling's rear windows and general outside areas that are with purview of the boundary. The driveway and southeastern boundary is planted with young specimen trees.*¹

I go on to assess the visual effect of the proposal on this property concluding that the property's openness and position relative to the Lot 3 but taking orientation and boundary planting (which has not yet grown sufficiently tall to screen the site) into consideration, the significance of effect for this receptor (without mitigation) is assessed as a 'low to moderate'.

16. I will discuss effects on this property and proposed mitigation later in my evidence.

CUMULATIVE EFFECTS

17. I have assessed the potential adverse cumulative effects of the proposal. My assessment is based on two types or elements of cumulative effect. Firstly, to what extent the proposal creates a combined effect; that is, where observers are able to see two or more developments from one viewpoint; and secondly, sequential effect, where the observer has to move to another viewpoint to see the same or different

¹ LVIA page 27

developments (e.g., travelling along the road). Within these types I have considered the following criteria:

- The susceptibility of the visual receptor to changes in views and visual amenity;
- The value attached to the views they experience;
- The size and scale of the cumulative visual effects identified;
- The geographical extent of the cumulative visual effects identified;
- The duration of the cumulative visual effect.

18. With regard to **combined** effects, the two lots will be viewed in combination by the neighbouring properties to the west, specifically 1305A and B. However, given that the proposed lots are not viewed from main amenity areas, the combined effect is not considered any greater than the individual effects created by Lots 2 & 3.
19. With regard to **sequential** effects, the proposal will be seen by the owner/occupier of 1305A South Road as they pass by Lots 2 and 3 when they enter or leave their property. Given that this property currently passes by dwellings, (the existing house on Lot 1, and 1305B South Road), the additional effect on the sequence of passing by dwellings is greater. But, with mitigation planting these effects can be reduced.
20. In my opinion the proposal does not create adverse cumulative effects. Lots 2 and 3 are within a discrete setting and the proposal occupies a small geographical area. Its context and scale are well able to be absorbed into the landscape with little threat to the essence of this areas' rural character that includes rural-residential development.

MITIGATION

21. My 2021 LVIA included a number of mitigation measures that to a large extent have been included in the Draft Conditions (Appendix 3 of the s42A report). These measures, include one dwelling per lot, design controls on height, colour, driveway finishes, fencing and lighting, and planting. Proposed Draft Conditions – 14h), i), J) also include planting in accordance with Landscape Mitigation Plan. For clarity I have attached these plans to this evidence and make the following comments.

22. The Landscape Mitigation Plan (two pages) is intended to supplement my recommended mitigation measures which are largely replicated in the Proposed Draft Conditions – Consent Notice Lots 2&3 14a)-g). These measures are essentially design controls that reduce the visual prominence of buildings and ensure the other built element such as fencing, and driveways are rural in character. Rural character is further maintained by vegetation as shown on the Landscape Mitigation Plan. With regards to Lots 2 and 3 this vegetation provides native screening vegetation around the southern boundary of Lot 3, the eastern boundary of Lots 2 and 3, and the northern corner of Lot 2. This planting ‘wraps’ Lots 2 and 3 into their discrete setting and maintains a vegetative dominance commensurate with the rural environment. Along the western boundary of Lot 3 the dense vegetation used on the other boundaries gives way to a row of native evergreen specimen trees at a maximum of 7m spacings. This vegetation is specifically intended to provide additional mitigation (additional to the design controls) for 1305A South Road by avoiding a dense shelterbelt that could create enclosure. The specimen trees will soften views and is consistent with 1305A’s driveway planting that has specimen trees similarly spaced.
23. To further mitigate effects on 1305A, the Landscape Mitigation Plan also shows a 35m building setback on Lot 3 and 25m setback on Lot 2. The ODP requires a 15m setback, therefore the proposed 35m setback is more than double that required in the ODP. I note this this building setback does not explicitly appear in the draft conditions, but it is shown on the Landscape Mitigation Plan that is referenced in the conditions.
24. With regard to Lot 1 (the balance farm lot) the Landscape Mitigation Plan shows existing and proposed riparian planting which is reflected in Draft conditions – Riparian and Mitigation Planting 13 and 14 (I note there is a paragraph numbering error in the draft conditions).
25. In my view, the proposed design controls, planting, and building setbacks will mitigate potential adverse landscape and character effects on the wider environment and

adjacent properties and produce an outcome significantly better than commonly occurs as permitted activity.

RESPONSE TO OFFICER'S REPORT

26. I have read the council officer's report and make the following comments.
27. At paragraph 72, the report assesses rural character and amenity in the more 'general sense' going on to say *that given the site topography, proposed landscape mitigation, clustering of lots and existing planting strips adjacent to SH45 that future dwellings within proposed Lots 2 and 3 would not be highly noticeable from public receptors. I also note the character of the area has been effected [sic] by increased rural lifestyles subdivision pressure. Therefore overall, and consistent with the assessments made previously as part of my Section 95A assessments, I consider that the proposals effects on rural character and amenity, excluding effects on 1305A South Road, would be minor in nature.*
28. The following paragraph (73) is a summary of effects on rural character and amenity values and reinforces the officer's view expressed in the preceding paragraph that adverse effects are limited to 1305A South Road. *"In my opinion the loss of open space and increased built form/non-rural activities would result in adverse effects on the rural character and amenity of adjoining land owners (1305A South Road) which cannot be appropriately mitigated"*. This is reiterated in paragraph 74.
29. My interpretation of the report as summarised in these paragraphs is that the effects on rural character are acceptable except that one property – 1305A South Road will experience effects that are adverse. Firstly, I agree that putting aside 1305A South Road, the character and amenity effects are low. This is the crux of my LVIA and this evidence. Secondly I note that in paragraphs 78-80 the report agrees with council's landscape expert and myself that the effects on the Kaitake Range (ONFL) are very low and that such effects include perceptual values. I assume from the report that the officer

considers that these low effects include 1305A South Road. If so, then I agree. While the submitter expresses the value of seeing the Kaitake Range, in my opinion, the change that is likely to occur from Lots 2 and 3 on this view for 1305A does not represent an adverse effect. As described earlier in my evidence the building setback and height controls will mitigate effects, including still being able to see the Kaitake Range, albeit less of it.

30. With regard to character and amenity, the main point of contention between me and reporting officer is that effects on 1305A cannot be mitigated. My view is that they can. Change is different that effect, and given the layout and configuration of 1305A, their primary amenity that derives from their north facing property will remain. While their south-eastern outlook will change, it will continue to have elements of rural character such as vegetation, and spaciousness through a 35m setback on Lot 3 and 25m setback on Lot 2. Design controls will reduce the potential dominance of buildings, noting that as permitted activity a 10m high building (non-habitable) with no maximum footprint could be located 10m from the boundary.

Consent Conditions

31. As discussed earlier in my evidence, the recommended consent conditions appended to the s42A report are predominantly consistent with the measures I recommended in my LVIA, and I have elaborated on the purpose of the planting and increased building setback.

RESPONSE TO SUBMISSIONS - LANDSCAPE MATTERS

32. I have read the submission of Amy Leigh Hart, Brendon James Hart of 1305A South Road, and Jannaya Kobi Ruttley, Mohammed Ali Bin Zulkifli Zabidin of 1305 South Road. I have also viewed email correspondence from Mr Hart to Ms Marner outlining his concerns and potential mitigation.

33. Amy Leigh Hart, Brendon James Hart submission. Concerns regarding landscape character and amenity include the impact of a dwelling located 15m from their boundary on views of the Kaitake Range and creating an urban outlook, reduced privacy, exposure to the existing dwelling at 1303 if the shelter belt is removed, reverse sensitivity, and the creation of an urban cluster. In the email correspondence referred to in the preceding paragraph, Mr Hart reiterates these concerns and proposes several mitigation measures, these being.
- *Dwellings to be limited to single story*
 - *No temporary accommodation i.e buses and caravans to be used as dwellings for a prolonged period*
 - *Back boundary of 1305a to be readjusted by 15m, (at the cost of the developers) and fenced, this would push the proposed sections backwards by 15m to limit impact of accessway and urbanisation.*
 - *Proposed plantings as per drawings to be completed along readjusted boundary*
 - *Water body management within the readjusted boundary to be the responsibility of 1305a*
34. In response. My earlier evidence details the package of recommended mitigation measures including design controls, planting, and building setbacks. I note that with regard to Mr Hart's proposed mitigation, some of these are addressed in the recommendations. These include a 6m height limit on dwellings that is effectively single storey, an increased building setback distance from 15m to 35m, and boundary planting – albeit set back further than proposed. Regarding loss of views to the Kaitake Range I agree with the 42A reports statement (para 80) that *effects on landscapes will be less than minor in nature.*
35. While the submitter expresses concerns about an urban cluster, in my view, clustering is a well-established mechanism to avoid effects on rural character and as such is referred to in the 42A report in paragraph 61 in reference to the 2012 Rural Design Guideline. *I note the design guide promotes the clustering of smaller allotments to*

reduce adverse effects associated with rural land fragmentation. The proposal is an example of clustering.

I also consider that concerns expressed about the cluster being 'urban' are avoided by the lots being sufficiently large at approximately 4000m² (1 acre).

36. Jannaya Kobi Ruttley, Mohammed Ali Bin Zulkifli Zabidin submission. As noted in the 42A report my LVIA did not assess visual effects on 1305 South Road. This is because I did not consider that this property was within the proposal's viewing audience, primarily due to its distance (and screening) from the Lots 2 and 3. Notwithstanding this, their submission references a broad concern about landscape value and the character of area but goes on to detail specific concern around traffic safety, particularly on the driveway to their dwelling. With regard to their general concerns around character and amenity my earlier evidence covers these broader issues.

CONCLUSION

37. The subdivision will not alter the site or surrounding environment's, rural character beyond an unacceptable extent.
38. Potential adverse rural character effects in the wider environment are mitigated through lot placement, screening vegetation, and riparian planting.
39. Potential adverse rural character and visual effects on the on the owners/occupants of 1305A South Road are mitigated through, design controls, vegetation, and building setback. Rural character will change in the vicinity of Lots 2 and 3 but with a low effect

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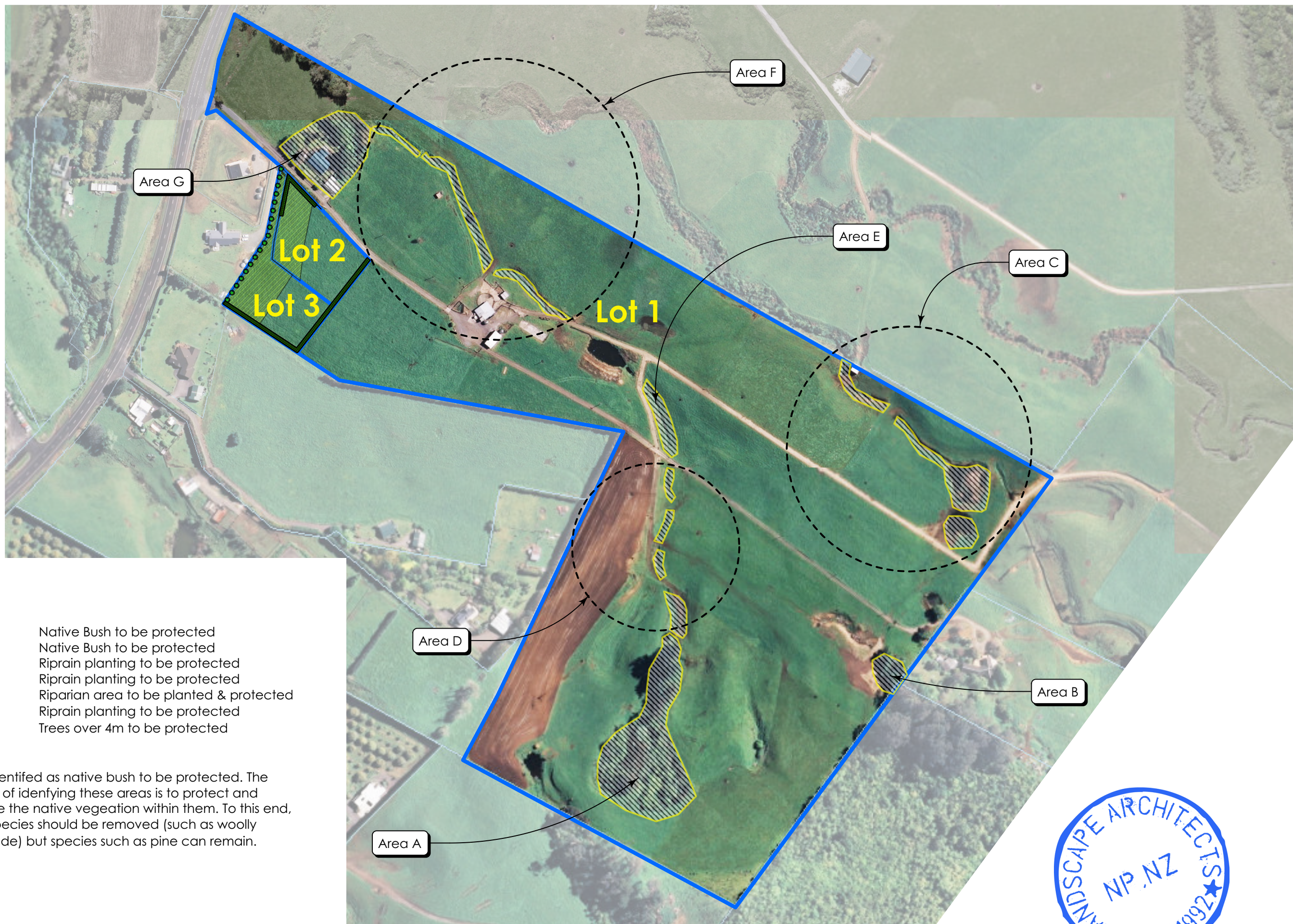
Richard Bain
Landscape Architect

bluemarble

15 June 2022

Annexures

Annexure 1 – Landscape Mitigation Plan (2 x A3)



Legend

- Area A Native Bush to be protected
- Area B Native Bush to be protected
- Area C Riprain planting to be protected
- Area D Riprain planting to be protected
- Area E Riparian area to be planted & protected
- Area F Riprain planting to be protected
- Area G Trees over 4m to be protected

Notes

Areas identified as native bush to be protected. The purpose of identifying these areas is to protect and enhance the native vegetation within them. To this end, weed species should be removed (such as woolly nightshade) but species such as pine can remain.



Greensill Subivision
1303 South Road

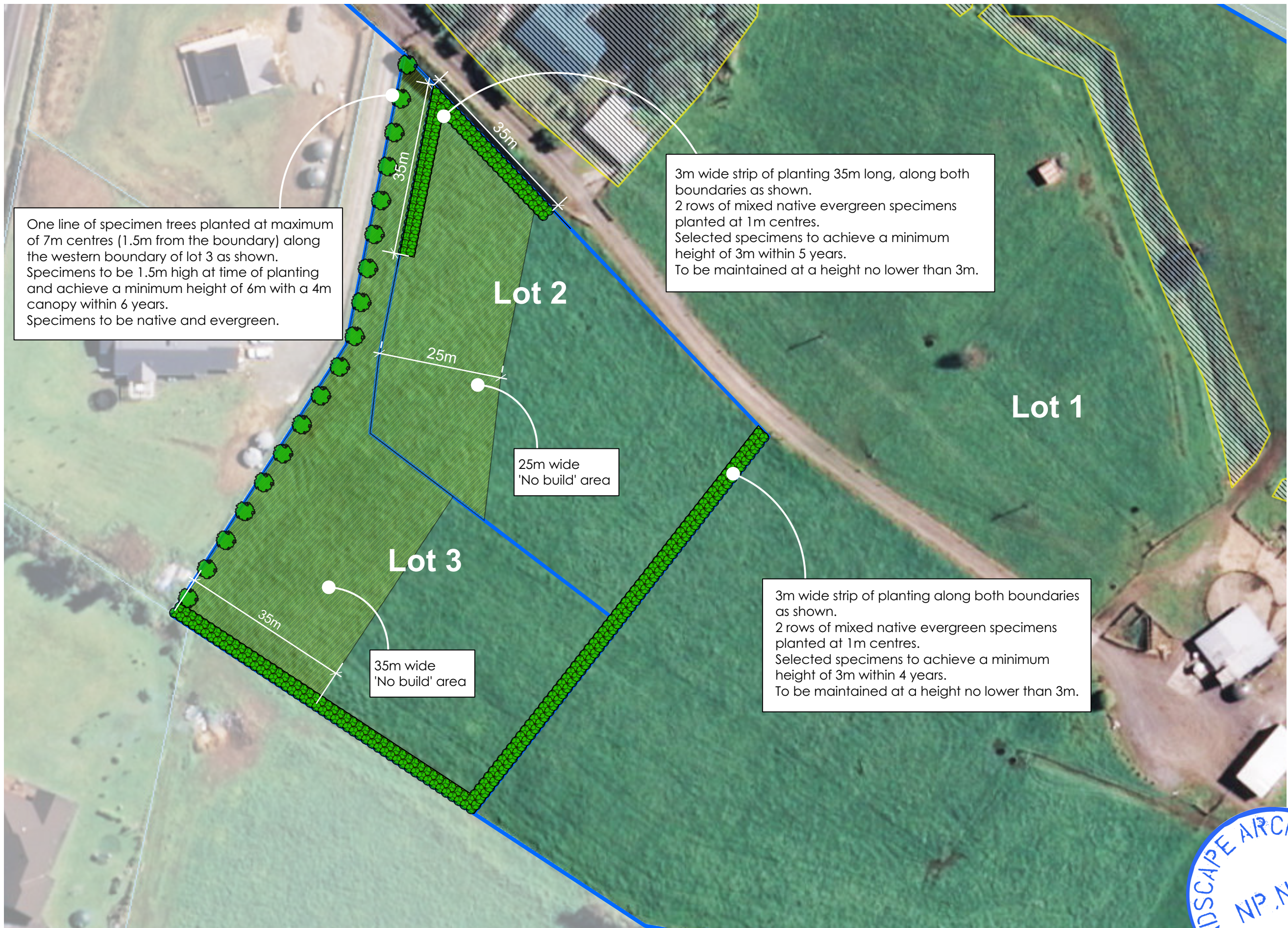
DRAWING TITLE: Landscape Mitigation Plan

DRAWING NO: L1.0

REVISION: 00

SCALE: 1:300 @A3
DATE: 10 June 2021
FILE NO.: 3243

bluemarble
A world of difference



One line of specimen trees planted at maximum of 7m centres (1.5m from the boundary) along the western boundary of lot 3 as shown. Specimens to be 1.5m high at time of planting and achieve a minimum height of 6m with a 4m canopy within 6 years. Specimens to be native and evergreen.

3m wide strip of planting 35m long, along both boundaries as shown. 2 rows of mixed native evergreen specimens planted at 1m centres. Selected specimens to achieve a minimum height of 3m within 5 years. To be maintained at a height no lower than 3m.

25m wide 'No build' area

35m wide 'No build' area

3m wide strip of planting along both boundaries as shown. 2 rows of mixed native evergreen specimens planted at 1m centres. Selected specimens to achieve a minimum height of 3m within 4 years. To be maintained at a height no lower than 3m.

