

**BEFORE AN INDEPENDENT COMMISSIONER APPOINTED  
BY THE NEW PLYMOUTH DISTRICT COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991 (“RMA”)

**AND**

**IN THE MATTER** an application under s221(3) of the RMA to vary  
a consent notice condition applying to the  
property at 263 Weld Road Lower, Oakura

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**STATEMENT OF EVIDENCE OF RICHARD ALEXANDER BAIN**

**(LANDSCAPE)**

**30 June 2025**

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## **INTRODUCTION**

### **Qualifications and experience**

1. My name is Richard Alexander Bain.
2. I have over 30 years of experience in New Plymouth as principal of Bluemarble Landscape Architects, specialising in site design and visual assessment.
3. I hold an honours degree in Landscape Architecture from Lincoln University (1992) and am a Fellow and registered member of the New Zealand Institute of Landscape Architects.

### **Code of Conduct**

4. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

## **SCOPE OF EVIDENCE**

5. In my evidence, I:
  - (a) provide an executive summary of my key conclusions;
  - (b) describe the proposal and the existing landscape setting;
  - (c) summarise potential landscape and visual amenity effects;
  - (d) respond to the submissions; and
  - (e) respond to the s42A Report.

## **EXECUTIVE SUMMARY**

6. The applicants seek to vary a consent notice condition to reposition the prescribed habitable dwelling location within the site. The revised proposed 216m<sup>2</sup> maximum building footprint location corresponds with an existing building, and is a material reduction from the approximately 500m<sup>2</sup> maximum footprint originally proposed by the application.

7. I have undertaken multiple site visits, most recently on 3 June 2025. My assessment focuses on the effects of the proposal on rural character and visual amenity, including openness and spaciousness. I conclude that the adverse effects of the proposal, including on all nearby neighbours, will be very low and acceptable within the context of the surrounding environment and the applicable planning framework.
8. Among other matters, I have considered the comparative effects between the “Proposed Dwelling”<sup>1</sup> versus the “Consented Dwelling”, being a realistic dwelling<sup>2</sup> within the large<sup>3</sup> footprint prescribed in the existing consent notice and its associated residential use.<sup>4</sup> A summary table of my assessment of adverse visual amenity effects on this basis from neighbouring properties – reproduced from my May 2025 Landscape Memo - Addendum – is attached to this evidence as **Annexure A**. For some neighbours, the effects of the proposal are lower than those that would arise if a dwelling was located within the currently consented footprint and the existing buildings remained as sheds.

## THE APPLICATION

9. The details of the application are outlined in the application material and the s95 and s42A Reports. As outlined above, the applicants seek to vary a consent notice condition to reposition the prescribed location for a habitable dwelling within the site. The site is within the Rural Production Zone in the Proposed District Plan (PDP-AV). The primary landscape character and visual amenity issue identified is the potential effect on rural character, which is typically distinguished by openness and rural practices dominating over manmade structures not related to primary rural use.
10. I note that the current consent notice restricts the site to one habitable building within Area 'Z' on Lot 2 LT 582431 and includes associated design controls. Other than building footprint location, which is the subject of the current application, the proposal meets the other consent notice requirements.
11. I prepared a Landscape Memo (August 2024) accompanying the application material; and prepared a Landscape Memo - Addendum (May 2025) providing an updated assessment of landscape and visual effects, including based on the amendment to the

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<sup>1</sup> Being the constructed northern building within the 216m<sup>2</sup> dwelling footprint now sought to be authorised, and associated residential use (or, for completeness, any replacement). This scenario includes the existing southern building and adopts the relevant existing consent notice conditions.

<sup>2</sup> Of 400m<sup>2</sup> footprint.

<sup>3</sup> 2,834m<sup>2</sup>.

<sup>4</sup> This scenario includes the existing constructed buildings, and assumes a dwelling that complies with the other consent notice conditions and the permitted standards in the Proposed District Plan.

application limiting the footprint of any residential dwelling to a maximum of 216m<sup>2</sup> (from approximately 500m<sup>2</sup>) in the prescribed location.

## LANDSCAPE SETTING

### Existing landscape

12. The site is located on the western side of Weld Road Lower and comprises mostly low-lying land at the base of a narrow valley around the Timaru Stream.
13. As of my latest site visit on 3 June 2025, the site included a metal-surfaced driveway, two buildings, two above-ground water tanks, post-and-rail fencing, amenity trees planted in 2023, and native planting. These are shown on the site plan prepared by BTW Company dated 28 March 2025, attached to this evidence as **Annexure B**. The site currently contains two buildings which create the main visual manmade element onsite.
14. The site is not readily visible from Weld Road, except from one short section approximately 500m away (as the crow flies), where the site's buildings are visible.
15. The surrounding environment comprises nine rural lifestyle properties, most of which contain dwellings, sheds, and vegetation. The properties to the south and east are elevated compared to the site; others are at a similar or lower elevation.
16. Key qualities contributing to the area's rural amenity include the legible valley topography, existing shelter and amenity vegetation, and the varying position and orientation of buildings.
17. The existing environment has changed notably since the time of the earlier Beaton subdivision. There are now more built elements in the surrounding area including a dwelling, shed, and consented dwelling at 247D Weld Road Lower, an extension to 247C plus a new building (garage) at 249 Weld Road Lower. In addition, there is increased enclosure resulting from shelter and amenity vegetation established on neighbouring properties. Notable changes have also occurred on the site itself. Where the Beaton subdivision application previously assessed an open paddock with minimal fencing and no vegetation, the current site now features several physical modifications, including post and rail fencing, the establishment of vegetation, and the construction of two buildings. Collectively, these changes contribute to a more developed and domesticated landscape character, marking a clear departure from the formerly open and pastoral appearance of the site.

18. I agree with Mr Dobson that “[t]he landscape is now functionally transitioning toward a rural lifestyle environment, particularly when considered cumulatively with other nearby development.”<sup>5</sup>

### **Statutory planning provisions**

19. The relevant planning framework is addressed in the s42A Report and in Ms Carvill’s statement of evidence. I have read the relevant PDP-AV provisions, which have assisted to inform my assessment.
20. Overall, the PDP-AV includes several objectives and policies regarding maintaining rural character and amenity in the Rural Production Zone; however, it also recognises that rural dwellings form an inherent and acceptable part of the rural experience.
21. For context, I understand that the proposal/Proposed Dwelling would be a permitted activity under the PDP-AV and complies with all relevant Rural Production Zone Effects Standards.
22. For further context, the PDP-AV permits a range of other activities, such as shed construction, which may result in similar visual effects to the proposal.

### **LANDSCAPE (INCLUDING VISUAL) EFFECTS**

23. While rural areas typically feature dominance of openness and rural practices, this local area is relatively developed and contains numerous visible buildings and vegetation. The local character aligns more closely with a rural lifestyle living environment. The local area comprises nine properties, all within the PDP-AV Rural Production Zone, but has relatively less openness and a greater dominance of manmade structures than the wider ‘typical’ rural landscape. For example, the neighbouring property to the west of the application site contains two residential units, and the property north of this neighbouring property contains a large shed, dwelling unit, and resource consent for another dwelling.
24. The dwelling location prescribed in the current consent notice was identified at the subdivision stage.<sup>6</sup> Relocating the prescribed dwelling footprint does not introduce additional authorised buildings or increase height or coverage limits under the existing consent notice conditions (in fact, the maximum prescribed building footprint proposed is significantly smaller than that in the current consent notice). For this site, the PDP-AV

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<sup>5</sup> Mr Dobson statement of evidence, paragraph 14.4.

<sup>6</sup> I was engaged by the applicant as part of the 2022 subdivision process (SUB22/48035).

provides no specific requirements for a rural building's site coverage,<sup>7</sup> colour or form (including windows). The existing building proposed to be authorised as a residential unit is a dark colour (its roof and exterior walls are black and visually recessive) and well below the 12m height permitted for a building and 8m for a residential unit in the PDP-AV.<sup>8</sup> At 5.2m high, the existing building is also lower than the consent notice condition maximum height of 5.5m. The Proposed Dwelling and adjacent building are of a scale that will maintain the site and local area's spaciousness.

25. In addition, the site is extensively planted which in time will soften much of the site through filtered views.
26. The central visual concern is whether the proposal would materially diminish the amenity of neighbouring dwellings and their outdoor living areas. The area already features visible buildings in close proximity. In this context, the Proposed Dwelling would not appear unusual or visually dominant.
27. I have assessed visual effects from neighbouring dwellings based on intervisibility from the subject site. My request to visit the submitters' properties was declined.<sup>9</sup> Notwithstanding, in my opinion I have been able to adequately assess effects from neighbouring properties.
28. Among other matters, I have assessed comparative effects (Landscape Memo - Addendum (May 2025)) and consider that the proposal would generate fewer adverse effects overall than a new dwelling in the consented location, though some effects on specific properties may differ. A summary table of my assessment of adverse visual amenity effects of the proposal from neighbouring properties – reproduced from my May 2025 Addendum Report – is attached to this evidence as **Annexure A**. Overall, I conclude that the adverse effects of the proposal, including on all nearby neighbours, will be very low and acceptable within the context of the surrounding environment and the applicable planning framework.
29. The additional effects of a dwelling, as compared to a shed, are potential lighting and outdoor activity. Lighting effects will be minor, especially as neighbours are typically indoors at night. The level of effect for outdoor activities is reduced by distance and the nature of outdoor activity which is intermittent. New planting will assist to soften or screen views over time.

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<sup>7</sup> RPROZ-S6 *Maximum gross floor area* does not apply to residential units.

<sup>8</sup> RPROZ-S1.

<sup>9</sup> Email from the submitters' agent, Ms Kathryn Hooper, dated 2 June 2025.

30. Overall, I consider that the proposal has acceptable landscape and visual effects and does not exceed the level of change anticipated in the Rural Production Zone.
31. The Proposed Dwelling complies with consent notice conditions 16–24, supporting visual recessiveness. The area will remain rural in character.

## **SUBMISSIONS**

32. I have reviewed the submissions received from;

- (a) *Nick and Abigail Hackling – 247B Weld Road Lower*
- (b) *Rebecca and Leanne Shaw - 255 Weld Road Lower*
- (c) *Claire Frost and James Dinnis – 247D Weld Road Lower*
- (d) *Greg & Kathy Sheffield - 271 Weld Road Lower*
- (e) *Angela and Steven Blair – 247C Weld Road Lower*

33. Regarding landscape and visual amenity, the concerns of the submitters are briefly summarised as follows:

- (a) *Greg & Kathy Sheffield - 271 Weld Road Lower*

The submitters are concerned regarding privacy and visibility from their major living areas. They state that the approved building platform area enables lesser and non-intrusive views, notwithstanding it is closer to their dwelling than the building footprint proposed. Photos are provided of views before construction of the existing buildings on the application property.

- (b) *Claire Frost and James Dinnis – 247D Weld Road Lower*

The submitters are particularly concerned regarding effects relating to the proximity of the proposal to their consented second dwelling. I assessed the effects of the proposal with respect to this consented dwelling in my Landscape Memo - Addendum (May 2025).

- (c) *Rebecca and Leanne Shaw - 255 Weld Road Lower*

The submitters are concerned about effects on rural character and reduced privacy from their master bedroom, sun room, kitchen and future spa area. They consider that there

is a greater effect from a shed which has human activity from time to time, compared with human activity in an ongoing capacity associated with a dwelling.

(d) *Nicolas & Abigail Hackling – 247B Weld Road Lower*

The submitters are concerned about the applicants having visibility into their second-floor bedroom and down on their living and entertaining areas and the resulting loss of privacy and enjoyment of their land and outdoor areas. They are also concerned about reduced sunlight, including associated with existing planting on the application property.

(e) *Angela and Steven Blair – 247C Weld Road Lower*

The submitters are concerned about visual impacts from their dwelling, and reduced privacy. They are also concerned about views from Weld Road Lower.

34. In summary, submitters' concerns primarily relate to privacy, rural character, visual dominance, and effects of human activity. In response to submitter concerns, I acknowledge that perceptions of amenity are subjective and that the proposal will create visual change.
35. My assessment and analysis in the table attached at **Annexure A** assesses the proposal's impacts from each neighbouring property, and I do not repeat that. While they have been helpful to further understand potential impacts associated with the proposal, the submissions have not caused me to revise my previous conclusions with respect to adverse effects.
36. For context, while the proposal will create visual change beyond a permitted shed, aside from night lighting and outdoor family activities, the *building* will visually remain 'as-is', noting that such activities are not precluded by the building not being habitable.
37. I note that openness previously experienced by neighbours is not protected by the District Plan and that similar development has occurred throughout the area. The proposal retains rural character with a predominance of vegetation and open space.

## **S42A REPORT**

38. Concerning character and visual amenity, apart from some relatively minor remaining differences in opinion regarding the levels of effect from certain properties, I generally concur with the conclusions in the s42A Report regarding the nature and level of landscape effects identified and assessed.



39. I have read Mr Dobson's Landscape and Visual evidence (Appendix C, s42A Report). Notwithstanding some relatively minor differences in opinion regarding the levels of effect from certain properties, there is a high level of agreement between Mr Dobson and me. His report raises no significant matters with which I materially disagree regarding the nature or level of landscape effects identified and assessed.
40. Notwithstanding the above, I do not consider that screening vegetation recommended by Mr Dobson and in the s42A report is necessary to ameliorate effects (I address conditions below).
41. In paragraph 3.5.1 Mr Dobson refers to the Poplar shelterbelt near the boundary with 247D Weld Road Lower as being 'non-compliant'. I am unclear as to why Mr Dobson considers they are non-compliant. Mr Dobson may be referring to PDP-AV PROZ-S3. However, it is my understanding that the Poplars were in place prior to consenting of the proposed dwelling on 247D that is within 16m of the boundary.
42. In paragraph 13.49 Mr Dobson notes that the *"Poplar planting was not recommended by Mr Bain as mitigation planting, nor was it significantly relied on in his assessment... Nonetheless, the Poplars do provide visual screening benefits and, as stated previously, the Applicant has indicated to me verbally they were planted primarily for shelterbelt purposes."* In this regard, Mr Dobson is correct in his interpretation of my previous recommendations and assessment, and I discuss the role of the Poplars further in the following section on proposed consent conditions.

## **PROPOSED CONDITIONS**

43. I have had input into the draft recommended conditions attached to Ms Carvill's statement of evidence.
44. As referred to above, while I do not consider that screening vegetation conditions are necessary to ameliorate effects, they will further manage effects and from a landscape and visual perspective I support them.
45. The proposed changes, as presented in Ms Carvill's evidence, are in my opinion appropriate as they increase the level of screening but maintain existing vegetation. I do not consider that requiring removal of the Poplars is justified. They provide shelter, visual scale, and enable winter sunlight. Supplemented with additional native vegetation (as proposed in the consent conditions) they will in my view achieve the outcomes sought by Mr Dobson and maintain the vegetative framework established by the Applicants.

46. Concerning condition 3 a) vii, the existing Griselinia hedge, once established, will soften and screen views on the eastern side of the dwelling but allow morning sun. I am advised the Applicant is willing to maintain the height of the hedge to a minimum of 2.5m, which I consider will be effective as a softening/screening element. In my view additional tall vegetation would create undue enclosure of the Applicant's verandah area and provide marginal benefit as visual screening from the east.

## **CONCLUSION**

47. In my opinion, any adverse effects on rural character or visual amenity associated with the proposed repositioning of the habitable dwelling authorised under the consent notice will be less than minor. The proposal complies with relevant planning controls and is consistent with the expected development pattern in the Rural Production Zone. The effects are, in my view, acceptable.

**Richard Bain**  
Bluemarble Landscape Architects

30 June 2025

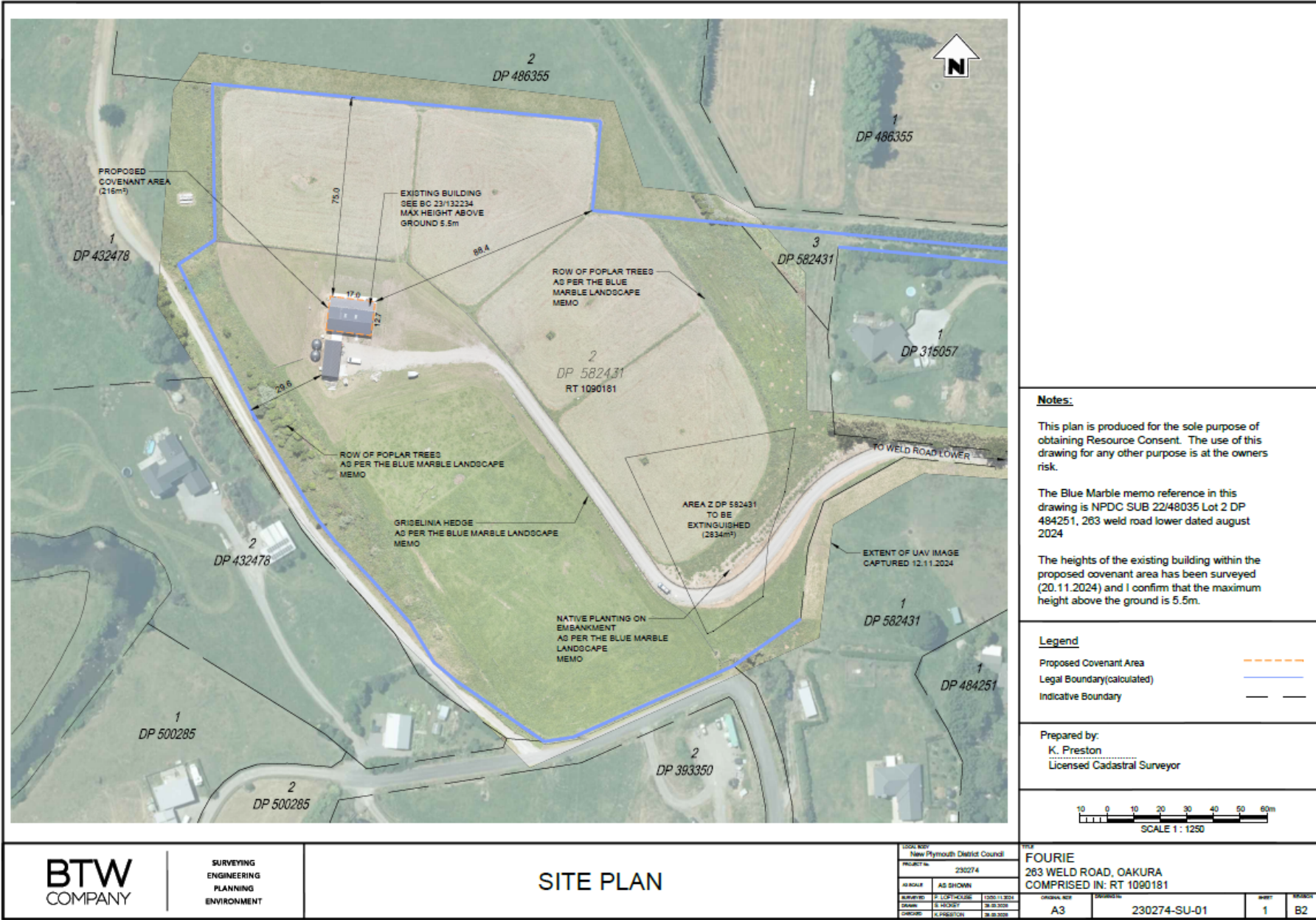
## **ANNEXURE A: EFFECTS ASSESSMENT FROM NEIGHBOURING PROPERTIES**

Viewer Address	Assessment of Effect	Magnitude of effect assuming a dwelling in the consented position (and the existing buildings)	Magnitude of effect of the northern existing building as a dwelling (the proposal)
271 Weld Road Lower Lot 3 DP 582431	There are views into parts of the consented building area at a distance of approx. 50m, including a direct view from a large facing window. Therefore, a dwelling that complies with the consent notice conditions and PDP-AV parameters in this position (the Consented Dwelling) would be visible albeit it is below them and they would see over it. The existing northern building is visible but at a slightly peripheral orientation from the house and outdoor living area at a distance of approx. 140m (to the eastern side of the building restriction area). This view will be substantially screened (in time) with the planting of Lombardy poplars at the base of the embankment below this property. Under the Consented Dwelling scenario, seen in combination, this property would see three structures, one dwelling and two sheds. The proposal (the existing northern building as a dwelling of 216m <sup>2</sup> ) results in two buildings being visible - one shed and one dwelling. The difference between a shed versus a dwelling creates negligible visual difference from that presently experienced - the building's form and colour remain unchanged. Development associated with the Proposed Dwelling (e.g. outdoor living areas) is likely to be on the northern side which will be visible but, due to distance, orientation, and the portion of their view occupied by the proposal, will create only very low effects.	Upper end of Low adverse (Minor)	Very low (Less than minor)
249 Weld Road Lower Lot 1 DP 582431	There is no view of the consented building platform area as the dwelling at 249 overlooks it. Area Z on the Subdivision Scheme Plan was created to ensure that any new dwelling would not be visible from 249 Weld Road Lower. Therefore, a dwelling that complies with the consent notice conditions and PDP-AV parameters in this position (the Consented Dwelling) would not be visible in the lower foreground and the larger landscape would dominate. Concerning the proposal, this property has a view of the existing buildings at a distance of approx. 220m. Views are from an elevated position, so the existing buildings form a small part of the wider view. If the northern building is a dwelling (as proposed), the view of the dwelling could be screened over time with planting on the southern boundary, but the effects would be virtually the same as at present, as activity and infrastructure associated with a dwelling are likely to be on the northern side where they are less visible from this neighbour.	No change (nil)	Very Low (Less than minor)
247 Weld Road Lower Lot 2 DP 393350	Number 247 has a potential view of the consented building platform area depending on which part of the Area Z a dwelling is positioned (Area Z is not flat). Therefore a dwelling that complies with the consent notice conditions and PDP-AV parameters in this position (the Consented Dwelling) would create visual change. However, this property looks directly down the valley towards the sea - a view that currently includes the existing buildings at a distance of approx. 240m, noting that the most southern building (shed) on the site is the most directly visible. The proposal will not create a new element in the landscape. Existing planting will screen views of both the existing southern shed and the Proposed Dwelling. In terms of building form and colour, the existing buildings create a virtually identical visual effect to those created by the proposal as development associated with a dwelling (e.g. outdoor living areas) would likely be on the northern side - not visible from 247.	Upper end of Low adverse (Minor)	Very Low (Less than minor)
247a Weld Road Lower Lot 2 DP 500285	This property has a potential view of the consented building platform area depending on which part of the Area Z a dwelling is positioned (Area Z is not flat). Therefore, a dwelling that complies with the consent notice conditions and	Lower end of Low adverse (Less than Minor)	Very Low (Less than minor)

Viewer Address	Assessment of Effect	Magnitude of effect assuming a dwelling in the consented position (and the existing buildings)	Magnitude of effect of the northern existing building as a dwelling (the proposal)
	<p>PDP-AV parameters (the Consented Dwelling) would create some visual change from that presently experienced. The existing view includes the two existing buildings to the north east at a distance of approximately 320m.</p> <p>The proposal (the northern building as a dwelling) will not create a new landscape element and any potential visual change is reduced by distance and that any additional development associated with a dwelling (e.g. outdoor living areas) would likely be on the northern side. Further, views will be screened with existing planting (not yet mature) on the southern side of the building's platform area along the top of the subject site's embankment.</p> <p>In terms of building form and colour, the existing buildings create a virtually identical visual effect to those from the proposal.</p>		
<p>247c Weld Road Lower Lot 1 DP 500285</p>	<p>This property has a potential view of the consented building platform area depending on which part of the Area Z a dwelling is positioned (Area Z is not flat). Therefore, a dwelling that complies with the consent notice conditions and PDP-AV parameters (the Consented Dwelling) would create some visual change from that presently experienced. The existing open view includes the two existing buildings at a distance of approximately 153m.</p> <p>The proposal (the northern building as a dwelling) will not create a new built element within their northern aspect and will be screened with planting (not yet mature) on the southern side of the building platform area along the top of the subject site's embankment.</p> <p>In terms of building form and colour, the existing buildings create a virtually identical visual effect to those created by the proposal. Development and activity associated with the proposal (e.g. outdoor living areas) would likely be on the northern side - not visible from 247c.</p>	<p>Upper end of Low adverse (Minor)</p>	<p>Very low (Less than minor)</p>
<p>247b Weld Road Lower Lot 2 DP 432478</p>	<p>This property has a relatively new dwelling (in addition to one existing) that does not have views of the original consented building platform, nor is there a view from the other dwelling and the wider property. Therefore, if a dwelling was constructed within Area Z (the Consented Dwelling) there would be no visual change.</p> <p>Concerning the proposal, only the southernmost building (shed) is visible. The effect of the northern most building as a dwelling (the proposal) will not be visible beyond the southernmost shed due to orientation and planting along the top of the intervening embankment.</p>	<p>No change (nil)</p>	<p>Very low (Less than minor)</p>
<p>Weld Road Lower Lot 1 DP 432478</p>	<p>This property contains a new dwelling at its northern end which has no views of the consented building site or existing buildings. This property also includes a recently consented dwelling not yet constructed. The dwelling is consented to be single-storey and oriented due east. The distance between the consented dwelling and existing Fourie buildings is approx. 65m. The consent conditions include mixed native planting along its eastern boundary - the boundary shared with the Fourie property. This planting is installed and is presently approx. 1.5m tall. The Fouries have planted a row of Lombardy Poplars 2m inside their boundary. Given the existing planting on both properties the level of visibility of the existing buildings is very low. Once the vegetation is mature there will be no views of the Fourie buildings. There are no views of the consented building platform area.</p>	<p>Very low (Less than minor)</p>	<p>Very Low (Less than minor)</p>

Viewer Address	Assessment of Effect	Magnitude of effect assuming a dwelling in the consented position (and the existing buildings)	Magnitude of effect of the northern existing building as a dwelling (the proposal)
Weld Road Lower Lot 2 DP 486355	This is an open paddock and the subject site's northern neighbour. There is currently no dwelling on the property and no boundary planting so there are potentially open views. While a future dwelling could have views of a dwelling on the consented building platform area and of the existing buildings, these views are to the property's south and therefore unlikely to be their primary view. It is reasonable to assume that any future dwelling on this property would be oriented to the north and therefore away from the subject site. Given this, the property would likely experience minimal effects from any development on the subject site, including the proposal (the Proposed Dwelling).	Very low (Less than minor)	Very low (Less than minor)
283 Weld Road Lower Lot 1 DP 486355	There are no views of the subject site from this property except for a possibly narrow peripheral view from upstairs of the consented building platform area (Area Z). This property contains a substantial quantity of vegetation which prevents any material views of the subject site, whether that be of the consented building area in combination with the existing buildings (the Consented Dwelling) or of the proposal alone.	Very low (Less than minor)	Very low (Less than minor)
255 Weld Road Lower Lot 1 DP 484251	This property has no view of the consented building platform area from its dwelling or outdoor living areas. Therefore, a dwelling that complies with the consent notice conditions and PDP-AV parameter (the Consented Dwelling) would create no visual change from that presently experienced. There are limited views of the existing northern building (the Proposed Dwelling). While potential views are from an elevated position, they are primarily from their western paddock with only glimpse distant views from the dwelling. The proposal forms only a small part of the wider view. The proposal is also well outside the viewshaft (Area AA on the consented Subdivision Scheme Plan).	No change (nil)	Very Low (Less than minor)

ANNEXURE B: SITE PLAN



File Name: C:\2024\New Plymouth District Council - Harwardi\maps - RT1090181\Drawings\230274-01 SITE PLAN.dwg - A3 5024EAME, PL, AN - PWA Date: 20/09/2024 PWA Time: 11:42