

**IN THE MATTER**

of the Resource Management  
Act 1991

**AND**

**IN THE MATTER**

of an application under section 88  
of the Act by B,M,R SIM to the  
NEW PLYMOUTH DISTRICT  
COUNCIL to undertake a  
boundary change and five-lot  
rural subdivision, at 6 & 42 Leith  
Road, Okato

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**STATEMENT OF EVIDENCE OF Richard Bain**

**Landscape Architect**

23 May 2022

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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.

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 was engaged by the Applicant to prepare a Landscape and Visual Impact Assessment (LVIA) in response to a s92 request. I have not attached a copy to the LVIA 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 in the Planning Officer’s Report;
  - Conclusion.

#### ***PROPOSAL***

6. A full description of the proposal is contained within the Application/AEE and is also described in Ms Gerente’s evidence.

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

- The creation of five rural-residential sized allotments. These are Lots 1-5 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, 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 21/47781); 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;
  - Summary of caucusing with the Council's landscape expert undertaken on 19 May 2022;
  - I have visited the site several times and also have a good understanding of the landscape context of the surrounding area.

#### ***SITE CONTEXT & CHARACTER***

8. The property is a dairy farm, with most of the paddock area, dairy shed and associated ancillary buildings located with proposed Lot 6.
9. There are two dwellings on-site, one is located within proposed Lot 5 (currently a 2459m<sup>2</sup> parcel) at 42 Leith Rd. This dwelling is set back 150m from the road boundary. The other dwelling, at 6 Leith Road, is located approximately 10m from the road boundary and will be included within proposed Lot 4. The existing group of farm buildings located adjacent to this house will be included within Lot 6 - the farm balance lot. It is my understanding that the existing dwelling on proposed Lot 5 is to be replaced with a new dwelling located in the same area where a building platform is proposed.
10. Within the purview of Leith Road, the landscape is relatively flat, transitioning to an undulating gully system to the east of the farm race that runs parallel with the road. There are two unnamed tributaries of the Katikara Stream that run north-south through the eastern half of the site.

11. The portion of the site subject to potential landscape change through this proposal is the land adjacent to the Leith Road frontage. This land rises to high point in the vicinity of proposed Lots 2 and 3. This high point while noticeable is not distinctive. The road elevation more or less mirrors the adjacent land. There is no vegetation within lots 1, 2, or 3, except for a roadside boxthorn hedgerow. There is amenity vegetation around the existing dwellings on Lots 4 and 5.
12. While the Leith Road frontage is spacious (notwithstanding the roadside hedge), on the opposite side of the road are three dwellings and a stand of protected bush. This creates a backdrop to the site when viewed from SH45 travelling south.
13. There are spectacular views of Maunga Taranaki from this area although few views rely on the site's current state.
14. The defining aspects of the site (in the area of Lots 1-3) that contributes to its rural character are spaciousness and generally elevated outlook.

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

15. As detailed in the LVIA submitted as part of the s92 response, I considered effects on character (including landform) and visual amenity. With mitigation, I concluded that landscape and visual effects on both the wider receiving environment, and assessed properties within the viewing audience, would be very low. I stand by this assessment but provide additional comment in light of further work undertaken by the Applicant's Surveyor regarding levels on Lot's 2 and 3, and more information around a replacement dwelling on Lot 5.

#### Landscape Character

16. Effects on rural character primarily relate to the creation of Lots 1,2 and 3. Lot's 4 and 5 include existing dwellings. Ms Gerente's evidence describes the proposal for a new dwelling on Lot 5, including its location within the same area as the existing. In my view the effect on character and visual amenity of a new replacement dwelling on Lot 5 will ostensibly be the same as at present, assuming existing vegetation is substantially

retained, or new vegetation planted in a similar position. Additional proposed mitigation measures such as recessive colours and fencing and lighting controls will further reduce effects.

17. Lot 1 is located in the north western corner of the site and 'sits' lower than the other lots. It can be viewed from both Leith and Perth Roads, although it contains a roadside hedge that reduces visibility. A future dwelling on this lot will be visible but not prominent. The location of a dwelling on this lot that complies with ODP road and side boundary setback distances will in my opinion avoid potential adverse effects. At 2.9ha, this lot is relatively large for a 'lifestyle' lot, so is unlikely to be solely occupied by house and gardens.
18. Lots 2 and 3 are located next to each other on the elevated part of site. This positioning is unsurprising given the spectacular views available. Dwellings on these lots will be visible and relatively prominent. As described in Ms Gerente's evidence, the Applicant's surveyors have recently surveyed these lots and have precisely located the high point in relation to the Lot 2 and 3 boundaries. This information suggests that modification to the high point can be avoided as it is within the road boundary setback of Lot 3. While I consider that this area is not unique or distinctive, maintaining the highpoint does reduce earthworks effects.
19. Between Lots 1 and 5, Lot 6 narrows and extends to the road frontage. This is the most open part of the site, able to be viewed from Leith Road, particularly heading north. This area maintains roadside spaciousness.
20. Overall, the site's distinctive landscape pattern arises from its elevated parts of open pasture in the vicinity of Lots 2 and 3, and the existing roadside hedge. The proposal while creating landscape change, does not in my view, create adverse effects. Opposite the site are several smaller properties, and north of the site are two other dwellings in close proximity. The presence of other smaller properties provides context and illustrates landscape change. The proposal creates similar landscape change in type, scale, and extent. Subdivision of this type is ongoing and typical in the district's rural areas, with potential effects generally known and understood.

21. The reduction in openness is a change but not necessarily an adverse landscape character effect. The rural environment is subject to continual change as dwelling numbers increase and vegetation creates enclosure. This has occurred throughout the district's history since land was cleared for farms. It is tempting to look at an existing environment and assume that any change is undesirable. In my view, the site is not special or distinctive to a degree that it ought not be subject to change. In this regard, the proposal maintains elements of existing landscape character such as roadside paddocks on Lot 6, and hedge. The new lots and their potential new dwellings will be legible as familiar elements of landscape change in a working rural environment.
22. By way of summary of potential landscape character effects, the proposal will create landscape change. Some of the open space within Lots 1-3 will likely transition from pasture to dwellings, outbuildings, access ways, and amenity vegetation. This commonly occurs and is a well understood type of change.
23. I also consider that while the proposal is potentially at odds with ODP Policy 4.1 (one small allotment), with mitigation, the proposal is consistent with ODP Policies 4.2 to 4.5. Matters such as scale, density, visibility, retention of contours, building heights, and setbacks are addressed through design layout and mitigation.
24. In my view, with mitigation measures, such as design controls on buildings and screening vegetation, rural character can be maintained.

#### Visual Effects

25. My 2021 LVIA described the potential views from surrounding properties and concluded that one property (43 Leith Road) would be likely to experience visual effects greater than very low. This property is shown as number 7 in Figure 4 of the s42A report and has provided written approval.
26. My LVIA also considered potential visual effects on users of Leith Road. Users of this road currently see little of the site because of roadside hedging. There is the occasional gap in the hedge such as on either side of the entrance to Lot 5, but these views are

transient. In the context of the wider environment which users of the road are experiencing, views of the site are fleeting and of no particular uniqueness. Once dwellings are constructed, the lower parts will not be visible (due to the roadside hedge), but roofs are likely to be visible above. Mitigation measures include recommended protection of the hedges or replacement planting along the road boundary to screen views of future development, and design controls.

27. My assessment is that the effect of the proposal on users of Leith Road will not alter perceptions of rural character beyond a very low degree. I note that the proposal was publicly notified and there were no submissions regarding matters of rural character.
28. I have walked both approaches from SH45. The only view is from the south once at the top of the rise whereupon there is a peripheral view of the site. The highpoint on Lots 2 and 3 is barely perceptible in the context of the view that includes three good size farm buildings, and a backdrop stand of native vegetation. Given the speed limit of 100km/hr, distance to Lots 2 and 3, and the peripheral and transient nature of the view, I consider that the proposal's potential adverse effect on this view will be barely noticeable. To ensure this, design controls on building height, and light reflectivity, are proposed.

### ***CUMULATIVE EFFECTS***

29. 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 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.
30. With regard to **combined** effects, the proposal will be seen in conjunction with other houses. While the proposal (in terms of future buildings/dwellings) will be visible to some extent as discussed in the preceding paragraphs, they will not be viewed in combination with any other dwellings. Lots 2 and 3 may be seen together for a short duration but this does not in my opinion constitute an adverse cumulative effect. The dwelling on Lot 5 (either existing or the new proposed dwelling) is set back at least 150m from the road, and not viewed in combination with Lots 2 and 3 whose dwellings are closer to the road.
  31. With regard to **sequential** effects, the proposal will create a sequence as users of Leith Road move past each Lot. To some extent these add to the sequence of existing dwellings on the other side of the road. In my view this does not create an adverse cumulative effect as the sequence is broken by roadside vegetation, and separation between the future dwellings.
  32. In my opinion the proposal does not create adverse cumulative effects. This is a large-scale landscape, and the proposal occupies a small geographical area. Its context and scale are well able to be absorbed into the landscape.
  33. While rural subdivision commonly occurs, in this area, the extent of subdivision is relatively low when compared to the peri-urban fringes of Oakura and New Plymouth. Therefore, the capacity for change is nowhere near a point whereby the essence of this areas' character is threatened.

#### **MITIGATION**

34. My 2021 LVIA included a number of mitigation measures, which 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, fencing and lighting, planting, and earthworks, in my view, will mitigate potential adverse landscape and



character effects and produce an outcome significantly better than commonly occurs as permitted activity.

### **RESPONSE TO OFFICER'S REPORT**

35. I have read the council officer's report and make the following comments.
36. At paragraph 46, the report states that " *Once developed for rural residential purposes, the land adjoining Leith Road where the proposed small allotments (particularly Lots 2 and 3) are located will result in a loss of spaciousness and loss of low density-built form when viewed from the road*". In my view, the term 'loss' is pejorative, and a more accurate description would be a 'altering' spaciousness, noting that there is a difference between change and effect.
37. The s42A report goes on to say in paragraph 47 that the proposed mitigation measures while resulting in some reduction in effects " *would not reduce the scale significantly to ensure a low density spacious rural environment is retained.*" The following sentence states " *The resultant dwellings and associated curtilage areas will not be effectively screened from public roads by the proposed mitigation measures as there is minimal planting proposed and due to the elevated nature of the allotments.*" This suggests to me that the reporting office considers that if more screen planting was provided the effects could be reduced. By inference, this suggests that it is the lack of screen planting that is exacerbating the proposal's density. This is reinforced in paragraph 48 which discusses views across the site from public roads and suggests that the level of planting proposed will " *not fully mitigate the loss of spaciousness.*"
38. The discussion around planting is in my view contradicted in paragraph 50 where the reporting officer says that it is the location and layout of the lots of Leith Road that does not contain " *open space rural elements.*"
39. With regard to additional screen planting, I consider that an abundance of screen planting can be counterproductive to maintaining spaciousness. Future dwellings while potentially visible, noting that my evidence considers visual effects to very low, occupy a very small percentage of their lots. The remaining areas, even with outbuildings and

amenity vegetation, are likely to remain spacious. Screen planting, such as along the road boundary and southern boundary on Lots 1 and 3 could reduce spaciousness well beyond that created by dwellings. It is for this reason that I am circumspect about recommending large amounts of screen planting. If the maintenance of spaciousness is the primary concern of this proposal, then planting should be used judiciously. It for this reason that I have recommended that planting along the road frontage only be undertaken if the hedge is threatened or removed.

40. At paragraph 82 the reporting officer considers that a full re-design of the proposed scheme plan is required to mitigate effects, and that any such re-design would remove small allotments away from the site's high points and encourage development in a comprehensive manner. I consider that in terms of actual perceptible effects, the proposal is only introducing additional dwellings to the area on Lots 1, 2 and 3. Lot 1 is relatively large and is separated from the other smaller lots. Lots 2 and 3 is a grouping of two which forms a cluster with Lot 5. Clustering such as this is in alignment with NPDC Rural Subdivision & Development Design Guidelines (2012).
41. I agree with the planning officer's discussion at paragraphs 54 and 55 around a new dwelling to replace the existing on Lot 5, and applying conditions for any future dwelling on Lot 4 (if any).
42. In response to the issue of building on Lots 2 and 3 with regard to concern expressed around earthworks effects and spatial effects (expressed at paragraph 57 and 58), as previously discussed in my evidence, the Applicant's surveyors have undertaken levels for these lots. As shown on their plans (included in Ms Gerente's evidence) the highpoint can remain unmodified as it is within the road boundary setback of Lot 3. This will maintain the integrity of the landform.

#### Consent Conditions

43. With regard to landscape and visual effects, the recommended consent conditions appended to the s42A report are predominantly consistent with the measures I recommended in my LVIA. Therefore, I agree with those proposed consent conditions

including the requirement for a Landscape Mitigation Plan (as per condition 21). I note that this plan includes:

- Road boundary planting along the frontage of Lots 1, 2 and 3 to screen and or soften the future building platforms (as identified by condition 5).
- Planting along the driveways of Lots 1, 2 and 3 to screen and or soften the views into the building platform locations from the road.

44. As discussed earlier in my evidence, I consider that planting can be a two-edged sword. Screen planting as required in the consent condition will in my opinion reduce perceived spaciousness. Also, given the limited views into the site, this screen planting will only create marginally additional screening benefit.

45. In my view, the council planning officer and council landscape expert have placed an unduly heavy emphasis on potential effects that will not be experienced by neighbouring properties (or have provided written approval) nor the users of public roads. There were no submissions regarding character or visual amenity received upon public notification. Therefore, adverse perceptions of rural character will not occur. Mitigation measures of the type proposed are regularly applied in the district and their effectiveness is evident.

#### ***CONFERCING WITH COUNCIL'S LANDSCAPE EXPERT***


46. I have contacted Council's Landscape Expert Erin Griffith and we will undertake joint witness conferencing at least three days before the hearing.

#### ***CONCLUSION***

47. The subdivision will not alter the site's or surrounding environment's, rural character beyond an unacceptable extent.

48. Potential adverse rural character effects are mitigated through design controls and vegetation, and the protection of the roadside hedging, and or replacement planting; maintaining rural character and amenity values.

49. With mitigation, potential adverse visual effects on users of Leith Road and SH45 will be very low. Effects on the visual amenity of all properties within the viewing catchment is no greater than very low except for 43 Leith Road who has provided written approval.

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

Richard Bain  
Landscape Architect

bluemarble

23 May 2022