

BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL
INDEPENDENT HEARINGS COMMISSIONER

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

Residential apartment addition
(one additional storey) to the top
of an existing commercial building
in the Business B Environment
Area at 1-3 Dawson Street, New
Plymouth

SUMMARY STATEMENT OF EVIDENCE OF RICHARD ALEXANDER BAIN
(LANDSCAPE AND VISUAL) ON BEHALF OF REGINA PROPERTIES LIMITED

23 SEPTEMBER 2021

INTRODUCTION

1. This summary of evidence provides a brief outline of my evidence and conclusions, and I also respond to relevant matters in the submitters' expert evidence.

SUMMARY OF EVIDENCE

2. My primary statement of evidence comprises the following key findings and conclusions.
3. Effects on public viewpoints are very low,. This is primarily due to the setback of the proposal's top level which avoids dominance effects over users of the coastal walkway.

Also, the Richmond Estate tower block reduces the scale of the proposal in the context of buildings in this area.

4. Effects on urban viewshafts identified in the ODP, are very low for the Marsland Hill Viewshaft due to the small scale of the proposal in its urban context and is not visible from the Cameron Street Viewshaft.
5. Regarding private views, I assessed visual amenity from each submitter's property.
6. Of the ten properties visited, three live in the Oceanside Apartments, one in the Devonport Apartments, four within the Richmond Estate tower block, and three within the Richmond Estate apartment block.
7. Nine of these properties are located east of the proposal site, with their primary view north towards the sea. In this regard the proposal is peripheral to where visual amenity is primarily derived.
8. 1/127 Devonport Apartments (Holt) looks directly towards the sea and the proposal. This is the only property where the proposal is within an area where visual amenity is primarily derived, although the proposal is within an expansive sea view context, that will maintain a broad seaward outlook.
9. Apartment 122 St Aubyn Street (MacArthur) is located close to the proposal and is likely to have an altered sense of place through the building's dominance. The proposal will be visible at close quarters from several windows and two outdoor deck areas. However, while the proposal will be dominant, the primary visual amenity for this property will remain. That is, sea views to the northeast.
10. In my opinion the potential loss of view elements (landscape elements screened by the proposal) does not reach a threshold whereby the viewers' sense of place is adversely affected.

SUBMITTERS EVIDENCE

11. I have read the submitters' expert evidence prepared by Mr Jackson and respond as follows. I refer to paragraph numbers in Mr Jackson's evidence.
12. Paragraph 5.1: Mr Jackson states that my LVIA failed to mention the three storey low rise apartments of the Richmond Estate, which he says are 'adversely affected by the proposal'. Irrespective how 'relatively tall' may be defined, I have assessed the proposal from public and private viewpoints, including from the 'low rise' apartments Mr Jackson refers to.
13. In the fifth paragraph under 5.1, Mr Jackson suggests that the public viewpoint simulations flatter the proposed building. I reiterate that the viewpoints were selected in consultation with the council's landscape expert Ms Griffith and assessment from each position was undertaken using industry best practice methodology. My assessment was also peer reviewed by Ms Griffith.
14. Mr Jackson provides several photographs with a proposed building outline, accompanied by a very brief assessment. No methodology for the creation of the outline or assessment is provided. Mr Jackson concludes in the last paragraph of 5.1 that the building will cause an adverse effect on the character and visual amenity of the area that is more than minor. For the reasons outlined in my evidence, I disagree. I also note that in paragraph 76 the s42A report, the council officer state that in his opinion "the proposed building plays a key role in the continuation of defining the edge of the business zone. In this respect the location is appropriate, and I believe the additions would result in only minor bulk and dominance effects when compared to the existing fabric of the area and permitted baseline."
15. Paragraph 8.0: Mr Jackson addresses wider effects on the public views and visual amenity. With regard to the Marsland Hill Viewshaft he comments how in his opinion it impinges on the core view, and also comments on the dark colour of the building as illustrated in the simulations.

16. My evidence is that from the Marsland Hill Viewshaft the visual effects are very low due to the small scale of the proposal in its urban context.
17. With regard to colour, Ms Martin in her evidence includes proposed consent conditions that amongst other things address the building's colour. The condition proposes that the materials and colours of the external cladding shall have a reflectance value of between 30 and 100% and be a colour that is a neutral palette restricted to light grey, cream or blue tones.
18. Paragraph 8.2: Mr Jackson states in regard to the coastal walkway that, in his opinion, the "proposed excessive height building will stand out above that general topography:" In my evidence I conclude that the proposal avoids dominance effects over users of the coastal walkway, and I note in paragraph 89 of the 42A report, the council officer states, "Overall effects on the amenity values attributed to the coastal walkway will be less than minor in nature and a high level of amenity will remain as the status quo."
19. Appendix 2: Mr Jackson provides photographs from submitters properties superimposed with a building outline. My evidence includes montages from submitters' properties and an explanation of the methodology by which they are created. Mr Preston's evidence also refers to methodology in creating these images, and I note that Mr Preston's work has been peer reviewed by Taylor Patrick Surveyors. The images in my evidence support my assessment of visual effects from the submitters' properties.

Richard Bain

23 September 2021

