

**IN THE MATTER** of the Resource Management  
Act 1991

**AND**

**IN THE MATTER** of an application under s88 of the Act by  
B, M R Sim to the New Plymouth District  
Council to undertake a boundary change  
and five-lot subdivision, at 6 & 42 Leith  
Road, Okato (SUB21/47781)

**AND**

of an application under s88 of the Act by  
B, M R Sim to the New Plymouth District  
Council for a side boundary setback  
breach for a proposed dwelling on Lot 5  
of SUB21/47781 and earthworks within  
200m of Site of Significance to Māori and  
Archaeological Site ID 197 (under the  
Proposed District Plan) (LUC22/48312)

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**STATEMENT OF EVIDENCE OF**

**Richard Alexander Bain**

**Landscape Architect**

24 January 2023

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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 2023 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 AND SCOPE***

4. I have prepared and presented evidence to the New Plymouth District Council to undertake a boundary change and five-lot rural subdivision, at 6 & 42 Leith Road, Okato, NPDC SUB21/47781.
5. I have not been directly involved with LUC22/48312 but am aware of its relationship to SUB21/47781, and therefore provide brief evidence on matters raised in the Planning Officer's Report relevant to rural character and amenity.

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

6. I have read the council officer's report dated 6 December 2022 and make the following comments.

7. In paragraph 42 I note that the officer considers the proposed side yard setback is considered appropriate and a positive design for the subdivision to ensure future built form on Lot 5 is mitigated, and in the following paragraph that effects on rural character from the driveway and vehicle access for Lot 2 is discussed in the Section 42A report for SUB21/47781 and is not relevant to this land use consent application.
8. In paragraph 53, the report considers that the proposed landuse will not result in an adverse effect on rural character and amenity, but in the following paragraph [54] states that, *"I remain of the opinion that the subdivision application does create adverse effects on rural character and amenity of the surrounding environment for the reasons listed in the Section 42A report for SUB21/47781."*
9. In response, I agree that the landuse consent will not result in an adverse effect on rural character and amenity but disagree that the subdivision does create adverse effects on rural character and amenity for the reasons provided in my evidence for SUB21/47781.
10. Concerning earthworks, additional plans identifying vehicle access and driveway locations for proposed Lots 2 and 3 of SUB21/47781 were provided through a Section 92 Response dated 30 September 2022. These plans include cut and fill heights and volumes. In my view, these plans will mitigate adverse effects due to the proposed cut batters (1 vertical to 3 horizontal) which avoid unsightly scarring.
11. Concerning rural character and amenity, I agree with the council officer that the landuse consent proposal will not create adverse effects. Therefore, in my view, the landuse consent does not alter or create any additional rural character and amenity issues over those canvassed in Subdivision SUB21/47781.

#### **REVISED SUBDIVISION SCHEME PLAN**

12. I have reviewed the revised Subdivision Scheme Plan for the scaled-back proposal as attached as Appendix B to Ms Hooper's evidence. Essentially the proposal is the removal of Lots 2 and 3, which will self-evidently reduce overall effects on rural character and visual amenity. However, the recommendations I made in my evidence

for SUB21/47781 remain relevant to the lots that will remain including a reduced Lot 4. Overall, my view is that the revised proposal will not create any additional or unforeseen landscape character effects.

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

Richard Alexander Bain  
Landscape Architect

bluemarble

24 January 2023