

BEFORE COMMISSIONER MCKAY APPOINTED BY NEW PLYMOUTH DISTRICT COUNCIL

UNDER the Resource Management Act 1991 (“RMA”)

IN THE MATTER of an application under section 88 of the Act by **BRYAN & KIM ROACH & SOUTH TARANAKI TRUSTEES LTD** to the **NEW PLYMOUTH DISTRICT COUNCIL** for a land use consent to construct a dwelling and associated retaining and fencing at 24/26 Woolcombe Terrace, New Plymouth. (LUC24/48512)

SUPPLEMENTARY STATEMENT OF EVIDENCE OF RICHARD ALEXANDER BAIN ON BEHALF OF BRYAN & KIM ROACH

1. INTRODUCTION

- 1.1 My name is Richard Alexander Bain. My qualifications, experience and conduct are set out in my primary statement of evidence dated 12 March 2025.
- 1.2 I have read the statements of evidence of Ms McRae and Ms Hooper both dated 19 March 2025 and provide the following supplementary evidence.
- 1.3 I am authorised to present this supplementary evidence on behalf of the applicant.
- 1.4 I confirm that I continue to comply with the Code of Conduct for expert witnesses discussed in paragraph 3.1 of my primary statement of evidence.

2. MS McRAE’s STATEMENT

- 2.1 Ms. McRae’s concerns relate primarily to enclosure and dominance. Regarding the amenity effects on 28 Woolcombe Terrace, she states in paragraph 8.11 that the greatest effect is a “sense of enclosure.” She assesses this effect against a compliant building, suggesting that a different

design would not bring its upper parts as close to 28 Woolcombe Terrace. This matter of the configuration of a compliant building is addressed in Mr. Arnold's and Mr McEwan's supplementary evidence, which I believe clearly shows that a compliant building would create more bulk and dominance. Therefore, I disagree with Ms. McRae's contention in paragraph 13.29 that a compliant dwelling would "*result in reduced overbearing, overlooking, and sense of enclosure effects when compared to the as-built dwelling.*"

2.2 In paragraph 13.29, regarding the alternative HIRB standard, Ms. McRae asserts that the as-built building does not address the matters of discretion in MRZ-R33 and therefore requires more mitigation. In my view, the building does address the matters of discretion, as effects on sunlight, street attractiveness and safety, and overlooking and privacy, are avoided and/or mitigated. However, Mr. McEwan, in his supplementary evidence, has prepared a Landscape Plan showing a pergola structure to screen the eastern-facing deck of the Applicant's dwelling. This deck area is of particular concern to Ms. McRae, as noted in paragraphs 9.4, 9.6, and Figure 6 of her evidence. While I consider the potential privacy effects from this deck to be very low, Mr. McEwan's proposed pergola structure will reduce visibility (in both directions) and thereby lessen privacy effects. This should address Ms. McRae's concerns. I also note that in his supplementary evidence, Mr. Arnold states that louvres are to be installed on the east-facing bay window, which will further reduce potential privacy effects.

2.3 In paragraph 13.35, Ms. McRae states that I have not commented on the position of outdoor spaces. When visiting the site, I did consider effects from outdoor spaces but found them to be less impacted than the internal amenity areas within 28 Woolcombe Terrace. Therefore, while I do not explicitly refer to outdoor areas, as stated in my primary evidence at paragraph 8.5, I consider that "the building's 'height to boundary' breaches create a minimal additional sense of enclosure and/or dominance." Additionally, in paragraph 7.10 of my primary evidence, I refer to Mr. Murdoch's evidence regarding shade on outdoor areas.

3. CONCLUSION

3.1 I confirm my earlier view that the proposal creates, at worst, low adverse effects. With the additional proposed mitigation, these effects will be further reduced.

Richard Alexander Bain
Bluemarble Landscape Architects
27 March 2025