

Good afternoon

Thank you for hearing me today.

My name is Barbara Holt and I am one of the owners of No. 1 Devonport Apartments at 127 St Aubyn Street.

By way of background, my building, which was previously known as the Devonport Flats, is almost 100 years old and is heritage listed. When it was built, it was considered to be the largest block of residential accommodation in the country. It is an iconic building in the New Plymouth landscape, and I am proud to be an owner.

Commissioner, you have read my submission but there are five things that come out of this that seriously affect me, and I would like to go through these one by one.

1. **10m height restriction**

My apartment is situated on the top floor of the Devonport Apartments and I believe it to be the one most impacted as it sits directly behind the proposed development.

I bought the apartment in 2003 and at that time I made enquiries with the agent about being built out some time in the future. I was advised that a height restriction was in place which would protect my view and I sought comfort in that, and on that basis, I went ahead and purchased my apartment.

Now, some 18 years later, the applicants are seeking approval to build a luxury apartment, which breaches the height restriction by 54%, which will be right in the middle of my elevated unobstructed view of the ocean.

The existing building is already 1.7m above the current 10m height restriction and I would have thought that there should be a reasonable expectation of compliance, and that the rules would not be further waived.

If the application is approved, the applicants will effectively steal from me what I already have which is an uninterrupted panoramic view of the ocean that I paid for 18 years ago.

2. **My seaward view is impacted**

It is my opinion that Richard Bain, who was paid by the applicants to write the statement of evidence, has understated and down-played the impact of the proposed development on my property. I disagree with the findings in his statement.

Firstly, where he states: "*the proposal is within an expansive sea view context, and although it occupies a central part of the view, the broad seaward outlook is maintained*" [para. 24]

And secondly where he states: "*Holt (1 Devonport Apartments) is the only property whereby the proposal is 'front and centre', located directly between the submitter's only north facing windows and the sea. The proposal will be highly noticeable but its effect on the overall quality of the landscape is not materially changed. The sea is still predominantly visible as part of an expansive outlook*". [third para. of summary].

The reality is that the proposed development is indeed front and centre and removes my current unobstructed view of the horizon.

As Mr Bain stated yesterday, there is only one view from my apartment, no side views, and that view is directly out to sea so that is my visual amenity. It is clear that the proposed development would essentially split my view in half.

I will be forced to look at the ocean either side of the applicant's luxury apartment rather than a panoramic unobstructed view which I currently enjoy. I therefore disagree with Mr Bain's statement in that "*the broad seaward outlook is maintained.*"[para. 24]. My view will be substantially affected not moderately affected.

Ironically the applicant will take from me the view I already have. I will no longer be able to watch the ships and other sea craft coming and going as I currently do, it will affect the way I see the sun shining on the water in the afternoon, not to mention the amazing sunsets I currently enjoy. My horizon view will be dominated by the proposed development and be uncharacteristic in the streetscape as “visual bulk” in the view shaft.

3. **Reduces the value of my property**

I have no doubt that if the proposed development receives approval, it will significantly reduce the value of my property. This isn't just a case of a right to views, there's a monetary component here which I discussed with a local real estate agent earlier in the week and was advised that this could be anything up to a 10% reduction on not only my apartment but others in the Devonport Apartments complex.

The Commissioner should take into account that the applicants have made no consideration or offer for the reduction in value of my apartment if the development proceeds.

4. **Phone call from the applicant, Mr Tennant**

The applicant phoned myself, my brother and several of the other objectors late last year (18 Dec), in an attempt to strong arm us into approving his Plan B drawings which are the ones before us today. He used a domineering tone throughout the conversation and in his final words he said to me that he and Rosemary would have their rooftop apartment, he had the support of the council, and the only thing I had to consider was whether I wanted my views moderately affected or substantially affected.

He also said if I didn't approve his plan B drawings, he would go to Court with his Plan A drawings and I would be faced with the cost of legal representation. I did not appreciate the call and found his intimidating tactics outrageous and not the kind of conduct an ex-major of New Plymouth should lower themselves to.

Originally there were many more objectors to this application, and I believe this intimidation may have been the cause for some people not wanting to stand up against the applicant given his combative approach.

5. **Creating a precedent**

If the application is successful, this would most certainly set a precedent for other property owners in the vicinity to steal ocean views from other owners behind them.

In Summary:

I respectfully request that the Commissioner consider when making his decision, how many people are being adversely affected by the proposed development versus how many people will actually benefit from the development, who has respected the Council rules and those who are making a mockery of the system by requesting approval to extend height restrictions which have already breached the 10m rule? The addition of the proposed development will benefit one couple and their family only and the adverse effects to the wider community would be severely detrimental.

Coincidentally, I used to work in the GQ building and can attest that the views from the current structure are amazing. It would be my preference that the applicants be advised to redesign their apartment according to the current footprint, which already exceeds the maximum height restriction by 1.7m.

If it wasn't obvious, what you can see behind me is the proposed view if the development should go ahead. Would you be happy looking at this monstrosity? [page 84 of Richard Bain's statement dated 4 August 2021]

Thank you