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BEFORE THE TASMAN DISTRICT COUNCIL



IN THE MATTER OF The Resource Management Act 1991

IN THE MATTER OF An application for resource consent
RM190790

BY The Integrity Care Group Limited
(the Applicant)

**FURTHER STATEMENT OF LANDSCAPE EVIDENCE OF
ELIZABETH JANE GAVIN
ON BEHALF OF THE APPLICANT**

MARCH 2021

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INTRODUCTION

1. My full name is Elizabeth Jane Gavin. My qualifications are as set out in my primary statement of evidence dated February 2021 and provided to the Commissioners.
2. This statement responds to the direction of the Commissioners to assess the landscape effects of the proposed extension to the Integrity Care Group Limited Olive Estate Lifestyle Village, the subject of the application. My primary evidence outlined the effects as I saw them. This statement expands upon my primary evidence following the direction of the Commissioners.

SCOPE OF EVIDENCE

3. The application was heard on 25th and 26th February 2021 and was adjourned, (part heard, at the direction of the Commissioners to enable the provision of further information on the effects on proposed buildings on specific neighbouring properties (to the Care Facility Building), with a visual simulation or simulations to be produced. A minute of 4th March 2021 directed viewpoints for investigation, and the undertaking of further visual assessment.
4. The visual simulations directed were to depict primary views into the application site from:
 - (a) No.3 Hillplough Heights (the Billington property)
 - (b) No.5 Hillplough Heights (the Medlicott/Swift property)
 - (c) No. 381 Hill Street (the Bagnall property)
 - (d) No. 3 Brenda Lawson Way (the McDouall property) and particularly from the rear bedroom windows or the outdoor garden area of that property
 - (e) No. 5 Brenda Lawson Way (the Goodman/Lukacs property) and particularly from the rear bedroom windows or the outdoor garden area
 - (f) No. 2 Brenda Lawson Way (the Davenport property) and particularly from the upper floor living room or balcony
 - (g) No. 21 Fawdan Way (the Tomlinson / Roy property) and particularly from the upper floor living room or balcony
 - (h) No. 28 Fawdan Way (Janet Sullivan's property) and particularly from the yard adjoining Olive Estate.
5. The Minute gave the opportunity to provide a simulation that was a "representative" view between the boundary of 3 and 5 Hillplough Heights; and also between 21 and 28 Fawdan Way. I decided that it would be better, for completeness, to show views from each property individually.

6. The simulations are to depict the change in view from each primary position where a photo is taken, showing both a simulation of the Care Facility Building as applied for; and a separate depiction of a building/buildings that could be located within the site in a way that met the permitted activity standards for building construction including the boundary setbacks and daylight angle requirements of the Plan.
7. A letter was sent from Duncan Cotterill to all neighbours the Commissioners had identified. The letter outlined the purpose of the site visit, the day and an itinerary and timetable so that the submitters could determine when (or if) they needed to be home. There were some minor adaptations to this schedule as a result of requests from submitters.
8. I carried out a site visit on Wednesday 17th of March between 09:30am and 1:20pm. The weather was fine. All properties could be accessed with representative photos taken from each property in the location indicated as important as an outdoor/indoor amenity area, and as directed by the Commissioners.

PROCESS METHODOLOGY

9. The process follows the best practice guidelines of the NZILA Visual Simulation BPG 10.2. I can produce the whole of that document if the Commissioners require.
10. Visual simulations were created in the form of a photo montage and utilised surveying, architectural and landscape information including:

(i) Survey Information:

- Original ground survey in digital form of existing ground level.
- Surveyed site markers (pegs) established on site that poles were fitted on top of;
- Set out plan in PDF form showing where site markers were established on site – including surveyed ground level and top of poles;
- A PDF redrawing contour lines to re-establish natural ground level based on past Aerial photographs from 1940s and survey information available from historic subdivisions on neighbouring land.
- The survey information was used to create two different digital terrain models:
 - the existing ground level as it is currently; and

- the natural ground level as it would have been prior to the pond being formed.

(ii) Architectural and Landscape information:

- An architectural model to scale of proposed Care Facility Building as applied for including colours and finish;
- An architectural model to scale of adjusted Care Facility Building as now proposed to natural ground level and with further mitigation reduce effects (as explained further below);
- Landscaping of grounds shown at 5 years after planting; and proposed fencing (immediate).

(iii) PVC Poles:

11. The methodology used and described above was based on 2 different sets of poles within the site:

(1.) White PVC poles that created a set of reference points along the site boundary (based on existing ground level);

(2.) White PVC poles with orange (dazzle) tops located at heights and locations that related to the Care Facility footprint.

12. The white PVC poles were 7.5m in height from existing ground level locations offset from the site boundary as indicated on the plan **annexed** as "1". The actual height of both the poles and the ground level were surveyed and carried through into the 3D matrix so that they show the actual height of these poles when viewed, and the height of ground level at that location. The location of these poles related to the varying setbacks and daylight angles that are applied along different site boundaries from existing ground level. There are no relevant daylight angles along Hill Street, therefore the poles reflect the setback only for this location.

13. The white with orange top pole represents the corner of the heights above existing ground level of key points of the Care Facility building. Again, the ground level of these poles was surveyed along with their height in the field. This provides a greater level of accuracy than a typical site survey would produce.

14. The photographs were taken with a 50mm lens with a Canon EW 88C EOS. A tripod set at eye level was used to take each representative photo that was used to create the simulation from each property. The photographs were taken by Shea Gillison – working for Canopy. Mr. Gillison is a landscape architect with 12 years of

vectorworks experience and four years of experience with the technical software used to create simulations and 3D modelling. I rely on his technical expertise in the preparation of these simulations.

15. The survey information provided for natural ground level was used to create a 3D model. The pole locations and heights as built on site were added into the 3D model using the set-out information from the survey of the poles. The poles were used to correctly align the site photos with the 3D model matching the poles in the 3D model with the poles in the photos from each location. Those became known reference points in terms of both scale and perspective of the Care Facility building; and enabled a simulation as taken from each view point. Once the view perspective is established, the pole "layer" is turned off and is not visible in the simulation.
16. The architecture that has been modelled in 3D was then overlaid into the photos, with the 3D poles aligned with those in the photo to determine exact scale and perspective of view.
17. As best practice requires for the purpose of producing a 3D model, particular care must be taken as to the assessment of "ground level".
18. It became apparent that one could make an assessment from existing ground level (allowing for the presence of the pond bunds) or from natural ground level i.e. the level before the pond bunds were put in place. I am conscious of resource consent RM161041 which created the lot upon which the care facility is to be built. That consent contained a condition to be supported by a consent notice:

"prior to any further subdivision being carried out on Lot 2, the irrigation pond currently in the north eastern corner of the site shall be drained and the dam decommissioned so that water no longer ponds behind the dam and drainage is directed into the existing sump in the northern corner of the property".

It follows from that condition that the pond will not remain "in place", if the pond does not remain in place then the bunds will not remain in place, in terms of effects the non-presence of the bunds will be to lower overall the site and therefore the care facility building. I will explain that a little later.

19. The existing ground level relates to the current ground level (including the earth works to create the pond and bunds). That is the ground level that was used for the care facility buildings when it was submitted for consent and was shown on the plans provided for the hearing on 25/26 February 2021. When it was taken into account that the pond would be decommissioned, then the level of ground becomes

the natural ground level that would have existed prior to April 1979 when the pond was constructed. That information was obtained as I have set out above, from:

- Past aerial photos
- Survey information from subdivisions on neighbouring land
- Licensed cadastral surveyor advice

20. Use of the natural ground level has had a significant reduction in building height as compared to the plans at the February 25/26 hearing. A set of plans are **annexed** as Attachment B. They show the floor level at a lower height now set at 57.750m (a reduction of 350mm). The overall height of the building is now at 10 metres, a reduction of 560mm. It is important to note that the overall footprint of the building on its site has not changed. The height reduction has been achieved by fixing of accurate natural ground level, and by redesign internally, and will lead to a better outcome. I will refer to this as "*the adjusted application*".

Adjusted Application

21. Through the process of the site visit, it became apparent that further investigation into the ground level was required, due to how the poles along the setback related to the altered ground levels of the pond. Also as a result of the hearing process (in light of submitters evidence and questions from the Commissioners); and comments to me on my site visits, further design measures to reduce the effect of the "Crows Nest" on Hill Street dwellings has been explored. This has resulted in some design adjustments outlined below.

VISUAL SIMULATION

22. From each of the directed locations, a viewpoint was chosen to show the effect of the Care Facility Building on the amenity of the particular viewer. The following simulations provided in Graphic Attachment A have been shown from each viewpoint. There are 3 simulations which I explain as follows:

- (j) **Visual Simulation A** shows the application before the Councillors at the time the hearing was adjourned part heard (25/26 February 2021). It has the applied floor level, and building scale.
- (ii) **Visual Simulation B** relates to application as adjusted, with a lower floor level of 57.750 due to a smaller foundation and being excavated down by 350mm, a reduced height of the building by 560mm (with height taken out of each floor); and with a redesign of the Crows Nest. All of those

amendments have been made within the envelope of the initial application. The result of this is to reduce visibility from all neighbouring boundaries, as can be seen in the visual simulations.

In this process, I thought it necessary (for completeness) to provide this additional visual simulation ("B"). Clearly apparent is that Visual Simulation B (the adjusted application) reduces visual effects in all views as it sits lower in the landscape.

- (iii) **Visual Simulation C** is an example of a complying building that could occur within the daylight angles and setbacks; and permitted heights of the TRMP.

23. By way of explanation, although the Commissioners minute directed two visual simulations from each of the 8 properties identified in the minute of 4 March - one showing the Care facility as applied, and one to show what could occur as a complying development given set back, daylight angles and height provisions; three are now provided. The carrying out of the assessment led to the creation of an additional visual simulation (Simulation B). This depicts adjustments described above as well as a revised design of the Crow's Nest which removes the outdoor seating area and all windows from the southern (Hill Street) façade which was a concern of submitters.

24. Graphic Attachment A also includes setback diagrams for the four adjoining properties along Fawdan Way and Brenda Lawson Way to show where complying built form could be built – taking into consideration the daylight angle and setbacks provided in the Plan; and where the Care Facility has been located within this diagram. The elevation is based on the view from the photo location point looking towards the simulation view for that property.

MY ASSESSMENT

25. The starting point of my assessment is to discuss the difference between "change" and "effect" – change does not necessarily lead to an adverse effect on character if the character is anticipated by the Plan; and effect must be measured by considering what is anticipated by the Plan.

26. Under the NZILA Aotearoa Landscape Assessment Draft Guidelines¹, (not yet finalised) the following is said regarding change²:

“confusing change with effect is a common pitfall. Assessments of visual effects, for example, commonly measure degree of change rather than effects on landscape values. Change may result in no effect on relevant landscape values (sometimes described as neutral or benign). A considerable change may be entirely consistent with what is anticipated in statutory provisions, for instance, or may involve an appropriate activity in an appropriate place. The purpose for assessing landscape effects is to protect and enhance landscape values: It is not to maintain status quo.”

27. Each directed property was visited and out of those visits I have produced a table outlining amenity areas that have views into the application site, and a comparison of effects relating to the visual simulations. I note that we are not comparing the Care Facility proposal with the current level of development on site (as depicted in the site photographs prior to any built form being introduced). That level of landscape character and amenity is not anticipated by the residential zoning of the Plan. The site is zoned residential, it is where development will take place, particularly given the imperatives of the National Environment Statement (Urban Design). Therefore, the assessment requested by the Commissioner is between the levels of development that could occur as anticipated under the Plan and what has been applied for.

28. The visual simulation has identified certain adjustments that can be made leading to a betterment overall, particularly from the perspective of the submitters.

29. I now produce my tables.

INDIVIDUAL SITE ANALYSIS

¹ Guidelines for Landscape Assessment in a Statutory Planning Context including Landscape Character and Values; Landscape Effects; Outstanding Natural Landscapes; Natural Character.

² NZILA Aotearoa Landscape Assessment draft guidelines page 55

| AMENITY EFFECTS | |
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| <p>Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)</p> | |
| <p>NEIGHBOUR: 5 Brenda Lawson Way (Lukacs submission # 23)</p> <p>See Graphic Attachment A: Visual Simulations and setback diagram prepared for 5 Brenda Lawson Way.</p> | |
| <p>Description of viewing area: context (inside/outside):</p> | <p>Amenity Areas: Two inside rooms were visited – office room/bedroom; and a bed room – internal views with dwelling located approximately 1.5m from the shared boundary. Bedrooms were on the upper level (first storey) of the house and overlooked the paling fence that runs along the shared boundary.</p> <p>1.8m high paling fence running along boundary parallel to windows from office and bedroom with outlook of top of berm which drops away to north (from office view).</p> <p>External views outside of the property will also see site to west. The northern “outdoor Garden area has the submitters dwelling and paling fence in foreground, with views of the Care Facility behind this.</p> |
| <p>Elevation Change/ Extent of view:</p> | <p>The site slopes northeast/southwest, from Hill Street down towards the shared boundary, with a low point between 5 Brenda Lawson Way and 21 Fawdan Way. The bund associated with the existing pond creates an unnaturally steep bank within the site along this shared boundary that tapers down towards the low point. Views from the bedroom and office were of a section of this bank over the top of the paling fence, with blue sky as the backdrop.</p> <p>From the northern outdoor amenity area, the bund is also a prominent landscape feature, with some views out towards the Barnicoat Range and the sky available behind the site.</p> |
| <p>Distance from complying building</p> | <p>Complying design up to 7.5m in height could be located 7m from the shared boundary and 8m from the photo viewpoint -as shown in the visual simulation.</p> |
| <p>Distance from <u>Care Facility</u>:</p> | <p>18.8m separation, site plan SK.8 of architectural set (Attachment B).</p> |
| <p>Central/oblique/confining elements?</p> | <p>Views to west and southwest across site. These are proximate views from both the bedroom and office west facing windows. Eastern and south eastern views would be changed from the outdoor amenity area.</p> <p>Northern and eastern views unchanged from the northern façade of the dwelling.</p> <p>Paling fence along boundary reduces views from ground floor level of the site ground level, apart from northern outdoor amenity area.</p> |

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| <p>Comparison with what could occur in the zone:</p> | <p>The eastern site boundary is not developed in terms of the current Olive Estate proposal, with an area of green space the width of a residential lot along this boundary (i.e. 3 Brenda Lawson Way is approximately 19m wide west/east). Under the plan provisions whether a traditional subdivision or with a larger building complying with building standards as shown, the density could be much closer.</p> |
| <p>Opportunities to mitigate?:</p> | <p>Limited opportunities to mitigate in terms of the Visual Simulation example of a Complying building, with ability of built form to dominate western views. Setback and daylight angles would enable a single storey dwelling approximately 5.5m from the boundary. Given the change in elevation between properties, there could be glazing that looks into the bedroom/office areas.</p> <p>The Care Facility is set back 18.8m from the property boundary. The area between the Care Facility building and the boundary is to be landscaped, with trees to be located within this space.</p> |
| <p>Overall effect <u>complying building</u>:</p> | <p>If developed under plan provisions, two storey dwelling could be located within 7m of the submitters shared boundary with the site. Upstairs views would be at building façade with no requirement to mitigate with planting. This has the potential to take up most of the view in the immediate foreground along the western facade. While this is an effect on privacy and views due to dominance, it is an anticipated character set out by the setbacks, daylight angles and height of built form that may occur in this zone.</p> |
| <p>Comments:</p> | <p>Care Facility being set back by 18.8m allows for increased daylight and the ability to mitigate through landscaping to reduce visibility. The ground floor adjacent to the west facing windows of this submitter is car parking, with limited glazing (see architectural set north elevation SK12).</p> <p>As the Care Facility is set back from the boundary by 18.8m, there is more undeveloped foreground view.</p> <p>Landscaping proposed between shared boundary will aid in screening of proposed Care Facility Building, which will sit lower in the landscape.</p> <p>Under the example of a complying activity, built form could be located closer to the shared boundary - a dominating element along the shared western boundary without a requirement for landscaping. This visual dominance is concentrated given the proximity of the submitters dwelling to this shared boundary, and the fact that the submitters dwelling is a two-storey house with windows looking west into site that is at a higher elevation than the submitter.</p> <p>The initial assessment regarding the application of a low visual and amenity effect on this neighbour effect stands. The TRMP allows for development that could be closer, more dominant and unmitigated.</p> |

| AMENITY EFFECTS | |
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| <p>Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)</p> | |
| <p>NEIGHBOUR: 3 Hillplough Heights (Billington property) submitter #4</p> <p>See Graphic Attachment A: Visual Simulations and setback diagram prepared for 3 Hillplough Heights</p> | |
| <p>Description of viewing area: context (inside/outside)</p> | <p><u>Amenity Areas:</u> The submitters have amenity areas along the northern façade of their property connected to the house (external) as well as internal amenity areas:</p> <p>Outdoor paved patio amenity area runs along the building facade, with lounge (indoor amenity area) adjoining to the west. Paving extends across northern elevation of dwelling and includes outdoor dining adjoining the dining/kitchen room of the dwelling.</p> |
| <p>Elevation Change/ Extent of view:</p> | <p>3 Hillplough Heights is a single storied residential dwelling that sits on a terrace above Hill Street, which is most pronounced at the eastern end, and tapers away at the eastern end to form a bank.</p> <p>The paved area has lawn to north then a metal and wood fence separating bank with Hill Street below.</p> <p>The submitters dwelling sits directly opposite villa 32 and 33 within Olive Estate ,which are single storey dwellings with gabled roofs. The care facility is oblique to this view (to the north), with the new Fairrose Drive sitting between. The submitter will see parts of the western end of the Care Facility building.</p> |
| <p>Distance from complying building</p> | <p>See visual simulation of complying buildings. I note we have provided two views from the same viewpoint (both the central and north eastern view) due to the panoramic nature of this viewpoint in relation to the site. The setbacks determine that residential built form could be as close as 6m from the Hill Street boundary north of the submitter. This is 40m from the photo location point. The location of two storey dwellings in the area occupied by the Olive Estate Villas hasn't been calculated, however this would increase bulk within this viewpoint.</p> |
| <p>Distance from <u>Care Facility:</u></p> | <p>The closest (western) corner of the Care Facility building is 49 metres to the edge of the lawn terrace and 60m from the submitters house.</p> |
| <p>Central/oblique/confining elements?</p> | <p>Currently the view of the site includes large gum trees to the north east; with smaller gum trees and an orchard to the west. A street light and powerlines in the foreground along Hill Street. These elements – especially the large evergreen trees restrict long distance panoramic views of the Waimea Inlet and Mt Arthur range.</p> |
| <p>Comparison with what could occur in the zone:</p> | <p>The site is currently in a greenfield state. There can be considerable change as a result of the zoning. Two storey residential buildings to a height of 7.5m can be located closer to the north west boundary</p> |

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| | than proposed under the application. Residential building coverage could be up to 33%. |
| Opportunities to mitigate? | There is no requirement of mitigation for the complying residential development. Also no requirement in the Plan to keep trees below 6m or 8m in height. The Care Facility includes landscaping mitigation and fencing that breaks up the apparent length of the building, and softens and screens parts of the southern façade from the neighbour's view. |
| Overall effect <u>complying building</u>: | Permitted building could locate built form in a closer location to the submitter at 7.5m than proposed by the applicant. |
| Comments: | <p>Gum trees and other high trees are to be removed which would open panoramic views to the north and west. This would provide visual access to the mountains and sea. The Care Facility would not impede these views, as it sits below the horizon line, with the over height component of the Crow's Nest to the northeast approximately 60-75m.</p> <p>The Care Facility includes landscaping mitigation and fencing that breaks up the apparent length of the building, and softens and screens parts of the southern façade from the neighbour's view.</p> <p>The effect of the bulk of the Care Facility building was described in my evidence Table as initially as a low visual effect associated with the bulk of the Care Facility building. I consider that this is still the case. As is evident in the simulations, the Care Facility building will not be dominant, sitting well below the horizon line and is not central to the dwellings main views.</p> |

AMENITY EFFECTS

Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)

NEIGHBOUR: 5 Hillplough Heights (Medlicott / Swift property) submitter #65

See **Graphic Attachment A: Visual Simulations and setback diagram prepared for 5 Hillplough Heights**

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| Description of viewing area: context (inside/outside) | <p>Amenity Areas: There are two outdoor amenity areas facing north over Hill Street and the site. One is an outdoor paved patio area and pool with outdoor dining space. This is connected to the main living space (inside); to east is a gym then bedroom with an outdoor amenity area including flat lawn, veranda with outdoor coffee table.</p> <p>The lawn and pool area adjoins white picket fence/pool fence with roses and small shrubs/ trees along boundary. This area sits above a bank that drops down to Hill Street. The north western pool/patio area is separated from the eastern outdoor amenity area by a pool fence that runs from the submitters northern boundary back to the dwelling.</p> |
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| Elevation Change/ Extent of view: | The residential dwelling sits on a terrace above both Hill Street and approximately 6metres above the site. |
| Distance from complying building | Complying building to a height of 7.5m can be as close as 25m from the submitters northern boundary, and is 32m from the photo location point. |
| Distance from <u>Care Facility</u>: | The western wing at its closest point is approximately 36m from the submitters northern boundary. The outdoor amenity areas are between 36-50metres from the southern façade of the Care Facility building. The photo location point is 43m viewing separation from the; and approximately 51 metres from the over-height component of the crows nest. |
| Central/oblique/confining elements? | Currently large gum and pine trees within the site confine views from the submitter to the north and northeast, with a smaller gum tree confining long distant views to the west. |
| Comparison with what could occur in the zone: | The zone anticipates change in the form of residential development up to 7.5m in height with no daylight setbacks along the Hill Street boundary. Residential development to a building coverage of 33% is provided for. |
| Opportunities to mitigate? | There is no requirement of mitigation for the complying residential development. Also no requirement in the Plan to keep trees below 6m or 8m in height. The Care Facility includes landscaping mitigation and fencing that breaks up the apparent length of the building, and softens and screens parts of the southern façade from the neighbour's view. With the removal of the large trees within the site, panoramic views to the coast and mountains will open up. |
| Overall effect <u>complying building</u>: | From this view, a long building (such as a building 29m long which is the length of the submitter's own house), placed within the site in this location and which complied with the heights and setbacks would be similar in effect to that of the Care Facility. It would be possible to place a large two storey building in this general location, but closer to Hill Street, in such a way that would have more pronounced effects on the outlooks to the west from the submitter's property with no mitigation, fence treatment or landscaping. |
| Comments: | <p>Views will be opened across the site to both the Waimea Inlet and the Arthur Range. The Care Facility sits below the site with the Crow's Nest visible to the north east.</p> <p>The height infringement of the Crow's Nest will have limited visibility from the patio/pool area. The north-eastern amenity area (the veranda adjacent to the bedroom where the photo was taken) will see the Crow's Nest in the north eastern visual catchment.</p> <p>The Crow's nest sits at a reduced height of 10 m in the landscape (from Floor level), which is 2.5m above the 7.5m height limit. This relates to the highest point of the Crow's nest. The Crow's nest is a room that is 4.5m wide (outside wall to outside wall). This will be visible in the amenity areas mentioned above, from a viewing distance of approximately 40-</p> |

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| | <p>50metres (in the foreground/midground) and will form part of a more expansive view.</p> <p>The residence will be looking over the western most wing of the Care Facility, (central view) with the Crows forming part of the view to the northeast.</p> <p>Villas 32-36 are located along Hill Street to the west. These are single storey, with views across roofs, with villa 32 closest to the submitter. Fairrose Drive as proposed lines up with the submitters north west boundary.</p> <p>The complying building could be similar in effect to Olive Estate, except for the Crow’s Nest which would form part of views to the north east. This built form has a greater effect.</p> <p>In consideration of potential loss of privacy and effects of lights at night associated with deck areas and glazing fronting Hill Street, the application has been adjusted. Glazing from the south west facade along the Hill Street boundary has been removed as has the deck and seating area along this façade. The applicant has agreed to these changes which now form part of the application (as seen in the Visual Simulation of the adjusted application).</p> <p>My assessment stated that there would be a moderate-low amenity effect on the character of the Care Facility building due to the scale and bulk of the building which differs from residential character, and due to the over height component of the Crow’s Nest. I confirm this effect, as while the Crow’s Nest is visible, it is not in the central view from this submitter.</p> |
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| <h2>AMENITY EFFECTS</h2> | |
| <p>Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)</p> | |
| <p>NEIGHBOUR: 381 Hill Street (Bagnall property) submitter #9</p> <p>See Graphic Attachment A: Visual Simulations and elevation created for 381 Hill Street.</p> | |
| <p>Description of viewing area: context (inside/outside)</p> | <p>General: Lower area is asphalted area for carparking/turning and front door. The submitter did not indicate amenity areas on the ground floor.</p> <p>Amenity Areas: On the upper level of the façade facing the site is main bedroom (to the northwest). An outdoor balcony fronting on to lounge runs between this bedroom and a children’s bedroom that is to the north east. All of these amenity areas will have views across the site.</p> <p>The Care Facility site sits within a view to the north, north west and north east of the submitters dwelling. Hill Street forms the immediate foreground view.</p> |

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| <p>Elevation Change/ Extent of view:</p> | <p>The submitters property is 2m higher than the site at ground level, with a driveway access from Hill Street, and an asphalted carpark area on the ground level north of the dwelling. Main amenity areas are on the second storey.</p> <p>There are mature exotic trees of considerable height (including poplar and pine) along the sites Hill Street boundary, that currently forms a partial visual screen, with views in to the site where trees have been removed. Further into the site there are a mixture of trees including willow.</p> |
| <p>Distance from complying building</p> | <p>Complying building that meets the height control (no setback rule required here) could be up to 7.5m high 12m from the boundary. This is shown as 26m from the submitters property boundary and 37m from the photo point.</p> |
| <p>Distance from <u>Care Facility</u>:</p> | <p>The care facility is located 30m from the submitters northern boundary, and approximately 40m from the photo point (being the upstairs balcony). The Care Facility will be in the foreground/mid-ground of this view, sitting below the horizon line (i.e. it will not be located on the skyline from this view).</p> |
| <p>Central/oblique/confining elements?</p> | <p>The site sits centrally, as well as to the east and west of the submitters site, and will be within a view to the north, north west and north east. Hill Street forms the immediate foreground view. There is also a streetlight and powerlines in this view. Within Olive Estate there are a number of large trees including gum, poplar and pine that all restrict views into and across the site.</p> |
| <p>Comparison with what could occur in the zone:</p> | <p>The area is zoned for residential development that could occur closer to the boundary and up to 7.5m in height.</p> |
| <p>Opportunities to mitigate?</p> | <p>There is no requirement for trees within this area as mitigation under a compliant residential development. Also, no requirement in the Plan to keep trees below 6m or 8m in height.</p> <p>The Care Facility includes landscaping mitigation and fencing that breaks up the apparent length of the building, and softens and screens parts of the southern façade from the neighbour’s view. The Olive Estate master plan has fence treatment, hedges and trees along the Hill Street boundary both at similar level to Hill Street, and stepped down on retained landscaped areas.</p> <p>There is the ability to remove glazing from the Crow’s nest southern façade that fronts Hill Street; and remove the outdoor deck area from this area. This is shown in the simulation that illustrates the adjusted application. This would mitigate effects of lights at night and loss of privacy created by the Crow’s nest.</p> |
| <p>Overall effect <u>complying building</u>:</p> | <p>The complying buildings shows the potential for a similar level of residential development along this boundary that could be located closer to the Hill</p> |

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| | <p>Street boundary by 3.5m. Complying building could be slightly higher than proposed by the main bulk of the Care Facility building, however would not intrude through the height plane as occurs with the Crow's Nest.</p> |
| <p>Comments:</p> | <p>Building complies with all relevant construction standards (other than height of the crow's nest). My observations are that the length of the building sits well into the landscape from this viewpoint. The view is mitigated by the proposed landscape planting which will increase over time and in addition existing vegetation will also offer some screening. It is separated by approximately 40m from the submitter's amenity areas.</p> <p>It would be an expected outcome on this site in this zone for a residential apartment development to be designed which could have buildings located closer to Hill Street and to an overall greater height (along its length) than the care facility with the exception of the crow's nest.</p> <p>The removal of trees within the site along the Hill Street boundary will open up long distant panoramic views from the submitters property over the site towards the Arthur Range to the north west; and to the Waimea Inlet to the east.</p> <p>The over-height component (Crow's Nest) is within the northwest central view of the submitters dwelling including the lounge and outdoor balcony. The submitters main bedroom is located in the northwest corner of the residential dwelling and will overlook this section of the Care Facility.</p> <p>The Crow's nest sits at a height of 10m in the landscape (from Floor level), which is 2.5m above the 7.5m height limit. This relates to the highest point of the Crow's nest. The Crow's nest is a room that is 4.5m wide (outside wall to outside wall). This will be visible in the amenity areas mentioned above, from a viewing distance of 43metres (in the foreground/midground) and will form part of a more expansive view.</p> <p>In consideration of potential loss of privacy and effects of lights at night associated with deck areas and glazing fronting Hill Street, the application has been adjusted. Glazing from the south west facade along the Hill Street boundary has been removed as has the deck and seating area along this façade. The applicant has agreed to these changes which now form part of the application (as seen in the Visual Simulation of the adjusted application).</p> <p>The previous landscape assessment stated that the effect on amenity was a moderate effect due to the over height component and the scale and bulk of the Care Facility building. This effect relates to the difference in landscape character and amenity in having a large community building along the Hill Street boundary compared to residential styled development; and the change between this and what could occur under plan provisions.</p> |

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| | I consider that with these mitigation measures and with the proposed fencing and landscaping, there would be a moderate-low effect on amenity values, reducing to low as trees within the site grow. |
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| AMENITY EFFECTS | |
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| Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5) | |
| NEIGHBOUR: 3 Brenda Lawson Way (McDoull property) submitter #17 See Graphic Attachment A: Visual Simulations and setback diagram prepared for 3 Brenda Lawson Way | |
| Description of viewing area: context (inside/outside) | <p><u>Amenity areas include:</u> A southern outdoor area adjoining the lounge including a table and chairs and was utilised as the owners primary outdoor amenity area.</p> <p>Along the western boundary of the house (second storey) there are two bedrooms that had an outlook towards the west and overlooking the site; as well as an office.</p> <p>a northern outdoor flat area with a grass lawn, would also have views to the west to the site (with timber paling fence creating some screening of lower site).</p> <p>From the upper storey, there was also a lounge with windows that looked across the north-western corner of the site.</p> <p>There is a paling fence running along the extent of the shared boundary.</p> |
| Elevation Change/ Extent of view: | <p>The ground floor of the submitters residence is set down approximately 2m from the ground level of the site at the boundary. Northern outdoor amenity area western views will overlook a timber paling fence towards the middle wing and northern most form of the Care Facility building.</p> <p>From the southern patio area of the submitters property, the outdoor amenity area western views will look over a 1.8m high paling fence towards the southern wing and to a lesser extent the middle wing of the facility.</p> <p>The western façade of the building has outlook over the site.</p> <p>The northern and eastern outlook from the property is unchanged.</p> |
| Distance from complying building | See Visual Simulation showing complying building location. This could be 6m from the property boundary, approximately 9m from the submitters dwelling and 15m from the photo location point (on the southern patio). |

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| Distance from <u>Care Facility</u>: | The southern wing of the Care Facility is 14.5m from the southern- most corner of the shared boundary and 27m from the photo location point. The middle wing of the Care Facility is 25m from the shared boundary (this is the width of a residential lot. Viewer distance from amenity areas is approximately 20m from the Care Facility. |
| Central/oblique/confining elements? | The only confining element is the paling fence that runs along the shared boundary. |
| Comparison with what could occur in the zone: | The site is currently in a greenfield state. There can be considerable change as a result of the zoning. Two story residential buildings to a height of 7.5m can be located closer to the boundary than proposed under the application, with 33% building coverage. This would change the current outlook from a grassy paddock to a residential subdivision. |
| Opportunities to mitigate? | The space between the Care Facility and the boundary allows for landscaping that will reduce visibility of the building from these views. |
| Overall effect <u>complying activity</u>: | Permitted activity could be closer, taking up a larger portion of the western shared boundary with built form. |
| Comments: | <p>The Care Facility building will be visible, however not as visible residential buildings that could occur as of right.</p> <p>In the previous assessment, I stated that there was a moderate-low effect based on the scale and bulk of the Care Facility. Given the central location of the submitters residential dwelling, they currently have expansive views of the property. There is potential for residential housing to be placed considerably closer to this property along this boundary which would then occupy more immediate views, with less opportunity for planting. I consider that when compared to what could occur within the zone, the Care Facility effect on amenity will be moderate – low, for reasons already given, reducing to low with mitigation planting.</p> |

AMENITY EFFECTS

Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)

NEIGHBOUR: 2 Brenda Lawson Way (Davenport) submitter # 36

See **Graphic Attachment A: Visual Simulations and setback diagram** prepared for 2 Brenda Lawson Way.

Description of viewing area:
context (inside/outside)

Amenity areas:

The northern façade on the second storey of the submitters residence has a small balcony off the lounge which has northwest and western views across the site. The upper lounge has a window along the western façade that with western views across the site.

There is an internal bridge with glazing where there will be western views across to the site.

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| | <p>The bridge links the lounge with the main bedroom (all also on the second storey) which has a high window along the western façade that overlooks the site; and a small balcony where views to the northwest and west across the site would be available.</p> <p>On the ground floor, there is an external courtyard amenity area on the northern façade that has a small plaster wall. Parts of the site will be visible from this viewing area also.</p> |
| Elevation Change/ Extent of view: | <p>The house at 2 Brenda Lawson Way has both upper storey views and some ground floor views from the outside northern amenity area.</p> <p>North west and western views will be affected, northern, eastern and southern views will be unchanged.</p> |
| Distance from complying building | <p>Residential design could be as close as 6m to a height of 7.5m and still meet the daylight recession angles along the eastern boundary. This could be as close as 4.5m along the southern Hill Street boundary.</p> |
| Distance from Care Facility: | <p>The submitters western boundary is separated from the southernmost wing of the Care Facility by 30.02m. The upper balcony where the photo from the simulation was taken is 45m from the Care Facility. The bedroom balcony is 35m visual separation.</p> |
| Central/oblique/confining elements? | <p>There is an existing boundary fence running along the shared boundary with 3 Brenda Lawson Way. The residence and landscaping of 3 Brenda Lawson Way is in the foreground of the site from most views and visually obscures some of the site.</p> |
| Comparison with what could occur in the zone: | <p>The zone is anticipated to have a residential character up to 7.5m in height, with height and recession planes marked on the photo location map. See also the setback diagram relating to 3 Brenda Lawson Way that shows how close shorter buildings could be located. This zone anticipates 33% building coverage (see AEE table 2). The visual simulation of complying activity gives an example of built form that would be complying under the AEE table 2 provisions.</p> |
| Opportunities to mitigate? | <p>Given the distance of the Care Facility from the boundary, there are opportunities to landscape and integrate the built form into the site which will reduce overall visibility. The landscaping shown is conservative in terms of what could occur given the proposed conditions of consent along this boundary.</p> <p>There is no requirement to mitigate the visibility of buildings in a complying residential development.</p> |
| Overall effect complying building: | <p>Complying built form can be located considerably closer along the sites eastern boundary. Complying buildings could be within closer proximity to all amenity areas, and would occupy a greater extent of the view- especially in the eastern corner adjoining Brenda Lawson Way.</p> |

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| <p>Comments:</p> | <p>The submitter can see all three end forms of the Care Facility in its western view, with views of the Mt Arthur Range still largely available overtop these forms across the site. Given that complying building could be located within closer proximity to all amenity areas and occupy a greater extent of the view I consider that this effect is similar to what could occur in the zone.</p> <p>My initial assessment was that there would be a moderate to low visual effect given that the Care Facility is compliant in terms of location and height, with the over height component (the Crows Nest) less relevant to this view. My opinion stands.</p> |
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| <h2>AMENITY EFFECTS</h2> <p>Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)</p> | |
| <p>NEIGHBOUR: 21 Fawdan Way (Tomlinson/Roy property) submitter #4</p> <p>See Visual Simulations and setback plan created for 21 Fawdan Way.</p> | |
| <p>Description of viewing area: context (inside/outside):</p> | <p><u>Amenity areas:</u> There is a paved outdoor amenity area including chairs and tables in the south-east corner of 21 Fawdan Way; with a small retaining wall stepping up to a small lawn area with an apricot and kowhai tree (as well as other trees). The retaining wall varies in height along the southern (shared boundary), with the retaining wall approximately 300mm at the eastern end and higher approximately 700mm at the western end.</p> <p>One unfrosted window (most likely a bedroom) was located along the southern façade and would look towards the site.</p> <p><u>General areas:</u> The southwestern corner of the site included a rotary clothesline and raised vegetable gardens.</p> <p>The shared boundary is demarcated by a low sheep netting fence.</p> <p>There are some frosted windows along the southern façade, with the garage at the south west corner of the house.</p> |
| <p>Elevation Change/ Extent of view:</p> | <p>The house is single storeyed, with the land south of the house stepped and retained.</p> <p>The ground of the site slopes up to the south, with the house at 21 Fawdan Way lower in elevation than the site. Currently near the shared boundary is a berm associated with the pond. If natural ground level were re-established, this would slope up at a more even grade.</p> <p>The area of view affected relates to the southern view from the house. The southern view looks towards the site, with the first 18m of shared boundary in landscaping without built form. The</p> |

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| | <p>north-eastern end of the Care Facility wing overlaps with the south west boundary of the submitters section and set back 13m from this boundary.</p> <p>The western boundary is separated from the site (and the villas) by 28 Fawdan Way. Views to the south west from the submitters southwest boundary will be towards the northern wing of the Care Facility. Northern views from the submitters property are unaffected.</p> |
| Distance from complying building | <p>Permitted design could be as close as 7m at 7.5m height as shown in the visual simulation whilst fitting within the daylight recession plane (see setback diagram). A residential dwelling could run along 12m of the shared boundary (see photo location plan) with a greater visual and amenity effect than that proposed.</p> |
| Distance from Care Facility: | <p>See setback diagram. The Care Facility is located 13m from the south west boundary corner and is almost 25metres visual separation from the photo location point. The Care Facility is mainly located to the south west of this property.</p> |
| Central/oblique/confining elements? | <p>There are no confining elements within the site. Topography within the site is higher than that of 21 Fawdan way which will increase visibility of built form within the property (complying or proposed).</p> |
| Comparison with what could occur in the zone: | <p>The zone is anticipated to have a residential character up to 7.5m in height, with height and recession planes marked on the photo location map. This zone anticipates 33% building coverage (see AEE table 2).</p> |
| Opportunities to mitigate?: | <p><u>Care Facility</u> A fence to 1.8m is proposed along this boundary which will screen some views immediately (see visual simulation of Care Facility). Areas between the care facility façade and the shared boundary are proposed to be planted – see wording of suggested landscape condition.</p> <p>Complying buildings may have planting but there is no certainty/requirement for mitigation.</p> |
| Overall effect <u>complying building</u>: | <p>Residential dwellings complying with height setbacks and daylight angles could be located considerably closer to the boundary than the proposed Care Facility at a similar height and has the potential to be more dominant from this location given that the daylight angles and setbacks along this boundary. Buildings complying with the building construction standards would have the potential to be more visible with no planting required. This needs to be taken into consideration when looking at effects.</p> |
| Comments: | <p>When compared to what could occur under the building construction rules, the overall effect of the Care Facility is less than that of other potential forms of development. The area adjacent to this property that is undeveloped is almost the size of a residential section which will be landscaped.</p> <p>The scale and bulk of the building will create a low visual effect and privacy issues are not greater than that anticipated under the provisions of the Plan.</p> |

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| | <p>This is consistent with my previous assessment of low.</p> |
| <p style="text-align: center;">AMENITY EFFECTS</p> <p>Complying building relates to compliance with the permitted activity rule for building construction (rule 17.1.2.5)</p> | |
| <p>NEIGHBOUR: 28 Fawdan Way (Sullivan property) submitter #40</p> <p>See Graphic Attachment A: Visual Simulations and setback diagram prepared for 28 Fawdan Way.</p> | |
| <p>Description of viewing area: context (inside/outside):</p> | <p><u>Amenity Areas:</u> This residence has an outdoor amenity area in the northwest corner of the site. This outdoor amenity area is located further north than the photo point. From the outdoor amenity area, the views south into the site and Care Facility are less pronounced than the visual simulation shown due to a narrower view and visual screening from a large tree located within the submitters section on the south west corner.</p> <p>In the corner of the southern/western boundary there is a main bedroom with a window overlooking the southern shared boundary.</p> <p>The shared southern boundary is currently a low sheep netting and warratah fence.</p> <p><u>General:</u> The submitters dwelling is set down below the shared property boundary, with a small area retained by a timber retaining wall creating a flat area for the rotary washing line against the southwest corner boundary. A Small retaining wall separates the clothesline area from the submitters side yard and north western outdoor amenity area, with the bund associated with the existing pond running along the shared southern boundary.</p> <p>The topography slopes up away from the submitter so that any future building will be higher in elevation than the submitters house.</p> <p>Along southern boundary is a vegetable plot and small shed.</p> <p>Other than the frosted windows of the bathroom, there is a garage area with a window overlooking current pond. Car parking area is located in the south-east corner of the submitters property.</p> |
| <p>Elevation Change/ Extent of view:</p> | <p>The views to the north, northeast and east are unchanged.</p> <p>Views to the south, west and south east will be changed.</p> <p>Views to the west would be of villas within Olive Estate as proposed (with villa 25 partially located along the western boundary for approximately 8 lineal metres of building along the shared boundary. Landscaping would be located along the resultant 12</p> |

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| | <p>lineal metres of shared western boundary under the Olive Estate proposal.</p> <p>Views south would be towards the south east and west would be partially screened by a 1.8m high boundary fence (similar to others in the neighbourhood). Any views into the site over this along the southern boundary will be of the Care Facility south east wing, which varies in distance from between 8.58m to the upper balcony (southern corner), to 15m to the eastern corner of the building. Car parking is downstairs on the ground floor of the Care Facility here.</p> |
| Distance from complying building | <p>Distance between a complying development at 7.5m height would be 7m along this boundary, with the complying example shown at 8m separation (as shown in the visual simulation form complying building). Residential dwellings could be just over 3m from this boundary if single story, with glazing on the northern face visible due to the change in height between sections (see daylight setback diagram for 28 Fawdan Way). A double story building could be in the same location as the Care Facility or closer as shown (see visual simulation and setback diagram).</p> |
| Distance from <u>Care Facility</u>: | <p>The closest point of the Care Facility Building is 8.58m from the shared boundary (near the clothesline) to the upper storey balcony. The eastern most extent of the lower section of the Care Facility building is angled away from the submitter (located 15m from the boundary).</p> |
| Central/oblique/confining elements? | <p>No notable confining elements within the site. The previous Cyprus hedges that were located within the site (to the west and south (visible in the aerial photos)) have been removed. The topography within the site is more elevated, which increases the inter-visibility between sites. Current boundary treatment is a sheep netting fence that provides no screening.</p> <p>There is vegetation along the submitters western boundary and between the outdoor amenity area to the north west that restricts views south towards the care facility. The photo location point was chosen to illustrate the view most affected by the change.</p> |
| Comparison with what could occur in the zone: | <p>The site is currently in a greenfield state. There can be considerable change as a result of the zoning. Two story residential buildings to a height of 7.5m can be located closer to the boundary on the southern and eastern sides than proposed under the application. See Table 2 of AEE for rules. The western boundary (along which villa 25 is proposed) could similarly have a greater density of built form to a higher height than shown.</p> |
| Opportunities to mitigate? | <p>The Care Facility enables space for landscaping between the built form and the boundary. A 1.8m high fence is proposed along the shared southern and western boundaries. The ground floor of the Care Facility adjacent to this dwelling is car parking and does not have any windows, and will not require views out, for this reason the lower area can be landscaped to reduce inter-visibility.</p> |
| Overall effect <u>complying building</u>: | <p>The complying building is very similar in terms of height however could be closer to the boundary than proposed. Balconies/verandas could be look down</p> |

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| | <p>into the property without the requirement for either fencing or landscaping. Single story dwellings with glazing could be 3.5m from the boundary and would also have views into the site (see the setback diagram). The complying simulation has shown a fence along the boundary as it is likely this would be provided between properties and is consistent with boundary treatment in the neighbourhood, however this is not a given.</p> |
| <p>Comments:</p> | <p>Whilst the site is currently in a greenfield state, it is in the residential zone and development can be expected to occur. A residential character with buildings up to 7.5m in height and 7m from the shared southern boundary could occur under the residential zone (see Setback and Daylight Angle plan for 28 Fawdan Way).</p> <p>Similarly, the southern view from the side yard of the submitter could have the scenario of an upper level balcony or balconies overlooking the outdoor area as is proposed by Olive Estate.</p> <p>The Care Facility is angled away towards the east, however two story complying buildings could be located as close as 7m along the length of this boundary. The Care Facility has a long building length, however there is no rule that limits building length. In consideration of this, the proposal will provide planting to mitigate the Care Facility as well as reduce the extent of building visible with planting (gradual increase in mitigation) and fencing (immediate mitigation). I note the lower storey of this eastern wing of the Care Facility is entirely in car parking and can have planting up to the building (see SK12 west elevation of Architectural set).</p> <p>The submitter only has views of part of the care facility building immediately adjoining this boundary (the northern wing). These are localised views that do not encompass the length of the form (or the built form that sits behind this wing to the south).</p> <p>A large residential dwelling orientated parallel to the shared boundary of 7.5m in height and located closer to the boundary could be built in that part of the site.</p> <p>Another large dwelling could be placed near the western boundary which is currently shown as undeveloped open space area.</p> <p>Fencing will remove views of all the lower storey of the building. There is room to provide landscaping to screen the bulk and the upper balcony from view. We have shown some trees in a relatively conservative landscape plan in the Olive Estate simulation of up to 3.8m (after 5 years of planting) within this view. The applicant has advised that this area can be planted prior to construction (on completion of earthworks). Landscaping density in this area could be increased, with the 3D model used to mitigate specific views. This could occur without shading the property as the mitigation is to the south.</p> |

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| | <p>The assessment stated that the effect on this submitter is initially moderate-low effect compared to what could happen under the plan provisions due to the continuous length of the Care Facility building at this complying height, reducing to low as plantings occur. My assessment remains unchanged.</p> |
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CONCLUSION

- 30. The development anticipated by the Plan (i.e. maximum height of 7.5 metres) (the same height as this building except for the Crows Nest), and the setbacks and daylight angles allowed by the TRMP are greater than what is proposed here. I am of the professional view that the care facility (even more so “as adjusted”) is overall low in terms of landscape effects – i.e. it is appropriate development in an appropriate place.
- 31. The Commissioners made comment that I had not carried out a site visit to the submitters’ properties and nor had the Council’s Reporting Officer. I came to the conclusion contained in my primary evidence on the basis of my experience. I have now been back and conducted a site visit from amenity areas on all of the identified properties, and have made a thorough and complete analysis having made those site visits, benefited by the work required to complete the visual simulation.
- 32. I am of the professional opinion, as set out in the Tables forming part of this evidence, that there is no effect on visibility or amenity values more than moderate falling to low as vegetation mitigation develops – with some instant effect due to fencing. That is consistent with my primary evidence.
- 33. I am still of the view that there is no significant adverse impact on the submitters’ properties identified beyond what could happen as a complying development. I am even more convinced of that given the process and the adjustments that I have set out above. The crows nest is in the middle of the development, but a direct view is only from one submitter’s property, and only one other submitter has a view from an oblique angle. – A panoramic vista still remains and on those two alone I consider the effect moderate falling to low as the vegetation mitigation grows. The redesign of the crows nest so there is no outdoor seating facing Hill Street or light from the crows nest to the Hill Street aspect mitigates this element of built form to ensure no adverse effect of any significance to the properties identified by the Commissioners minute.
- 34. It should be added that the removal of the existing large trees on the Hill Street frontage will open that view to those submitters’ properties overlooking the site

above Hill Street, including views to Tasman Bay and the Waimea Plains that they did not have previously.

Dated this 30th day of March 2021

A handwritten signature in black ink, appearing to be 'Elizabeth Gavin', written over a horizontal dotted line.

Elizabeth Gavin