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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)

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

FEBRUARY 2021

CANOPY LANDSCAPE ARCHITECTS
51B HALIFAX ST
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QUALIFICATIONS AND EXPERIENCE

1. My full name is Elizabeth Jane Gavin (nee Kidson). I reside in Nelson and I am a director of the landscape architectural firm Canopy NZ Limited. I have been a director of Canopy NZ Limited since 2010. From April 2005 to 2010, I worked for my landscape practice, Kidson Landscape Consulting, first in Queenstown and then in Nelson from 2007. Prior to this, I was employed by Civic Corporation Limited in Queenstown from January 2000 to April 2005 as Principal Landscape Architect.
2. I have a Bachelor of Landscape Architecture (Hons) (2000) from Lincoln University, a Bachelor of Arts majoring in Anthropology from Otago University and a postgraduate Diploma (Distinction) in Anthropology from Otago University. I am a registered member of the New Zealand Institute of Landscape Architects (NZILA). I am an accredited commissioner through the Making Good Decisions course.
3. Most of my work involves providing landscape and visual assessments in relation to resource consent applications for both applicants and regulatory authorities. I have also been engaged by various councils (including Queenstown Lakes District Council, Christchurch City Council, Tasman District Council and Marlborough District Council) to provide landscape advice on matters involving the creation of new zones and landscape classifications. I have provided landscape advice in relation to council-led and private plan changes in Nelson, Tasman, Marlborough, West Coast, Christchurch and Queenstown. I have prepared landscape reports for five plan changes in Queenstown, four in Nelson and two in Marlborough and have provided expert landscape evidence in 25 Environment Court cases over the past 20 years, which involved either landscape classification and/or assessment of landscape effects of a proposed development on the environment.

CODE OF CONDUCT

4. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2014 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to

consider material facts known to me that might alter or detract from the opinions that I express.

5. I give evidence as a landscape expert witness for Olive Estate. My evidence should be read in conjunction with that of Mr. Luke Porter who has covered design and urban design matters for the applicant.

SCOPE OF EVIDENCE

6. I have been commissioned by the Integrity Care Group Limited (Olive Estate Lifestyle Village) to provide landscape evidence that follows on from the landscape assessment submitted with resource consent application RM190790, dated 28 June 2019. Tasman District Council (TDC) required several requests for further information (RFI's) and an updated application was provided on 8 March 2020. The application for Olive Estate has since been publicly notified and public submissions have been received. Following public submissions, additional design updates have been undertaken, which are described below under the heading 'Changes to the Application'. The updated plans were re-submitted to TDC on 6 October 2020. My evidence will respond to the public submissions received and the Councils' Section 42a reports that relate to landscape and visual amenity issues.
7. My evidence will include the following:
 - a. Key features of the report included in the application;
 - b. Changes to the application;
 - c. Assessment of application regarding the changes;
 - d. Submissions;
 - e. Section 42a Report;
 - f. Conditions; and
 - g. Conclusion.

KEY FEATURES IN THE APPLICATION

8. **Refer to the Evidence of Luke James Porter**, as he sets out the introduction and context to this application.

9. In addition to the information provided in Mr Porter's evidence, an existing irrigation pond is located in the northern corner of the proposed Hill Street Block, which will be drained and filled in to build the Care Facility. The existing pond is not a natural water feature and is not subject to protection under the TRMP, RMA, NPS and the NES – Freshwater. There are no native plants or significant riparian vegetation that require consideration and this pond does not form part of a wider waterway habitat corridor.¹
10. It is possible that there are native eels in the water, and provision has been made to relocate these; and there will be habitat loss for birds that utilise the pond. There was already a requirement for this pond to be filled in under resource consent RM161041². This habitat loss is already a consequence of a condition that is required to be carried out to fulfil the consent³.
11. However, the potential reduction in ecological benefits by filling in the pond will be re-established through boundary planting and riparian planting along the stormwater channel, as well as planting on the flanks of the filled in pond. As shown on the plan and cross section illustrated on **Masterplan Set Plans 020-021**, there is an opportunity to create ecological benefits through planting native plants along the stormwater channel and boundaries of adjacent residential properties (Fawdan Way and Brenda Lawson Way). A condition of consent has been added to ensure ecological benefit is gained from the planting of the pond flanks.

CHANGES TO THE APPLICATION

12. **Refer to the Evidence of Luke James Porter**, as he sets out the amended design changes that have been undertaken for this application. This evidence will only deal with areas where there is a landscape or amenity consideration.

ASSESSMENT OF EFFECTS WITH REGARD TO DESIGN CHANGES

¹ Refer to TDC's Section 42a Report, Attachment 8, Filling of the existing pond, page 8-9, Key issues for pond de-watering page 12.

² RM161041 See Condition 8 (b)

³ Ibid

13. Following the public submissions and RFI's from TDC, several design changes have been undertaken that reduce adverse effects and positively contribute to the adjacent properties located on Brenda Lawson Way and Fawdan Way. These are discussed below.

14. Removal of the pedestrian pathway along stormwater channel

- a. The removal of the pedestrian pathway along the stormwater channel between the Care Facility and the adjacent neighbours on Fawdan Way will provide more privacy for those living in the apartments as well as the residents of 21 and 28 Fawdan Way. This will remove any concerns associated with people walking close to these properties and help maintain a sense of privacy between residents. Refer to **Masterplan Set Plans 020 – 021** for proposed riparian and boundary planting. The varying nature of the heights and texture of the plants proposed will add amenity and ecological benefits for those living in close proximity. I consider the removal of the pedestrian pathway along the stormwater channel a positive effect through a change in the design.

15. Removal of the proposed vehicle access from Brenda Lawson Way and updated landscaping along adjacent properties

- a. The removal of the proposed vehicle access from Brenda Lawson Way to the Care Facility will greatly reduce the anticipated adverse effects on the dwellings located at 3 and 5 Brenda Lawson Way. As shown on **Masterplan Set Plans 023, 026-028**, the proposed planting is anticipated to provide partial to full screening over time as the vegetation establishes. While the Hill Street Block is currently undeveloped, it is zoned Residential and under that zoning, dwellings can be built to a height of 7.5m within 1.5-3m of the property boundary. The amenity of the adjacent residents living at 3 and 5 Brenda Lawson Way will positively increase due to the extensive planting and sloped gradient of the landscape being proposed when compared to what could be built closer to their property boundary as of right under the Residential zoning.

16. New dedicated service access and driveway from Fairose Drive and new parking layout with single entry/exit point to Care Facility car park

- a. This design amendment will internalise vehicle movements needed to service the Care Facility and access to the serviced apartments. Access to the facility will be located at one entry/exit point for easy access. The residents on Brenda Lawson Way will no longer have additional traffic and noise associated with vehicles on their street as all parking and access is now located on the opposite side of the facility than was previously proposed. I consider this design change to have positive benefits.

17. Parallel carparking on Fairrose Drive

- a. This design amendment has positively contributed to the Village by increasing the shared cycle and pedestrian path from 1.5m to 2.5m and by extending it along Fairrose Drive. A raised crossing at the intersection of Iris Drive and Fairrose Drive will also increase the safety and wayfinding of the shared path. I consider this design change to have positive benefits.

18. Fairrose Drive

- a. The added rumble strip on Fairrose Drive (where it connects to the adjacent subdivision) will provide traffic-calming measures to signal a change in developments as well as encourage a slow speed environment. This design amendment is considered to positively contribute to both the Village and adjacent subdivision.

19. Removal of Pond

- a. From a landscape character perspective, while the pond had some amenity, it was not a natural feature and had been built to capture water for rural irrigation purposes. It also is required to be filled under resource consent RM161041⁴ that created Lots 1 and 2⁵ (and therefore the amenity of this is not part of the consented baseline. Condition 8 (b) of this consent is worded as below:

⁴ Refer to Condition 8(b)

⁵ DP 511511

8. *The following consent notices shall be registered on Lots 1 and 2 pursuant to Section 221 of the Resource Management Act 1991:*

b) 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.

The water permit RM130909 shall be surrendered as part of any subdivision of Lot 2.

The existing 100mm water line that was used to divert water from the Hart Stream to the pond shall be removed prior to any further subdivision being carried out on Lot 2.

- b. The filling in of the pond is not a loss of natural character. Given the above, the pond is not subject to protection under the TRMP, RMA, NPS and the NES – Freshwater. There are no native plants or significant riparian vegetation that require consideration and this pond does not form part of a wider waterway habitat corridor.⁶
- c. The stormwater channel will still provide a ‘water’ aspect to this part of the site and generate ecological benefits through the planting design, which will encourage native fauna to visit and/or establish. I consider the stormwater channel riparian planting to add positive effects to the site and for those living in close proximity.

LANDSCAPE EFFECTS

20. The landscape and visual assessment prepared by Canopy has been appended to my evidence. Below is a summary of my findings and a more detailed assessment can be found within the original assessment.

⁶ Refer to TDC’s Section 42a Report, Attachment 8, Filling of the existing pond, page 8-9, Key issues for pond de-watering page 12.

21. The site is currently rural in character given its past horticultural land use, however the land is zoned Residential and is surrounded on all boundaries by residential developments. This change from rural to residential land use is anticipated in the TRMP with a maximum building coverage of 33% for standard residential development. The proposal is only for 31% building coverage⁷. It is also noted that site coverage of up to 70% is provided for in the Compact Density Development rules that also apply to the site.
22. The main change in residential character anticipated as part of the Hill Street Block is the Care Facility. While the Care Facility is already consented in the existing Village, the new proposal brings the facility building closer to the Hill Street frontage. The new Care Facility is shown on Architectural Plan Set Sk12-14⁸. The over height component and continuous façade of the Care Facility (specifically the dementia ward) will initially be a change in streetscape character to what is generally found along Hill Street. These two components of the proposal are discussed in further detail below and put into context with the site's topography and the proposed landscape treatment along the boundaries.

Over height component of the proposed Care Facility

23. The TRMP provides for a 7.5m maximum overall building height. The central module of the dementia ward reaches approximately 10.5m at its highest point with the remainder of the Care Facility building being under the maximum height limit. The building breaches the maximum height limit approximately 50m from the closest dwelling located at 3 Brenda Lawson Way. Due to the change in topography on the site and the Care Facility being terraced it is considered the over height component of the building will not impact the immediate neighbouring properties located on Brenda Lawson Way.
24. Several two-storey residences are found along Hill Street along with a mix of single storey homes. The difference in elevation from the residential houses on Hill Street across the road from the site (to the south) provides natural mitigation.⁹ These houses are separated from Hill Street by a retaining wall, and sit above the street with views gained looking out over the site well above the proposed roofline of the Care Facility.

⁷ Refer to Plan Set Volume: Architectural Plan Sk.8

⁸ Refer to Plan Set Volume: Architectural Plan Sk.8

⁹ Refer to Photographic Attachment: Viewpoint 9

This change in elevation and the expansive landscape create the opportunity for the over height component of the Care Facility to settle into the landscape in a manner that can absorb the change from the adjacent neighbours on both Brenda Lawson Way and Hill Street.

25. Currently there are large gum trees along the Hill Street boundary (within the property) that will be removed through the site preparation works for the Care Facility. The removal of these gum trees will improve visual access to wider views for Hill Street Residents that sit on Hill Street across from the site. The proposed tree height is kept to small/medium trees. This is an existing adverse amenity effect that will be ameliorated through the master plan design.

Continuous façade of the proposed Care Facility

26. The continuous façade of the dementia ward portion of the Care Facility is due to it being a built for purpose facility which includes a residential component. Even though the building varies in height along its approximate 100m length on Hill Street, it does differ in character when compared to the surrounding residential character on Hill Street. The residential dwellings located in the immediate context of Hill Street are separated by established vegetation and fencing.
27. The difference in the continuous length of the facility verses separated residential dwellings, is the appearance of a larger, bulkier building than would normally be expected in this suburban environment. However, churches, community halls and similar types of larger buildings associated with aged care and other community activities or assets are found within residential areas. The proposed landscape treatment¹⁰ of offset timber screens, fencing and a variety of planting at differing heights along Hill Street will successfully mitigate the scale of the building by breaking up the continuous length of the facility while also providing amenity to the streetscape.
28. The proposed facility setback also assists in settling this larger building into the surrounding environment. The existing trees along the Hill Street boundary will be removed to make way for the new landscape treatment. They were of a height that

¹⁰ Refer to the Plan Set Volume: Masterplan Set Plan 041 - 043

screened wider views of the Waimea Inlet and plains from dwellings on the south side of Hill Street. The removal of these trees and replacement with smaller species will improve this view without reducing amenity.

SUMMARY OF LANDSCAPE EFFECTS

29. It is noted that community activities are an anticipated part of the residential fabric of a neighbourhood. In this particular instance, the Care Facility provides residential accommodation and medical assistance to the community and is therefore not out of character with a residential area as the zoning provides for places of assembly, churches, medical centres, etc. It is also worth noting that within the Residential Zone, a 7.5m building can be built within 1.5m – 3m of the shared property boundary with those living on Fawdan Way and Brenda Lawson Way.
30. Mitigation measures such as extensive boundary planting and generous building setbacks from shared residential boundaries have been incorporated into the design to soften and reduce potential adverse effects on the landscape character of the site.
31. In considering the above, the landscape effect from the Care Facility being located on the Hill Street frontage is considered to be **moderate-low**. This is due to the change in streetscape character as experienced from Hill Street (pedestrians and motorists) associated with the length of the continuous façade of the Care Facility.
32. The proposed Floor level of the Care Facility wing that is closest to Hill Street has a ground floor level of 58.1masl¹¹, with most the building no higher than 7.5m. The exception to this relates to the central “crows nest” which will reach a height of 10.56m above ground level, and is located centrally within the Care Facility wing that adjoins Hill Street. This increased height sits below the house at 381 Hill Street
33. Also a **moderate-low** adverse character effect on the two adjacent properties (3 and 5 Brenda Lawson Way) due to the scale and bulk of the Care Facility along the north-eastern boundary. However, given the design changes following public submissions, the removal of the service access has greatly reduced the anticipated effects. The sloped

¹¹ Refer to Plan Set Volume: Architectural Set SK8

landscaped bank will provide positive benefits over time as the plants establish and provide screening/visual separation between the Care Facility and adjacent residential dwellings on Fawdan Way and Brenda Lawson Way.

34. Both of these adverse effects are temporary. The building will be offset by a variation of fencing screens, planting and trees along Hill Street and neighbouring residential boundaries. The proposed landscape treatment along Hill Street will provide depth through the planting, which will also assist in breaking up the continuity of the building. There will be an immediate reduction in this through the proposed screen fencing, with proposed landscaping taking a few years to establish.
35. The remainder of the proposed Hill Street Block is considered to integrate into the existing character of the Village and adjacent residential developments. Based on this, the overall long-term landscape effect is considered to be **low**.

VISUAL EFFECTS

36. The proposal will not be visible from a majority of the surrounding roads due to the existing residential development in the foreground that has taken place to date in addition to the rolling terrain of the landscape. From Hill Street, pedestrians and motorists will have views into the site when walking along the footpath or travelling along the sites' boundary. These views will consist of the newly designed Care Facility, villas and a long-distance vista over the entire site when viewing from the corner of Hill Street and Fairrose Terrace.
37. The visual amenity of the site will be enhanced by landscape planting proposed along Hill Street, which will consist of a mixture of shrubs and trees on terraces that gradually step down from Hill Street into the site. This proposed planting will add character and amenity to the Hill Street streetscape above and beyond what is required by the TRMP¹².

¹² Refer to the Plan Set Volume: Masterplan Set Plan 041 – 043.

38. The table below is updated from **Table 1** in the original Canopy Landscape and Visual Assessment following the design changes. Additional viewpoints have also been included within **Attachment, A** which accompanies my evidence.

Table 1: Visual Amenity and Mitigation Table				
North Eastern Viewing Audience				
Residential Address	Nature of the view	Amenity Effect	Mitigated By	
North-eastern viewing audience	28 Fawdan Way (submitter #40)	Shared boundary with the site. The Care Facility apartments are located south of 28 Fawdan Way and are approx. 7m high and setback 8m (at the least amount) from the shared boundary. This is consistent with planning requirements for building location.	Single storey house which appears to have frosted windows and the garage which front the shared boundary. Tree ferns and a stand-alone shed located along the shared boundary provides partial screening of the site ¹³ . The amenity effect is initially considered to be moderate-low based on the continuous length of the apartments however the effect will lessen as the boundary planting establishes.	Extensive planting ¹⁴ is proposed between 28 Fawdan Way and the Care Facility apartments. This will provide amenity to the Olive Estate grounds and combined with proposed fencing will provide visual separation along this shared boundary. Given the setback of the apartments coupled with the mass planting (the area is to be planted out); any amenity effects will be mitigated through the proposed planting and fencing ¹⁵ along the shared boundary.
	21 Fawdan Way (submitter #42)	Shared boundary with the site. The Care Facility apartments are located south of 21 Fawdan Way and are approx. 7m high and setback 15.8m from the shared boundary. This is consistent with planning requirements for building location, with a more generous setback than could occur.	Single storey house with vegetation along shared boundary which currently provides partial to full screening of the site ¹⁶ . The amenity effect is considered to be low based on the change in topography between the site (higher) and 21 Fawdan Way (lower) and the proposed mitigation measures.	Extensive planting ¹⁷ is proposed between 21 Fawdan Way and the Care Facility apartments. Given the generous setback of the apartments coupled with the native boundary planting, any amenity effects will be mitigated through the proposed planting and fencing ¹⁸ along the shared boundary.

¹³ Refer to Graphic Attachment A, Viewpoint 1 page 04, Viewpoint 2 pages 06-07.

¹⁴ Refer to Plan Set Volume: Masterplan Set Plan 020 and Section 2-3 page 021-022.

¹⁵ Refer to Plan Set Volume: Masterplan Set Plan 023.

¹⁶ Refer to Graphic Attachment A, Viewpoint 1 page 04, Viewpoints 2-4 pages 07- 10.

¹⁷ Refer to Plan Set Volume: Masterplan Set Plan 020 and Section 1 page 021.

¹⁸ Refer to Plan Set Volume: Masterplan Set Plan 023.

	<p>5 Brenda Lawson Way (BLW) (submitter #23)</p>	<p>Shared boundary with the site. The Care Facility apartments are located south of 5 BLW and are approx. 7m high and setback 18.8m (at the least amount) from the shared boundary. This is consistent with planning requirements for building location, with a more generous setback than could occur..</p>	<p>Single storey house set below sites' elevation and has a 1.8m high solid timber fence along the shared boundary which is considered to fully screen the site from view¹⁹. The amenity effect is considered to be low based on the change in topography between the site (higher) and 5 BLW (lower) and the proposed mitigation measures.</p>	<p>Extensive planting²⁰ is proposed between 5 Brenda Lawson Way and the Care Facility apartments. The planted bank will be sloped and will provide topographical screening. Planting will add extra height to this bank as it establishes over time. Given the setback of the apartments coupled with the native boundary planting, I consider any amenity effects to be mitigated through the proposed planting and fencing²¹ along the shared boundary.</p>
	<p>3 Brenda Lawson Way (submitter #17)</p>	<p>Shared boundary with the site. The Care Facility is located south of 3 BLW and is approx. 7m high and setback 24.5m (at the least amount) from the shared boundary. This is a more generous setback than what could occur under plan provisions. The over height portion of the facility is approximately 50m from 3 BLW.</p>	<p>Double storey house which has a 1.8m high solid timber fence along the shared boundary which is considered to fully screen the site from the ground level of the dwelling²². The amenity effect is considered to be moderate-low based on the scale and bulk of the Care Facility from this view. As the proposed planting establishes and begins to screen views of the site from the second storey, the effect will lessen.</p>	<p>Extensive planting²³ is proposed between 3 BLW and the Care Facility. The planted bank will be sloped to provide extra height to the proposed planting as it establishes over time. Given the setback of the facility coupled with the native boundary planting, I consider any amenity effects to be mitigated through the proposed planting and fencing²⁴ along the shared boundary.</p>

¹⁹ Refer to Graphic Attachment A, Viewpoint 1 page 04-05, Viewpoint 4 page 10, Viewpoint 7 page 013.

²⁰ Refer to Plan Set Volume: Masterplan Set Plans 020 and 028.

²¹ Refer to Plan Set Volume: Masterplan Set Plan 028.

²² Refer to Graphic Attachment A, Viewpoint 1 page 05, Viewpoint 7 page 013, Viewpoint 8 page 014.

²³ Refer to Plan Set Volume: Masterplan Set Plan 026-027.

²⁴ Refer to Plan Set Volume: Masterplan Set Plan 026-027.

	<p>2 Brenda Lawson Way (submitter #36)</p>	<p>Separated from Olive Estate Boundary by BLW and the corner of 3 BLW. Southernmost extent of 2 BLW is 34m from the start of the Care Facility.</p>	<p>Double storey house with second storey including some windows that face the site²⁵. Amenity effect is considered moderate-low given the closest section of Care Facility is compliant in terms of location and height. The setbacks of the Care Facility²⁶, proposed fencing and boundary planting of trees along the eastern boundary will provide screening.</p>	<p>Proposed boundary fencing as well as boundary planting of trees will provide mitigation of the Care Facility building from this view.</p>
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²⁵ Refer to Graphic Attachment A, Viewpoint 1 page 05, Viewpoint 7 page 013, Viewpoint 8 page 014 & 16

²⁶ Refer to Plan Set Volume: Master plan Set Plan 024

Table 2: Visual Amenity and Mitigation Table				
South Eastern Viewing Audience				
	Residential Address	Nature of the view	Amenity Effect	Mitigated By
South-eastern viewing audience	373 Hill Street	Located across Hill Street from the Care Facility.	House located amongst established landscaped grounds, approximately 80m visual separation from the Care Facility Building. The dwelling is located to the south east of the site above 2 Brenda Lawson Way. Based on this and the dwelling being setback a generous distance from Hill Street, the amenity effect is considered to be low.	The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape as the vegetation establishes. This will reduce oblique views across the roof scape and the adverse amenity effect will lessen. ²⁷
	381 Hill Street (submitter #9)	Located across Hill Street from the Care Facility and directly opposite the over-height component of the 'crow's nest' portion of the facility. The ground level of the facility will not be visible due to the change in the topography ²⁸ .	Double storey house with vegetation along Hill Street boundary that provides partial screening to the site (on the ground level of the dwelling). ²⁹ A moderate amenity effect is anticipated initially due to the over height portion of the facility being across Hill Street from the residence and the scale/bulk of the building along Hill Street.	The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape as the vegetation establishes. This will reduce views across the roof scape and the adverse amenity effect will lessen.
	7 Hillplough Heights	Located across Hill Street from the Care Facility. The ground level of the facility will not be visible due to the change in the topography	Single storey house (elevated above Hill Street) with a low fence and vegetation along Hill Street. A moderate-low amenity effect is anticipated initially due to the scale/bulk of the facility building along Hill Street.	The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape. This will reduce views across the roof scape as the vegetation establishes and the adverse amenity effect will lessen. ³⁰

	<p>5 Hillplough Heights (submitter #65)</p>	<p>Located across Hill Street from the Care Facility. Looks across the western most end of the Care Facility building, which is angled away from Hill Street. The ground level of the facility will not be visible due to the change in the topography. Due to the higher elevation of 5 Hillplough Heights, views are expected to 'look over' the facility building.</p>	<p>Single storey house (elevated above Hill Street) with a low picket fence along Hill Street and a retaining wall separating the house from the street below. A moderate-low amenity effect is anticipated initially due to the scale/bulk of the facility building along Hill Street.</p>	<p>The landscaping, screens and fencing along Hill Street will positively contribute to the streetscape as the vegetation establishes. This will reduce views across the roof scape and the adverse amenity effect will lessen.³¹</p>
	<p>3 Hillplough Heights (submitter # 4)</p>	<p>Located across Hill Street from the village extension (villa 32) and to the west of the Care Facility building. The ground level of the facility will not be visible due to the change in the topography the facility building that is oblique and to the north east.</p>	<p>Single storey house elevated 3m above Hill Street. The concrete retaining wall extends partially along the property boundary, with the rest of the grounds sloping down to the street below. Oblique views are expected to look over the Care Facility building to the north, with Fairrose Drive/Hill Street corner planting mitigating views. Main view will be across villas³²ⁱ. A low amenity effect is anticipated initially due to the scale/bulk of the facility building.</p>	<p>Mitigated by landscaping along Hill Street and Fairrose Drive/Hill Street corner planting. Removal of gum tree will improve adverse amenity effects associated with shading and screening views.</p>

39. Residential dwellings were not visited during the site visit; instead an overview of visibility was gained while within the site. The north-eastern viewing audience adjacent

²⁷ Refer to Plan Set Volume: Masterplan Set Plan 023.

²⁸ Architectural set SK13 east elevation; Liz Gavin Graphic Attachment A cross section elevation AA and BB.

²⁹ Refer to Graphic Attachment A, Viewpoint 5

³⁰ Refer to Plan Set Volume: Masterplan Set Plan 025.

³¹ Refer to Plan Set Volume: Masterplan Set Plan 024.

³² Liz Gavin Graphic Attachment A photo location map.

to the Care Facility is the most sensitive to visual amenity change; as well as north west views from 381 Hill Street. This is due to their current outlook being a Greenfield site, which will change to a terraced, two storey Care Facility consisting of three interconnected buildings. However, it is worth noting, views are not protected under the TRMP and are in this instance anticipated to change in keeping with the underlying Residential zoning.

40. 28 Fawdan Way has a sheep netting post and wire fence running along their south-western boundary, with 21 Fawdan Way similarly fenced³³. The master plan notes that the boundary will be fenced with a mixture of different fencing types to a height of 1.6m – 1.8m³⁴. This will visually restrict views into the site, with the height and setback of the Care Facility along this boundary in keeping with plan provisions.
41. In terms of planning infringements, the proposed height of the facility exceeds the maximum height of 7.5m allowed by the TRMP by 3m. As previously mentioned, this over height component of the facility mostly relates to the central portion of the dementia building, which will not have a direct effect on the adjacent neighbours on Brenda Lawson Way. From Hill Street, the over height portion of the building is indiscernible due to the sloping topography of the site and the building being located at a lower level than Hill Street.
42. The Care Facility will be setback further into the site than what is required by the TRMP as well. This will assist in reducing the visual prominence of the building in relation to the adjacent residential dwellings located at 3 and 5 Brenda Lawson Drive, enabling landscaping of this area that will aid in creating privacy and amenity and reducing inter-visibility, noting that there is already fencing between the residences and the Care Facility building. The Care Facility building is setback a minimum of 14.3m from the north-eastern property boundary in comparison to a side yard of only 1.5m (on one side) and 3m on other boundaries as required by the TRMP.
43. The over height component of the Care Facility is visible from Hill Street, where – due to the steep change in topography and mitigation measures (screens, fencing and trees)

³³ Refer to Graphic Attachment A, Viewpoints 1-4

³⁴ Refer to Plan Set Volume: Master plan page 033

the first storey will not be overly visible³⁵ - especially from residential dwellings 1, 3, 5, and 7 Hillplough Heights.

44. The dwelling most effected from the south (opposite Hill Street) is from 381 Hill Street that sits opposite the height infringement at a visual distance of 43m and elevation difference of 5.4m (between the Ground Floor of each building). Two section elevations have been provided to show how the Care Facility will affect this dwelling³⁶, with one long section cutting through the over height area, and the adjoining care facility building where it complies with the height.

SUMMARY OF VISUAL EFFECTS

45. Overall, there is considered to be a **moderate-low** visual amenity effect on the adjacent properties (3 and 5 Brenda Lawson Way), which will lower over time as the planting becomes established. This relates largely to the bulk of the Care Facility, which introduces a different character to that of typical residential character (due to the longer facades), noting however that larger community buildings are located within residential environments. I note that both 3 and 5 Brenda Lawson Way have an existing wooden fence running along their shared boundary, which restricts views (from 5 Brenda Lawson Way, and the first storey at 3 Brenda Lawson Way).
46. The proposal has been designed to achieve the most appropriate site layout within the sites' terrain constraints and shared residential boundaries. The new design of the Care Facility responds to the change in topography of the site while also achieving as much separation to the adjacent neighbours on Brenda Lawson Way as possible. Through the proposed landscaping, the facility will settle into the landscape over time and also provide amenity to both the Village and adjacent neighbours.
47. Other than this effect, the proposal is considered to have **moderate** positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.

³⁵ Refer to Plan Set Volume: Master plan Hill Street Renders 041-043

³⁶ Refer to Liz Gavin Graphic Attachment A Section Elevation AA and BB

COMMENTS ON SUBMISSIONS

48. I have read all submissions received and grouped similar landscape and amenity submission matters into the headings below. Also, please refer to the evidence of Mr Luke Porter, which covers design issues. Overall, a total of 76 submissions were received: 14 in support, 60 in opposition and 2 are neutral on the application.

REMOVAL OF POND / VIEWS

49. Several submitters³⁷ have noted their view would no longer contain an outlook with a pond and sheep grazing in a paddock. As described above under the 'Visual Effects' heading, the current outlook that surrounding residents have into the site is that of a Greenfield site. However, views are not protected under the TRMP and are in this instance anticipated to change in keeping with the underlying Residential zoning.

50. As described earlier in my evidence and noted several times in the Section 42a report, the pond is not a natural feature and does not contain any significant vegetation. It is also required to be filled in under resource consent RM161041. The stormwater channel will provide a 'water' feature, amenity values and generate ecological benefits through the riparian planting. The "rural" view currently experienced is not consistent with the residential zoning and what could occur given the potential for compact density development (with up to 70% site coverage and 50% building coverage) within the site. The views of surrounding residents will improve over time as the proposed planting establishes and screens the Care Facility building as well.

PRIVACY

51. Several residents on Fawdan Way³⁸ and Brenda Lawson Way³⁹ have stated concern for their privacy due to the height and proximity of the Care Facility to their residences. The facility buildings do comply with building setbacks and within immediate proximity to their residences. I note that the houses at 3 and 5 Brenda Lawson Way are built within

³⁷ Submitters #3, 5, 6, 68

³⁸ Submitters #40, 42

³⁹ Submitters #17, 23, 37, 39

2.7 and 1.6m from the Olive Estate shared boundary; and have a wooden fence (approximately 1.8m high) along this shared boundary⁴⁰.

52. While this fence limits views in, there are still some views possible – especially from the second storey at 3 Brenda Lawson Way (and 2 Brenda Lawson Way). These views are proposed to be mitigated by extensive planting of differing heights along this shared boundary. In addition, where possible the Care Facility has been located as far as possible from adjacent residential boundaries based on site constraints and building practicalities. Under the Plan provisions, a two storey dwelling could be as close as 4.5m and meet the daylight recession angles along this boundary. The care facility is set back 14.3m at its closest point and up to 18m, providing space for landscaped amenity that creates privacy and amenity.

HILL STREET TREE HEIGHTS

53. Submitters 4 and 22 have expressed concern over the proposed tree heights along Hill Street near the Care Facility. The intention with the specified trees are to provide amenity along the streetscape as well as partially screen and break up the continuous façade of the facility⁴¹. While it has been noted the specified tree species can exceed heights of 12m+ if not maintained, Olive Estate has a high level of maintenance of the gardens and grounds. A condition has been added to ensure that heights of the trees are maintained to a maximum of 8m⁴² to ensure the trees provide the amenity intended. Illustrative 3D renders have been included within Masterplan Set Plans 041-043⁴³ that show the intended purpose of the proposed trees along the Hill Street streetscape. The removal of the gum trees along the Hill Street frontage of the site is considered a positive effect on the residents of Hill Street (located across from the Care Facility) as views out to Waimea Inlet will be visible.
54. The maximum height of the Care Facility is 10.5m at the ‘crow’s nest’ (central portion of the building along Hill Street) and it is expected trees proposed along Hill Street will be maintained to a maximum height of 8.5m to ensure they keep with the scale of the

⁴⁰ Refer to Graphic Attachment A Viewpoints 4, 7 and 8.

⁴¹ Refer to Plan Set Volume: Masterplan Set Plan 041 – 043.

⁴² Refer to Plan Set Volume: Master plan set Care Facility elevations pages 023-028.

⁴³ Refer to Plan Set Volume: Masterplan Set Plan 041 – 043.

buildings and suburban fabric. While the design has been amended to partially reflect submissions, having consistently small trees along this length of Hill Street will result in a loss of amenity and character to the streetscape. Some feature trees of moderate stature should be included to add interest to the streetscape and frame views.

CARE FACILITY (LOCATION, BULK, SCALE, HEIGHT)

55. Submitters⁴⁴ have objected to the Care Facility's location due to its bulk, scale and height within a residential location.
56. The TRMP provides for a 7.5m maximum overall building height in the Residential Zone with building setbacks ranging between 1.5-3m for side and rear yards. The central module of the dementia ward reaches approximately 10.56m at its highest point with the remainder of the Care Facility building being under the maximum height limit; with the topography dropping away from Hill Street. I note that the increase in height was a direct response to the Urban Design Panel where they asked for variation in the roof form with some over height components⁴⁵ to create visual interest and to break up the length as experienced from Hill Street. I consider that the design has responded to this suggestion and has achieved this, adding more character and interest to the Hill Street streetscape.
57. **Graphic Attachment A** (photo location plan) shows the relationship of the Care Facility to the houses, with the Architectural Set⁴⁶ detailing the setback of the Care Facility to the buildings along Brenda Lawson Way and Fawdan Way. This Graphic Attachment also includes a cross section running through the Care Facility where it breaches the height control (and a comparative cross section where it is compliant); and shows the relationship of this height breach to the house at 381 Hill Street which sits directly opposite this height breach.
58. A cross section has been provided from 381 Hill Street as this house sits across from the area of height infringement of the Care Facility, and is also located centrally to the length of the east elevation. While the lower storey of the Care facility will be screened by

⁴⁴ Submitters #17, 19, 21, 23, 31, 36, 42, and 65

⁴⁵ Urban Design Report 4th April 2109 page 2 paragraph 8; Section 42a Report, page 69 paragraph 13.18; Evidence of Luke Porter Graphic Attachment A Urban Design Panel Report.

⁴⁶ Refer to Architectural Drawings, Ski 8 for offsets from Brenda Lawson Way

topography, the upper storey and “crow’s nest” will be visible as is shown. The crow’s nest would affect views mostly from the south western end of the house and the upper balcony. Future trees - no taller than 6m within 4m of the Hill Street boundary would soften and restrict views of this section of the Care Facility. The height infringement would cause a moderate visual effect until the screens, fences and eventually trees are established.

59. The building breaches the maximum height limit approximately 50m from the closest dwelling located at 3 Brenda Lawson Way⁴⁷. Due to the change in topography on the site, building setbacks, the Care Facility being terraced and the extensive landscaping proposed along the property boundary, I consider the over height component of the building will not impact the immediate neighbouring properties located at 3 and 5 Brenda Lawson Way. I note that under the plan, a 7.5m high house (similar to that of 3 Brenda Lawson Way) could be located close to the boundary.
60. Several two-storey residences are found along Hill Street along with a mix of single storey homes. The difference in elevation from the residential houses on Hill Street across the road from the site (to the south) provides natural mitigation. A cross section elevation has been provided within **Attachment A**⁴⁸ to illustrate the change in elevation⁴⁹. These houses (381 Hill Street, 5 and 7 Hillplough Heights) are separated from Hill Street by a retaining wall (with the exception of 381 Hill Street), and sit above the street elevation with views gained looking out over the site well above the proposed roofline of the Care Facility. This change in elevation and the expansive landscape create the opportunity for the over height component of the Care Facility to settle into the landscape in a manner that can absorb the change from the adjacent neighbours on both Brenda Lawson Way and Hill Street. As illustrated on **Masterplan Set Plan 046**, the Care Facility is set nearly 4m below the height of Hill Street. This change in topography absorbs the visibility of the Care Facility’s ground level (58.1 masl) that fronts Hill Street (62 masl)⁵⁰.

⁴⁷ Refer to Architectural Drawings, Sk 12, north elevation 1

⁴⁸ Refer to Liz Gavin Graphic Attachment A cross section elevations AA and BB

⁴⁹ Refer to Liz Gavin Graphic Attachment A cross section elevations AA and BB

⁵⁰ Refer to Architectural Drawings, Sk 13, east elevation 5

61. My findings of landscape and amenity effects relating to the Care Facility have been described in the previous 'Assessment of Effects relating to Design Changes' section. Overall, design mitigation measures have been incorporated to reduce amenity effects on the surrounding residential dwellings that overlook the Hill Street Block and positive benefits will be provided through extensive planting and building setbacks. Other than a low-moderate adverse visual effect on neighbouring Brenda Lawson Way residences; the proposal is considered to have **moderate** positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.

COMMENTS ON SECTION 42a REPORT

62. As noted in Attachment 1, paragraphs 9.74 and 9.75⁵¹, Mrs Lancashire summarises the application is mostly consistent with the relevant objectives and policies of the TRMP. The only exception being some residential amenity will be reduced due to the Care Facility's height, scale, bulk and location. However, she also notes, there are policies in the TRMP, which recognise the value in having accessible community facilities in residential areas.

63. She also states a number of design measures have been included that will mitigate the effects of the Care Facility (to some degree) on the amenity values of the area. Noting, a significant improvement⁵² has been made by removing the service access lane, which was one of the key matters of contention raised by the submitters.

64. Ms Lancashire agrees with the Canopy LVA submitted with the application⁵³ that the continuous length of the Care Facility building will create a building longer and bulkier than a residential dwelling in this environment⁵⁴. The provision of some community facilities is an anticipated part of a residential area and there are numerous examples of

⁵¹ Refer to TDC's Section 42a Report, Attachment 1, Summary, paragraphs 9.74 – 9.75, page 58.

⁵² Section 42a report para 9.6 page 47

⁵³ paragraph 43

⁵⁴ Section 42a report para 9.12 page 48

large community buildings set amongst the residential suburban fabric of Richmond⁵⁵. The assessment in the AEE⁵⁶ shows there is no restriction in the building rules in the TRMP for this residential zone which would constrain the length of façade of a building. However, the effect of the length of the Care Facility building will be visually reduced to limit the associated effect on streetscape amenity through:

- Staggering the footprint and angling this away from Hill Street at the western end⁵⁷;
- Providing variation in roof overhang to create shadowing of the façade⁵⁸;
- Areas of colour accent in the façade and detail around some windows⁵⁹;
- Landscaping, timber screens and fences and walls in a way that creates layers of character along the Hill Street facade⁶⁰

65. These measures all contribute texture and interest to the streetscape which in turn softens and mitigates visual and amenity effects associated with the of length of the façade.

66. Ms Lancashire considered the community care facility and associated activity (such as laundry ambulance, medical and cleaning would reduce residential amenity values, however agrees that the adverse effects have mostly been mitigated through the removal of the Brenda Lawson Way service access lane⁶¹. She also recognises there are policies that allow for local community activities and health care facilities in urban and suburban locations⁶², and considers a moderate adverse amenity effect results from the Care Facility. I consider a lesser amenity effect from most views due to the high amenity values created through the proposal, and an overall low-moderate amenity effects on residential character once mitigation is established, due to the very high amenity values achieved within the site. I also agree that the design includes several mitigation measures that help to mitigate the effect, with the removal of the service access lane

⁵⁵ Examples include churches, halls and school buildings.

⁵⁶ Evidence of Gary Rae AEE Table 2

⁵⁷ Canopy Master plan set page 018 & 041-046

⁵⁸ Canopy Master plan set page 042

⁵⁹ Canopy Master plan set page 041 & 042

⁶⁰ Canopy Master plan set page 041-046

⁶¹ Section 42a report paragraph 13.25 page 64

⁶² Section 42a report paragraphs 9.47-9.53 page 54

being a significant improvement on amenity value effects from Brenda Lawson and Fawdan Way⁶³.

67. The matter raised by Ms Lancashire relating to the provision of a reserve⁶⁴ is dealt with in the evidence of Mr. Porter, Mr. Ward and Mr Rae.

68. The trees have been shown at 10 years as this is a reasonable age to show graphically, however a site visit to the established plantings in Olive Estate that are five years old, will show that significant mitigation can be achieved within five years.

COMMENTS ON PROPOSED CONDITIONS

69. Suggested recommendations are as follows:

- Prior to the pond being drained, a suitably qualified ecologist is to identify any freshwater species present and supervise the relocation of these where required.
- The riparian planting along the stormwater channel shown on **Masterplan Set Plan 020**, should be implemented as per the design to ensure ecological benefits are added to the site.

CONCLUSION

70. Initially there will be a moderate-low effect on landscape and amenity values on the immediate neighbours to the north east and south, which will lower over time to **low** as the planting becomes established. This relates largely to the bulk of the Care Facility, which introduces a different character to that of typical residential character (due to the longer facades), noting however that larger community buildings are located within residential environments.

71. I note that both 3 and 5 Brenda Lawson Way have an existing wooden fence running along their shared boundary, which restricts views (from 5 Brenda Lawson Way, and the

⁶³ Section 42a report paragraph 9.75 page 58

⁶⁴ Section 42a report paragraph 9.76 page 59

first storey at 3 Brenda Lawson Way). The landscape treatment mentioned above as well as the setback distances will provide space for amenity, screening and the retention of privacy at a level consistent with the zoning.

- 72. The over height component of the Care Facility is visible from Hill Street, where – due to the steep change in topography and mitigation measures (screens, fencing and trees) the first storey will not be overly visible⁶⁵ - especially from residential dwellings 1, 3, 5, and 7 Hillplough Heights. The over height component sits across from 381 Hill Street and to a lesser extent 7 Hillplough Heights (which is at a higher elevation due to topographical variation).
- 73. The bulk of the Care Facility similarly has a **moderate-low** landscape effect on the Hill Street frontage which over time will largely be mitigated to **low** with screening, fencing and landscaping.
- 74. There are **moderate** positive visual amenity effects to the neighbourhood by providing nearby facilities to be used by the public, such as the pocket parks, walking/cycling tracks, mini orchards and an extensive amount of planting to create a park-like setting.

Dated this 9th day of February 2021



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Elizabeth Gavin

⁶⁵ Refer to Plan Set Volume: Master plan Hill Street Renders 041-043