

**BEFORE THE NEW PLYMOUTH DISTRICT COUNCIL**  
**INDEPENDENT HEARINGS COMMISSIONER**

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

**AND**

**IN THE MATTER** of the Land Use Resource Consent  
LUC21/47890 application for  
1-3 Dawson St, New Plymouth

**STATEMENT OF EVIDENCE OF BILL JACKSON ON BEHALF OF THE GROUP OF  
OBJECTORS**

**11 August 2021**

**1.0 INTRODUCTION**

- 1.1. My name is William Lindsay Jackson. I am a Registered Architect and a Fellow of the New Zealand Institute of Architects (FNZIA).
- 1.2. I have been involved in the profession of architecture for the past 42 years. Over this time, I have undertaken many project types, including medium density residential, high end residential and apartments in New Plymouth and elsewhere.
- 1.3. Part of my professional training included papers in town planning.  
For most of our projects, of which there are many, we run a town planning check at the very first concept stage. During my career I have written, lodged and managed many resource consent applications.  
I have interacted with planning issues in other cities, e.g. Auckland & Rotorua.  
In the last month, I have lodged two LUC's. One in New Plymouth, one in Stratford.  
I have given expert witness advice for a LUC previously.
- 1.4. I have served on the NZIA Western Branch committee of the NZIA for several years, as a convenor, and on the judging panel of the NZIA design awards program.
- 1.5. I have been the recipient of several NZIA local awards for excellence in architecture and interior design.
- 1.6. Relevant residential projects I have designed include;
  - The Reef apartments, St Aubyn St New Plymouth
  - Hobson Gardens apartments Auckland, ground floor units
  - Hobson St town houses, New Plymouth
  - French St town houses, New Plymouth
  - Two current medium density residential projects, New Plymouth

- 1.7. I have visited the subject site and objectors sites, 23/July 21 4:00pm to 5:00pm, and observed the degree of existing shading and to ascertain the likely effect of the proposed activity on the objectors sites.
- 1.8 I confirm that I have read, and agree to comply with, the Environment Courts' Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014). This evidence I am presenting is within my area of expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- I am relying on the BOON shading studies and summary of results, in my section 5.2

## 2.0 OUTLINE OF EVIDENCE

2.1 This evidence includes:

- Section 3 p2- A review of the application generally
- Section 4 p4- A review of the applicants assessment of effects of the proposed activity
- Section 5 p6- A review of and opinion on the technical reports: Visual amenity & Shading
- Section 6 p16- A summary of the objectors evidence
- Section 7 p18- Technical issues not addressed in the application
- Section 8 p20- Wider effects on public views and visual amenity
- Section 9 p22- Possible mitigation options available to the applicant.
- Section 10 p23- Summary

## 3.0 REVIEW OF THE APPLICATION

3.1 The application is for land use consent for the addition of one residential apartment on top of, and adjacent to an existing 3 level office building. It appears that the objective of the applicant is to enjoy expansive views of the coast, with private outdoor areas and roof top pool with full sun, and exclusive street access. Also, as in the Sect 92 response (item 3), the applicant needs a 4m high ceiling to hang art.

3.2 The design breaks seven rules under the operative district plan, ODP, for Bus B environment area, all of which are restricted discretionary matters:

Bus13 Maximum building height 10 m: Proposed maximum building height 15.4 m

Bus19 Seven trees required along Regina Place road boundary: Two proposed

Bus87 Car parking (16 spaces required): 13 carparks proposed

Bus88 A light vehicle loading space is required: Proposed to use a carpark for loading

Bus91 A queuing space 6 m long is not provided between the front boundary and the

first carpark.

OL63 Cameron Street View shaft max 10 m height: Proposed max height of 15.4 m

OL71 Marsland Hill View shaft max 10 m height: Proposed maximum height of 15.4 m.

3.3 The most significant breach of the rules is under Bus 13 Maximum height.

I have considered the assessment criteria items 1 & 2.

Accordingly the main focus of my evidence is around the issue of extra height:

*'the effects it has on the character and visual amenity of the surrounding area.'*

*'the extent to which the extra height has an overbearing effect on the area'.*

*'intrusion into view shafts'*

*'adverse effects on the natural character of the coastal environment'*

Neither 'character' nor 'amenity' are defined in the ODP.

However, the RMA defines '**amenity values**' as:

*'those natural or physical qualities and characteristics of an area that contribute to peoples appreciation of its pleasantness, aesthetic coherence, and recreational attributes.'*

My evidence, and the evidence of the objectors, considers the effects on people.

3.4 The environment area, while zoned Bus B, is predominately residential in use.

It is close to the edge of the business zones, with Bus D across Dawson St, for only one site deep. (Bus D is defacto residential and actually has a lower height rule than residential.) The site lies outside the CBD 'parking exemption area.

Accordingly, this application should be assessed differently than I might if it were, for example, in the middle of a Bus B area. It should be assessed in relation to the residential character of the area, in terms of the effects it has on people.

In the section 42 report, page 27, it states:

*'In my opinion the proposed building plays a key role in the continuation of defining the edge of the business zone. In this respects the location is appropriate and I believe the additions would result in only minor bulk and dominance effects when compared to the existing fabric of the area and permitted baseline'*

I have prepared a cross section diagram depicting the reducing height rules in the ODP, as you move away from the CBD. This shows the greater effects of extra height at the edge of a zone, as is the case with this application. We do not believe that the ODP supports the concept of 'book ending the CBD' as suggested by the officer.

(Refer appendix 3)

#### 4.0 REVIEW OF THE APPLICANTS ASSESSMENT OF EFFECTS (AEE)

4.1 The applicants AEE lists 6 parties which have given written approval. The key showing the location of parties 3 & 5 is misleading. For clarity it should be noted that #4a Dawson St has not given approval. It does not state here that 30 affected parties have not given approval

4.2 The applicants AEE (4.3) 'positive effects' states that:

*'policies of the PDP support inner-city residential activities in a variety of housing types. They also promote vibrancy of the area, and safety of public spaces e.g. for users of the Coastal Walkway by it being visible to the apartment residents. It is considered the proposal will have positive effects on these factors'*

I suggest, that in this case, the proposed development has **negative effects** on the already established inner city dwellers adjacent, who will lose privacy, and that the council should uphold the rules of the DP, in particular the maximum height rule, to signal to others seeking to live in the inner city that they can be assured on a reasonable environmental quality. Furthermore, I suggest that the proposed positive effect of 'overlooking the public walk way' could be achieved without exceeding the height limit. (Refer section 9.2)

4.3 The applicants AEE (4.3)'positive effects' states that:

*The proposed design takes the whole exterior of the building into account and structural strengthening, recladding / redecorating and window area upgrades will be undertaken to ensure that the addition and existing building will complement one another, provide a fit for purpose office building into the future and overall enhance this site from its current architectural state.*

I suggest, that the structural upgrade is only required due to the applicant's choice to build on top of the building with a pool, and that the existing building would not otherwise need a structural upgrade. Also, the maintenance of the existing façade and window replacement will have **no positive environmental effect**, and could be achieved without the need to break the maximum height rule.

4.4 The applicants AEE (4.4.2) 'Shading effects' states that:

*'Areas where shading occurs over and above the existing and permitted designs is considered to be overall short in duration, relatively small in area, and actual and potential adverse effects are considered to be acceptable.'*

I suggest that the shading effects are **not short in duration, not relatively small in area**, from my clients' perspectives, and **certainly are not acceptable**. For medium density residences, the outdoor deck areas are **the only outdoor private space they have**. So, while perhaps small, compared to the entire site area, they are not small relative to the use and enjoyment of the occupants. (See section 5.2)

I have photographed the indoor living areas and deck areas of some of the most affected objectors:



Stewart Residence. The sun currently streams in through the bedroom window on the seaward side and shines through the doorway into the room where Larry spends most of his time during the day. This will be **significantly reduced** by the proposed excessive height.



4 residences are affected here, including Unit 10/120 St Auburn St, Cleggs, The deck areas and living areas will be shaded about an hour earlier at certain times. The afternoon sun is most important in winter, when the effects will be greatest.

4.5 The applicants AEE (4.6) 'Mitigating factors' states that:

*The proposed activities are effectively behind existing urban development along the coastal environment which has a highly modified natural character with regard to the likes of Regina Place walkway and the railway instead of, for example, a dune environment. As such there are considered to be less than minor actual and potential adverse effects on the natural character of the coastal environment as a result of the proposal.*

I suggest that actually, the proposed development is in front of established residential development along the coastal fringe, and that it will dominate in the immediate vicinity, and be significant from further away.

(See section 5.1) Accordingly, in my opinion, the effects on the natural character of the coastal environment will be **more than minor**.

## 5.0 REVIEW OF AND OPINION ON TECHNICAL REPORTS PROVIDED

### 5.1 The Landscape and Visual Impact Assessment (LVIA)

The (LVIA) context statement (Section 3) states:

*'The property sits within a group of relatively tall buildings that extend east from Dawson Street to Queen Street, and south to Young Street'*

and

*'Apartments occupy many of these taller buildings, in particular; the Richmond Estate (8 stories high) that dominates the eastern end of this block, Devonport Apartments (4 stories high), and the new Oceanview apartment block (3 storeys high) newly built immediately adjacent. There are also three apartments on the opposite side of Dawson Street, each 2 stories high'*

This assessment fails to mention the three storey low rise apartments of the Richmond estate, which are adversely affected by the proposal.

**In my opinion, the vicinity of the subject site is characterized by 2 & 3 storey high residential buildings, not tall buildings.**

While zoned Bus B and in the PDP 'Mixed use commercial' we suggest that the public have indicated that the preferred use of this area is residential. It is in fact 70% residential use by area. Accordingly, we suggest that in assessing the effects of the proposal, cognizance should be given to the context as residential. The sites across Dawson St are Bus D zoned, which has similar rules to residential zoning.

The Landscape and Visual Impact Assessment (LVIA) proposal statement (section 4) describes the appearance of the proposed building, and concludes that:

*'The proposal will create a building that although an addition, will be taller and longer than the existing building'*

By my measurements, the proposed addition is **significantly** (35%) and (48%) higher than the existing building and **significantly** (48%) longer than the existing building.

The applicants 'public view points', (agreed with council) ,visual simulations seem to visually flatter the proposed building, by virtue of the selected photo angles and foreground distractions. I have taken similar photos to demonstrate visual impact of the bulk of the proposed building.

We do not agree with the applicant's assessments of the following images, because we do not believe the images submitted fairly reflect the extent of the proposal:



In this image I have marked up the windows as I believe they will actually look with tinted glass and in certain lights. (Notice the black look of the glass in the existing building.) The proposed building will appear heavier and more overbearing than depicted in the applicant's version of this image.



In this view the fountain is dominating, and the proposed building is cropped out disguising its true bulk. Applicant's assessment: **Very low**



This view reveals the true bulk of the proposed building. My assessment: **Moderate adverse**





View E Hine street Applicants assessment: **Low beneficial**  
My assessment: **Moderate adverse**



View D Kawaroa crossing Applicants assessment: **Low beneficial**  
My assessment: **Moderate adverse**



Existing building is hiding the true bulk of the proposed building.  
View E Hine street Applicants assessment: **Very low**  
My assessment: **Moderate adverse**



This view shows the true bulk of the proposed building.



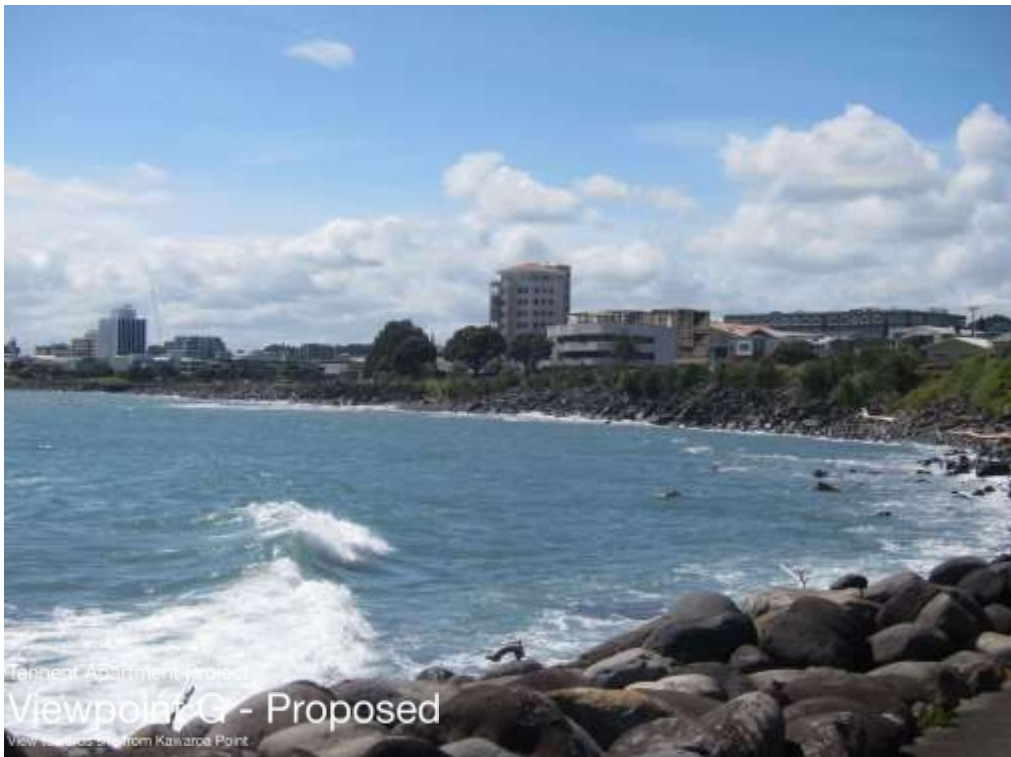
In this view the foreground grey fence and pole are distracting from the true bulk of the proposed building. Applicant's assessment: **Very low**

The proposed building is showing as transparent, when in fact, glass will appear black, as it seen in the existing office building. It will appear heavier than it looks here.



My assessment: **Moderate adverse**





This viewpoint shows the proposed building as averaging the difference in height between the tower block and the Devonport apartments, when in fact those buildings are remote from the subject site. Applicants assessment: **Moderate beneficial**



This viewpoint shows the relevant coastal landscape and how the excessive extra height on the subject site will stand above the existing average line and become dominant. (Taken from the public walkway near the Bunnings building, which is a feeder to the walkway)

My assessment **Moderate adverse**

In summary, my opinion is that the proposed building will cause an adverse effect on the character and visual amenity of the area that is more than minor.

## 5.2 Shading study.

Firstly, I note that 'shading' is not listed in the ODP assessment criteria for Bus 13. While it is one way to assess the adverse effects on the character and visual amenity of the area, there are other adverse effects that should be equally considered: e.g. Loss of light, loss of safety, loss of privacy. Also the effects of shade on humans. (See Section 7)

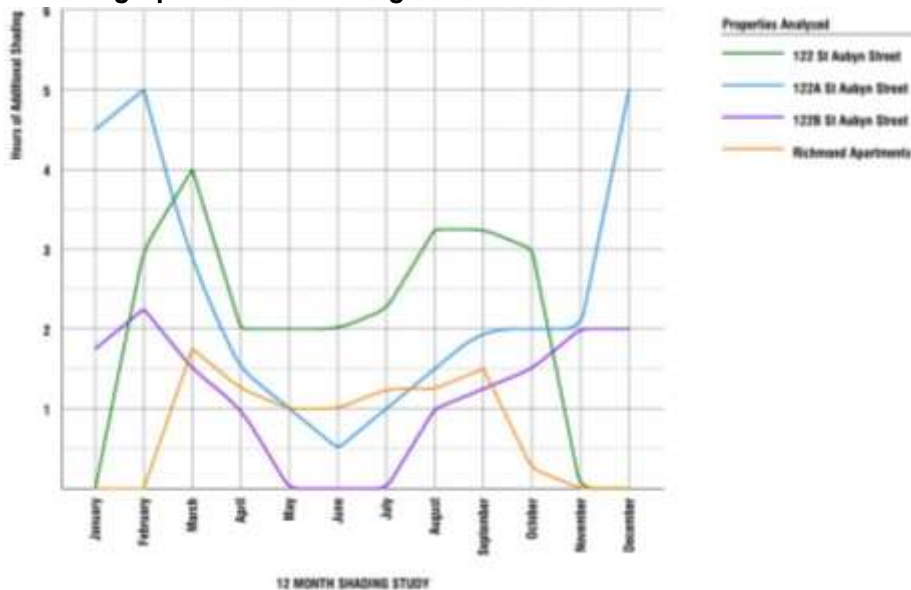
The applicant's section 92 response, BOON drawings SK5.01 to 5.04 provide a useful summary of the **adverse effects** of shading on the objectors sites, for which I tabulate the duration and assess as follows:

### Duration of extra shading

Property	March 5:00pm	5:30	June 4:00pm	4:30	Sept 5:30pm	6:00	Dec 6:00pm	6:30
Richmond apartments		1.75	1	1	1.5	1.5		
122 St Aubyn	4	4	2	2	3.25	3.25		
122A St Aubyn	3	3	0.5		2		5.0	5.0
122BSt Aubyn	1.5	1.5			1.25		2	2

This summary shows that additional shading runs for 0.5 to 5.5 hrs, with 122 St Aubyn St, Diane and Bill Mc Arthur, and 122A, Colin and Margaret Comber, the most affected. 4 hrs and 5.0 hrs. This is also depicted in the BOON evidence page 71:

### BOON graph of extra shading effects



This shows that at any time, at least one of the objectors is affected for a min. of 2 hrs

This study does not cover 120 St Aubyn St, Kayleen and Larry Stewart, who in my view are the second most affected party.

The decks and living areas of the Richmond Apartments, 120 St Aubyn St, Bill and Judith Hurlstone, and Trevor and Kay Clegg are affected in September 1.5 hrs. These folk spend a lot of time on their decks.

The bar chart graphics provided show that additional shading occurs year round for 122A St Aubyn, and for 8-9 months for the other sites with mid degree shading occurring on all sites. The effects are for most of the afternoon to greater or lesser degree.

I suggest that these effects are **not 'temporary'** and the duration is **not 'short, nor relatively small in area'**, for the people affected, and therefore in my view, **are not acceptable**.

### 5.3 Architectural assessment

The applicant's architectural assessment (BOON 5.1) states:

*The design concept focusses on a modern residence, which is sympathetic in scale, to the existing building at 1 Dawson Street. The design intent is that the residence be visually distinct from the commercial building by use of materiality and colour, but to also provide a cohesive unification of the two. Final cladding selections and colours are yet to be decided, but will be of neutral nature.*

In my opinion, the proposed building pays little respect to the existing building in terms of line, level, composition, materiality or style.

It does not appear to be 'sympathetic in scale'.

There is no 'cohesive unification of the two'

The overall effect is one of striking dominance within the public streetscape.

This dominating scale effect is particularly noticeable on the north elevation submitted, when compared with the existing 3 storied residence adjacent.



Proposed North Elevation  
Date: 11/20/2020

The applicant's architectural assessment (BOON 5.8) also states that:

*'Extensive use of glass in the façade provides visual softness, connectivity to the adjoining surrounds, and lightness to the proposed design. The glass will enable views through the proposed development from neighboring buildings'*

About 70% of the proposed building is glass, bar the southern side. This will be reflective in certain lights, and at certain times, cause glare issues to the public, neighbors and motorists. It is effectively a glass box stacked on the existing building.

I expect that the glass will be tinted, which will normally give it a dark appearance from the outside, adding to the dominance of the building over the existing building, and an **overbearing effect** to the street scape. I don't see this as being 'of neutral nature' or giving it a 'light appearance'

For comparison, better practice urban design is seen in the nearby Reef apartments which were to be another floor higher, but were limited to 4 floors to suit the scale of the area and the fenestrations were aligned with the pre-existing St Aubyn Chambers apartments adjacent.

The applicant's architectural assessment (BOON 5.11) states that:

*'Quality urban design reduces the environmental impacts of our towns and cities through environmentally sustainable and responsive design solutions. The Dawson St Development makes use of the existing building, which results in reducing energy and emissions, waste generation and continues the story of the city.'*

I suggest that a more sustainable solution could have been achieved by converting the existing office building to an apartment, and either not building the over height proposal or scaling it back.

## 6.0 SUMMARY OF THE OBJECTORS EVIDENCE

6.1 The applicant lists 6 parties which have given written approval. However, 30 affected parties have not given approval, many of whom simply don't have the time to present their objection. This does not mean we can overlook their interests.

6.2 The body corporate of the Richmond Estate, in their submission, representing 15 owners unanimously requested that Council declines this application

6.3 The objectors group includes 10 parties, who are all directly affected. These are located as follows:

1	Bill & Diane MacArthur	122 St Aubyn Street
2	Colin & Margaret Comber	122A St Aubyn Street
3	Larry & Kaylene Stewart	Unit 11, Richmond Estate, 120 St Aubyn St
4	Bill Williams (to be read by Kaylene Stewart)	Unit 16, Richmond Estate, 120 St Aubyn St
5	Trevor & Kay Clegg	Unit 10, Richmond Estate, 120 St Aubyn St
6	Bill & Judy Hurstone	Unit 1B, Richmond Estate, 120 St Aubyn St
7	Morris and Ria Hey	Unit 1A, Richmond Estate, 120 St Aubyn St
8	Lyn White	Unit 2, Richmond Estate, 120 St Aubyn St
9	Liz Pease	Unit 3, Richmond Estate, 120 St Aubyn St
10	Leonce Sharrock	Unit 4, Richmond Estate, 120 St Aubyn St





6.4 The objectors concerns include the following factors, which are numerous, and reflect significant loss of amenity. It should be noted that the current occupants are mostly seniors, and spend most of their time in their homes. Some in poor health.

The objectors evidence as presented bears out the importance of these issues to each of them.

Issues	Number concerned
Shading effects	9
Mold/ lichen growth	2
Loss of quality of life	3
Loss of privacy	2
Loss of visual amenity	2
Loss of value of property	2
Out of character / scale	3
Compromises public view shafts	1
Incorrect representation of neighboring sites in shading studies	5
Inadequate AEE	1
No indication of relocated existing plant and new plant	1
Noise issues from plant	1
Visual dominance	2
Loss of views	7
Parking in the area	1
Cultural significance	1
Loss of sky space	2
Precedents	2

#### 6.5 Visual amenity effects at objector's homes

I have visited the objector's homes and prepared marked up photos showing the visual amenity effects at the objector's homes. These include loss of views, loss of light, and loss of privacy. (Refer to appendix 2)

## 7 TECHNICAL ISSUES NOT ADDRESSED IN THE APPLICATION

### 7.1 Loss of light effect on health

The loss of light and 'sky factor' occurs, regardless of sun position.

The increase in height of the proposed building will create a 'canyon effect' at the adjacent site areas and result in the loss of light.

Sky factor is defined as "The ratio of the illumination on a horizontal plane at a given point inside a building due to the light received directly from the sky, due to the illumination from an unobstructed hemisphere of sky."

(encyclopedia2.thefreedictionary.com)

To provide satisfactory lighting to internal spaces, sky factor is supplemented by artificial lighting. Natural light is more beneficial to human health, than artificial light, as it supports natural circadian rhythms, and promotes a sense of wellbeing.

It follows that any reduction in natural light will have adverse effect on human health and wellbeing. In this case, where the objectors are in their homes most for the day, this adverse effect will be more pronounced.

Design briefs by the NZ Govt. (MOE 'designing quality learning spaces' and the Govt. Building performance specification BPS Aug 2018. The later, in clause 11.1.5, sets a standard for acceptable office work, which would not be too different from task requirements for a home office, or tasks like reading, in our case.

I include the BPS standard for example only, as no studies have been carried out to determine the amount of loss of daylight factor in our case:

#### *11.1.5*

*Maximise daylight penetration into the office space with at least 2.5% daylight factor measured at floor level for 35% of NLA. Demonstrate via daylight modelling using the following inputs:*

- CIE Overcast Sky model*
- Proposed glazing visible light transmittance*
- Internal surface light reflectance values: 75% ceilings, 50% walls, 20% floors*
- Shading from any external shading device*
- Overshadowing from adjacent building*

### 7.2 Health and safety risk

The effect of more shading will give rise to more mould growth on walking surfaces and walls of buildings. This will increase the risk of slipping and falls, which is a health and safety risk for all and especially seniors. It will require ongoing maintenance to control mould growth.



This area of paving is used to access bins and cars. It will be subject to more mould growth. The roof of 122A, Combers, will be subject to more mould growth.

### 7.3 Road frontage

The proposed new road frontage on 3 Dawson St presents a wide expanse (10m) of concrete with the pedestrian access and wide car crossing. I note that the applicant has provided the two trees required by the plan, however, it is a bleak offering to the street scape, and in my view, an adverse effect on the environment.

### 7.4 Additional items on the roof

The existing building has a roof top plant area, dotted in red, which runs the entire length of the southern boundary of 1 Dawson St. I also wonder where that plant will go when the addition is built on top. In particular, we need to be sure that there will be no additional items or screens added to the top of the proposed building.

We understand that a bank of solar panels may be added to the roof top.

We wonder if these will be visible and added to the effect of non-compliances?

### 7.5 Plant noise

The plant for the buildings may cause noise effects for the area. We wonder if an assessment has been done to cover this.

### 7.6 Loss of privacy

The applicants AEE lists the fact that the proposed building will overlook the public walk way and therefore add to public safety as a 'positive effect'.

For my clients, it is a negative effect, because they will lose privacy on their

properties. 122 St Aubyn St (Mac Arthur) and Unit 11 RE, will be particularly affected. MacArthur's living areas and deck will be overlooked by a wall of glass.

## 8.0 WIDER EFFECTS ON THE PUBLIC VIEWS & VISUAL AMENITY

8.1 The subject site lies in two 'public view shafts'. These are assessed by the applicant as viewed from the source. However the objective of the view shaft rules is to: 'Maintain and enhance the character and coherence of the urban areas' (Objective 5) in the plan). Policy 5.2 states 'BUILDINGS and STRUCTURES should not detract from or reduce the visual amenity of the URBAN VIEWSHAFTS Reason 5.2 states 'Public views and visual amenity within URBAN VIEWSHAFTS can be adversely affected by BUILDINGS and STRUCTURES that block or detract from the view or surrounding character.

In assessing this rule, council has limited its discretion to the following:

- 1) The extent of intrusion of the additional HEIGHT of the STRUCTURE into the view shaft, and the elements of the view affected (see section 3 of the planning maps).
- 2) The extent to which the core of the view is impinged upon by the additional HEIGHT of the STRUCTURE
- 3) Whether the STRUCTURE results in the removal of existing intrusions or increases the quality of the view.
- 4) Whether the additional HEIGHT of the STRUCTURE will frame the view.
- 5) The proximity of the STRUCTURE to the inside edge of the view shaft.

### **Marsland Hill view shaft**

The applicant's assessment states

*'The proposal is located at the seaward end of the viewshaft resulting in a very small reduction of visible sea. The building does not protrude above others and so does not dominate the view in any way. In this context the building will not be noticeable as any kind of distinctive element that affects the overall city scene. The significance of change to the viewshaft is negligible.'*

We do not concur with this assessment:

We suggest that the core of the view is impinged upon by the additional height of the proposed building, as clearly depicted by the applicant. (Although the applicant describes the Marsland view shaft as a panorama, actually the most inviting and important view is toward the sea.) The proposal reduces the amount of sea visible by a noticeable amount. It actually does protrude above the office building immediately in front of it. The dark colour of the glass building stand out.

This point was also raised by the peer review, by Natural Capital item 4:

*What is illustrated by the montage within Appendix B, is how the dark colour used in the montage punctuates the centre or core of the scene where built form touches the sea.*

(Refer to the applicant's assessment photo.)



In assessing view shafts, I suggest the cumulative effect of successive ‘minor incursions’ will be significant. Allowing these incursions therefore is not in the spirit of objective 5, policy 5.2 of the plan.

#### **Molesworth St view shaft**

(This is a continuous view shaft whilst travelling West along St Aubyn Street Molesworth St.) The height is described as ‘the level of the road adjacent.’ The applicant has not addressed this rule, however the site is visible in the view, between the lower limbs of the trees, depicted in the planning map, which is an important public view. The extra height will be visible in this view at various points:



- 8.2 The subject site is on the public coastal walk way, and is seen from many view points along the walk way. The existing building height blends in with the general topography of the coastal landscape, and built environment when viewed from a distance. The proposed excessive height building will stand out above that general topography. Refer to earlier opinion (Section 5.1 page 11)
- 8.3 Dawson St is an important 'feeder access' to the coastal walkway, and is where many city fringe users join or exit the walkway. I am one of them. Accordingly, the visual assessment from points along Dawson Street are important.

## 9.0 MITIGATION MEASURES

- 9.1 In my opinion, most of the applicant's apparent objectives to build an apartment to enjoy expansive views of the coast, with private outdoor areas and roof top pool with full sun, and exclusive street access, **could be achieved in another way to avoid the adverse effects on the surrounding environment.**
- 9.2 **The top floor of the office building could have been converted to an apartment** with the living areas located on the northern end. A roof top pool could have been formed on the southern site at a level to still capture the sun.
- 9.3 The southern portion of the proposed building is 700mm higher than needed due to the level access to the swimming pool.  
**If the pool was upstanding then the excessive height could be mitigated.**
- It may also be higher than needed, as in the Sect 92 response (item 3), due to the clients wish for an over scaled 4m high ceiling to hang art.  
**I suggest that art could be hung in a lower stud space.**
- 9.4 Sustainability. **Reuse of the existing building** rather than a large new building would support the sustainability goals of the PDP.

## **10.0 SUMMARY**

10.1 It appears that the objective of the applicant is to enjoy expansive views of the coast, with private out door areas and roof top pool with full sun, and exclusive street access. Also, to have a 4m high ceiling to hang art. This proposal has little regard for the loss of amenity caused to the surrounding environment, which is predominantly residential in character and use.

10.2 The applicant's assessment of effects, considers it in a business context, when the established environment is residential. Some effects have not been addressed.

The shading effect in particular has been understated, as minor.

The applicant does not represent that the overwhelming public response is against this proposal.

10.3 The LVIA appears to flatter the proposal. In my opinion, the visual effects are greater than stated.

10.4 There are technical issues not addressed, namely the effects on neighbouring residents amenity, quality of life and health and safety

10.5 There are no benefits to the wider community from this development.  
The view shaft assessment should be reconsidered, in my view

10.6 We do not agree with the applicant's mitigation statement, which overlooks obvious mitigation measures, which we have covered.

10.7 My conclusion is that the effects on character and visual amenity of the surrounding area are more than minor.

## **APPENDIX 1**

Shading diagrams BOON SK5.01 to 04

## **APPENDIX 2**

Visual amenity effects at objectors homes

## **APPENDIX 3**

Zone cross section diagram