

**BEFORE COMMISSIONER MCKAY APPOINTED BY NEW PLYMOUTH
DISTRICT COUNCIL**

UNDER

the Resource Management
Act 1991 ("RMA")

IN THE MATTER

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

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF DANIEL CONRAD
MCEWAN ON BEHALF OF BRYAN & KIM ROACH**

1. INTRODUCTION

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

2. MS McRAE'S STATEMENT

- 2.1 I wish to address the following points in relation to Ms McRae's statement
- 2.2 I disagree with Ms McRae's methodology in determining a breach height of 2m (Figure 8 and 9, paragraphs 8.12, 13.10 and 13.14) when she is

1.



recession plane of HIRB MRZ-S3.

- Figure 1.**

- 2.4 Ms McRae has stated in her evidence (paragraph 8.11) that the constructed dwelling would have to be set back further into the site to fall within the daylighting envelope as a permitted baseline. As stated in Mr Arnold's primary evidence, the breaches were unintentional, so I consider Ms McRae's statement using the same designed as built structure moved to fit within the HIRB envelope an un-realistic example, as a different designed structure is the only sensible option to meet the permitted standards within the PDP-AV (MRZ-S3). It is also to note that it appears Ms McRae has not fully understood that the as-built structure was designed, consented and primarily constructed under the ODP (which Mr Arnold describes in his evidence, with which I am in agreement). Both Mr Arnold and Mr Lawn address what range of structures could be afforded as a permitted baseline in their supplementary evidence.
- 2.5 Additionally, I refer to **Appendix A, Sheet 7, image 35**, of my primary evidence which shows the type of structure that could be built to fall within the HIRB MRZ S3 envelope, along with **Figures 2** and **3** below which show built work from New Zealand architects I am familiar with, demonstrating the type of design interventions that would afford a structure filling a greater portion of the HIRB envelope; as confirmed within Mr Lawn's and Mr Arnold's supplementary evidence that would meet the permitted standards of the PDP-AV (MRZ-S3).



Figure 2 - use of void space. 130m2 house, Mt Albert, Auckland.



Figure 3 – Townhouse development. Kilbirnie, Wellington.

- 2.6 Privacy, screening and shading. Ms McRae states that “no particular attempt” (paragraph 9.9) has been made between the outdoor living areas of the two properties. It is to note that the boundary fence has been cut down as part of the mediation agreement of the boundary dispute between the two property owners, and has been surveyed and signed off by NPDC. This fence provided additional screening between the outdoor living areas. The fence now complies with permitted standards within the PDP-AV MRZ.
- 2.7 A landscape concept was produced for the consideration of Bryan and Kim Roach in about May 2022. However, they opted to manage the landscape portions of their section themselves as the landscape elements did not require any consent when designed under the then operative ODP.
- 2.8 A foliage climbing screen was designed to address potential privacy and screening effects afforded to both 26 and 28 Woolcombe Terrace, and an updated design of this is attached as **Appendix A** of my supplementary evidence. This previously was put on hold due to the eastern boundary fence dispute. Ms McRae is correct in her assumption in sighting the

installed stainless-steel brackets that these were intended for the structural members of the proposed foliage climbing screen shown in **Appendix A**.

- 2.9 Privacy and sense of dominance or enclosure in relation to internal views. Ms McRae states that "reasonable level of privacy" (paragraph 10.5), has not been achieved which, upon reading her evidence and cross checking my own primary evidence, I disagree with. The architectural design has considered privacy through considered window orientation and placement, as described in Mr Arnold's primary evidence. Additionally to re-emphasise statements within Mr Bains primary evidence relating to the small aperture and the high level of tinting of the windows of the dwelling at 28 Woolcombe Terrace, I fail to see any clear evidence demonstrated both within Ms McRae's and Ms Kathryn Hooper's evidence to show how an audience at 28 Woolcombe Terrace experiences a loss of privacy or sense of dominance or enclosure, particularly in relation to the breached portions of the as-built dwelling at 26 Woolcombe Terrace.
- 2.10 Outside of Ms McRae's statements on the sense of enclosure effect resulting in her determination of **low-moderate adverse**, I am reliant on Mr Bain's evidence; being external to the 26 Woolcombe Terrace project team, and having visited the internal living spaces of 28 Woolcombe Terrace. Upon reading Ms McRae's evidence and having re-assessed the photos form within the dwelling at 28 Woolcombe Terrace from Mr Bain's evidence, it is my opinion, still that the potential effects on sense of enclosure and dominance relating to the breached portions of 26 Woolcombe Terrace are '**Low**'.

3. CONCLUSION

- 3.1 I confirm my earlier views that the effect of the breached portions of the as-built dwelling on sense of enclosure and dominance are '**Low**'.
- 3.2 I confirm my earlier views that the effect on privacy from the as-built dwelling at 26 Woolcombe Terrace are '**Low**'. However, I am in agreement with Ms McRae, that planting treatments to the middle positioned eastern deck at ground level would further mitigate any potential adverse effects on privacy.
- 3.3 I disagree with Ms McRae that the resulting effects relating to 'sense of enclosure' and privacy and overlooking effects are '**Low-moderate adverse**'.

- 3.4 I agree with Ms McRae that installation of louvres will provide further mitigation, and it is my opinion that the proposed louvres to the front level one deck and the level one bay window (as shown in Mr Arnold's supplementary evidence).
- 3.5 I disagree with Ms McRae that I have underplayed the extent of the breach, as I have relied on the independent survey data provided by Mr Armstrong on behalf of the NPDC during the boundary dispute mediation. It is my opinion that I have appropriately interpreted potential adverse effects of the breach in relation to HRIB MRZ S3 within the PDP-AV.
- 3.6 I disagree with Ms McRae's use of the 2D architectural elevation within Figure 8 of her evidence as an appropriate mechanism to illustrate and determine the height of a breach in relation to the HIRB envelope, as it exaggerates the actual height of the breach and uses a 2D plane to demonstrate a breach that has varying levels of distance and perspective from a given viewing point.
- 3.7 The foliage climbing frame, in **Appendix A** attached, is proposed to have a combination of horizontal slats and wire to support a Tecomanthe speciosa or similar suitable climber in irrigated planters or similar.

Daniel Conrad McEwan
Landscape Architect

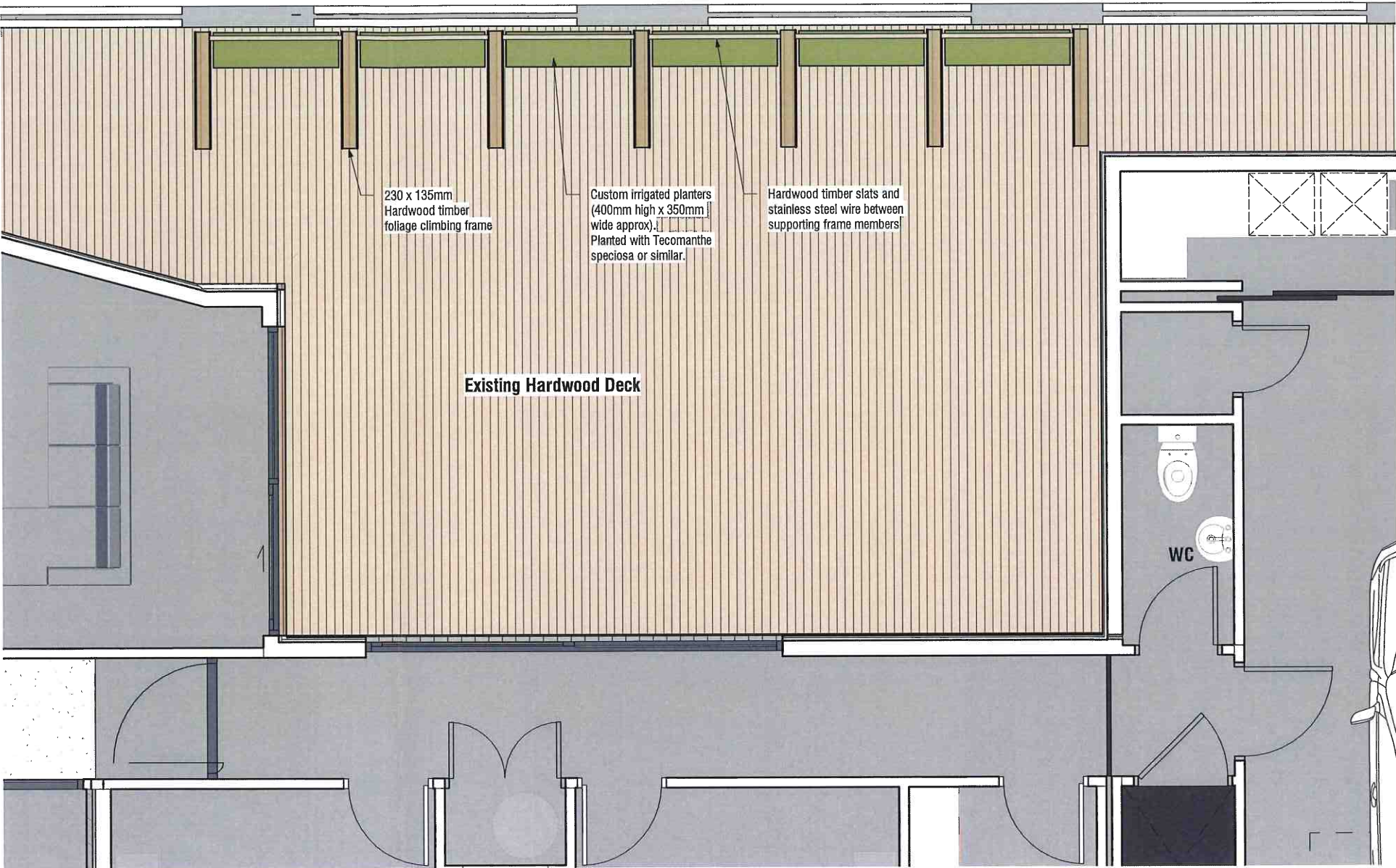
27 March 2025



Example of foliage screen with Tecomanthe climber



Example of timber slats



Foliage Climbing Frame Plan View

Scale 1 : 50 (A3)

Rev			Date			Description			Drawing Title			Job No.			Scale [A3]			Drawing No.			Rev			Issued for:			Print Date		
									Landscape Mitigation			6462			1 : 50			L4.02						comment			26/03/2025 11:20:12 AM		

Description
Roach House
Address
26 Woolcombe Terrace

BOON
LANDSCAPE

A/131 Courtenay St, New Plymouth 4310, New Zealand
P/06 757 3200 E/office@boon.co.nz W/boon.co.nz