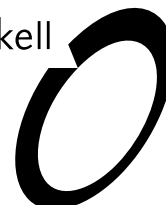


22 February 2023

Jared Baronian
The Pitau LP
PO Box 15083
75 Elizabeth Street
Tauranga 3114

Boffa Miskell



Dear Jared

Re: Fast Track Application for The Pitau – 53 to 61B Pitau Road, Mount Maunganui

The Pitau LP (“the applicant”) proposes to lodge an application for a referred project under the Covid-19 Recovery (Fast-track Consenting) Act 2020 (the “Act”) to utilise the fast-track consenting process via an expert consenting panel. The applicant has asked Boffa Miskell to provide a high-level review of the landscape (including visual) effects pertaining to a development proposal and indicate whether there are any landscape reasons that preclude the subject sites from being considered for the fast-track consenting process.

The Proposal

The proposed Pitau Aged Care Facility includes 167 apartments for independent living, 60 age care units and ancillary facilities, such as a dining area, library, gym etc., as well as a café for residents. The proposed facility is to be developed over 4 stages. Stages 1, 2 and 4 include the development of the apartments, while stage 3 involves development of the age care facility. The buildings are planned to have six (6) floors with basements for parking. The architectural package included in the application provide detail of the proposed comprehensive development.

Method of Assessment

The landscape assessment has applied the Tuia Pito Ora New Zealand Institute of Landscape Architects Landscape Assessment Guidance document: Te Tangi a te Manu Aotearoa New Zealand Landscape Assessment Guidelines. The process has included preliminary assessment guidance, design workshops including consideration of effects and design changes to the proposal.

A particular outcome is the identification of methods to minimise the degree of noncompliance and resultant landscape (including visual) effect on the southeastern neighbours, with the MDRS height provisions. Attachment A includes analysis of this effect for shading and building scale and form. As a result, the preferred option (Option 2) addresses the residential care building height and recommends it be lowered to a 5-storey building. This assists in reducing the overall visual dominance, scale and effects of shading on adjoining properties and is the preferred outcome for this building.

Landscape Context

Mount Maunganui is a well-known suburb, and past borough, of Tauranga City. Known for its coastal settlement and beach character, the intensified residential and commercial development resides on the tombolo that sits between the volcanic features of Hopukioire and Mauao. Further to the south, residential subdivision and industrial activities have extended along a sand dune system, with substantial changes made to the natural processes occurring on this landscape. The residential development is largely sited to the northeast of Maunganui Road in a 500m band, with the road network aligned to the underlying natural dune system. Road and associated properties tend to follow the linear patterns of dune system with perpendicular street connections to Marine Parade, along the open coast.

The site resides outside of the coastal environment, as set in the Bay of Plenty Regional Coastal Policy Statement. It also resides outside sensitive interfaces with the identified natural character areas¹ and outstanding natural features and landscapes². It sits at the toe of a remnant rear dune ridgeline of which Oceanview Road runs atop of, in a north / south direction. Currently the site comprises low rise Council aged care accommodation. Immediately surrounding the site comprises low rise, 1-3 storey detached housing set across a range of low-density lot sizes set atop of an undulating landscape. Further to the west comprise the commercial zones and buildings along Maunganui Road, with apartment buildings sited alongside Maunganui Road.

The site is located at the toe of a remnant rear dune system, set below surrounding housing which falls southwest away from Oceanview Road and Grove Avenue. As a result the landform broadly sits below it's surrounding dwellings to the north and east.

Landscape Effects

Key matters for consideration is the proposed developments impact on the surrounding existing and anticipated (permitted) urban form. The comprehensive nature of the site development provides opportunity to develop larger scaled buildings of increased bulk.

In the wider urban form, the site and surrounding area has been identified has having capacity to accommodate additional height, over and above the current MDRS building height of 11m. The extent of area has yet to be assessed and determined and will be as part of a future spatial plan for the Mount Maunganui North area. It is considered the landform surrounding, and urban form has the capacity to accommodate an increase building height and in doing so accommodate the proposed development.

With the 'existing' permitted building environment (MDRS) of 11m + 2m extensions, the proposed development is just under double the permitted height. The underlying landform of the remnant dune system creates opportunity for integration of height into the lower areas of the dune system, including where the proposed development is sited.

The comprehensive nature of the development creates a series of connected apartment towers that extend across the site in a diagonal orientation. An important aspect to the building comprises the separated towers and their interface with the adjoining urban form. As a comprehensive site development, the inclusion of multiple multistorey buildings across the site is responsive to the surrounding wider urban form. However, the proposed development

¹ Refer to Operative Bay of Plenty Regional Coastal Environment Plan

² Refer to Operative Bay of Plenty Regional Coastal Environment Plan and Tauranga City Plan

is in contrast to its' immediately neighbouring residential dwellings (both existing environment and permitted).

Methods for addressing the integration of high-density urban form in the medium density zoned neighbourhood and existing 'suburban character' include:

- Articulated architectural detailing of building facades, inclusive of material changes, balconies, and softer green treatments to the building facades and open space areas.
- Building sleeving with lower heights at the boundary interface, setbacks and stepping of height. This method is commonly used for the integration of high-density development with surrounding suburban residential form, as exists today.

The development includes multiple multistorey towers that will contrast in form with the current surrounding urban form and will suitably sleeve amongst permitted urban form of medium density housing of 11+2m in height. The placement and treatment of the building will create a variety of experiences, with the complex broken up to avoid the legibility of a bulky singular building. The location is at the fringe of commercial linear development along Maunganui Road. The undulation of landform and locality provides opportunity to integrate an over height comprehensive development, in the context of the residential and commercial zones nearby. The site and is framed toward the western side of dune ridge and connects to the context of the commercial area as it intensifies toward the Mount Maunganui CBD area.

There resides some potential effect of the top floor (6th Floor) increases the contrast between the surrounding urban form (both permitted and existing). Over height buildings are not uncommon in the Mount Maunganui urban area, it is considered the 6th level does increase the visual dominance with the surrounding urban landscape character. There is potential to have moderate adverse landscape effects in the context of the current permitted building environment. This would be lessened with the removal of the 6th floor reduction on the residential care building (Refer Option 2 – Attachment A) and the stepping back of the 6th floor on the other buildings.

The overall complex will become a visually dominant in the surrounding urban form as it exists and within the permitted environment. It's placement and site layout are responsive to the natural landform by anchoring the base of the building below the northern dune ridge. In the context of the surrounding urban landscape character, there is potential for the building to generate moderate adverse landscape effects. These are mainly attributed to the building height and composition of height across the site comparative to the surrounding residential form. It is considered the site and area have capacity to accommodate increased building height above the MDRS, the key 'effect' matter to consider is the scale of the development in the current permitted building environment.

This is further reinforced through recent technical assessment by Isthmus in the *Mount Maunganui Urban Intensification Study, Natural Character / Outstanding Natural Features and Landscapes. Proposed Plan Change 33, Appendix 10(a)*. This assesses the capacity to accommodation intensification in Area J, which includes the subject site, and denotes:

"Area J has moderate capacity to accommodate urban intensification above the height of development anticipated within the TCP (9m + 2m for residential zones, 12m for commercial zones) for the following reason:

- *Area J is physically separated from Hopukioire, Mauao and the Coastal environment by existing urban development.*
- *The intervening urban development is assessed as having limited and moderate capacity for intensification which achieves a staggering 'layering' of height to provide an appropriate offset from the coastal environment and ONFL's.*

- *Due to its distance from the coastal environment and ONFLs, it is anticipated that urban intensification within Area J will have a limited effect on the identified values, and characteristics; however, urban intensification should seek to ensure that key views towards ONFL are maintained and that the dominance and prominence of Mauao is protected.*

Area K has capacity to accommodate appropriately designed development of 15m in height whilst maintaining the values and characteristics of the coastal environment and surrounding ONFL."

Final conclusions of the report note:

"Areas A and J have capacity to accommodate development up to and above 15m in height."

Visual Amenity Effects

Visual amenity effects relate to the potential effects attributed to building bulk, dominance, scale, composition and in some cases loss of view. For the properties to the south east, on Pitau Street (mainly numbers 51B, 51C, 63, 65, 65A, 67 and 67A) and numbers 14 and 16 Grove Avenue, the visual dominance of the building will be of a moderate reducing to moderate-low degree as the properties extend further away from the site. Acknowledging the permitted building environment of 11m medium density buildings the potential effects are associated with the additional three floors above the permitted height. It is considered the architectural treatments are key elements of the design and the stepping back of the top floors to reduce effects. The degree of adverse visual effect however remains *more than minor* in the context of the permitted building environment.

Integrated into landscape effects is the evaluation of visual amenity effects on the surrounding urban environment. This includes the consideration of building dominance, bulk and scale along with the effects of shading from exceedances of the TCP. Architectural Drawing No. 2000, demonstrates the interface with immediately adjoining properties on the south east and south west elevations.

The neighbouring dwellings to the southeast at 63 and 65 Pitau Street will have the greatest degree of adverse visual amenity effect and shading effects. There is potential to have moderate to moderate-high adverse effects on these properties considering the magnitude of change, visual dominance and shading impacts for the winter periods. The removal of the 6th floor (Refer Attachment A, Option 2) on the residential care building has resulted from the assessment process would generate a moderate to moderate-low effect on these properties. The permitted shading under the MDRS would result in cumulative shading of these properties, however this assessment has considered the existing environment outside of the site, only applying the permitted built environment as part of the analysis to identify the degree of effect.

For properties on Oceanview Road, the composition of building layout on the boundary minimises the building bulk and introduces key elements of green facades and green roof gardens. A mitigation method needed here is to ensure the step back the upper storey is undertaken for this interface to minimise the dominance of the 6th floor. This would result in a perceived 1.5 storey extension above with the 6th floor sitting further back and less dominant in the visual context. This continues to be resolved through the architectural design process and occurs in part already in the design of the upper storey.

Overall, there is potential in the current design to remain at a moderate-low degree for the adverse visual effects on the Oceanview Road properties immediately abutting the property. Properties to the north on Grove Avenue and to the south on Pitau Street will likely comprise moderate-low adverse visual amenity effects due to the separation of buildings. All measures to minimise building dominance of height is considered key areas to focus on the final architectural package.

Marae Sightlines to Mauao

The TCP identifies views across the site toward Mauao from the following key viewpoints, set out under Section 6 of the TCP:

- Ref 12/35 – Papamoa Beach Road
- Ref 1 / 33 – Tamapahore Mangatawa Mara
- Ref 2 / 40 – Tahuwhakatiki Mara

The mapping shown below (extracted from the TCP ePlan online) demonstrate that buildings can extend some 12m above the 11m permitted building height plane, before infringing into the view shafts toward Mauao. The current design demonstrates buildings that reside less than 10.0m above the 11m building height plane. In turn this ensures that the building will not be required to assess effects on the viewshafts as, whilst over height, it does not extend into the viewshaft plane and assessment is not required. This will be demonstrated in the full Landscape and Visual Effects Assessment; however early assessment identifies that the proposed development can be accommodated without extending into the viewshaft areas.

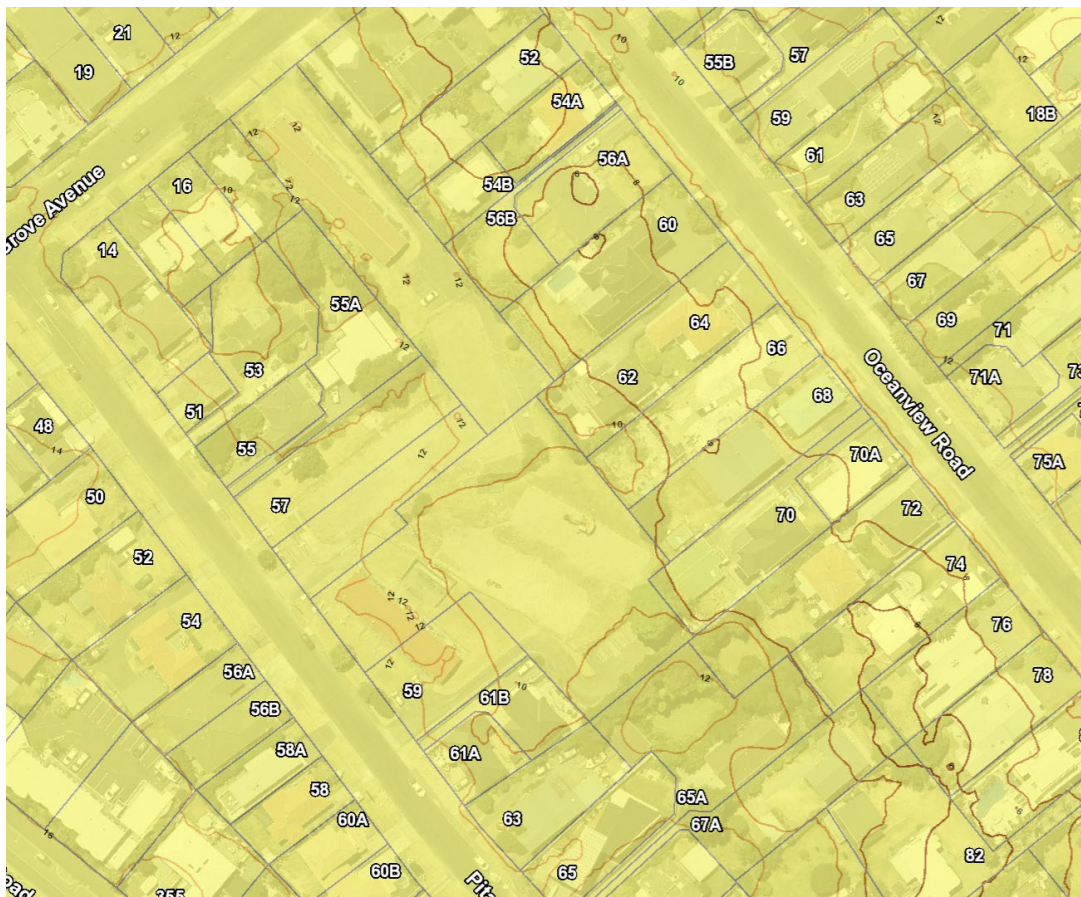


Figure 1 – Extract of Viewshaft Overlay from Tauranga City ePlan Maps

Conclusion

It is considered the building design is suitable and provides a comprehensive response to the intensification of the Mount Maunganui area. Overall, there is potential for moderate and moderate-low adverse visual amenity effects which are specific to the immediate surrounding residential neighbourhood. However, these can be suitably mitigated through design measures stated above. The integration of a comprehensive build of this scale will integrate to the wider Mount Maunganui area and introduces a moderate to moderate-low adverse landscape effect³.

Yours faithfully

BOFFA MISKELL LTD



Rebecca Ryder

Partner | Landscape Architect

³ Refer to Attachment B – Extract from *Te Tangi a te Manu, Aotearoa New Zealand Landscape Assessment Guidelines, 2022*.

ATTACHMENT A – ARCHITECTURAL ANALYSIS



Sanderson
GROUP

REVISIONS
ChgID Change Name RevID Transmittal Set Name Date

NOTES / LEGEND

PROJECT
Pitau Aged Care Sanderson Group

LOCATION
57 Pitau Road
Mount Maunganui

STATUS
Developed Design
Resource Consent

TERRITORIAL AUTHORITY
Tauranga City Council
Suburban Residential

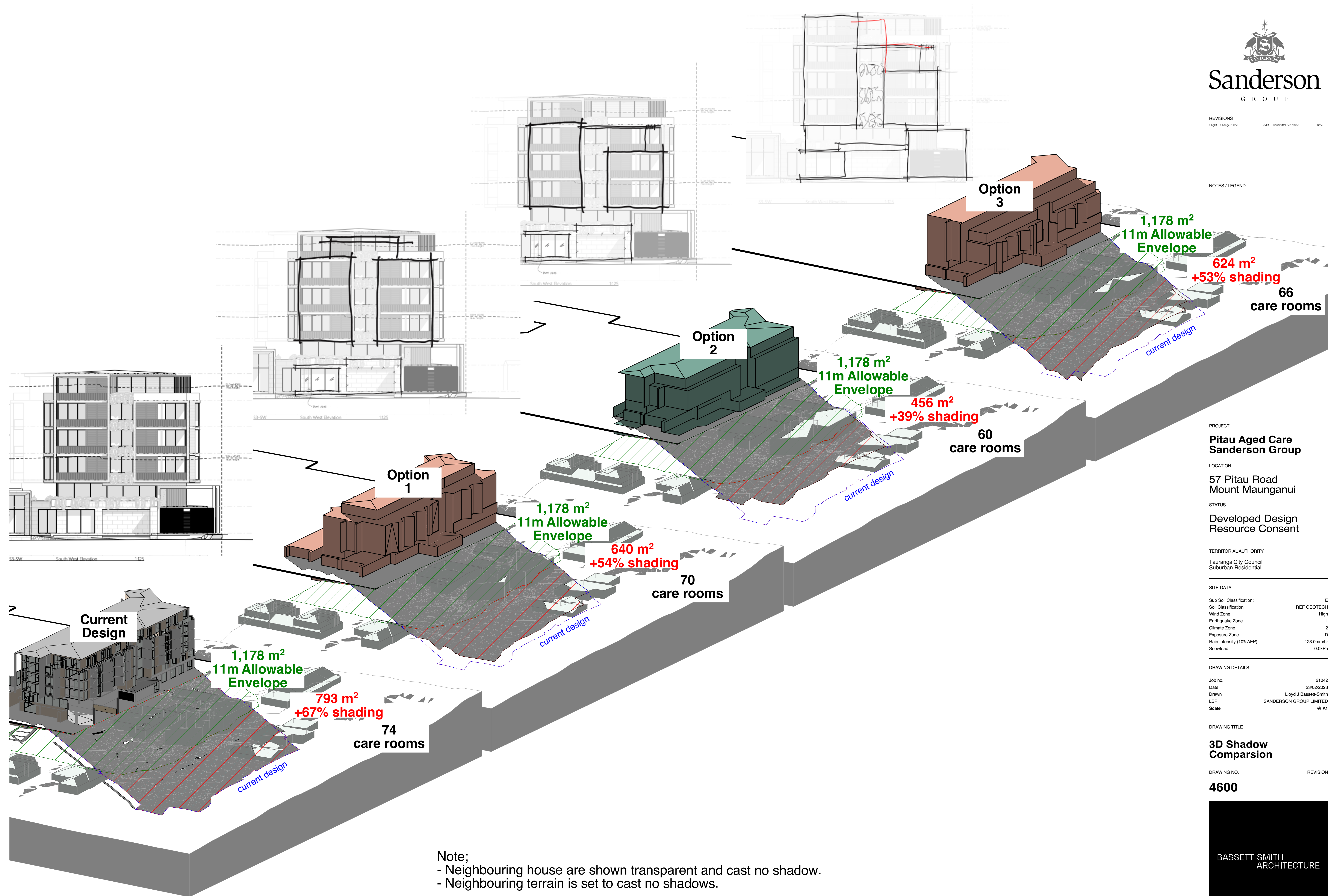
SITE DATA	
Sub Soil Classification:	E
Soil Classification	REF GEOTECH
Wind Zone	High
Earthquake Zone	1
Climate Zone	2
Exposure Zone	D
Rain Intensity (10%AEF)	123.0mm/hr
Snowload	0.0kPa

DRAWING DETAILS	
Job no.	21042
Date	23/02/2023
Drawn	Lloyd J Bassett-Smith
LBP	SANDERSON GROUP LIMITED
Scale	@ A1

DRAWING TITLE
**3D Shadow
Comparsion**

DRAWING NO. REVISION
4600

BASSETT-SMITH
ARCHITECTURE



**ATTACHMENT B – Extract from Te Tangi a te Manu, Aotearoa New
Zealand Landscape Assessment Guidelines, 2022**

Te Tangi a te Manu

Aotearoa New Zealand
Landscape Assessment Guidelines

156. These tests relating to the term ‘minor’ may be a thing of the past under the new legislation. The Randerson Report recommended removing non-complying activities as an activity class, and changing the notification provisions to remove tests based around ‘minor adverse effects’.

157. The alternative gateway test for non-complying activities is that the activity must not be contrary to the relevant objectives and policies.

158. Use the ordinary meaning of terms such as ‘minor’ and ‘significant’. While the terms are to be interpreted in the context of the statutory instruments, they retain their ordinary meaning. Statements such as ‘moderate is equivalent to minor in RMA terms’ are not correct. See ‘Okura’ [2018] NZEnvC 78, para 557, “...we had some difficulty with the proposition that the term moderate equated to minor [...] We understand the word to mean lesser or comparatively small in size or significance. We consider the conflation of the two words would be contrary to the understanding of many persons as to their meaning and certainly contrary to our understanding”. See also ‘Trilane Industries’ [2020] NZHC 1647 paragraph 55, “In my view, a conclusion that there would be moderate adverse effects imports a clear finding that the effects would not be minor or less than minor.”

159. Temporary adverse effects should be considered when assessing whether adverse effects are ‘minor’ or ‘less than minor’ for the purposes of notification decisions. The limited duration or subsequent mitigation over time of such effects is not relevant in those notification situations—although it may be pertinent to the main decision (or “substantive decision”) on whether to grant consent. (‘Trilane Industries’ [2020] NZHC 1647 paragraph 59–62), “I therefore consider the Council erred [in making its notification decision] in ignoring a temporary adverse effect which was moderate in scale by taking account that it would be mitigated in due course.”

160. See also ‘Progressive Enterprises’ [2004] CIV-2004-404-7139, paragraph 54: “‘Minor’ is not defined. The dictionary definitions of ‘Minor’ include ‘petty’ and ‘comparatively unimportant’ (Cassell Concise English Dictionary); ‘relatively small or

achieve the objectives, the efficiency and effectiveness of proposed provisions, and the reasons for adopting the proposed provisions. They are required to identify the costs and benefits of the environmental, economic, social, and cultural effects that will arise from the proposal. Landscape assessors carrying out policy-driven assessments should therefore be conscious of s32 and frame their assessments to be useful to the writer of the s32 report.

Activity status

- 6.37
- Be conscious of the activity status of resource consent applications and any specific assessment criteria, and tailor the assessment accordingly.

– Tailor an assessment to address criteria where relevant (there are often criteria for controlled and restricted discretionary activities for example).

– For a controlled or restricted discretionary activity, focus on the matters to which control or discretion has been confined.

– For a discretionary activity, consider all landscape and visual effects.

– For a non-complying activity, the planners may have additional specific questions about the extent to which the proposal is consistent with objectives and policies (those relevant to landscape matters), or whether the adverse landscape and visual effects are more than minor (see below).

‘Minor’, ‘less than minor’, ‘no more than minor’, ‘significant’

- 6.38
- The terms ‘minor,’ ‘less than minor,’ and ‘no more than minor’ apply only to the following RMA situations:¹⁵⁶

– As one of the ‘gateway tests’ for non-complying activities under s104D: i.e. that “the adverse effects of the activity on the environment ... will be minor”¹⁵⁷

– As one of the tests for deciding if an application is to be publicly notified under s95A: i.e. that the adverse effects of the activity “on the environment are more than minor”.

– As one of the tests for determining if a person is an “affected person” for the purpose of deciding if they are to be notified under the s95E “limited notification” provisions: i.e. that the adverse effects on the person will be “minor or more than minor (but are not less than minor).”
- 6.39
- Such terms are often over-used. In the interests of precision, only use them where they are relevant (it may help to check with a planner or lawyer involved in the project). In those few situations where they are relevant, the terms can be described as follows:

– ‘More than minor’ can be characterised as ‘moderate’ or above.¹⁵⁸

– ‘Minor’ adverse effects means some real effect but of less than moderate magnitude and significance. It means the lesser part of the ‘minor-moderate-major’ scale.¹⁵⁹ ‘Minor’ can be characterised as ‘low’ and ‘mod-low’ on the 7-point scale.¹⁶⁰

unimportant...Of little significance or consequence’ (Oxford English Dictionary).”

161. See ‘Gabler’ [2017] NZHC 2086 paragraph 94. “The test used to be of ‘de minimis’ effect. The use of the expression ‘less than minor’ points in a similar direction. ‘Less than minor’ in my judgement means that which is insignificant in its effect, in the overall context, that which is so limited that it is objectively acceptable and reasonable in the receiving environment and to potentially affected persons.”

162. Note that the test under s95E as to whether effects are ‘less than minor’ relate to an activity’s “adverse effects on a person”. The test relates to notification, not the determination of an application. A cautious approach is recommended because the test is relevant to matters of natural justice: whether an affected person is given the opportunity to be heard. See also ‘McMillan’ [2017] NZHC 3148, paragraphs 12–15, and ‘Green’ [2013] NZHC paragraphs 94–95.

163. ‘McMillan’ [2017] NZHC 314, paragraph 13.

164. Opinions on whether effects are minor (or less than or more than)—or significant—usually fall to planners who look across all disciplines and effects. While we need to be ready to provide clear advice, it is recommended that landscape assessors use the 7-point scale except where there is a clear question as whether the landscape effects are ‘minor’ (or less or more) or ‘significant’—and in those situations to provide such an opinion as a subsequent step.

165. ‘Significant’ also has meanings that derive from ‘signify’ (indicate). For instance, a small difference may be ‘statistically significant’, people may exchange a ‘significant glance’. Be conscious of such nuances. In landscape assessment, significant usually means of large magnitude and importance.

166. ‘Self Family Trust (Crater Hill)’ [2018] NZEnvC 49, paragraph 501. “Significant adverse effects are, like inappropriate ones, a matter of context.”

– ‘Less than minor’ means insignificant. It can be characterised as ‘very low’ and overlapping with ‘low’ on the 7-point scale.¹⁶¹¹⁶²

						SIGNIFICANT
LESS THAN MINOR	MINOR		MORE THAN MINOR			
VERY LOW	LOW	LOW-MOD	MODERATE	MOD-HIGH	HIGH	VERY HIGH

- 6.40
- However, avoid an overly mechanical approach: “One is dealing with degrees of smallness. Where the line might be drawn between the three categories might not be easily determined.”¹⁶³ There are different interpretations within the profession as to where the boundaries of such categories precisely fall. The key is to be transparent and explain the reasons to justify a professional judgement.¹⁶⁴ The 7-point scale is a rating of magnitude, whereas an assessment of whether effects are minor (or less than or more than) is a reasoned consideration of the magnitude and importance (significance) of such effects in context. Assess the individual effects first using the 7-point scale in the normal manner. Following that, consider whether the adverse effects are minor (or less than or more than) in the context of the relevant test.

- 6.41
- Likewise, the term “significant adverse effect” applies to certain specific RMA situations, such as a threshold for the requirement to consider alternative sites, routes, and methods for Notices of Requirement under RMA s171(1)(b), and the requirements to consider alternatives in AEEs under s6(1)(a) of the Schedule 4. It may also be relevant to tests under other statutory instruments such as considering effects on natural character of the coastal environment or on outstanding natural features and landscapes in the coastal environment, under the New Zealand Coastal Policy Statement (NZCPS) Policies 13 (1)(b) and 15(b).

- 6.42
- Significant adverse effect means of major magnitude and importance. A significant effect can be characterised as ‘high’ or ‘very high’ on the 7-point scale¹⁶⁵—the upper part of the minor-moderate-major scale. But as above, it is a matter of context.¹⁶⁶ Assess individual effects first in terms of their nature and magnitude against the 7-point scale. Then, assess whether the adverse effect is significant in magnitude and importance (significance) in the context of the relevant test and statutory planning provisions. Explain the reasons to justify your professional judgement.