

## **Before an Expert Consenting Panel**

**Under** the COVID-19 Recovery (Fast-track Consenting) Act 2020 (CRA)

**In the matter of** an application by Pudong Housing Development Company Ltd, Foodstuffs North Island Ltd, and Silk Road Management Ltd for land-use and subdivision consent for the demolition of existing buildings and redevelopment of the site including a supermarket, retail, commercial and residential units, parking and loading at 360 Dominion Road, 88 Prospect Terrace and 113 Grange Road, Mt Eden, Auckland.

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**Evidence of Rachel de Lambert on behalf of Pudong Housing Development Company Ltd, Foodstuffs North Island Ltd, and Silk Road Management Ltd**

**Date:** 23 June 2021

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**QUALIFICATIONS AND EXPERIENCE**

- 1 My name is Rachel Virginia de Lambert.
- 2 I am a Registered Landscape Architect and Partner of Boffa Miskell Limited (Boffa Miskell), a national firm of consulting Planners, Landscape Architects, Urban Designers and Ecologists.
- 3 I hold the qualifications of Bachelor Horticultural Science and post graduate Diploma of Landscape Architecture (with Distinction) both from Lincoln College (as it then was). I am a Fellow and Registered Member of the New Zealand Institute of Landscape Architects. I have practiced as a Landscape Architect for over 33 years.
- 4 I was a member of Auckland City Council's Urban Design Panel until mid-2007, when I took up a position on the Manukau City Council Urban Design Panel, which I held until the amalgamation of the Auckland city, district and regional councils in 2010. I am now, again, a member of the Auckland Urban Design Panel (AUDP) and am co-convenor of the AUDP. I am also a member of Panuku Development Auckland's Design Technical Advisory Group (TAG) that provides design review for the Wynyard Quarter, and all other 'Transform' projects under Panuku's lead I have held this role since the inception of the panel in 2007.
- 5 I have provided evidence at Council and Environment Court hearings on a wide range of rural and urban landscape and open space related projects including plan changes and projects for resource consent for greenfield and brownfield development, aged care facilities, residential, retail and mixed-use development, masterplanned communities, port related activities, roading, water treatment and other infrastructure projects.
- 6 I have provided masterplanning, design and landscape and visual effects advice and assessment in relation to a wide range of

development proposals including resource consents for the Awa mixed-use development in the Wynyard Quarter, Summerset Parnell, and numerous age care facilities including Oceania Waimarie in St Heliers, The Sands in Browns Bay and Sylvia Park Towers 2 & 3 as well as the Kiwi Property Built to Rent project at Sylvia Park all of which received consent through the independent hearing panel process. I have also work on a number of comprehensive Plan Changes including: Carlaw Park, a mixed use neighbourhood located at the base of Parnell; the Wynyard Quarter on the Auckland Waterfront; Selwyn Heights Village, Hillsborough; Drury South Business Area, Drury; and the Franklin 2 Precinct (Wesley College lands) at Paerata (a Special Housing Area).

- 7 I have provided urban design and landscape and visual effects assessment and related design advice to Pudong Housing Development Company Ltd, Foodstuffs North Island Ltd, and Silk Road Management Ltd in relation to the subject Covid 19 Fast Track legislation resource consent application. Boffa Miskell landscape architects have also provided the landscape concept design for the proposal. We have worked collaboratively with the wider project team including architects Warren and Mahoney and TPC transport planners. I have participated in two of the community consultation sessions with other Boffa Miskell urban designers and landscape architects also in attendance.

## **CODE OF CONDUCT**

- 8 Although these proceedings are not before the Environment Court, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and agree to comply with it as if these proceedings were before the Court. Except where I am relying on evidence 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.

## **SCOPE OF EVIDENCE**

- 9 This evidence responds to Urban Design and Landscape and Visual effects issues raised in comments on the application for the proposed development. In particular, this report responds to the submissions of: Auckland Council including the specialist responses of Landscape Architect Ainsley Verstraeten, and Urban Designer Karen McCoach; submitter Eden We Love Society Incorporated; and residents J Wang, H & B Perrett, Y Tsai, R Roux de Buisson and Claire House who raise concerns in respect of the area of my expertise.
- 10 My evidence should be read in conjunction with, and does not repeat, the Urban Design, Landscape and Visual Effects Assessment prepared by Boffa Miskell, dated 30 April 2021 prepared by urban designer & landscape architect Ben Clark and myself.

## **RESPONSE TO SUBMISSIONS**

### **Auckland Council**

- 11 Ms Verstraeten considers the Proposal to have the potential for significant adverse visual dominance and landscape character effects with the height of the development in conjunction with its length and lack of variation across the Dominion Road frontage resulting in a bulky and monotonous building. It is the case that the site comprises the full block between Prospect Terrace and Grange Road as site that currently supports a two storey building that is somewhat monolithic and simple in its architectural form. However I do not consider the Proposal to lack variation across the Dominion Road frontage. Whilst the apartment units, like most such residential units, will have a uniformity they are separated into two distinct components (Blocks C and B facing Dominion Road) and stepped in height in a way that breaks up the frontage and reinforces / signals the legibility of the main pedestrian entry to the site and the address for the podium / courtyard apartments.

- 12 I consider that Visual Simulations Viewpoints 1 and 2 (parts copied below)



demonstrate the appropriateness of the scale of the development and its easy 'fit' within the established character and scale of Dominion Road. Furthermore I consider the detailing of the roofline as it faces the street provides a detail that relates well to the fenestration of older buildings on Dominion Road and in closer

views adds a finer grain of interest that steps away from a 'monotonous' elevation.

- 13 On the one hand Ms Verstraeten and Ms McCoach consider the Proposal to be 'bulky and monotonous' and on the other they describe it as 'cluttered and chaotic'. In my opinion the clear strategy to differentiate the side street residential apartment elevations from the central courtyard elevations including in the use of a greater amount of white in the elevation responds to the nature of the side streets and breaks up the form of the building overall, as can be seen in the portion of Viewpoint 2 above, and Viewpoint 4 below.



- 14 Ms Verstraeten considers the site is unable to absorb the scale of development proposed, however the site has considerable – and greater than is 'normal' depth as well as length, compared for example to the much smaller scale of the six storey Eden Views site to the south (which has a 18m height standard). In my opinion the larger scale of the subject site has been used to accommodate a taller than might be expected building in a way that can be accommodated in the context of the immediate and wider area. The ability to set the taller height component back from the street, rather than sitting at full height hard on the street as occurs with Eden Views, substantially softens the impact of the height proposed. The depth of the site means that an equally substantial and beneficial set back is able to be achieved to the east adjacent to the residential catchment.

- 15 As Auckland intensifies I consider there will be many further examples where the condition of taller development with greater residential intensity supporting a more 'urban' condition and the city's strategic transport corridors will continue to arise. Handled carefully I do not consider that this 'disjunct' interface will generate adverse effects in terms of the 'old vs new' interface. There are in my opinion a growing number of such examples both on Dominion Road itself but also on corridors such as Great North Road and Hopetoun Street, as examples familiar to me, where such relationships are now becoming well established and easily accommodated. Whilst obviously each situation is different I consider that the Proposal has adopted the range of 'tried and true' design techniques that avoid adverse interface effects and enable intensification alongside traditional neighbourhoods. Indeed in many ways the interface and amenity outcomes far exceed the frequently seen 'sausage flat' type intensification seen throughout much of Mt Eden that occurred in the 1960's, 70's and 80's. I do not therefore consider the Proposal to be 'overbearing and dominant in nature' for residents living along Prospect Terrace and Grange Road as Ms Verstraeten suggest.
- 16 Ms Verstraeten suggests the Eden Views development should act as a 'bookend' to taller development as part of a height strategy for Dominion Road. However for people travelling up and down Dominion Road generally I do not consider that such a height strategy has any particular rationale nor is such a logic apparent to people generally. In my opinion the height of the proposal, set back as it is from the street, is not incongruous nor is it out of context in respect of Eden Views, which sits more tightly to the street and will be experienced as a similar form of intensification of this strategic transport corridor.
- 17 Ms McCoach holds similar opinions to those of Ms Verstraeten including considering that the proposed height is 'dominant from along the street when seen from a distance'. She also has concerns that the setback nature of the residential component of

the development reduces passive surveillance and activity over the street. The CPTED benefits of the Proposal are not limited to overlooking, which I note will occur on the residential side streets. The active coming and going of people, both residents and shoppers (generally between the hours of 6.30am and 10.00pm – noting that the AEE states the supermarket may at times operate up to 24 hours a day), from the development, which is focussed toward Dominion Road will make a significant contribution to changing the safety and security of this part of Dominion Road after hours. By comparison with the existing condition CPTED qualities of the site and its adjoining streets will be significantly enhanced.

- 18 Notwithstanding that I do not agree with Ms McCoach in respect of the building's dominance I consider one additional benefit of the set back of the taller core of apartments for people approaching the site from the south on Dominion Road is the way in which the building retains and frames the vista to Sky Tower and the mass of vegetation in Ballantyne Square, as illustrated (again) in the image below. The framing of such urban vistas, in my opinion, contributes to the overall amenity, legibility and place based character of the city. Were the building to be brought forward, as Ms McCoach prefers, some of the spacious quality and amenity of this vista would be lost and the contrast between the mass of green open space and its framing by built development would be lost.



- 19 In terms of legibility / access Ms McCoach raises concerns about the amenity of the laneway due to its interface with car parking spaces. This route will provide an alternative north / south pedestrian access to that of Dominion Road. The laneway has been designed to have a quality amenity and it will have a level of convenience for some pedestrian users particularly when the weather is inclement. I consider it to have an amenity that is appropriate to its purpose and function and consider it will provide an attractive alternative to the street network, which also have a car park interface, for some users including local residents.
- 20 Ms McCoach also considers the main entrance to the supermarket and overall development on Dominion Road, which is in a location that she supports, could be more legible, accessible and safe to use. Whilst I consider that more detailed refinement can be accommodated in the detailed design, the entrance will have a good and appropriate level of legibility both because it is an established entry point and because the break in the upper level residential development reinforces the location of the entrance and thereby its legibility from a wider context.

- 21 Ms McCoach also considers it inappropriate from both safety and legibility perspectives that the entry to the Grange Road apartments is located on the far side of the development's vehicle egress when approaching from Dominion Road. I find this criticism somewhat unusual. Pedestrians will walk up and down Grange Road and the vehicle egress has been designed to be safe for this purpose.
- 22 Ms McCoach raises concerns in respect of the architectural modulation of the Proposal and considers variously that there are 'too many elements' and that the architecture is 'cluttered and chaotic' and 'incoherent'. She suggests there are too many side walls that have insufficient glazing. I note that the Proposal is also described by Ms Verstraeten as 'monotonous' which is somewhat at odds with these other criticisms. Ms McCoach suggests rotating some blocks - A and D - to face Grange and Prospect would be a better arrangement, however one disadvantage of that approach would be to introduce a greater number of south facing apartments which has sought to be avoided. In my opinion the architectural composition is very clear and legible. The two side streets are faced by lesser scaled development that comprises commercial activation with residential apartments above. These 'side street' buildings are given differentiation in their architecture and materiality so as to respond to their location. There are in fact very few 'side walls' and other than in respect of the eastern boundary loading dock condition no large blank walls and no rear elevations oriented to neighbours or the street. For example there are no breezeways or solid blank cores. The end side walls do have glazing incorporated in a way that is very typical of quality residential apartment typologies.
- 23 In summary I do not agree with the comments of Council's technical experts in respect of their landscape / visual or urban design commentary. I agree the Proposal will represent a significant change to the locality but I consider the design of the Proposal has addressed the potential of adverse effects and avoided

unacceptable outcomes. I note comments in respect of the Special Character Overlay are addressed in the original special character assessment report and evidence of Mr John Brown of Plan.Heritage Ltd.

### **Eden We Love Society Incorporated**

- 24 Eden We Love Society Incorporated (Eden We Love) suggest a number of proposed changes to address their concerns these include the creation of a 'generous walkway' eg 6.0m wide as an 'open public walkway' along the east side of the development (paragraph 43). I understand the immediate neighbours are less supportive of such a proposal. In any event, I consider that such a walkway is likely to have a low level of use and may raise CPTED and security / adverse behavioural issues. In my opinion the proposed pedestrian laneway has a greater amenity, security and overall benefit including for school children and local residents.
- 25 Eden We Love suggests reconfiguration to 'locate residential units along the east side' (paragraph 44) as a way to create an appropriate interface to the neighbourhood. Given residents' concerns in respect of overlooking I do not consider this would necessarily be welcomed, particularly by at least one of the immediate neighbours.
- 26 Furthermore it is my opinion that the actual nature of overlooking of the eastern residential catchment that will occur is poorly understood. By analysis of the realistic sightlines of people living within their apartments and even as they access their balconies it is evident that views downward into adjacent properties is prevented by the setback and intervening lower levels of the building and / or by distance. I remain strongly of the opinion that the resident's fears in respect of loss of privacy and overlooking will not be realised.
- 27 Eden We Love (paragraph 46) say that the frontages to Prospect and Grange at street level are 'bland and unappealing'. Their

suggestions were for more openness and for residential units facing the street to have more 'outdoor amenity'. The proposal seeks to maximise commercial frontage to the ground level of both Prospect and Grange recognising the less desirable nature of a residential interface at ground in this location especially on Grange with the southern aspect. In my opinion the development transitions from Dominion Road around into the side streets in an appropriate way. Residential amenity for the residential apartments is achieved through balconies rather than ground level 'garden' spaces which is typical of the typology and offers a good, urban, living environment.

- 28 Many of Eden We Love's suggestions are simply not viable in terms of an overall site redevelopment; however I will leave those matters to be addressed by the applicant and other relevant specialists.

### **Comments from Residents**

- 29 A number of residents within the adjacent area, as set out above at 9, raise concerns in respect of loss of privacy, overlooking and dominance.

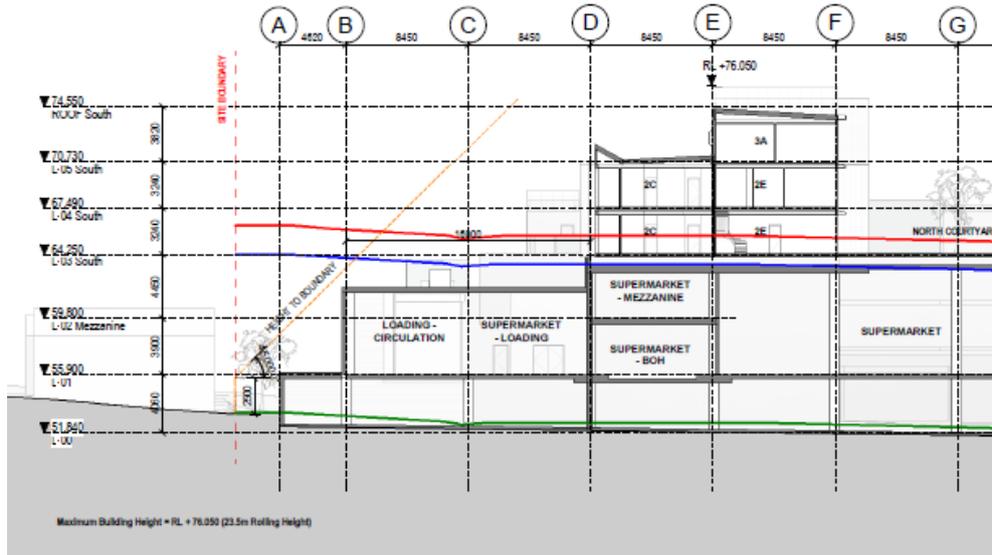
- 30 Over height development within the Mixed Use Zone is assessed as a Restricted Discretionary Activity (RDA) with the relevant assessment criterion set out at H13.3 (8) being:

*(8) Require development adjacent to residential zones.....to maintain the amenity values of those areas, having specific regard to dominance, overlooking and shadowing.*

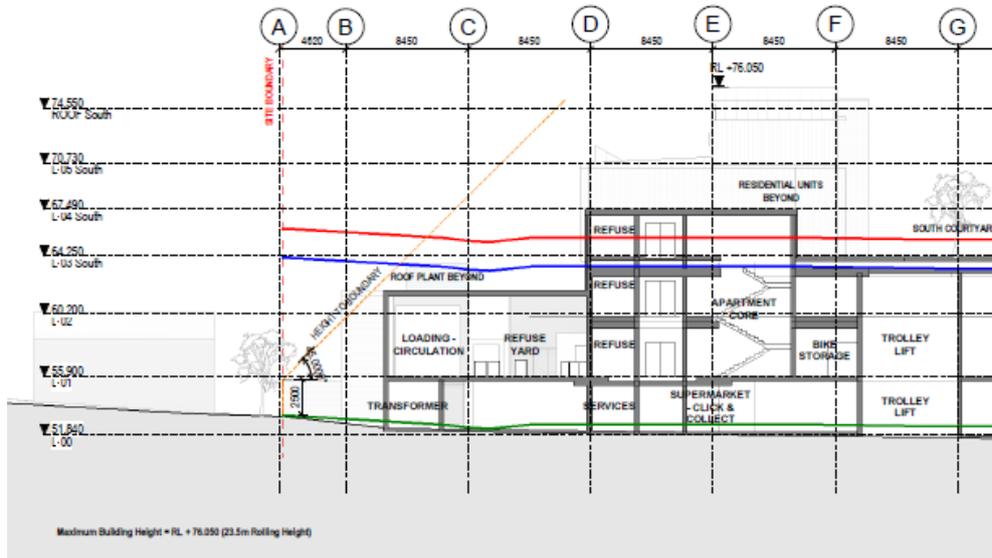
- 31 In respect of dominance, overlooking and loss of privacy this has been a key consideration in the siting and design of the Proposal. The eastern residential boundary was identified as comprising the most sensitive interface along with the residential catchment to the

east, reducing with distance and recognising the rising nature the landform.

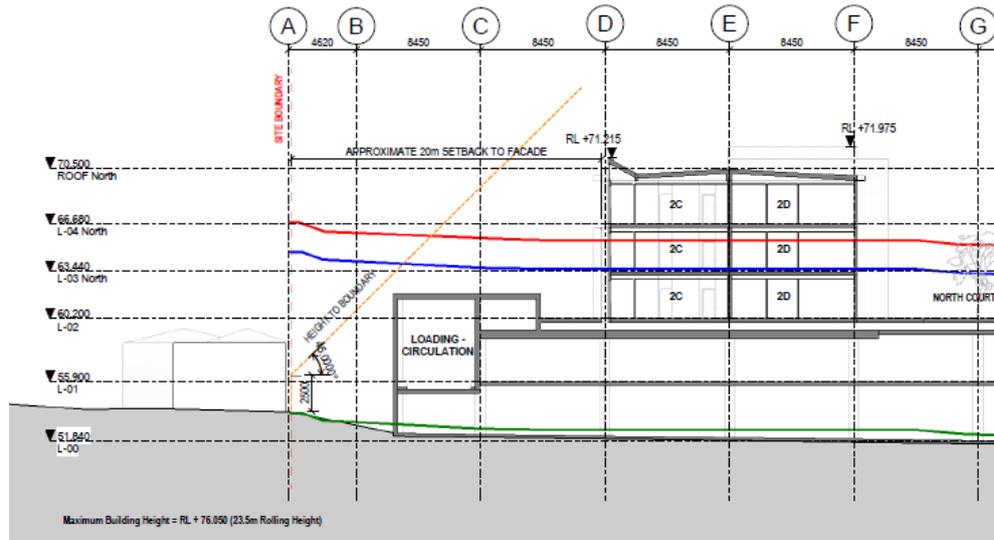
- 32 In my opinion the Proposal successfully avoids adverse effects in respect of dominance, overlooking and loss of privacy through design. In the first instance the proposal is set well within the Height in Relation to boundary control along the eastern boundary. This is a key standard to address these matters in the context of a residential interface. Secondly, the generous set back along the boundary will be well vegetated, with the type, scale and density of planting agreed with the neighbour where they were willing to engage. The width of the set back along the boundary and its planting will, in my opinion, assist in reducing the impact of the development for those immediate neighbours along the boundary.
- 33 In addition to the building set back and planting, the further stepping of height along the eastern boundary and the extensive, 20m, set back, which is equivalent to a full standard residential lot width, to the upper level residential apartments substantially reduces the potential visibility of these upper levels for neighbouring properties. As can be seen in the series of three cross sections (Warren & Mahoney, Typical Sections 03/06/2021) refer below, people in their gardens in houses in close proximity to the Proposal will not see the upper residential levels due to the nature of the set back. At a point where visibility is enabled the distance and potential for intervening vegetation / other structures to restrict views will reduce the impact of potential overlooking. At greater distance up the slope where people may be able to view toward the upper residential levels intervening trees and other vegetation, buildings, other and structures such as fences as well as distance will reduce the potential for overlooking or related loss of privacy and, if able to be seen, the Proposal will not, in my opinion, be visually dominant.



1 SECTION 01  
A09.000 1:250



2 SECTION 02  
A09.000 1:250



3 SECTION 03  
A09.000 1: 250

34 Furthermore in respect of loss of privacy, people in the east facing apartments will spend the majority of their time in their apartments and given the extent of setback / distance and limited ability to look downward from these internal spaces, I do not consider there is potential for adverse effects in respect of loss of privacy for neighbours to the east. As noted in the original assessment, this is reinforced by the typical layout of houses on lots accessed by Prospect Terrace and Grange Road with a predominant orientation of living and outdoor spaces to the north with a lesser orientation to the west.

35 With respect to the more oblique relationship of the residential units facing Grange Road and Prospect Terrace I consider the orientation of these units will mean adverse effects from overlooking / loss of privacy will be avoided in respect of people living day to day within the apartments themselves, given their orientation north / south respectively and the angle of view to any adjacent residential properties. At times when people come out onto their residential balconies there is a prospect for views to these neighbours, however these are at a distance across the street to the street frontage of these houses such that limited adverse overlooking effects would be experienced. Even then, in

my opinion, this is more in the nature of residential neighbours seeing each other across the street rather than generating an adverse visual effect.

36 In respect of shadowing Warren & Mahoney have provided additional shading diagrams extending to later in the day such that these now extend from 8am to 8pm, at which time in winter, at least, it will be dark.

37 I remain of the opinion that adverse shading effects in respect of private residential properties will be in most cases be avoided and where an effect arises it will be of a low magnitude. I note that the 3D model used in the shading analysis does not include existing or proposed vegetation and note that some shadow identified as extending from the proposal will fall on existing trees located in neighbouring properties which will themselves be generating shadow.

38 The diagrams show some additional shadow at 5pm in winter (winter equinox 23 September) on the neighbouring properties to the east, however 5pm in winter, given the cooler temperatures and decreasing evening light is not a time when people are typically looking to enjoy a sunny rear yard.

39 In summer (summer solstice 22 December) additional shadow falls several properties away at 8pm. At that time of the evening the sun is weakening to an extent that very limited effects would be generated. Furthermore once the impact of intervening vegetation is taken into account very little additional shadow is likely to result from the proposal.

40 Submitters (R Roux de Buisson & Y Tsai) suggest that the planted eastern boundary 'may result in antisocial behaviour' and raise concerns about rubbish, rodents, and lack of security. Firstly it is noted that this part of the site is fenced and not open to the street or easy for the public generally to access. Secondly, it seems to me that the submitter may not have considered the residential

nature of the mixed use development and the existence of the body corporate. I consider this area will be well maintained to contribute to the residential amenity of the site and neighbourhood. Furthermore Foodstuffs will, as I understand, have a well-managed pest control regime for the site. I do not consider these matters to raise the potential for adverse effects.

- 41 Y. Tsai also raises concerns in respect of the loss of biological diversity. The site is already substantially developed for commercial / mixed-use activities including areas of surface car parking. The extent of planting provided along the eastern boundary is greater than currently exists and a diversity of tree and lower growing vegetation is proposed in this area. In addition the central podium courtyard has a significant component of planting including trees. In my opinion the contribution of the site to local biodiversity will be enhanced.

## **CONCLUSION**

- 42 In conclusion I remain of the opinion that the Proposal is an appropriate development in the context of the site, its immediate and wider context. I consider the Proposal is consistent with the anticipated character, quality and amenity of the Dominion Road corridor and that it has been designed to avoid and / or limit adverse effects in respect of its neighbouring residential catchment.
- 43 Architecturally it is my opinion that the Proposal is a quality development that responds well to and will further contribute to the ongoing mixed use character and amenity of Dominion Road and the immediately adjacent portions of the Grange and Prospect side streets.

A handwritten signature in blue ink, appearing to read 'R de Lambert'.

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**Rachel de Lambert**

Boffa Miskell

23 June 2021