

Before Waipa District Council

In the Matter of the Resource Management Act 1991 (**Act**)

And

In the Matter Resource consent application to construct a single row of six, two-storey compact houses in the 'Residential' zone at 3 Kelly Road, Cambridge.

Council Reference Resource consent – LU/0125/23

Evidence of Francis ('Frank') Pierard on behalf of Kelly Road Investments Limited

Dated: 29 February 2024

INTRODUCTION

1. My full name is Francis ('Frank') Louis Thomas Pierard. I am an Urban Designer at Barker and Associates ('B&A').
2. I hold a Master of Urban Design (1st Class honours) from the University of Auckland and a Bachelor of Landscape Architecture from Unitec, Mount Albert. I am a member of the New Zealand Institute of Landscape Architects and a member of the New Zealand Urban Design Forum.
3. I have over ten years' experience working in the fields of urban design and landscape architecture, gained in both the public and private sector in New Zealand. Since 2021, I have been employed as an Associate Urban Designer at B&A. In my current role, I am regularly involved in the preparation of urban design assessments and residential, commercial and industrial masterplans. I provide up-front urban design input and advice into a wide range of development schemes for private clients, including multi-unit residential buildings in both greenfield and brownfield environments as well as more traditional greenfield subdivisions across New Zealand. I also regularly provide urban design advice and assistance to Auckland Council on various resource consent applications.
4. Prior to my employment at B&A, I worked for over 3 years as a Specialist and Principal Urban Designer at Auckland Council where I provided urban design advice on various resource consent applications, including numerous medium density residential developments. Prior to that, I was employed by Isthmus Group as an Urban Designer where I worked on a variety of masterplans and urban regeneration developments.
5. Of particular relevance to the matters that will be covered in my evidence, I am or have been a member of design teams for development projects including:
 - a. Auckland urban design reviews, specifically acting as a consultant

urban designer reviewing resource consent applications for a range of residential, commercial and mixed-use schemes on behalf of the Urban Design Unit, Auckland Council.

- b. Urban design lead providing urban design advice and urban design assessments for numerous residential development schemes across New Zealand. Recent and ongoing examples of residential developments include:
 - i. Rotokauri masterplan (Hamilton), specifically acting as the urban design lead in the preparation of a masterplan prepared in response to an existing structure plan which would see the implementation of approximately 2000 new dwellings, a new open space network, educational facilities and commercial facilities.
 - ii. 13-unit private housing development comprising a combination of detached, and unit over unit typologies located at 96 Maich Road, Manurewa (on-going).
 - iii. 42-unit private housing development comprising a combination of duplex and terrace typologies at 66 – 68 Barrack Road, Mt Wellington (on-going).
 - iv. 80-unit private housing development comprising a combination of detached, duplex and terrace typologies at 115 Park Estate Road, Hingaia (on-going).
 - v. 102-unit private housing development comprising a combination of detached, duplex and terrace typologies located within the Drury East Precinct (on-going).
 - vi. 248-unit private housing development comprising detached, duplex, terrace and apartment typologies

located within the Waihoehoe Precinct (on-going).

- vii. 264-unit private housing development comprising detached, duplex and terrace typologies located at 470 Great South Road, Papakura (February 2024).

SCOPE OF EVIDENCE

6. I was not involved with the original design / application. I was commissioned by Kelly Road Investments ('the applicant') post lodgement to review the proposal and provide independent urban design advice.
7. **I have not undertaken a site visit**; however, I have reviewed the site, context and surrounds via Google Earth aerials and street view images. I have also read and reviewed the application material and relevant provisions and maps associated with the District Plan.
8. In preparing this statement of evidence I have reviewed the following documents:
 - a. The application, supporting documents and the assessment of environmental effects.
 - b. Council's notification report dated 20 November 2023.
 - c. Council's urban design comments dated 13 September 2023.
 - d. Council's section 42a report received 23 February 2024.
 - e. The submission received from Ruth and Dennis Hickey.

CODE OF CONDUCT

9. While this is not an Environment Court proceeding, I have read and agree to abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses as presented to this hearing. I have not omitted to

consider any material facts known to me that might alter or detract from the opinions expressed.

APPLICATION AND SITE CONTEXT

10. Resource consent (LU/0125/23) has been sought to construct a single row of six, two-storey compact houses with north facing outdoor living spaces, internal garaging and a common driveway to the south.
11. The council's reporting planner has determined that the application is to be assessed as a non-complying activity and requires resource consent for a number of matters of relevance to urban design including:
 - a. 2.4.2.8: The building line is 55.69m long and is stepped in to a minimum of 2.1m (shortfall of 0.3m).
 - b. 2.4.2.24: The roof is a combination of a gable and hip design, however, is 25 degrees instead of 30.
 - c. 2.4.2.44 (a): The building is in excess of 20m and is stepped in to a minimum of 2.1m, every 4.3m.
 - d. 2.4.2.44 (e): Each unit has been provided with 28.5m² of outdoor living area.

I understand that the Applicant's legal interpretation is that the proposal is to be considered as a restricted discretionary activity.

12. The subject site ('the Site') is located at 3 Kelly Road, Cambridge and is zoned 'Residential' within the Waipa District Plan ('District Plan'). The site also sits within the 'C2 Structure Plan Area'.
13. The site adjoins existing one-storey residential properties 5, 7 and 9 Kelly Road to the north, an existing two storey motel, 'Kelly Road Cambridge Lodge' to the south and Cambridge Road commercial precinct to the south east which contains a medical centre, café, gym, supermarket and offices.

PRELIMINARY ASSESSMENT

14. As part of my initial review of the application material as well as Council's internal urban design assessment¹, I made a number of recommendations which I considered were required to ensure the development was consistent with the good urban design practice. These included:
- a. Provide additional ground floor glazing from Unit 1 orientated toward Kelly Road from an internal active habitable room (i.e. kitchen / dining / living areas). This was recommended to increase opportunities for passive surveillance over the public realm.
 - b. Provide a visually delineated at-grade pedestrian threshold and / or at-grade hard surface material variation within the driveway. This was recommended to increase pedestrian amenity and to signalise a shared-space / slow speed environment.
 - c. Provide 1 x additional specimen tree per lot within the north eastern corners of the relevant outdoor living areas. This was recommended to filter views and soften the proposed built form and visually break up the perception of horizontal mass as viewed from 5 and 7 Kelly Road.
 - d. Provide 2 x specimen trees within the front yard associated with Unit 1 as it relates to Kelly Road. This was recommended to increase the quality and amenity of the streetscape consistent with the established character of Cambridge.
15. The above recommendations have been incorporated within Appendix 1 (dated 27.02.2024). I also identified that some degree of roof form variation would benefit the proposal and subsequent to receiving Council's s42a report, further changes to the roof form were undertaken. These changes are

¹ Ms Annette Jones, dated 11.09.2023.

discussed in detail within paragraph 22.

16. Overall, I support this application from an urban design perspective based on the amendments proposed and the following assessment.

URBAN DESIGN ASSESSMENT

17. Having considered the relevant provisions of the District Plan, the planning outcomes and environmental effects to be addressed that are relevant to urban design have been synthesised and assessed within the following topic headings:

- a. Site layout.
- b. Building design and appearance.
- c. Landscape strategy.
- d. On-site amenity.
- e. Response to Council's Section 42a Report.

SITE LAYOUT

18. In my view, the site layout presents a conventional configuration based on the existing site geometry which is rectilinear and orientated in an east-west manner. A driveway is located along the southern boundary which provides the primary access for both pedestrians and vehicles to Units 2 – 6 along with a supplementary pedestrian entrance and the primary vehicular access to Unit 1. This driveway also provides a physical buffer from the adjacent two-storey motel to the south and ensures that the proposed private outdoor living spaces can be orientated north of the proposed dwellings.
19. Internal living areas and primary outdoor living areas have been collocated and orientated north of each dwelling ensuring a positive indoor / outdoor flow and good access to sunlight. Each dwelling has also been provided with a smaller service court, slightly separated from their primary deck and lawn area which will contribute to the functionality and amenity for future

occupants.



Figure 1: Proposed site layout (sourced from Appendix 1, dated 27.02.2024).

BUILDING DESIGN AND APPEARANCE

20. Unit 1 has been designed to successfully address the street with a clear and legible front door connecting with a garden path which leads directly to Kelly Road. I note, Council’s urban design consultant Ms Jones provided a recommendation that the applicant should “provide greater passive surveillance and interface to the street from living spaces of the front unit facing onto Kelly Street”. As mentioned within paragraphs 14(a) and 15, additional ground floor glazing has been introduced to the western façade of Unit 1. This will enable greater opportunities for passive surveillance from internal active habitable rooms and aligns with good Crime Prevention Through Environmental Design (‘CPTED’) principles.
21. Whilst the proposal does not comply with Rule 2.4.2.7 (maximum building length), the proposal fully complies with the height in relation to boundary standard, the building height standard and all relevant yard setbacks specified within the District Plan. In mitigating potential affects that could arise from a long building, I note that the northern elevation incorporates a varied building facade with a number of protruding and recessed elements which contributes to the architectural rhythm and three-dimensional quality as viewed from 5 and 7 Kelly Road. This will also create a light and shadow effect helping to slightly vary the appearance of the façade throughout the day. This varied building facade, the vertical timber cladding, sandstone coloured wall cladding, brick veneer, powder coated joinery and the cohesive glazing

strategy all contribute positively to the modulation and articulation of the proposed built form while reducing the perception of horizontal mass.



Figure 2: Artist impression of the northern elevation which illustrates the material / colour variation, varied building line and roof form variation (sourced from Appendix 1, dated 27.02.2024).

22. In response to concerns raised within Council’s s42a report regarding the perceived “uninterrupted mass” of the proposal, amendments have been introduced to the proposed roof form. Units 2 and 5 now incorporate a 15-degree roof pitch from the northern edge to the south. This reduces the ridgeline by 920mm for these two units, resulting in a staggered / stepped roof profile. In my opinion, these amendments provide a greater degree of visual complexity, interest and variety to the skyline which assists with minimizing any potential visual dominance effects as viewed from the north and south along with oblique views from the east and west. In combination with the overall architectural composition of the northern building façade, the roof form amendments will mitigate potential adverse effects from the elongated building mass to a level which I consider to be appropriate in urban design terms.



Figure 3: Updated northern elevation illustrating the stepped roof profile (sourced from Appendix 1, dated 27.02.2024).

23. The southern elevation includes a similar material / colour palette to the northern elevation resulting in a cohesive and consistent architectural approach. Powder coated garage doors have been introduced to service the proposed dwellings. Ground floor glazing has been provided from the kitchens and pedestrian entrances from the driveway. These glazed areas provide opportunities for passive surveillance over the communal area without overexposure to the internal active habitable rooms. They also contribute to the visual quality of this elevation as viewed from the south.

LANDSCAPE STRATEGY

24. I note, Ms Jones provided a recommendation that the applicant should “identify the location and type of specimen trees as well as their size to indicate the role these will have in breaking up the northern elevation”. As noted within paragraphs 14(c) and 15, 6 x additional specimen trees (45L grades) have been proposed along the northern boundary to soften and filter views of the proposal from 5 and 7 Kelly Road. 2 x additional specimen trees have been proposed within the front yard adjoining the street to increase the quality and amenity associated with Kelly Road. The specimen trees proposed comprise *Pyrus Calleryana* / Ornamental Pears which are deciduous and have the ability to reach approximately 5m – 8m in height. Whilst these trees will not have foliage year-round, they have been selected to enable sufficient sunlight access to the proposed outdoor living spaces during the winter months and relief from the sun during the summer months.
25. Ms Jones also recommended that the applicant “consider the differentiated surface that can be provided for pedestrians and the landscaped edge on the

southern boundary”. The proposed driveway has been updated to include additional hard surface material variation with a differentiated pedestrian threshold. This will help to increase the visual quality of this space and contribute to the level of pedestrian amenity achieved. It will also help to signalise a slow speed / shared environment to motorists which is a positive design response. Refer to figure 4 which illustrates the updated driveway environment and southern elevation.

26. The balance of the proposed soft landscaping is supported and will contribute to the general level of residential and streetscape amenity achieved.



Figure 4: The western and southern building facades and updated driveway environment (sourced from Appendix 1, dated 27.02.2024).

ON-SITE AMENITY

27. The proposed dwellings have been designed to achieve good sunlight access to their internal and outdoor living areas. Whilst the proposed outdoor living areas do not meet the required 30m² (by just 1.5m²), in my view, they are still of a sufficient and functional size that could easily accommodate the anticipated number of occupants commonly associated with a three-bedroom typology.
28. Each dwelling has been provided with sufficient storage space to meet the day to day needs of future occupants. This includes a dedicated cupboard on

the first floor, wardrobes for each of the proposed bedrooms and the ground floor garage which could accommodate larger items if required.

RESPONSE TO COUNCIL'S S42A REPORT

29. This application has been recommended for decline on the basis that the effects on 5 Kelly Road are unacceptable. I have therefore focused the following assessment on the urban design related effects pertaining to 5 Kelly Road only.
30. 5 Kelly Road comprises a single dwelling and garden shed located in the south eastern corner of the property. The existing outdoor living area extends approximately 20m from the eastern boundary to the eastern most façade of the existing dwelling. This means that whilst the proposed building extends for approximately 35m along the common boundary, only 20m of the proposed building will be directly visible from the existing outdoor living area.
31. Based on imagery retrieved from Google Street view, it appears the internal garage associated with 5 Kelly Road is located along the southern portion of the building, closest to the subject site. This means that the internal outlook would be orientated to the east and west rather than to the south, directly toward the proposed building.
32. I note, if a permitted dwelling was constructed on-site in the same location, it is likely that any future outdoor living space would adjoin the common boundary with 5 Kelly Road in order to take advantage of the northerly aspect for positive solar gain.
33. The proposed units which directly adjoin the existing outdoor living area are two-storeys only and include approximately 3.5m of Unit 2, the full extent of Unit 3 (9.3m) and approximately 7.2m of Unit 4. This is only 36% of the entire building length and is not dissimilar to the horizontal length associated with 7 and 9 Kelly Road as viewed from 5 Kelly Road (albeit I acknowledge 7 and 9 Kelly Road are single level only). The balance of the proposed building is

located either west of the existing outdoor area or further east, adjacent to 9 Kelly Road.

34. As noted within paragraph 22, additional roof form variation has been introduced to reduce the perception of horizontal mass, visually break the proposed building up into a series of discernable volumes and to introduce greater visual complexity and variety to the northern and southern facades. These amendments will be readily perceived from the existing outdoor living area associated with 5 Kelly Road. In my view, the amended roof form in combination with the existing modulation and articulation associated with the northern facade will minimise any potential adverse visual dominance effects as viewed from 5 Kelly Road.
35. As noted within Council's s42a report and Ms Jones's urban design assessment, an alternative option could be to introduce a physical break within the building and split the floor plate into two separate volumes. If a physical break of around 2m was to be introduced, one would be required to stand directly in front of this break to appreciate any discernable sense of space created. When viewed from anywhere else within the existing outdoor living area, a physical break would simply provide the same level of depth and visual interest currently afforded by the existing protruding and recessed elements already proposed to the northern façade. Further, the logical location for a break within the building form is between Units 3 and 4. This would result in the physical break being located closer toward the eastern boundary, reducing any perceived benefit for residents when occupying their internal living areas and the majority of their outdoor living space.
36. Ms Jones also states within her assessment that "In retaining the proposed footprint there are additional mitigation measures that can be made to break down the lineal nature of the elevation. The proposal has used a variety of materials and stepped the façade so that the block is articulated as six dwellings. Other methods are a change in wall colour or placement of specimen trees to further break this elevation for the viewer beyond the site". As noted within paragraph 24, the applicant has introduced 6 x additional

specimen trees along this boundary which will assist with softening and filtering views of the proposed building from 5 Kelly Road.

37. In terms of privacy, all proposed outdoor living spaces are located at the ground floor with standard privacy fences between. The proposed first floor has been setback by a minimum 2.7m from the northern boundary and comprises one bedroom associated with Unit 2, one bedroom and one office / study associated with Unit 3 and one bedroom and one office / study associated with Unit 4. These internal rooms will not receive the amount of use commonly associated with 'active habitable rooms' ensuring a sufficient level of privacy will be achieved. Overall, the proposal will result in minimal privacy effects in relation to 5 Kelly Road.

CONCLUSION

38. Overall, I consider the design response to be conventional in urban design terms and responds appropriately to the existing site geometry and context. Whilst the proposed building is approximately 55m in length, the architectural strategy in combination with the proposed landscape elements and general compliance with the yard, building height and height in relation to boundary standards all assist with minimising any potential visual effects as viewed from the neighbouring properties. The proposal addresses Kelly Road successfully and will result in a positive and active frontage which enables sufficient opportunities for passive surveillance over the public realm.
39. In my opinion, the proposal can be supported from an urban design perspective.



Francis Pierard

Date: 27 February 2024

