

**BEFORE AN INDEPENDENT HEARING PANEL  
APPOINTED BY QUEENSTOWN LAKES DISTRICT COUNCIL**

**UNDER THE** Resource Management Act 1991

**IN THE MATTER** of a Variation to the proposed Queenstown Lakes District Plan (Te Pūtahi Ladies Mile) in accordance with Part 5 of Schedule 1 to the Resource Management Act 1991

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**STATEMENT OF EVIDENCE OF TONY DOUGLAS MILNE [LANDSCAPE]  
ON BEHALF OF THE ANNA HUTCHINSON FAMILY TRUST**

**DATED: 20 OCTOBER 2023**

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## **MAY IT PLEASE THE HEARING PANEL**

1. My full name is Tony Douglas Milne. I am the founding Director of Rough Milne Mitchell Landscape Architects Ltd (**RMM**), formerly Rough & Milne, which is an Aotearoa wide consultancy established in 2010.

### **Qualifications and experience**

2. I have been practising as a landscape architect since 1995. Our consultancy is involved in a wide range of landscape design and land planning projects throughout New Zealand. Many projects have involved preparing reports and evidence, which address matters of visual impact and landscape effects concerning proposed developments. I have prepared numerous visual impact and landscape assessments and presented expert evidence at council hearings and before the Environment Court and Boards of Inquiry.
3. I hold a Bachelor of Arts degree from the University of Canterbury and a Bachelor of Landscape Architecture Lincoln University. I am a Fellow of the New Zealand Institute of Landscape Architect (**FNZILA**).
4. I am familiar with the site, and surrounding environs having made several site visits over the last three or so years. I have also undertaken, and am undertaking, several projects within the wider area and region over the last twenty years. I am currently involved in Plan Change projects in Nelson (PC28), Cromwell (PC14), Ravenswood (PC30), Queenstown (Homestead Bay), Ohoka (PC31) as well as Flints Park – Ladies Mile, that have similar landscape and visual issues as this. Within the Queenstown area, and in relation to the District Plan Review, I have been engaged on projects seeking zone extensions/variations in Arthurs Point, Cardrona Alpine Resort, Victoria Flats and the Gibbston Valley.

### **Code of Conduct**

5. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and confirm that I

have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise, except where I have indicated that I am relying on others' opinions. I have not omitted material facts known to me that might alter or detract from my evidence.

#### **Scope of evidence/matters to be addressed**

6. The methodology and terminology used in my evidence has been informed by the Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines<sup>1</sup>.
  
7. I have prepared evidence in relation to landscape character and visual amenity in support of the submission of the Anna Hutchinson Family Trust (**Trust**), a submitter on the Te Pūtahi Ladies Mile Variation (**TPLM Variation**) which seeks an extension to the TPLM Variation into an area known as Spence Park (**Extension Area**). My evidence addresses:
  - (a) My involvement in the Variation and the Trust's submission;
  - (b) Summary of principal issues;
  - (c) Landscape Character and Amenity Values;
  - (d) An assessment of the landscape and visual amenity issues raised by the Variation;
  - (e) Matters raised by section 42A report and Council evidence, including any reasons for difference in opinion with Council experts;
  - (f) Matters raised by other Submitters; and
  - (g) My conclusions and recommendations.
  
8. An A3 Graphic Attachment (**GA**), dated 20 October 2023, is provided in support of my evidence, and includes maps, aerial imagery and photographs illustrating the Extension Area and a Development Diagram, which sets out the developable areas anticipated by the Extension Area.

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<sup>1</sup> *'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.*

9. I consider the key matters in question or in dispute to be:
- (a) Visual Effects;
  - (b) Effects on Landscape Character; and
  - (c) Defendable Edge to Future Urban Development.
10. My evidence has been peer reviewed by Mr Rhys Girvan, landscape architect with Boffa Miskell, in its preparation and the key matters Mr Girvan opined on, are reflected in my evidence. That is, the importance of open space setbacks for development from the escarpment edges in combination with the planting of the escarpment and within the setback, to provide a more legible (landscape character and visual) response fitting development between restored escarpments along the river corridor.

**Involvement in the Variation and Trust's submission**

11. My role in relation to the Trust's submission has been to provide advice and assessment in relation to landscape and visual effects matters. In preparing this statement of evidence I have considered the following documents:
- (a) The TPLM Variation (and associated documents);
  - (b) The submission of the Trust on the TPLM Variation;
  - (c) The notified QLDC Proposed District Plan Slope Hill Priority Area ONF Schedule 21.22.6 and mapping;
  - (d) QLDC Proposed District Plan Schedule 24.8 Landscape Character Units;
  - (e) The Whakatipu Basin Land Use Planning Study;
  - (f) Section 42A Report on the TPLM Variation prepared by Mr Jeff Brown, dated 29 September 2023;
  - (g) Evidence of Mr Stephen Skelton on the TPLM Variation - Landscape and Visual Effects, dated 29 September 2023; and
  - (h) Submissions received on the Trusts submission.

## Summary of Principal Issues

12. The key landscape issue raised by the Trust's submission relates to potential effects on the amenity of the surrounding environment. This is because the change in density associated with the residential scale development would alter the rural open characteristics that are currently experienced when viewing and travelling past the Extension Area.
13. However, I consider that the alterations to landscape character are acceptable in the context of the wider proposed and existing development pattern due to the existing biophysical characteristics of the landscape that provide for visual containment. These biophysical features, namely the Shotover River Terraces and Shotover River, in tandem with existing (urban areas to the east and south) and proposed (the Variation) land use provide for logical containment of the proposed extension.
14. Within the Domain River Terrace LCU, development enabled by the Trust's extension would alter existing views (from State Highway 6 (**SH6**) and Quail Rise to the south) across the site to Slope Hill. Existing views are not necessarily open as such, in that existing vegetation truncates these in places and could well do so in future, particularly in regard to the planting, including the proposed restoration of beech forest along visible escarpments, and landscape treatments proposed by the Trust. In any event, these existing views are anticipated to change due to either the proposed Extension Area sought by the Trust, or the current Wakatipu Basin Lifestyle Precinct (**WBLP**) zoning. The WBLP will result in an increased level of domestication, associated curtilage and planting on the Trust land. Importantly, and with both the WBLP and the proposed extension, the key visual amenity values associated with the Shotover River, the upper slopes of Slope Hill and more distant views of the wider mountains will be retained.
15. Regarding a defensible edge and containment, from a landscape and visual perspective, the Trust's submission presents a logical and rational extension to the TPLM Variation zone. The Variation currently terminates at Lower Shotover Road, a convenient but not physically defensible edge. The Trust

land presents an opportunity for the Variation to extend to the Shotover River (ONF) to the west, to the south contained by the SH6 cutting, and to the north by a gully that bisects the Shotover River Terraces. These features would provide a more legible, better defined and logical set of constraints to the edge of the zone, which would also be reinforced by the Trust's proposed graduated density of development to the west and north of the Extension Area.

- 16.** While the character of the Trust's land will be changed by the proposed extension, a change is also anticipated by the current WBLP zoning, and those character effects will be well contained. As a consequence, I consider that the key attributes that contribute to the landscape character of the Shotover River ONL and the wider Whakatipu Basin will be maintained. The TPLM Variation presents a change that will result in the immediate landscape setting to the east changing from rural to an urban character and will effectively result in an urbanised corridor along SH6 from Frankton almost to Lake Hayes. From a landscape perspective the Extension Area can be supported as this presents an opportunity for a continuation of complementary zoning based on existing underlying landform and landuse patterns.
- 17.** With regard to planting, setbacks and design controls, I consider the design outcomes advanced by the Trust in its submission and evidence appropriately address the interface with SH6, the Shotover River, adjacent landowners, and the sensitive areas (the terrace scarps) of the Extension Area. The landscape treatment, as recommended in my evidence, is considered to be an appropriate response which will assist with integration of the proposed Extension Area into its setting.

### **Landscape Character and Amenity Values**

- 18.** In general, I agree with the 'description of the landscape' for the wider TPLM Variation zone set out in Mr Skelton's report<sup>2</sup>. However, I consider

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<sup>2</sup> *Evidence in Chief – Stephen Skelton, pages 5 – 7.*

further discussion of the character and values of the site is important to inform the analysis of landscape sensitivity and capacity, as well as discussion of landscape and visual effects.

#### Landscape Attributes of the Receiving Environment

- 19.** I refer to the Landscape Schedule for the Domain Road River Terrace Landscape Character Unit<sup>3</sup> and Whakatipu Basin Landscape Study<sup>4</sup> which provide a description of the key attributes which remain relevant.

#### Landscape Attributes and Brief Description of the Site

- 20.** The Site is currently zoned WBLP, and the existing access is from Lower Shotover Road. The Extension Area comprises two flat to gently sloping terraces with exotic pastoral land cover. The terraces are separated by a steep escarpment with a second escarpment between the lower terrace and Spence Road (*refer Sheet 8 and 12, Graphic Attachment*). Located to the east side of Spence Road there are existing dwellings and travellers' accommodation. The lower terrace features a 'rock' that sits within the terrace at its southern end and, aside from that, there are no other rocky outcrops on the Extension Area. Existing shelter planting of exotic conifers is located along the upper edge of both escarpments.
- 21.** An existing gully borders the north edge of both terraces. While this is not a distinct landscape feature; it does however mark the general transition to a more complex landscape of narrow terraces immediately to the north beyond the Extension Area (*refer Sheet 8, Graphic Attachment*). The existing contour pattern of the landform of the Extension Area clearly indicates the confluence of the terraces at their northern end.
- 22.** The Shotover River (ONF) is located west of the Extension Area. The Extension Area is not within the ONF, but has views overlooking the river

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<sup>3</sup> Queenstown Lakes District Council Proposed District Plan, Chapter 24, Schedule – LCU 7 Domain Road River Terraces

<sup>4</sup> QLDC – The Whakatipu Basin Landuse Planning Study, 2019

and to the mountains surrounding the Whakatipu Basin. The historic Shotover Bridge is located west of the Extension Area, as is the historic Ferry Hotel which is located on Spence Road. The Lower Shotover Cemetery is located south-east of the Extension Area and has been included in the TPLM Variation through an extension to the Urban Growth Boundary. SH6 is to the immediate south of the Extension Area. The Extension Area has immediate access to the Twin Rivers Trail, Queenstown Trail, and Tucker Beach Trail which provide walking and cycling connections.

### Landscape Values of the Extension Area and Receiving Environment

**23.** The landscape values of the Extension Area and the receiving environment (physical, perceptual, and associative) form the baseline for an understanding, and an assessment, of landscape and visual effects. The landscape values of the Extension Area and the receiving environment stem from its past and present landscape attributes (landform, landcover and land use).

**24.** The landscape values that are relevant to an assessment of the proposed Extension Area are listed below.

#### *Physical values*

- The Whakatipu Basin has a complex geology and was formed by glacial processes.
- The steep escarpments, river cliffs, fluvial floodplains and terraces of the Shotover River, and including the transition from a steep and narrow corridor to a broad and open riverbed.
- A modified river corridor although the formative processes are clearly evident through the terraced landform of the Extension Area.
- The unique colour and clarity of the Shotover River waters.
- The landform of the Extension Area and wider receiving environment is part of the unique fluvial terrace formed by the Shotover River.
- Ecological value within the Extension Area and receiving environment is low due to the dominance of exotic vegetation.
- Climate extremes such as hot dry summers and cold crisp winters.



- *“The entire area is ancestral land to Kāi Tahu whānui and, as such, all landscape is significant, given that whakapapa, whenua and wai are all intertwined in te ao Māori. The ONF is mapped as wāhi tūpuna Kimiākau (Shotover River), part of the extensive networks of mahika kai (food & resource gathering) and traditional travel routes in this area.”<sup>5</sup>*

*Perceptual values*

- The Extension Area has a pleasant rural pastoral character due primarily to its current land use and lack of built form.
- The Extension Area and terraces immediately to the north demonstrate moderate-high complexity due to the stepped landform of terraces, steep escarpments and layering of vegetation which gives the appearance in places of a relatively undeveloped river corridor.
- Natural character within the Extension Area is low - moderate due to the modified land use and vegetation patterns.
- *“A perception of significant naturalness within the river landscape, largely due to the densely vegetated riverbanks, escarpment and bluff landforms and/or close proximity to the dramatic mountain context.”<sup>6</sup>*
- Clearly legible glacial and fluvial processes such as the river scarps, floodplains, alluvial terraces, roches moutonnées, and lakes which speak to the formative process of the Whakatipu Basin landscape.
- The peaks and ridges surrounding the Whakatipu Basin impart a sense of enclosure, while at the same time the openness of the valley floor provides views to the mountains.
- High aesthetic and scenic quality are experienced from within the Extension Area and wider receiving environment in views to the Shotover River and the mountains which surround the Whakatipu Basin.
- Transient qualities relate to seasonal change which provide dramatic visual contrasts (fluctuation in water level and colour, changing gravel banks, snow, frosts, autumn colour, green pastures in spring, browning off of pastures in summer, effects of changing light, etc.).

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<sup>5</sup> 21.22.3 Kimiākau (Shotover River) ONF

<sup>6</sup> 21.22.3 Kimiākau (Shotover River) ONF

### *Associative values*

- *“Kāi Tahu whakapapa connections to whenua and wai generate a kaitiaki duty to uphold the mauri of all important landscape areas. For generations, mana whenua traversed these catchments gathering kai and other resources. The mana whenua values associated with this ONF include, but may not be limited to, ara tawhito, mahika kai and nohoaka.”<sup>7</sup>*
- Heritage values associated with gold mining in and along the river as well as the early settlement and historic homesteads in the area.
- Heritage values associated with historic features such as the Old Shotover River bridge and Ferry Hotel.
- Farming values associated with the dominant land use of agricultural and pastoral activities which portray a generic rural character.
- Recreation values associated with the Queenstown area generally but also specifically with the Shotover River and the Queenstown Trail network.

### Overall Comment

- 25.** An assessment of the Extension Area’s capacity to absorb the specific form of development which is proposed. has been undertaken and has been informed by the analysis of the Extension Area's attributes, character, and values. As a result, I consider the landscape sensitivity of the Extension Area to range from high (escarpments) to low in places on the flatter terraces and in closer proximity to Lower Shotover Road and the proposed TPLM Variation zone.
- 26.** It is important to note, the sensitivity of the terrace is not uniformly low and introduces some increased sensitivity in terms of potential for prominent views along the tops of the escarpments and sky lining from some surrounding areas (*refer VP5 Sheet 15 and VP9 Sheet 15, Graphic Attachment*). In response open space setbacks are identified along the escarpment edges shown on the Development Diagram (*refer Sheet 9,*

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<sup>7</sup> *Ibid*

*Graphic Attachment*) as part of ensuring a sympathetic development form can occur in this context.

### **Issues raised by the Variation relevant to my expertise**

#### Capability to Absorb Development

- 27.** Regarding absorption of change, an analysis is typically based on judgements about sensitivity of landscape characteristics and values most likely to be affected. Therefore, in this case I suggest it is the sensitivity of physical, sensory and associative aspects which influence the overall landscape character should primarily be considered when assessing the magnitude of landscape character and visual amenity effects in regard to the existing character of the Extension Area.
- 28.** Regarding landscape capacity, and the receiving environment, landscape capacity is the amount of change that a landscape can accommodate without substantially altering or compromising its existing character or values. It must be remembered that capacity will more than likely vary according to the type and nature of change being proposed. In this case we are essentially considering a change of landscape character on the Extension Area that is perceived to be influenced by immediate surrounding character. In addition, the Extension Area should also be seen in the context of the TPLM Variation which will essentially result in an urbanised corridor.
- 29.** The Landscape Character Unit schedules rate the Domain Road Shotover Terrace unit as having moderate-high capability to absorb additional development<sup>8</sup>. Based on my understanding of the Extension Area and receiving environment, and the values outlined above, I agree with this assessment.
- 30.** However, in the context of the surrounding area, there are differences between the Extension Area and that part of Ladies Mile to the east in

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<sup>8</sup> *Queenstown Lakes District Council Proposed District Plan, Chapter 24, Schedule – LCU 7 Domain Road River Terraces 24-21*

regard to the capacity to absorb additional development, particularly the area of Ladies Mile that is subject to the TPLM Variation as notified. I set these key differences out as per the following:

- (a) The Extension Area is located in closer proximity to the Shotover River and steps down within the river corridor;
- (b) The Extension Area has a less direct relationship with Slope Hill but is visible in the foreground of Slope Hill in views from the west;
- (c) The Extension Area is more removed from SH6 than the flatter part of Ladies Mile to the east, but is also visible for a short time, in views from SH6 travelling eastbound and west of the Shotover River bridge;
- (d) The Extension Area is more visible from the Shotover River and the historic ferry bridge including potential views above open areas of escarpment presently viewed along the skyline; and
- (e) The Extension Area has more complex topography than those parts of Ladies Mile to the east, with stepped terraces and steep escarpments.

**31.** Therefore, it is important to understand that these differences require careful consideration when applying the TPLM Variation (zoning and provisions) to the Extension Area. I consider that the Trust's submission and the outcomes sought for the Site have carefully considered these characteristics.

**32.** Building on the above, I consider that there exists an opportunity, beyond that anticipated by the WBLP zoning and consistent with the general intention of the TPLM Variation, for future development within the Extension Area to reinforce and complement the landscape setting without resulting in significant adverse effects on the key landscape values identified above. These include the following:

- (a) Reinforcing the quality of the escarpments and opportunity to establish indigenous habitats and ecosystems along the Shotover River corridor;

- (b) Keeping the escarpments largely free of buildings and restoring natural character to a site that has been highly modified in terms of landcover. Historically beech forest would have grown on the Extension Area and the escarpments provide a positive opportunity for further modification, by way of restoring previous vegetation communities and therefore natural character;
- (c) To work with the existing landform and provide a density that reflects and responds to the Shotover River landscape in a sensitive way;
- (d) A mix of densities and nuances of height controls that respect the existing visual corridor associated with SH6;
- (e) The inclusion of an Open Space / Recreation Zone above the Escarpment Revegetation Strategy to address potential views above open areas of escarpment presently viewed along the skyline; and
- (f) That the TPLM Variation extension over the Extension Area presents an opportunity for a logical and realistic extension of the proposed zoning, and this is the context within which the Extension Area sits and the opportunity that it presents by way of direct connection and proximity.

**33.** I am of the opinion that the Trust's proposed extension, structure plan and provisions take into account the Extension Area's landscape sensitivity and visual influence. While the Extension Area has a strong connection to the TPLM Variation zone as notified, what is proposed is not simply a roll out of an extension, rather it is an extension that responds to the potential opportunities and constraints, based on the landscape values and an understanding of the key differences between the TPLM Variation zone and the Extension Area.

#### Potential Landscape and Visual Amenity Effects

**34.** In order to assess the potential landscape effects arising from the proposed Extension Area it is useful to understand what those effects may be. I list

the following potential effects on landscape and visual amenity that the proposed Extension Area must seek to address:

- (a) Effects on rural character, amenity and openness;
- (b) Effects on the values of the Shotover River ONF;
- (c) Effects on the legibility and complexity of the fluvial terrace and escarpment landforms of the site; and
- (d) Effects on visual amenity and scenic quality, particularly from the river corridor, the Queenstown Trail network walking and cycle tracks, Quail Rise, SH6, and the historic ferry bridge. This includes potential skyline effects in those views from the historic ferry bridge, SH6 when travelling east and looking 'up' towards the Extension Area.

#### Landscape Test

- 35.** Given the Section 7(c) (amenity) landscape context of the Extension Area, the key 'landscape test' in assessing whether the proposed Extension Area is appropriate from a landscape perspective is whether the Extension Area will maintain and enhance landscape character and visual amenity values. I am comfortable that the level of development which would be enabled by the Extension Area meets this test.
- 36.** In my opinion, the extent, character, and density of development anticipated by the Extension Area will maintain and enhance the landscape character and visual amenity values of this land and the surrounding area for the following reasons:
- (a) We are considering a change of landscape character on a site that is perceived to be influenced by its immediate surrounding character. In proximity to the TPLM Variation zone the activities enabled by the Extension Area will not only be complementary in character to that anticipated by the TPLM Variation zone but viewed together within the surrounding landscape setting:

- (b) The localised topography of the Extension Area contributes to a sense of complexity and containment, which presents an opportunity for the Extension Area to successfully absorb the scale and form of development which would be enabled.
- (c) With additional setbacks from the escarpment edges, controls on height of future built form and proposed landscape development, future development if carefully sited beyond the landscape buffer and escarpment edge would not be visually dominant in the context of the immediate landscape setting of Ladies Mile.
- (d) The legibility and expressiveness of the Shotover River, Slope Hill and the wider mountains, i.e. the key values of the ONF's/ONL's associated with the broader landscape would remain intact. The location of the Extension Area maintains the integrity of the naturally occurring surrounding landform.
- (e) Future development will generally be located in the less sensitive (visually) areas of the Extension Area. This approach, paired with the proposed recommendations and mitigation, will contribute to visually settling future development on the flatter terraces and setback from the escarpment edge within the Extension Area. This will appear contiguous with the TPLM Variation zone as notified.
- (f) Visibility of future development enabled by the proposed extension from SH6 will be limited to eastbound traffic and for a relatively short (in distance) duration. Parts of the Extension Area are visible in the mid-ground and while future development will be visible, in my opinion it will not detract from the shared and recognised visual amenity values associated with the wider landscape and experienced by the public on SH6. Further to this the development enabled by the TPLM Variation will result in SH6 essentially becoming an urban environment and therefore development within the Extension Area will also be viewed in this context.
- (g) In the context of landscape effects on the Shotover River ONF, I consider that the Extension Area has capacity to absorb a degree of development as both the Site and the river terrace are modified, although the formative processes are clearly evident

through the terraced landform of the Extension Area. When one considers the Extension Area in the immediate context of the river corridor at the Shotover Bridge that has been modified and urbanised by Quail Rise, the WWTP ponds, and Shotover Country the river corridor displays a much lesser level of natural character than the very high natural character further to the north. In this context I consider effects on the landscape values of the ONL will be low at most

- (h) In the context of visual amenity effects, I consider the development diagram (*refer Sheet 9 of the Graphic Attachment*) sets out an appropriate response to the Extension Area and paired with appropriate provisions will ensure that the resulting urban character will not be at odds with the evolving character of Ladies Mile (which this Extension Area is clearly connected with and part of). Urban development will be well contained by defensible, biophysical features of the Extension Area
- (i) In addition, I consider the proposed changes to policy 49.2.7.10 and amendment to Rule 27.7.28.1 within the proposed TPLM Variation, along with the updated structure plan (in part), are appropriate from a landscape and visual amenity perspective. However, regarding policy 49.2.7.10, it doesn't presently refer to the natural character outcomes or open space areas including setbacks along the tops of escarpment which I consider are key considerations. Therefore, I suggest the following amendment to this policy:

*e. using well-designed landscaped areas and open space setbacks along the escarpment edge to add to the visual amenity values of the development for residents or visitors, neighbours, and the wider public, in relation to the Shotover River Corridor, and the inclusion of representative indigenous trees which contribute to restoring natural character along the central and lower escarpments within Sub-Area K.*



- (j) I consider that assurance will be provided that the future development on the Extension Area will be located and designed in such a way that it appropriately responds to the existing and future landscape context.

### **Anticipated District Plan Development**

- 37.** As alluded to in the Summary of Principal Issues above, one aspect that I consider is worthy of further consideration is the change to landscape character that could occur through the current WBLP zoning of the Extension Area. Mr Skelton refers to this throughout his evidence and states *'There is likely to be a change in the existing open character and amenity of the submitter's site. However, that change will result in a more rural living type character than urban one. While future WBLP type development may be visible, the sense of spaciousness between buildings and opportunities for landscaping and vegetation will be directed by the provisions in the PDP which will require careful consideration of WBLP effects on landscape'*<sup>9</sup>.
- 38.** I do not disagree with Mr Skelton. However, overall Mr Skelton assesses that the visual amenity experienced in views across the Extension Area would be adversely affected from a moderate to high degree<sup>10</sup>. Further to that, a key theme raised by a number of submissions on the wider TPLM Variation is the potential loss of open rural views and rural character.
- 39.** However, closer scrutiny needs to be given to the potential outcomes of the WBLP when considering effects on character of this receiving environment. It is my opinion that, where present, the current open rural views that are experienced across the Extension Area cannot be anticipated to remain.
- 40.** Attached to the evidence of Mr Bruce Weir<sup>11</sup> is a theoretical WBLP subdivision layout to help illustrate this point. This is not considered fanciful and represents the logical progression of subdivision across the Extension

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<sup>9</sup> EIC – Stephen Skelton, page 24, para 91

<sup>10</sup> EIC – Stephen Skelton, paras 86 - 92

<sup>11</sup> Evidence of Bruce Weir – Attachment x

Area should the Trust's submission be declined. These lifestyle layouts simply demonstrate a continuation of the existing development pattern in the surrounding area (LCU7), and the WBLP maintains this pattern<sup>12</sup>.

41. In the indicative WBLP concept scenario, the result will be the fragmentation of a larger land holding into a potential yield of 15 lifestyle lots, which in turn will add to the proliferation of finely textured lot boundaries and shelter planting, mailboxes, mown roadsides, entrance gates, houses and buildings potentially resulting in an enclosed landscape that has already occurred in the wider Domain Road Shotover Terraces LCU.
42. The outcome on rural amenity, if the 'status-quo' was continued, would be the restriction of open rural views that are currently afforded by the Extension Area. Adjacent examples of this are easily seen from the roads within the Domina Road Shotover Terrace LCU.
43. The loss of open rural views and change in visual amenity values is possible (and indeed likely) under the WBLP Zone or the proposed TPLM Variation Extension Area and therefore, I do not consider that restriction of views across the Extension Area is a key factor in determining potential adverse landscape and visual amenity effects. In my opinion, in both scenarios the mid ground view from the attainable viewpoints will change, but this will not significantly detract from the existing amenity values of the wider setting.

#### **Landscape and Visual Amenity Outcomes**

44. With the further refinement of the structure plan for the Extension Area and associated planning controls, I consider the overall landscape and visual amenity outcomes are consistent with those anticipated and favourable assessed in the evidence of Mr Skelton for the TPLM Variation zone as notified. This also assumes that the current open views across the

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<sup>12</sup> Based on discretionary activity subdivision with 6000m<sup>2</sup> allotments

Extension Area are no longer part of the future receiving environment, as a result of the likely development anticipated by the WBLP Zone provisions.

- 45.** To reiterate in regard to landscape effects, such effects are most likely to derive from changes to rural character and identified landscape values arising from the introduction of built form into the Extension Area, and the proposed re-vegetation of the scarps.
- 46.** It is important to understand that visual effects are a subset of landscape effects. They are effects on landscape values as experienced in views<sup>13</sup>. I have underlined this text because it is the basis of my response to matters raised in regard to visual effects, and is in accordance with the NZILA Assessment Guidelines. A visual effects assessment considers the extent to which the Extension Area would be visible from public places, as well as private residences, and the effects of that visibility on visual amenity values.
- 47.** Visual amenity is a measure of the visual quality of a landscape as experienced by people living in, working in, or travelling through it. The assessment also takes into account the criteria to determine the magnitude of visual effects and that the visibility of development enabled by the Extension Area will not necessarily equate to adverse visual effects on amenity or landscape values.
- 48.** From a landscape perspective and visual effects perspective, the issue is the potential effects of the Extension Area on landscape values as experienced in views from both public places and private residences. Essentially, will the visual amenity of the landscape as experienced in these views be adversely affected? Bearing in mind, change in a view does not necessarily result in an adverse effect.
- 49.** I make further comments on landscape and visual effects in response to the matters raised in the S42A Report and supporting evidence below.

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<sup>13</sup> *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines,*

## Council section 42A report and expert evidence

50. I have read the Council section 42A report, along with the expert evidence of Mr Skelton (landscape and visual matters) and Mr Stuart Dun (urban design). As I read the evidence prepared by Mr Skelton<sup>14</sup> he concludes that the site does not have capacity to accommodate an extension to the TPLM Variation zone. Mr Skelton assesses the Trust's submission on visual effects, a defensible edge to Future Urban Development and landscape character effects which he considers will render the proposed Extension Area inappropriate for the Site. The following paragraphs respond to those points.

### Visual Effects

51. Mr Skelton does raise several matters that need addressing from an assessment perspective. Mr Skelton correctly stated that the Trust's submission '*does not comprehensively address the potential visibility or visual effects should that portion of land be included in the TPLM Structure Plan*'<sup>15</sup>. I consider that this evidence will, to a certain extent, satisfy some of Mr Skelton's concerns.
52. Notwithstanding that, I would like to canvass the following. While I agree with the representative photo-viewpoint locations chosen by Mr Skelton (and note that they were very similar to those I selected when engaged to provide input into the Trust's submission (*refer Sheets 10 – 21, Graphic Attachment*)), I find Mr Skelton's desktop modelling somewhat rudimentary and not overly helpful. While it may assist with a basic understanding of existing landform, a further lens of understanding of the nuances of the potential built form arising from the structure plan and provisions needs to be applied to an assessment. This modelling also does not reflect the escarpment or open space setback and benefits of planting in these areas. I consider that I have taken this extra, and necessary, step in this evidence.

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<sup>14</sup> EIC – Stephen Skelton at pages 21 27

<sup>15</sup> EIC – Stephen Skelton, page 22, para 82.

- 53.** In my opinion, Mr Skelton conflates the level of potential adverse effects from each of the selected viewpoints. While I agree that the Extension Area is readily visible in the central midground of most of these views, and that the current character will change to one of urban elements, Mr Skelton appears to focus on the existing site conditions and characteristics without considering the future environment, along with the unchanged wider landscape setting, in his assessment. This approach appears to influence the conclusions of Mr Skelton in regard to visual impact.
- 54.** It is my opinion that the current open rural views that are experienced across the Extension Area cannot be expected to remain, even under a WBLP zoning scenario. On the Extension Area, the pasture-covered terraces will inevitably change, through development, whichever form it takes. However, this does not necessarily mean that the resulting level of visual amenity will be lower than at present. Remembering that the Extension Area currently displays a relatively low level of amenity, and that significant landscape, planting and amenity enhancements are possible, and this will reinforce the important natural features of the Extension Area such as the escarpments. A key opportunity of this site also enables restoring part of the natural character of the Shotover River Corridor presently modified by the established pastoral land use through restoring indigenous habitats and ecosystems.
- 55.** A combination of factors such as the proposed spatial location of development, building heights, zone rules and integrative planting will create a high amenity environment that is visually sympathetic to its surroundings. Surroundings that include ONFs/ONLs with the key values of these remaining intact and continued to be appreciated. Interestingly, these are all reasons that Mr Skelton uses in his favourable assessment of the TPLM Variation.
- 56.** In my opinion the impact on the shared and recognised visual amenity values experienced from the selected viewpoints would be low – moderate, at most when the following matters are appropriately considered:

- (a) the WBLP development that is anticipated by the PDP, in conjunction with the wider landscape setting;
- (b) the direction provided by the provisions in the TPLM Variation as notified (which require careful consideration of effects on landscape); and
- (c) using the seven point scale drawn from the NZILA's Aotearoa New Zealand landscape Assessment Guidelines to assess the scale of effects of the Extension Area.

### Defendable Edge

- 57.** In response to the reasons set out by Mr Skelton in regard to the 'containment' of the TPLM Variation Area, in my opinion the fluvial terraces of the Shotover River at the western extent of the Trust's land provide a 'distinct and legible physical feature' to bookend the TPLM Spatial Plan, and would be far superior as a defendable edge compared to what is proposed in the TPLM Variation as notified.
- 58.** The use of Lower Shotover Road as a defensible edge, whilst understandable at a simplistic level, from a landscape perspective is somewhat arbitrary. This road crosses an upper terrace of a legible sequence of fluvial terraces associated with the Shotover River landscape. The flat land of this terrace continues either side of the road. Furthermore, in terms of managing/locating the rural urban boundary to ensure there is a defendable edge there is recognised guidance<sup>16</sup> (and good practice) to firstly align this with natural boundaries where available. The terraces descending to the Shotover River on the Extension Area, more so than the road, provide for this at the western end.
- 59.** Having reviewed paragraphs 94 – 96, and then 108-109 of Mr Skelton's evidence in regard to both the geomorphology of the Slope Hill/Shotover River sequence and the landscape buffer he has advised on for the TPLM Variation zone. I agree with Mr Skelton when he acknowledges there are

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<sup>16</sup> *Auckland Regional Policy Statement and Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*

*'legible lines in the landscape'*<sup>17</sup>but I disagree when he suggests *'they are not as strong as the TPLM Variation Area's other boundaries'*<sup>18</sup>. In my opinion trying to create a defensible edge by way of a landscape buffer that is only six metres in width<sup>19</sup> and correlates with the boundary of the LCU, fails to consider the actual landscape and is a complete folly in this location.

- 60.** To the north of the Extension Area, there is a defined gully system that severs the Extension Area from land further north. While the northern cadastral boundary of the Extension Area has been used as the edge to the proposed extension, and therefore the Extension Area, the gully presents a natural, and in my view highly effective, boundary to check the future spread of development in this direction. One must also bear in mind the current WBLP zoning of this Domain Terrace Shotover Terrace LCU land and the potential development change that may occur on it in the future. For these reasons, I do not accept Mr Skelton's view<sup>20</sup> that the Extension Area would not effectively contain further development occurring to the north.

#### Landscape Character Effects

- 61.** In my opinion the location and form of future development enabled by the Extension Area will not result in any more than low adverse effects on the natural character of the wider Shotover River ONF terraces. I note Mr Skelton shares this same view<sup>21</sup>. This is because development will be restricted to the terraces, with the terrace risers (scarps) revegetated with native planting that would in fact increase the extent of biodiversity of the Site and River corridor and restore indigenous habitats and ecosystems which form a key attribute of natural character currently modified through the existing pastoral landuse. Further to this, in the context of the immediate setting, I consider the proposed extension to the TPLM Variation

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<sup>17</sup> *EIC Skelton at para 94*

<sup>18</sup> *Ibid*

<sup>19</sup> *EIC Skelton at para 109*

<sup>20</sup> *EiC Skelton at para 97*

<sup>21</sup> *EIC Skelton at para 101.*

zone would result in low-moderate adverse effects on the open natural character of the Shotover River ONF.

### **Matters raised by other Submitters**

- 62.** There have been a number of submissions lodged on the TPLM Variation that comment on matters relevant to landscape, visual effects and rezoning. While none of these relate directly to the Site, by inference key matters raised in relation to rural character, urban creep, design that should complement the environment and landscape and visual effects on the environment in a way relate to the proposed extension.
- 63.** In my opinion the evidence of Mr Skelton<sup>22</sup> addresses these appropriately and I agree with his response. Overall, and in the context of the TPLM Variation, I consider the landscape character change arising from the proposed extension is appropriate and from a landscape and visual perspective, fills a spatial gap in the Eastern Growth Corridor.
- 64.** There have been a number of further submissions received specifically raising concerns about the Trust's proposed extension. Essentially these raise common issues of urban sprawl, cross boundary landscape and visual amenity effects and are generally in favour of the appropriateness of the existing WBLP zoning over the Extension Area. My evidence has addressed these topics and I do not intend to canvass this again. However, there is the potential to consider a site nuanced setback at the new rural/urban edge that will potentially address the perceived loss of rural amenity values along this interface.

### **My conclusions and recommendations**

- 65.** Overall, I consider the proposed extension, structure plan, amended provisions in combination with my further recommendations appropriately address the Extension Area's attributes, sensitivity, and the surrounding environment.

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<sup>22</sup> EIC – Stephen Skelton, pages 16 – 21.



- 66.** I consider adverse effects on visual amenity for the assessed representative viewpoints will generally be in the range of low to moderate. Although this does not necessarily mean that the resulting level of visual amenity will be lower than at present. Instead, the resulting visual amenity will be from a combination of existing and new elements.
- 67.** Further there are many positive effects on landscape and amenity resulting from the proposal including opportunities for greater biodiversity within the Extension Area through native planting of the scarps, amenity edge provisions to both Lower Shotover Road and SH6 and landscape setbacks from the Shotover River and escapement edges.
- 68.** Overall, the Extension Area will provide for future development that is appropriate and contiguous with the TPLM Variation zone as notified and will not result in significant adverse landscape or visual amenity effects that cannot be either avoided or mitigated. While it is inevitable that the existing qualities and characteristics of the Extension Area will change, what is proposed would result in a carefully considered response, integrated, comprehensive, mixed use development which will result in a high-quality environment.
- 69.** For further assurance, I make the following recommendations:
- (a) The structure plan should be updated to reflect the development diagram, including the 30 metre open space setbacks along the edge of the escarpments, as shown in the GA appended to my evidence;
  - (b) Revegetation by way of native planting should be undertaken on the escarpments to enhance the biodiversity and natural character of the Extension Area and river corridor;
  - (c) Exotic deciduous tree planting should be a feature of the low density residential precinct. This would reinforce the associative and perceptual values of this area of the Extension Area and wider receiving environment; and

- (d) Shelter planting should be maintained at least in the short term to protect the layered pattern of vegetation and soften the presence of new built form on the terraces.
- (e) An increased building setback and a 10 metre wide landscape buffer strip shall be implemented along the interface with the Whakatipu Basin Rural Amenity Zone.

**DATED** this 20th day of October 2023

A handwritten signature in black ink, appearing to read 'Tony Douglas Milne', written in a cursive style.

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Tony Douglas Milne

## APPENDICES

Attachment One – Graphic Attachment