

Before the Hearings Panel
Appointed by the Queenstown Lakes District Council

Under the Resource Management Act 1991

In the matter of: the Te Putahi Ladies Mile Plan Variation to the
Proposed Queenstown Lakes District Plan

and **Corona Trust**
(Submitter #99)

Response to questions from Koko Ridge Ltd

Brett James Giddens

24 November 2023



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INTRODUCTION

- 1 My name is Brett Giddens and I have provided Evidence in Chief (**EiC**) (planning) dated 20 October 2023 on behalf of the Corona Trust (**Corona**).
- 2 My qualifications, experience and confirmation of adherence to the Code of Conduct is set out in my EiC.
- 3 This supplementary evidence is provided in response to the questions set out by Koko Ridge Ltd (**Koko**) for me specifically, and the directions of the Panel (including the direction to strike out certain questions from Koko).
- 4 I address each question in turn.

QUESTION 18

- 5 No response provided as per the Panel's direction.

QUESTION 19

- 6 No response provided as per the Panel's direction.

QUESTION 20

Paragraph 21 – how does Mr Giddens reconcile the hierarchy of the NPS-UD policy 6, with his assessment of policy 49.2.7.8?

- 7 A district plan must give effect to any NPS¹. District plans must ultimately assist territorial authorities to carry out their functions in order to achieve the purpose of the RMA.
- 8 In giving effect to the NPS-UD, the objectives and policies, including Policy 6, require consideration against the Variation as a whole. Mr Brown has undertaken this assessment as part of his section 32 evaluation concluding that the Variation gives effect to the NPS-UD.
- 9 Policy 49.2.7.8 provides direction on finer grain matters at a district plan level relating to amenity and implements Objective 49.2.7.

Objective 49.2.7 – An attractive built environment that positively responds to streets and open spaces, provides a high level of residential and neighbourhood amenity, achieves high quality urban design and ecological outcomes and incorporates indigenous biodiversity in design.

Policy 49.2.7.8 – In the Low Density Residential Precinct, ensure that the height, bulk and location of development maintains a low density

¹ Section 75(3) of RMA.

suburban character and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.

- 10 This policy guides what rules should follow from it to ensure that a low density suburban character in Sub Area H2 is maintained and that the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight, is also maintained.
- 11 Whether or not the relief sought by Corona or Koko is accepted, will not “make or break” an evaluation of the NPS-UD. The Variation as a whole must give effect to the NPS-UD and a fine grain analysis of Policy 6 of the NPS against what are relatively discrete issues with small part of the Variation area would not change that conclusion in my opinion.

QUESTION 21

Paragraph 23.1 – does Mr Giddens seek the 20m setback from the terrace edge or boundary of the zone as they are not the same.

- 12 The building setback I suggest is from the cadastral site boundary (which is also the zone boundary). For similar reasons Mr Brown notes in his rebuttal, there are practical difficulties with having a setback from a point located outside of Sub Area H2 and the zone. The zone boundary cannot be modified (without a further plan change), therefore providing the most certainty as a demarcation point.
- 13 The terrace and ground levels have been modified from those plans shown in the drawings appended to the Koko evidence and therefore are not entirely reliable as a demarcation for a building setback.

QUESTION 22

Why has Mr Giddens evidence not attempted to reconcile the approved subdivision and building platforms with the provisions he proposes?

- 14 My evidence has assessed the effects of the Variation, drawing on expert landscape evidence from Ms Moginie which also considered the effects of the consent granted to Koko. This differs from the evidence for Koko which has relied on the effects of the resource consent to justify further intensification through the Variation.
- 15 The resource consent does not give me any reason to alter the provisions that I have put forward in my EiC. The scale and form of the Variation compared to the consent do not reconcile.

- 16 There is also no certainty that the subdivision and land use will be advanced in that matter given that Koko are seeking to significantly increase the density and development rights for the land.
- 17 I consider it unrealistic that only four houses would be built in the consented locations if the zoning for intensification was authorised.

QUESTION 23

Is Mr Giddens aware of the setbacks required from terrace edges in the Shotover country special zone?

- 18 I had not considered the Shotover Country Special Zone during the preparation my EiC. In light of this question, I have investigated and considered the matter.
- 19 The Structure Plan (contained in my **Annexure A**) identifies that there is a "Terrace Buffer Area" of 6m from the terrace edges. The terrace edge appears to reflect the site boundaries from what I have observed on Grip Map.
- 20 Rule 12.30.5.1 (viii) **Terrace Buffer Areas**, requires:
- (a) Within any site containing part of a Terrace Buffer Area identified on the Structure Plan, landscape planting within that part of the Terrace Buffer Area shall:
 - (i) Be established prior to making application for building consent.
 - (ii) Comprise the type of species detailed in Part 3 of Appendix 1.
 - (iii) When mature achieve a visual vegetation screen which, when separate plantings are calculated together, extends along 50% of the length of the part of the Terrace Buffer Area within that site (as illustrated in Appendix 2).
 - (iv) Be maintained by the site owner. If any plant or tree dies, is destroyed or becomes diseased it shall be replaced by the site owner.
 - (b) No buildings shall be constructed within the Terrace Buffer Areas identified on the Structure Plan.
- 21 The assessment matters are set out at 12.30.6.2:

iv **Planting in the Terrace Buffer Areas**

The extent to which proposed planting when mature:

- (a) Will mitigate visibility of buildings in terms of views from public places outside of Shotover Country Special Zone to the northwest, west and southwest.
- (b) Will achieve a visual vegetation screen which, when separate plantings are calculated together, extends along 50% of the length of the Terrace Buffer Area within that site (as illustrated in Appendix 2).
- (c) Is located in a manner which relates to the built form within the site and is designed in a manner to reduce the bulk and hard unnatural lines associated with buildings in the landscape when viewed from the public places mentioned in (a) above.
- (d) Will achieve (a) to (c) above in winter as well as summer.

22 The planting of the Terrace Buffer Areas to achieve a “vegetative screen” are reflected in illustrative diagrams within the zone framework (see my **Annexure B**). The plant schedule (see my **Annexure C**) includes a range of trees and shrubs to be planted, with trees mostly ranging in height from 10m to 15m and shrubs from 1.5m to 8m to achieve the vegetative screen.

23 Furthermore, Rule 12.30.5.2 (vi) **Fences**, requires:

vi **Fences**

- (a) Within Activity Area 5a – 5e, the Terrace Buffer Area and the Wetland Setback there shall be no solid fences or walls. For the purposes of this rule solid fences do not include post and wire fences.
- (b) Within Activity Area 5b there shall be no fencing, except post and wire fencing, along the boundary of the Activity Area.

24 A breach would trigger the need for a non complying activity consent.

25 I have (today) been to Shotover Country to look at the terraces. It was immediately apparent that the terraces are roughly two to three times the height of the terrace above Maxs Way, and generally have much more depth. Most are vegetated (albeit some very scrappy). Due to the height and the degree of vegetative screening, properties below the terrace were impacted to different degrees.

26 What was apparent to me was that the treatment of the terrace edges was highly varied. This included mixed fencing, miscellaneous storage (such as containers and sheds), garaging and trampolines were prevalent in the setback areas, alongside dwellings on each site.

27 What I have deduced from my examination of the provisions versus what I saw on the ground is that implementation and adherence to the rules has not been great.

- 28 In my opinion, this further supports the needs for the controls that Ms Moginie and I have suggested for Sub Area H2.

QUESTION 24

Para 25 states that the 5.5m height poles setback 4m from the title boundary are a significant change. As these are representative of the worst case under RM211276 and well within the 8m permitted baseline under the current district plan, please explain precisely what is the "significant" change you are referring to and why you consider it is significant?

- 29 This question comes back to the disagreement between Mr Devlin (for Koko) and myself in the planning JWS whereby he considers that there is a permitted baseline on the Koko site.
- 30 Aside from the issue that the permitted baseline is codified in the RMA for resource consents and is a discretionary consideration, I do not agree that there is a permitted baseline for comparison. I note that in the decision for RM211276, the Council found that there was no permitted baseline. I also understand that the 8m height "permitted baseline" was not applied because there is a 5.5m building height restriction over the Koko land, meaning that an 8m building height cannot be achieved without approvals from the parties to the covenant.
- 31 If any such comparison was made, the scale and form of the rezoning is more significant than what was consented.
- 32 I refer to the plans from Ms Moginie in this regard, and also to the photographs of the building poles on the Koko land that are contained in the submission of Corona Trust.

QUESTION 25

- 33 No response provided as per the Panel's direction.

Dated: 24 November 2023



Brett James Giddens