

Before the Hearings Panel
Appointed by the Queenstown Lakes District Council

Under the Resource Management Act 1991

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

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

Summary of Evidence

Brett James Giddens

7 December 2023



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Town Planning Group NZ Limited

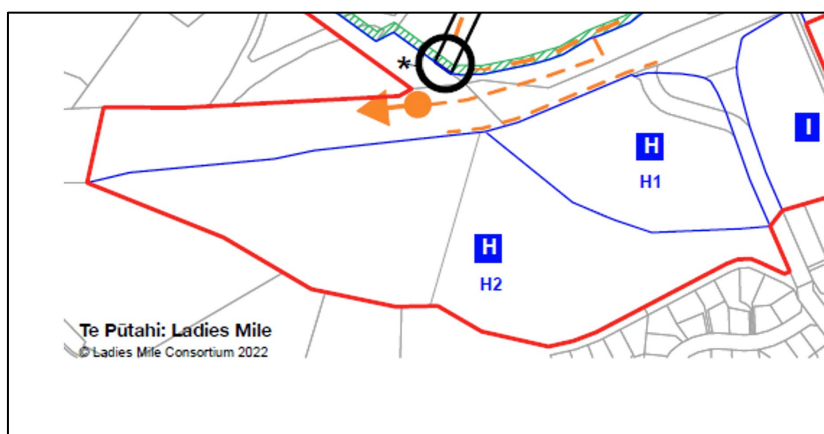
PO Box 2559, Queenstown 9349

Email: brett@townplanning.co.nz

Phone: 021365513

SUMMARY

- 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**) and written responses to questions from Koko Ridge Ltd dated 24 November 2023. I also participated in both days of the planning conferencing.
- 2 My evidence is generally confined to an area of the Variation adjoining the Corona land and Maxs Way, known as Koko Ridge, situated within the proposed Lower Density Residential Precinct of the zone.
- 3 The primary issue for the Panel's consideration relates to the effects of enabling residential development near the terrace edge of Sub Area H2 along Maxs Way, and the plan provisions to control those effects. The issue is relatively localised and, in my opinion, warrants a location specific response.



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

- 5 This policy guides what rules should follow to implement the policy¹.

¹ Section 75 (1) (c) of RMA

- 6 Corona is a neighbouring property that sits below Sub Area H2 and the amenity values enjoyed by its occupants is to be maintained. I do not consider that the rules as they currently stand would enable this.
- 7 The environment will change from what you see today if houses are built on the consented allotments on the Koko land, however, as I set out in my responses to questions, the scale of what is proposed to be enabled through the Variation is far greater than what is consented such that a comparison of effects is of limited utility. I consider it is unlikely that the consented form of development will advance given that there is a significant increase in density proposed under the Variation. I do question the grandfathering provisions that have been inserted by Mr Brown to reflect the large lot residential zone and struggle to see how there is support in the framework for such rules given the clear direction for urban intensification across the entire Variation area.
- 8 Alongside my own assessment, I have considered the expert landscape evidence from Ms Wendy Moginie.
- 9 Key effects include a loss of privacy and visual dominance of built form.
- 10 Mr Brown's proposed solution to the issue includes an increased setback from the southern boundary of the Koko Ridge land (2m to 4m), a 5.5m building height restriction extending 20m into the Koko Ridge land from the southern boundary, and a requirement that sites are no less than 20m-25m in width (which I understand is intended to reduce the number of buildings that would be located along the terrace).
- 11 I have not taken issue with the density proposed in Sub Area H2 other than to the extent that increasing the density of development increases the number of buildings and accessory buildings that could be located along the terrace. The most appropriate method in my opinion is a combination of building height reduction, a building setback and landscape requirements.
- 12 I agree with Mr Brown that any building setback should be taken from the legal boundary.² Practically measuring a setback from a feature on a third party landholding where no legal access is available to a third party would be problematic compared to the conventional approach taken in the District Plan to apply setbacks from site boundaries.
- 13 I also agree with Mr Brown that the setback should apply along the entire length of Sub Area H2. As acknowledged by Mr Brown at [124] of his rebuttal, there could be a desire by landowners to undertake infill development under the more intensive Zone provisions, and the development could result in poor and unanticipated urban design outcomes and adverse effects on landowners on the lower terrace at Maxs Way.

² Paragraph [121] of Mr Brown's rebuttal.

- 14 Alongside Mr Brown's provisions, I have suggested a number of amendments to the provisions (see **Annexure A**). In summary, these include:
- 14.1 a minimum building setback from southern boundary of 15m (note this differs from the 20m recommended by Ms Moginie).
 - 14.2 an amendment to the accessory building rules ensuring that accessory buildings (such as garages and sleep outs) are not provided for within the setback.
 - 14.3 an amendment to the new rule proposed by Mr Brown that enables land uses in the Sub Area H2 to be established under the rules of the Large Lot Residential Zone to ensure that the setback, height, fencing and landscaping controls for Sub Area H2 still apply (meaning this rule cannot be used as a work around).
 - 14.4 the addition of a new landscaping rule relating to the setback area (adapted from the existing rule in the Shotover Country Special Zone).
 - 14.5 the addition of new fencing rule to control the appearance of fencing along the southern boundary.
- 15 For completeness I record that I agree with Mr Brown's provisions relating to:
- 15.1 a no build area on the Structure Plan along the southern boundary of Sub Area H2.
 - 15.2 building height (5.5m within 20m of the southern boundary)
- 16 There is disagreement between Mr Blair Devlin (for Koko) and I about how Policy 6 of the NPS is to be applied. I have looked at Policy 6 in the context of the Variation whereas I understand Mr Devlin is applying Policy 6 at a focussed Koko/Corona site scale. The Variation must give effect to the NPS and my opinion is that it does that.
- 17 I am happy to take any questions that the Panel may have.

Dated: 7 December 2023



Brett James Giddens

Annexure A – Amended Provisions

Highlight yellow text are amendments proposed by Mr Giddens (additions underlined and deletions ~~struck out~~).

<p>49.5.2</p>	<p>Building Height</p> <p>A maximum of 8m, except that within 20m of the common boundary of <u>Lot 1 325561 (53 Maxs Way)</u>, the maximum height shall be 5.5m</p>	<p>NC</p>
<p>49.5.6</p>	<p>Minimum Building Setbacks</p> <p>49.5.6.1 Minimum setback from road boundary: 4.5m</p> <p>49.5.6.2 Setback from waterbodies: 7m</p> <p>49.5.6.3 All other boundaries: 2m</p> <p>49.5.6.4 In Sub-Area H1: Minimum setback from boundary with Sub- Area H2: 6m</p> <p>49.5.6.5 In Sub-Area H2: Minimum setback from southern boundary: 4m <u>15m</u></p> <p>Except that:</p> <p>a. eaves may be located up to 600mm into any boundary setback along eastern, western and southern boundaries and up to 1m into any boundary setback along northern boundaries.</p> <p>b. accessory buildings for residential activities may be located within the boundary setback distances (other than from road boundaries <u>and from the southern boundary of Sub Area H2 adjoining 53 Maxs Way</u>), where they do not exceed 7.5m in length, there are no windows or openings (other than for carports) along any walls within 1.5m of an internal boundary, and they comply with rules for Building Height and Recession Plane.</p>	<p>D</p> <p>NC</p>
<p>49.5.XX</p>	<p>New residential units on sites greater than 2000m² within the H2 Sub-Area shall be subject to the bulk</p>	<p>As required</p>

	<p>and location controls specified in the Large Lot Residential (A) Zone provisions (11.5.1 – 11.5.14).</p> <p>Rule 49.5.2 (Building Height), 49.5.6.5 (Minimum Building Setbacks), 49.5.XX (Landscaping) and 49.5.XX (Fences) still apply.</p>	<p>by Rules</p> <p>11.5.1 – 11.5.4</p>
49.5.XX	<p>Landscaping</p> <p>Within the no build area along the southern boundary of Sub Area H2 as shown on the Structure Plan, landscape planting within the no build area shall:</p> <ul style="list-style-type: none"> a. Be established prior to making an application for building consent. b. Comprise of the type of species detailed in Part 3 of Appendix 1 of the Shotover Country Special Zone. c. When mature achieve a visual vegetative screen extending the length of the no build area. d. Be maintained by the site owner. <p>No buildings shall be located in the no build area.</p>	NC
49.5.XX	<p>Fences</p> <p>Within the no build area along the southern boundary of Sub Area H2, there shall be no solid fence or walls. Any fencing must be timber post and rail at a height of 1.2m.</p>	D