

**BEFORE THE QUEENSTOWN LAKES
DISTRICT COUNCIL HEARINGS PANEL**

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of a submission by Corona
Trust on the Te Pūtahi Ladies Mile Plan Variation
to the Proposed Queenstown Lakes District Plan
(Submission No.99)

**STATEMENT OF EVIDENCE OF WENDY MOGINIE ON BEHALF
OF THE CORONA TRUST**

DATED 20 OCTOBER 2023

INTRODUCTION

Qualifications and Experience

1. My name is Wendy Anne Moginie, also known as Wendy Chartres-Moginie. I am a Registered Landscape Architect at Rough Milne Mitchell Landscape Architects (**RMM**).
2. I hold a Bachelor of Landscape Architecture degree (Hons) from Lincoln University and am a Registered Member of the New Zealand Institute of Landscape Architects Inc.
3. I have been practising as a landscape architect for the past 13 years. I have previously been a Director of RUN394 Landscape Architecture, a Dunedin based Landscape Architecture consultancy which I established in 2010. I have worked for **RMM** as a Landscape Architect since 2017, in their Wanaka and Dunedin studios.
4. I have previously presented expert evidence at council hearings.
5. I have been involved in a significant amount of work specific to the Queenstown Lakes District including Wanaka Lavender Farm, Cardrona Alpine Resort – Proposed Extension SASZ.

Code of Conduct

6. While this matter is not before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

Purpose and Scope of Evidence

7. RMM has previously provided landscape planning advice to the client, Corona Trust Limited (the **submitter**). I have visited the site and am familiar with the site and surrounding environment.
8. I have prepared this evidence in support of the Corona Trust and its submission on the proposed variation to the Queenstown Lakes District Plan (**PQLDP**). The submission relates to the effects of development within the Lower Density Residential Precinct of the Variation on the submitter's property at 53 Maxs Way, Queenstown (**the site**). My evidence supports the relief sought to amend the proposed rezoning of land referred to in the Variation as '**Sub-Area H2**' to manage the adverse effects of built form being located on the terrace edge above the Site. My evidence specifically considers the actual and potential landscape and visual amenity effects that may arise from the rezoning of the land to Low-Density Residential Precinct (**LDR**).

9. My evidence describes the site and the surrounding environment and assesses the potential landscape and visual effects of the proposed Variation 'Sub-Area H2' LDR rezoning change with regard to the adjoining property at 53 Maxs Way. The proposed LDR will be setback a minimum of 2m from the northern site boundary of the Corona site, which is located at the top of the terrace. Consequently, the site will be directly affected by the development and associated land use as a result of the 'Sub Area H2' Variation.
10. An A3 Graphic Attachment (**GA**) forms Appendix 1 to my evidence and contains material illustrating the receiving environment and the likely effects of the proposed development. **Refer GA Sheets 1 - 27.**

RELIEF SOUGHT

11. As outlined in detail within the Corona Submission, the **Submitter supports the general intent** of intensification of development along the Ladies Mile Highway (**SH6**) in the form of the consolidation of proposed higher density development. However, the submitter seeks the following:
 - a. The **primary relief sought**, the Submitter seeks that land identified for inclusion within the proposed 'Sub-Area H2' is removed from the Variation, and that the increased density of development sought to be enabled in this location is accommodated on the northern side of Ladies Mile Highway.
 - b. The **secondary relief sought**, the Submitter further seeks that changes are made to provisions of the Variation, including Structure Plans, to fully address the issues raised in this submission, including any consequential changes to the Variation, or Proposed Queenstown Lakes District Plan that are necessary to achieve the outcomes raised in this submission.
 - c. These changes include the following:
 - (i) Recognition of the RM211276 (September 2019) – Koko Ridge Subdivision Stage 2. Consent Conditions¹ that include a 10m building setback from the terrace edge, a 5.5m height restriction limiting building heights to 5.5m single story, and landscape controls for fencing and provision of landscape mitigation along the southern boundary to screen development and protect privacy.
 - (ii) Updating the zone purpose to address the urban / rural living interface.

¹ Land Covenant in Easement Instrument 5907860.3

- (iii) Amend the Structure Plans to include the extension of the 'no build' area and impose the 5.5m height limit over the area shown as Sub-Area H2 on the structure plan.
- (iv) Amend the Objectives and Policies for Chapter 4 – Urban Development to provide for the need to maintain and enhance amenity values of adjoining rural living environments.
- (v) Amend Chapter 27 Subdivision and Development, including the Matters of Discretion for Rule 27.7.28 to give effect to the changes requested in this submission.
- (vi) Retain the ability for the Council to serve notice (Limited Notification), publicly notify or decline Resource Consent applications in Sub-Area H2 of the LDZ Precinct.
- (vii) Any further consequential relief necessary to fully give effect and respond to the issues raised in this submission relating to the development and use of land in what is shown as Sub-Area H2 in the LDR Precinct of the Zone.

METHODOLOGY

12. The methodology and terminology used in my evidence has been informed by the *Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines*². The table in Figure 1 below outlines the rating scales that are referred to in my evidence.

Very Low	Low	Low - Moderate	Moderate	Moderate - High	High	Very High
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Figure 1. The seven-point landscape and visual effects rating scale.³

13. The key documents I have read in preparing this Statement of Evidence are:

- (a) PDP Chapters 3, 11 and 49.
- (b) The S32 Report and S32 Evaluation.
- (c) The notified version of the SPP Variation.

² 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022.

³ 'Te Tangi a te Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022. Page 140.

- (d) RM211276 (Koko Ridge).
 - (e) The Corona Submission, including the suggested amendments to the provisions as set out in Annexure A to the Submission, on behalf of the Carona Trust.
 - (f) Landscape Assessment Report – Te Pūtahi Ladies Mile Masterplan, Patch Limited.
 - (g) The landscape evidence of Mr Stephen Skelton – 29 September 2023.
 - (h) The landscape evidence of Ms Bridget Gilbert – 29 September 2023.
 - (i) The urban design evidence of Mr Michael Lowe – 29 September 2023.
 - (j) The Section 42A report of Mr Jeffery Brown – 29 September 2023.
 - (k) The planning evidence of Mr Brett Giddens.
14. In the preparation of this evidence, I have undertaken visit to the Submitters site on the 24th August 2023 to confirm my understanding of the issues to be considered and the current outlook as experienced from the Submitters site. I am generally familiar with the surrounding area having previously undertaken landscape and visual assessment work within the locale.

EXECUTIVE SUMMARY

15. My evidence demonstrates the actual and potential landscape and visual effects of the rezoning of the land encompassing Sub-Area H2to Lower Density Residential Precinct (LDR) as proposed under the Te Pūtahi / Ladies Mile Plan Variation.
16. Corona owns and occupies the property at 53 Maxs Way, which is not part of the Variation but directly adjoins its northern site boundary, and consequently will be affected by the Variation. The proposed LDR Precinct will not maintain a low-density residential character and amenity when experienced at 53 Maxs Way.
17. Most notably, the effect on the openness and spaciousness, privacy, views, and outlook will be significantly compromised as a result of the proposed LDR Precinct, which will result in the visual dominance of buildings located along the top of an 8-9m high escarpment being viewed against the skyline and the considerable increase to built form density. The elevated location of dwellings will also result in significant glare and lighting effects to those residing at 53 Maxs Way.

18. My evidence proposes retaining the existing 5.5m building height limit, which is also reflected in a covenant⁴ over the land, as a means of limiting building heights to single storey, and the introduction of a 20m wide building setback as an effective means to mitigate effects of the proposed development. This would also ensure protection of the escarpment, that is part of a series of distinctive terrace landforms highlighting the natural patterns and processes of the Kimiākau / Shotover River ONF.
19. The potential effects on the site that may arise from the LDR Precinct are demonstrated by a series of plans and cross sections. *Refer GA, Sheets 16 – 27*. I also note that the submission contained photographs of building poles erected on the upper terrace that are useful for evaluating possible built form effects.
20. Under the PDP the land subject to this submission and the Variation is zoned Large Lot Residential A and part of the Koko Ridge Subdivision (Lots 27 – 30).
21. According to the consent conditions for Koko Ridge (being the name of the development of the land on the upper terrace), the Large Lot Residential A Zone will result in 4 dwellings on Lots 27 – 30 with controls on built form including a covenant no build area, restricted building area, maximum building height of 5.5 m, design controls and landscape controls for all lots including fencing styles / heights, and a 'stamped as approved' landscape plan approved by condition 1 of RM211276 to be retained and maintained in perpetuity.⁵
22. The Proposed LDR provides for a minimum lot size of 300m² with a maximum number of 60 residential units allowed within the Sub-Area H2 Zone. Current proposed controls on built form include a maximum building height of 8m, maximum site coverage of 40% or 180m², maximum building facade length of 16m, and minimum setbacks of 2m to internal boundaries and 4.5m to roadways.
23. The proposed location of the LDR setback 2m from the northern site boundary of 53 Maxs Way would result in a row of dwellings up to 8 m in height located along the top edge of a steep escarpment, looking directly down into the site, with the resultant effect being akin to living in a goldfish bowl. The existing level of open space, amenity, and privacy will be significantly compromised.
24. The proposed LDR will result in a change to the existing views and visual amenity. Views will change from views of four single storied dwellings interspersed with open space and trees, to a row of dwellings up to 8m in height and built form intruding into the skyline beyond.
25. Given the proposed LDR maximum 8m height of built form and minimum 2m setback, mitigation will not be possible or desirable within the small lots, so will rely on mitigation located outside

⁴ Land Covenant in Easement Instrument 5907860.3

⁵ Decisions of the Queenstown Lakes District Council – Notification Under s95A and s95B and Determination under s104 of the Resource Management Act 1991 – Koko Ridge Limited - RM211276 (27 October 2022).

of each lot or on the escarpment. Unless the setback is increased and the height of built form reduced, the proposed LDR will result in the visual dominance of built form, loss of views and outlook, visual amenity, open space, sense of spaciousness and privacy.

26. The Cross Sections (*refer GA, Sheets 18 – 19*) explore and illustrate the outcome of various scenarios and the proposed relief sought, which involves implementing a 20m landscape buffer zone between the northern site boundary and proposed LDR, while retaining the existing 5.5m single height restriction covenant as an effective means to mitigate effects of the proposed development. This would also ensure protection of the escarpment, part of a series of distinctive terrace landforms highlighting the natural patterns and processes of Kimiākau / Shotover River ONF.
27. With regard to the site at 53 Maxs Way, unless the setback is increased and the height of built form reduced, the proposed LDR will result in the visual dominance of built form, loss of views and outlook, visual amenity, open space, sense of spaciousness and privacy. I consider that the proposed LDR will result in a **high to very high degree** of adverse effects on open space and visual amenity values as viewed from residences located within the site. The design and density of the proposed LDR is not in keeping with and does not complement the existing scale, context, or character of the LLR-A zone to which it adjoins, nor does it retain, adapt to, or respond to site specific contours or escarpment landform features that contribute significantly to the existing landscape character and amenity. This is particularly relevant from views within the 53 Maxs Way site.
28. The Te Pūtahi Ladies Mile Zone states that the purpose of the proposed LDR, (on the south side of State Highway 6), *‘supports integration with the adjoining lower density residential communities of Shotover Country, Lake Hayes Estate and the Queenstown Country Club.’* The relevant proposed objectives and policies seek *‘to provide a high level of residential and neighbourhood amenity’* and *‘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.’* The discussion and supporting graphics demonstrate that these objectives and policies will not be met by the proposed LDR development.
29. I disagree with Mr. Brown and I am not of the opinion that his recommendation to retain the notified provisions (with only an increase of the setback from 2m to 4m) will address effects of the increased density proposed by the TPLM Variation, which will result in loss of existing views, open space, and privacy at 53 Maxs Way.
30. In essence, the relief I propose will result in the maintenance of an appropriate degree of open space, visual amenity, and landscape character values, which serve to provide an important transitional zone along this interface. Further to this, the relief sought will create an area of open space around the steep escarpment, which will protect the existing landscape character and

legibility of these distinctive terrace landforms associated with the Kimiākau / Shotover River Delta ONF. Overall, I consider that the relief sought will ensure that the proposed LDR on the upper terrace will have a **very low to low degree** of adverse effects on the landscape values of the site which in my opinion is appropriate in this location.

THE PROPOSED VARIATION

31. For expediency I will not traverse the proposed TPLM Variation, it's intent and the related proposed amendments to other Chapters of the PDP in detail. Rather, I outline the key objectives and policies relevant to the specific issues covered in my evidence. Contained in my GA are various maps and plans that show graphically the spatial extent of the variation (*Refer GA Sheets 6-7*).

32. The key objectives and policies relevant to the submission are;

Objective 49.7 – 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 outcomes.

Policies 49.2.7.8 – In the LDR, ensure that the height, bulk, and location of the 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.

33. The Assessment Matters of Section 49.7 are specific to the Te Pūtahi Ladies Mile Zone and provide guidance on managing effects of Site and Building Design within the Low Density Residential Precinct.

BACKGROUND

34. The upper terrace subject to the proposed LDR has a land use consent that is of relevance, set out following:

- **RM211276 (September 2019)** – Koko Ridge Subdivision Stage 2. Landscape Mitigation relating to visual effects of Lots 27-30 on the adjoining property at 53 Maxs Way requiring a 10m building setback from the terrace edge (rather than the property boundary), limiting building heights to 5.5m single story, and landscape controls for fencing and provision of landscape mitigation along the southern boundary to screen development and protect privacy. This is demonstrated by Cross Section A (*Refer GA, Sheet 18*).

ANTICIPATED AMENITY AND LANDSCAPE OUTLOOK VIEW FROM 53 MAXS WAY

35. The Submitters property is Lot 4 contained within a 4.1047 ha rural property located at 53 Maxs Way. The property currently contains two residential dwellings and associated ancillary farm shed buildings located within Lot 1 and Lot 4. Two consented building platforms of 1000m² within Lot 2 and Lot 3 are yet to be developed.
36. The site is located on a river terrace between two scarp faces associated with the Kimiākau / Shotover River Delta. Although the site does not have a specific landscape classification, it is located between the Te Pūtahi / Ladies Mile Corridor and Kimiākau / Shotover River ONF⁶ and as such, has very high amenity contributed by surrounding landscape features and the existing LLR-A zoning of Koko Ridge Subdivision which will be adversely affected by the proposed Variation. (*Refer GA, Sheet 4-5*).
37. The Submitters property has / anticipates a high amenity outlook across dwellings on large lots separated by expansive areas of open lawn / pasture and scattered trees to the wider Wakatipu Basin. The terraced landforms to the north and south provide a distinctive separation to adjoining residential development. The LLR-A, Lots 27-30 of Koko Ridge Subdivision (Stage 2) form the northern boundary and lie on top of the elevated river terrace, some 8-9 m above the Submitters property and would result in four dwellings. Existing amenity values relate to the feeling of privacy and enclosure due to being contained by surrounding terrace landforms and shelterbelt plantings, the sense of openness and spaciousness associated with the character of the site, and expansive view outlook which extends north, east, and west to the surrounding mountain backdrop.
38. The terraced landforms have dictated the local settlement pattern that is conveyed by the adjoining LLR-A reflecting a sense of openness and spaciousness as a buffer to the wider low density residential character.
39. Further landscape and amenity values of the surroundings relate to the natural landscape character of the mountains enclosing the Wakatipu Basin, the Kimiākau / Shotover River Delta and distinct terrace landform features which visibly convey natural patterns and processes and a high legibility. *'The generally subservient nature of built development contrasts with the surrounding developed landscape character, underpins the quality of the outlook.'*⁷

⁶ <https://qldc.maps.arcgis.com/apps/webappviewer/index.html?id=351874446400431d87e633a304927c96>

⁷ Queenstown Lakes District Council | Whakatipu Landscape Schedules | 21.22.3 (6 May 2022).

DISCUSSION OF POTENTIAL LANDSCAPE AND VISUAL EFFECTS

Potential Issues

40. The proposed LDR will result in the introduction of 8m high built form, located along the top of a steep escarpment, setback 2m from the northern property boundary at 53 Maxs Way. The change in built form and density from LLR-A to LDR, in particular along the terrace edge adjoining the site at 53 Maxs Way will include potential adverse effects on visual amenity, the dominance of built form over open space, an interrupted skyline, privacy and a loss of access to sunlight.

Visibility and Visual Effects (on Amenity as that is the policy [49.2.7.8] direction)

41. *“A visual effect is a kind of landscape effect. It is a consequence for landscape values as experienced in views. Visual effects are a subset of landscape effects. A visual assessment is one method to help understand landscape effects.”*⁸
42. A series of viewpoint photo-panoramas (*refer GA, Sheet 20-28*) representing the views from and towards 53 Maxs Way, are included and form the basis for the following discussion on visibility and effects on amenity arising from the proposed Low-Density (LDR) Precinct.

Viewpoints 1 - 3

43. Viewpoints 1-3 represent views experienced when approaching and entering the Submitters property via the narrow roadways of Maxs Way and Boyd Drive. Existing dwellings located within 53 Maxs Way are not visible from beyond the property due to being screened and contained by a conifer shelterbelt. A steep grass covered terrace embankment rises directly north beyond the road and narrow strip of mown grass. A post and wire fence marks the eastern property boundary, extending up the escarpment to the northern boundary. The top of the escarpment is outlined against the skyline. South of the road, low mounds of mown grass border the roadside, before extending as a flat open area of lawn, with scattered trees to a small garage structure. Conifer trees line the eastern boundary of the property and form the backdrop.
44. Viewpoints 2 and 3 highlight the existing degree of privacy, amenity, and open space, currently experienced within the Submitters property. Also highlighted, is the extent of available views beyond this property, to the surrounding mountain backdrop. The consented LLR-A development would be setback 10m from the terrace edge, up to a maximum height of 5.5m. The important visual amenity values are derived from the pleasant rural surroundings, natural

⁸ 'Te Tangi a e Manu: Aotearoa New Zealand Landscape Assessment Guidelines'. Tuia Pita Ora New Zealand Institute of Landscape Architects, July 2022, Page 135.

landforms including the roche moutonee and river terrace, apparent absence of built form and sense of open space.

Visibility and effects on amenity arising from the proposed Low-Density (LDR) Precinct

45. The proposed LDR will be visible as a series of roof lines from these photo viewpoints, clearly visible against the sky. The proposed LDR will differ from LLR-A because the density will result in a continuous line of built form along the terrace edge. Consequently, the potential adverse effects of the proposed LDR on visual amenity will be **high**.

Viewpoint 4

46. Viewpoint 4 represents the view experienced from the outdoor living area of the Lot 1, 53 Maxs Way dwelling within the Submitters property. The view encompasses a foreground wide expanse of mown grass, which extends over flat landform to the base of the escarpment before terrain rises steeply to be viewed with surrounding undulating terrain and clusters of trees. Beyond this, hill slopes and mountains form the backdrop. The midground is comprised of a Cypress shelterbelt, Lot 4 dwelling, water tanks, Chole Road, and a trampoline, all of which recede as an overall sense of openness and spaciousness prevails.
47. The outlook anticipated by the LLR-A zoning of Koko Ridge would result in a maximum of four widely spaced dwellings up to 5.5m in height along the terrace interspersed by open space and trees with views to the hill / mountain backdrop. Existing visual amenity values are derived from the sense of privacy derived from the escarpment wrapping around the site, peaceful rural surroundings, prominence of open space over built form, and extensive long views beyond 53 Maxs Way to surrounding hills and mountains.

Visibility and effects on amenity arising from the proposed Low-Density (LDR) Precinct

48. The proposed LDR will be visible from this location within 53 Maxs Way resulting in a loss of existing amenity derived from the dominance of open green space, natural character, and a sense of privacy, along with the removal of extensive views beyond this property. These existing views will be replaced by views of up to ten dwellings up to 8m in height visible against the skyline. The relative elevation of the LDR development above the site will emphasise the size, scale, bulk, form of the 8m high dwellings positioned along the top of the escarpment. The proposed LDR will become the dominant feature of the scene and reduce the scarp face and it will adversely affect the existing open spacious outlook, dominance of natural landforms over built form and privacy of the Submitters property. Consequently, the potential adverse effects of the proposed LDR on visual amenity and outlook will be **high to very high**.



Figure 1 – Profile poles positioned at a 5.5m height and set back 4m from the northern property boundary indicate the extent of visual effects from the Lot 1 residence outdoor living area.

Viewpoints 5 – 7

49. Viewpoints 5 – 7 represent potential view experiences from the outdoor living areas of Lot 2, Lot 3, and Lot 4 53 Maxs Way. The Lot 2 building platform is consented but remains unbuilt but potentially the least affected by the proposed LDR due to its orientation, whereas the Lot 3 building platform, also undeveloped, is located in close proximity and orientated immediately south of the escarpment. This results in Lot 3 being most affected by the LDR zone, particularly during winter months when effects are further exacerbated by shading.
50. Current amenity is derived from the rural surroundings, sense of space, apparent absence of built form, backdrop of clusters of deciduous and evergreen trees, distinctive and highly legible form and extent of the escarpment which is clearly defined against the skyline and backdrop views of Ferry Hill roche moutonnée, surrounding hills and mountains.
51. The outlook anticipated by the consented LLR-A Koko Ridge Subdivision would result in peripheral views of roof lines and a section of built form of a single dwelling from viewpoint 5, with views of up to four dwellings when looking directly north from viewpoints 5-7. Views would be of single storied dwellings to a maximum height of 5.5m, surrounded open space and amenity trees, setback 10m from the terrace edge.

Visibility and effects on amenity arising from the proposed Low-Density (LDR) Precinct

52. Viewpoint 5 looks west toward the Frankton-Ladies Mile Highway, Spence Road and beyond. Quail Rise Subdivision is just visible situated at the toe of Ferry Hill which forms the backdrop. From these viewpoints the built form enabled by the proposed LDR will be visible, although due to the western orientation, the extent of views will be less. This is due to the presence of a building restriction area, site constraints, and a minimum building setbacks limiting the construction of dwellings within the land located at the top western extent of the escarpment. From this view, the proposed LDR will be visible within peripheral views, however views looking north, directly towards the escarpment will include views of a maximum of 15 dwellings up to an 8m height, clearly visible positioned along the top of the escarpment. Due to the above, the potential adverse effects of the proposed LDR on visual amenity and outlook as experienced from the Lot 2 building platform location will be **moderate to high**.
53. Viewpoint 6 represents potential view experiences from the outdoor living area of the yet to be developed Lot 3 building platform within the site. The built form enabled by the proposed LDR will be most visible and will result in close views of the top storey and roof sections of potentially 15 dwellings of 8m in height positioned along the escarpment edge, viewed against the skyline, overlooking the Submitters property. The northern property boundary is at its furthest point from the escarpment edge within Lot 3, however this will not serve to lessen the potential effects. Dwellings located within the LDR zone will become the dominant feature of the scene to which other elements become subordinate, and it will significantly affect and change the overall character. The size, scale, bulk, and form of 8m high two storied dwellings located 4m apart along the top of the escarpment will dominate the view, with effects further exacerbated during winter months when access to sunlight may be compromised due to shading effects. Consequently, the potential adverse effects of the proposed LDR zone on visual amenity and outlook will be **high to very high**.
54. Viewpoint 7 represents the view experienced from the outdoor living area of the Lot 4 dwelling within the site. The view looks directly north across a flat area of open lawn to the rank grass clad escarpment face, which, along with a single power pole and excavator, is viewed against the skyline. Built form enabled by the proposed LDR zone will be visible and will result in a line of 8m high dwellings set 4m apart, positioned along the top of the escarpment. The 2m setback from the northern property boundary at the top of the escarpment, coupled with 2m internal boundary setbacks from the proposed 450m sized lots will give little relief, and will be viewed as an almost continuous bulk form, running across the top of the escarpment, and viewed against the skyline. Therefore, the potential adverse effects of the proposed LDR zone on visual amenity and outlook will be **high**.



Figure 2 – Profile poles positioned at a 5.5m height and set back 4m from the northern property boundary indicate the extent of visual effects from the Lot 4 residence outdoor living area.

Viewpoints 8 - 11

55. Viewpoints 8-11 are located at the top of the escarpment, overlooking the property at 53 Maxs Way. The building envelope within the LDR zone is setback 2m from the site boundary. These views have been included to highlight the proximity of the proposed LDR to the edge of the escarpment with a 2m building setback as proposed and illustrate the extent of visibility into 53 Maxs Way. The proposed line of dwellings up to 8m in height situated along the top of the escarpment will look directly down into the dwellings (both built and unbuilt) located at 53 Maxs Way, the effect being akin to living in a goldfish bowl. Consequently, the potential adverse effects of the proposed LDR zone on visual amenity, particularly privacy and overlook will be of **a high to very high degree.**

Viewpoint 12

56. Viewpoint 12 is located within the proposed LDR zone, setback 20m, looking south over 53 Maxs Way. This viewpoint has been included to demonstrate the extent of visibility into 53 Maxs Way when implementing a 20m landscape buffer setback as a means to mitigate effects of the proposed LDR, particularly potential effects on privacy, visual amenity, and shading. The panorama replicates views from a 5.5m high single storied dwelling from a standing height

within the LDR setback 20m from the boundary and demonstrates that within the site at 53 Maxs Way some rooflines are visible, but the associated outdoor areas and surroundings are not visible from this location. Importantly it shows that planting within the proposed LDR will not intrude into the view to the wider Wakatipu Basin and therefore more likely to occur to further mitigate effects of the increased density on the adjoining 53 Maxs Way. Consequently, the potential adverse effects of the proposed LDR on the visual amenity of 53 Maxs Way setback 20m from the northern property boundary will be **very low to low**.

Summary of Visual Effects

57. In summary, the proposed LDR will change the anticipated outlook experience at 53 Maxs Way from four single storey dwellings interspersed with open space and trees anticipated under the LLR-A zoning, to a row of up to 15 dwellings up to 8 m in height located along the top edge of a steep escarpment.
58. I consider that the built form enabled by the proposed LDR, will be highly visible from within 53 Maxs Way, resulting in the transformation of existing (and anticipated) open spacious character to an increased urban character. It is not just a matter of density, rather the issue at hand is the proximity of future built form to the boundary between the proposed LDR and 53 Maxs Way. The proposed 2m setback will result in a loss of amenity, including a sense of privacy and open space, along with currently available extensive views beyond the site, which form the main northern outlook from 53 Maxs Way.
59. Views will be dominated by built form rather than the natural embankment feature. The visual effects arising from the size, scale, bulk, form of 8m high dwellings positioned along the top of the escarpment will be emphasised by the difference in elevation between the Submitters property at 53 Maxs Way and the proposed LDR development. As a consequence, existing views to the skyline will be removed and replaced by views of the proposed development. The proposed LDR development will become the dominant feature when viewed from 53 Maxs Way. It will change the existing spacious character anticipated under the LLR-A zone to that of a much higher density residential character with dwellings enabled by the LDR looking directly down into the Submitters property with the resultant effect being akin to living in a goldfish bowl and a loss of views beyond. Given the proposed LDR minimum 2m setback, because of the desire of the individual lot owners to maintain views to the south mitigation within each lot will be unlikely to occur.
60. Overall, amenity, including outlook, open space, and privacy will be significantly compromised for 53 Maxs Way.
61. The Cross Sections (*refer GA, Sheets 18 – 19*) explore and illustrate the outcome of various scenarios and the proposed relief sought, which involves implementing a 20m landscape buffer zone between the northern site boundary and proposed LDR zone, while retaining the existing

5.5m single height restriction covenant as an effective means to mitigate effects of the proposed development. This would also ensure protection of the escarpment which is part of a series of distinctive terrace landforms associated with the Kimiākau / Shotover River

62. With regard to 53 Maxs Way, unless the setback is increased and the height of built form reduced, the proposed LDR will result in the visual dominance of built form, loss of views and outlook, visual amenity, open space, sense of spaciousness and privacy.
63. Overall, the proposed LDR will result in a **high to very high degree** of adverse effects on existing open space and visual amenity values as viewed from residences located at 53 Maxs Way.
64. The Te Pūtahi Ladies Mile Zone states that the purpose of the proposed LDR, (on the south side of State Highway 6), *'supports integration with the adjoining lower density residential communities of Shotover Country, Lake Hayes Estate and the Queenstown Country Club.'* The relevant proposed objectives and policies seek *'to provide a high level of residential and neighbourhood amenity'* and *'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.'* This evidence and supporting graphics demonstrate that these objectives and policies will not be met by the proposed LDR Precinct in this location.
65. The proposed LDR development will introduce an 8m height and increased density (450m² minimum) of built form which is substantially beyond that intended by the LLR-A zone which aims to maintain low density residential character through minimum lots sizes as a means of maintaining openness and spaciousness. The level of built form enabled by the LDR zone reflects the attributes of medium density development, which is generally located within the near surrounds of commercial or visitor precincts, high density residential and furthermore, contravenes the overall purpose of the proposed LDR zone.
66. Residential development and associated dwellings are anticipated within both the LLR-A zone and proposed LDR zone. However, it is the density of the proposed LDR that will significantly reduce the existing degree of openness and spaciousness and has the potential to cause adverse cumulative effects on the open space and amenity values of neighbouring properties, particularly those positioned at the base of the escarpment in this location.
67. This escarpment forms part of a series of distinctive terrace landforms associated with the Shotover River. The close proximity and level of development positioned within 2m of the terrace edge will erode the landscape values of this escarpment. Generally, the terrace landforms have generous buffer areas which are designated recreational reserves, subject to

controls prohibiting buildings, and restricting fencing styles to post and wire or post and rail.⁹ This is in order to create an open space buffer to protect the overall legibility of this distinct series of natural terrace landforms, which extend from the Kimiākau / Shotover River Delta.

RESPONSE TO THE SECTION 42A REPORT

68. With regard to landscape matters, in his Planning Report undertaken on behalf of the QLDC, Mr. Jeffery Brown summarises the TPLM Zone objectives and policies as promoting ‘Development that complements and integrates with development within the Zone and with the existing communities south of SH6 by the spatial structure of key roads, open spaces, green networks, walkways and cycleways’ and ‘An attractive built environment with a high level of residential and neighbourhood amenity and high quality urban design outcomes.’ He identifies ‘*impacts on landscape and amenity values*’ as being one of the key issues identified by submitters.¹⁰
69. The Corona Submission regarding 53 Maxs Way is addressed under the subheading of rezonings. Mr Brown’s analysis of the Corona Submission is that *‘the submitter seeks a down-zoning, to remove the LDR Precinct – Sub Area H2 from the variation; or in the alternative, provide a number of amendments to provisions to increase setbacks and reduce visual effects on their property located to the south at 53 Maxs Way.’*¹¹
70. Mr Brown refers to the existing zoning of LLR-A Zoning under the PDP, along with details of conditions which form part of the Koko Ridge Subdivision - RM190553 and RM211276. He describes the Conditions as limiting building height to 5.5m for four of the lots adjoining the Submitters property, with a defined building platform and 4m boundary setback. However, he fails to acknowledge the 10m setback from the terrace edge imposed as a condition of RM21276 – Koko Ridge Subdivision (Stage 2). Landscape Mitigation conditions are as per the ‘stamped as approved’ landscape plan approved by condition 1 of RM211276 to be retained and maintained in perpetuity.¹² I understand these conditions were imposed as a means of mitigating visual effects relating to four dwellings located within designated building platforms within Lots 27-30, specifically requiring a 10m building setback from the terrace edge (rather than the property boundary), limiting building heights to 5.5m single storey, and landscape controls for fencing and provision of landscape mitigation along the southern boundary to screen development and protect privacy.

⁹ Queenstown Lakes District Council | Shotover Country Special Zone | Rules (April 2019).

¹⁰ Queenstown Lakes District Council | Section 42A Hearing Report | For Hearing commencing 23 November 2023 | Report dated: 29 September 2023 | Report on proposed plan change variation request, submissions, and further submissions | Te Pūtahi Ladies Mile Zone, page 8.

¹¹ Queenstown Lakes District Council | Section 42A Hearing Report | For Hearing commencing 23 November 2023 | Report dated: 29 September 2023 | Report on proposed plan change variation request, submissions, and further submissions | Te Pūtahi Ladies Mile Zone, pages 148-52, paragraphs 12.35-12.45

¹² Decisions of the Queenstown Lakes District Council – Notification Under s95A and s95B and Determination under s104 of the Resource Management Act 1991 – Koko Ridge Limited - RM211276 (27 October 2022).

71. Mr Brown discusses the existing 5.5m height covenant (Refer Land Covenant in Easement Instrument 5907860.3) on the title of Lot 2 DP 325561 commenting that this matter will be addressed in legal submissions, however that *'the covenant provides strong protection, even in the circumstances of changing planning context.'* Mr Brown is also of the opinion that *'the existing consent RM211276 (in addition to the covenant discussed above) already imposes restrictions on the nearest lots to mitigate visual effects, and irrespective of the zone provisions, any change to these conditions would require a variation to conditions or a new resource consent.'*¹³
72. I find Mr Brown comments to be inconclusive about whether the conditions of consent will remain in place, or whether they will be removed in favour of the proposal, potentially resulting in adverse effects on 53 Maxs Way. In my opinion Mr Brown's comments offer no resolution to the matter of the setback distances nor increased density that is proposed to occur.
73. There is also comment that foreground views from 53 Maxs Way are 'affected by the existing terrace edge, in addition to existing mounding along SH6. As a result, and due to being situated at lower elevation, wider views of the mountains to the north and north-east appear to be limited.' I disagree and refer to Viewpoint 4 which shows the terrace edge and snowcapped mountains beyond a scattered stands of exotic deciduous and evergreen trees which provide a high amenity outlook notwithstanding the anticipated view of 4 widely spaced dwellings setback that are consented under the Koko Ridge Subdivision Stage 2. This will be replaced with a row of up to 15 dwellings and the removal of established trees.
74. In his conclusion, Mr Brown refers to the expert urban design evidence provided by Mr Lowe,¹⁴ with regard to the provision of a landscape buffer zone or 5.5 building height restriction area over a zone of 17m from the southern boundary considered appropriate by Mr. Lowe, but which Mr Brown deems unnecessary at the 53 Maxs Way location, however there is agreement that *'an increased setback from the southern boundary of Sub Area H2 may be appropriate and assist with setting back future built form from this boundary and the terrace edge. I recommend this be made consistent with the existing LLR-A setback of 4m, and to be applicable to the southern boundary only.'*¹⁵
75. My evidence above (refer paras 44– 67), sets out why the 4m boundary setback is not sufficient to address adverse effects on 53 Maxs Way. The proposed 4m boundary setback will have little effect in mitigating the effects of the increased density proposed by the TPLM Variation, which

¹³ Queenstown Lakes District Council | Section 42A Hearing Report | For Hearing commencing 23 November 2023 | Report dated: 29 September 2023 | Report on proposed plan change variation request, submissions, and further submissions | Te Pūtahi Ladies Mile Zone, page 150 – paragraph 12.38.

¹⁴ Statement of Evidence of Michael Lowe | 29 September 2023 | Page 20-21 – paragraph 53.

¹⁵ Queenstown Lakes District Council | Section 42A Hearing Report | For Hearing commencing 23 November 2023 | Report dated: 29 September 2023 | Report on proposed plan change variation request, submissions, and further submissions | Te Pūtahi Ladies Mile Zone, page 151– paragraph 12.45.

will result in loss of existing views, open space, and privacy. Furthermore, Mr Brown fails to discuss or consider the effects of an increased density of built form introduced by the proposed TPLM Variation. As described within my Evidence above (refer paras 35 – 39), existing amenity values relate to the feeling of privacy and enclosure due to being contained by surrounding terrace landforms and shelterbelt plantings, the sense of openness and spaciousness associated with the character of 53 Maxs Way, and expansive view outlook which extends north, east, and west to the surrounding mountain backdrop. The proposed increase in density will adversely affect these aspects of amenity particularly experienced from the northerly outlook from 53 Maxs Way.

RESPONSE TO STATEMENT OF EVIDENCE – MR. STEPHEN SKELTON

76. Mr. Skeltons Landscape Evidence states his scope of evidence as being to specifically address the locations where the TPML Variation Area may be visible and the potential effects on visual amenity as experienced from these locations. Potential effects on landscape are generally addressed from a broad scale perspective within his report, stating that the Shotover River terraces and urban areas of Lake Hayes Estate, Shotover Country and Queenstown Country Club CC provide a defensible edge to the west and south', concluding 'that the TPLM Variation will result in low-moderate adverse effects on the visual amenity experienced from TPLM, no more than very low adverse effects on the visual amenity experienced in other parts of the surrounding landscape.'¹⁶
77. Further to this, is Mr Skelton's response to submitters section of the report, however he makes no reference to the Corona Submission, does not consider the potential effects of the TPML Variation on existing outlook and amenity as experienced from 53 Maxs Way, and more specifically, there is little or no correlation between the stated overall degree of potential adverse effects on existing landscape values, including outlook and amenity and that which will be experienced within 53 Maxs Way as a result of the TPML Variation LDR development.
78. Mr Skelton considers the localised effects from only Shotover Country and Lake Hayes Estate, there is no reference to the Corona Submission, more specifically, the low-lying property located at 53 Maxs Way, and the resulting degree of effects on existing amenity, level of openness, including loss privacy associated with the proposed TPML Variation LDR development.
79. Mr Skelton does however acknowledge the close 320m proximity of the Shotover River ONF to the TPML Variation LDR development, and associated terraced lands west of the '*which are rural in character, with scattered rural dwellings and large stands of mature trees,*' with the conclusion being that '*The TPLM Variation Area is well contained by landform and this distinct change in landform will ensure the development will not spill towards the Shotover River ONF*

¹⁶ Statement of Evidence of Stephen Russel Skeleton | 29 September 2023 | Page 5 – paragraphs 16-19.

or otherwise adversely affect the attributes and values of the river.' He describes the distinct change in landform within these terraced lands, however there is no consideration given for the potential effects of TPML Variation LDR development located along the top of these steep terrace landforms, and no reference to the Corona Submission and effects at 53 Maxs Way. Further to this, there is little acknowledgement of the overall importance of this open rural buffer area and series of distinctive, highly legible, natural alluvial floodplain and terrace landforms which extend eastward from the Kimiākau / Shotover River Delta, and which contribute to the overall landscape attributes and values of the Shotover River ONF.

80. Under Rural Landscape, his evidence addresses the concerns raised by a number of submitters regarding potential adverse effects of the TPLM Variation on existing rural character however there is no reference made to the Corona Submission or effects on existing rural character at 53 Maxs Way. Mr Skelton comments on the recommendation of the inclusion of a 'Landscape Buffer' at the western edge, beyond SH6, at the interface of Lower Shotover Road / Shotover Cemetery to accommodate the *'distinct Shotover River terrace escarpments which clearly mark a change in landform'*¹⁷, but he makes no reference to the Corona Submission or discussion of the incorporation of a landscape buffer zone to accommodate the change in landform between the northern property boundary and TPLM Variation at 53 Maxs Way.
81. The location of the upper edge of terrace risers are illustrated on Attachment C – Context, within Mr Skelton's EIC. In this attachment the Corona property at 53 Maxs Way is clearly positioned below, but he does not mention the resulting effects of the proposed TPML Variation LDR development located along the top of a terrace. Mr Skelton's response to Submission 107 includes a visual image at Attachment D – Visual Simulation - Image 3B. The property at 53 Maxs Way and steep escarpment terrace are visible within this image. Again, Mr Skelton makes no reference to the Corona Submission or consideration of potential adverse effects of the proposed TPML Variation LDR development which will be clearly visible positioned along the terrace escarpment from Jims Way.
82. With regard to landscape character effects, and in response to the Anna Hutchinson Family Trust (Submission 107) request for rezoning, Mr Skelton makes direct reference to the inherent value of these river terraces, commenting *'with particular regard to the terrace risers, are natural in character and clearly demonstrate the dynamic alluvial processes associated with the Shotover River,'* before concluding that *'the natural character of the Shotover River terraces could be adversely affected to a moderate degree as their legibility would not be experienced as part of an open character area, but instead as part of an urban area, rendering them less appreciable. I also consider that if these lands were to be included in the TPLM Variation Area that the open character of the landscape would be significantly diminished and adversely effected to a moderate-high degree.'*¹⁸

¹⁷ Statement of Evidence of Stephen Russel Skeleton | 29 September 2023 | Page 25 – paragraph 95.

¹⁸ Statement of Evidence of Stephen Russel Skeleton | 29 September 2023 | Page 26-27 – paragraph 99-100.

83. In response to Submitter 71 seeking a 25m set back along the north-western edge, a 5-metre height restriction on buildings adjoining the 25m set-back, and dense vegetation boundary screening relating to a property located at the north-western edge of the TPLM Variation Area, Mr Skelton considers this approach to be acceptable. However, Mr Skelton makes no reference to the Corona Submission request for a similar approach to be undertaken in relation to 53 Maxs Way.
84. Further comments by Mr. Skelton responding to the request for a 25m boundary setback state that ‘a 6m landscape buffer will result in an increased defensible edge to this part of the TPLM Variation Area and provide appropriate visual screening. While admitting that *a 25 meter setback would result in an increased defensible edge*’, he states it is *‘not considered necessary to address the rural / urban interface.’*¹⁹ In my view, this response clearly overlooks expert evidence provided and blatantly ignores existing landscape values relevant to effects of the proposed TPLM Variation Area on adjoining areas such as the LLRZ-A and the submissions of individual affected parties such as Corona Trust and potential effects on the 53 Maxs Way property.

RESPONSE TO STATEMENT OF EVIDENCE – MS. BRIDGET GILBERT

85. This Landscape Evidence focuses on submissions that relate to the Slope Hill ONF and as such, does not directly relate to the Corona Submission or potential landscape and visual effects of the proposed TPLM Variation Area LDR development at 53 Maxs Way.

RESPONSE TO STATEMENT OF EVIDENCE – MR. MICHAEL LOWE

86. Mr Lowe’s Evidence addresses the urban design aspects of the TPLM Variation and considers the submissions that are relevant to an urban design perspective. Key themes include *a concern for how the new development will impact existing surrounding landscape and rural character, in particular the visibility of new taller buildings.*²⁰
87. Specific rules are described as responding to development effects on surrounding neighbourhoods, and valued landscape context including landscape buffers. These landscape buffers *‘are intended to help the edges of the development sensitively integrate with the surrounding rural environment by partially screening buildings behind layers of attractive vegetation and landscaping.’*²¹ Mr Lowe comments further that the provision of landscape buffers zones could be increased and supported as a means of integrating the proposed TPLM Variation Area LDR Zone development with existing areas such as LLR-A interface along the northern boundary of 53 Maxs Way, although there is no direct reference to the Corona Submission.

¹⁹ Statement of Evidence of Stephen Russel Skeleton | 29 September 2023 | Page 28-29 – paragraph 107-100.

²⁰ Statement of Evidence of Michael Lowe | 29 September 2023 | Page 5– paragraph 16.

²¹ Statement of Evidence of Michael Lowe | 29 September 2023 | Page 15 – paragraph 35(b).

88. Mr Lowe does however directly respond to submissions concerning building height, concluding that *'the proposed TPLM 8m height overlay (2 storeys of development) an appropriate building form for low density zones. And that it is unnecessary to place a 5.5m maximum building height restriction over the entire H2 Sub Area (as sought by the submitter).'*
89. However, Mr Lowe recognises the unique situation at 53 Maxs Way, that 'given the nature of the level change between the submitters land and sub area H2 (the latter being at a higher level at the top of the terrace embankment), there is the potential for development to be overbearing on the submitter' so he considers it appropriate to amend the building heights plan to include a 5.5m height restriction over a zone of 17m from the southern boundary only.'
90. In Mr Lowe's opinion 'this would significantly reduce the most extreme case of potential overlooking on the submitters land.' He also mentions that 'visual impacts could be further mitigated on the submitters own accord by planting vegetative screening within their own large property.'²²
91. I have two comments in response to this. Firstly, that Mr Lowe has disregarded the Koko Ridge Subdivision Stage 2 Conditions of Consent²³ that require a 10m setback from the terrace edge and a 5.5m height restriction on dwellings within identified building platforms on Lots 27 – 30 which specifically addressed the potential adverse effects on amenity for 53 Maxs Way. And notwithstanding the proposed setback reduction to 4m he ignores the effects of increased density from 4 dwellings up to 15 dwellings that will be obviously visible overlooking Maxs Way. And secondly, I understand that the onus is on the developer to mitigate visual impacts, not the other way round so I find Mr Lowe's comments in this regard to be obfuscating. However, Mr Lowe and myself are in general agreement regarding height controls but I remain of the opinion the 4m setback is not enough in this location.
92. While Mr Lowe agrees in part that *'a setback would be appropriate to reduce the dominance of development in Sub-Area H2 from the submitters property, given that H2 is on the upper terrace and the submitters land is on a lower terrace,'* although he concludes that *'a 4m setback would be sufficient at keeping building mass away from the edge of the upper terrace and would therefore reduce dominance of development on the submitter.'*²⁴
93. I refer to the Cross Sections on Sheets 18-19 of my GA where I illustrate the different setback implications and Viewpoint 12 on Sheet 26 that shows at a 20m setback the proposed LDR development will see the roof top of Lot 1 dwelling and will enable planting that will screen Maxs Way without interrupting LDR views to the wider mountain setting.

²² Statement of Evidence of Michael Lowe | 29 September 2023 | Page 20 -21 - paragraph 53-54.

²³ Land Covenant in Easement Instrument 5907860.3

²⁴ Statement of Evidence of Michael Lowe | 29 September 2023 | Pages 24-26 - paragraph 63, 68.

CONCLUSION

94. In summary, the purpose of the LLR-A zone is to provide a buffer between low density living opportunities within defined Urban Growth Boundaries. The design and density of the proposed LDR is neither in keeping with, or complementary to, the existing scale, context, and character of the LLR-A zone which it immediately adjoins. Further to this, the proposed LDR zone does not retain, adapt to, or respond to site specific contours or escarpment landform features that contribute significantly to existing landscape character and amenity, resulting in a hard urban edge positioned atop a 8m high escarpment. This scenario will essentially double effects on existing visual amenity and landscape character, due to the reduced building setbacks and substantial increase in density, which is particularly relevant from views within the 53 Maxs Way site.
95. Overall, I consider that the effects of the proposed LDR development and associated activities will have a **high to very high degree** of adverse effects on the landscape values of the Submitters property at 53 Maxs Way. In my opinion these can be avoided by the implementation of a 20m setback, and a building height restricted to 5.5m.