

Before the Hearings Panel

Under the Resource Management Act 1991

In the matter of a variation to Chapter 21 Rural Zone of the Proposed Queenstown Lakes District Plan, to introduce Priority Area Landscape Schedules 21.22 and 21.23

Memorandum of counsel on behalf of Jon Waterston (Submitter #145)

11 September 2023

Submitter's solicitors:

Maree Baker-Galloway | Laura McLaughlan
Anderson Lloyd
Level 2, 13 Camp Street, Queenstown 9300
PO Box 201, Queenstown 9348

p + 64 3 450 0700
maree.baker-galloway@al.nz | laura.mclaughlan@al.nz

**anderson
lloyd.**

May it please the Panel

- 1 This memorandum of counsel is filed on behalf of Jon Waterston (Submitter #145) (**Submitter**) in relation to the variation to introduce landscape schedules 21.22 and 21.23 into Chapter 21 Rural Zone of the Proposed District Plan (**PDP**) (**Variation**).
- 2 In accordance with the Minute of the Commissioners dated 15 August 2023, Submitter expert evidence is required to be filed by midday today.
- 3 The Submitter's landscape expert, Mr Patrick Baxter, is currently overseas. He was unable to prepare landscape evidence in support of the Submitter's position before his departure due to the late hearing notice and the tight timeframe for evidence exchange generally.¹ It was not economically or practically feasible to engage a new landscape expert in the time provided. Accordingly, the Submitter is unable to file expert landscape evidence in accordance with the deadline.
- 4 To assist the Commissioners, and as an alternative to filing nothing, the Statement of Landscape Evidence of Patrick Baxter on behalf of the Submitter in relation to RM190049 dated 20 April 2021 is attached as **Appendix 1**. The following paragraph references and appendices are particularly relevant to the Variation:
 - (a) Paragraphs 4 and 5 outline Mr Waterston's familiarity with the Submitter's land;
 - (b) Paragraphs 32-38 discuss the Ferry Hill Outstanding Natural Landscape (**ONL**) (now Outstanding Natural Feature (**ONF**));
 - (c) Attachment A demonstrates the correct ONL (now ONF) boundary at the "change of slope at the row of poplars" as determined by Judge

¹ See memorandum of counsel on behalf of various submitters and further submitters represented by Anderson Lloyd dated 17 August 2023.

Jackson's division of the Environment Court and discussed at paragraph 45.²

Dated this 11th day of September 2023

Maree Baker-Galloway

Maree Baker-Galloway/Laura McLaughlan
Counsel for Jon Waterston

² *Waterston v Queenstown Lakes District Council* EnvC Christchurch C169/2000, 5 October 2000 at [10].

Appendix 1 - Statement of Landscape Evidence of Patrick Baxter on behalf of the Submitter in relation to RM190049 dated 20 April 2021

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND **RM 190049 – Waterston**



STATEMENT OF LANDSCAPE EVIDENCE OF PATRICK BAXTER FOR

Waterston – Tucker Beach Rd RM 190049

DATED 20 April 2021

Introduction and Qualifications

1. My full name is Patrick John Baxter. I hold a Bachelor of Science degree in Geography and a Post Graduate Diploma in Landscape Architecture from 1984. I am a Director of Baxter Design Group Limited, a Queenstown based consultancy specialising in landscape architecture, urban design, master planning and landscape planning and I am a registered member of the New Zealand Institute of Landscape Architects.
2. I have worked in the Queenstown Lakes District since 1989. I was employed in the Queenstown office of Boffa Miskell from 1989 until 1998. In 1998, I established my own practice specialising in landscape architecture, urban design and masterplanning. Baxter Design currently employs 6 staff and is working on projects throughout New Zealand and the South Pacific.
3. I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

Involvement in the Project

4. My involvement with the site dates back to 1995 when I was first commissioned by Mr Waterston to undertake design work on this site. I have since masterplanned the Tucker Beach Road development, now established, and worked on Environment Court cases in this area and on the Waterston land in particular.
5. To that end I am very familiar with the site and the wider environs of Ferry Hill, Tucker Beach and the general Ferry Hill residential patterns. I am also aware of the sensitivity of Ferry Hill, with its northern slopes being a prominent and openly visible ONL landform within the Wakatipu Basin.

Background / Summary

6. The proposed development is described in the amended assessment of effects undertaken in September 2020 as part of the application. To that end I shall not revisit that description in detail but shall refer to it as required in my evidence.
7. I consider that the primary landscape matter to be considered in this application is the wider pattern of existing and consented residential development existing at the base of the northern slopes of Ferry Hill and the matter as to whether or not this proposed development will be viewed as a logical part of that existing pattern, thereby maintaining landscape character and visual amenity, its potential effects on the wider ONL landscape character of Ferry Hill, and the potential effects on the perception of viewers towards the development.
8. The proposed two residential building platforms both directly adjoin the existing WBLP and WBRAZ as identified in the PDP (refer **Attachment E**), being within metres of that common proposed zoning boundary, and generally located within 2 -10 metres above the 400m contour line. Those lines described

above do not follow landform and the 400-metre line has arisen through a practical need to define a line at which development may not occur above, given the lack of a recognisable defensible landform boundary in the relatively uniform contour of the northern slope of Ferry Hill. To that end the 400-metre line has a clear intent but is a relatively arbitrary line in place to restrict development above that contour. On the northern main face of Ferry Hill, the 400-metre contour line follows a consistent grade however, in the landform of the proposed RBP's, the land has little bearing on landform.

9. Taking the above into account and, put simply, the principal landscape matter is the question as to whether or not the proposed development will maintain the existing character of the Tucker Beach Landscape Character Unit and will not adversely affect the values of the Ferry Hill ONL.
10. In this evidence I also address the matters raised by Kris McPherson in her Landscape Assessment Review on behalf of the Queenstown Lakes District Council (dated 25th March 2019)¹ and in her addendum 2nd September 2020². In short, I disagree with the conclusions reached in her Landscape Assessment review and will discuss this as I address my evidence

11. Attachments

The following plans are attached to my evidence

- **Attachment A** Context Plan and ONL line
- **Attachment B** Proposed Lot 1 plan
- **Attachment C** Proposed Lot 2 Plan
- **Attachment D** Concept Masterplan (with consented development)
- **Attachment E** Concept masterplan with relevant lines
- **Attachment F** Photo Location Plan
- **Attachment G** Photo A - Domain Road (with inset)
- **Attachment H** Photo B – Littles Road
- **Attachment I** Photo C – Tucker Beach (with inset)
- **Attachment J** Photos D & E Tucker Beach Road
- **Attachment J** Photo F – Tucker Beach Road
- **Attachment K** Design Controls

12. Description of the proposal

13. The proposal is well described in the application. In short, the proposed development seeks to subdivide an existing title of 31.62ha into 3 lots. The larger lot including the existing Waterston dwelling some distance from the two new lots, up Ferry Hill and the other two lots of 1.27 and 1.66ha, located generally within the lower elevations of Ferry Hill, at 400m or thereabouts, closer to the existing substantial established and consented residential pattern of lower Ferry Hill. Both proposed residential building platforms are shown in **Attachments A -D**. Both proposed platforms sit within proposed contouring described on the plans, with nominated floor datums and a maximum building height of 5.5 metres. A raft of restrictive design controls are proposed and set out in **Attachment K** to this application.

¹ RM190049 – K McPherson Landscape Assessment Review 25th March 2019

² RM190049 – K McPherson Landscape Assessment Review Addendum 2nd September 2020

14. The building platform on Lot 1 is 835m² and Lot 2 800m². I note that the proposed Design Controls as originally applied for have no restriction on dwelling size. To that end, I confirm that there is a further restriction to be offered in regards to the controls, that being a limit of dwelling size at 400m², including garaging. The intent of this restriction is to give security to the scale of the proposed dwellings to be constructed on the RBP's and to ensure that the scale of the proposed dwellings is appropriate to the character of the wider existing residential neighbourhood
15. Both lots propose a curtilage area on the flat land around the dwelling and planting. A restricted planting list is offered in the design controls as well as relatively 'dark' wall cladding and roof options.
16. In short, the proposed development seeks two single level dwellings on flat sites, cut into the hillside with battered banks to the east side of the dwellings, 'behind' the proposed residential building platforms (RBP's).

The Surrounding Residential Character

17. The RBP on Lot 1 is located approximately 40 metres southwest from the nearest approved RBP (being lot 13 DP464459 – Refer **Attachment B**) and elevated approximately 9 metres above that adjacent RBP. No dwelling has been constructed yet on that adjacent RBP. Similarly, for Lot 2 (refer **Attachment C**), that proposed RBP is located approximately 40 metres east of two approved residential building platforms and approximately 7-8 metres above those two RBP's. Neither of those have been built on at the time of this report. At the time of this report construction has commenced on another approved RBP approximately 90 metres northeast of the proposed RBP on Lot 2.
18. **Attachment D** indicates the existing and proposed development within close proximity to the 2 proposed lots. An established dwelling is located approximately 90 metres south of the proposed RBP on proposed Lot 1, at an elevation approximately 8 metres above that of the proposed RBP on lot 1. This can be clearly seen on **Attachment G** and on the inset on that **Attachment**, where the poles indicating the platform corners of the proposed RBP on Lot 1 are visible.
19. In order to describe further the pattern of the existing and consented neighbourhood in the vicinity of the RBP's on proposed Lots 1 & 2, I have shown on **Attachments G, H and I** the approximate locations of the unbuilt but consented dwellings in block form, indicating dwellings of a similar size to those built in this area, and showing dwellings of a similar height to that proposed at 5.5 metres. I have not indicated plantings on those attachments but it would realistic to expect gardens to be developed similarly to those adjoining lots under construction or yet to be constructed on consented lots. The proposed planting list contained in **Attachment K** allow for a realistic continuation of planting patterns that may be undertaken on adjoining lots. There is also (shown on Attachments B & C) areas of mass planted shrub to be planted to the north of both proposed lots.
20. Subsequent to receiving the S42a report, I believe that there would be merit to adding a further condition addressing a requirement for a minimum amount of planting to be undertaken within the curtilage area on both proposed lots. Whilst there is a plant list attached to the design controls there is no requirement for planting around the dwellings. I believe that a further condition requiring 25% of the curtilage areas to be planted. That condition could be more specific noting that the planting should require (a) 30% from the Native tree list, (b) 10% from the Exotic tree list, (c) 30% from the Shrub list and (d) 30% from the Tussock Grasses list appended in the design controls. All plants from (a) and (b) to be planted at a maximum of 3

metre centres, (c) at 2m centres and (d) at 1m centres. Noting that both curtilage areas are approximately 2200m² this would require a minimum of 550m² of planting to be undertaken on site, within the curtilage area.

21. These photographs show a continuous pattern of residential development that will wrap around the escarpments and terraces that encompass the flanks of the south side of the Shotover River, a pattern that is continuous and extending from the lower terraces of Tucker Beach Road to both sides of Hansen Road and further to the west above Tucker Beach. This pattern is substantially developed, aside from the 4 lots adjacent to the proposed RBP's and some other lots to the west, where dwellings have yet to be constructed or are under construction. In reality, the lots adjacent to the proposed RBP's are the last lots to be developed at the eastern end of the neighbourhood.

Potential Visibility of the Proposed Development

22. In regards to the visibility of the existing and proposed development, from public viewpoints, there are two sets of relevant views in my opinion; one being the more 'distant' views from Littles and Domain Roads and the second set of visibility / views towards the proposed development being the 'closer' view points from Tucker Beach Road, Hansen Road and Tucker Beach itself.

'Closer' views / Visibility

23. From Tucker Beach Rd a dwelling on the RBP Lot 1 will be potentially visible from small fleeting views directly to the north, depending on where the dwelling is constructed within the platform. Given that these views are short, brief and appear directly above and behind a pattern of established pattern of dwellings and established plantings in the foreground of those views, immediately south of Tucker Beach Road and would realistically only be perceived by someone like myself, who was looking for the location of the proposed RBP, I consider any adverse effects on those views to be low / negligible. Lot 2 is not visible from Tucker Beach Road.
24. From Hansen Road, a dwelling on proposed lot 1 would not be visible and a dwelling on proposed Lot 2 would only be visible from a very short section of Hansen Road (approximately 120m) close to the intersection of Hansen Road and Tucker beach Road. Once the consented dwellings between Lot 2 and Hansen Road are constructed, with associated curtilage and gardens, I consider that a future dwelling on Lot 2 RBP would be largely screened by that development. To that end I do consider that future dwellings on both Lot 1 & 2 RBP's would have nil adverse effects on Hansen Road views.
25. The western view catchments, being Tucker Beach itself and the residential areas to the west, are where the proposed development is potentially most visible. The effects of that visibility are best illustrated on my **Attachment I**. To that **Attachment I** I have indicated indicatively the extent of residential development when completed in the vicinity of the proposed dwellings, described earlier in this document. I discuss the potential effects (or lack of) below from this view and conclude that the effects will be low.

'Distant' Views / Visibility

26. The 'distant' views and visibility of the proposed development are best illustrated on my **Attachments G & H**. From the eastern distant views, being Domain Road, a dwelling on proposed RBP 2 will not be visible. Only a dwelling on proposed RBP 1 will be visible. This is shown on **Attachment G**. This view

experience is intermittent and at a distance of approximately 1.6km and really only experienced from the northern end of Domain Road. From this distance a dwelling on the Lot 1 RBP would appear to be located at a lower elevation than the existing dwelling to the south and, from that view, almost directly below it (note: the poles show the full 835m² building platform, the final dwelling, at a maximum 400m², if built to full size, would occupy less than half of that platform).

27. **Attachment H** is taken from Littles Road, at a distance of between 1.47 and 1.9km from both lots. This photograph is taken from the only stretch of Littles Road from which the Ferry Hill residential area can be viewed, a section of road approximately 70 metres long and realistically only potentially viewed when travelling east. Any other potential views from Littles Road to the site are screened by either vegetation or landform or a combination of both. From this view the effects of the proposed development, given the distance, the existing rural residential character (built and unbuilt), the location of the two dwellings on the proposed RBP's and the minor scale of view opportunity, will be low.

Discussion / Assessment

28. **Form and Density:** I consider that the assessment of effects arising from the two dwellings on the RBP's must be undertaken objectively and, whilst matters such as the 400m contour line and the zone boundaries are of relevance, the overriding matter is whether or not these two dwellings will be perceived as a logical part of the existing pattern of rural residential development in this locale. I acknowledge that the future dwellings will be located on or slightly above the 400m line however, from all viewpoints the proposed dwellings appear to sit comfortably within the existing residential pattern and will not appear as 'outliers' to that pattern. This has relevance to matters of form and density and the retention of landscape character and to that end the form and density of the dwellings fits well with the existing residential patterns. Whilst, in plan, the proposed development sits above a development zone, nevertheless this is one of those cases where, in reality, the proposed developments appear to sit within the zone landscape unit from all viewpoints, irrespective of the zone boundaries.
29. I consider that any further development east or southeast (uphill) of proposed Lot 1 may appear as sprawl. Furthermore, whilst the Council BRA in this locale may further act as a barrier to further development, the existing pattern of development, including this development, would represent an appropriate threshold for development. I am aware that a draft consent order is before the Court for the Broomfield development around the east of Ferry Hill, which proposes another BRA that effectively creates a belt of development restriction around the slopes of Ferry Hill, just above the existing level of development. I refer the evidence of Alyson Hutton for more detail on this matter
30. The Wakatipu Basin Landscape Character Unit LCU4 identifies a '*Moderate – High (throughout central and eastern end of unit)*' capability to absorb additional development. Whilst I would be cautious about applying this description to the wider environs of Lot 1, as there are no real opportunities to extend this portion of the residential pattern west or south of lot 1, without potential adverse effects, nevertheless the location of the RBP on Lot 1 does not adversely affect the existing pattern of residential development. This is an opportunity for closure of the east end of the upper terrace development area which will be comfortably at capacity or close to it with the inclusion of Lot 1 and the eventual completion of development of the unbuilt consented platforms close by.

31. **Visibility:** I disagree with Ms McPhersons statement that *'the development of the proposed Lot 1 has the potential to be highly visible'*³. Given that development on Lot 1 will be principally visible at distance from Domain and Littles Roads only and, within those distant views, a dwelling will sit below and in front of existing development, I fail to see any adverse effects arising from that dwelling from those views and consider that any potential adverse effects would be low.
32. **Effects on the ONL and pastoral character:** I consider that the potential effects (or lack of) of this development on the ONL characteristics of Ferry Hill, is the fundamental landscape issue in this application. Ms McPherson considers that the proposed earthworks shown for Lots 1 and 2 *'are significant modifications to the landform of Ferry Hill'*⁴ and states that *'portions of the cuts will be apparent to most audiences'*. The established dwelling immediately south and uphill of the Lot 1 RBP required a similar level of cut and land-shaping. That has had no adverse effects on the wider ONL and is not be perceived by viewers. Once completed and grassed over, earthworks as proposed would be imperceptible. To put this into a realistic perspective, the proposed earthworks will be lower than a typical dwelling and would have been required on the bulk of dwelling development in this area, none of which are apparent or offensive to the wider landform character. From all viewpoints, both distant and closer, the existing ONL landscape of Ferry Hill overwhelmingly dominates the view panorama, with the existing rural residential landscape character from those viewpoints occupying a minor part of that landform at the base of that landform. The existing and proposed rural residential development (in this application) will have no adverse effect on that the character of that major landform, certainly any proposed earthworks as set out in this application would have none. I do consider that restrictions on development are appropriate to protect the Ferry Hill ONL and the scale and form of development considered for the two proposed lots sits well within an appropriate threshold for development
33. This matter leads on to cumulative effects and to that end I consider that the dwellings on proposed RBP's 1 and 2 do not exacerbate cumulative effects and will appear as logical infill to the existing rural residential landscape character. Further development at higher altitudes than the two dwellings on the proposed RBP's and the existing consented built and unbuilt proposed may lead to adverse cumulative effects but this is not considered in this application. In reality, the existing dwelling on Lot 20 appears at a higher elevation and I would consider that to be an appropriate elevation edge to development.
34. From western views, being those shown on my **Attachment I**, the potential effects on the ONL are of a similar minor scale. The Ferry Hill ONL landform remains an overwhelming dominant landscape form in scale and character, visually distinct from the residential pattern at its base. I acknowledge that portions of a dwelling on Lot 1 may extend above the ridgeline in that view however it will be only a part of that area defined by the poles, given that the proposed maximum dwelling size can only occupy half of the platform or less. (as usual, the requirement to set out poles on the corners of a building platforms delivers a misleading scale of effect when a typical dwelling would be a visibly reduced for that that the poles indicate). I also note that the 'ridgeline' described above does not have a 'clear sky' backdrop and has a backdrop of the Crown Range from the Tucker Beach views. The scale of effects arising from the two proposed dwellings on the proposed RBP's will have little to no effect on the wider ONL context, given the contrasting scale of the Ferry Hill ONL to the existing and proposed rural residential character. My photograph on **Attachment I** illustrates this well, the scale of the open slopes of the Ferry Hill ONL being clearly retained.

³ RM190049 – K McPherson Landscape Assessment Review para 51 25th March 2019

⁴ RM190049 – K McPherson Landscape Assessment Review para 21 25th March 2019

35. It is important to also note that a substantial amount of development (four dwellings) will eventually occupy the immediate foreground of that view, with domestic (garden) tree planting potentially screening some of the Lot 1 dwelling from Tucker Beach views. I note that the view shown on **Attachment I** is at some distance. As the viewer moves towards the site the potential visibility of Lot 1 quickly recedes to nil. Ms McPherson considers the effects of Lot 1 on western views will be 'moderate to high'⁵ from these views. I disagree and consider that her statement fails to take into effect the scale of a dwelling, the undeveloped platforms west of it and the developed residential landscape when fully established.
36. A dwelling on the Lot 2 RBP will not be visible from wider and close views but will be visible from Tucker Beach environs. As discussed earlier, once completed the earthworks will not be perceivable as the land already rises to the east behind the proposed RBP on Lot 2. I consider that the key landscape matter is whether or not dwellings on the proposed RBP's would be considered to be 'subdivision creep'. Both are located on the edge of the 400-metre contour. That dwelling is at a similar level to others in the adjacent zone and has the landscape advantage of being located on an existing terrace form, effectively 'bookending' that terrace from existing development at a similar elevation to the north. If development were to extend along the 400m contour to the northeast, it would turn the corner east to wider views; that could potentially have adverse effects and would result in perceived potential uphill 'creep' even being at a similar same contour. The location of this proposed dwelling is one of those examples where the local landscape character can accommodate development, without compromising the wider residential pattern or the ONL landform.
37. The photograph on my **Attachment G** further puts any earthwork effects into perspective. As noted earlier, Ms McPherson's comment⁶ in regards to earthworks is incorrect and overstates the landscape of earthworks on the wider Ferry Hill ONL, a major landform that overwhelmingly dominates the existing residential pattern at its base in scale, height, form and simplicity. The contrast between the developed residential pattern at the base of Ferry Hill and the open pastoral character of Ferry Hill, being devoid of development (aside from 1 dwelling at a substantially higher altitude within the same lot), maintains the ONL character. The proposed dwelling on lot 1 RBP will be perceived to be lower and 'within' the existing pattern of development from distant views where the ONL forms the dominant part of that view.
38. Taking all these matters into account, I fail to see how the proposed development could have any adverse effects on the wider Ferry Hill ONL and how the proposed earthworks could be described as significant.

Proposed District Plan Assessment Matters

39. The site is located within the LCU4 in the PDP as described in Chapter 24 of the PDP. In short, the LCU description acknowledges both the existing residential lifestyle character at the base of Ferry Hill and identifies the potential effects of development on the wider landscape, specifically the 'ONL's, which I assume as being primarily the ONL character of Ferry Hill, being '*vulnerable to development creep*'. The '*lack of defensible boundaries*' is also noted in that LCU description. I consider that the two dwellings proposed in this application site within that 'defensible boundary' and in fact reinforce that boundary with appropriate development, and would be perceived as such from all views. In regards to the relevant assessment matters in the PDP I refer to the assessment matters in 24.7.3 (a-g).

⁵ RM190049 – K McPherson Landscape Assessment Review para 32 25th March 2019

⁶⁶ RM190049 – K McPherson Landscape Assessment Review para 21 25th March 2019

40. For clarity I refer to my **Attachment E** which shows the zone boundaries of the WBLP and the WBRAZ zones. I note that the zone boundary between the two follows the 400m line. As indicated earlier, I consider that zone boundary to be relatively arbitrary in regards to landform relevance in the environs of the two proposed RBP's but a good guide nevertheless in regards to the wider protection of the Ferry Hill ONL.
41. Landscape Character and Visual Amenity: The LCU description in regards to visibility / prominence states *'the lower lying central and northern portions of the unit and the interior of the flat terraces in the western portion of the unit are not prominent within the wider basin landscape. The elevated slopes along the south edge of the unit are locally prominent'*⁷. I generally concur with this statement however it is a reasonably board statement and, as with all the general LCU descriptions, only broadly describes the visibility / prominence in that description. r This application requires a more detailed analysis, as has been undertaken.
42. The location, form and scale of the proposed dwellings on the two RBP's will maintain the landscape character and visual amenity qualities of the existing rural residential character. The proposed design controls are specifically tailored for this purpose and, from the closer views identified both in this statement and in the LCU description, dwellings on the 2 proposed RBP's will appear as a visually comfortable addition to that enclave of development, especially at full build out of all dwellings and the associated domestic garden curtilage pattern that will develop over time, a realistic expectation. The dwellings in the proposed RBP's will clearly appear as part of the aggregation or cluster of residential settlement pattern and will not appear to be 'outside' of that pattern.
43. Ms McPherson notes: ⁸*'The curvature of Ferry Hill combines with the elevated and open location of the existing development to expose it to viewpoints from Hansen and Tuckers Beach Rds and from the northern side of the Shotover River. Additional buildings at the same elevation will be visible too, exacerbating the presence of domestic built form and activity on Ferry Hill immediately adjacent to the ONL boundary'*. I disagree with her description of the existing development as being elevated and open. The elevation of dwellings on the two proposed RBP's are 'elevated' if referring to Tucker Beach Road views only, however so are the majority of all dwellings and development from those views. Being elevated in that context does not correlate with adverse effects. I agree that parts of that rural residential landscape are currently 'open' in character however that openness is temporary and primarily exists only because all the consented lots are yet to be built on, especially those immediately adjacent to the two proposed RBP's. At full build out any open character will be clearly apparent on the expansive slopes of the Ferry Hill ONL. This openness will remain from the public audiences viewing from Tucker Beach and neighbouring properties.
44. The Ferry Hill ONL landform is identified in the LCU description in the PDP schedule 24.8 and I have addressed that extensively in this statement. I consider that no portion of the proposed development would result in adverse effects on the Ferry Hill ONL and that the 400-metre line serves as an appropriate guide, acknowledging that that line covers a variety of landform shapes, particularly in the western end of the lower slopes of Ferry Hill.

⁷ QLDC PDP Schedule 24.8 2021

⁸ RM190049 – K McPherson Landscape Assessment Review para 24, 25th March 2019

45. In regards to the location of the ONL line in the vicinity of the Waterston dwelling, there is logic in having that line directly behind the existing dwelling, uphill from the dwelling and along the line of the existing poplars, where the Court previously indicated that the line should be located. That determination was made by expert landscape evidence presented at that hearing. The location of that line is best there for practical reasons and clarity as the Waterston dwelling is a long-established part of that landscape as is the line of poplars. I have shown on my **Attachment E** where I consider the ONL line should be located. It would be appropriate to have controls on any further development within a platform around the Waterston dwelling specifying that any additional building in that platform should be built in the same cladding and colour as the existing structures and some restriction on site coverage within that platform to control the scale of future built form to an appropriate size.

Conditions

46. As noted earlier, I have recommended a restriction on the dwelling footprint for both lots 1 & 2 to 400m² maximum (including garage) for the purpose of providing an appropriate level of development and in response to concerns in regards to matters of rural amenity raised by Ms McPherson.
47. The Planners report raises concerns in regards to autumnal colours in the proposed plant list in the design controls. I refer to the photograph in my **Attachment H** and note that deciduous tree and autumn colours are an integral, celebrated and expected component of this wider landscape. They extend up Hansen Road, continuously along Tucker Beach Road, linearly along the hill face of the ONL and below the Waterston dwelling. The inclusion of deciduous trees within the two proposed lots will serve to consolidate the existing rural residential cluster and I see no landscape benefit for excluding them.
48. A further condition, described in my paragraph 20 above is also to be added, regarding minimum planting to be undertaken by the landowner.