

Before Queenstown Lakes District Council

In the matter of The Resource Management Act 1991

And The Queenstown Lakes District proposed District Plan Hearing
Stream 13 Queenstown Mapping and Rezoning

And Submission 338 Middleton Family Trust

REBUTTAL EVIDENCE of WARWICK PETER GOLDSMITH for

Oasis in the Basin Association (#1289)

Dated 07 July 2017

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**anderson
lloyd.**

Introduction

- 1 My name is Warwick Peter Goldsmith. This rebuttal evidence is given on behalf of Oasis in the Basin Association (**Oasis**) in respect of Further Submission #1289 lodged by Oasis (**Oasis Submission**) in respect of primary Submission #338 by Middleton Family Trust (**Middleton Submission**).
- 2 This rebuttal evidence responds to the primary planning evidence of Nicholas Karl Geddes dated 4 June 2017 lodged in respect of the Middleton Submission.
- 3 In his evidence Mr Geddes refers to a Plan contained in his Appendix 1. In this rebuttal evidence I refer to, and comment on, that Plan. For ease of reference I attach in Appendix A a copy of that Plan marked 'A' which I will refer to as **Plan A**.

Open Space – Edge Protection

- 4 In his paragraph 3.8 Mr Geddes refers to a proposed '*...Edge Protection Consent Notice Area* where no building or further subdivision can occur...' which is intended to be cleared of pest plant species and retained in pasture grasses. I find Mr Geddes' evidence somewhat confusing for the following reasons:
 - (a) His paragraph 3.8 appears under the heading '*Open Space – Edge Protection*'.
 - (b) Plan A shows a narrow area dotted in blue and identified '*Open Space Edge Protection*';
 - (c) Plan A contains a much larger area dotted blue, with the Legend identifying that area as '*Open Space Pastoral*'.
- 5 Because of the confusion described above, it is not clear what area Mr Geddes' paragraph 3.8 refers to. For the purpose of this rebuttal evidence I assume that the larger area dotted blue identified as '*Open Space Pastoral*' is all intended to be kept free of buildings and is subject to a requirement for clearance of pest plants.
- 6 In relation to that '*Open Space Pastoral*' identified area, I note that:
 - (a) Mr Geddes does not refer to or propose any amendments to the Part 27 Subdivision Chapter of the Proposed District Plan (**PDP**) to implement the intended outcome;

- (b) There is no reference to whether, after pest plant species are initially cleared, there is intended to be any ongoing obligation to maintain the area clear of pest plant species;
 - (c) Identified pest plant species do not include wilding trees which are not identified in the Otago Regional Pest Management Strategy as being pest plants;
 - (d) Mr Geddes' evidence is not clear about whether land subject to the proposed Edge Protection Consent Notice Area is intended to be retained in a single ownership so it can be managed for pastoral purposes (which appears to be the intention evidenced on Plan A) or whether that land may be subdivided into smaller areas to be held in association with or as part of residential titles on which houses can be built;
 - (e) Referring to d above, if the intention is retention in a single land ownership, Mr Geddes does not specify how that land is to be managed and maintained.
- 7 It is unclear whether the purpose of the proposed Edge Protection Area (**EPA**) is just for land management, to achieve a pastoral outcome, or whether there is any associated intention to keep buildings back from the edge of the plateau so that buildings cannot be seen from public land adjoining Lake Johnson and/or from Lake Johnson itself which is an area accessible to the general public. If the latter is part of the intention, it is not possible to judge whether the identified EPA will achieve that objective because there are no pegs or marks on the ground to identify the boundary of the EPA and there are no profile poles erected to enable assessment of where buildings would or would not be visible from.
- 8 From trying to assess matters on the ground, just by reference to Plan A, I suspect that buildings erected to proposed permitted height limits along the boundary of (but outside) the EPA would be visible from publicly accessible land adjoining Lake Johnson and from the surface of Lake Johnson itself.

Low Density Residential – Tucker's Beach Overlay

- 9 Plan A identifies two proposed Low Density Residential (**LDR**) areas. The western LDR area is identified by a yellow boundary on Plan A. The eastern LDR area is identified by a red boundary on Plan A. Referring to paragraphs 3.11-3.13 and Appendix 3 of Mr Geddes' Evidence, the only difference between the two LDR areas appears to be that a 5.5m maximum building height limit (above ground level) will apply within the eastern Tucker Beach overlay LDR area rather than the standard LDR 8m (or 7m depending upon slope) maximum height limit.
- 10 I question whether the application of that differential height limit regime will make any meaningful difference within those LDR (or LDR equivalent) zones. From the general

tenor of Mr Geddes' evidence, the intention of the Middleton Submission is to achieve a LDR residential area somewhat akin to Shotover Country. If one drives through Shotover Country, it can be seen that most landowners within a residential neighbourhood of this type tend to build single story houses. There are few houses in those residential areas which take advantage of the maximum 8m height limit.

- 11 I believe it is reasonable to assume that the same is likely to be the case in this proposed LDR zone if it is approved. In addition, if some people wanted to build a little higher in order perhaps to try and look over or around a house or houses in front of them (which is often the case on a sloping site) then, absent any roof pitch control, it is quite feasible to build a two story dwelling with a sloping flat roof inside a 5.5m height limit.
- 12 The primary issues at stake in relation to the Middleton Submission do not relate to effects on immediately adjoining neighbours, but rather relate to the broad range of effects of a residential suburb on an ONL, in particular the views and experiences of the ONL from near at hand (Lake Johnson and surrounds) and further afield (areas of the Wakatipu Basin and the Frankton Flats). I have difficulty understanding any discernible difference in outcome in relation to those issues which would result from imposing a 5.5m height limit rather than an 8m or 7m height limit.

Views from public land around Lake Johnson

- 13 In paragraph 9.4 Mr Geddes states: "*Edge Protection Areas (EPA) prevent any built form from the proposed re-zoning being visible from public land around Lake Johnson...*". In relation to that statement I comment:
 - (a) Referring to paragraph 7 above, this statement appears to suggest that at least one purpose of the EPA is to prevent visibility of built form from publicly accessible areas;
 - (b) The statement contains no reference to views from the surface of Lake Johnson which is a publicly accessible area used and enjoyed by members of the public (refer my primary evidence);
 - (c) Regardless of whether the statement relates to views from public land adjoining Lake Johnson, or from Lake Johnson itself, this statement is fundamentally and significantly incorrect.
- 14 On Plan A, in the lower right hand corner, I have marked X1, X2, X3 and X4. In Appendix B I attach some photographs respectively marked X1, X2, X3, X4a and X4b. The photographs were taken approximately from the respective points marked on Plan A; ie: photograph X1 was taken approximately from point X1 on Plan A, and so on.

- 15 The photographs in Appendix B were taken by myself using my cellphone camera. They are not intended to be a true representation of the views shown in the photographs as if viewed by the naked eye. Some photographs are taken with some magnification. The purpose of the photographs is merely to demonstrate line of sight between points X1 etc and other points visible from points X1 etc, and vice versa.
- 16 The photographs were taken by myself at an ordinary standing height. They are not taken from the top of a theoretical 5.5m house. With no profile poles erected, it is not possible to accurately determine line of sight capability between any point outside the proposed LDR zone and any point within the proposed LDR zone, due to the fact that a 5.5m house is significantly higher than the head height of myself standing. Therefore my photographs do not fully and properly demonstrate the extent of line of sight visibility between points X1 etc. and other areas outside the proposed LDR zone.
- 17 Plan A shows title boundaries of an esplanade reserve adjoining the eastern and northern areas of Lake Johnson. That is an esplanade reserve area which is accessible to the general public. I acknowledge that buildings within the proposed LDR zone are unlikely to be visible from the esplanade reserve area east of Lake Johnson due to topographical factors. However there is no doubt that buildings within the proposed LDR zone would be visible from the esplanade reserve area adjoining the northern end of Lake Johnson. Photographs X1 and X2 clearly demonstrate a direct line of sight between points X1 and X2 (my head height) and the publicly accessible land adjoining the northern end of Lake Johnson.
- 18 It is equally evident from photographs X1 – X3, that:
- (a) From viewpoints X1 and X2 most of the northern half of Lake Johnson is visible (and vice versa);
 - (b) From viewpoint X3 almost all of Lake Johnson is visible (and vice versa).
- 19 Regardless of the lack of boundary pegs and profile poles, which creates an element of doubt about the exact extent of line of sight visibility, there is absolutely no doubt that:
- (a) Dwellings (whether or not built to the full 5.5m height limit) in the upper, southern part of the proposed LDR zone would be visible from public land adjoining Lake Johnson and from Lake Johnson itself;
 - (b) Those buildings would be a significant element in views from publicly accessible land adjoining Lake Johnson and from Lake Johnson itself;

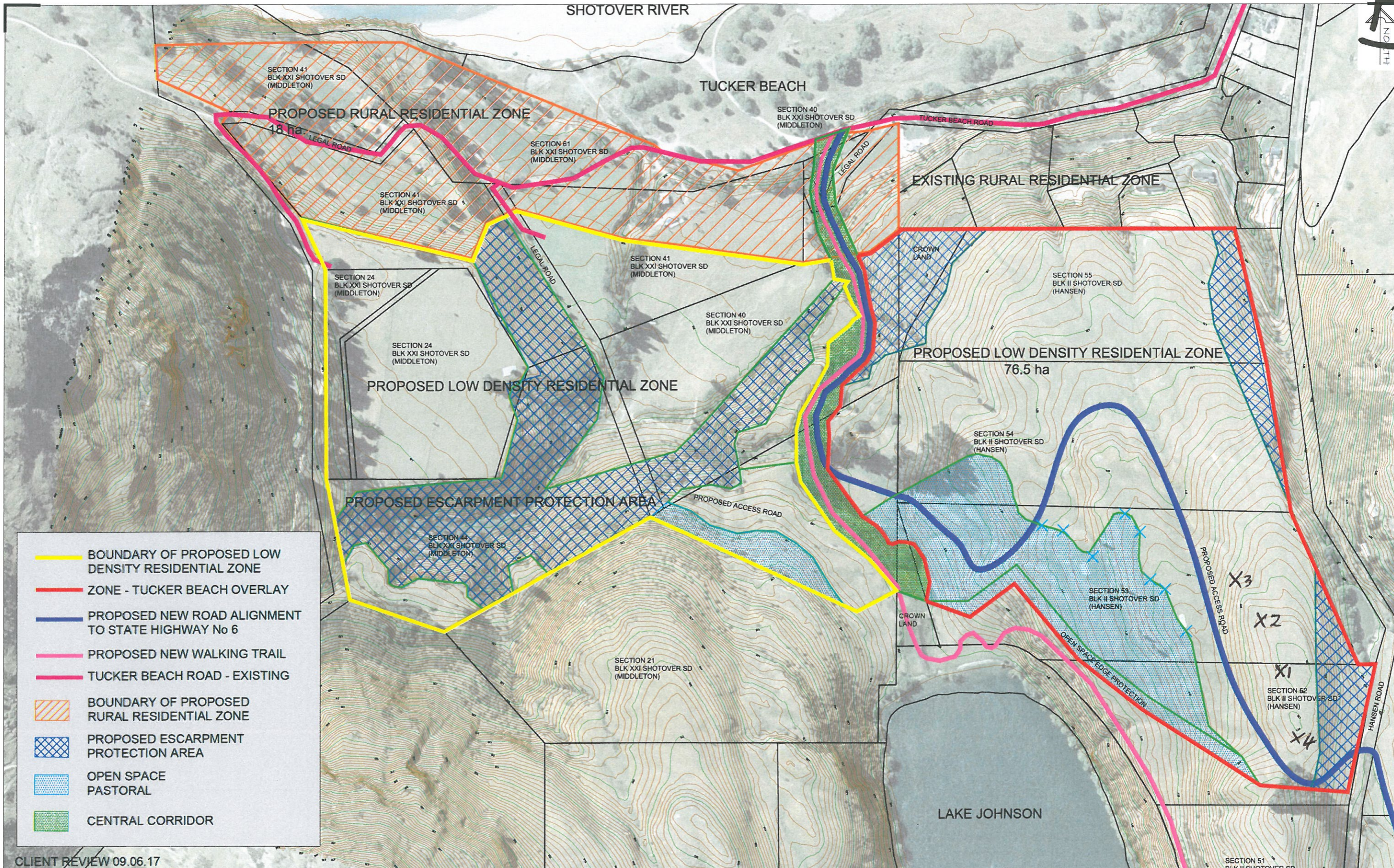
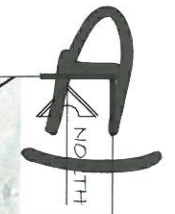
- (c) The ability to see those buildings from those public viewpoints would significantly adversely affect the ONL experience of those publicly accessible areas.
- 20 Photographs X4a and X4b were taken by myself from approximately point X4 on Plan A. They are included for the following purpose:
- (a) Photograph X4a demonstrates that dwellings built within this part of the proposed LDR zone, on the very top of this ONL hill, will be visible from a significant proportion of the Frankton Flats, as will the proposed road which climbs up the eastern side of that hill to provide vehicle access into the southern end of the proposed LDR zone;
 - (b) Photograph X4b shows ONL land on the mid and lower slopes of Ferry Hill, at elevations equal to or lower than the photograph vantage point, where LDR residential development might be considered appropriate if the residential development proposed by the Middleton Submission is considered appropriate.

Dated this 7th day of July 2017

Warwick Peter Goldsmith

Appendix A

Plan A



- BOUNDARY OF PROPOSED LOW DENSITY RESIDENTIAL ZONE
- ZONE - TUCKER BEACH OVERLAY
- PROPOSED NEW ROAD ALIGNMENT TO STATE HIGHWAY No 6
- PROPOSED NEW WALKING TRAIL
- TUCKER BEACH ROAD - EXISTING
- BOUNDARY OF PROPOSED RURAL RESIDENTIAL ZONE
- PROPOSED ESCARPMENT PROTECTION AREA
- OPEN SPACE PASTORAL
- CENTRAL CORRIDOR

CLIENT REVIEW 09.06.17

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PLAN OF PROPOSED LOW DENSITY RESIDENTIAL ZONE AND RURAL RESIDENTIAL ZONE, AND NEW ACCESS ROADING

Client	Surveyed	Signed	Date	Job No.	Drawing No.
MIDDLETON FAMILY TRUST	NM	Signed	15.10.15	11439	02
	Drawn	Signed	Date	Scale	1:2500 @ A1
	NM		15.10.15		1:5000 @ A3
	Designed	Signed	Date	Datum & Level	Rev.
	NM		15.10.15	Mt Nic 2000 & MSL	A

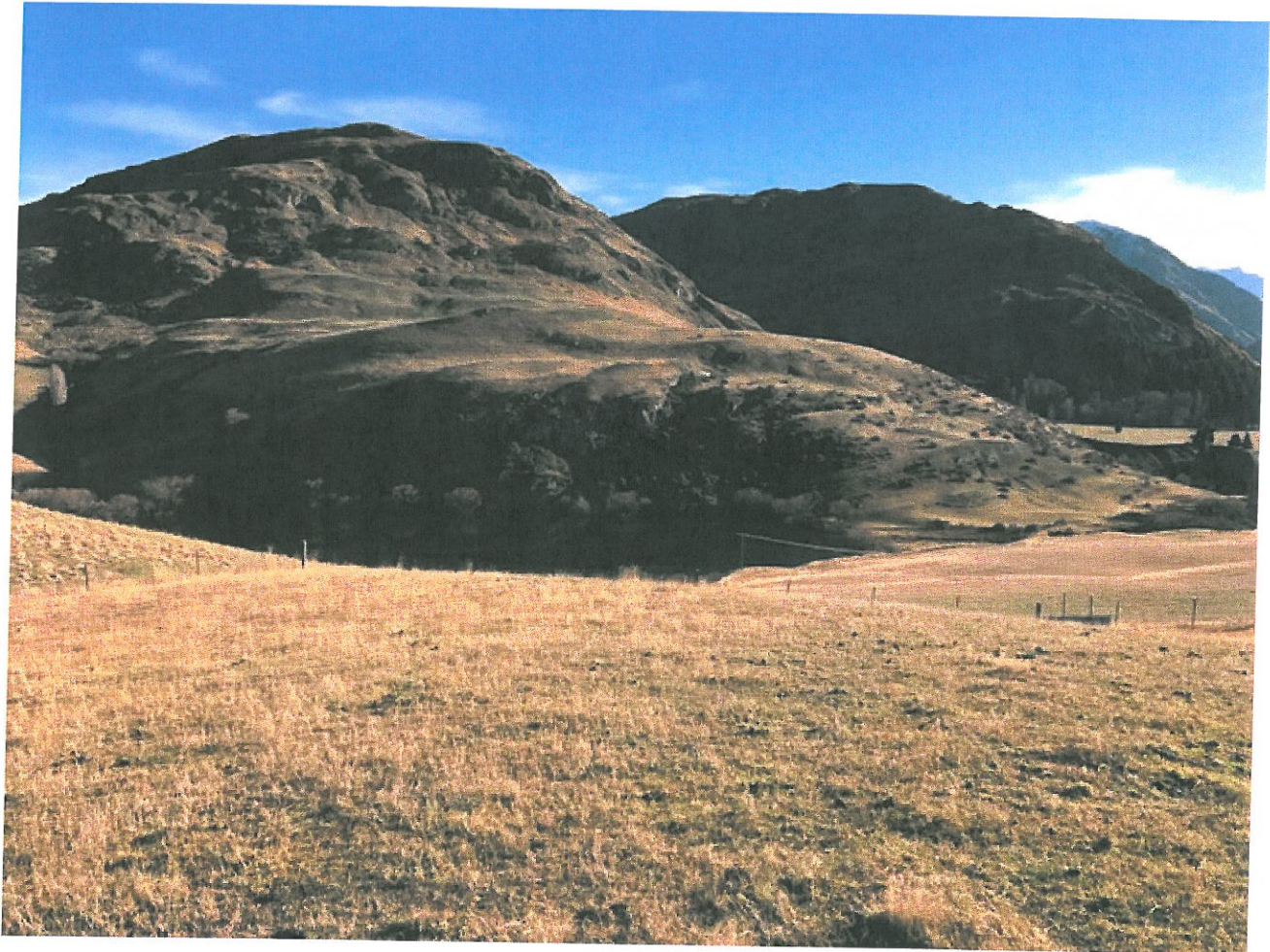
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 All dimensions shown are in meters unless shown otherwise.
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 - Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions.
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Appendix B

Photographs X1-X4b

Warwick Goldsmith

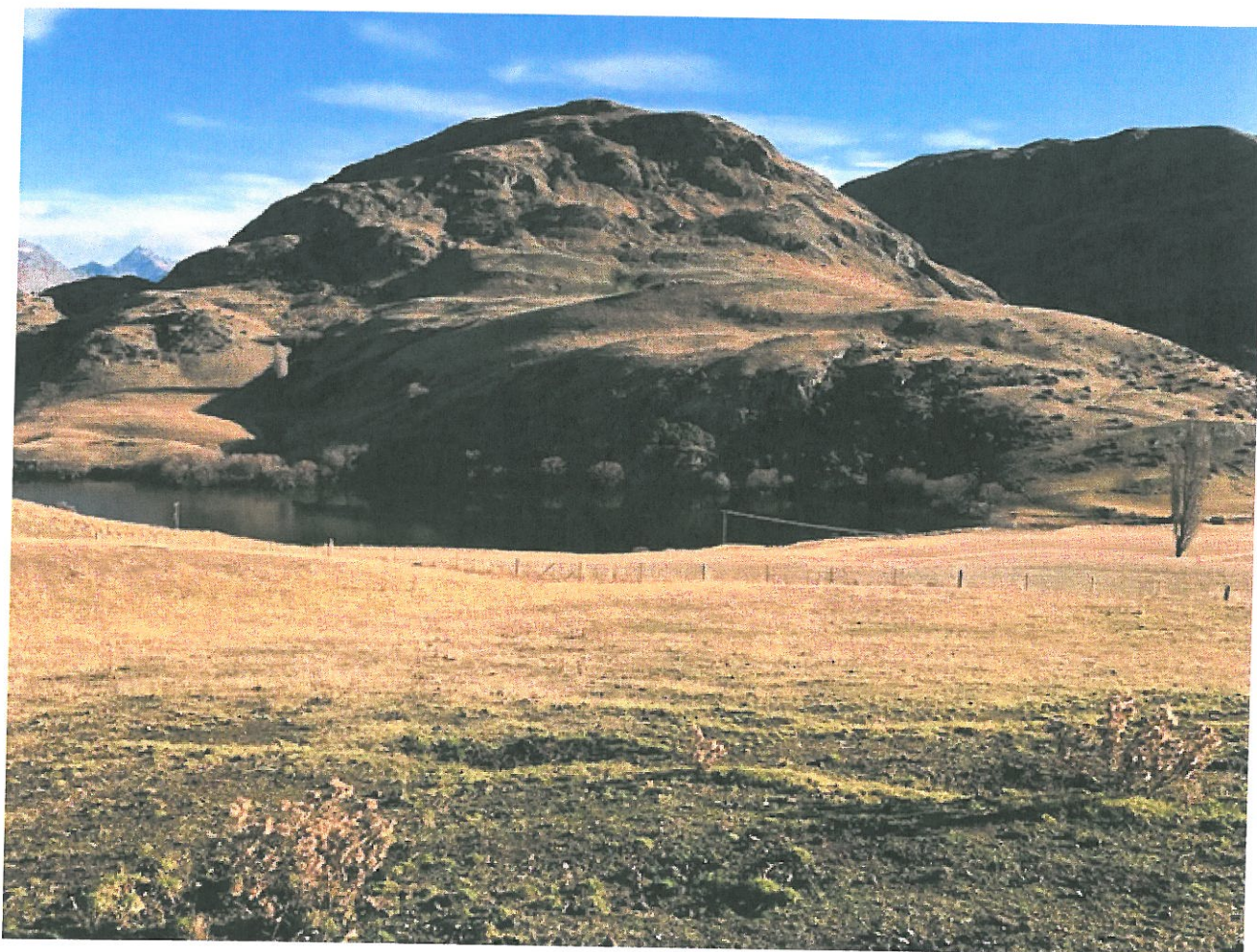
From: Warwick Goldsmith <goldsmithwarwick@gmail.com>
Sent: Thursday, 6 July 2017 12:01 p.m.
To: Warwick Goldsmith; Warwick Goldsmith
Subject: Ph 1b



X2

Warwick Goldsmith

From: Warwick Goldsmith <goldsmithwarwick@gmail.com>
Sent: Thursday, 6 July 2017 1:16 p.m.
To: Warwick Goldsmith; Warwick Goldsmith
Subject: Photo3



Warwick Goldsmith

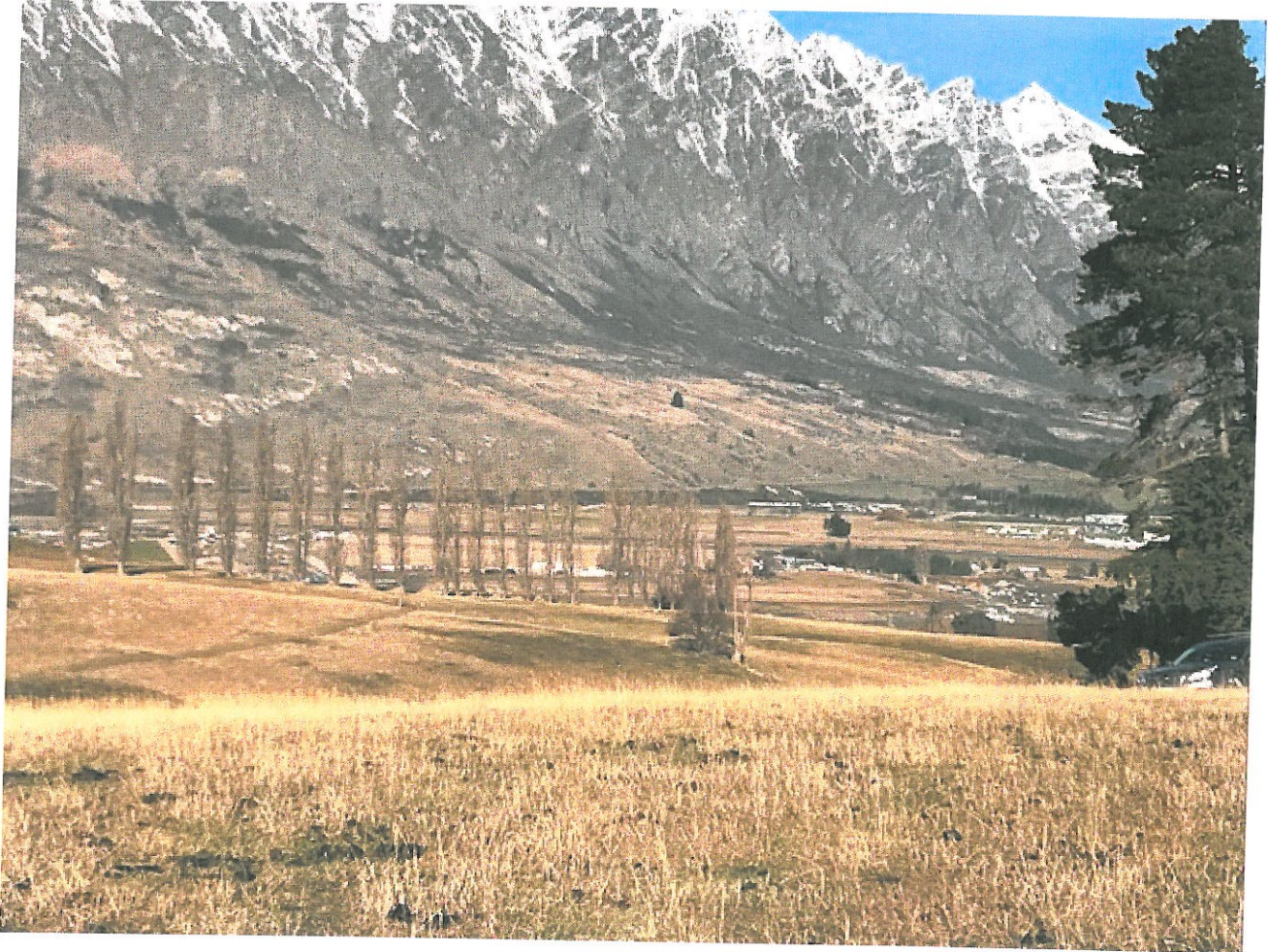
From: Warwick Goldsmith <goldsmithwarwick@gmail.com>
Sent: Thursday, 6 July 2017 1:16 p.m.
To: Warwick Goldsmith; Warwick Goldsmith
Subject: Photo4



X4a

Warwick Goldsmith

From: Warwick Goldsmith <goldsmithwarwick@gmail.com>
Sent: Thursday, 6 July 2017 1:15 p.m.
To: Warwick Goldsmith; Warwick Goldsmith
Subject: Photo 1



X4b

Warwick Goldsmith

From: Warwick Goldsmith <goldsmithwarwick@gmail.com>
Sent: Thursday, 6 July 2017 1:15 p.m.
To: Warwick Goldsmith; Warwick Goldsmith
Subject: Photo 2

