

**BEFORE THE INDEPENDENT HEARING PANEL APPOINTED BY THE
QUEENSTOWN LAKES DISTRICT COUNCIL**

UNDER the Resource Management Act 1991 (RMA)
IN THE MATTER of the Te Pūtahi Ladies Mile Plan Variation in accordance
with section 80B and 80C, and Part 5 of Schedule 1 of the
Resource Management Act 1991.

**STATEMENT OF REBUTTAL EVIDENCE OF STEPHEN RUSSEL SKELTON
10 November 2023**

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Introduction

- 1 My full name is Stephen Russel Skelton. I am the Director of Patch Limited (**Patch**), a landscape architecture and landscape planning consultancy based in Queenstown.
- 2 I prepared a statement of evidence on behalf of Queenstown Lakes District Council (**QLDC** or **Council**) dated 29 September 2023 on the submissions and further submissions to the Te Pūtahi Ladies Mile Plan Variation (**TPLM Variation**). My evidence considered the locations where the TPLM Variation area (the **TPLM Variation Area**) may be visible and the potential effects on visual amenity, the effects of the TPLM Variation on landscape character, the defendable edge of the TPLM Variation Area and submitter's concerns on a number of issues.
- 3 I have the qualifications and experience as set out at paragraphs 4 to 7 of my statement of evidence (**EIC**) dated 29 September 2023.
- 4 I repeat the confirmation given in my evidence that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023, and that my evidence has been prepared in compliance with that Code.

Scope of rebuttal evidence

- 5 In preparing this rebuttal statement, I have read and considered the evidence filed on behalf of submitters as that evidence relates to my evidence. I also attended the expert conferencing session on 30 October 2023 and have also read and considered the Joint Witness Statement produced at that expert conferencing session.
- 6 In this evidence I respond to the:
 - (a) Statement of Evidence of Tony Milne on behalf of the Anna Hutchinson Family Trust (107) dated 20 October 2023;
 - (b) Statement of Evidence of Tony Milne on behalf of Glenpanel Development Ltd (73) dated 25 October 2023;
 - (c) Statement of Evidence of James Bentley on behalf of the Queenstown Country Club (106) dated 20 October 2023;
 - (d) Statement of Evidence of Wendy Chartres-Moginie on behalf of the Corona Trust (99) dated 20 October 2023;

- (e) Statement of Evidence of Philip Blakely on behalf of the Blakely Wallace Family (74) dated 20 October 2023;
 - (f) Statement of Evidence of Blair Devlin on behalf of Jo & Matt Dobb (37) dated 19 October 2023;
 - (g) The experts' joint witness statement (**JWS**) on landscape, dated 2 November 2023.
 - (h) The experts' JWS on planning, dated 2 November 2023.
- 7 I do not seek to repeat the evidence contained within my EIC and where I find it is appropriate, I will refer to the JWS.

Response to Tony Milne on behalf of the Anna Hutchinson Family Trust (107) dated 20 October 2023

- 8 Mr Milne supports the extension of the TPLM Variation onto the Shotover River Terraces to the west of the TPLM Variation Area (**Western Extension**). At paragraph 13 of his evidence he considers that the effects on landscape character and visual amenity of that Western Extension will be acceptable and at paragraphs 56, 61 and 66, that the Western Extension would result in low-moderate adverse effects on landscape character and visual amenity values.
- 9 I disagree and consider the proposal will result in some high adverse effects on visual amenity values and some moderate-high adverse effects on landscape character for the reasons set out in my EIC at paragraphs 81 – 92, and as set out below. I attach in **Appendix A** an industry accepted rating scale and definition of a degree of visual and landscape effects.

Visual separation

- 10 The Western Extension is within the Shotover River corridor and is part of a different visual catchment to the TPLM Variation Area. At paragraphs 28 and 36(a) of his evidence, Mr Milne considers that the Western Extension will be viewed in the context of or together with development enabled by the TPLM Variation. I consider that while there may be elevated vantages such as the Remarkables Road where the Western Extension may be read in the context of the TPLM Variation Area, the Western Extension is visually separated from the TPLM Variation Area by the terraced landform. This visual separation is further

enforced by existing high stature vegetation, most notably the existing high stature trees along the Lower Shotover Road corridor and those within the Lower Shotover Cemetery.

- 11 As Mr Milne describes at paragraph 34(d) of his evidence, the Western Extension may result in visual effects experienced from the Shotover River corridor, the Queenstown Trail network, Quail Rise, SH6 and the historic ferry bridge. These areas are not relevant visual considerations for the TPLM Variation Area as the TPLM Variation Area will not be visible in any views from these areas.¹ Accordingly, I consider development in the Western Extension could result in high adverse visual effects on areas which are currently unaffected by the TPLM Variation. Those high adverse effects are associated with potential skyline breaches, particularly from the historic ferry bridge, parts of the Queenstown Trail and the Shotover River corridor.²

SH6 and views from the west

- 12 In my opinion Mr Milne does not appropriately consider the visual amenity values associated with the Western Extension, as experienced from and near SH6 to the west of the Shotover River. From these locations, the Shotover River terraces and the Western Extension area act as a midground to a highly memorable view of the Slope Hill Outstanding Natural Feature (**ONF**) through a distinct SH6 road cut. The Shotover River ONF is also visible in this view (as shown below at Figure 1). I consider this view is highly memorable as the road cut frames the conical form of Slope Hill which is seen generally against skyline. Very limited built development exists on the Shotover River terraces and their associations to the adjacent Shotover River ONF are highly legible, shared and recognised.
- 13 Potential visual effects associated with development of the Western Extension are not limited to eastbound users of SH6 for a short duration looking up, as Mr Milne opines at paragraphs 34(d) and 36 of his evidence. This view to Slope Hill is held from SH6 as well as the

¹ Noting from SH6, the TPLM Variation Area will be visible once a highway user is on the Ladies Mile itself, near the Lower Shotover Road roundabout.

² Noting this part of the surface of the Shotover River is used by commercial and private jet boat operators.

adjacent SH6 footpaths and two public bus stops near Bunnings Warehouse (as shown below at Figure 2).

- 14 Experientially, users of SH6 traveling in an easterly direction witness a 'reveal' as they move through the road cut onto the Shotover Bridge and into the Shotover River ONF corridor where views are open to the north towards Coronet Peak, the Shotover River and the historic ferry bridge. The proposed Western Extension area would introduce urban development between two ONFs into this natural experiential context, and in my opinion that would result in moderate-high adverse visual effects (beyond those anticipated by the Whakatipu Basin Lifestyle Precinct (**WBLP**) zoning).



Figure 1: View to the east from SH6.



Figure 2: View to the east from SH6 bus stop.

Visual effects in light of anticipated development

- 15 I have considered the potential adverse effects of the Western Extension in the context of the site's WBLP zoning under the Council's Proposed District Plan (**PDP**). I do not agree with Mr Milne's statement at paragraph 42 of his evidence, that the status quo (i.e. development in accordance with the WBLP rules) will result in the restriction of open views that are currently afforded by the Western Extension.
- 16 I disagree with Mr Milne's statement at paragraph 53 of his evidence that My EIC focuses on the existing site conditions (as opposed to the future environment). I have fully considered the WBLP zoning of the Western Extension. I consider that if the Western Extension is developed under the WBLP rules, that the policies in Chapter 24, particularly parts 24.2.1.2, 24.2.1.3, 24.2.1.4, 24.2.1.5, 24.2.1.9, 24.2.1.11, 24.2.1.12, 24.2.1.15, 24.2.5.1, 24.2.5.2, 24.2.5.4, 24.2.5.5 and 24.2.5.6 and other provisions and rules, including the 75m road setbacks, will ensure the landscape character and visual amenity values of the Shotover River Terraces will be rigorously and appropriately addressed through future subdivision design and assessment (unlike the development of the Western Extension as sought by the Anna Hutchinson Family Trust submission).

LCU 7 – Domain Road Shotover Terrace

- 17 The Western Extension area is not in Ladies Mile and in my opinion, the attributes and values of the Western Extension are very different than those associated with the TPLM Variation Area. Rather, the Western Extension is on the Shotover River Terraces identified in Schedule 24.8 of the PDP as LCU 7 – Domain Road Shotover Terrace.
- 18 I do not share Mr Milne's view at paragraph 36(g) of his evidence that the other more modified elements in the vicinity of the Western Extension (such as Quail Rise, the Wastewater Treatment Plant, and Shotover Country) would render effects on the Shotover River ONF low at most.
- 19 It is important to note that the lands south of the SH6 bridge (i.e. the Wastewater Treatment Plant and Shotover Country) have a different character embodied in industrial, rural living and urban land uses. These areas are generally experienced in different views that are not associated with the Western Extension.

- 20 Similarly, the area north of the SH6 bridge and west of the river is partially occupied by the area known as Quail Rise. However, the urban elements of Quail Rise are set back from the edge of the Shotover River ONF, relegated to the upper terraces near the foot of Ferry Hill and well-integrated with mature vegetation. The lands below Quail Rise are visible from the historic ferry bridge, the Queenstown Trail and SH6 and are clad in dense vegetation, broken only by steep sided slopes and cliffs, and form an open and natural frame to the Shotover River ONF. I consider the Western Extension areas also contributes to the open and natural frame of the Shotover River ONF and that the landscape values of the ONF would be adversely affected by the proposed Western Extension to a moderate-high degree.
- 21 While Mr Milne correctly states at paragraph 29 of his evidence that the LCU description in Schedule 24.8 describes LCU 7 – Domain Road Shotover Terrace as having a moderate-high capacity to absorb additional development, it is important to note that this schedule *only* considers capacity for rural living type development, not *any* form of development.

Defendable Edge

- 22 In discussing the TPLM Variation's western defendable edge, Mr Milne does not mention the legible southwest ridge of Slope Hill despite that feature being referred to repeatedly in my EIC³. Instead, at paragraph 58 of his evidence, Mr Milne refers to the use of Lower Shotover Road as a defendable edge, and states that from a landscape perspective, this is a somewhat arbitrary boundary. I set out the reasons why the TPLM Variation western edge is defendable in my EIC⁴ and I place little reliance on Lower Shotover Road.
- 23 At paragraph 60 of his evidence, Mr Milne suggests a gully system to the north of the Western Extension as a highly effective western boundary. I disagree on that basis that this gully is not highly legible, is not on the submitter's site, and is very similar to two other gullies farther north along the Shotover River Terraces. As set out in my EIC at paragraph 97, I continue to be of the opinion that the Western Extension area

³ Skelton EIC Paragraphs 16, 27, 60 (d), 95, 96, 98, 107, 108, and Attachment C
⁴ Skelton EIC Paragraphs 60 (d), and 94 – 96. My EIC mistakenly references the east boundary in part 60 (d), and that part of my EIC should read '*To the west...*

would not be well contained by any physical features or defensible edge and would result in significant development pressure on lands to the north.

**Response to Tony Milne on behalf of Glenpanel Development Ltd (73)
dated 25 October 2023**

- 24 I have not undertaken a review of any matters relevant to effects of Glenpanel Development Ltd's (**Glenpanel**) proposed development on the Slope Hill ONF or proposed extension of the UGB into the Slope Hill ONF. Rather, this has been addressed by Ms Bridget Gilbert's evidence on behalf of the Council.
- 25 However, I have reviewed Tony Milne's evidence on behalf of Glenpanel, which supports increasing the building height in the Glenpanel Precinct from 8m to 17m, with an increased setback from the Glenpanel Homestead. I have considered this further since landscape joint witness conferencing.. I generally agree with Mr Milne's assessment at paragraph 62 of his evidence that this increase in height to 17m adjacent to the TPLM Variation's 24.5m height limit, with increased setback, would not result in a noticeable contrast within the anticipated surroundings or lead to increased adverse effects on the Slope Hill ONF.

**Response to James Bentley on behalf of the Queenstown Country Club
(106) dated 20 October 2023**

- 26 Mr Bentley supports the Queenstown Country Club's (**QCC**) submission to reduce a Building Restriction Area (**BRA**) on the south side of SH6 from 75m to 25m with an 8m building height. It was agreed in the JWS by all landscape experts that a consistent form of development that was 8m in height and located at a 25m setback would result in adverse effects on views to surrounding ONLs.
- 27 Since landscape conferencing I have read the JWS for planning and understand that the planning experts are agreeable to reducing the BRA on the QCC site and that Ben Farrell (who has given planning evidence on behalf of QCC) intends to draft a proposed rule to include provisions for a lower height profile (5.8 – 6m) for development located between 25 – 75m from SH6. I note my opinion recorded in the landscape JWS and shared by Ms Chartres-Moginie and Mr Milne is that density and location of buildings is also an appropriate design consideration. While there is

room for consideration of a reduction of the 75m BRA, any design or policy response needs to rigorously and specifically address scale, form, density and location of buildings such that the sense of openness to the south of SH6 and views to the wider ONLs are maintained.

**Response to Wendy Chartres-Moginie on behalf of the Corona Trust (99)
dated 20 October 2023**

- 28 My EIC did not specifically address the Corona Trust submission seeking an increased setback and reduced building height on Subarea H2 (i.e. Koko Ridge's land adjacent to Corona Trust's land). However, I have reviewed the evidence of Ms Chartres-Moginie on Corona Trust and conferenced with her.
- 29 My contribution to the JWS states that I do not consider views from Corona Trust's site (at 53 Max's Way) to Coronet Peak or Mt Dewar to be adversely affected by the TPLM Variation. However, I agree with Ms Chartres-Moginie that the attributes and values of the terrace escarpment, as experienced from the Corona Trust site, may be adversely affected if the setback for Subarea H2 was 2m (as originally proposed in the TPLM Variation structure plan). Upon further review I consider that a 4m setback from the upper edge of the *escarpment* for Subarea H2 is an appropriate distance from the upper edge of the landform to maintain the attributes and values of that natural feature.
- 30 With regard to building heights, I consider a 5.5m building height, set back 4m for the edge of the escarpment will reduce visual dominance of built form and maintain the anticipated level of openness and open space. I have also considered the Rebuttal Evidence of Michael Lowe for the Council and have discussed with him his rationale for suggesting that buildings in Subarea H2 could be built to 8m in height if they were set back 20m from the TPLM Variation structure plan Subarea H2 southern *boundary*. I consider this setback should apply to the edge of the top of the terrace escapement instead of a cadastral line, but in principle I agree with Mr. Lowe's suggestion.
- 31 Accordingly, I support in the TPLM Variation structure plan Subarea H2, a 4m building setback from the upper edge of the terrace escarpment for buildings up to 5.5 m in height, and a 20m building setback from the upper edge of the terrace escarpment for buildings up to 8m in height.

**Response to Philip Blakely on behalf of the Blakely Wallace Family (74)
dated 20 October 2023**

- 32 Mr Blakely correctly highlights that I do not provide a character effects rating for the potential change within the Ladies Mile area itself as a result of the TPLM Variation. He considers the effects on landscape character would be high to very high.
- 33 To assist the commissioners, I consider the TPLM Variation will result in moderate effects on the landscape character of Ladies Mile. I again refer to my **Appendix A**. I consider there will be some modification to the central, northern flatlands of the Ladies Mile as a result of urban development. However the more eastern and southern parts of Ladies Mile will largely retain a sense of openness and open character and the pre-development (as anticipated by the WBLP) landscape values will remain evident, but materially changed.
- 34 Similarly, with regard to effects on visual amenity, Mr Blakey does not agree with my assessment that the TPLM Variation will result in no more than low adverse effects on visual amenity. I consider that views toward the upper slopes and skyline of Slope Hill will be retained (and to a degree enhanced by the removal of roadside vegetation). Furthermore, I consider the main visual amenity held within the Ladies Mile is embodied in views across and/or through the Ladies Mile to the wider ONLs, including Morven Hill, the Crown Range, Coronet Peak, Bowen Peak, Queenstown Hill, Ferry Hill, Mount Nicholas, Walter Peak, Cecil Peak, Peninsula Hill, the Bayonets, and the Remarkables will continue to be largely visible from within the Ladies Mile. I consider the flatlands near the foot of Slope Hill where most of the TPLM Variation development will occur does not contribute significantly to the visual amenity of the area. Therefore I stand by my opinion that the TPLM Variation will result in no more than low adverse effects on visual amenity.

**Response to Blair Devlin on behalf of Jo and Matt Dobb (37) dated 19
October 2023**

- 35 I have read Mr Devlin's evidence and understand that the submitter seeks that only the upper terrace of their site is rezoned to either Medium Density Residential Precinct or Low Density Suburban Residential zone.

- 36 Mr Devlin supports the rezoning of the upper terrace of Jo & Matt Dobb's site, which would allow development on the upper terrace of the site adjacent to the TPLM Variation's Open Space Precinct. I do not support this on the basis that this part of the landscape is significant as it is part of an open character area. Retention of the open character of this part of the site is necessary to ensure that the open approach to Queenstown and valued views are maintained.

Stephen Russel Skelton

10 November 2023

APPENDIX A

Visual Effects Rating Scale

<i>Effects Rating</i>	<i>Use and definition</i>
Very High	Total loss of key elements / features / characteristics, i.e. amounts to a very significant negative change in visual amenity.
High	Major modification or loss of most key elements / features / characteristics, i.e. little of the predevelopment visual amenity remains and amounts to a significant negative change in visual amenity values. Concise Oxford English Dictionary Definition High: adjective - Great in amount, value, size, or intensity.
Moderate - High	Modifications of several key elements / features / characteristics, i.e. the pre-development visual amenity remains evident but materially changed.
Moderate	Partial loss of or modification to key elements / features / characteristics, i.e. the pre-development visual amenity remains evident but is changed. Concise Oxford English Dictionary Definition Moderate: adjective - average in amount, intensity, quality or degree
Moderate - Low	Small loss of or modification to one or more key elements / features / characteristics, i.e. new elements are not uncharacteristic within the visual environment and do not disturb the pre development visual amenity
Low	Very little material loss of or modification to key elements / features / characteristics. i.e. new elements integrate seamlessly into the pre-development visual environment. Concise Oxford English Dictionary Definition Low: adjective- 1. Below average in amount, extent, or intensity Negligible loss of or modification to key elements/ features/ characteristics of the baseline, i.e. visual influence of new elements is barely discernible.
Very Low	Negligible loss of or modification to key elements/ features/ characteristics of the baseline, i.e. visual influence of new elements is barely discernible.