

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES  
PROPOSED DISTRICT PLAN**

**UNDER**

the Resource Management Act 1991

**IN THE MATTER OF**

Te Pūtahi Ladies Mile Plan Variation  
of the Proposed Queenstown Lakes  
District Plan

**SUBMITTERS**

Corona Trust Limited  
(Submission No. 99)

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SUMMARY STATEMENT OF EVIDENCE OF WENDY ANNE MOGINIE  
ON BEHALF OF THE CORONA TRUST LIMITED

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**DATED:** 07 December 2023

## INTRODUCTION

1. My full name is Wendy Anne Moginie, also known as Wendy Chartres-Moginie. My qualifications and experience are set out in my Evidence in Chief.
2. I reconfirm that I have read the Code of Conduct for Expert Witnesses Code of Conduct set out in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and will continue to comply with it while giving oral evidence.
3. This Summary of Evidence sets out the key points within my Evidence in Chief. I have also read the rebuttal evidence and responses to questions asked of Mr Stephen Skelton<sup>1</sup>, Mr. Michael Lowe<sup>2</sup>, Mr Jeffery Brown<sup>3</sup> and Mr Stuart Dun<sup>4</sup> on behalf of Queenstown Lakes District Council, and I have responded to their comments.
4. I attended the Expert Conferencing on Monday 30<sup>th</sup> October 2023, and signed the Landscape Architects Joint Witness Statement, dated 2<sup>nd</sup> November 2023. I note that this process was very beneficial, and I generally agree that changes made as a result of discussions during the conferencing, together with subsequent rebuttal evidence and responses to questions asked, have addressed the concerns I raised in my evidence, except with regard to increased density and boundary setback matters. I address these further below.

## THE PROPOSED VARIATION – LANDSCAPE AND VISUAL MATTERS

5. The Submitter, Corona Trust Limited, owns and occupies the property at 53 Maxs Way (**the site**), which is not part of the Te Pūtahi Ladies Mile Plan Variation (**Variation**), however land encompassing the proposed Sub-Area H2 Lower Density Residential Precinct (**LDR**) directly adjoins its northern site boundary, and consequently will be affected by the Variation.
6. The 4.1047 ha site is zoned Large Lot Residential-A (**LLR-A**), contains two residential dwellings, and associated ancillary farm sheds on Lot 1 and Lot 4, with two consented but undeveloped 1,000m<sup>2</sup> building platforms on Lot 2 and Lot 3.
7. The receiving environment is a river terrace between two scarp faces associated with the Kimiākau / Shotover River Delta ONF. Although the site does not have a specific landscape classification, it is located between the Te Pūtahi Ladies Mile / Ladies Mile Corridor and

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<sup>1</sup> Rebuttal Evidence of Stephen Skelton. Landscape Architecture – 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. 10 November 2023.

<sup>2</sup> Rebuttal Evidence of Michael Lowe. Urban Design – 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. 10 November 2023.

<sup>3</sup> Rebuttal Evidence of Jeffery Brown. Planner – 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. 10 November 2023.

<sup>4</sup> Rebuttal Evidence of Stuart Dun. Landscape Architecture – 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. 10 November 2023.

Kimiākau / Shotover River Outstanding Natural Feature ONF<sup>5</sup> and as such, has a very high amenity contributed by surrounding landscape features, notwithstanding the existing LLR-A zoning of Koko Ridge Subdivision which adjoins the northern property boundary.

8. The landscape and amenity values of the receiving environment, including the 53 Maxs Way property, relate to the natural landscape character of the mountains enclosing the Whakatipu Basin, the Kimiākau / Shotover River and distinct terraced landform features, which visually convey natural patterns and processes and a high legibility. 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.
9. The 53 Maxs Way site is relatively flat and open. Existing amenity values relate to the feeling of privacy and enclosure due to being contained by the immediately surrounding natural terrace landforms and shelterbelt plantings, the sense of openness associated with the character of the site, and expansive view outlook, which extends north, east, and west to the surrounding mountain backdrop.
10. The site has and / or anticipates a high amenity outlook across to the terrace scarp and dwellings on large lots within the Koko Ridge Subdivision, separated by extensive areas of open lawn / pasture and scattered trees to the wider Whakatipu Basin. The terrace landforms are important highly legible natural features and form a buffer to the north and south providing a distinctive separation to the adjoining residential development anticipated by the LLR-A zoning.
11. The LLR-A, Lots 27-30 of Koko Ridge Subdivision (Stage 2) form the northern boundary of the site and lie on top of the elevated river terrace, some 8-9m above the site (Submitters property) and would result in 4 dwellings.
12. For clarification, RM211276 Koko Ridge Subdivision - Stage 2 consent conditions include a 4m boundary setback, the development of built form within Lots 27-30 at a density of one dwelling per 2000m<sup>2</sup>, a 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 to adjoining properties.
13. The proposed LDR Precinct provides for a maximum lot size of 450m<sup>2</sup> 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 180m<sup>2</sup>, maximum building façade length of 16m, and minimum setbacks of 2m to internal boundaries and 4.5m to roadways.

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<sup>5</sup> <https://qldc.maps.arcgis.com/apps/webappviewer/index.html?id=351874446400431d87e633a304927c96>

14. In his rebuttal evidence, Mr Lowe acknowledges the conditions of consent related to Koko Ridge Subdivision Stage 2, commenting that *'the increased density in the H2 site should be mostly in keeping with the outcomes of that consent,'* further stating that in his opinion, this would be achieved through *'retaining the 4m building setback from the H2 boundary, increasing the 5.5m building height restrictions from the H2 boundary from 17m to 20m, limiting the lot width adjoining the H2 boundary to a minimum ~20-25m to help reduce the potential overlooking on Corona Trust land.'*<sup>6</sup>
15. In addressing the Koko Ridge / Corona Trust issues, Mr Brown concurs with Mr Lowe, considering that *'a 5.5m height limit within 20m of the southern boundary adjacent to the Corona Trust boundary would adequately manage effects on the neighbouring property to the south,'* stating that this would (in his view), *'also achieve Policy 49.2.7.8 by maintaining amenity values enjoyed by users of neighbouring properties, in particularly for privacy and sunlight access.'*<sup>7</sup> Mr Brown also recommends that Rule 49.5.11 be amended to allow a minimum lot size of 300m<sup>2</sup> (from 450m<sup>2</sup>), increasing the maximum number of residential units for Sub Area H2 from 60 to 108, further adding that *'this recommendation is subject to the inclusion of mitigation being provided to the boundary with the Corona Trust site.'*<sup>8</sup>
16. I agree that retention of the 5.5m single storey building height restriction within a 20m distance from the boundary, coupled with a minimum lot width of 20-25m for lots, which directly adjoin the southern boundary, will to some degree assist in mitigation of effects. I note that in addition to the 10 dwellings at 5.5m high, setback 4m from the northern boundary, these will be viewed against a backdrop row of 8m high built form set back 20m.
17. Even with the proposed controls, the change in built form and density from LLR-A to LDR Precinct, in particular along the terrace edge adjoining the site at 53 Maxs Way will result in adverse effects on visual amenity, the dominance of built form over open space, an interrupted skyline, privacy and loss of access to sunlight. To further quantify, this will result in an increase in density from 4-5 dwellings to 8-10 dwellings being a 100% increase in density. This amounts to a significant change in outlook from the site.

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<sup>6</sup> Rebuttal Evidence of Michael Lowe. Urban Design – 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. 10 November 2023, Page 13, Paragraph 58.

<sup>7</sup> Rebuttal Evidence of Jeffery Brown. Planner – 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. 10 November 2023, Page 30, Paragraph 120.

<sup>8</sup> Rebuttal Evidence of Jeffery Brown. Planner – 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. 10 November 2023, Page 29, Paragraph 114.

18. I do not agree with Mr. Brown's view that the proposed conditions, when combined with a 4m boundary setback, would achieve Policy 49.2.7.8 maintaining amenity values enjoyed by users of neighbouring properties, in retaining long views, privacy and sunlight access particularly for those residing at 53 Maxs Way. Of relevance is that when considering potential effects further along the southern boundary, Mr Brown concedes that '*the problem would be remedied by imposing a setback control.*'<sup>9</sup>

## **CONCLUSION**

19. With regard to the site at 53 Maxs Way, given that the purpose of the LLR-A zone is to provide a buffer between the low-density living opportunities within defined Urban Growth Boundaries, I remain unconvinced that the objectives and policies will be met by the proposed LDR Precinct development. Unless the boundary setback is further increased, combined with boundary treatment in the form of a planted buffer and appropriate fencing controls as I have recommended, the proposed LDR Precinct zone will result in the visual dominance of built form, loss of views and outlook, visual amenity, open space, sense of spaciousness and privacy.
20. Given the proposed amendments to conditions of the boundary treatment, I remain of the opinion that adverse effects on existing open space and visual amenity values as viewed from residences located within the site **will be high.**

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<sup>9</sup> Rebuttal Evidence of Jeffery Brown. Planner – 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. 10 November 2023, Page 32, Paragraph 126.