

Lynley Scott

From: Kristy Rusher <Kristy.Rusher@awslegal.co.nz>
Sent: Monday, 20 November 2023 10:26 AM
To: DP Hearings
Cc: Tim Allan
Subject: FW: TPLM - Questions for Experts - Submitters Koko Ridge Ltd (OS80), and Tim Allan (OS103)

Hi Lynley – clean copy of the questions FYI. Can you post these as the updated version, so that Corona Trust and the Council know to respond to this updated version. Many thanks, KR

Dear Hearings Panel,

Koko Ridge (OS80) and Tim Allan (OS103) propose the following questions to be put to the expert witnesses as set out below.

These questions address matters of a difference in professional opinions which remain following expert caucusing. They also concern clarification of the information that experts have relied on in forming their opinions. We consider that testing the accuracy of information and assessments used in forming an expert opinion are essential to maintaining public confidence in a plan change process.

Koko Ridge Questions for Wendy Moginie

1. Paragraph 9 and 23 of her evidence – does Ms Moginie accept that the site boundary is not located at the terrace edge as stated? Can Ms Moginie confirm that her evidence and opinions presented have relied on her making an assumption that the site boundary is located at the terrace edge? [Submitters 80 & 103 X-ref: OS on Policy 49.2.7 and paras 17 – 21 and 58](#)
2. Paragraph 11c(i) and 70 - does Ms Moginie accept that there are no consent conditions or covenants applying to the Koko Ridge subdivision requiring a 10m setback from the terrace edge as stated in her evidence. Can Ms Moginie confirm that there is no 10m set back from the site boundary or the terrace edge? Can Ms Moginie confirm that she has made an error in her evidence in this respect? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 17 – 21 and 58](#)
3. To what extent has Ms Moginie recognised that all the building platforms on RM 190533 only required consent due to their location within the 75m Building Restriction Area. Does Ms Moginie accept that the purpose of the 75m Building Restriction Area is to implement a design control to protect amenity / views from the State Highway, not adjoining properties? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 60-68](#)
4. Paragraph 27 - Does Ms Moginie accept that the Corona Trust site and Koko Ridge site are both located with the Large Lot Residential (A) zone and that this is a residential zone located in **Part Three: Urban Environment** of the PODP? If so, is a landscape and visual effects assessment like Ms Moginie has prepared appropriate for an urban environment? Ms Moginie’s conclusions repeatedly refer to non-urban spaces and *landscape values* rather than the urban environment e.g. paragraph 30, or ‘Open space and visual amenity values’ paragraph 27, or visual amenity (paragraphs 45, 55 EIC). [Submitter 80 & 103 X-ref: Evidence of Blair Devlin para 24 and Dave Compton Moen – annexures to evidence, visual assessments](#)
5. Paragraph 27 – Ms Moginie refers to effects such as visual dominance of built form, loss of views and outlook, visual amenity, open space, sense of spaciousness and privacy. When stating that, was she aware of NPS-UD policy 6 which states that changes may detract from amenity values enjoyed by some people, but that is not an adverse effect? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 55- 59](#)

6. What elements of the permitted baseline were included or excluded in Ms Moginie’s assessment of visual effects with respect to viewpoints 1 -11 in Appendix 1 of her evidence? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 55- 59](#)
7. Does Ms Moginie accept that the private covenant will endure and need not be replicated through the TPLM PC provisions? [Submitter 80 & 103 X-ref: OS99.8-99.10](#)
8. Paragraph 57 & 73 & 91 - Can the reference to ‘row of up to 15 dwellings’ be explained? If a shape factor is applied as per the Low Density Suburban Residential zone of 15m x 15m, then it is not possible to achieve 15 dwellings along the shared boundary. [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 17 – 21 and 58](#)
9. Paragraph 58 – does Ms Moginie recognise that the LLR-A zone is an urban residential zone under the PDP when stating the proposed LDR will result in “an increased urban character”. [Submitter 80 & 103 X-ref: paras 55 - 59](#)
10. Paragraph 65 – Ms Moginie states that proposed LDR [Low Density Residential] Precinct provisions “reflects the attributes of medium density development”. What planning evidence does she rely on to reach this conclusion? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 21 and 33](#)
11. Paragraph 67 – does Ms Moginie accept that the terrace escarpments in the Shotover Country and Lake Hayes Estate areas are privately owned and are not designated as publicly owned recreational reserves? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 55 and 59](#)
12. Paragraph 79 – does Ms Moginie accept that her reference to an open rural buffer is incorrect given the LLR(A) zone is an urban zone. [Submitter 80 & 103 X-ref: Evidence of Blair Devlin para 56](#)
13. Appendix 1 & whole brief of evidence - What date did Ms Moginie attend 53 Max’s Way?
14. Appendix 1 - If a visual effect was 152m away would your opinion on the assessment of the significance of that visual effect change if it was 150m away (i.e. a 2m difference)?
15. Appendix 1 - Did Ms Moginie use a 50mm aperture prime lens for the photographs presented in Appendix 1? If not, please state the lens/es used for the photographs and also state the editing treatments applied to the images to produce Appendix 1.
16. Appendix 1 & whole brief of evidence - What date were the photographs taken for the images presented as Figure 1 & 2 and viewpoints 1 - 12 included in Ms Moginie’s brief of evidence.
17. Appendix 1 - Where is Ms Moginie’s cross-section on pages 14 -15 of Appendix 1? Can this be shown on a plan view please? Also advise the source and measurement errors/accuracy of the underlying contour data and describe any magnitude of the vertical exaggeration applied to the cross-section images.

Koko Ridge Questions for Brett Giddens

18. Paragraph 14 – Does Mr Giddens accept that the Corona Trust site and Koko Ridge site are both located with the Large Lot Residential (A) zone and that this is a residential zone located in Part Three: Urban Environment of the PDP? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin para 24 and Dave Compton Moen – annexures to evidence, visual assessments](#)
19. Paragraph 15 & 25 – does Mr Giddens acknowledge the profile poles were only put up due to the platforms being within the 75m BRA from the state highway? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 60-68](#)
20. Paragraph 21 – how does Mr Giddens reconcile the hierarchy of the NPS-UD policy 6, with his assessment of policy 49.2.7.8? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 55- 59](#)

- 21. Paragraph 23.1 – does Mr Giddens seek the 20m setback from the terrace edge or boundary of the zone as they are not the same [Submitter 80 & 103 X-ref: Evidence of Blair Devlin para 24 and Dave Compton Moen – annexures to evidence, visual assessments](#)
- 22. Why has Mr Giddens evidence not attempted to reconcile the approved subdivision and building platforms with the provisions he proposes? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 19 and 21](#)
- 23. Is Mr Giddens aware of the setbacks required from terrace edges in the Shotover country special zone? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 55 – 68](#)
- 24. Para 25 states that the 5.5m height poles setback 4m from the title boundary are a significant change. As these are representative of the worst case under RM211276 and well within the 8m permitted baseline under the current district plan, please explain precisely what is the “significant” change you are referring to and why you consider it is significant?
- 25. Para 10, 14, 23, 30, 32 - You have been on-site in late 2022 and know the relationship between the terrace edge and the title boundaries and also know the line showing a 10m setback from the terrace edge is what your client, the Corona Trust, demanded as a building setback in 2022. As a planner you are also aware that the underlying urban zoning allows buildings 4m from the boundary and up to 8m in height on either side of the shared title boundary. Why have you relied on the permitted baseline assessment prepared by a landscape expert when it contradicts your personal knowledge of the applicable planning provisions for the site? Why have you not used your own professional assessment of the planning context and permitted baseline in preparing your evidence?

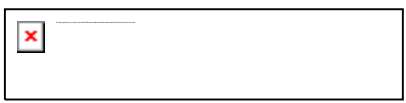
Koko Ridge Questions for Jeff Brown:

- 1. Rebuttal Evidence para 120 – could Mr Brown explain what landscape or visual effects assessment evidence he is relying on in forming his opinion that there are effects on 53 Max’s Way that require mitigation? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 21 and Dave Compton Moen – annexures to evidence, visual assessments](#)
- 2. Is Mr Brown satisfied that any evidence he has relied on from Corona Trust has been provided on the basis of an accurate permitted baseline assessment by that expert? [Submitter 80 & 103 X-ref: Evidence of Blair Devlin paras 21 and Dave Compton Moen – annexures to evidence, visual assessments](#)

Regards,

Kristy Rusher
Special Counsel

P 03 211 9036|M +64 21 400 133
Call|Email|Website



AWS Legal
P O Box 1207
Invercargill
Ph: 03 211 1370
Fx: 03 214 4122
Email: Kristy.Rusher@awslegal.co.nz

Browse our website at www.awslegal.co.nz

The information in this email and in any attachments is confidential and intended solely for the attention and use of the named addressee(s).

This information may be subject to legal professional or other privilege or may otherwise be protected by work

product immunity or other legal rules. It must not be disclosed to any person without our authority. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, please inform us immediately by return email and then delete this email.

This email was sent on 16/11/2023 at 8:30:17 p.m.. AWS Legal is not responsible for any changes made to this email and/or any attachments after leaving our email system.

-->

Kristy Rusher
Special Counsel

P 03 211 9036|M +64 21 400 133
Call|Email|Website



AWS Legal
P O Box 1207
Invercargill
Ph: 03 211 1370
Fx: 03 214 4122
Email: Kristy.Rusher@awslegal.co.nz
Browse our website at www.awslegal.co.nz

The information in this email and in any attachments is confidential and intended solely for the attention and use of the named addressee(s).

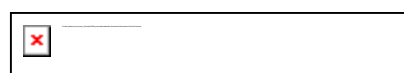
This information may be subject to legal professional or other privilege or may otherwise be protected by work product immunity or other legal rules. It must not be disclosed to any person without our authority. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, please inform us immediately by return email and then delete this email.

This email was sent on 17/11/2023 at 10:09:22 a.m.. AWS Legal is not responsible for any changes made to this email and/or any attachments after leaving our email system.

-->

Kristy Rusher
Special Counsel

P 03 211 9036|M +64 21 400 133
Call|Email|Website



AWS Legal
P O Box 1207
Invercargill
Ph: 03 211 1370
Fx: 03 214 4122
Email: Kristy.Rusher@awslegal.co.nz
Browse our website at www.awslegal.co.nz

The information in this email and in any attachments is confidential and intended solely for the attention and use of the named addressee(s).

This information may be subject to legal professional or other privilege or may otherwise be protected by work product immunity or other legal rules. It must not be disclosed to any person without our authority. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, please inform us immediately by return email and then delete this email.

This email was sent on 20/11/2023 at 10:26:13 a.m.. AWS Legal is not responsible for any changes made to this email and/or any attachments after leaving our email system.

-->