

## **INTRODUCTION**

### **Qualifications and Experience**

1. My name is Elizabeth Anne Steven. I am a Registered Landscape Architect with the NZ Institute of Landscape Architects. My qualifications are a post-graduate Dip. L.A (1988) and a B.Sc. (Geography)(1986). I have 36 years of professional experience. I have had a sole consultancy practice in Wanaka since 2001 (ASLA Ltd).
2. The majority of my work is in the area of landscape description and characterisation, evaluation and classification, natural character assessment, and in the assessment of landscape effects of proposals for rural subdivisions and rural buildings. I have also carried out recent assessments and prepared hearing evidence in relation to proposed zoning/plan changes for urban development being Shannon Farm in Ripponvale and Sticky Forest in Wanaka. I have appeared as an expert landscape witness at many council and environment court hearings.
3. I have been engaged by Bannockburn Responsible Development Inc. (BRD) to provide an independent expert landscape opinion on the effects and appropriateness of the proposed D J Jones and N R Searell Family Trust RC RC230398 subdivision on Water Race Hill at the east end of Terrace Street in Bannockburn. This proposed residential subdivision development is located with the Residential Resource Area 4 ("RR4") in the operative Central Otago District plan. The eastern half of the Site is within a Building Line Restriction area ("BLR"). Twelve of the proposed twenty lots are wholly or partially within this area so that built form would be within the BLR area.
4. I am familiar with the landscape the Site is set in having driven through it a number of times in the last 23 years mainly to visit the Bannockburn Inlet, and to access the Nevis Valley and other conservation areas. I specifically visited the Bannockburn area in 2021 in order to provide preliminary advice to the BRD. I re-visited the Cromwell-Bannockburn area on Monday 30 September 2024 to refresh my understanding of it and take photos of the Site in context. I have also recently carried out an effects assessment of a proposed cottage on a private property on Paterson Road which involved site visits for landscape analysis in April and August of this year.

### **CODE OF CONDUCT**

5. Although this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

### **SCOPE OF EVIDENCE**

6. My evidence following the Executive Summary is structured as follows:

- (a) background and involvement;
- (b) the site and receiving environment (description, values, classification);
- (c) identification of relevant planning provisions
- (d) the Proposals;
- (e) Visibility and Visual Effect analysis;
- (f) identification of Key Issues
- (g) Assessment of Landscape Effects;
- (h) Consistency with relevant District Plan provisions; and
- (i) Conclusion

7. My evidence includes an Appendix, and a Graphic Attachment (GA).

8. In preparing my evidence I have read and/or referred to the following:

- (a) Submission of the BRD Inc. on RC 230398
- (b) Provisions of the Central Otago District e-Plan accessed in September 2024
- (c) The Cromwell Spatial Plan adopted by Council May 2019 (“CSP”)
- (d) Plan Change 19 – Decision of the Central Otago District Council Hearings Panel June 2024 (“PC19”)
- (e) The expert landscape evidence of Tony Milne of Rough Milne Mitchell (RMM) dated 27 September 2024 (“TM Brief”).
- (f) Graphic Attachment to the Evidence of Tony Milne (“GA to the TM Brief”)
- (g) Landscape Management Plan – RC230398 27 September 2024 (“LMP”)
- (h) Recommended Conditions of Consent appended to the evidence of Craig Barr (“the proposed conditions”)
- (i) Landscape Assessment Report - Proposed Subdivision Water Race Hill Terrace St, Bannockburn- RMM, 19 December 2023 (“the RMM Report”)
- (j) RMM Graphic Attachment dated 15 January 2024 (“RMM GA”)
- (k) Peer Review of Landscape & Visual Effects Assessment Prepared for Central Otago District Council by Yvonne Pfluger Boffa Miskell 3 April 2024 (“Pfluger Peer Review”)

9. I refer mainly to the RMM Report and RMM GA in my assessment as the TM Brief and its GA are largely repetitive, and Ms Pfluger's evidence is a peer review of the RMM assessment (and largely agrees with it).

#### EXECUTIVE SUMMARY

10. I have been engaged by BRD Inc. to provide an expert opinion on the potential landscape effects of the proposed subdivision. BRD has a number of concerns about landscape effects. In my preliminary advice to the BRD on the proposal in 2021 I also raised a number of issues associated with the application and its landscape assessment. These issues are addressed in my evidence.
11. The identification, description and analysis of the landscape context is adequate for the purposes of assessment. Some relevant aspects are not included such as the presence of the Lake Dunstan Trail, water-based recreational activity, vineyard tourism, and Bannockburn's role as the gateway to the back country.
12. The description and evaluation of the site on context is also adequate for assessment purposes. Information on ecological values and the vegetation within the subdivision footprint is absent.
13. I agree with the identification of landscape values. Additional values the Site contributes are recreational values, potentially cultural tangata whenua values, and part of a "gateway" landscape. The most important values are heritage; recreational; open rural character generally that is typical of semi-arid Central Otago; foreground to views of mountain surrounds; the open and more natural landscape character is part of margins to lakes and rivers; and also part of open and natural ridgeline/skyline and prominent slope. The Site has a high level of openness (a key amenity attribute), a moderate-high level of natural character and a high level of visual coherence particularly over the east-facing parts of the Site. These attributes confer high aesthetic/visual amenity value (public and private views).
14. The Site includes a large portion of the BLR area and this has an important role in containing the urban form of Bannockburn ensuring it remains visually discreet.
15. The Site is in the RR4 zone with the eastern part of the Site within the BLR area. The key issues related to the BLR area are ensuring the urban form of Bannockburn remains visually discreet and visually contained, the distinctive character and amenity values of Bannockburn are maintained, and effects on natural character of the margin of Lake Dunstan and Shepherds Creek is preserved.
16. The RMM assessment has identified most of the relevant planning provisions. The rule requiring a minimum average lot size of 2000m<sup>2</sup> has been omitted. This may be because the large balance lots have been used in the calculation. There is no proposed provision however to maintain the area and open space of these lots. Lot 50 is in part within the non-BRL RR4 area

where residential development is anticipated. The average lot size of the 20 lots is below the 2000m<sup>2</sup> average and well below the actual average lot size of the neighbourhood.

17. The RMM assessment does not refer to the Cromwell Spatial Plan or Plan Change 19 in relation to planning for future urban growth. These documents do not support any expansion of urban growth in Bannockburn outside the current non-BLR RR4 area.
18. The RMM assessment demonstrates a good understanding of the proposal. It is acknowledged the proposal has been revised since 2021 most relevantly removing some lots from the east-facing parts of the Site and increasing lot size to more than 1500m<sup>2</sup> minimum, and adding in mitigation planting.
19. The visual effects imagery provided is adequate for understanding where the site is in context. There are no visual simulations which would have considerably assisted in understanding the visual effect. The 12 viewpoints used are representative of views. Views from the Lake Dunstan Trail and Richards Beach are also relevant and should be analysed.
20. I agree that the most relevant and impacted views are those from generally east of the Site within 2.5-3km. In my view the changes would be of greater magnitude than RMM has assessed. They would mostly be in the Moderate to High range. The highest visual effect would be experienced in views around Bannockburn
21. Inlet where the Site forms the skyline.

#### **Assessment of Effects**

22. The RMM assessment has identified most of the key landscape issues, drawn from the planning provisions. Effects on ecological values has not been identified.
23. Effects of the BLR concern effects on the character of Bannockburn as a distinctive rural settlement, preserving the natural character of margins of water bodies, and protecting the open natural character of skyline/ridgelines and prominent slopes. The proposed subdivision represents a novel incursion of built form into a visually sensitive part of the BLR area. It is difficult to reconcile the landscape outcomes of the proposed development with the purpose and intent of the BLR, as well as with the outcomes intended through the Cromwell Spatial Plan and Plan Change 19.
24. I do not consider expansion of urban development into the BLR area to be consistent with maintaining a compact, well-contained and visually discreet settlement with a close physical and visual connection to the existing open rural surrounds.
25. I do not agree that development within the BLR is not a “new proposition” (at least east of Bannockburn Road). What is seen today is what was intended as I understand it. I do not agree with the RMM assessment that landscape effects would be acceptable.

26. **With regard to development proposed within the non-BLR RR4, the character would generally be in keeping with existing character.**
27. **The proposed mitigation planting would be of insufficient stature to provide meaningful mitigation. Fundamentally however it cannot mitigate the transformation of open pastoral land to a low density residential character. Kanuka and manuka are not appropriate species in close proximity to built-up areas due to fire risk.**
28. **Heritage values would be protected. There is potential for providing for substantial recreation and public open space values on Lots 30, 40, 50 and 51as shown on the Landscape Plan however without enduring legal protection of public access and use this value is limited to Lot 30.**
29. **For this reason also, Lots 40, 50 and 51 cannot be included in assessment of effects on open space. Much of Lot 50 is within the non BLR RR4 area where residential development is anticipated.**
30. **I consider there would be a moderate to Moderate-High adverse effect on the natural character of the Bannockburn Inlet and its margins; and that there would be a Low-Moderate adverse effect on the natural character of Shepherds Creek and its margins.**
31. **I agree that in distant views visual effects and effects on visual amenity are likely to be Very Low to Low. I agree that the views most impacted are those from the east, public and private. In my opinion the visual effect and consequent effects on visual amenity have been under-rated. I assess adverse effects to be generally moderate in degree increasing to moderate-high or high in specific closer views where the natural open skyline is evident.**
32. **There has been no assessment of effect on ecological values as one type of landscape value.**

### **Consistency with Planning Provisions**

33. **The proposed subdivision would not be consistent with a number of planning provisions addressing landscape matters in my view. This is primarily due to the proposal to locate residential development within the BLR area in relation to maintaining or enhancing the distinctive form and character and amenity values of Bannockburn, and protecting open and natural rural landscape where it is valued (margins of water bodies, skylines/ridgelines and prominent slopes where the BLR area has similar landscape objectives to the rural resource area).**

## BACKGROUND AND INVOLVEMENT

34. BRD engaged me in 2021 to review the application as it was then proposed, including the Landscape and Visual Amenity Effect Assessment prepared by Rough and Mine Landscape Architects dated 31 March 2021, and to provide a preliminary opinion. My opinion informed their submission on this proposal.
35. BRD have re-engaged me to review the revised proposal and to present expert landscape evidence at this hearing on the effects of the proposal on landscape character and values.
36. Relevant to landscape issues, BRD Inc. oppose the proposed subdivision for the following reasons:
  - (a) The average minimum lot size is not met and the clustering of some dwellings due to Lot configuration and location of building platforms would affect how the subdivision reflects the existing low-density character of Bannockburn
  - (b) The conclusions that there would not be an adverse effect on the specific character of Bannockburn and rural surrounds is incorrect
  - (c) The location of 12 lots - wholly or in part - and associated roading within the BLR area which would be clearly visible from many places and adversely affect visual amenity values including skyline effects in a way that is more than minor; development within the BLR area is contrary to the intent and purpose of the overlay and would undermine its ability to contain the built up area
  - (d) The visual imagery does not clearly show what the proposed development would look like; the photo format is inappropriate for assessment purposes
  - (e) The conclusion of minor adverse landscape and visual amenity effects is incorrect; BRD considers they would be significant.
  - (f) The proposed design controls and mitigating measures would not adequately address adverse landscape and visual amenity effects for development within the BLR area
  - (g) Effects of lighting
  - (h) Matters I had raised in my preliminary assessment as follows:
    - (i) lack of any ecological survey, evaluation and assessment (flora and fauna)

- (ii) absence of a plan showing existing site details such as topography, vegetation, cultural elements, tracks, etc.
- (iii) weak contextual analysis and evaluation including the purpose and intent of the BLR; addressing the relevance of the margin of the lake and local streams with respect to natural character; addressing matters of openness/open space and natural character generally; identification of visual amenity values from the Lake Dunstan Trail and the surface of the water
- (iv) limited analysis of the significance of the site with respect to landscape character values amenity values and heritage and recreation values (identification of site values)
- (v) no analysis of the distinctive character of Bannockburn and the specific amenity values it confers
- (vi) inadequate plan of the subdivision to show relationship to site features, no mitigation planting shown
- (vii) some viewpoints considered important were not assessed
- (viii) without thorough site and contextual analysis and evaluation, the veracity of the conclusions about nature and degree of effect on landscape character, attributes and values is uncertain

37. I will address these matters in my evidence with respect to the revised subdivision proposal (which addresses most of the points made in this and other submissions as well as incorporating recommendations of the peer review). My assessment is as an independent expert. My findings may not necessarily support the views of BRD Inc.

#### **THE RECEIVING ENVIRONMENT (LANDSCAPE CONTEXT)**

38. I generally agree with the identification and description of the landscape context for the purposes of assessment of effects set out in part 4 of the RMM Report.

39. Some aspects I consider relevant and important however have not been included. These are:

- (a) the presence of the Lake Dunstan Trail which has introduced a new viewing audience, whose aim is to enjoy physical recreation within scenic rural landscape

- (b) the nature and extent of water based recreational activity in and around Bannockburn Inlet
  - (c) the prevalence of vineyards and wineries offering cellar door sales, tasting etc bringing visitors into the area who appreciate the scenic landscape setting
  - (d) Bannockburn is the gateway to backcountry conservation areas such as the Nevis Valley and Old Woman and Carrick Ranges (4WD/motorbiking, horse riding, mountain biking, hiking, heritage appreciation)
40. Summarily through these activities, more visitors and recreational users are arriving in or passing through the landscape context who place value on high quality rural landscape experiences.

## **SITE DESCRIPTION**

41. The site description is adequate for assessment purposes. The existing site plan (Sheet 7 of the RMM GA) now shows the topographical contours in detail. It would be helpful however if the site plan showed more information in the affected area such as the heritage features, vegetation elements, major rock outcrops, the existing informal tracks and the location of the BLR. The heritage elements are detailed in a separate plan in the RMM GA.
42. There is no information on ecological values including about the specific vegetation that would be removed to construct the subdivision. It appears to be dry pasture but may contain native grasses, and cushion- and herbfield species, and rock outcrop species.

## **LANDSCAPE VALUES**

43. The landscape values are identified at Part 4.3 of the RMM Report. I generally agree with this values identification. What is more relevant to this assessment however is to tease out what the specific values of the Site are and how they contribute to wider values. This is done on p20 of the RMM report and at para. 18 a) to c) in the TM brief.
44. I agree with this set of values from p20 which are:
- (i) *the open and unbuilt nature of the site and the pastoral character of the lower site*
  - (ii) *the perceived naturalness and ruggedness of the site due to topography and the sparse vegetation cover*
  - (iii) *the complex, legible, and memorable landforms of the site*



- (iv) *a general sense of rural amenity and a working rural character*
- (v) *heritage values associated with the mining history of the site and the physical remnants of this activity*
- (vi) *an aesthetically pleasing environment due to the combination of factors described above.*

45. Another value which is referred to in the RMM report but not listed above is recreational value (hence the proposal to provide trails and a public carpark/reserve and lookout).
46. There is no information about ecological values on the Site. There has been no ecological survey and assessment. The RMM Report states there is very little indigenous vegetation, which is accepted. However the Site will very likely support wildlife such as lizards, insects and birds particularly in the rougher, steeper and/or rockier areas and in the woody vegetation. These will include indigenous species some of which may be at risk or threatened. It is possible threatened spring annuals may be present. The Site is part of the larger habitat areas of the Bannockburn Inlet and Shepherds Creek.
47. There is no information about cultural tangata whenua values in the RMM assessment. The Kowarau River is a traditional travel route<sup>1</sup>. Tangata whenua values are referred to in the Kopuwai Consulting Report and evidence.
48. Bannockburn is a gateway landscape to the backcountry of the Nevis Valley, the Carrick Range, Young Australian Historic Reserve and Potters Creek Conservation Area, the Kopuwai Conservation Area, the Hawksburn Road through to Clyde and the Cairnmuir Hills Track (hiking, mountain biking, equestrians). Bannockburn is a popular place to stop at the café or pub in association with this use. The Site comprises the currently open landscape immediately adjoining Bannockburn Road where the café and pub is and is thus relevant to the experience of passing through Bannockburn.

### **Key Site Values**

49. The most relevant values the Site contributes in my opinion are
- (a) its heritage values;
  - (b) its recreational opportunities (existing and potential);

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<sup>1</sup> <https://kahurumanu.co.nz/>

- (c) its open and pastoral to more natural looking rural character in relation to the Bannockburn urban area providing rural landscape in close proximity and an open foreground to views of the surrounding hills and mountains;
- (d) its landscape character that is typical and expressive of the semi-arid “brown”, sparsely vegetated and rocky or eroded mining heritage rural landscapes of Central Otago and in particular the Bannockburn area; and
- (e) specifically, the more natural and open landscape character of those parts of the Site that face southeast, east and northeast forming part of skylines/ridgelines and prominent slopes and part of margins to Lake Dunstan (Bannockburn Inlet) and Shepherds Creek

### **Values of the East-Facing Parts of the Site**

- 50. The generally east-facing parts are comprised of reasonably intact and legible<sup>2</sup> natural landforms and landforming processes (mainly erosion) with natural patterns of vegetation albeit mostly introduced species (dry pastoral grassland, thyme patches, shrubs and trees). There are no structures, buildings or formed roads/tracks on this part of the Site. It does contain some informal vehicle and foot tracks, historic water race lines and stock fences. Overall there is a high level of openness, an overall moderate-high level of natural character and a high level of visual coherence. These attributes confer a high degree of aesthetic/visual amenity value.
- 51. These are the parts visible from Bannockburn Inlet (on land on recreation reserves and on the water); and from viewpoints further east along the Lake Dunstan Trail (both sides of the Kawarau Arm), Cairnmuir and Cornish Point Roads, and the surface of the water and margins of the Kawarau arm of Lake Dunstan including Richards Beach. In closer views around the Bannockburn Inlet the Site forms a good part of the natural open skyline, which, as the RMM assessment notes<sup>3</sup>, is free of built form.
- 52. These views are also available to private properties in the area within the same viewshed including from the private Paterson Road.
- 53. The generally east-facing parts of the Site are important as part of the setting for the Bannockburn Inlet. They are an integral part of the landscape conferring natural character

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<sup>2</sup> The landforms have been obviously modified in places by historic mining activities and other more contemporary activities such as vineyard development, tracking and roads, and quarrying. The true left of lower Shepherds Creek appears in a Google Earth view to be relatively natural and intact, largely free of such modifications.

<sup>3</sup> For example, at p28 of the RMM Report describing the visual effect from VP6.

to the lake and its margins. I discuss defining the spatial extent of margins later in my evidence.

54. The Site forms part of the lower Shepherds Creek valley (true left) close to its exit into the Bannockburn Inlet. In this section, it is deeply incised into the schist hill as it has eroded down to reach level at the Inlet, forming a well-defined, rugged, steep-sided valley. Looking in Google Earth and from what I could see from the Bannockburn Inlet area, it appears to have a consistent relatively natural and open character with relatively high levels of visual coherence and legibility. In my opinion, the margin of the creek extends to the top of the enclosing crests<sup>4</sup>, recognising the integrity of the incised valley form. A few existing dwellings in Bannockburn come forward onto the upper slopes or crest of the true left valley side-slope in three or four places. However downstream of the last true left side gully - on the south Site boundary - the valley side is free of built form. This is the most publicly visible part of the valley. It is important for conferring natural character to lower Shepherds Creek and the Bannockburn Inlet and their margins.
55. A good part of the Site lies within the BLR area. It plays an important role in physically containing the urban form of Bannockburn, so that it is visually discreet in the wider landscape as a small and compact rural settlement with its own distinctive character. The subtle knolls on the east part of the Site form a natural limit to expansion and unrestrained sprawl. This was recognised more than 35 years ago when the BLR was established. This BLR is discussed in more detail in paras. 58-68 of my evidence. The eastern part of the Site also provides a buffer of appropriate scale between the built up area and Lake Dunstan/Bannockburn Inlet and its margins, important for maintaining its natural character (a matter of national importance under the RMA part 6a).
56. The heritage and cultural values are comprehensively identified and described in the Kopuwai Consulting Report and in the expert evidence of Matthew Sole at para. 17:

*“The Site contains a significant and diverse array of recorded archaeological sites and features associated with early 1860’s goldmining, early main street settlement, commonage ground, farmsteading and coalmining through to the 1930’s involving several water races, reservoirs, various sluicing’s off respective creek terraces and gullies along with remnants of coalmining associated with Shepherds Creek and Revells Gully. The site borders the Lake Dunstan Statutory Acknowledgement area part of a known mana whenua trail network for inland Otago.”*

and at para.23:

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<sup>4</sup> It is good practice when defining margins of water bodies to define the outer edge of the margin as the nearest obvious crest, where it is close or reasonably close to the water body concerned.

*“For Heritage Landscape, it is the sum of all the heritage elements and their associations, connectively into industrial and commercial heritage systems that combine to make this a locally appreciated and valued heritage landscape and subset on the much wider Bannockburn heritage landscape.”*

57. Recreational values are understood to relate to the various paths that pass through the Site and the open space generally. Apart from being of sufficient scale and variable terrain to provide for physical activity, the Site provides a valuable connection between the township (in particular its commercial centre) and the Bannockburn Inlet; it contains numerous heritage features of interest and thus is important for access to and engagement with these; it contains some natural features of interest such as rock outcrops and vegetation, and possibly associated wildlife; and contains elevated viewpoints from which the surrounding landscape can be appreciated. It is acknowledged public access is at the discretion and goodwill of the applicant as landowner.

## **PLANNING CONTEXT**

### **Classification**

58. As stated in the introductory section, the entire Site is zoned Residential Resource Area 4 (RR4). However the eastern half of the Site is within a Building Line Restriction (BLR). For clarity this area is shown on the plan at the first page of my GA. It extends north and south of the Site. I am aware that under PC19, the zoning will change to Large Lot Residential (LLR) which has similar anticipated outcomes to the existing zoning and retains the BLR. I understand that the provisions of this plan change currently have no legal weight however they should be considered when assessing the landscape effects of the proposed subdivision.

### **The Building Line Restriction (BLR)**

59. The presence of the area within the BLR is the most pertinent planning provision as recognised in the RMM Report at part 3.2 p9. It relates to matters of assessment on urban form, on the preservation of the natural character of lakes and rivers and their margins, and on the maintenance of rural landscape character and associated values.
60. The RMM Report explains their understanding of the BLR to be:

*“It is our understanding that the original purpose of the BLR was to contain Bannockburn within a ‘hollow’ so as not visible from the Cromwell Basin and to protect views around the Bannockburn Inlet.”* (part 4.2 of the RMM Report bottom of p14).

61. This is, broadly, my understanding also. Its purpose is also articulated in the Explanation of the Rule 12.7.7:

*“Building line restrictions are a useful technique **to protect amenity values** and the safe and efficient operation of certain roads. They are also useful to avoid the effects of natural hazards on the built environment.”* (my bold indicating the most relevant part).

62. However, the former Vincent County Council Plan Part Two described the reasoning behind the BLR, as follows:

*“2.08 Because of this natural configuration of its setting Bannockburn remains virtually invisible to the traveller approaching it from north or south. On the way from Cromwell the only two buildings which catch the eye are the Church and Hall, so well tucked below the skyline are all the others. This sense of surprise and visual containment is sufficiently inherent in the character of Bannockburn that future development should be designed to maintain and enhance it.*

*2.09 This suggests that future buildings should be contained within the rim of the basin and not allowed to encroach on the skyline when viewed from outside, and that the outward facing slopes to the north, east and south and the slopes of the Carrick range on the west should be protected from building.*

*2.10 If this principle of containment is accepted this immediately puts a physical limit on future development. Rural zoning may be sufficient to protect the surrounding landscape in most directions but some special protection may be necessary in some directions.*

*2.11 The physical limitation on size should not be construed as a disadvantage. It will have positive benefits in retaining a visually compact and recognisable community with close contact to the rural surroundings. If future expansion is deemed necessary it should take place as a visually separate self-contained community perhaps in the Schoolhouse Road/Gully Road area to the south.”*

63. The purpose of the BLR is therefore somewhat more nuanced in conception than just containing Bannockburn spatially, and it was not the intent to prevent visibility (buildings were already visible when the BLR was established). The physical containment is important to prevent sprawl and maintain the small rural settlement character, to maintain identity, and so that the surrounding rural landscape remains dominant in wider views and in close proximity as experienced from within the settlement. Visual discreetness rather than no visibility is sought, so that the arrival in Bannockburn is a revelation. Skylines and outward facing slopes around the town were intended to remain free of built form in order to achieve the strong sense of containment. Overall, the intent of the BLR is more about

the character and sense of place of Bannockburn. Nevertheless it serves to protect other values inherent in the surrounding landscape such as preserving the natural character of Lake Dunstan/Bannockburn Inlet and its margin and general visual amenity values of open rural landscape particularly open and natural skyline, ridgelines and prominent slopes. The two assessment matters and the reason in Rule 12.7.7 reflect the purpose of the BLR:

1. *The effect on the natural character of water bodies and their margins.*
2. *The effect on amenity values of the neighbourhood in particular the character of the streetscape.*

*Reason - Building line restrictions are [inter alia] a useful technique to protect amenity values...*

64. The purpose and intent of the BLR has been carried on through more recent district plans and is in the current ePlan. It is supported in the Cromwell Spatial Plan (CSP). It is recognised in PC19 which proposes its continued presence, unchanged in extent or purpose. At para. 254 of the PC19 decision the Panel expressed the view that

*“..it is broadly appropriate to provide for additional growth in Bannockburn, however the development that has occurred to date has given it a particular character and amenity that appears to be distinct from other urban areas, and which, as evidenced by submissions, is highly valued by the community, and is part of the ‘variety’ of housing across the district. Any additional supply would help to continue providing for this variety, however, where and how this growth should be provided needs to be considered in the context of the whole, rather than on a site-by-site basis.”*

and at para. 272 “... that future growth options in Bannockburn are better dealt with through a township-specific Spatial Planning exercise that considers where and how growth will occur in Bannockburn.” (whilst this part of the Decision related specifically to minimum lot size and potential for comprehensive development it is also relevant to the presence of the BLR).

65. My understanding is that the purpose and intent of the BLR is unchanged through PC19<sup>5</sup> and is as strongly expressed as it was when it was first conceived as a protective planning mechanism.
66. I do not agree with the view expressed in the RMM Report part 5.2 that :

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<sup>5</sup> It was considered out of scope in any case

*“...in regards to the original BLR, this appears ‘intact’ in terms of buildings encroaching into it. However, despite this, development (housing and curtilage) adjacent to the ridgeline, particularly along the crest of Hall Road, Domain Road and Terrace Street are visible from the wider Cromwell Basin, including from Bannockburn Inlet and locations east of the site. Therefore, it could be reasonable to conclude that landscape change arising from the proposed development within the BLR is not a ‘new’ proposition in terms of visibility of existing development within the immediate setting and that there is potential for the landscape to absorb some development beyond the BLR within this location.”*

67. It was/is not the intention of the BLR as I understand it to prevent any visibility of built form. Some built form was already visible when the BLR was established. Rather, the settlement was to be seen as visually discreet and contained and largely revealed on arriving in Bannockburn. At present the BLR area remains intact and achieving its purpose of being completely free of built form so as to maintain the intended visual discreetness and spatial limits, and to maintain a close connection with the surrounding rural landscape. As existing visible built form of the Bannockburn settlement is all within the non-BLR RR4 area, as far as I can ascertain this degree of visibility is the level that was intended.
68. As I stated previously, the purpose of the BLR is as much about the character of Bannockburn as it is experienced from within as it is about external visibility. Placing built form within the BLR area would be a “new proposition” in my view from this perspective as well as in views of Bannockburn in the landscape.
69. The eastern part of the Site and the eastern and northern parts of the adjoining property to the north on Slaughter Yard Hill (understood to be owned by the Applicant) comprise the bulk of the BLR area. The BLR also continues up the true left of Shepherds Creek for another 250m or so (refer the plan in my GA).

#### **Other Matters Relating to Planning Provisions**

70. The RMM assessment has identified most of the relevant planning provisions that frame the assessment. These are set out at Part 3 of the RMM Report.
71. A provision which has not been mentioned that has a significant bearing in my view on assessment of effects on openness/open space over the whole Site, and within the subdivision as a matter of character and appropriate level of spaciousness is Rule 7.3.5 (iv). This rule requires an average minimum lot size of 2000m<sup>2</sup>. The purpose of this rule is to ensure the character and amenity of Bannockburn is maintained. Large lot sizes along with maximum site coverage provide for a certain level of spaciousness which in turn provides privacy, more space for planting and gardens, and allows for visual connections to the surrounding landscape. It is acknowledged that the new LLR provisions maintain the

minimum lot size of 1500m<sup>2</sup> but do not require a minimum average lot size; however that rule is not currently operative.

72. I have assumed that rule 7.3.5. (iv) has been considered to not be applicable because in calculating average lot size Lots 30, 40, 51 and 50 have been included. I have calculated that the average lot size of the 20 lots is 1694m<sup>2</sup>. If Lot 30 is added the average rises to 1808.48m<sup>2</sup>. If Lot 51 is added the average is 1967m<sup>2</sup>. In my view, Lot 40 and Lot 50, and possibly Lot 51 cannot be included in the averaging (or as remaining balance open space) as there is no proposal to provide a protective mechanism ensuring they remain as open space into the future. Indeed, the AEE states at 3.2.4 that Lot 50 is held by the Applicant for further development, which is expected as a good part of it is inside the BLR in the RR4. The location of Lot 40 and the eastern part of Lot 50 within the BLR area does not protect the open space of these areas in perpetuity such that they can be relied upon for that value in assessments of effect on openness/open space. Discounting Lots 40 and 50 then, the average lot size would be just under 2000m<sup>2</sup>.
73. For comparison I have calculated the average lot size of all the residential lots east of Bannockburn Road as 2452m<sup>2</sup>. The average lot size of the proposed subdivision at 1694m<sup>2</sup> is some 30% smaller than the existing average lot size.
74. A relevant Policy that has not been included is Policy 7.2.8 which addresses managing landscape change at the interface of resource areas. It requires the Plan to be read as a whole. I interpret this as requiring consideration of the policies for the adjoining Rural Resource area when assessing landscape effects. These require assessment of effects on open space, natural character (including the preservation of the natural character of lakes, rivers and their margins) and amenity values (generally) and in particular to maintain the open rural character of, inter alia, hills and prominent hillsides<sup>6</sup>. This aligns well with the purpose of the BLR.
75. The following Urban policies have not been included:

**6.4.1 Policy - Maintenance of Quality of Life within Urban Areas** is to *maintain and, where practicable, enhance the quality of life for people and communities within the District's urban areas through:*

*(a) Identifying and providing for a level of amenity which is acceptable to the community;*

**6.4.2 Policy - Expansion of Urban Areas** is *To enable the expansion of urban areas or urban infrastructure in a manner that avoids, remedies or mitigates adverse effects on:*

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<sup>6</sup> For example, Policies 4.4.2 (b), Policy 4.4.10 and Policy 4.8.10



- (a) *Adjoining rural areas.*
- (b) *Outstanding landscape values.*
- (c) *The natural character of water bodies and their margins.*
- (d) *Heritage values.*
- (e) *Sites of cultural importance to Kai Tahu ki Otago.*

An associated Environmental Result Anticipated is 6.7.7 *Adverse effects on adjoining rural areas will be avoided, remedied or mitigated through the integrated management of such effects.*

- 76. **Cromwell Spatial Plan** - the RMM Report does not acknowledge the CSP. This plan provides that future urban growth is contained within Cromwell township and that the settlement of Bannockburn is retained to its present extent. This is based on principles of consolidating growth, protecting and celebrating the valued landscape setting (conservation and heritage landscapes), protecting productive land and maintaining the valued distinctive character of Bannockburn (and other rural settlements). The two issues affecting Bannockburn that have been identified as needing addressing are a lack of a strong centre or heart, and lack of open space accessible from Bannockburn Road.
- 77. The Panel in PC19 was also of the view that changes to urban growth provisions for Bannockburn needed to be derived from a bespoke spatial plan (refer para. 64 of my evidence).

## **THE PROPOSAL**

- 78. The elements of the proposed subdivision are described in part 2.2 of the RMM Report and in paras.19 to 21 of the TM Brief. A clear understanding of what is proposed is demonstrated. It is acknowledged the proposal has been revised since 2021 to reduce the degree of adversity of landscape effects and incorporate the recommendations of the Pfluger Peer Review.
- 79. Relevant aspects of the subdivision include:
  - (a) the total number of Lots has been reduced to 20 and they all exceed the minimum lot size of 1500m<sup>2</sup> (but do not meet the average minimum lot size of 2000m<sup>2</sup>; it is noted the new LLR provisions do not include a minimum average lot size). Lot sizes range from 1502-2265m<sup>2</sup>. It is noted that the AEE at p3.3 refers to an average lot size of 2000m<sup>2</sup> rather than seeing it as a minimum.

- (b) 11 lots remain wholly or substantially within the BLR area so that a future dwelling and curtilage elements would be in the BLR area; a 12th lot is partially within the BLR area such that part of a future dwelling and curtilage is likely to be within the area.
- (c) 500m<sup>2</sup> building platforms (BPs) are identified on Lots 4,5,13,14, and 15-20. The BPs on Lots 15-20 are located towards the top of the Lot. The BP on Lot 5 would straddle the northern end of the knoll it is on. All “hard” curtilage elements would be within the BPs on the lots in the BLR.
- (d) maximum built coverage of 300m<sup>2</sup> per lot is proposed for all lots (note this is well below the 40% - or 30% in the new LLR – coverage rule). A maximum footprint 200m<sup>2</sup> is proposed for two storey houses.
- (e) There are proposed design controls limiting the height of dwellings (ranging from 4.2-5m for all dwellings except those on Lots 7-9 which may go to 7.5m (which is within the RR4 maximum height). Roof and wall cladding is restricted to selected materials and darker earthier colours in grey and brown hues. It is noted there is no LVR restriction on wall cladding (roofs are to be less than 12%). Any fencing is limited to 1.2m high post and rail or post/waratah and wire fencing.
- (f) sloping lots would require substantial earthworks to accommodate residential development
- (g) the proposed loop street is in part on the east (Inlet-facing) side of the southern knoll, close to the top; and the end of the new Terrace Street cul de sac and public car park curves round on to the southeast (Inlet-facing) side of the northern knoll. There is an informal street tree arrangement.
- (h) the streets (Lot 100) would not have any no kerb and channel but they would have asphalt footpaths<sup>7</sup>, the one along the east loop road re-purposing an historic water race. They would also have street lighting at intersections and footpath crossings, otherwise bollard lighting to avoid glare and light spill.
- (i) there will be a marked increase in traffic along Terrace Street
- (j) a 4100m<sup>2</sup> Recreation Reserve with a lookout and interpretation panel is proposed at the new Terrace St terminus on the east side

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<sup>7</sup> Revised proposed condition 6 h) ix) indicates the footpaths would be unsealed

- (k) a number of recreational trails are shown traversing Lots 40, 50 and 51. These larger balance lots are promoted in the RMM Report and TM Brief as being retained as open space for rural purposes however no protective mechanisms are proposed to ensure that or enshrine the public use of the areas. All of Lot 40 and the eastern part of Lot 50 is within the BLR, which provides a measure of protection. Lot 40 is physically less suited to development. A good portion of Lot 50 however is RR4 zoning and has the easy topography of the Bannockburn basin. The AEE states at paras. 323-325 that these Lots would be retained in freehold ownership by the Applicant with no formal recognition of the trails (Lot 40) and that Lot 50 is intended for future development, as would be expected.
- (l) the eroded/sluiced gully area of Lot 51 of .51ha contains historic gold workings and is not physically suited for development. Archaeological/heritage features would be protected and some would be repurposed as elements in the new subdivision (e.g., water race path).
- (m) mitigation planting to contain and screen built form is proposed in belts around the tops of the knolls on the east side within Lots 4 and 5, within the streets, and within Lot 30 the recreation reserve. These are generally aligned northsouth along the knolls. Belts of trees running up and down the boundaries of Lots 15-20 are also proposed increasing in extent towards the bottom. They would appear to end unnaturally along a contour about halfway down the more rolling topography of the upper side slope (marking the lower edge of the lots). Species are proposed within Appendix A to the RMM Report. It is noted that 80% of the species are to be kanuka and manuka. Whilst ecologically suitable, these are high fire-risk species. A full planting implementation and management plan has been prepared that would form part of the conditions of consent. It is acknowledged the plant spacings would be at 1.5m rather than 3m.
- (n) Re timing of planting, on Lots 15-20 mitigation planting shown on the RMM Landscape Plan is to be undertaken within 18 months of Code of Compliance issue. There does not appear to be any compulsion to implement other mitigation planting shown on Lot 30, 40, 14 or 9 or on Lots 4 and 5.
- (o) For lots 3-5 and 12-20, a condition is proposed that a landscape plan is prepared and submitted to Council at the time building consent is sought. It is noted that the features to be shown on this plan include a maximum 500m<sup>2</sup> curtilage but this does not stipulate that this is also to be within the 500m<sup>2</sup> BP. The condition would require planting to integrate and soften/filter views of built form and curtilage including in

views from properties along Cairnmuir and Patersons Roads. All landscaping is to be implemented within 18 months of building consent being approved.

- (p) no restoration/regenerative planting within lots 40, 50 and 51 is proposed (but it is promoted in the application as a potential outcome)

## **VISUAL EFFECTS**

- 80. Visual effects analysis based on 11 viewpoints is contained in part 5.3 of the RMM Report. In this section I will comment on the adequacy of the imagery for the purpose of assessment of this proposal, and on the accuracy of the visual effect analysis. I reiterate the visual effect is the change in the view as perceived by a viewer. This is an objective analysis and is not synonymous with adverse (or positive) effects on visual amenity or other landscape values (such as openness or natural character). The visual effect analysis provides the basis for assessing effect on these values.

### **Adequacy of the Imagery**

- 81. The imagery contained in the Graphic Attachment to the TM brief is of limited assistance. The images are small and panoramic. The meta data on the imagery states the photos were taken with an Olympus OM-D E-10 Mark II camera at a 50mm FL. This is not a full frame camera. It is not clarified what FL the images were taken at if the intent is to replicate a 50mm full frame image. The purpose of the images as I understand it is simply to identify the location of the Site in context rather than to portray it in a realistic image. The images in the GA to the TM Brief are adequate for this purpose.
- 82. There is no imagery (visual simulations) providing information about the extent and nature of the proposed development and overall likely appearance. It is understood profile poles will be erected to assist understanding the visual effect however I have not had the benefit of viewing these in making my assessment. Visual simulations of two or three key views showing initial built form then with 10 years vegetation growth would have assisted assessment of effects considerably.
- 83. The 12 Viewpoints used (including new VP12 in the GA to the TM brief) are representative of a range of views of the Site. The Paterson Road views are private views. Additional views from the north side of the Kawarau Arm for example from Richards Beach, from the Lake Dunstan Trail and from the car park opposite Pearson Road are relevant in my view.

### **Visual Effect Analysis**

- 84. In the following analysis I refer to the 11 Viewpoints in the Graphic Attachment to the RMM Report dated 15 January 2024. I have also taken my own photos of the Site in context.

The photos I refer to, Photos 1-8, are in my GA. These were taken on 30 September 2024 between 4 and 6pm on a clear but slightly overcast day with soft light. I use a Canon EOS 600D digital camera using a 32mm FL which is equivalent to a 50mm full frame image. Each image is a single image unless otherwise stated.

85. The descriptions in the RMM Report over pp. 22-33 of what is/would be seen are regarded as generally accurate. I acknowledge that the removal of the four lots from the northern knoll's east side facing the Inlet would have a lesser visual effect compared to the 2021 proposal, and that the additional planting proposed would, eventually, provide some measure of visual containment to built form and domestic gardens.

### **Analysis of Visual Effect**

86. VP1 – I agree the magnitude of visual effect would be very low in this view from the Cromwell Heritage precinct.
87. My Photo 1 is taken from a viewpoint a little further east along the road from VP2, close to Pigeon Rock side road. The magnitude of visual effect would be low due to distance and the relatively small scale of the change within a panoramic scene dominated by mountain range behind. The planting proposed would in time reduce visibility of built form further.
88. VP2 – this view is actually from Cornish Point Road. My similar image is Photo 2 taken from beside the Riverside Gallery entrance. I do not agree the magnitude of visual effect would be Low. In my opinion it would be Moderate. This is because the Site appears free of built form at present, as open pasture with a simple visual coherence. The visual ridgeline is mostly open, with trees and rangeland set behind. Built form of Bannockburn visible in two widely spaced places is minimal and set well back, discreet, set within the basin behind. The new built development would be readily discernible as a change. Views from the Lake Dunstan Trail in the same area would experience similar visual effect.
89. VP3 - from the road next to Carrick Winery. My Photo 3 is very similar. I do not agree that the magnitude of visual change would be Low. In my opinion it would be Moderate-High. The viewpoint is now much closer to the Site and the development would be more clearly visible and of a larger visual scale. The Site appears free of built form at present, as open pasture with a simple visual coherence. The visual ridgeline is largely open, with trees and rangeland set behind. Built form of Bannockburn visible in two widely spaced places is minimal and set well back, discreet, set within the basin behind. New housing would be an obvious contrasting change on land outside the basin.
90. VP4 – from the Lake Dunstan Trail above the Inlet at Carrick Winery. My Photo 4 is similar. The magnitude of change from my Photo 3 would be Moderate-High in my view, for the

reasons set out above. The existing built form in Bannockburn is now largely screened by landform due to the angle of view and the ridgeline has a strong open and natural character. New housing on it would be an obvious change appearing outside the basin.

91. VP5 – from the southeast edge of the Bannockburn Inlet, by the boat ramp. My Photo 5 is very similar (taken in spring rather than winter). There would be a high visual effect in my opinion. The Site is in close proximity. The simple open grassy ridge crest backdropped by rangeland would be transformed into roading and trails amongst planting and to the left, built development and domestic activity spilling over the crest and down the slope also amongst new planting. If one moves more to the right, on the water for example, more of the built form and roading of the proposed subdivision would be visible to the left just below the crest, replacing open pasture. Moving left, the intervening trees would screen views of the ridge.
92. VP6 – from the boat ramp area close to Cairnmuir Road. My Photo 6 is taken from the corner on Cairnmuir Road just south of the boat ramp access. This is a much fuller view of the whole Site. The visual effect would be High in magnitude rather than the RMM rating of Moderate for the reasons given above. The Site crest forms skyline here however, open and natural free of any built form. Some housing is partially visible on the side slope crest of Shepherds Creek in the left hand background, but visibility is minimal and they are set well back, discreet, set within the basin behind. There is no housing visible in VP6 due to intervening landform and trees.
93. My Photo 7 is taken from the road at the south end of the Inlet. The visual effect would be of High magnitude here with substantial transformation of the “clean” open grassy skyline and upper slope to roading, trails, planting and some visible residential development and domestic activity. There is no built form or structures visible on the slopes and skyline crest in this view at present.
94. VP7 – from the shore area within recreation reserve looking obliquely to the Site and at a steeper angle. I agree that the magnitude of change from here would be Low due to the angle of view. It is possible some built form might appear on the skyline as a new element as would new planting as it matures.
95. VP8 – this is the view of the Site from the lower point on Paterson Road, the new VP12 in the GA to the TM brief being slightly higher up this private road. The visual effect magnitude would be Moderate in my view rather than the RMM rating of Low, due to housing and roading, trails and planting replacing the currently open “clean” grassy slope. Existing housing in Bannockburn is visible in this view but it is clearly set back behind the crest.

The new residential development would not appear so discreet, or contained. It would spill over the crest.

96. VP9 -11 – these are the views from within Bannockburn looking east to southeast. I agree the magnitude of visual change would be high with a substantial change to the character of the Site from open grassland/shrubland landscape to built-up residential albeit of a spacious character. There would be new streetscape with street lighting and a footpath.
97. My Photo 8 is a view from Richards Beach. The magnitude of visual effect would be low due to distance and the relatively small scale of change.

### **Summary of Visual Effect**

98. I agree that the most relevant views to assess effects on visual amenity and other landscape values are those from the northeast, east and southeast of the Site. I do not agree that the magnitude of change in these views would be no more than Low-Moderate to Moderate. In my view the changes would mostly be in the Moderate to High range. This is inevitable with the change from more natural open grassland ridge/skyline and upper slopes to built form, domestic activity, roading trails and planting particularly because open space and natural character is the expectation under the BLR.
99. The views that would experience the greatest change are those around the south and east sides of Bannockburn Inlet from the water surface, the recreation reserves and Lake Dunstan Trail, and Cairnmuir Road. Views from private properties in the same viewshed would be similarly affected.
100. I agree that in more distant views to the northeast the visual effect would be Very Low to Low in magnitude. The visual effect would be high in magnitude in views across the Site from the west.

### **KEY LANDSCAPE ISSUES**

101. The RMM Report has identified most of the key landscape issues in my opinion which are framed from the relevant planning provisions. These are set out at Part 5.1 of the RMM Report:
- (a) *Effects associated with the breach of the BLR* (these essentially address matters listed below of open natural character of ridgelines, skylines and prominent slopes providing visual amenity and rural character, and the natural character of the rivers and lakes and their margins, as well as maintaining the compact rural settlement character of Bannockburn; and also, the assessment needs to address whether the purpose and intent/integrity of the BLR is upheld).

- (b) *Effects on the character, amenity, and settlement pattern within Bannockburn (this includes whether the purpose of RR4 is met and the degree to which there is consistency with the CPS and the imminent PC19 LLR provisions).*
- (c) *Effects on the natural character of the Kawarau River and Bannockburn Inlet (including their margins; and including the natural character of Shepherds Creek and its margins).*
- (d) *Effects on the site's values including the open and rural character and the perceived ruggedness and naturalness of the site's landforms and vegetation patterns.*
- (e) *Effects on the heritage and recreation values of the site, including on specific archaeological features. Refer to Kopuwai Consulting report for a full commentary on archaeological, heritage and recreational amenity matters*
- (f) *Visual amenity effects from public places within the surrounding area, particularly from locations east of the site, as well as from Bannockburn township and neighbouring private properties and businesses*

102. One issue that has not been addressed is effect on existing ecological values as one type of landscape value. It is unknown whether any exist as there has been no survey and assessment to confirm one way or the other.

## **ASSESSMENT OF EFFECTS**

103. For ease of understanding the evidence, I will use the same headings as the RMM Report in the following section of my evidence. These reflect the key issues.

### *Effects associated with the breach of the BLR*

104. As these relate to the issues of maintaining the distinctive urban form and character of Bannockburn and its associated amenity values, and of preserving the natural character of rivers lakes and their margins, and also protecting the open natural character of skyline, ridgelines and prominent slopes in the rural landscape the effects of breaching the BLR will be addressed under those subsequent headings below.

105. In paras. 58-68 I discussed the purpose and intent of the BLR as I understand it. I agree that at present the BLR area remains "intact"<sup>8</sup> i.e., there is currently no built form or development within it (at least east of Bannockburn Road).

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<sup>8</sup> Part 5.2 RMM Report



106. I acknowledge that the design of the proposed subdivision has been revised to reduce the extent of built form and development within the BLR but the fact remains there is substantial novel incursion of residential development, street and recreation reserve infrastructure into this area. In this case, the incursion is into a highly visually sensitive part of it. It is difficult to reconcile the landscape outcomes of the proposed development with the purpose and intent of the BLR. I do not agree with the overall conclusion in the RMM Report at p18 that development within the BLR would not result in unacceptable adverse landscape effects. I explain the reasons for this in the following sections of my evidence.

*Effects on the character, amenity, and settlement pattern within Bannockburn*

107. One of the main reasons for establishing the BLR is to maintain a small, compact, rural settlement well-contained within a basin behind a rim of rising land and knolls and escarpment edges. This promotes maintaining a visual and physical connection with the rural surrounds to maintain the rural character. It also minimises the visual prominence of the settlement so that it is only revealed on arrival. All these factors contribute to the distinctive character of Bannockburn, with a strong sense of place and certain amenity values.
108. Other factors which I consider contribute to a distinctive character and amenity value are:
- (i) relatively large section size with a minimum lot size of 1500m<sup>2</sup> and a minimum average lot size of 2000m<sup>2</sup>. I have calculated the average lot size of all the existing residential sections along and south of Terrace Street to be 2452m<sup>2</sup>.
  - (ii) a few small-scale rural/horticultural activities within the RR4 area
  - (iii) low key streetscape including variably surfaced and maintained grass/gravel berms and absence of footpaths on some streets including Terrace Street, and often low-key fencing and mailboxes of rural style
  - (iv) generally modest houses with a number of older dwellings
  - (v) very limited presence of commercial/industrial activities (the absence of a “heart” to Bannockburn has been identified as needing to be addressed)
  - (vi) presence of a rich mining and early pastoral heritage
  - (vii) recreational opportunities

109. I do not agree that the proposal would not result in adverse effects on the character of Bannockburn, as stated at p19 of the RMM Report.
110. There would be a substantial and novel incursion into the BLR. This would have the effect of urban land use spilling over the containing rim of the low knolls the BLR follows (notably it is located on the inside of the knolls). I do not consider this expansion to be consistent with maintaining a compact, well-contained and visually discreet settlement with a close physical and visual connection to the existing open rural surrounds (the BLR area contributes to the rural surrounds). I have noted that there are dwellings visible in views looking at Bannockburn however these appear to be located within the Bannockburn basin or at worst approaching the rim or terrace edges. None occur within the BLR area east of Bannockburn Road (the relevant part)<sup>9</sup>. The settlement remains visually discreet, as intended.
111. I do not agree that the visibility of the existing dwellings rationalises placing the development in this case within the BLR as the landscape outcomes are quite different. It is also inappropriate to say that in my view to state that development within the BLR is not a “new proposition”. There is no residential development within the main BLR area east of Bannockburn Road. What is seen today in views from the northeast to southeast is what was intended as I understand it.
112. I do not agree there is potential for the BLR area to absorb built development where it is proposed and yet also uphold the purpose and function of the BLR. The fact that it is being promulgated that existing built form (purported to be within the BLR area relevant to the Site) rationalises further built form in the same protected area illustrates that this development, which is considerable, would significantly weaken the integrity and function of the BLR. The context for further development would be significantly changed and it would be easier for further similar proposals in the BLR to use the same rationale.
113. By promoting residential development into areas of Bannockburn where it is not anticipated by the plan provisions is inconsistent with the CSP. There are open areas within the non-BLR area of RR4 that are available for residential development (such as the west part of Lot 50). The CSP does not express any intent or community desire to extend urban growth beyond the zoned RR4 non-BLR area of Bannockburn.
114. The proposed lot sizes are consistent with the minimum lot size (1500m<sup>2</sup>) but not the average minimum lot size of 2000m<sup>2</sup> (not taking into account Lot 40 and 50 as previously explained). The average lot size of the existing neighbourhood is 2452m<sup>2</sup> with some lots

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<sup>9</sup> It is observed there is one house within the BLR area on the west side of Bannockburn Road.

in the range of 2500m<sup>2</sup> to more than 4000m<sup>2</sup>, but also acknowledging some are close to 1500m<sup>2</sup>. Despite this, I consider that the amended lot size to the range 15010-2266m<sup>2</sup> is a better fit for the existing character.

115. With regards to layout, given it is my view the development within the BLR is not appropriate (Lots 13, 14 and 15-20), a layout without these lots would be different and cannot be assessed at this time.
116. With respect to the proposed design controls, I consider these would promote a residential character that is in keeping particularly the restrictions on built form, footprint, height and curtilage development. They would promote a more modest, open form of development.
117. The absence of kerb and channel is consistent with existing character. I do not consider footpath development to be in keeping however a gravel footpath is more appropriate than a sealed one. Street lighting is already present on Terrace Street so similar lighting along the new section of street would be appropriate (within the non-BLR RR4 area). Bollard lighting would be an improvement as long as of a low key rural character.
118. I have reviewed the planting species in Appendix A. Whilst any of these species are probably found within Bannockburn and are generally appropriate I do not consider bright red/purple autumn colours of Liquidambar and Red Oak on the visible outer edge of the subdivision to be appropriate (notwithstanding development generally within the BLR is considered inappropriate). More muted brown and gold colours are appropriate (Tulip tree, fastigate Oak, poplar). Kowhai would be an appropriate street tree.
119. The proposed species for mitigation Plant Mix 1, are unlikely to provide effective mitigation due to relatively low stature. Coprosma and manuka would reach in the order of 2-3m in this dry harsh environment. Kanuka may reach 6-8m eventually in many years. There are other native species that would be better at screening out built development such as Olearia tree spp, Lancewood, Cabbage Tree, Broadleaf, Lowland Ribbonwood, Myrsine divaricata and Kowhai - possibly even native beech and totara. These would be ecologically appropriate within Shepherds Creek valley in my opinion.
120. Tussock species, Kanuka and manuka are amongst the species that most increase fire risk. Their use in planting here should be limited and kept far away from built form.
121. Olearia spp. should be added to the Reserve Plantings as a key characteristic dryland species, also *Pimelea aridula* and native broom.
122. There is no proposal to carry out any restorative or regenerative planting on Lots 40, 51 or 50.

123. The careful identification, mapping and assessment of the considerable array of heritage features and their protection or integration into the proposed development with minimal loss of any features would maintain this core characteristic and value. Further, public access and interpretation promoting engagement with the heritage is important for maintaining character.
124. The proposal for a Recreation Reserve with car parking, a lookout, interpretation panels and trail based on the historic water race is a positive contribution in terms of recreation and public open space values. It is located within the BLR however where it also creates adverse effects mainly due to the intrusion of “hard” roading elements. The proposal for recreational trails through Lots 30, 40, 50 and 51 promotes the character of Bannockburn and strengthens the link with its rural and natural surrounds including links to Bannockburn Inlet. The proposal provides an opportunity to formalise what is understood to be an existing “common” use (at the discretion of the landowner).
125. Having come to that conclusion however, I am uncertain as to the enduring nature of these provisions for public access. If public access is not legally protected by easement or reserve status to the full extent shown on the RMM Landscape Plan, the proposed trails cannot be regarded as a positive effect of this application (excepting Lot 30). It is also not stated what restrictions on public access might be imposed from time to time, such as closures due to lambing, pest control or fire risk.
126. With respect to maintaining an appropriate level of open space, the RMM Report at p19 mistakenly relies on the balance Lots 40 and 50 when assessing effects on open space, which is a key amenity attribute. For example, the Report states on p19:  
*“Additionally, the proposal will maintain open space, rural outlook, and recreation amenity through the designation of a public reserve and the establishment of Lot 40 and the balance lot (Lot 50).”*
127. As permanent protection of these areas as open space is not being proposed they cannot be relied upon for open space; although the physical nature of Lot 40 and the Revells Gully area of Lot 50 is such that it is unlikely to be developed notwithstanding these parts of the Site are within the BLR area. The larger balance of Lot 50 however is RR4 on easy topography. Its zoned purpose is to provide for low density residential development. It cannot be taken into account when assessing effects on open space.
128. The assessment of open space in an urban form context is most relevantly considered within the proposed residential area itself, referring to lot sizes and layout and with reference to the BLR areas. I consider the layout, lot sizes and design controls within the non-BLR area of RR4 to promote an appropriately open urban form. Development within the BLR area compromises the retention of open space as intended by the Plan provisions.

I do not consider treating Lot 30, Lot 40 and the BLR part of Lot 50 as open space can offset this development, as these are all BLR areas which are meant to be maintained and protected as open space.

*Effects on the natural character of lakes rivers and their margins*

129. This matter of national importance (s6a RMA) is applied to Bannockburn Inlet of Lake Dunstan and Shepherds Creek. The RMM Report does not address Shepherds Creek. The RMM Report does not define the spatial extent of “margin” for the Inlet but at p19 infers that the land of Lots 15-20 is within the margin. I define margin as the land surrounding a river (which includes stream or creek) as far as the first enclosing crest as a general principle. The RMM Report understanding of margin appears to be consistent with this. This is in line with best practice<sup>10</sup>. In this case, this would be the ridgeline/skyline of the hills surrounding the Inlet and forming the sides of Shepherds Creek.
130. The RMM Report does not assess the existing degree of natural character of the Inlet and its margin. I assess it as being of moderate-high degree. Some human interventions are evident such as the road, reserve infrastructure and historic mining scars, as well as exotic introduced vegetation albeit mostly in natural patterns including naturalised cover. The lake itself whilst appearing natural is a man-made lake.
131. Whilst recognising the natural landforms of the hills surrounding the inlet as conferring natural character the RMM Report at p19 omits a key element of the existing natural character of the Inlet and its margin – the “clean” open ridgeline and skyline especially the latter in closer views.
132. I agree that the main effect of the proposal on natural character would be the development within Lots 15-20 which would transform the current open, grassy natural-looking slope and crest/skyline to residential land use. Elements in proposed Lot 30 Recreation Reserve would have an effect as well with roading and reserve infrastructure evident on the skyline or crest area. This development would create a novel effect in closer views. It would be a cumulative effect in more distant views where some of Bannockburn’s houses come into view (set back in the basin behind the BLR area).
133. I agree this is an adverse effect (p20 RMM Report). In my view the effect is greater than Low-Moderate given the affected areas are within the BLR (which is meant to remain as

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<sup>10</sup> Part 9.2 of Te Tangi a te Manu guides “that “margins are likely to be areas beyond the wave action of a lake or extending away from the banks of a river for, depending on topography and other factors, at least 20–50 metres and sometimes more ...and ... The margins should be determined with reference to the attributes and context of the lakes and rivers themselves.,, and ... The margins are also likely to be influenced by topography (for instance, the sides of a gorge) and land use (for instance, the boundary between cultivation and natural riparian vegetation).”

open rural space as previously explained) and the proximity to the Bannockburn Inlet. The proposed planting would reduce the visual prominence of built form and domestic activity including traffic and residential noise effects, and vehicle and house lights at night and possibly some street lighting. I have previously commented on the proposed species being inadequate in stature to actually achieve sufficient mitigation so that built form would be subservient to vegetation and landform. Notwithstanding the mitigation measures, the development proposed would still be apparent on the upper east facing slope and crest as residential development, including a somewhat unnatural vegetation pattern.

134. In my view the degree of adverse effect on the natural character of the Bannockburn Inlet and its margin would be Moderate taking into account the low stature of the mitigation planting. A moderate-High effect might be experienced before vegetation matures.
135. Shepherds Creek and its margins - essentially the lower valley of Shepherds Creek - has a higher level of natural character. I would rate this as Moderate-High in degree (given there is a prevalence of introduced weed species albeit in naturalised patterns). The proposed residential development within the BLR area would spill over the crest of the side slope and would reduce the natural character of the valley. This would be in a cumulative way as there are two or three houses further to the southwest which have moved on to the crest (but are located outside the BLR area). The degree of adverse effect would be Low-Moderate in my view.

*Effects on the site's values including the open and rural character and the perceived ruggedness and naturalness of the site's landforms and vegetation patterns.*

136. This has been largely covered under the previous three assessment headings. The area of concern is mainly the change to the values of the Site in the BLR area and within the margins of the water bodies. In my view the value of open rural character would be compromised. The proposal would contradict the purpose and intent of the BLR and the values it is meant to perpetuate and would compromise the open natural character of the margins and skyines/ridgelines.
137. Change from open pastoral character to spacious residential development is expected on the remaining non-BLR of the Site and is not considered to have an adverse effect on site values including heritage and recreational values addressed below.

*Effects on the heritage and recreation values*

138. I rely on the RMM Report and the Kopuwai Consulting Report that the heritage values would be retained, protected and in part enhanced (or re-purposed in an appropriate

manner). It is my understanding there would be no adverse effects on heritage values that would be more than Minor.

139. The Site is endowed with recreational values however it is understood these are at the discretion of the landowner. These are the various trails and the views out from high points. The open space of the Site in itself is a value enabling recreational activity. The ability to walk between Bannockburn and the Inlet is a significant value.
140. A number of interconnected trails are proposed, shown on the RMM Landscape Plan. As stated earlier however apart from paths and open space in Lot 100 (the street) and Lot 30 (the recreation reserve) it is not clear whether there would be access as of right and in perpetuity. If this is not the case, the recreational values are not protected per se. There is no certainty public access would continue across Lot 50 between the “centre” of Bannockburn and the Inlet via Revells Gully as the land is subject to future residential development under RR4 (where not in BLR).
141. The trails could also promote engagement and interaction with the heritage and other site features, however this value is also not protected per se if there are no rights of public access in perpetuity proposed.
142. The proposed recreation reserve would protect the “lookout” value and some of the open space value.

*Visual amenity effects from public places within the surrounding area, particularly from locations east of the site*

143. Visual amenity effects are assessed in the Viewpoint Analysis in the RMM Report over pp. 22 to 33. They are assessed as Negligible to Very Low in the more distant views and Low-Moderate to Moderate in closer range views from the east.
144. I agree that in more distant views (which I define as more than about 3km away), the proposed development is not likely to create an adverse effect on visual amenity that is more than Very Low/Low. I agree this is due to distance and the very small scale of the change in the context of a expansive and rather complex view dominated by surrounding mountain ranges.
145. With increasing proximity to the Site in views from the northeast round to the southeast, the degree of adverse effect on visual amenity increases. In my opinion, the adverse effect would be generally moderate in degree. Effects may escalate to moderate-high and high in degree in specific views where the open natural ridgeline predominantly free of any development is viewed (for example, see my Photos 3-6), or the view is of the skyline

completely free of any development (for example, see my Photo 7). This may be particularly the case with people familiar with and having a strong connection with the area. The adverse effect is primarily due to the loss of the more natural or pastoral open rural character and clean skyline/ridgeline and upper slopes, and the intrusion of residential activity into areas important to the natural character of the Inlet. The breach of containment of the urban area is also an adverse effect on visual coherence in my opinion.

146. I do not consider that the restricted spatial extent of the development that would be visible in context in these closer views from the east; and/or its somewhat set back location (albeit on the exposed side of the knolls and within the BLR area); and/or its location close to existing visible (and more set back and contained) development would be mitigated to the degree adverse effects would be no more than Low or Low-Moderate in degree.
147. I have previously commented at para. 119 that the proposed mitigation planting is of insufficient stature for effective mitigation.
148. The proposed design controls, mitigation planting, increased lot size and reduced number of lots and in particular the deletion of lots on the northern knoll have reduced the degree of potential adverse effect. Inevitably however the visible residential development spilling over the crest through the BLR area and into the marginal landscape settings of the Bannockburn Inlet and Shepherds Creek would have an adverse effect where the visual character of the open, rural and more natural landscape character is valued. The retention of open and more natural skylines, ridgelines and prominent slopes is a key policy to protect amenity values of the rural resource area, which interfaces with RR4 and its BLR area.

#### *Effect on Ecological Values*

149. One issue that has not been addressed is the potential effect on ecological values. It is unknown whether any such values exist as there has been no survey and assessment to confirm one way or the other. If they exist where development is proposed, it is unlikely they would be protected. Proximity to urban development and increased human activity may also affect habitat and species.
150. There appear to be no proposals to carry out revegetation for ecological purposes on Lot 40, 51 or 50 as part of the overall proposal package. The planting that is proposed as shown on the RMM Landscape Plan would have some ecological value but it is unlikely to be any more than Minor in degree.



## **CONSISTENCY WITH KEY PLANNING PROVISIONS**

151. In this section of my evidence I assess the degree to which the proposal is consistent with key planning provisions concerned with landscape matters.

### **RR4 Zone Purpose and Building Line Restriction**

152. I addressed these matters in earlier sections of my evidence (paras. 58-68). In summary it is my view that the intent and function of the BLR would be compromised. In relation to the proposed development within the BLR area, there would be adverse effects on the natural character of water bodies and their margins and on amenity values that would range from moderate to high in degree in my opinion.

153. With respect to Objective 7.1.1 and Policy 7.2.3 the development proposed within the BLR area would not preserve or maintain the existing (contained and visually discreet) built form and character and associated amenity values. It would compromise open landscape value that is important for the amenity of the settlement and wider rural landscape. This would be inconsistent with Policy 6.4.1 Maintenance of Quality of Life within Urban Areas which requires distinct environments such as the rural settlement of Bannockburn to be maintained and enhanced.

154. The remaining part of the proposed subdivision within the RR4 non-BLR area would generally maintain the more open form of low-density rural settlement character and amenity values. Whilst the lot size of 1500m<sup>2</sup>, building height and site coverage limits would not be exceeded, the average lot size is smaller than the average lot size of the neighbourhood. The provision of footpaths is also out of character on Terrace Street.

155. There is potential for the proposed subdivision to substantially provide for public recreational activity and public open space that would be readily accessible from within Bannockburn, in Lot 30, Lot 40, the BLR area of Lot 50, and Lot 51 (including access to and ability to engage with heritage and natural features of the site) (Policies 7.2.4, 7.2.5, Objective 16.3.7, 16.3.8, and Policy 16.4.7). However without enduring protection mechanisms and rights of public access these values are limited to Lot 30 (and Lot 100 the street space).

156. Regarding Policy 7.2.7, whilst the subdivision character within the non-BLR area would complement the character and amenity of Bannockburn, the proposal to extend into the BLR area would compromise the values associated with compact, contained urban form; proximity and access to surrounds of rural open space; and the amenity conferred. Whilst the significant heritage elements would be protected (meeting Objective 16.3.6), the proposal would not provide for the protection of the significant landscape feature of the

open, natural skyline/ridgelines and slopes that form part of valued surrounding rural character and the margins of water bodies. It is unknown whether there are any significant ecological values and whether they would be protected.

157. Re Policy 7.2.8 Management of Change, the major change at the interface between resource areas needs to be considered. It is a core issue in this case (between the Rural Resource area and RR4). It is considered the provisions for protecting landscape values of the Rural Resource area are relevant here, in particular protecting the open natural character amenity values of hills, skylines, prominent places and natural features as well as the margins of water bodies. This aligns with the purpose of the BLR area.
158. The proposal has potential to give effect to Policy 4.4.13 providing public access to significant natural and physical landscape features and areas of value for recreational purposes (refer para. 155 of my evidence).
159. The proposal would not satisfy Objective 16.3.4 which requires amenity values conferred by open space and natural character are not adversely affected by subdivision where appropriate. It is considered that it is appropriate in this case that these values within the BLR area are protected.
160. Re Policy 16.4.7 (g), by expanding the proposed development over the steeper eastern slopes and configuring lots elsewhere within the proposed subdivision so that built form would most likely have to be located on steeper slope, earthworks would not be kept to a minimum.

## **CONCLUSION**

161. My overall conclusion is that the proposed subdivision would have more than minor adverse effects on landscape character, the character of Bannockburn and certain landscape values including visual amenity.
162. The development proposed within the BLR area would compromise its purpose and function. The compact contained nature of the eastern part of Bannockburn would be breached, with development visibly spilling over the containing rim of the Bannockburn basin. This outcome would not promote the visually discreet character of Bannockburn.
163. The open natural to pastoral landscape character of the skyline/ridgeline and eastern slopes, also part of the margin to Shepherds Creek and the Bannockburn Inlet of Lake Dunstan would not be preserved or protected. It would be adversely affected to at least moderate degree. This would result in moderate to high adverse effects on visual amenity

in public and private views looking towards the Site from eastern locations. Effects may be high in the short term, and/or to viewers more familiar and connected with the landscape and who value the open rural character.

164. The mitigation measures proposed would reduce the potential for adverse effect. The proposed planting is considered to be of insufficient stature to provide meaningful containment and screening of built form and domestic activity. Fundamentally, the measures cannot address the transformation of landscape character from rural to residential as viewed from the east.
165. With respect to consistency with existing urban character, the design of the subdivision within the non-BRL RR4 area would in most respects promote a form and character consistent with the existing character.
166. For completeness in the table below I respond very briefly to each of the issues listed at para. 36 of my evidence.

	Issue	Response
a.	The average lot size is not met and the clustering of some dwellings due to Lot configuration and location of building platforms would affect how the subdivision reflects the existing low-density character of Bannockburn	The average lot size is comparable and is not considered to be problematic. The clustering effect remains an issues with respect to Lots 15-20.
b.	The location of 12 lots - wholly or in part - and associated roading within the Building Line Restriction ("BLR"), area which would be clearly visible from many places and adversely affect visual amenity values including skyline effects in a way that is more than minor; development within the BLR area is contrary to the intent and purpose of the overlay and would undermine its ability to contain the built up area	This is considered to remain one of the key issues. The proposed planting and design controls are unable to mitigate the adverse effect. Fundamentally the issue is the change in land use which is inconsistent with the purpose of the BLR; with preserving the natural character of water body margins; and protecting the open natural character of skylines, ridgelines and prominent slopes.
c.	The visual imagery does not clearly show what the proposed development would look like; the photo format is in appropriate for assessment purposes	The imagery in the two Graphic Attachments is only for the purposes of identifying the location of the Site on context. It is appropriate for this purpose. No visual simulations have been provided.
d.	The conclusion of minor adverse landscape and visual amenity effects is incorrect; BRD considers they would be significant.	Based on my analysis, it is my view some adverse effects have been under-assessed. I have assessed most effects as moderate to high.
e.	The proposed design controls and mitigating measures would not adequately address adverse	Design controls and mitigation planting would not adequately mitigate adverse landscape and visual amenity effects. It is my view that

	landscape and visual amenity effects for development within the BLR area	these effects are not able to be mitigated in the BLR area.
f.	Effects of lighting	Except for lighting effects in the BLR area, I do not consider lighting to be an issue.
g.	Matters I had raised in my preliminary assessment as follows:	
	i. Lack of any ecological survey, evaluation and assessment (flora and fauna)	There has been no ecological survey and assessment of values.
	ii. Absence of a plan showing existing site details such as to topography, vegetation, cultural elements, tracks etc.	Detailed contours have been added to the Site plan. Cultural elements and vegetation details are not provided. Heritage elements are shown in detail on the Kopuwai Consulting Plan meaning the two plans have to be read together.
	iii. Weak contextual analysis and evaluation including the purpose and intent of the BLR; addressing the relevance of the margin of the lake and local streams with respect to natural character; addressing matters of openness/open space and natural character generally; identification of visual amenity values from the Lake Dunstan Trail and the surface of the water	More work has been done on the contextual analysis and a broad understanding of the BLR has been demonstrated. The matter of natural character of the Bannockburn Inlet and its margin has been recognised albeit the margin has not be explicitly defined. Shepherds Creek and its margin have not been recognised. The importance of the Site as part of open natural skyline/ridgeline and prominent slope as a valued rural landscape characteristic has not been adequately recognised. No information about activities on the surface of the water have been provided.
	iv. Limited analysis of the significance of the site with respect to landscape character values amenity values and heritage and recreation values (identification of site values)	There is a more informative site analysis which is adequate in most respects. The role of the Site as part of open natural skyline/ridgeline and prominent slope, and as open rural surrounds to Bannockburn as valued rural landscape characteristics has not been adequately recognised.
	v. No analysis of the distinctive character of Bannockburn and the specific amenity values it confers	There has been some analysis of the particular character of the Terrace Street area but this is not explicitly covered in the assessment.
	vi. Inadequate plan of the subdivision to show relationship to site features, no mitigation planting shown	The subdivision plan shows the topographic contours but not other existing features.
	vii. Some viewpoints considered important were not assessed	The viewpoints 1-12 are broadly representative. A couple of additional closer views from the north side of the Kawarau Arm

		and the surface of the water would have rounded out the representative views.
	viii. Without thorough site and contextual analysis and evaluation, the veracity of the conclusions about nature and degree of effect on landscape character, attributes and values is uncertain	My opinion is that some of the adverse effects on landscape character and visual amenity have been under-rated. This may reflect a more thorough analysis and evaluation is required.