

**BEFORE THE COMMISSION
APPOINTED BY THE DUNEDIN CITY COUNCIL**

Under	The Resource Management Act 1991 (the Act or RMA)
IN THE MATTER	of proposed Variation 2 (Additional Housing Capacity) to the Second Generation Dunedin District Plan (2GP)
BY	Fletcher Glass Submitter (OS123.001, OS123.002, OS123.003, OS123.004)

STATEMENT OF EVIDENCE OF TONY DOUGLAS MILNE
Dated: 5 August 2022



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BRIEF OF EVIDENCE OF TONY MILNE

Introduction

1. My full name is Tony Douglas Milne.
2. I am a Landscape Architect and Director of Rough Milne Mitchell Landscape Architects Limited (**RMM**), which is a Christchurch based consultancy established in 2010.
3. I hold a Bachelor of Arts (Geography) degree from the University of Canterbury and a Bachelor of Landscape Architecture degree from Lincoln University. I am a Fellow of the New Zealand Institute of Landscape Architects Inc.
4. RMM having an office on Stuart Street as I, and our company has a very good knowledge of Dunedin. Prior to my involvement with this project, I was very familiar with the area as I was born and bred in Dunedin, my Grandparents previously lived in the North East Valley and my grandfather worked at the Dunedin Botanic Gardens. I know the valley well and have seen it develop overtime. Also, I have found myself spending more of my free time in Dunedin as my daughter is currently a second-year student at Otago University.
5. I have prepared numerous visual impact and landscape assessments and presented expert evidence at council hearings and before the Environment Court and Boards of Inquiry.
6. I have visited the site and surrounding environment four times between July 2021 and August 2022. I have undertaken site visits on foot, and have run/walked and driven the wider valley, especially Signal Hill to understand the site's context. I am familiar with the site and surrounding environment.
7. On behalf of the Submitter RMM have been involved in various aspects of the proposal and in preparing this evidence I have reviewed:

- (a) The relevant parts of the Boffa Miskell Landscape Study¹,
 - (b) The relevant parts of Dunedin City Council's (**Council**) Second Generation District Plan (**2GP**),
 - (c) Mr Luke McKinlay Landscape Architect, Statement of Evidence,
 - (d) The Section 42A Report,
 - (e) The evidence of Mr Conrad Anderson, Resource Management Planner and Director at Anderson & Co Resource Management.
 - (f) The evidence of Mr Kurt Bowen, Principal Surveyor at Patterson Pitts Group.
8. The purpose of my BoE is to respond to the issues raised in Mr Luke McKinlay's Statement of Evidence, dated 6 July 2022. Specifically, the issues raised in Paragraphs 54 – 59, Pages 27 and 28 regarding the Submitters submissions RS206, RS206a, RS77.

Code Of Conduct for Expert Witnesses

9. Although not necessary in respect of council hearings, I can confirm I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note dated 1 December 2014 and agree to comply with it. I have complied with the Code of Conduct in preparing this evidence, and I agree to comply with it while giving oral evidence before the hearing panel. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Background

10. I have been the project lead for developing the Quarry Gardens Masterplan which has assisted in informing the proposed zones. Subsequently, I have been asked by the Submitter to provide evidence

¹ Boffa Miskell Limited 2021. 2GP Landscape Overlays: Review of landscape overlays in Otago Peninsula. Report prepared by Boffa Miskell Limited for Dunedin City Council. 4 February 2021.

in support of the Rezoning Request. I have had no previous involvement in regard to the preparation of submissions regarding this matter.

11. Two appendices form part of my BoE:
 - (a) Appendix 1 – Quarry Gardens Planning Foundation. This appendix contains the relevant site context plan, 2GP planning framework and planning maps.
 - (b) Appendix 2 – Quarry Gardens Masterplan Package. This appendix contains a site analysis and context information, a vision, strategy, opportunities and constraints, and objectives for development on the site, and an overall masterplan.
12. To reduce repetition, I refer to these comprehensive documents throughout my evidence.
13. For reference, the 2GP has zoned the quarry floor as General Residential 2 (**GR2**) Zone and the properties, including part of the site, located along three quarters of Watts Road western side as General Residential 1 (**GR1**) Zone. Refer to Appendix 1, Sheet 3.
14. The areas of proposed zoning have been labelled Areas A – E on Appendix 1, Sheets 6, 8 and 11. I refer to these areas throughout my BoE, rather than the submission numbers, as some of these refer to multiple areas.
15. Mr Anderson, in his Paragraph 6 of his BoE has clearly described the existing and proposed zones within Areas A - E. Therefore, I will not repeat this here.
16. Since the original submission was lodged, a number of changes to the proposed zones has occurred. The purpose of these changes is to respond to issues raised in Mr McKinlay's landscape assessment and further refinement of the masterplan. These changes include:
 - (a) Area B is proposed to be zoned Recreation.
 - (b) The proposed zones within Areas A, B and E have altered, refer to Appendix 1, Sheets 6, 8 and 9. These alterations have been

focused on landform, the consented development, and the masterplan. They are relatively small and do not result in additional development.

- (c) A structure plan is proposed within Area D to assist with the management of future development and to mitigate potential adverse landscape and visual effects. A structure plan is likely to include:
 - (i) Building platforms, including a maximum height of 5 - 6m above fixed datum level.
 - (ii) Restrictions on the exterior cladding of new buildings and structures including dark recessive colours in the range of browns, greens and greys and light reflectively values.²
 - (iii) The location of one shared accessway to each lot within the Large Lot Residential (LLR) Zone.
 - (iv) The enhancement of the vegetation cover within this area. The purpose of the vegetation cover is to continue to provide a vegetated appearance from North East Valley, visually screen future development and enhance ecological values.

Section 42A Landscape Issues

17. Mr McKinlay's landscape assessment of the proposed rezoning is relatively brief. Mr McKinlay concluded that the proposed rezoning is inappropriate. My BoE responds to these issues under the following headings:

- (a) Description of the Site and the Receiving Environment
- (b) The Significant Natural Landscape,
- (c) Rural Character and Amenity,

² 2GP Rule 10.3.6 does not refer to the hue of a colour. As such, this rule provides for pink, yellow and other such visually prominent colours with an LRV of less than 30% to be used within the landscape and coastal overlay areas. The restrictions of colour hue is more prescriptive and provides more certainty that future built form will be finished in dark and visually recessive materials and colours.

- (d) Topography and Steepness, and
- (e) Quarry Gardens Masterplan.

Description of the Site and the Receiving Environment

18. A description of the wider Flagstaff – Mount Cargill SNL area, its landscape values, principal threats, and the key design elements to be required are described in 2GP - Appendix F - A3.3.2.2 and are included in Appendix 1, Sheets 4 and 5.
19. A description of the site and its receiving environment is included on Appendix 2, Sheets 11 – 21. This does not include a description of the landscape values within the site, this is included below.
20. The previous changes to landform, land cover and land use has degraded their landscape attributes to the point where they do not meaningfully contribute the landscape values of the receiving environment, including the broader SNL. The landscape values that remain evident are:
 - (a) The Lindsay Creek, wrapping round the southern end of the quarry floor displays a low degree of natural character. This is due to its highly modified channelled alignment.
 - (b) The underlying volcanic landform has been significantly altered to the point that the underlying biophysical values are of low degree.
 - (c) The site has a moderate degree of sensory values, that stem from:
 - (i) Its quarry and basin like appearance, which is highly modified and is not consistent with the natural landform and visual coherence of the surrounding hillside.
 - (ii) Its predominately vegetated character that contributes to the vegetation cover seen along the lower hill slopes. However, development resulting from the uncontested 2GP zoning and consented development will reduce the extent of this vegetation.

- (iii) Its vegetated character forms a small and modified part of the backdrop to urban Dunedin. It also contributes to the amenity within the North East Valley.
- (d) The associative values of the site stem from its previous quarrying use along with its current informal recreation use by the public, even though it is in private ownership. Also, two Eucalyptus trees³ have been identified as being particularly worthy of protection.

The Significant Natural Landscape

- 21. Mr McKinlay, has assessed the proposed LLR Zone within Area D of the site, concluding that it is inappropriate for residential development due to the significance of the landscape values and their protection under the 2GP framework.
- 22. Mr McKinlay has not referenced the Boffa Miskell Landscape Study, which informed the 2GP. For completeness, this Landscape Study includes a brief review of the proposed zone change within SNL. This assessment concludes that the underlying Rural Zone is supported, rather the LLR Zone, due to Area D's *"elevation and extensive areas of vegetation which contribute to containing development along the valley floor in this area, there is potential that any more extensive residential land use would result in a more prominent and fragmented urban edge contrary to the softened rural edge recognised by this SNL classification"*.⁴
- 23. A description of Mt Cargill's ONL and SNL areas and their landscape values are identified and described in the Boffa Miskell Landscape Study. This information has been adopted by Council and is included in the Significant Natural Landscapes section of the 2GP. Refer to Appendix 1, Sheet 4 and 5.

³ 2GP, A1.3 – T860 and T861

⁴ Boffa Miskell Limited 2021. 2GP Landscape Overlays: Review of landscape overlays in Otago Peninsula. Report prepared by Boffa Miskell Limited for Dunedin City Council. Page 31.

24. The SNL values primarily stem from these lower hill slopes forming part of the larger, legible sequence of volcanic processes and a 'rural' backdrop to the city, that includes lifestyle settlements on the lower slopes. The SNL area is not considered to form part of the ONL because the Mt Cargill ONL is spatially limited to its ridgetop which is a visually legible area defined by native vegetation.
25. The upper part of the site forms the toe end of the SNL and the spur it contains. At a site-specific scale, I agree that the edge of the SNL sits at the upper edge of the quarry face, as there are no other notable and logical land form features within the area that would form its edge.
26. Even though the site forms part of this large SNL, it lacks most landscape attributes that contribute to Mt Cargill's significant biophysical, and associative landscape values. The landscape attributes it does contain are the underlying volcanic landform, which Dunedin is based on. Also, this area forms a very small part, 2.9ha, of the outer town belt, that contains lifestyle development in similar areas on the lower slopes.
27. The SNL including Area D has been identified as having "*high levels of visibility from significant population centres and major roads*"⁵ including Baldwin Street, it contributes to Mt Cargill's sensory landscape values.
28. The vegetation within Area D is highly visible from within North East Valley, although this does vary throughout the Valley. I do not necessarily agree that it has "*high levels of visibility from significant population centres and major roads*". However, to alleviate this issue, it is considered the top edge of the quarry can be bolstered by way of additional vegetation. Additional vegetation along the accessway and within future lots can screen future development within Area D from the majority of the North East Valley.
29. If small parts of development within Area D are seen, the dark recessive colouring of future built form along with future vegetation will settle it into this area.

⁵ 2GP, A3.3.2.2 b. xii

30. In addition to built form, accessways are a common element that can result in adverse effects. Watts Road provides access to Area D and the masterplan (Refer Appendix 1, Sheet 10) identifies that an accessway can provide access to all eight future properties where it can be enclosed by future vegetation so it will not be seen from beyond the site.
31. Based on the above, I consider that future development provided for by the LLR Zone within Area D, along with a structure plan will have little effect on the overall perceptual values of the SNL.
32. Overall, I consider that the proposed LLR Zone will maintain the landscape values of Mt Cargill's Significant Natural Landscape.

Rural Character and Amenity

33. Mr McKinlay considers that the site forms an important component of the wider rural setting as it contributes significantly to the visual amenity of the surrounding area; reasons a - c below. Therefore, he does not support rezoning from a rural character or visual amenity perspective.
 - (a) The site is seen in the context of the surrounding rural hill slopes on the north-western side of North East Valley,
 - (b) These slopes form a largely natural counterpoint to the nearby residential areas, and
 - (c) The site and surrounding rural hill slopes are highly prominent to residents on the south-eastern side of North East Valley.
34. I agree with Mr McKinlay that the site is seen in the context of the surrounding rural hill slopes, and they form a counterpoint to the nearby residential areas. However, regarding the changes to the proposal, and a difference in professional opinion, I consider the following:

Area A

35. Area A contains an approved 14-lot residential development, and the underlying 2GP zoning is currently R1Z, albeit the edges of the R1Z should reflect the extent of this consented development.

36. The 2GP's pattern of zoning, in part, appears to conform with the density of existing development, rather than providing for an intensification of residential development within green and brown field sites close to the city centre.
37. Area A contains many landscape attributes that are consistent with the adjacent GR2 Z within the quarry floor, which will provide for a higher density of residential development. Also, its location lends itself to physically and visually form part of the overall Quarry Gardens development.
38. When considering the National Policy Statement for Urban Design (**NPS-UD**), the site analysis information demonstrates that the overall site is well located and well connected to the urban environment, outside of the flood plain that can accommodate residential development. Based on this, I consider that a higher density of development is appropriate.

Area B

39. The zoning for Area B has been change to Recreation to prevent the quarry face being zoned Rural. This is because if the immediately surrounding land is zoned LLR or GR2, and on its own this small area does not entirely contain the landscape attributes that contribute to the rural character of the wider area.
40. Also, the Recreation Zone will reflect the potential network of trails on the quarry face, and will continue to provide for the protection of the vegetation within this area.

Area C

41. Area C is situated between the existing development on the western side of Watts Road and future residential development on the quarry floor. It is also immediately south of the consented and more elevated development within Area B.
42. Area C does not contain any significant stands of native vegetation. Also, its treed character, due to its low-lying location and immediate surrounds is more in keeping with the tree lined Lindsay Creek as it is situated in

an urban environment, when compared with the characteristic of the rural environment to the north.

43. Due to the above, even though visible and contributing to the vegetated character and amenity of the North East Valley, future development within Area C is considered as infill development. Also, development in this area will not result in a net loss of the green belt contributed by the vegetated and open pasture rural hill slopes to the north.

Area D

44. Area D includes land zoned LLR that is outside the SNL, however it will be included in the proposed structure plan.
45. Based on the masterplan and outcomes sought for the proposed structure plans, one additional property and dwelling can be well absorbed into the residential area located along the majority of both sides of Watts Road.

Area E

46. The steep, vegetated, south-east facing hillside where the GR2 Zone within Area E is located, are the key landscape attributes that contribute to the sensory and associative landscape values within this part of the site.
47. Future development provided for by the GR2 Zone will impact on these landscape attributes and in particular the sensory landscape values.
48. However, the sites' location and connectedness to the surrounding urban areas and city centre, and this development being situated in a similar context (i.e. slope and aspect) where other such development has occurred within the Valley (for example, 18 - 73 Buccleugh Street) and the wider Dunedin area indicates some development, if it is well designed, can sit comfortably within this area of the site.
49. I acknowledge that further feasibility studies would need to be undertaken in regard to residential development within Area E, but when one considers the guidance given by the NPS-UD (Part 2 Objectives and Policies) and in the context of the balance of the site, rezoning is

considered appropriate and would result in future urban form that would be compatible with the surrounding Valley environment. A structure plan for this area is considered a useful tool to guide future development and would provide Council and the community certainty on how development in this area would occur.

50. Based on the above, I consider that future development provided for by the proposed GR2 Zone within Areas A, C and E, the LLR Zone within Area D and the Recreation Zone within Area B, will maintain the key attributes that contribute to the rural character and amenity, and therefore it will maintain the landscape values of the surrounding rural hill slopes on the north-western side of North East Valley. Also, the future residential development will be well connected with the urban environment within this part of Dunedin City.

Topography and Gradient

51. Mr McKinlay places weight on the gradient of the topography, and south and south-east facing slope within the site for recommending all proposed zoning be declined.
52. The site analysis illustrates that steep topography and south and south-east facing slopes are limited to Areas B and E. Therefore, these reasons do not add to the justification for why future development within Areas A, C and D should not occur. It is also recommended that no future development will occur within Area B.
53. Regarding Area E, I have reviewed the potential shading⁶ of this area. In particular during the winter months, in which this hillside is relatively shaded.
54. The Indicative Masterplan illustrates that development will be located through the central part of this hillside. The earthworks required to accommodate this type of development will be extensive, that is likely to increase solar gain. Additionally, housing typology in this area will also influence solar gain.

⁶ Appendix 2 - RMM Quarry Gardens Masterplan Package. Sheets 20 – 21.

55. With regard to this, I acknowledge that solar gain will be limited during the winter months which is not uncommon in Dunedin. During the remainder of the year Area E has good solar gain.
56. My experience of development on steeper slopes is that if designed well, future built form can sit comfortably within the landscape and earthworks associated with roads and building, can in time be appropriately mitigated.
57. Therefore overall, I believe Mr McKinlay has missed the point here. The factors he identifies are matters that can be addressed through a comprehensive and considered design process, as well as a resource consent process where these matters are also considered.
58. Within the 2GP, policy provisions will dictate the form of future development within Area E. The question that needs to be addressed here is, is the rezoning appropriate in regard to managing effects on the identified landscape values that need to be protected. I am satisfied potential adverse effects can be appropriately managed.

Quarry Gardens Masterplan

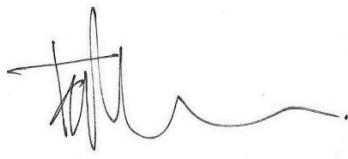
59. I have attached an Indicative Masterplan Package and Indicative Masterplan at Appendix 2 and also at Appendix 1 Sheet 10. I note that the Indicative Masterplan is intended to outline one feasible development outcome based on the proposed planning provisions. It is not intended to be part of the regulatory outcomes, and while care has been taken to show outcomes that might be reasonably expected at this stage, the proposed development will be subject to subdivision and resource consents which will ensure that the outcomes sought by the rezoning and the 2GP are met.
60. In particular, I note that there is no commitment to deliver the development as it is shown, and that the development shown in Area E in particular is subject to infrastructure and geotechnical constraints and further work is needed to confirm feasibility.

61. As part of the development of the Indicative Masterplan an extensive site analysis was undertaken, a vision and objectives developed with the Submitter. The masterplan response has been landscape and urban design led and is a sympathetic response to the attributes and qualities of the site. It provides a vision for the logical extension of the urban fabric of the Valley in a comprehensive landscape setting that shapes and defines the areas of residential development within the site.
62. In my opinion the Indicative Masterplan, provides a clearer picture of the overall vision for the proposed quarry development, rather than a zoning plan does. In particular the extent to which the proposed areas of residential development will be enclosed and framed by the underlying topography and vegetation, and the gradation of density from comprehensive development on the quarry floor to more 'conventional' suburban densities on the 'edges' and low-density houses set in a revegetated landscape on the toe of the spur (that hasn't been previously quarried).
63. The higher density residential area on the quarry floor and lower slopes will have a good level of accessibility to North East Valley, and will be bordered by the future high-quality margins of the adjacent Lindsay Creek.
64. The lower density development on the spur makes provision for revegetation within the private lots to enhance the vegetation patterns that extend up the hill from the quarry face.
65. If the quarry floor was to be developed in accordance with the masterplan, one can envisage a small café/community centre and a neighbourhood pocket park providing a meeting place for future communities. A series of walking and cycling tracks would provide future recreational opportunities for residents and the wider public.
66. The Indicative Masterplan demonstrates that the rezoning and the provisions in the 2GP can create a high-quality urban form and character, with a range of housing types and densities, and high-quality amenities and open spaces close to the centre of the city.

Conclusion

67. Overall, the changes to the landscape attributes that will result from future development within the site will have little impact on the landscape values of Mt Cargill. These changes may at most result in a slight loss to the overall rural character and the amenity it affords, however, the development will not be discordant with the existing and anticipated development patterns within the north-western side of North East Valley.

Date: 5 August

A handwritten signature in black ink, appearing to read 'Tony Milne', with a stylized, cursive script.

Tony Milne