



Statement of Evidence of **Paddy Baxter**

**Wooing Tree Covid -19 (Fast Track Consenting) Act 2020 Application by Wooing Tree Property Development (WTPD) LP**

in response to urban design matters

26<sup>th</sup> July 2021

**INTRODUCTION**

1. My name is Paddy Baxter. I am a director of Baxter Design Group Ltd and have held that position since 1998. Prior to that I was a senior Landscape Architect at Boffa Miskell Partners from 1989 to 1998 in Queenstown. I have been a Registered Landscape Architect since 1994 and have been a practicing Landscape Architect based in Queenstown since 1989. I hold a Bachelor of Science degree (Geography major) from Canterbury University (1982) and a Diploma in Landscape Architecture (1984) from Lincoln University.
2. I have 32 years of experience as a landscape architect and urban designer, working on projects throughout New Zealand and the South Pacific. This has included both design work and the undertaking of landscape and visual assessments and urban design reporting associated with numerous development proposals in most Districts of New Zealand, with a significant portion of that work undertaken in the southern lakes area of Otago.
3. I have prepared numerous reports and evidence for a variety of projects and have presented expert evidence at both council hearings and before the Environment Court.
4. Baxter Design have been retained by Wooing Tree Partnership Development LP (WTPD) since 2019. Our role has been in the preparation of the masterplan, urban design and landscape reports, design control documentation, design control application reviews from lot purchasers, the preparation of construction documentation for the Stage 1 residential area (completed) and ongoing design and masterplanning.
5. Baxter Design prepared the Urban Design and Landscape Report 2021 referred to by Neil Penney as Urban Design Consultant for the Central Otago District Council (CODC).
6. In this response I address the following, with particular regard to urban design related matters. I describe changes made to the application in response to matters raised by CODC and their consultants, in particular the matters raised by Mr Penney, and I assess those changes in regards to urban design outcomes.

- The scale and character of the proposed setbacks on the boundaries adjacent to SH6 and SH8B
  - The form and character of the Wooing Tree residential development including street amenity the amenity outcome of the Wooing Tree Design Guidelines
  - The location and character of the relocated winery / gateway buildings.
  - The location and character of the relocated hospitality centre
  - The location of the proposed underpass and changes made in the masterplan to accommodate that underpass
  - The change in lot numbers and density
  - Open space and connectivity
7. Attached to this response are a set of **Attachments A-F**, including plans, diagrams and photographs which I shall refer to during the course of this evidence.

### **SETBACKS FROM BOUNDARIES / RURAL EDGE**

8. I am aware that the proposed 15 metre buffer does not comply with the 30-metre rural zone provided for in the District Plan. The proposed buffer is set out on my **Attachment A**. The 30-metre rural zone buffer in the District Plan provides for separation from lot boundaries to the State Highway Boundary. No guidance is given to the look and feel of that buffer and no requirements for such are contained in the District Plan.
9. Although there appears to be a vineyard texture overlay on the original Wooing Tree Plan Change 12 application plan, in the absence of any District Plan controls over that space, that is largely fanciful and would not be unrealistic to expect that buffer to be largely grassed, possibly with some tree planting on that edge. Given also that the edge would adjoin the southern boundary of lots it would also not be unrealistic to expect solid fencing to occur along those lot edges for the purpose of noise abatement and privacy.
10. I refer to the buffer proposed by WTPD on the SH6 and SH8B boundaries on my **Attachment F**. The proposed design solution is a bespoke response to provide for an appropriate rural edge, whilst also addressing matters such as noise and privacy. WTPD are proposing conditions to protect the vine planting against removal and ensure that vineyard amenity remains intact. The buffer proposal will relocate existing grape vines and run those vines parallel to the State Highway. I note that this has already been undertaken in the vicinity of the corner of Shortcut Road and SH8B, on the WTPD site, with the relocated vines successfully established and healthy.
11. The proposed buffer layout shows 5 rows of vine running parallel to the State Highways on a gentle slope rising away from the highways to a high point approximately 1.8m in height, with a grassed flat area adjacent to the State Highways. The X - section on **Attachment F** describes this. Adjacent to the adjoining lot boundaries, a short north facing slope would be mass planted in indigenous shrubs, including pittosporum, psuedopanax and hebe. Dwellings are set back 3 metres from the lot boundary.
12. I also note that the Wooing Tree Estate Design Guidelines allow only traditional rural post and wire fencing on all lot boundaries adjoining reserves, common areas and roads as well as stringent controls on dwelling heights and claddings, well above that which the zoning requires.

13. I consider that a 30- metre setback, compared to the WTPD proposal, without any planting or amenity requirements, is in effect just a 30 - metre residential / urban setback with little rural character. Similar 30 metre setbacks do exist along SH8B and examples of these are shown on my **Attachment D**. In general, those existing 30 metre buffers are of a low landscape quality, often with the rear of commercial buildings adjoining those buffers. This is not a case of the proposed WTPD buffer treatment fitting in with a quality consistent landscape buffer treatment but rather a case of the WTPD treatment setting a high level of amenity that is not currently evident in many parts of that buffer adjoining the State Highway.
14. In the absence of any controls, such as prescribed in the Wooing Tree Estate Design Guidelines, the visual outcome would not be rural but more a detached / separated urban edge. Neill Penney states *'the reduced setback along with the proposed low – level remnant vineyard plantings and unsightly views into residential 'back yards' and rear fences, will do little to restrict sightlines, provide adequate visual amenity, spatial separation and noise attenuation'*<sup>1</sup>. I am aware that Mr Penney did not have the detailed buffer proposal as attached to this evidence at the time of writing.
15. I refer to **Attachment D** again, in particular photo 2 on that attachment. In the absence of any planting or treatment I consider this view, whilst not unattractive, to be urban, not rural and not unlike that described by Mr Penney, although without the rear fences that would likely be installed on the south side of lots, in the absence of controls, for privacy and noise attenuation (I understand that the proposed buffer meets the noise attenuation requirements).
16. Prior to the rezoning of the WTPD site, the Wooing Tree vineyard provided an attractive edge to Cromwell and the State Highway. That quickly became a celebrated and recognised part of the Cromwell town character and a key character component of those SH corridors. The WTPD buffer will protect that rural vineyard amenity. Whilst the buffer within the WTPD is 15 metres to lot boundary, the effective separation from road edge to dwellings is approximately 24 metres (**refer Attachment F**). In formulating the proposed buffer design, consideration was given to avoid the creation of a 'wall' to the State Highway, so often a tool used to screen residential development, to the detriment of wider views (**refer photo C Attachment C** by way of example). I considered it important to maintain the views over any buffer area, allowing views from roads to the enclosing mountains that define the Clutha valley. Photo 1 on **Attachment F** shows a raised vineyard are of a similar height to that proposed (1.8m). Even without leaf, in the winter months, distant views behind are still maintained and an appropriate level of screening will be maintained.
17. I consider that the combination of grape and grass will define and protect the rural character of this road corridor, maintaining a reference to the important viticultural component of the wider Cromwell character. I consider that the proposed buffer will enable a high-quality landscape amenity such that the visual effects and character effects on the travelling public and users of the state highway, when glimpsing the residential areas of Wooing Tree, will be less than minor due to the quality of the landscape buffer works proposed.
18. I have also recommended that dwelling heights on those lots adjoining SH6 and SH8B be restricted to 6 metres. Portions of roof and wall will still be visible from the State Highway however those views will not be adverse as described below.

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<sup>1</sup> Neill Penney Statement of Evidence WTPD 30 June 2021 para 29

## THE WOONG TREE ESTATE DESIGN GUIDELINES

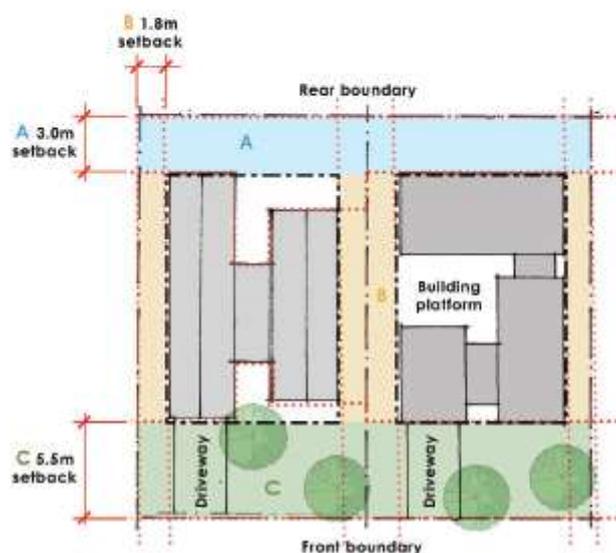
19. Baxter Design have worked closely with WTPD to develop the Woong Tree Estate Design Guidelines and ensure a unique and high-quality outcome to the visual amenity of the Woong Tree residential areas. The 'look and feel' of the residential neighbourhood of WTPD will be distinctly different from the existing traditional Cromwell residential neighbourhoods. This will be achieved through the application of the Woong Tree Estate Design Guidelines which are fundamental to the amenity outcome of the development, setting the proposed development aside from others in the District and giving it a unique and distinctive character.
20. From my experience (at Jacks Point and Millbrook for example) there are two important components that define neighbourhood character, both of which can be controlled without too onerous rules. These are (a) the appearance of dwellings and the edge of the lots adjoining legal roads and streets and (b) the character of the streets themselves.
21. Baxter Design have worked closely with CODC reserves staff to create a street character that is uniquely Cromwell. **Attachment B** shows the entry to Stage 1 of the WTPD site and the streetscape. Mass planting of native grasses and shrubs with cherry trees, Crow's Nest Poplars and upright Elms, together with stone walling and post and rail details, define that street character.
22. Within each lot the Woong Tree Estate Design Guidelines control the architectural form, the appearance of dwellings and the landscape outcome. The Woong Tree Estate Design Guidelines seek to provide a consistent outcome of colour and claddings, similar in part to the Jacks Point amenity, by way of example.

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Excerpt from Woong Tree Estate Design Guidelines 2021

23. I have an ongoing role in the approval of individual dwellings through the Wooing Tree Estate Design Guidelines application process in Stage 1 of the development and can confirm that the dwellings applied for have conformed with the controls and that process is working well to date, with applicants understanding and buying into the value outcome of such design controls.
24. An important part of the controls is the treatment of the street edge, within the lots. The Wooing Tree Estate Design Guidelines require hedging along all street boundaries and returning 5 metres back into each lot. Paling fences and other solid walls are not permitted on the street edges. The outcome of this control, in combination with a requirement for at least 2 trees per lot to be planted within that 5 metres setback, will be a continuous soft 'green' street edge.



Excerpt from Wooing Tree Estate Design Guidelines 2021

25. The outcome of applying appropriate architectural controls, lot edge and landscape controls, and well-designed streets, is a high-quality site-wide development amenity that differs considerably from traditional residential character. In effect, the green street amenity is 'spread' into lots and not just contained within the width of the legal road.
26. I consider this outcome to be more 'rural' by virtue of appearance, offering a masterplanned cohesive alpine rural village with a contiguous form and hue, as opposed to the more varied and unpredictable urban outcome of traditional suburban development.

## WINERY / GATEWAY BUILDINGS / UNDERPASS

27. The WTPD masterplan (**Attachment A**) has been revised since the application to the EPA under the Covid-19 (Fast Track Consenting) Act 2020, largely in response to matters raised in the CODC reports. The retail main street precinct has been removed and the masterplan now shows the following:
- A winery / cellar door on the western side of the entry from SH8B, with a footprint of approximately 350m<sup>2</sup>.
  - Tourism / hospitality associated retail facilities on the eastern side of the entry from SH8A, with a footprint of approximately 500m<sup>2</sup>.
  - A proposed underpass adjacent to the cellar door, with a revised lot layout north of that underpass, enabling safe and clear pedestrian egress to the commercial facilities and the wider residential areas.
28. **Attachment G** shows initial architectural renders undertaken for the winery / cellar door building. Although the renders are not in completed elevation format, they nevertheless indicate a gabled structure of a scale and character that I would consider appropriate to a pedestrian orientated experience, and in keeping with the wider Central Otago vernacular.
29. A large lot is located to the west of the cellar door site. Whilst it is shown as Visitor Accommodation on the revised masterplan, I have not assessed it as part of this report, on the understanding that a resource consent for the use of that lot will be sought at a later date. It is my view however that, should this site be developed for visitor accommodation, it would add visitor numbers and benefit the Cromwell Town Centre, given the close proximity of the State Highway underpass to the Town Centre. Any future development in this lot should also be subject to appropriate architectural controls, especially in regards to height and cladding, similar to the adjacent retail structures and would also be behind the proposed landscape buffer edge.
30. In my view, there is a clear advantage to locating the winery and tourism / hospitality structures close to the State Highway, whilst still maintaining a strong landscape presence around those buildings, and keeping them as close as possible to the existing Cromwell Town Centre. There is a balance between proximity to the Cromwell Town Centre and still maintaining an appropriate character to that edge.
31. I believe that there is an opportunity here to reinforce the 'gateway' entry to Cromwell. Works associated with the proposed State Highway roundabout will provide that opportunity. Recent works on the south side of SH8B have opened the view from the State Highway to the Cromwell Town Centre buildings.
32. I am currently working with the designers of that roundabout to tie landscape works in with the look and feel of works undertaken in the vicinity of the Big Fruit and through to the entry to the WTPD site. In my view, appropriately designed buildings of the scale and size discussed in this report, have the ability to bookend this space, creating a strong gateway into Cromwell Township and further accentuating the wider urban precinct that includes the existing Town Centre. Traffic coming from the east will be visually directed towards the Cromwell Town Centre by way of the roundabout.

33. I note that the scale of the designed State Highway roundabout will provide a further green buffer to that edge and I am working with the engineers and landscape architects on the 'look and feel' of that roundabout, ensuring that it will tie in with the proposed development on the WTPD site. I do not consider that a 15-metre setback is required to the south of the winery and tourism / hospitality structures, given the setback provided by the roundabout landscape works and internal space. In reality those structures are well set back from both the western and eastern sightline corridors of SH8B and there is plenty of outdoor open green space around the winery and tourism / hospitality structures for quality landscape works to be undertaken.
34. The winery building will be visible from State Highway; however, it will be a clear and visible link to the vineyard frame surrounding the site. I consider the revised location to be a preferable location for the winery building as it will have closer association with both the visible vineyard and with the Cromwell Town centre. I have been involved with the design and masterplanning of several winery buildings and, without exception, the financial viability of those operations is always linked to visibility from the surrounding road network.
35. The proposed structure is relatively small, being 350m<sup>2</sup> in size, a size that I consider is relatively modest in scale, appropriate to the boutique nature of the winery operation and in keeping with the scale of other wineries in this area.
36. Likewise, I consider that the proposed tourism / hospitality structure on the opposite side of the entry (**Attachment A**) is of an appropriate scale and are in an appropriate location. That structure, together with the winery structure, will both impart a relatively modest scale and form that compliments the existing Cromwell Town Centre. There is an opportunity here to ensure that both facilities have similar and complimentary architectural finishes to each other, further complimenting that rural village edge. Both would be located within approximately 230 -280 metres from the closest buildings in the Cromwell Town Centre, close enough in my view to be an extension of the town and a northern edge to the existing town centre, as opposed to being competing elements to the town centre. Referring to paragraph 44 of the evidence of Neil Penney, I note that this walking distance<sup>2</sup> is comfortably within the accepted and recommended Urban Design walkability distances.
37. I also note that the permitted height of structures within the BRA (Business Resource Area – Wooing Tree Overlay) is 10 metres. Whilst this may be appropriate within the centre of the site, I would consider that a more appropriate height may be lower than that in order to maintain an appropriate scale.
38. In summary, the WTPD now proposes 850m<sup>2</sup> of retail development, including the winery, approximately 21% of that permitted in the District Plan BRA activity area in the Wooing Tree Overlay, well connected to the existing town centre and at an appropriate distance and of an appropriate scale.
39. **Attachment A** shows the amended location of the proposed underpass under SH 8B. I concur with Neil Penney on this matter, agreeing that an underpass is a critical component of the development matrix, ensuring walkability and good connectivity between the WTPD and the Cromwell Town Centre
40. I have reviewed other options for the location of this and consider this to be an appropriate location for the underpass for the following reasons:

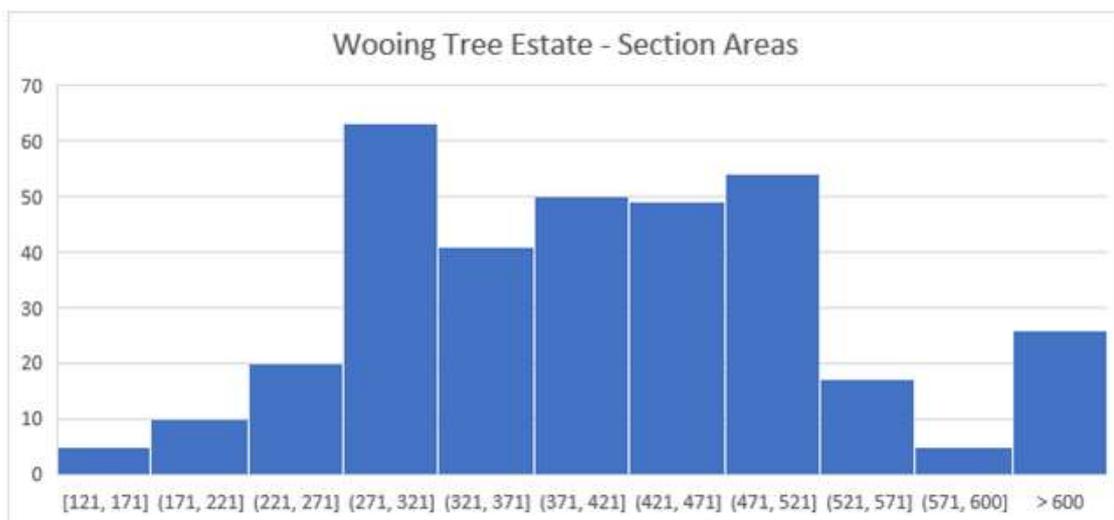
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<sup>2</sup> Neill Penney Statement of Evidence WTPD 30 June 2021 para 44

- (a) It has direct connectivity to the reserve and town centre located south of SH8B and can be easily integrated into that open space on the south side of SH8B
- (b) There is sufficient space to enable the entry to the underpass to be appropriately designed, allowing good light and landscape in the minor 'valley' that is required to enable acceptable pedestrian path grades.
- (c) The northern exit of the underpass would be located adjacent to the cellar door, enabling ease of access and open direct connectivity to that facility.
- (d) The lot layout has been amended to enable the alignment of the underpass on the north side with the street pattern, enabling a clear view to the north and a quality designed entry and exit to the underpass to be developed.

## RESIDENTIAL TYPOLOGIES NUMBERS AND DENSITIES

41. Plan Change 12 (CODC District Plan) granted subdivision for a maximum of 210 dwellings, including 50 lots at 350m<sup>2</sup> in size, 100 lots at 400m<sup>2</sup> in size and 60 lots over 1000m<sup>2</sup>. WTPD propose 360 lots, varying in size. The graph below shows the range of lot sizes within the Wooing Tree site, with the bulk of lots being within the 271m<sup>2</sup> to 521m<sup>2</sup> range. The median lot size is around 350-450 m<sup>2</sup>.



Source: WTPD July 2021

42. The median lot size sought is smaller than that considered in the District Plan and similar in density and yield to other developments that I have been recently associated with. Over the last few decades, there has been a significant decline in average lot size throughout New Zealand. This is a result of lower affordability and availability of larger properties, resulting in the downsizing of new builds.
43. Neil Penney in his paragraph states '*only two possible housing types are promoted by the WTPD masterplan; 43 lots for medium density housing and 289 lots of low density residential lots. 12% of the residential area set aside for medium density only is not a broad range of housing typologies*<sup>3</sup>'. I disagree with this statement. The diverse mix of lot sizes sought by WTDP, as indicated by the graph above, provides

<sup>3</sup> Neill Penney Statement of Evidence WTPD 30 June 2021 para 57.4

a broad range of housing typologies and will provide housing to a wider range of buyers than that set out in the District Plan.

44. My **Attachment H** shows lot sizes. I note that generally the larger lots are those bordering SH6 and SH8B. Those lots described as Medium Density Residential describe those lots to be delivered as comprehensive housing, as fully developed 'house and land packages', to market. The rest of the lots, described as "General Residential", would be sold as land packages, subject to the Wooing Tree Estate Design Guidelines.
45. In comparison, the District plan also provides for large lots (1000m<sup>2</sup>) , predominantly around the edges of the development, with the intention of providing a rural edge and character. It is my view that those larger lots will decrease affordability as lot size is the single largest determinant of land price and will not impart a rural edge, for reasons described in this evidence.
46. Smaller lots have less opportunity for landscaping and tree planting. To that end, smaller lot sizes require design controls with more attention to street and lot landscaping to retain a green amenity. It is my view that the Wooing Tree Design Guidelines proposed (and already being implemented) by WTPD will achieve that and that a rural amenity can be achieved with tools other than simply having larger lots.
47. The Cromwell Spatial plan<sup>4</sup> ' considered an appropriate density for residential density on the Wooing Tree site to be in the order of 15-20 dwellings / hectare. I note that Wooing Tree site is 24.4 ha which, with 360 residential lots, gives it an overall ratio of 14.2 residential lots per hectare (**Attachment A**).
48. If that calculation is recalculated and does not include the combined lot areas of the the cellar door, winery, tourism / hospitality, visitor accommodation and pre school area (being 1.114 ha in size) then the available residential land reduces to 24.3 ha, a ratio of 14.8 residential lots per hectare. This method of calculation includes roading, ROW's (JOALS) and open space. In my view this is the correct method of calculating residential density and the one that should be applied to this site.
49. If one were to apply Mr Penneys method (the net site area less roading, open space and JOALS), as described above, then the lot density calculation is 24.4 residential lots per hectare. The Cromwell Spatial Framework Plan sets a target of between 15 - 20 homes per hectare. The difference is marginal (that difference between 20 and 24) and, in my view, that increase in density would have little to nil visible effect on the residential character outcome, from both internal and external views.
50. I have described the visual effects of traditional subdivision on this site, in the absence of design controls and appropriately designed buffers. In my opinion an increase in lot numbers does not automatically translate to a loss of rural character.
51. Typically, any level of rural character and amenity of a subdivision is only partly controlled by lot size and number. Another overlay is required to ensure that rural character is maintained and that can only come by way of either (a) very large lots sizes (above say 4000m<sup>2</sup>) with designated building platforms or (b) by well developed controls. A pattern of continuous 1000m<sup>2</sup> lots does not necessarily impart a rural character and there are no rules within the existing CODC District Plan ensuring there would be a rural amenity outcome for those 1000m<sup>2</sup> lots in the Wooing Tree Overlay Plans contained within the District Plan. Without control and guidance those 1000m<sup>2</sup> lots would more than likely simply appear as urban development. I note that

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<sup>4</sup> Spatial Plan Objective 5 Residential Development and Amenity page 22

historically 1000 m<sup>2</sup> lots (quarter acre) defined the New Zealand urban landscape. In my view rigorous controls, as set out in the Wooing Tree Estate Design Guidelines, will ensure that this development has a well crafted rural village amenity, as described earlier in my evidence.

52. In summary, the underlying zone provisions do not have the rigour or control of the Wooing Tree Estate Design Guidelines, which I consider to be fundamental in ensuring a quality rural amenity outcome the WTDP development.
53. I acknowledge that there is a reduction in green space, from that shown on the Wooing Tree Plan Change 12 application plan, however that requirement has not been translated into the Wooing Tree site overlay in the District Plan. The proposed WTPD masterplan provides ample open space with strong vista opportunities and connectivity, both within the site, to the existing Cromwell Town Centre, SH 6 and the Lake Dunstan walkway system and beyond.
54. The predominant green space on the masterplan is the Central Reserve (**Attachment A**), being a 400 - metre long green space, connecting both physically and visually with the Wooing Tree reserve and the 'Greenway' access to the State Highway. That extends to the northeast connecting by greenspace to Shortcut Road and onto the wider lakeside walkway connections to the north. Connectivity within the site has been enabled furthermore by a secondary west – east connection between Road 7 and Magnum Drive. In my view the connectivity options are thorough and extensive and will provide a variety of walking options within the site.