

Before Queenstown Lakes District Council

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In the matter of            The Resource Management Act 1991

And                            The Queenstown Lakes District Proposed District Plan Topic 13  
Queenstown Mapping – Group 1B (Queenstown Urban (Frankton and  
South))

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**SUMMARY STATEMENT OF EVIDENCE OF CAREY VIVIAN FOR**

Ritchie Kerr Architects Submitter # 048

Dated 21 August 2017

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## SUMMARY EVIDENCE

- 1 My name is Carey Vivian.
- 2 My Evidence in Chief dated 9 June 2017 outlines my experience and qualifications relevant to this evidence in respect of the Queenstown Mapping Hearings of the Proposed District Plan (PDP).
- 3 Since the circulation of my evidence, the Council has circulated rebuttal evidence. I have read the rebuttal evidence of Mr. Watts (geotechnical), Ms. Banks (traffic) and Ms. Banks (planning).
- 4 At paragraph 5.1 of her rebuttal evidence Ms. Banks notes that in her section 42A report she rejects the subject submission based on natural hazard risks and the lack of detailed information in order to determine the appropriateness of rezoning the site.
- 5 Mr. Bryant, an experienced geotechnical engineer, has presented evidence in relation to natural hazards and concludes that rockfall represents the most significant threat but the risk to dwellings is considered to be very low to extremely low. Mr. Bryant considers the risk could be mitigated by construction of a protection structure, such as a fence or bund, on the upslope side of any habitable structure and thus considers the property is suitable for a range of zoning options. I rely on Mr. Bryant's expertise and experience in this matter.
- 6 At paragraph 5.5 of her rebuttal evidence, Ms. Banks states:

"Whilst it may be possible to address natural hazards at resource consent stage, I consider that the rezoning of land would set an expectation that the density of development could be achieved across the entire zoned area. Furthermore, the same considerations apply as noted in my paragraph 3.9 above. Therefore, I remain opposed to this submission, and I consider that the Rural zone provides a more appropriate framework for the consideration of future housing proposals via resource consent. The Rural zone would not set any unrealistic expectation over the density of development that could be achieved on the site."
- 7 With respect to density, an alternative zoning to LDRZ could be Large Lot Residential Zone (LLRZ) with a specific minimum lot of a 1,000m<sup>2</sup> for the subject site. LLRZ, in my opinion, suits the subject site for the following reasons:
  - o The subject site serves as a buffer between higher density residential areas and rural areas that are located outside UGB<sup>1</sup>;
  - o The subject site can be fully serviced<sup>2</sup>;

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<sup>1</sup> Provision 11.1 Zone Standard – Paragraph 1.

<sup>2</sup> Provision 11.1 Zone Standard – Paragraph 2.

- Potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls can be imposed at the time of subdivision.<sup>3</sup>
  - The zone recognises some areas are subject to natural hazards and it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.<sup>4</sup>
- 8 I have attached as **Attachment CV3** to this summary the relatively minor changes that would need to be made to Chapter 11 LLRZ and Chapter 27 Subdivision and Development. In particular I recommend:
- That any dwelling, residential unit, or residential flat at Kelvin Peninsula LLRZ be a restricted discretionary activity with discretion restricted to the mitigation of natural hazards.
  - That the maximum ground floor area of any building at Kelvin Heights be 35% of the net site area and anything above this be a restricted discretionary activity including natural hazard mitigation.
  - That the site density be set at a maximum of one residential unit per 1000m<sup>2</sup> net site area at Kelvin Peninsula.
  - That the net area for subdivision be set at 1000m<sup>2</sup> at Kelvin Peninsula.
- 9 I do not consider there are any jurisdictional issues in going to a lesser density residential zoning.

Carey Vivian

21 August 2017

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<sup>3</sup> Provision 11.1 Zone Standard – Paragraph 4.

<sup>4</sup> Provision 11.1 Zone Standard – Paragraph 6.

## Attachment CV3

- (1) Amend provision 11.1 Zone Purpose as follows:

"The Large Lot Residential Zone provides low density living opportunities within defined Urban Growth Boundaries. The zone also serves as a buffer between higher density residential areas and rural areas that are located outside of Urban Growth Boundaries.

The zone generally provides for a density of one residence every 4000m<sup>2</sup>. Identified areas have a residential density of one residence every 1000m<sup>2</sup> or 2000m<sup>2</sup> to provide for a more efficient development pattern to utilise the Council's water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space.

Being located within the Urban Growth Boundaries, a higher density of allotments could be appropriate in some areas where it would not exceed infrastructure capacity, degrade the established pattern of development or amenity values within established neighbourhoods.

The potential adverse effects of buildings are controlled by bulk and location, colour and lighting standards and, where required, design and landscaping controls imposed at the time of subdivision.

While development is anticipated in the zone, some areas are subject to natural hazards and, where applicable, it is anticipated that development will recognise and manage the risks of natural hazards at the time of subdivision.

Pursuant to Section 86(b)(3) of the RMA, Rule 11.5.5 has immediate legal effect."

- (2) Amend Table 11.4 as follows:

Table 1	Activities located in the Large Lot Residential Zone	Activity Status
11.4.2a	Dwelling, Residential Unit, Residential Flat	P
11.4.2b	<u>Dwelling, Residential Unit, Residential Flat at Kelvin Peninsula with discretion restricted to:</u>  <u>The mitigation of natural hazards.</u>	<u>RD</u>

- (3) Amend Table 11.5 Rules – Standards for Activities as follows:

Table 2	Standards for Activities	Non-compliance Status
11.5.2	Building Coverage	RD

	<p>a. The maximum ground floor area of any building shall be 15% of the net site area.</p> <p><u>b. The maximum ground floor area of any building at Kelvin Heights shall be 35% of the net site area.</u></p> <p>Discretion is restricted to all of the following:</p> <ul style="list-style-type: none"> <li>• The effect on open space, character and amenity.</li> <li>• Effects on views and outlook from neighbouring properties.</li> <li>• Visual dominance of buildings.</li> <li>• The ability to provide opportunities for garden plantings and landscaping.</li> <li>• <u>The mitigation of natural Hazards at Kelvin Peninsula.</u></li> </ul>	
11.5.9	<p>Residential Density</p> <p>A maximum of one residential unit per 4000m<sup>2</sup> net site area, except:</p> <p>a. 2000m<sup>2</sup> net site area on sites located between Studholme Road and Meadowstone Drive.</p> <p><u>b. 1000m<sup>2</sup> net site area on sites located at Kelvin Peninsula.</u></p>	RD

(4) Amend Rule 27.5.1 as follows:

Zone		Minimum Lot Size
Residential	Large Lot Residential	<p>4000m<sup>2</sup></p> <p>2000m<sup>2</sup> in the following locations:</p> <p>Between Studholme Road and Meadowstone Drive</p> <p><u>1000m<sup>2</sup> at Kelvin Peninsula</u></p>