

**QUEENSTOWN-LAKES DISTRICT COUICL  
PROPOSED DISTRICT PLAN HEARING – STREAM 4- SUBDIVISION**

**IN THE MATTER**

of a hearing on submissions to the Proposed District Plan (Stream 4) pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

**CABO LIMITED**

**JIM VEINT**

**SKIPP WILLIAMSON**

**DAVID BROOMFIELD**

**SCOTT CONWAY**

**RICHARD HANSEN**

**BRENT HERDSON AND JOANNE PHELAN**

Submitters

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**EVIDENCE OF CAREY VIVIAN**

**(PLANNER)**

**15 July 2016**

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## 1. Introduction

- 1.1 My name is Carey Vivian. I hold the qualification of Bachelor of Resource and Environmental Planning (Hons) from Massey University. I have been a full member of the New Zealand Planning Institute since 2000. I am a director of Vivian and Espie Limited, a resource management, urban design and landscape planning consultancy based in Queenstown. I have been practising as a resource management planner in twenty-one years, having held previous positions with Davie Lovell-Smith in Christchurch; and the Queenstown Lakes District Council (QLDC or the Council), Civic Corporation Limited, Clark Fortune McDonald and Associates and Woodlot Properties Limited in Queenstown.
- 1.2 I have read the Code of Conduct for Expert Witnesses contained within the Environment Court Practice Note 2014 and agree to comply with it. This evidence is within my area of expertise, except where I state that I am relying on information I have been given by another person. I confirm that I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed herein.

## 2. Purpose and Scope of this Evidence

- 2.1 The purpose of this evidence is to assist the Hearings Panel on matters within my expertise of resource management planning in relation to the submissions grouped as follows:

### Urban

- DAVID BROOMFIELD
- BRENT HERDSON AND JOANNE PHELAN

### Rural Residential and Rural Lifestyle Zone

- CABO LIMITED
- SKIPP WILLIAMSON
- DAVID BROOMFIELD
- SCOTT CONWAY
- RICHARD HANSEN

on the subdivision provisions of the Proposed District Plan.

## 3. Background

- 3.1 I note for the record in preparing this evidence I have had the benefit in reading the section 42A reports produced by Mr Bryce. I am in general agreement with Mr Bryce's recommendations in respect of matters to which my clients have made submissions. To that extent I rely on Mr Bryce's section 32 evaluation and the remainder of my brief evidence makes suggestions as to improvements to the wording of the two rules recommended by Mr Bryce.
- 3.2 In preparing this evidence I am mindful of the amended mandatory legal criteria the Panel must consider as set out in *Colonial Vineyard v Marlborough District Council* [2014] NZEnvC 55. This includes:
- (a) Accords with section 75(1) and assists the Council to carry out its functions (s 31) so as to achieve the purpose of the Act (s 72).
  - (b) Gives effect to National Policy Statements that are relevant (section 73(3)(a));
  - (c) Gives effect to the Otago Regional Policy Statement (section 75(3)(c));
  - (d) Has had regard to any relevant management plans and strategies under other Acts, and to any relevant entry in the Historic Places Register (section 74(2)(b));
  - (e) Takes into account any relevant planning document recognised by an iwi authority;
  - (f) Does not have regard to trade competition (section 74(3)).
- 3.3 I confirm, to the best of my knowledge, that (a) and (c) are of most relevance hearing of this particular chapter of the PDP. Mr Bryce has traversed these issues adequately in his report. I do not intend to repeat them, but I do refer to them in my discussions where relevant.
- 3.4 I confirm the recommendations contained in this evidence all assist the Council to carry out its functions so as to achieve the purpose of the Act.

## 4. Submissions

- 4.1 The primary issue of concern to my clients is analysed as Issue 1 in Mr Bryce's section 42A report. This is the controlled activity default status for subdivision across all zones (except Rural Areas). It is addressed in Part 10 of Mr Bryce's report.
- 4.2 At paragraph 10.14 of his report, Mr Bryce states that in reviewing the Chapter 27 section 32 evaluation and submissions, he believes there are three key matters that require addressing with regard to the rule framework relevant to this issue. They include:
1. The activity status of rules and the ability to respond to subdivision variability and design.

2. Efficiencies of administration; and
3. Ability to declines substandard subdivision.

**4.4** Mr Bryce states at paragraph 10.16 of his report that the key issue identified in the section 32 evaluation is that the ODP contains insufficient emphasis on the critical design elements of subdivision and development, such as roading and allotment layout, open spaces, inter-subdivision and external connections and vegetation management. Mr Bryce's concludes the that section 32A evaluation considers the ODP chapter is ineffective at encouraging good subdivision design, particularly in the context of creating good neighbourhoods for residents and taking opportunities to integrate with existing neighbourhoods and facilities. Mr Bryce further states:

*"It goes onto the state that the proposed Discretionary Activity framework is able to respond to the variable nature of subdivision and the magnitude of issues that need to be addressed, recognising that there is no single prescribed design for every subdivision. It concludes that a Discretionary Activity regime helps focus importance of good quality subdivision design."*

### **Urban Subdivision**

**4.5** With respect to urban subdivision, at paragraph 10.7 Mr Bryce notes that there are no direct monitoring reports to ascertain how effective the ODP provisions are. However in his review of the monitoring reports supporting the District's urban zones, he says it is evident that the effectiveness of the current controlled activity regime driving at good urban design is an issue, particularly within the **LDRZ**. To that extent Mr Bryce relies on an Urban Design Critique prepared by Boffa Miskell which assessed seven recent (in the last 40 years) subdivisions across the district.

**4.6** While it is easy to critique urban design of historic subdivisions in the district, it is a lot harder to ascertain if those greenfield subdivisions could have been improved had a different class of rule been applied to them at the time they were considered by Council. I therefore question the weight Mr Bryce places on the critique, given some of the subdivisions in the report are nearly forty years old.

**4.7** That said, having read Mr Bryce's report, I agree with him that there is some merit in changing to a RDA regime (as recommended by Mr Bryce) for urban subdivision in the District. In particular I agree with his conclusions a RDA could result in better urban design outcomes for (particularly) greenfield subdivisions.

**4.8** My primary concern with the RDA regime is the uncertainty and cost may discourage infill development in existing neighbourhoods. These are the one or two lot subdivisions in the LDRZ. However I agree a

RDA overall, has the potential to improve the standard of urban development across the District for the reasons expressed in Mr Bryce's report and that is, in my opinion, more important.

**4.9** Mr Bryce recommends the following RDA rule:

*27.5.5 All subdivision activities contained within urban areas identified within the District's Urban Growth Boundaries and includes the following zones:*

...

*Discretion is restricted to all of the following:*

- *Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;*
- *The extent to which the subdivision design achieves the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines;*
- *Property access and roading*
- *Esplanade provision*
- *Natural hazards*
- *Fire fighting water supply*
- *Water supply*
- *Stormwater disposal*
- *Sewage treatment and disposal*
- *Energy supply and telecommunications*
- *Open space and recreation, and*
- *Easements*

**4.10** I do not see any need for Mr Bryce's first bullet point where zones have a minimum lot size and non-compliance with that minimum lot size results in a non-complying activity. I therefore recommend the wording of this Rule could be simplified/improved as follows:

*27.5.5 Subdivision (excluding boundary adjustments) within urban areas within the District's Urban Growth Boundaries shall be a Restricted Discretionary Activity in respect of:*

- *Subdivision design, in particular extent to which the subdivision design achieves the subdivision and urban design principles and outcomes set out in QLDC Subdivision Design Guidelines;*
- *Esplanade provision (where relevant)*
- *Natural hazards*
- *Services*
- *Open space and recreation, and*
- *Easements*

*In addition to above, where there is no specified minimum lot size under Rule 27.6, discretion shall include whether the proposed lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the proposed land use.*

**Rural Residential (RR) and Rural Lifestyle (RL) Subdivision**

**4.11** Mr Bryce also recommends a RDA for RR and RL subdivision as follows:

27.5.6 All subdivision activities in the District's Rural Residential and Rural Lifestyle Zones Discretion is restricted to all of the following:

- *In the Rural Lifestyle Zone the location of buildings platforms;*
- *Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use;*
- *Subdivision design including:*
  - *the extent to which the design maintains and enhances rural living character, landscape values and visual amenity;*
  - *the extent to which the location of building platforms could adversely affect adjoining non residential land uses;*
  - *orientation of lots to optimise solar gain for buildings and developments;*
  - *the effects of potential development within the subdivision on views from surrounding properties;*
  - *In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;*
  - *In the Rural Residential Zone at the north end of Lake Hayes, whether and to what extent there is the opportunity to protect and restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes;*
- *Property access and roading*
- *Esplanade provision*
- *Natural hazards*

**4.12** I agree with the reasons Mr Bryce recommends RDA over the Discretionary activity regime proposed in the PDP. To that extent agree with, and adopt his section 32 evaluation, as it relates to a RDA regime in RR and RL Zones. However I do not agree with the all of the restrictions should a RDA regime be adopted as recommended by Mr Bryce.

**4.13** Firstly I disagree that “*Lot sizes, averages and dimensions, including whether the lot is of sufficient size and dimensions to effectively fulfil the intended purpose of the land use*” needs to be included for the same reasons expressed for the urban RDA rule above. Both the RR and RL zones contain minimum or average lot sizes.

**4.14** Secondly I consider the words “*In the Rural Lifestyle Zone the location of buildings platforms*” should fall under the third bullet point “*Subdivision Design including*” as the identification of building platforms is integral to how subdivisions are designed in the RL Zone. Additionally, now that the 1 hectare minimum lot size has been deleted from the PDP, the identification of building platforms will become even more integral to subdivision design.

**4.15** Thirdly I do not agree with the inclusion of the matter “*the effects of potential development within the subdivision on views from surrounding properties*” for the reason that the “*maintenance and enhancement rural living character, landscape values and visual amenity*” is already a matter of restriction. The inclusion of private views is in my opinion very subjective and likely to lead to

complications in processing RDA on a non-notified basis (particularly if written approvals are required but not obtained).

**4.16** For similar reasons I also disagree with the restriction “*the extent to which the location of building platforms could adversely affect adjoining non-residential land uses*”. The Rural Lifestyle Zone has been designed to integrate with the wider Rural Area through larger lot sizes, larger setbacks and the identification of building platforms at the time of subdivision. There is no need, in my opinion, to be concerned with reverse sensitivity effects as a matters of restriction under the RDA regime.

**4.17** I also note that Mr Bryce has not included “Services” in his list of restrictions. I consider it is important to include services, especially if buildings within building platforms is to become more permissive.

**4.18** I therefore recommend the adoption of Rule 27.5.6 as follows:

*27.5.6 All subdivision (excluding complying boundary adjustments) in the Rural Residential and Rural Lifestyle Zones shall be a restricted discretionary activity in respect of the following matters:*

- *Subdivision design including:*
  - *the location of Building Platforms in the Rural Lifestyle Zone;*
  - *the extent to which the design maintains and enhances rural living character, landscape values and visual amenity;*
  - *orientation of lots to optimise solar gain for buildings and developments;*
  - *In the case of the Makarora Rural Lifestyle Zone, the concentration or clustering of built form to areas with high potential to absorb development, while retaining areas which are more sensitive in their natural state;*
  - *In the Rural Residential Zone at the north end of Lake Hayes, whether and to what extent there is the opportunity to protect and restore wetland areas in order to assist in reducing the volume of nutrients entering Mill Creek and Lake Hayes;*
- *Property access and roading*
- *Services*
- *Esplanade provision*
- *Natural hazards*

Carey Vivian

15 July 2016