

**QUEENSTOWN-LAKES DISTRICT COUNCIL
PROPOSED DISTRICT PLAN HEARING – STREAM 14**

IN THE MATTER

of a hearing on submissions to the Proposed District Plan Stage 2 and Variation 1 pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

MARTIN MCDONALD AND SONYA ANDERSON

Submitter #451 and #454

EVIDENCE OF CAREY VIVIAN

(PLANNER)

13 JUNE 2018

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 practicing as a resource management planner for twenty-two 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. Stage 1 Submissions

- 2.1 This evidence addresses the original submissions of Martin McDonald and Sonya Anderson (herein called “**the submission**” or “**the submitter**”) on Stage 1 of the Proposed District Plan.

Submission #451

- 2.2 Submission #451 relates to the zoning of their property at 51 Walnut Lane and adjoining properties. This is addressed in Part 22 of Ms Vanstone’s 42A report. I note the submission was lodged prior to the Bridesdale Special Housing Area which adjoins the southern boundary of the submitters property being approved. The submission can be divided into three parts:

- (1) Their property which is zoned Rural Lifestyle Zone and LDRZ; and
- (2) The adjoining Bridesdale land to the south of their property; and
- (3) The proposed LDRZ and location of the UGB over 45A-C Erskine Street.

- 2.3 I discuss each of these submission points in turn.
- 2.4 With respect to their own property the submission seeks the adoption of the proposed RLZ. However, it is noted that their property also includes a slither of LDRZ/UGB as shown in the map below (submitters property labelled 121):



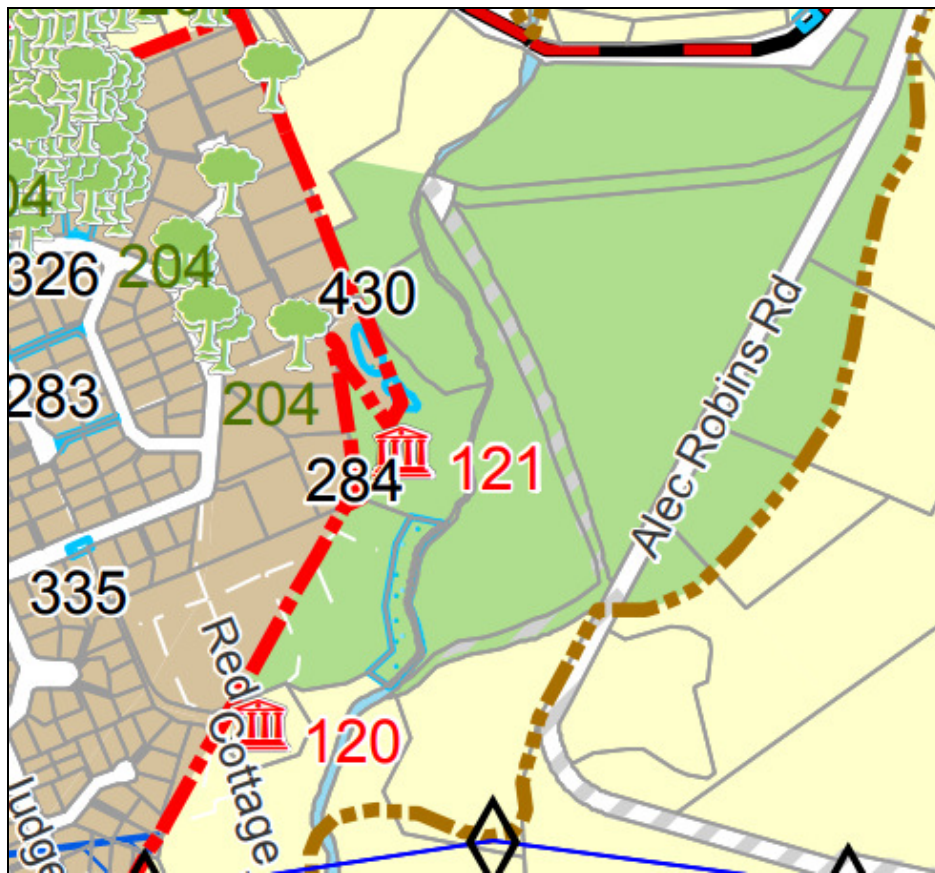
- 2.5 The submitters are not opposed this small area of LDRZ over their property, however note the LDR/RLZ boundary makes little sense on the ground. In my opinion, given the Bridesdale development to the south and Ms Vanstone's recommendation to change that area (up against the submitters southern boundary) to MDRZ, RLZ makes little sense over the subject property anymore. I, however, acknowledge there is no scope to change the RLZ.
- 2.6 With respect to the Bridesdale development to the south of their property, the submitters have now accepted that is *fait accompli* and the underlying zoning now means very little.
- 2.7 Similarly, with respect to the proposed LDRZ and location of the UGB over 45A-C Erskine Street, the submitters accept Ms Vanstone's recommendation to reject the submission. It is noted that the submitters no longer oppose LDRZ over 45A-C Erskine Street and therefore agreement with Ms Vanstone's recommendation (paragraph 22.9).

Submission #454

- 2.8 Submission #454 relates to the proposed Stage 1 Rural Lifestyle Zoning to the east of the McDonald's

property. I understand this submission was deferred to Stage 2, however I can not see where this submission is reported on in the Stage 2 section 42A reports.

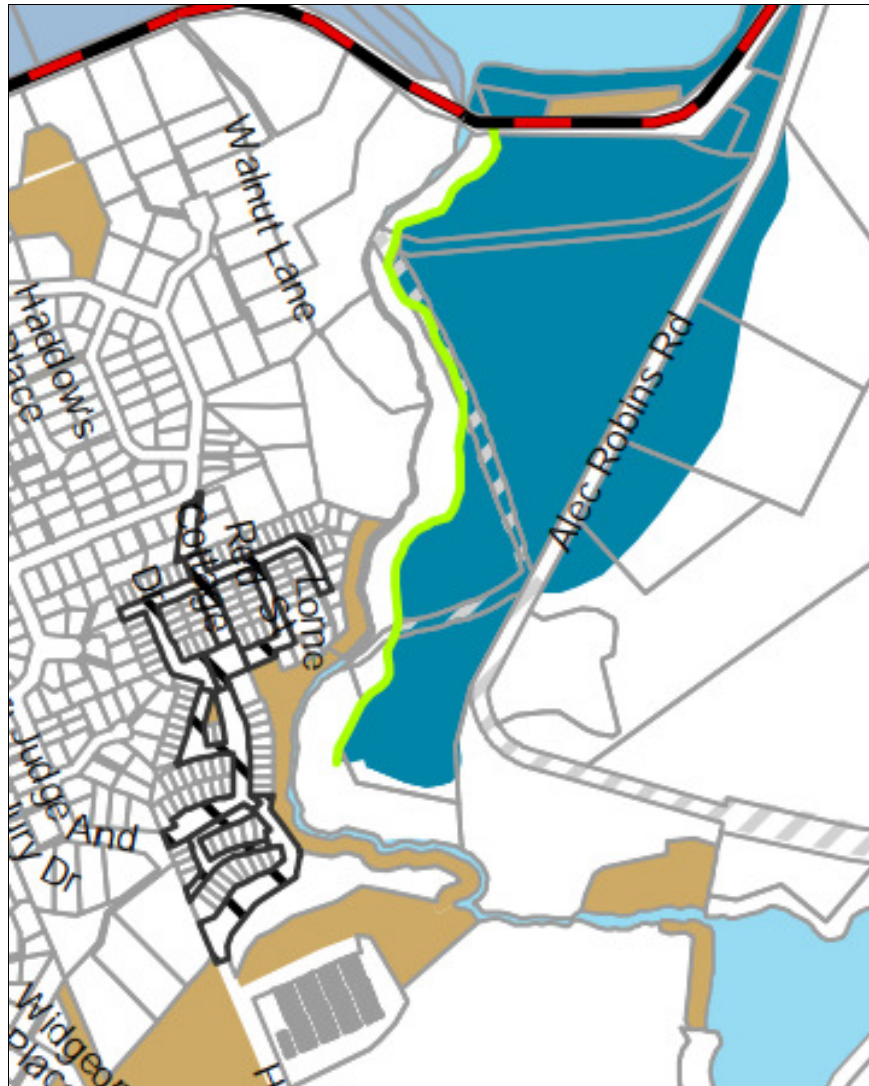
- 2.9 The submission supported the proposed Rural Lifestyle Zoning adjoining the adjoining property on the western side of Hayes Creek subject to the imposition of a building restriction area being placed over the steep faces that face their property. Planning Map 30 shows the extent of the adjoining Rural Lifestyle Zone (the submitters property is where the heritage item #121 is shown, Hayes Creek is where the 1 in the number 121 is shown):



- 2.10 The extent of the requested no build restriction, as sought in the submission, is shown on the plans below:



2.11 Under Variation 1 the Rural Lifestyle Zoning on the eastern side of Hayes Creek has been changed to WBLP (from the top of the escarpment to the east). The WBLP zone has been set back from Hayes Creek with a Landscape Feature line running along the escarpment. The submitter's support this as being consistent with their original submission.



2.12 The WBLP zoning is considered at Part 43 (page 128) of Mr Langman’s section 42A report in response to the Robin’s submission. At paragraph 43.4 Mr Langman states:

I accept Ms Gilbert’s evidence. Given this, the removal of the Landscape Feature will not adversely impact on the landscape character and amenity values of the Basin. The removal of it, and the zoning combined, is will appropriately implement s42A Objectives 24.2.1 and 24.2.5; and associated policies 24.2.1.3, 24.2.1.5, 24.2.1.8, 24.2.1.9, 24.2.5.1, and I recommend that the submission be accepted.

2.13 Ms Gilbert considers the submission at Part 44 (page 108) of her evidence. At paragraph 44.2 Ms Gilbert states:

- 44.1 This submission supports the notified zoning of their land within LCU 14 as Precinct.
- 44.2 The submission also requests the deletion of the 50m Landscape Feature setback within LCU 14 as a consequence of:
 - (a) the requirement to Rule 24.5.7 which requires a minimum setback of 30m for buildings from waterbodies; and
 - (b) the close proximity of urban development (Lake Hayes Estate) on the western side of Hayes

Creek opposite the submitter's land.

2.14 I understand from this that submitter (#2398) does not seek the extension of the WBLP from the Landscape Feature line to Hayes Creek. This is consistent with the submitters original submission #454.

2.15 With respect to that part of the submission (#2398) that seeks the deletion of the Landscape Feature line Ms Gilbert states:

44.3 I acknowledge that the context of the Landscape Feature line in this location is quite different to other circumstances within the Basin. The Landscape Feature line corresponds to the upper edge of the Hayes Creek 'cliff' edge and is opposite the Lake Hayes and Bridesdale urban areas. Further, unlike the Shotover River where the Landscape Feature setback is also applied, Hayes Creek is not an ONF (or an ONL).

44.4 I also note that the recently approved Bridesdale development applies an approximately 30m setback from the western side of Hayes Creek.

44.5 For these reasons I do not oppose the deletion of the Landscape Feature line from the eastern edge of Hayes Creek as requested by the submitter.

2.16 I also note that the Landscape Feature lines purpose is described in Part 24.1 of the WBRAZ as follows:

While the Zone and Precinct do not contain Outstanding Natural Features or Landscapes, they do contain part of the District's distinctive and high amenity value landscapes and are located adjacent to or nearby Outstanding Natural Features and Landscapes. Some land within the Precinct has been identified as being of particular landscape sensitivity. A rule requiring a setback of buildings and development from these identified landscape features as shown on the planning maps requires that an assessment is undertaken to ensure the values of these landscapes are maintained.

2.17 I agree with Ms Gilbert that Hayes Creek is not identified as either a ONF or an ONL, however it is a *"distinctive and high amenity area"* and is located nearby ONF's (Lake Hayes) and ONL's (Shotover River corridor). The Hayes Creek corridor additionally, in my opinion, has high natural character and recreational potential that could be adversely affected by a line of development along the terrace edge. The preservation of the natural character of river margins and maintenance and enhancement of public access to and long rivers is a matter of national importance under the RMA. It is therefore, in my opinion, of having *"high landscape sensitivity"* in recognition of natural character and potential recreational values.

2.18 I also consider that Ms Gilbert has overlooked the fact that while WBLP sub-zone is set back from Hayes Creek (and I understand there is no scope in the Robin's submission to move the WBLP zoning closer to Hayes Creek) the proposed WBLP sub-zone adjoins Rural Lifestyle Zoning (including the submitters property) which effectively acts as a buffer between the WBLP and the urban area of Lake Hayes. In other words, the WBLP does not adjoin Lake Hayes urban area directly.

2.19 While the WBLP sub-zone has been set back from Hayes Creek, the submitters are still concerned at the

status of the zoning the land between the Landscape Feature and Hayes Creek, noting under Stage 1 it was Rural Lifestyle and is not included in the Stage 2 variation. While the submitters consider this land would be best zoned Rural Zone, there may be a scope issue in doing so given Variation 1 did not seek this. The submitters consider that if this land is to be zoned Rural Lifestyle (consistent with their property) or WBLP sub-zone then it should still contain the Building Restriction Area as sought by their original submission.

2.20 Overall, I recommend the following:

- (a) That the WBLP sub-zone as notified in Variation 1 be approved; and
- (b) That the Landscape Feature Line as notified in Variation 1 be approved; and
- (c) That the balance area between the WBLP sub-zone / Landscape Feature line boundary and Hayes Creek be confirmed as Rural Lifestyle Zone with a no build restriction applying to it.