

**BEFORE THE HEARINGS PANEL
FOR THE PROPOSED QUEENSTOWN LAKES DISTRICT PLAN**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes Proposed
District Plan

AND

IN THE MATTER of Hearing Submission 60

**STATEMENT OF EVIDENCE OF NICHOLAS KARL GEDDES
ON BEHALF OF**

M & M Hansen (#60)

Dated 06th August 2018

1.0 QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Nicholas Karl Geddes. I hold a degree of Bachelor of Science majoring in Geography and Graduate Diploma in Environmental Science from Otago University.
- 1.2 I have fifteen years' experience as a resource management practitioner, with past positions as a Planner in local Government in Auckland, private practice in Queenstown and contract work in London, England. I have been a practicing consultant involved in a wide range of developments, district plan policy development and the preparation and presentation of expert evidence before Councils.
- 1.3 I was employed by a Queenstown consultancy in 1999 before moving to Auckland City Council in 2001 where I held a senior planning position with Auckland City Environments. Leaving Auckland in 2005 I worked in London as a planner for two and a half years before returning to Queenstown where I have been practicing as a planning consultant since. I currently hold a planning consultant position with Clark Fortune McDonald & Associates Limited.
- 1.4 I have read the Code of Conduct for Expert Witnesses in the Environment Court consolidated Practice Note (2014). I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 1.5 I authored submissions on Stage 1 of the plan review, prepared evidence and attended hearings in relation to the following submissions: 121, 228, 233, 235, 314, 323, 328 336, 342, 338, 347, 354, 411, 414 & 715.
- 1.6 I authored submissions on Stage 2 of the plan review and/or have prepared evidence in relation to the following submissions: 2332, 2254, 2247-2249, 2400, 2250, 2252, 2298 & 2300.

2.0 SCOPE OF EVIDENCE

- 2.1 The purpose of this evidence is to assist the Hearings Panel within my expertise of resource management planning in relation to the submission lodged by Mr Mike Hansen on the Queenstown Lakes Proposed District Plan.
- 2.2 I have prepared evidence where I assess and explain:
 - a) Submission 60, part 3 / page 2;
 - b) QLDC Reporting on Submission 60, part 4 / page 3;
 - c) Proposed District Plan, part 5 / page 4;

- d) Part 2 of the Act, part 6 / page 4;
- e) Section 32AA, part 7 / page 5;

2.3 In the preparation of this evidence I have reviewed the following:

- a. Stage 1 Section 32 Evaluation Reports, Council s.42A Reports and QLDC right-of-reply for the following PDP Chapters; Strategic Chapters 3-6 and Residential;
- b. Stage 2 s.42A reports by prepared on behalf of QLDC by Ms Amy Bowbyes, Ms Rosalind Devlin and Ms Vicki Jones;
- c. Stage 2 associated evidence submitted on behalf of QLDC prepared by Mr David Smith and Mr Stuart Crosswell.
- d. The relevant submissions and further submissions of other submitters.

Abbreviations:

Queenstown Lakes District Council - "QLDC"
Proposed District Plan – "PDP"
Operative District Plan – "ODP"
Resource Management Act 1991 – "The Act"
Lower Density Suburban Residential Zone – "LDSR"

3.0 SUBMISSION 60

- 3.1 Mike and Maureen Hansen own land located at 19 Stewart Street, Frankton. This property is located on the edge of a historic lake terrace where land located on the western side (lakeside) falls to provide a level terrace area over 4-14 Lake Avenue (Lot 2 DP 18123) which is a visitor accommodation sub-zone and currently contains the Frankton Arms Tavern and a mixture of visitor accommodation and long-term lease hold residential uses.
- 3.2 In establishing the current uses at 4 Lake Avenue the land has been cut and filled to locate accommodation wings with adequate vehicle access and parking. A topographical cross section of 4-14 Lake View and 19 Stewart St is contained in Appendix 1 to my evidence along with an aerial overview.
- 3.3 Mr Hansen offers further background to the origins of the visitor accommodation sub-zone in the primary submission. It is accepted that visitor accommodation on the site at 4-14 Lake Avenue outdates the ODP along with visitor accommodation in the camping ground which is some distance further to the west of the Frankton Arms Tavern.

- 3.4 I consider commercial visitor accommodation operations grow as visitor numbers to Queenstown increase. Any potential growth or development on the site has the potential to compromise residential amenity within 13 properties which adjoin to the east.
- 3.5 The impact of future development on 4-14 Lake Avenue motivated adjoining owners (at the time) to lodge submissions on the ODP to ensure that any future development at 4-14 Lake Avenue would not compromise residential amenity values with particular reference to outlook, daylight and dominance.
- 3.6 Submissions on the ODP residential zone lead to the inclusion of a bespoke provision in the ODP's Zone Standard for Height [7.5.6.3 (iii) (a) (vii)] which reads:

"The maximum height for buildings located within the Visitor Accommodation Sub-Zone located on Lake Avenue, Frankton shall be 7 metres and in addition no building or part of any building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum)."

My emphasis added.

- 3.7 The height control set by way of datum is detailed on the cross section contained in Appendix 1 along with the 7m rolling height limit. Importantly, there is a strip of land identified on the cross section and the aerial image which remains slightly downslope of residential properties to the east and appears outside the 2m setback from the boundary.
- 3.8 Without the datum component in the height standard a building can be constructed up to 7m in height along this strip of "original ground" where any building or structure above 2m would entirely remove and compromise the outlook currently enjoyed on adjoining residential properties and result in adverse effects of dominance.
- 3.9 It is likely (but dependent on design) that there could also be adverse effects in terms of a loss of sunlight and privacy as a result of any future building at 4-14 Lake Avenue when located on the strip of original ground depicted in Appendix 1.

4.0 QLDC REPORTING ON SUBMISSION 60

- 4.1 Submission 60 was lodged as part of Stage 1 proceedings and at paragraphs 10.64 and 10.65 the s.42A report for Lower Density Suburban Residential determined it was more appropriate to address the outcome sought by submission as part of matters relating to visitor accommodation and deferred to Stage 2 of the District Plan Review. This was further confirmed to the submitter through correspondence contained in Appendix 2 to my evidence.

- 4.2 Submission 60 is not recorded or addressed as part of the s.42A reporting relating to hearing stream 15.
- 4.3 It is noted that the s.42A for Lower Density Suburban Residential confirms the current submission is not alone as similar relief is contained in submissions 144 (P Sherriff), 206 (L Jackson) and 66 (K Syme).

5.0 PROPOSED DISTRICT PLAN

- 5.1 Without the datum height standard within the LDSR zone the future development of the adjoining site at 4 Lake Avenue there is potential for development on this property to preclude all outlook from 13 residential properties numbered 13-33 (odd numbers only) Stewart Street. I believe the consequential loss of residential amenity is contrary to the following parts of the PDP:

Objective

- 3.2.6 The District's residents and communities are able to provide for their social, cultural and economic wellbeing and their health and safety.

Objective

- 4.2.2B Urban development within Urban Growth Boundaries that maintains and enhances the environment and rural amenity and protects Outstanding Natural Landscapes and Outstanding Natural Features, and areas supporting significant indigenous flora and fauna.

Objective

- 7.2.1 Development within the zone provides for a mix of compatible suburban densities and a high amenity low density residential living environment for residents as well as users of public spaces within the zone.

Policy

- 7.2.1.2 Encourage an intensity of development that maximises the efficient use of the land in a way that is compatible with the scale and character of existing suburban residential development, and maintains suburban residential amenity values including predominantly detached building forms, and predominantly one to two storey building heights.

Policy

- 7.2.1.3 Ensure that the height, bulk and location of development maintains the suburban-intensity character of the zone, and maintains the amenity values enjoyed by users of neighbouring properties, in particular, privacy and access to sunlight.

My emphasis added

6.0 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

6.1 Without the datum height standard within the LDSR zone the future development of the adjoining site at 4-14 Lake Avenue there is potential for development on this property to preclude all outlook from 13 residential properties numbered 13-33 (odd numbers only) Stewart Street. I believe the consequential loss of residential amenity is contrary to the following parts of Part 2 of the Act:

6.2 Part 5 (2) (c)

*“In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while - avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

My emphasis added

6.3 Part 7 (c)

“In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to— the maintenance and enhancement of amenity values.”

7.0 SECTION 32AA

7.1 The primary submission clearly requests that the bespoke datum provision be inserted into the provisions of the residential chapter. The Stage 2 notified variation to Stage 1 does not account for the deferment of the primary submission.

7.2 Primary relief as confirmed by submission 60 requires the underlined text is inserted where I have referenced the adjoining property by legal description as opposed to “Visitor Accommodation Sub-Zone located on Lake Avenue, Frankton”.

LOWER DENSITY SUBURBAN RESIDENTIAL 7

7.5 Rules - Standards

	Standards for activities in the Low Density Residential Zone	Non-compliance status
7.5.2	Building Height (for sloping sites)	NC

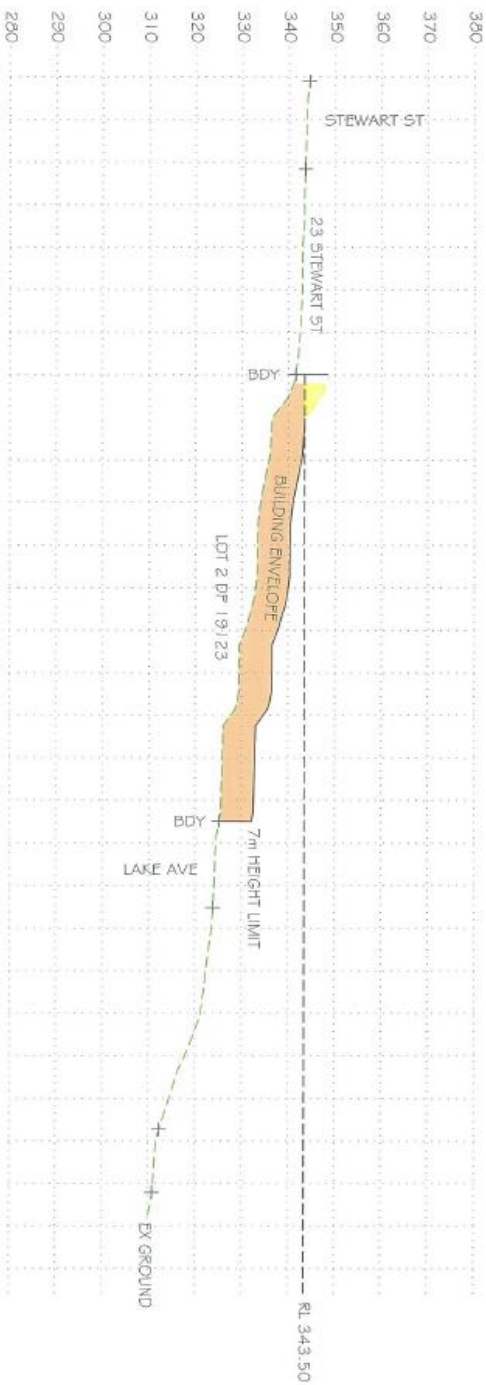
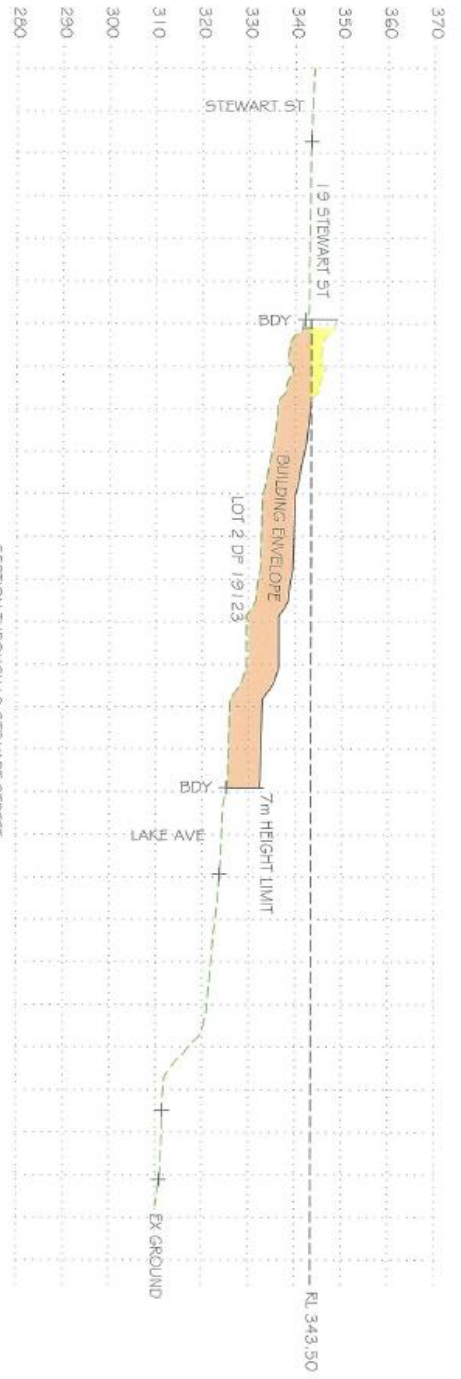
	<p>7.5.2.1(a) Arrowtown: A maximum of 6 metres.</p> <p><u>7.5.2.1(b) The maximum height for buildings located on Lot 2 DP 18123 shall be 7 metres and in addition no building or part of any building shall protrude through a horizontal plane drawn at RL 343.50 masl (being 443.50m, Otago Datum).</u></p>	
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- 7.3 The inclusion of the bespoke height set out in submission 60 ensures the LDSR zone of the PDP is consistent with part 5(2)(c) and 7(c) of the Act, 3.2.6, 42.2B of the Strategic Chapters and 7.2.1, 7.2.1.2, 7.2.1.3 of its own Objective and Policy suite.

Nick Geddes

06th August 2018

APPENDIX 1



FOR REVIEW 06.08.2018

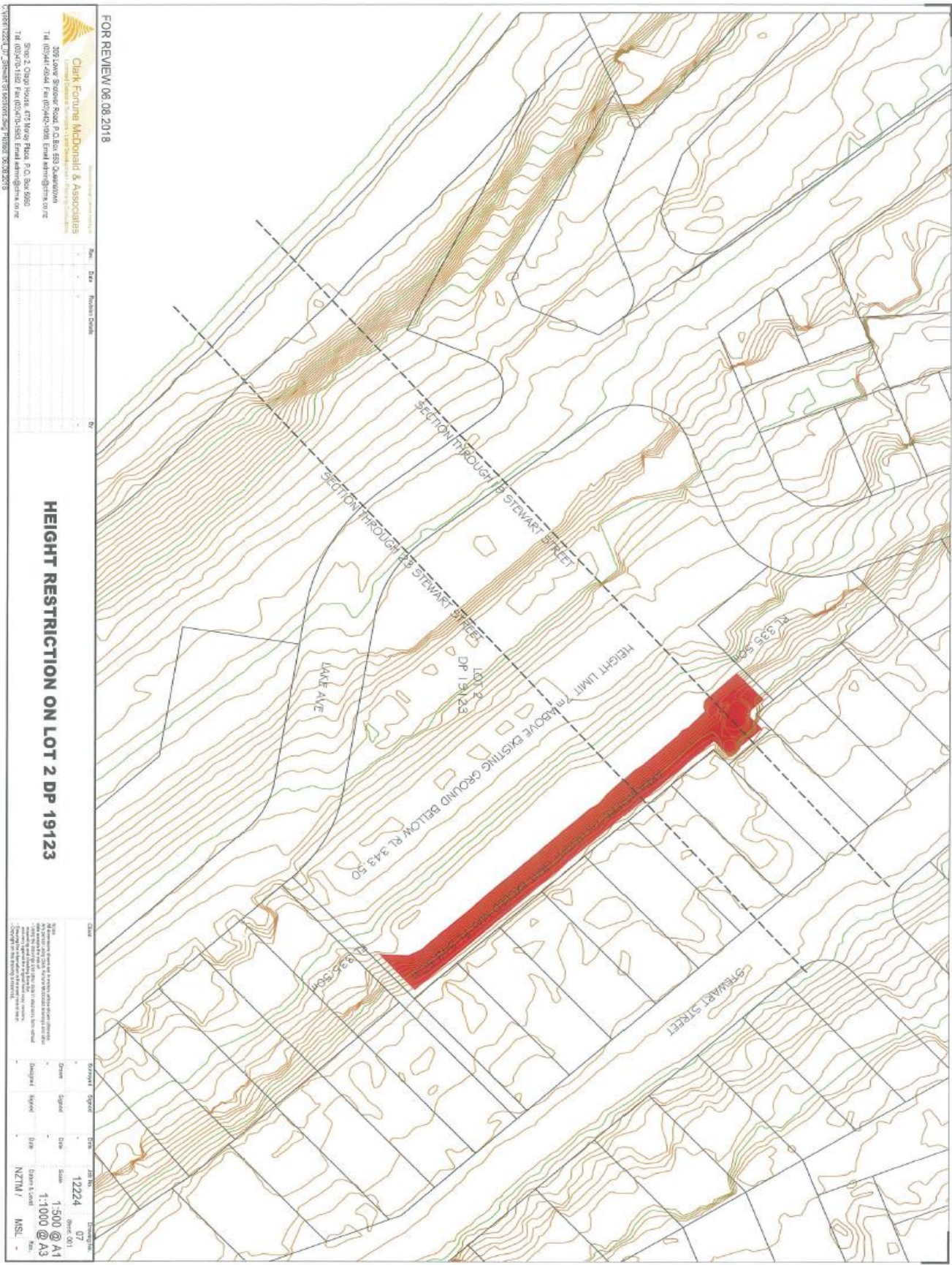
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SECTIONS THROUGH 19 & 23 STEWART ST

Client	Surveyed	Spiked	Date	Scale	Starting No.
Clark	12224	07	12/22/18	1:500 @ A1	Sheet 002
				1:1000 @ A3	

This drawing is a site plan showing the proposed building envelope and lot boundaries. It is based on the survey data provided and is subject to the relevant planning and building regulations. The drawing is for informational purposes only and should not be used for construction without the appropriate approvals.



FOR REVIEW 08.08.2018

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 C:\projects\2202017_28\dwg\180818\180818.dwg 08.08.2018

HEIGHT RESTRICTION ON LOT 2 DP 19123

DISCLAIMER
 This drawing is a site plan and is not a survey. It is based on information provided by the client and is not intended to be used for any other purpose. The client is responsible for the accuracy of the information provided. The drawing is not to be used for any other purpose without the written consent of Clark Furness McDonald & Associates.

Drawn	Checked	Scale	Project No.
Designed	Drawn	1:500 @ A1	12224
Site	Drawn	1:1000 @ A3	07
	Drawn		MSL

APPENDIX 2

From: PDP Enquiries [<mailto:PDPenquiries@qldc.govt.nz>]
Sent: Friday, 4 May 2018 11:22 AM
To: Mike Hansen
Cc: DP Hearings
Subject: RE: Proposed District Plan

Hi Mike,

Thanks for your email. Attached is a procedural minute from the Hearings Panel Chair setting out the timeline and other matters relating to this hearing in September.

Kind regards,

Ian

Planning Policy Manager
Development
District Council
E: ian.bayliss@qldc.govt.nz



From: Mike Hansen [<mailto:hansens2@xtra.co.nz>]
Sent: Tuesday, 1 May 2018 11:45 AM
To: DP Hearings <DP.Hearings@qldc.govt.nz>
Subject: Proposed District Plan

Good morning Team

With reference to the Proposed District Plan, can you please advise of the hearing dates for stage 2?

In particular the hearing date in relating to the Frankton Visitor Subzone, and I draw your attention to the extract from S42a below;-

We were one of the submitters (Submitter 60) that requested that the existing ODP rule 7.5.6.3(iii)(a)(vii) be incorporated into the PDP

Height within the Frankton Visitor Accommodation Subzone

10.64 A Visitor Accommodation (VA) Sub-Zone has been identified over the LDRZ on the corner of Yewlett Crescent and Lake Avenue in Frankton. A number of submitters⁴⁷ have requested that the existing ODP rule 7.5.6.3(iii)(a)(vii) be incorporated into the PDP. K Syme (66) states that this rule in the ODP was added after the affected residents spent considerable time and money to have the height restrictions from the Transitional District Plan reinstated into the ODP when they realised that they had been omitted.

10.65 Although the VA Sub-Zones have been identified on the planning maps, the PDP does not include any specific provisions relating to them. These provisions are to be included within Stage 2 of the PDP. Consequently, the ODP zone rules (in particular ODP rules 7.5.6.3(iii)(a)(vii) and 7.5.6.3(iii)(b)(vi)) in relation to VA sub-zones continue to apply. Furthermore, as the VA provisions in relation to the LDRZ are now also included within Stage 2 of the PDP review, this will allow comprehensive consideration of all of the VA provisions relating to the LDRZ.

Kind regards

Mike Hansen

29 Stewart Street

Frankton

03 4423242