

**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

**BAMFORD**  
Submitter #492

---

**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.
- 1.3 In preparing this evidence I am mindful of the amended mandatory legal criteria the Hearings 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)).
- 1.4 I have also considered section 32 of the RMA, including the Stage 1 objectives and policies.

# 2. Submission

- 2.1 This evidence addresses the submissions of Richard and Jane Bamford (**The Bamford's** or **Bamford**). The Bamford's own owns Lot 17 DP 445230 (44A Judge and Jury Drive, Lake Hayes Estate) which was notified as being within the Rural Zone and being located outside of the UGB and split by the ONL line. The submission supports the UGB location as shown on Map 30 as it relates to their land and the adjoining properties. It also supports the Rural Zone, UGB and an ONL location shown on Map 30 over their land

and the adjoining property. However, this was on the basis that the Bridesdale development (SH150001) was refused.

- 2.2** The submission specified alternative relief if consent for the Bridesdale development was granted given that the development would '*significantly affect the amenity experienced from and values of our property and neighbours properties*'. The alternative relief sought is '*an alternative rural living or low density urban zoning to be consistent with the eventual outcome of Bridesdale Farm.*' As SH150001 was granted this alternative relief sought is relevant.
- 2.3** The Bamford's submission is considered in Section 21 of Ms Vanstone's section 42A report (pages 85 to 92). Ms Vanstone's overall recommendation is that Lots 12 – 14 DP 445230 be rezoned so that they are entirely located within the LDSRZ and that the UGB be extended to encompass these sites. The relief sought for the remainder of the land, including the submitter's land, is recommended to be rejected.
- 2.4** The reasons for Ms Vanstone's recommendation are as follows:
- (a) The landscape assessment by Ms Mellsoop does not consider that an urban residential zoning of the area of the land within the ONL would be appropriate from a landscape perspective as it would have a significant adverse cumulative effect on the natural character.
  - (b) In relation to the land in ONL, it was determined that any zone other than Rural Zone would have the potential to result in significant adverse effects upon the natural character of the ONL.
  - (c) Ms Mellsoop considers that development to LDSRZ or MDRZ densities "*would not avoid significant adverse effects on the integrity of the landform and the aesthetic values of the landscape*".
  - (d) In regard to the balance of lots 15 – 17 outside the ONL, it was considered the split zoning of a site has the potential to result in adverse effects to the ONL and that the Rural Zone will provide Council with the best ability to control the potential effects of any future development given that the establishment of building platforms or the construction of buildings outside of building platforms are discretionary activities and therefore the landscape related provisions would be addressed.
  - (e) Lots 12 – 14 were recommended to change to LDRSZ as they are wholly outside the ONL, all contain an area of LDSRZ and all adjoin LDSRZ (Lake Hayes Estate) immediately to the northwest. Furthermore, Lot 13 is also located opposite Bridesdale development to the northeast.

**2.5** In my opinion the Bridesdale development has significantly changed the landscape/receiving environment. The Bamford's land now has medium density development along over half of its eastern boundary and along the edge of the ONL boundary above the escarpment.

**2.6** Ms Mellsop identified (in relation to the Bridesdale Farm submission) that the modifications to the escarpment and river terrace that were approved as part of SH150001 have undermined the legibility of the landscape and to some extent reduced the natural form. Ms Mellsop further considers that it may be possible for a well-designed integrated development which avoided the steep slopes and mitigated adverse effects on the adjacent ONL to be absorbed, however the LDSRZ or MDRZ zoning would not ensure this outcome. I disagree with Ms Mellsop on this point. Under the Rule 27.5.7 of the Stage 1 decisions, all urban subdivision is a Restricted Discretionary Activity subject to the following matters of discretion:

- (a) subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
- (b) Internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
- (c) property access and roading;
- (d) esplanade provision;
- (e) the adequacy of on-site measures to address the risk of natural and other hazards on land within the subdivision;
- (f) fire fighting water supply;
- (g) water supply;
- (h) stormwater design and disposal;
- (i) sewage treatment and disposal;
- (j) energy supply and telecommunications, including adverse effects on energy supply and telecommunication networks;
- (k) open space and recreation;
- (l) ecological and natural values;
- (m) historic heritage;
- (n) easements.

**2.7** In my opinion, these matters of discretion do address Ms Mellsop's concerns.

**2.8** I also note that Ms Mellsop also has concerns over the "split zoning" of the Bamford site. With respect, split zoning is not an uncommon technique on the district plan maps. There are literally hundreds (if not thousands) of lots within the PDP that have been split zoned. I fail to see why the Bamford site is any different to any other those other sites.

**2.9** Ms Mellsop does consider it possible that RRZ, RLZ or LLRZ scale development could be absorbed in this location. In my opinion these zones are inappropriate considering the density of development in the adjoining Bridesdale development and acknowledgement that this should be rezoned MDR. I also note

that RRZ, RLZ or LLRZ is unlikely to afford any more development rights to these lots and therefore has little advantage over Rural zoning. It would, in my opinion, be a Clayton's zoning.

**2.10** In my opinion, given the Bamford's site now has medium density development along over half of its eastern boundary, and that it is recommended in the 42A report that the properties on its north and north-west boundaries are changed to LDRZ, the continuation of greater density within Lot 17 (outside of the ONL) would not appear incongruous with the surrounding landscape. Accordingly, I recommend the following:

- That the land subject to the Bamford submission be rezoned LDR to the ONL boundary (shown as blue below) consistent with the adjoining Bridesdale development (shown as yellow below);
- That the land further to the south west of the Bamford submission land also be rezoned LDR if jurisdiction exists (shown as pink below);
- That the UGB be amended accordingly (shown as purple below).

As illustrated this on the below map:

