

**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

D BROOMFIELD AND WOODLOT PROPERTIES LIMITED

Submitter #2276

**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. Variation #1 Submissions

- 2.1 This evidence addresses the original submissions D Broomfield and Woodlot Properties Limited (**DB/WPL**) (herein referred to as “the submitters” or the “the submissions”) as it relates to the Tucker Beach Landscape Character Units (LCUs) or proposed Wakatipu Basin Lifestyle Precinct (WBLP) at Tucker Beach.

LCU's

- 2.2 DB/WPL support the Landscape Character Unit description as it relates to Tucker Beach and in particular, the last four rows as they relate to their properties at Tucker Beach Road.
- 2.3 At paragraph 32.17 Mr Barr recommends no changes to the Tucker Beach LCU. I support that recommendation.

WBLP Sub-Zone at Tucker Beach Road

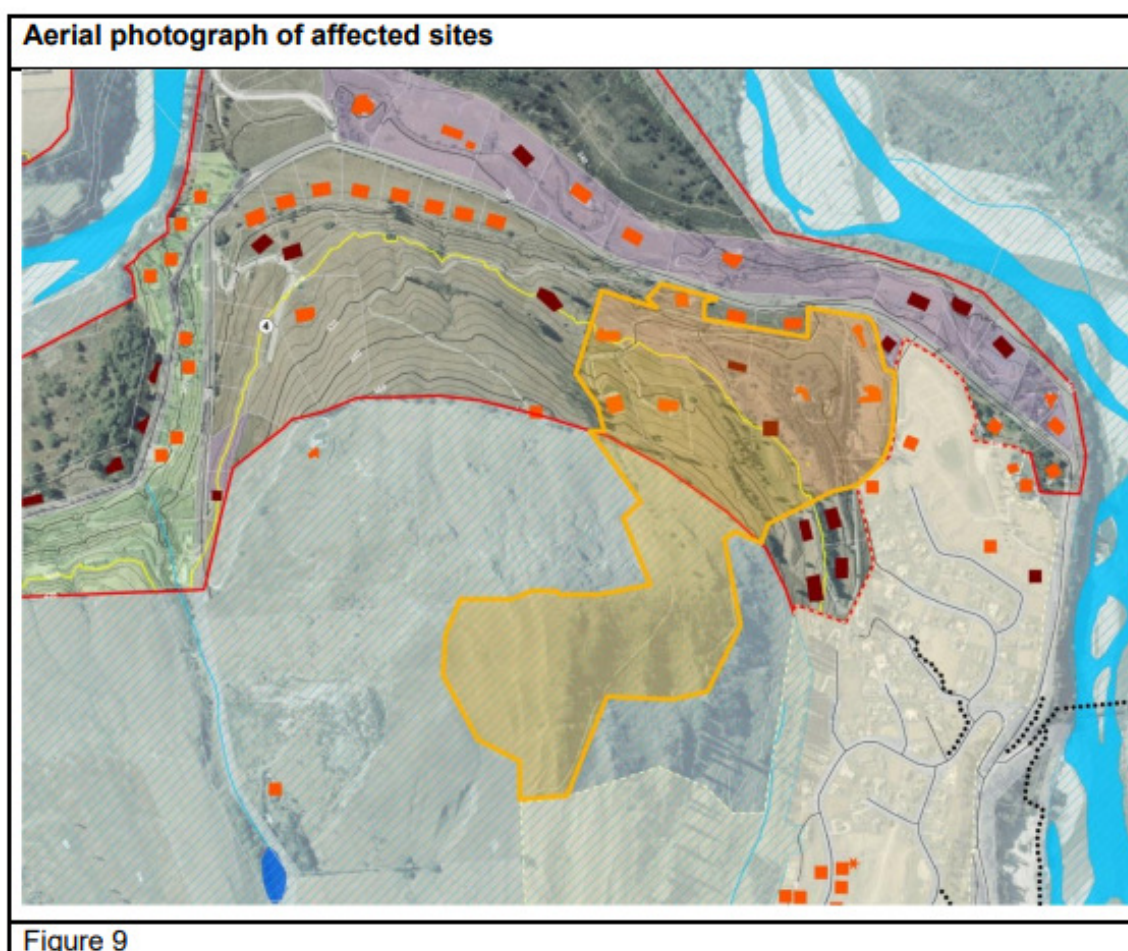
DB/WPL at Tucker Beach Road

- 2.4 The submission supports the proposed WBLP zoning over their land within the Tucker Beach Road area, however they also seek amendments to make the WBLP boundary consistent with the Rural Residential Zone they requested as part of submission #500 on Stage 1 of the District Plan.

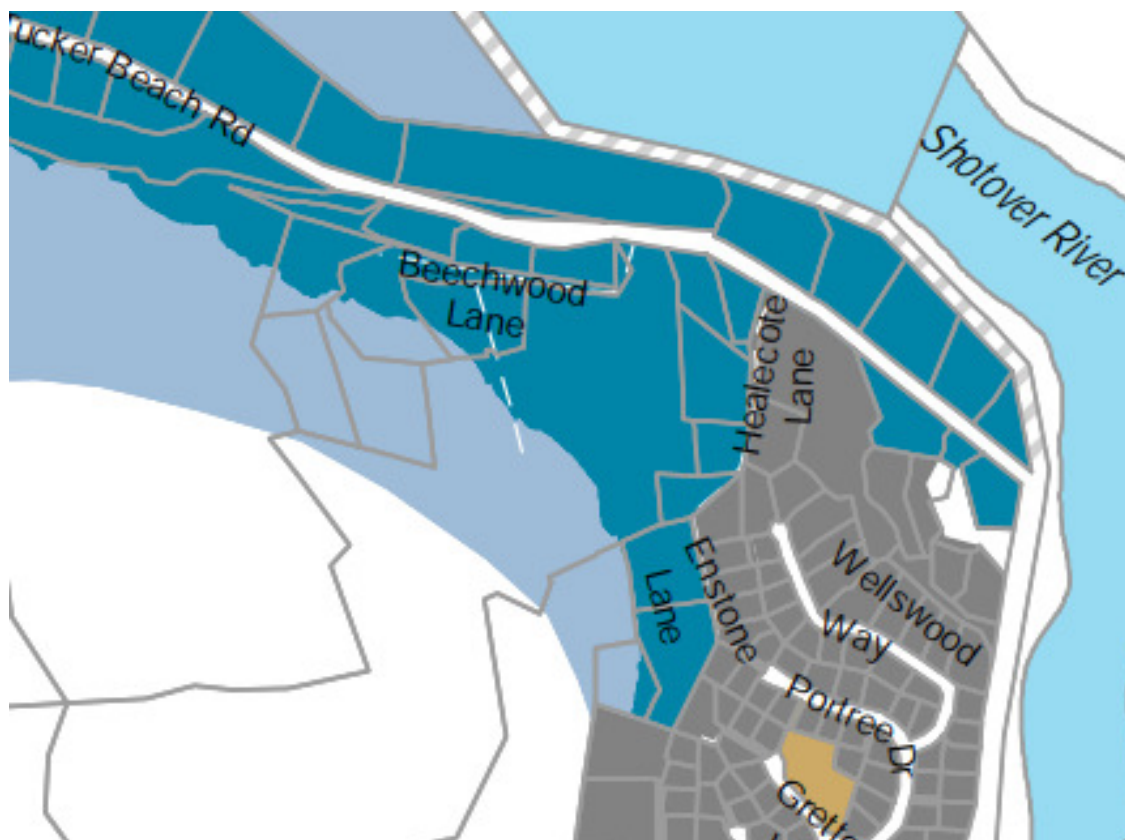
2.5 This issue is considered at part 14 of Mr Langman's report where he recommends rejection of the submission for the following reasons:

Extension of the Precinct above the 400m contour is not supported from a landscape perspective, and maintaining the notified boundary will better protect the landscape character and visual amenity of the LCU and adjacent ONL.

2.6 Mr Langman's Figure 9 maps the site against the Rural Lifestyle zone proposed as part of Stage 1 of the plan review, not the WBLP zone of the Variation 1. Submission 2276 is clearly on the Variation 1, not Stage 1.



2.7 The WBRAZ and WMLP are shown on Proposed Planning Map 31 as follows:



2.8 The WBLP extends significantly further to the west than the Stage 1 Rural Lifestyle Zone shown on Mr Langman's Figure 9.

2.9 At paragraph 14.2 (page 42) Mr Langman states that the submitter seeks to move the precinct boundary and delete the landscape feature identified on its land. With respect, the submitter seeks to extend the WBLP boundary in accordance with its original submission but has not sought to delete a landscape feature from its land. As shown on the maps above, there is no landscape feature identified within the WBLP sub-zone at Tucker Beach Road.

2.10 Mr Langman summarises Ms Gilbert's evidence as follows:

- (a) While the immediate area identified in the submission contains a reasonably high level of development, it sites in a landscape character unit that has a relatively low level of rural development.
- (b) Further expansion of precinct land would undermine the LCU delineation methodology.
- (c) The escarpment of and hillslope form on the south side of Malaghans Road is the obvious geomorphological feature to form the boundary of the LCU.
- (d) The landscape feature is considered necessary to ensure development is properly located and the values of LCU1 maintained.

2.11 With respect to (a) and (b), the Ms Gilbert and Mr Langman fail to acknowledge the existence of RM130386 which divides the subject property into 8 rural-residential allotments and the existing building platforms on

adjoining sites. With respect to (c), the evidence refers to a feature on the south side of Malaghans Road and (d) refers to the LCU1 (which relates to Malaghans Valley). They are not relevant to Tucker Beach.

2.12 At paragraph 14.4 Mr Langman appears to be referring to the correct area when he states:

The submitter seeks an extension of the Precinct as originally sought albeit with XX zone type, in its submission on Stage 1 (refer map in submission #500).¹⁵ As notified, the boundary extends up above the 400m contour as identified in the Land Use Study, and was identified as an appropriate demarcation of the Precinct, capturing the majority of built development on Ferry Hill. Ms Gilbert does not support the extension of the Precinct.

2.13 However at paragraph 14.5 Mr Langman states:

The planning analysis and recommendations in relation to moving the zone boundary of the Precinct provided above at 8.7-8.8 apply equally to this site.

2.14 Paragraphs 8.7 and 8.8 above, state the following:

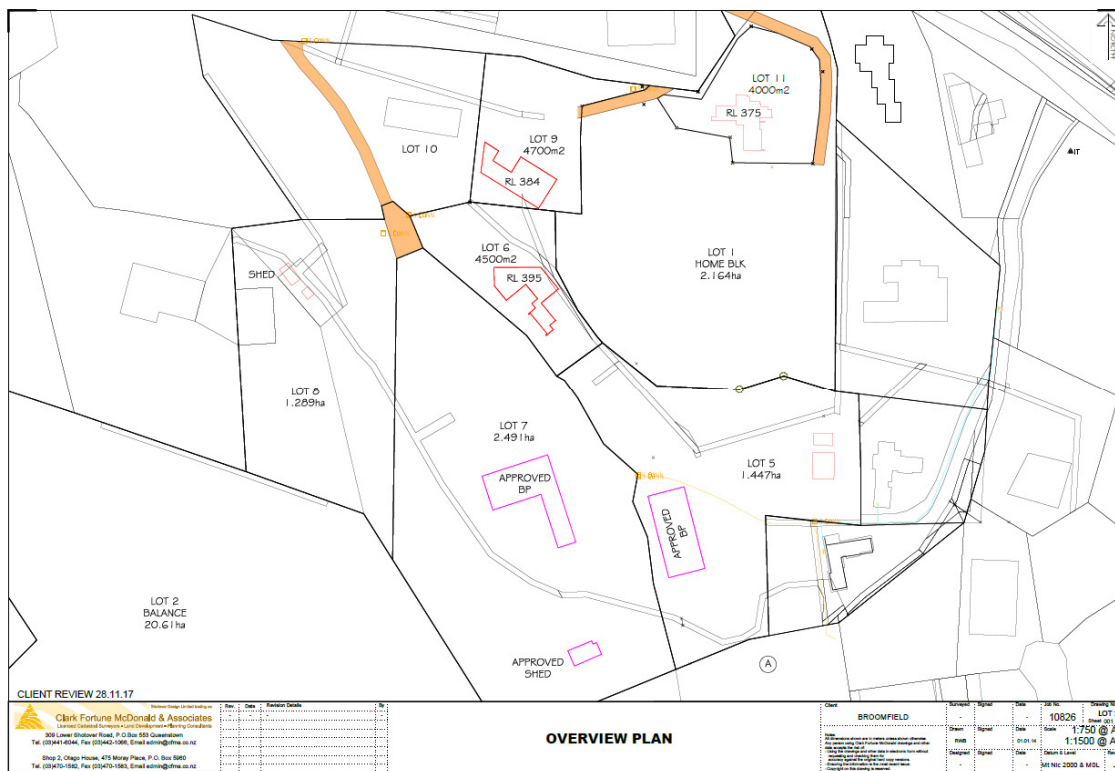
- 8.7 Consent under the Amenity Zone can still be granted for a particular proposal even where it is a non-complying activity, where it passes the gateway tests provided by s 104D, and following assessment of that activity against the other relevant matters for non-complying consents. As part of that assessment, consideration can be given as to how mitigating factors will be maintained in the long term, such as use of protective covenants on vegetation and landscaping.
- 8.8 The resource consent process option for consideration of development within the portion of the site zoned Amenity Zone is preferred rather than amendment of the zoning boundary.

2.15 I fail to see how these paragraphs relate to the request to move the zone boundary.

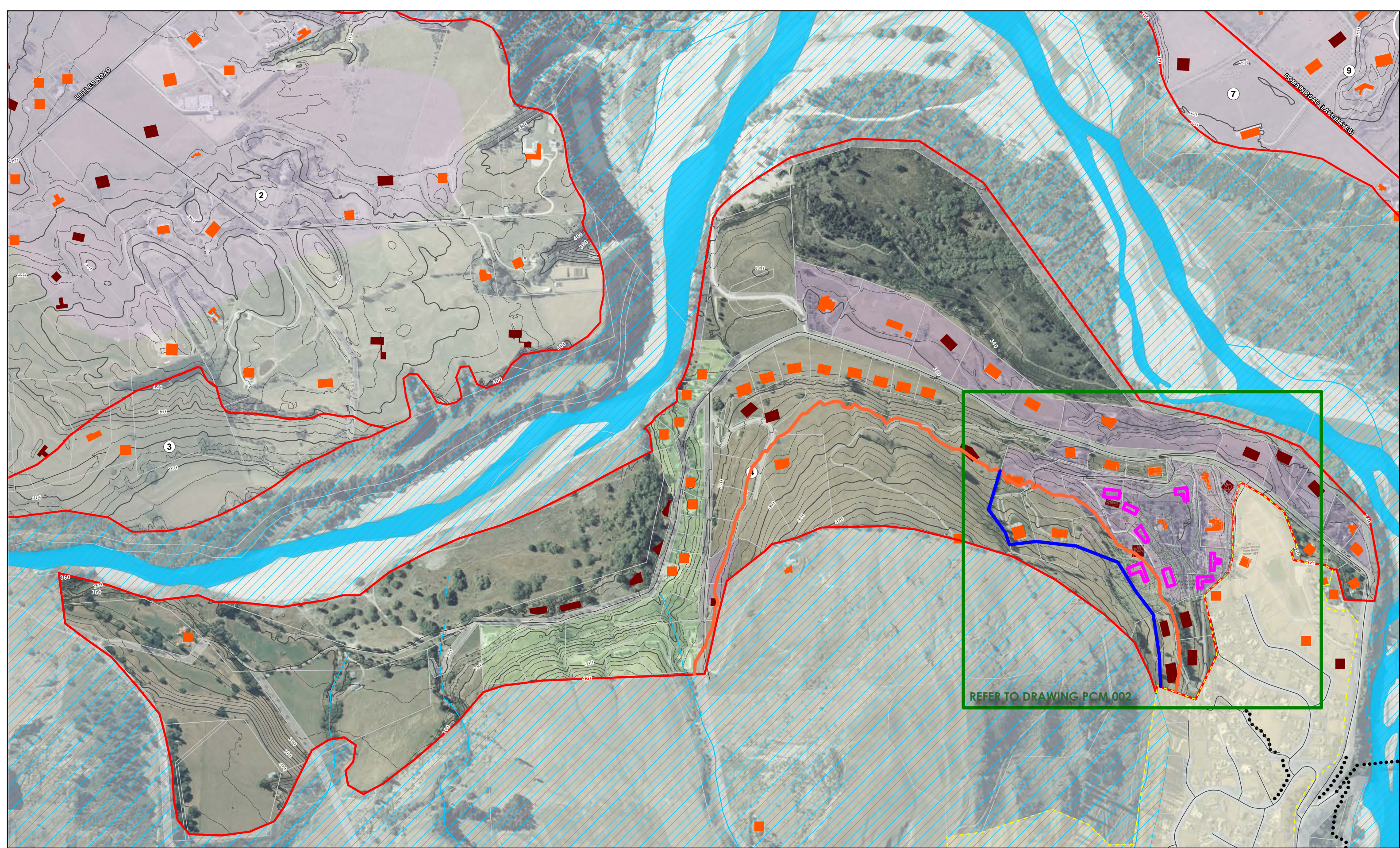
2.16 At paragraph 14.6 Mr Langman states that Ms Gilbert's key concerns with respect to the Tucker Beach LCU as follows:

- (a) the extent of the Precinct in this location need to be cognisant of the ONL of Ferry Hill and high visibility of the elevated slopes;
- (b) the boundary delineation using the 400m contour encompasses the majority of existing and consented development on Ferry Hill; and
- (c) the proposed boundaries of the Precinct land effectively build a 'buffer' between rural residential land uses and the ONL

2.17 With respect to above, (b) is completely incorrect. Ms Gilbert has failed to take into account RM130386 which approved 8 residential building platforms (and lots) on the property, plus the adjoining Lot 1 DP 323310 and Lot 1 DP 342130 (which have approved building platforms) and Lot 8 DP 300262 which has a long-established dwelling. The subdivision, including eight building platforms, is shown in the plan below:



- 2.18** The subdivision has progressed in stages. The approved building platforms on Lot 7 is above the 400m contour, as are the approved building platforms (and buildings) to the west and south of the property as are shown on the below plan. While I agree that most of the development is below the 400m, it is fruitless, in my opinion, to draw a zone boundary at an arbitrary 400m boundary when the Council has decided via resource consent in the past that the effects of development above the 400m contour are acceptable, in the form of an approved building platform.
- 2.19** In my opinion, the WBLP zone boundary should be amended to include all of the approved building platforms in this cluster of development, as shown on the plans attached to this evidence.
- 2.20** I note this boundary is well below the ONF boundary on Morven Ferry Hill (which is where the WBRAZ colour meets the white).



REFER TO DRAWING PCM 002

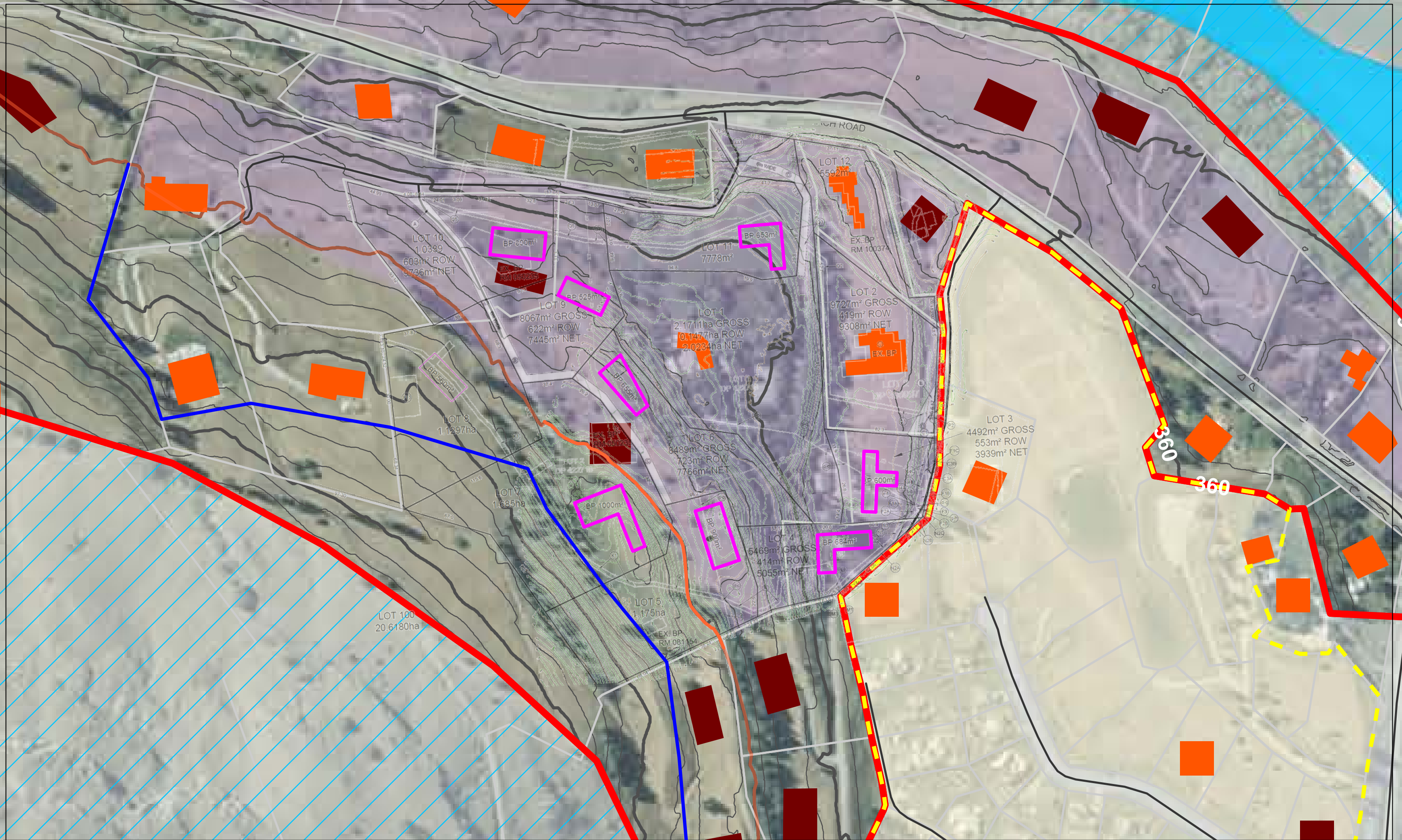
Key					
	WBLUPS ONL		Suggested upper edge of WBLP		WBLUPS Existing dwellings
	WBLUPS Landscape Character Units		Existing 400m contour line as referred to by Bridget Gilbert's evidence		WBLUPS approved building platforms
	WBLUPS Urban Growth Boundary		Approved building platforms RM130386		Reference to dwg PCM 002

NOTE: The base map used for this drawing is taken from the Wakatipu Basin Land Use Planning Study dated 24 January 2016.

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BROOMFIELD PROPOSAL
 Tucker Beach Road, Lower Shotover

Appendix 1: Planning Context Map
 Date: 31.05.18 Ref:0833 PCM01 Drawn:KW



Key	
	WBLUPS ONL
	WBLUPS Landscape Character Units
	WBLUPS Urban Growth Boundary
	Suggested upper edge of WBLP
	Existing 400m contour line as referred to by Bridget Gilbert's evidence
	Approved building platforms RM130386
	WBLUPS Existing dwellings
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Appendix 1: Planning Context Map
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