

**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

SKIPP WILLIAMSON
Submitter #2822

**SUPPLEMENTARY EVIDENCE OF CAREY VIVIAN
(PLANNER)
24 October 2018**

Summary

This evidence details the background to the submissions being heard here today. At the first hearing on this matter I was asked by a Panel member my opinion as to the location of the WBAZ-LP boundary in light of the Millbrook Country Club (MCC) submission. I answered that I didn't have a problem with it being around the 440m contour and that I wouldn't like to see development above that contour.

Through the failure to correctly notify MCC submission for further submission, I now have the opportunity to revisit my earlier answers with reliance on expert landscape evidence presented by Mr Quin. As a result, I have arrived a slightly different conclusion.

My evidence concludes that the best planning outcome for the subject site is to accept MCC and the Williamson submissions in part by positioning the Wakatipu Basin Amenity Zone – Lifestyle Precinct (WBAZ-LP) sub-zone in the position assessed/drawn by Mr Quin. This will result in the deletion of part of the Landscape Feature line and will require consequential amendment to Schedule 24.8 LCU Mapping (in relation to the hillside "roll-over" area) and the Schedule 24.8 LCU 6 Wharehuanui Hills Description.

1. Introduction

1.0 My qualifications, experience and adherence to the code of conduct are detailed in primary evidence¹.

2. Background

2.1 In June 2018 I presented two briefs of primary evidence with respect to Ms Williamson's submission². The second brief addressed that part of Ms Williamson's submission relating to Landscape Character Units (LCU's) and the proposed District Plan Maps (Map).

2.2 With respect to the maps Ms. Williamson's supported Map 26 and 29 and the WBAZ-LP zoning over her land at Mooney's Road however requested that the boundaries of the proposed WBAZ- LP be the same as requested in the original submission³ on Stage 1 of the PDP.

2.3 Mr Langman recommended⁴ that Ms Williamson's submission be rejected and that the zone boundaries be retained as notified. Through my evidence⁵, I advised that Ms Williamson was happy with that recommendation and instructed me to not present any further evidence in relation to the WBAZ-LP zone boundaries.

2.4 At the hearing, I was questioned by the Panel on my view of the MCC submission⁶ about the WBAZ-LP sub-zone boundary line on the northern side of Ms Williamson's property. I advised that I was not aware of MCC submission. I was given a copy of MCC submission to read. I advised the Panel it was difficult to have a view on the matter without looking at the 440m contour.

2.5 I was then handed a copy of plan showing the 440m contour and was told by a Panel member it follows the water race "*roughly, a little above it*".

2.6 I then responded to the question that I didn't think there was much problem with that line and I wouldn't like to see development above it. I was then asked by the Panel whether I thought the Restricted Discretionary status of development sufficiently protected sensitive features on the land. To which I responded "*Yes, yes I do*".

2.7 Since that line of questioning I have walked over the site (several more times), considered the landscape

¹ Dated 13 June 2018.

² Submission Number #2272

³ Submission Number #499

⁴ Dated 30 May 2018.

⁵ Dated 13 June 2018.

⁶ Dated 23 Feb 2018.

issues with Mr Espie⁷ and Mr Quin, and as a result have formed a slightly different view.

3. Submissions

- 3.1 Part of Ms Williamson's property is covered by Area A in the map attached to MCCs submission. In relation to Area A, the MCC submission⁸ states that *"Should the proposed zoning structure be adopted, the WBLP be removed from both parcels above the 440masl with the zoning of those upper slopes amended to the Wakatipu Basin Rural Amenity Zone."*
- 3.2 Under the heading *"Relief Sought"* the MCC submission seeks *"the relief referred to above or such further, more refined, additional, other or alternative relief that might give effect to this submission and/or better serve the overall objectives of the District Plan and the purpose and principles of the Resource Management Act 1991."*
- 3.3 Ms Williamson has further submitted in opposition to MCC submission.

4. Section 42A Report

- 4.1 Mr Langman considers the relevant submissions in Section 3 of his supplementary S42A report⁹. At paragraph 1.6 of his report, Mr Langman states that although a portion of MCCs submission was not publicly notified, both Ms Gilbert and he did analyse the submission.
- 4.2 At paragraph 3.5, Mr Langman states in relation to Ms Williamson's further submission, that the area of concern is impacted by Ms Gilbert's view in her reply evidence¹⁰, and noted in paragraphs 2.3 – 2.7 of his statement¹¹. For the reasons set out in that analysis, Mr Langman considers that the zoning as set out in Figure 1 is the most appropriate for achieving the objectives and policies of the plan.
- 4.3 At paragraph 2.3¹², in relation to the Hill submission, Mr Langman adopts the analysis as that set out in paragraphs 20.1 to 20.13 of his section 42A report (noting that on the north eastern and southern edge of the LCU6 Ms Gilbert has recommended amending the boundary of the precinct land as set out in Figure 1).
- 4.4 As stated above, I presented evidence to the effect that Ms Williamson was happy with that Mr Langman's recommendation¹³ and I was instructed not to present any further evidence in relation to the WBAZ-LP subzone boundaries. As noted in paragraph 18.2 of Mr Langman's report¹⁴, Ms Gilbert assessed Ms Williamson's submission and found that:
- (a) *The extent of Precinct identified for LCU 6 is very similar to the submitter's request in Stage 1, but not identical. The LCU boundary is consistent with that applied throughout the remainder of the unit and follows the crest of the ridgeline landform.*
 - (b) *The zoning requested appears to deviate from the ridgeline crest landform. To adopt a different method in this location raises issues of consistency, and could potentially lead to adverse landscape character and visual amenity effects in relation to LCU 8 Speargrass Flat."*
- 4.5 Accordingly, Mr Langman noted at paragraph 18.3 of his 42A report¹⁵, that on that basis, Ms Gilbert opposes the relief sought in the submission to move the Precinct boundary (subsequently rezoning additional land as precinct) and deletion of the landscape feature. This is further reinforced in paragraph 57.4¹⁶ where Mr Langman states that Ms Gilbert's evidence does not support the following aspects of the MCCs submission

⁷ Who reviewed Mr Smith's landscape report attached to the #499 submission.

⁸ Dated 23 Feb 2028.

⁹ Dated 15 Oct 2018.

¹⁰ Dated 16 Aug 2018

¹¹ Dated 15 Oct 2018.

¹² Dated 15 Oct 2018.

¹³ Dated 30 May 2018.

¹⁴ Dated 30 May 2018.

¹⁵ Dated 30 May 2018.

¹⁶ Dated 30 May 2018.

from a landscape perspective:

- “(a) *The restriction of the extent of the Precinct in LCU 6 on the lots to the west and south west of the Millbrook land, below the 440m contour, and the consequential identification of land above that contour as Amenity Zone.*”

4.6 In Ms Gilberts supplementary report¹⁷, she states that the Panel have queried the extent of the Precinct at the eastern end of LCU6, specifically in relation to the steep land separating the Mooney Road basin from Millbrook. In paragraph 7.3 of her report¹⁸, Ms Gilbert states that on reflection, she considers the Panel have raised valid concerns and the extent of the Precinct in these locations should be adjusted as depicted in her Figure 5 and 6.

4.7 At paragraph 7.4, Ms Gilbert states that her amended Precinct line runs along the base of the steep landform, resulting in steeply sloping land being identified as WBAZ.

5. Assessment

5.1 As stated above, since the first round of hearings, I have now had the opportunity look specifically at the land above the water race with the assistance of Mr Espie and Mr Quin.

5.2 Mr Quin concludes in his evidence, that in a board sense, the landscape line that separates the WBLP from the WBAZ is a line that should visually contains and separate Mooney Road Basin, that can absorb development anticipated by the WBLP, from the visually more sensitive hillocks and spurs that should be protected. I agree with Mr Quin's statement, and add the following from a planning perspective:

- Absorption of development and/or subdivision within the WBAZ-LP subzone is a restricted discretionary activity. It is not *laissez-faire*. For development or subdivision to be enabled (as opposed to anticipated) in the WBAZ-LP a significant hurdle still needs to be overcome by way of obtaining resource consent approval.
- The rules and standards of the WBAZ-LP subzone further restricts where development can occur within the subzone. For example, rule 24.5.2 requires buildings to be set back 10 meters from internal boundaries and Rule 24.5.4 requires buildings to be setback 75 meters from road boundaries. Such setbacks have a significant effect on the design of large subdivisions that could occur on the subject site.
- Rule 27.7.6.2 (assessment matters for subdivision within the WBAZ-LP) are very extensive and considerably landscape based.

5.3 I agree with Mr Quin that the WBAZ-LP subzone boundary demarcates an area where development can be appropriately absorbed and the more sensitive areas of the property protected. However, I don't consider the subzone boundary is the *be all and end all*. The Council still retains discretion as to what happens within WBAZ-LP subzone and (like all zones) there is likely to be areas within the WBAZ-LP subzone that is inappropriate for development for a variety of reasons.

5.4 Mr Quin, in my opinion, has made an informed and thorough assessment of where he considers the WBAZ-LP subzone boundary should be from a landscape perspective and I, having now spent a considerable amount of more time becoming familiar with this part of the property, agree with his findings.

6. Objectives and Policies

6.1 The relevant landscape objective and policies this zoning issue seek to achieve are detailed in Mr Langman's paragraph 2.5¹⁹ (however I put greater weight on the notified version, than the reply version). I agree with Mr Langman that these objectives and policies seek to protect, maintain and enhance landscape and visual

¹⁷ Dated 16 Aug 2018.

¹⁸ Dated 16 Aug 2018.

¹⁹ Dated 15 Oct 2018.

amenity values, including providing for activities where they protect, maintain and enhance landscape values of the character units in Schedule 24.8.

- 6.2 In my opinion, these objectives and policies would be better served by lowering the WBAZ-LP sub-zone boundary to exclude the upper and steeper parts of the site. While I am confident, that under a restricted discretionary activity regime, the landscape and visual amenity values can be protected, maintained and enhanced (in particular through the application of the assessment matters) it does send the message that development of, or on top of, the steeper slopes are enabled through the WBAZ-LP sub-zoning.²⁰

7. Conclusion

- 7.1 I conclude that the best outcome for the subject site is to accept MCC and the Williamson submissions in part by positioning the WBAZ-LP sub-zone in the position assessed/drawn by Mr Quin.
- 7.2 I note the redrawn line will result in the deletion of a Landscape Feature line, and the associated 50-meter setback for built form. However, in most cases the proposed line is setback well over 50 meters from the proposed Landscape Feature line, thereby having greater effect. The end result will be, overall, better protection for the landform.
- 7.3 I also support Ms Gilbert's comment that a consequential amendment will be required to Schedule 24.8 LCU Mapping (in relation to the hillside "roll-over" area) and the Schedule 24.8 LCU 6 Wharehuanui Hills Description.

Carey Vivian

24 October 2018

²⁰ Refer Objective 24.2.5 and associated policies.

