

QUEENSTOWN-LAKES DISTRICT COUNCIL  
PROPOSED DISTRICT PLAN HEARING – STREAM 12

**IN THE MATTER**

of a hearing on submissions to the Proposed District Plan (Stream 12 Upper Clutha Mapping) pursuant to clause 8B of the First Schedule to the Resource Management Act 1991

**JEREMY BELL INVESTMENTS LIMITED**

Submitter

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**SUMMARY OF EVIDENCE**  
**CAREY VIVIAN (PLANNER)**  
13 June 2017

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- 1.1 In my opinion the primary resource management issue raised by JBILs submission is how the requested RLZ provisions can avoid, remedy or mitigate landscape and visual amenity effects of future land-use and subdivision activities that would be enabled (by the requested RLZ). To this extent, I rely on Mr Espie's expert opinion.
- 1.2 Secondary resource management issues include Natural Hazards, Servicing, Ecology and Traffic. In respect of those matters I rely on the Hadley Consultants report attached to the submission and the reports attached to the section 42A report.
- 1.3 My evidence assesses the requested RLZ against the amended mandatory legal criteria as set out in Colonial Vineyard v Marlborough District Council [2014] NZEnvC 55. My evidence finds that there is no impediment to accepting the requested RLZ under these criteria.
- 1.4 My evidence has assessed the requested RLZ in terms of section 32 (Part 9 pages 13 to 30) and finds on the basis of that analysis that the requested RLZ is effective and efficient means to achieving the relevant objectives of the PDP (paragraph 9.11) and that the requested RLZ is the most appropriate zoning for the subject site (subject to the site-specific amendments sought to the RLZ as detailed in paragraph 10.13).
- 1.5 My evidence also addresses part II of the RMA in Part 11 (Page 35). In paragraph 11.1 I state it is my understanding that under the King Salmon decision a broad overall judgement under Part II of the RMA is not required in the consideration of JBIL's submission. On further reflection, and exploring this further in my Queenstown mapping evidence, I no longer consider this to be the case. As such I wish to withdraw 11.1 and 11.2 and substitute it with the new paragraphs attached to this summary as **Attachment CV4**. These amended paragraphs clarify my opinion that the requested RLZ achieves sustainable management as expressed in the original paragraph 11.2 of my evidence.
- 1.6 My evidence raises a number of issues with respect to the section 42A report prepared by Mr. Barr. Most significantly at paragraph 10.1 is Mr. Barr's recommended reason for rejecting JBIL's submission: *"The PDP Rural Zone is more appropriate than the requested rezoning of Rural Lifestyle over the area because the Rural Zone has the most appropriate provisions to manage the wide variety of effects that are possible from rural living"*. At paragraph 10.2 of my evidence I state that this is a very unusual statement for the reason that the RLZ is the most appropriate method in the PDP to enable rural living opportunities within the rural areas of the district (not a resource consent under the RZ provisions). Mr. Barr does not specifically address this in his rebuttal evidence.
- 1.7 At paragraph 10.3 of my evidence I note that Mr. Barr has inaccurately identified the requested RLZ on Page

77 of the section 42A report. Mr. Barr. States at paragraph 26.17 of his rebuttal evidence that he accepts the location is not accurate and further states “*but it is obvious from the scale of the aerial photograph and overlay that the intent was to illustrate the location of the respective rezonings sought by [JBIL] (820 and 782) and Lake Mackay Station (483).*”

1.8 With respect, that is not *obvious*, especially in light of paragraph 10.6 of my evidence where I raise concern that Mr. Barr incorrectly identifies the requested RLZ being located within the ONL, when it is not. At paragraph 26.19 of his rebuttal evidence, Mr. Barr concedes that I am correct but at paragraph 26.20 states that he does not consider the issue was substantive in his recommendation. In my opinion, whether or not the requested RLZ is located within a ONL is fundamental to the assessment of that requested zone. As such I fail to see how this issue was not *substantive* to his recommendation.

1.9 At paragraph 10.8 of my evidence I consider that both Mr. Barr and Ms. Mellsop confuse the request to zone land with actual development (i.e. a subdivision or land-use consent application). At paragraph 26.22 of his rebuttal evidence Mr. Barr states there is no confusion. Mr. Barr states that his point was that because of the “*limited sensitivity*” of the landscape to absorb change (relying on Ms. Mellsop’s view) and the large area of the requested RLZ where buildings could be located if zoned RL, that he considers balancing the relevant evidence and relevant statutory requirements that the RZ and resource consent process provided for under the RZ is the most appropriate because the provisions require a greater level of certainty that that offered by the RLZ. I am unsure what Mr. Barr means by “*limited sensitivity*”. Ms. Mellsop actually says the site, in her view, may have “*some capacity to absorb sensitively designed development ...*”.

1.10 The issue of *certainty* is further commented upon in paragraph 26.24 of Mr. Barr’s rebuttal evidence where, he states in respect of RLZ, that in his opinion, there is not enough *certainty* that the areas sought to be rezoned are those where there is some capacity to absorb change.

1.11 With respect to Mr. Barr’s concern with *certainty*, I state at paragraph 10.9 of my evidence that the RLZ provisions are not *laissez faire*. The RLZ is a highly regulated zone, particularly with respect to subdivision including the identification of building platforms, in addition to the imposition of minimum and average allotment sizes. The PDP acknowledges that many of the RLZ are located in sensitive parts of the landscape (refer to quote in in paragraph 10.9 of my evidence) and while residential development is anticipated within the RLZ, provisions are included to manage the visual prominence of buildings, control residential density and generally discourage commercial activities. Building location is controlled by building platforms, bulk and location standards, and design and landscaping controls imposed at the time of subdivision.

1.12 In paragraph 10.10 of my evidence I also draw attention to the fact Chapter 3 Strategic Directions and

Chapter 6 Landscapes objectives and policies are also relevant to the development of a RLZ. In particular I note that Rule 6.4.1.2 states that the landscape categories are applicable to all zones where landscape values are at issue. I understand this to mean, that if development of the requested RLZ rises issues with respect to landscape sensitivity, then the application would be assessed in accordance with the relevant landscape classification objectives and policies (in this case Rural Landscape category). Under the proposed subdivision regime for subdivision and the identification of building platforms, there would be no difference in terms of *certainty* between RZ and RLZ. In my opinion Mr. Barr's concerns are unfounded.

## Attachment CV4 – Amendment to Part 11 of my evidence

### 11. Part II of the RMA.

~~11.1 — It is my understanding that under the *King Salmon* decision a board overall judgement under Part II of the RMA is not required in the consideration of JBILs submission.~~

~~11.2 — In case I am wrong on this point, I confirm for the reasons I have expressed in this evidence, that the requested RLZ does, in my opinion, achieve sustainable management in the context of the relevant planning documents and the RMA.~~

#### Section 7

11.1 The following other matters to which particular regard must be given are relevant to the consideration of JBIL's submission:

- (b) the efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;
- (f) the maintenance and enhancement of the quality of the environment.

11.2 The approval of the requested RLZ will, in my opinion, will lead to efficient use and development of natural and physical resources of a small part of Criffel Station for Rural Lifestyle living (and wider environmental protection). The requested RLZ provisions will ensure the amenity values of the site, and surrounding environment, are maintained and enhanced. The approval of the requested RLZ would also assist in maintaining and enhancing the quality of this environment by ensuring development does not adversely affect the ONL to the east.

#### Section 6

11.3 The following matters of national importance shall be recognised and provide for are relevant to the consideration of JBIL's submission:

*“(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.”*

11.4 The requested RLZ is located adjacent to an ONL. Mr. Espie is of the opinion that the requested RLZ has

capacity to absorb change without adversely affecting the ONL. The requested RLZ is therefore not an inappropriate use or development in relation to 6(b).

**Section 5**

- 11.5 In my opinion, the requested RLZ achieves sustainable management of natural and physical resources. In particular the requested RLZ manages the use, development and protection of this land resource in a way that enables people and communities to provide for their social, economic and cultural well-being through the supply of rural living opportunities.