

Before Hearings Commissioners at Queenstown Council

under: the Resource Management Act 1991

in the matter of: Variation 1 to Stage 1 Subdivision and Development
Chapter 27. As it relates to Wakitipu Basin.

Statement of **Nicola Jayne Sedgley**, on Behalf of Dalefield Trustees.
Owner of 51 Mountain View Road, Dalefield

Dated 17 July 2018

INTRODUCTION

- 1.1 My name is Nicola Jayne Sedgley. I am one of the owners of 51 Mountain View Road, Dalefield, which is located in the proposed lifestyle precinct of the Wakitipu Basin. I have owned this property jointly with my husband for 7 years.
- 1.2 I am also a Resource Management Planner with 19 years' experience. I hold a Bachelor of Resource Studies degree from Lincoln University and am a full member of the New Zealand Planning Institute. I currently hold the role of Technical Director, Planning with Beca Limited and am based in the Auckland office.
- 1.3 I am making this statement as a land owner, but my experience in planning, land development, particularly rural subdivision has been useful in reviewing the Councils proposed rules and evidence.
- 1.4 My submission is number 2097, made by Dalefield Trustees. We did not make a further submission.

2. STATEMENT SUMMARY

- 2.1 I have reviewed the Council section 42A report and the rebuttal evidence of Craig Barr and the submissions made by other parties that related to matters raised in my submission. I consider that the Council has presented detailed expert evidence and has put careful consideration into balancing the delicate matters of providing for housing and balancing environmental and landscape concerns. I consider that all the matters that I raised in my submission have been fairly assessed in detail in the Council planners evidence and rebuttal and I will leave the further consideration of other matters to the experts that have submitted evidence.
- 2.2 I only wish to comment on one matter, which is **Rule 27.4.2(g)** which is a rule which states when a proposed subdivision would be non-complying. As notified, I do not consider that the rule achieves the purpose that the Council intended it to. I ask that the commissioners turn their minds to this and pay careful attention to the final wording so that land that was intended to be able to be subdivided under the proposed rules is not inadvertently prevented from doing so and the desired yield of the zone reduced.
- 2.3 I note that other submitters have also submitted on the wording of this rule. I have had discussions with two of the representatives of submitters on this matter

so I am aware that you will already have heard evidence on this rule requesting similar changes. I wish to discuss this rule using my property as an example, as unintended consequences are often easier to see when examples are used.

3. STATEMENT CONTENT

3.1 Our property is located at 51 Mountain View Road, Dalefield, and is located in the proposed Lifestyle precinct. This property and its location in the Basin is shown in Figure 1 below.



Figure 1 Subject Property and location in Wakitipu Basin

3.2 The property is 3.17 ha in area and would comfortably be able to be subdivided under proposed Rule 27.5.1 into 3 lots as a minimum lot size of 6,000m² is required with an average of 1.0ha. However, in 1992 a 0.95 ha lot was subdivided from this property using the then minimum and average lot size rules. This lot created is

shown as Lot 2 behind our lot, in Figure 2 below. The wording of rule 27.4.2 (g) could make the otherwise Restricted Discretionary subdivision of this lot under the proposed rules, non-complying. This Rule currently states that the following will be non-complying activities;

g) The further subdivision of an allotment that has previously been used to calculate the minimum and average lot size for subdivision in the Wakitipu Basin Lifestyle Precinct”.

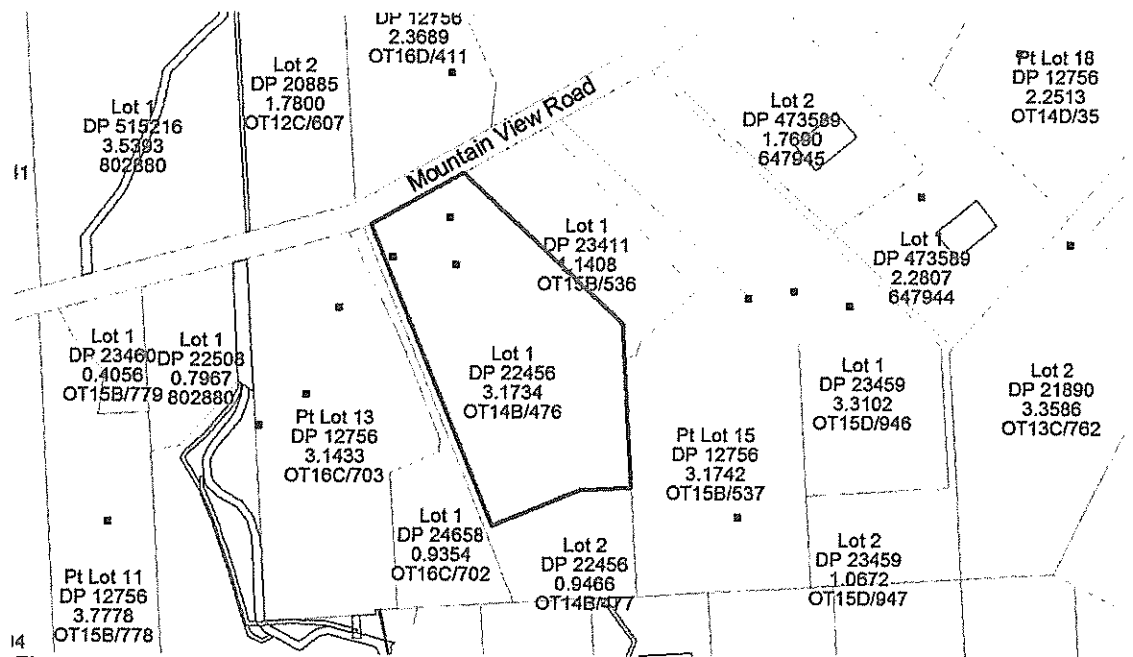


Figure 2: Example Site showing previously subdivided site to rear, Lot 2

- 3.3 I understand from Mr Barr's initial evidence (para 34.5), that Council put forward Rule 27.4.2(g) to ensure that a large balance lot, that had been previously used for the creation of lots and building platforms, was not further subdivided so that the overall result would be more lots and building platforms than would have otherwise been the case. This intent is important, but it is also important to ensure that the rule does not have the unforeseen consequence of preventing lots from being subdivided that are now intended by the District Plan review to be able to be.
- 3.4 I note that in paragraphs 4.9 to 4.15 of Mr Craig Barr's rebuttal evidence, he does put forward changes to the wording of this rule. These changes are adding the words;

"except where the further subdivision and any prior subdivision together complies with Rule 27.5.1."

- 3.5 I am supportive of these changes and consider they reduce the ambiguity and potential restrictions that may occur that would reduce the yield of the zone. An alternative wording may also be appropriate.
- 3.6 Another related matter to this that may have been overlooked by Council, is that the Variation did not propose to alter rule 27.4.2(b) of the Plan, while it added (g) to this Rule (the rule that we have been discussing). Part (b) of this rule, if left unaltered, will also result in my property and likely many others, from being able to be subdivided in accordance with the proposed rules that are supported by landscape and planning evidence and the objectives and policies of the zone. This rule if unaltered will have the unintended consequence of reducing the yield of the zone.
- 3.7 Rule 27.4.2(b) states the following shall be non-complying activities;
- "b. The further subdivision of an allotment that has previously been used to calculate the minimum average densities for subdivision in the Rural Lifestyle and Rural Residential Zone."*
- 3.8 A number of these previously subdivided Rural Lifestyle zoned properties are now located in the proposed lifestyle precinct where the average lot size of 1.0ha is proposed instead of 2.0 ha. Retaining this rule as it is would result in subdivision of sites such as mine being a non-complying activity rather than the intended Restricted Discretionary.
- 3.9 I am not sure of the jurisdiction to amend b), perhaps through a corrections and anomalies Plan Change, if it cannot be amended as part of these decisions. If the appropriate method can be found, I suggest an addition to this rule that reads;
- 3.10 "...unless the site is now situated in a new zone or precinct and the subdivision is in accordance with the minimum and average lot sizes of that zone."

Conclusion

- 3.11 I would appreciate your careful consideration of the wording of these two rules and how they interrelate to ensure that the subdivision and development intentions of the Council reflected in the Proposed Chapter 24 and related subdivision rules are achieved and not inadvertently restricted.

Nicola Jayne Sedgley

July 2018