

**Hearing Stream 3 – Heritage  
Wellington City Council**

**In the matter of**

Proposed District Plan review incorporating the  
Intensification Streamlined Planning Process  
(ISPP), and the first schedule of the Resource  
Management Act.

Hearing 3 – Viewshaft

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**Expert Evidence of Cameron de Leijer on behalf of David Walmsley**

**Date: 19/04/2023**

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**Next Event Date:** 9<sup>th</sup> May 2023  
**Hearing Chair:** Trevor Robinson  
**Hearing Pannel:** Heike Lutz, Liz Burge, Rawiri Faulkner, David McMahon.

## **Introduction**

- 1 My full name is Cameron Peter de Leijer. I am a Senior Surveyor and Planner at Spencer Holmes Ltd. I specialise in Cadastral Surveying, Resource Management, and Land development.
- 2 I am submitting planning evidence on behalf of David Walmsley.
- 3 I am authorised to provide this evidence on their behalf.

## **QUALIFICATIONS**

- 4 My qualifications and experience are as follows:
  - 4.1 I have a Bachelor of Surveying from the University of Otago and Bachelor of Science from the University of Canterbury.
  - 4.2 I have 5 years post graduate experience as a surveyor in private practice at Spencer Holmes Limited. During that time, I have worked on a variety of survey projects. I now work closely in the land planning field which includes the preparation of resource consent applications, as well as developing land use strategies for clients.
  - 4.3 In October 2021 I achieved the requirements to be a Licensed Cadastral Surveyor under the Cadastral Survey Act 2002, which is a rigorous set of exams that require knowledge in the law surrounding Cadastral Surveying. Upon obtaining my license to undertake cadastral surveys, I became full member of the surveying professional body, Survey and Spatial New Zealand.
  - 4.4 I previously sat on the Board for the Survey and Spatial Wellington Branch executive team. I currently have a position on the Board of the Positioning and Measurement Stream for Survey and Spatial New Zealand, which is the one of the governing streams of the survey profession.

5 My involvement in these proceedings (via CAMJEC Ltd) has been to prepare the original submission and to provide this evidence for the heritage hearing.

#### **CODE OF CONDUCT**

6 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. Whilst this is a Council hearing, I have complied with the Code of Conduct in preparing my evidence and will continue to comply with it while giving oral evidence before the commissioners. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from my expressed opinions.

#### **ORIGINAL SUBMISSION**

7 The original submission seeks to remove the restrictions from VS14 from 1 Carlton Gore Road.

#### **BACKGROUND**

8 The site at 1 Carlton Gore Road has been the subject of several Environment Court decisions. The owner had previously been seeking privacy for the outdoor area. Subsequent to the decisions the owner is now seeking to develop this space.

9 1 Carlton Gore Road is currently undergoing an assessment at Wellington City Council a permitted building certificate under Rule 5.1.7 (SR 503408).

#### **SECTION 42A REPORT AND EXPERT EVIDENCE**

10 The section 42A report provided by Anna Stevens takes into account the expert evidence provided by Ms Popova and Dr Zamani.

- 11 Within Ms Popova's evidence, she has states that 'The PDP Vs14 is the same as Vs15 in the ODP' and that the VS14 viewshaft overlay as drawn in the ODP (Vs15 Appendix 11) is the same viewshaft overlay shown in the PDP for PDP-Vs14. We note that under the ODP, that viewshafts apply to the central area's rules., not residential areas.
- 12 While the left and right margins are defined/shown in a very similar way, the difference occurs in the 'termination point' of the viewshaft. Appendix 11 Vs 15 (attached) shows the viewshaft extending beyond Point Jerningham. The 'termination point' of Vs14 of the PDP shown as an overlay, finishes on Point Jerningham (shown as figure 2) As such it the termination point has been arbitrary defined to end on Point Jerningham, where in essence, this viewshaft should have originally been defined in Vs14 to extend beyond Point Jerningham to Point Halswell. Noting that this would have subjected more properties to the qualifying matter of 'Viewshafts' and would have likely drawn more submissions with respect to the opposition of viewshafts. There seems to be no justification to the 'end' of this viewshaft.

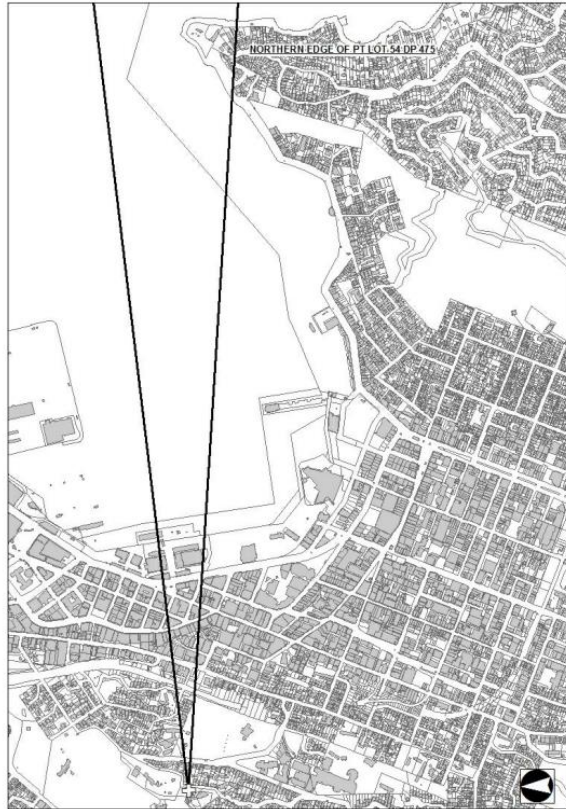


Figure 1:Vs15 ODP



Figure 2:Vs 14 PDP

- 13 While not directly related to this specific submission, a general discussion about the end point of the viewshafts is warranted here. Viewshaft 13,14 and 15 of the Proposed District Plan extends outside the boundaries of the Terrestrial Authority into the harbour (and in the case of VS15 extends to Matui/Somes Island). It would be a prudent time to amend these overlays to the jurisdiction of the territorial authority.
- 14 Ms Popova also states that ‘under the ODP the applicant and resource consent planner have to check if the property sits within a viewshaft by using the Central Area Viewshaft Appendix 11. This means that 1 Carlton Gore Road has always been included within the viewshaft’s overlay’. We disagree with this statement on the basis that there was no residential area rule that applies.
- 15 Within the District Plan General Provisions, the section being referred to by Ms Popova is 3.2.2.17 which states:
- Where a development intrudes upon an identified viewshaft, line drawings of the development in relation to the viewshaft must be supplied to demonstrate the level of compliance with the **relevant viewshaft standard** [my emphasis]. The drawings must be of a scale that allows the accurate assessment of the visual effects and must be accompanied by a certificate from a registered land surveyor or person with an appropriate level of professional expertise.] PC48
- 16 The key wording in this section is the ‘relevant viewshaft standard’. 1 Carlton Gore Road falls within the Outer Residential Zone of the ODP. There are no standards within the residential area that relate to viewshafts. The viewshaft in question is a Central Area Viewshaft which is not a ‘relevant viewshaft’ for 1 Carlton Gore Road as it applies to the Central Area Zone.
- 17 Therefore as there are no relevant viewshafts for 1 Carlton Gore Road as no viewshaft standards apply for residential areas, and it is outside the

central area zone and therefore it has never been apart of Vs15 or any viewshafts.

- 18 In my experience this is how viewshafts have been assess in zones outside the Central Area Zone. As such it is surprising that Wellington City has extended these viewshaft overlays outside the Central Area/City Centre Zone. We do appreciate that there is a significant change in the way viewshafts are assessed within the PDP as a result of the National Planning Standards. However, applying these viewshafts to residential zones directly contravenes Objective 2 of the NPS-UD as this is not a planning decision that will ‘improve housing affordability by supporting competitive land and development markets’.
- 19 We also disagree with Ms Popova’s assessment that the viewshaft should apply on any non-complying activity with respect to the 11m height limit. This would add complexity to applying the viewshaft overlay to affected properties. This would also further add significant costs to the applicant while preparing and processing the resource consent.
- 20 Turning out attention to the Section 42A report, we would like to bring specific reference to paragraph 159. Ms Stevens states that “the risk of PDP-VS14 being built out by properties in Roseneath, including 1 Carlton Gore Road, and thus blocking the focal elements of Point Jerningham and Point Haswell is low because the properties in Roseneath are a context element...”
- 21 We would reinforce that the viewshaft includes a hillside that is developed. As such additional development on this hillside, especially 1 Carlton Gore Road, is in keeping with the context and character of the viewshaft. Taking a further step back, the wider Wellington public are accustomed to seeing development on hills. We also note Dr Zamanis recommendation of limiting the viewshaft to Oriental Parade and support this recommendation.

## CONCLUSION

- 22 We fully support the recommendations within the S42A report to limit the viewshaft to the proposed figure 22 which limits the end point of VS14 to Oriental Parade which removes the viewshaft from 1 Carlton Gore Road.
- 23 We also recommend to WCC to assess the end points of the viewshafts to ensure that they do not cross the coastline, where there is no jurisdiction for WCC as it is not within their territorial authority.

Date: 24/04/2023

A handwritten signature in blue ink, appearing to be 'I. Leary', is written across the page.

Review and Agreed by: Ian Leary