

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 13
– Queenstown
Mapping Annotations
and Rezoning
Requests

**REBUTTAL EVIDENCE OF ROSALIND DEVLIN
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

GROUP 1C QUEENSTOWN URBAN – CENTRAL, WEST AND ARTHURS POINT

7 July 2017

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Attachment A: 1995 District Plan Map 27;

Attachment B: Section 32AA Evaluation; and

Attachment C: Map for Michael Swan / Gertrude Saddlery Limited (494) and Larchmont Developments Limited (527) submissions.

1. INTRODUCTION

- 1.1** My full name is Rosalind Mary Devlin. I am self-employed as a planner.
- 1.2** My qualifications and experience are set out in my statement of evidence in chief dated 24 May 2017.
- 1.3** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise except where I state that I am relying on the evidence of another person.

2. SCOPE

- 2.1** My rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Mr Nicholas Geddes and Mr Paul Faulkner for Middleton Family Trust (336);
 - (b) Mr Sean Dent for Mount Crystal Limited (150);
 - (c) Mr Sean McLeod for Body Corporate 22362 (389) and Sean and Jane McLeod (391);
 - (d) Mr Peter Manthey (75);
 - (e) Mr Timothy Walsh for P J & G H Hensman and Southern Lakes Holdings Limited (543);
 - (f) Ms Rebecca Holden for Queenstown Lakes District Council (790 - Commonage);
 - (g) Ms Rebecca Holden for Queenstown Lakes District Council (790 – Kerry Drive);
 - (h) Ms Amanda Leith for Allium Trustees Limited (718);
 - (i) Ms Sue Knowles for Sue Knowles (7), Angela Waghorn (76), Diane Dever (193) and Body Corp 27490 (363);

- (j) Mr David Cassells and Ms Andrea Farminer for DJ and EJ Cassells and Others (503) and Friends of the Wakatipu Gardens and Reserves (506);
- (k) Ms Amanda Leith for Neville Mahon (628);
- (l) Mr Nicholas Grala for Reddy Group Limited / Coherent Hotels Limited (699);
- (m) Mr Carey Vivian for PR Queenstown Limited (102), Neki Patel (103) and Hamish Munro (104);
- (n) Mr Ben Farrell for Ngai Tahu Tourism Limited (176);
- (o) Mr Carey Vivian for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527);
and
- (p) Mr Carey Vivian for Darryl Sampson & Louise Cooper (495).

2.2 I also confirm that I have read the following statements of evidence:

- (a) Mr John McCartney for Mount Crystal Limited (150);
- (b) Mr Stephen Skelton for Queenstown Lakes District Council (790 - Commonage);
- (c) Mr Stephen Skelton for Queenstown Lakes District Council (790 – Kerry Drive);
- (d) Mr Ben Espie for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527);
- (e) Mr Jason Bartlett for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527);
- (f) Mr John McCartney for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527);
- (g) Mr Peter Nicholson for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527);
and
- (h) Mr Ben Espie for Darryl Sampson & Louise Cooper (495).

2.3 My evidence has the following attachments:

- (a) **Attachment A:** 1995 District Plan Map 27;
- (b) **Attachment B:** Section 32AA Evaluation; and

(c) **Attachment C:** Map for Michael Swan / Gertrude Saddlery Limited (494) and Larchmont Developments Limited (527) submissions.

2.4 All references to the Proposed District Plan (**PDP**) provision numbers are to the Council's Reply version of those provisions, unless otherwise stated.

2.5 At the time of filing this evidence, the Council's geotechnical rebuttal evidence has not been progressed to an extent that I can rely on it. Therefore my rebuttal evidence on the following submissions will be filed by way of a statement of supplementary rebuttal:

- (a) Middleton Family Trust (336);
- (b) Mount Crystal Limited (150); and
- (c) Michael Swan / Gertrude Saddlery Limited (494) and Larchmont Developments Limited (527).

3. MR NICHOLAS GEDDES AND MR PAUL FAULKNER FOR MIDDLETON FAMILY TRUST (336)

3.1 Mr Geddes has filed evidence in relation to removing the Queenstown Heights Overlay (**QHO**) site density and minimum lot size of 1,500m². The submitter's site is located above Frankton Road and is legally described as Lot 2 DP 409336.

3.2 The submitter's request as detailed in Mr Geddes' evidence for the LDR hearing (stream 6) for an alternative site density of 749 lots (or similar) is not considered to be within the scope of the original submission.

3.3 Mr Geddes rightly notes that the ODP Chapter 7 (Residential Areas) does not include a site density for the QHO; it is only found in the subdivision chapter as a minimum lot size.¹ The PDP rectifies this anomaly by including the 1 lot per 1,500m² in both the Low Density Residential Chapter 7 and the Subdivision and Development Chapter 27, as site density and minimum lot size, respectively. I support the

¹ Paragraph 4.1 of Mr Geddes' Statement of Evidence dated 2 June 2017.

PDP approach. I do not agree with Mr Geddes that the PDP materially reduces the density of the submitter's site.² It would be more likely than not, in my experience, that the site would be subdivided before dwellings are constructed. The ODP site density of 450m² would not be helpful in that respect, as the 1,500m² minimum lot size would apply to a subdivision.³

3.4 Both Mr Geddes and Mr Faulkner, Senior Engineering Geologist for the submitter, state that the geotechnical reports for the adjoining Remarkables View subdivision are not relevant to the submitter's site.⁴ I accept the evidence that those reports are not relevant but it is unclear how this evidence influences the issue of whether the restrictions in the QHO are still necessary and appropriate.

3.5 I acknowledge, as Mr Geddes states, that the Queenstown Landslide may not cover the entire site,⁵ as identified by the Council hazard maps, and that parts of the site may not be considered overly 'steep'. I understand that the QHO was imposed because of risks associated with the active landslide as it is not clear that the balance of the site (i.e. outside of the identified Queenstown Landslide on the hazard maps) is 'safe' for development.

3.6 However, I understand that the Hearing Panel for the Residential hearing stream 6 directed the submitter to provide geotechnical evidence in regard to risk from natural hazards within the submitter's site.

3.7 The submitter has not provided specific geotechnical evidence in that respect. Mr Faulkner concludes that detailed geotechnical investigation would still be required to determine if there is any ground suitable for development. Mr Faulkner does not state whether he would support the removal of the overlay.

2 Ibid at paragraph 4.5.

3 Under the ODP provisions dwellings could be built at a site density of 450m² prior to subdivision. However, a minimum site density of 1,500m² would apply at the subdivision stage.

4 Ibid at paragraph 5.10; paragraph 3.3 of Mr Faulkner's Statement of Evidence dated 9 June 2017.

5 Paragraph 5.3 of Mr Geddes' Statement of Evidence dated 2 June 2017.

3.8 At this time, there is still no information provided to support a conclusion that the natural hazard provisions of the PDP can appropriately manage the increased risk associated with permitted land uses that would be established as a result of this rezoning. In the absence of geotechnical evidence that supports conventional low density residential development of the submitter's site (450m² per lot), I maintain my position that the QHO should be retained.

4. MR SEAN DENT FOR MOUNT CRYSTAL LIMITED (150)

4.1 Mr Dent has filed evidence in support of rezoning 634 Frankton Road from LDR to HDR.

4.2 The submitter sought either rezoning of its site to a mix of MDR and HDR (split as 1.24 ha to MDR and 1.49ha to HDR), or alternatively, zoning the site MDR with 12m building height and visitor accommodation.

4.3 I agree with Mr Dent that a 'split zoning' of the site (i.e. part of the site MDR and part HDR) and/or potential bespoke height limit for MDR is not the most efficient and effective approach to zoning of the subject site.⁶ However, the submitter did not seek HDR zoning over the whole site in its submission.

4.4 I also agree with Mr Dent that the adjoining properties have been developed to greater densities than conventional LDR through comprehensive developments or as visitor accommodation complexes, such that the surrounding area is not traditionally suburban in appearance and character.⁷

4.5 I disagree that HDR is the most appropriate rezoning for the site. There are no other areas of HDR along the land north of Frankton Road. I consider that development enabled by a HDR zone would appear out of character or disparate in this location. Furthermore, HDR zoning in this area would not meet the objectives of Chapter 9,

⁶ Paragraph 18 of Mr Dent's Statement of Evidence dated 9 June 2017.

⁷ Ibid at paragraphs 57-63.

in particular Objective 9.2.1, which support higher density zoning in close proximity to the town centre.

- 4.6** I assessed the submission on the basis that it requested MDR along with 12m height and visitor accommodation. Notwithstanding my general concerns about 'spot zones',⁸ I could support rezoning the site to MDR on the basis that it is a large area at 2.7ha and extends from Frankton Road up to the edge of the Queenstown Heights Overlay (200m). Upzoning could facilitate more efficient use of the land for residential purposes (taking into account the stream and geotechnical constraints that will restrict the developable area, as detailed by Mr Dent); and development at MDR scale would not result in significant amenity concerns in regard to adjoining properties. The provisions of Chapter 28 (natural hazards) would ensure that development on the parts of the site subject to natural hazards only occurs where the risks to the community and the built environment are avoided or appropriately managed or mitigated (Objective 28.3.2).
- 4.7** Mr Glasner maintains his opposition to rezoning the site HDR from an infrastructure perspective, due to lack of firefighting supply.
- 4.8** Mr Glasner does not oppose potential MDR rezoning over the site, as there would be no change in firefighting requirements compared with the notified LDR zoning. I support and rely on Mr Glasner's evidence.
- 4.9** Ms Banks does not oppose rezoning to MDR from a transport perspective, but retains her opposition to HDR zoning in regard to distance from the town centre in particular. I support and rely on Ms Banks' evidence.
- 4.10** Mr McCartney considers that due to geotechnical constraints, as outlined in the submitter's Geotechnical Hazards – Preliminary Assessment, the developable area within the site would be 1.27 ha, which could yield 60 additional HDR lots. I estimate this area could yield 15 additional MDR lots (35 MDR lots in total).

⁸ Paragraph 6.12 of my Group 1C report dated 24 May 2017.

4.11 Given the above considerations, I now recommend the site should be rezoned MDR. I have included a s32AA at **Attachment B**.

5. MR SEAN MCLEOD FOR BODY CORPORATE 22362 (389) AND SEAN & JANE MCLEOD (391)

5.1 Mr Sean McLeod has filed evidence in relation to rezoning the Body Corporate 22362 land and surrounding area known as "Goldfields", as well as areas along Frankton Road and much of Fernhill from LDR to MDR.⁹ Mr McLeod has provided some useful maps showing these areas, as well as additional analysis of the possible outcomes of rezoning in regard to density.

5.2 Mr McLeod considers that my recommendations in relation to submission 790 – Commonage would result in a 'spot zone'.¹⁰ To clarify, submission 790 requests small extensions to an existing MDR-zoned site that is part of a larger MDR zone on Queenstown Hill, and is therefore not a 'spot zone' in the sense that it is not an isolated or small site-specific zone.

5.3 Regarding Mr McLeod's concerns about development capacity calculations,¹¹ the Council's development capacity figures used for the evidence in chief were based on a simple net area calculation of dividing the net area (less a portion of land taken up for roading) by the minimum site size. I agree with Mr McLeod that the figures may not completely reflect all the site constraints that would apply to development of these sites.

5.4 I agree with Mr McLeod that most of the sites that are the subject of this submission meet many of the objectives for the MDRZ (particularly in regard to location).¹² As set out in the s.32 report for chapters 3 and 4 of the PDP there are a number of benefits associated with upzoning within the UGB. However, upzoning must be accommodated by development infrastructure including the transport network (allowing for feasible and cost effective upgrades).

⁹ I note that Mr McLeod is the Chairperson of Body Corporate 22362.

¹⁰ Paragraph 17 of Mr McLeod's Statement of Evidence dated 9 June 2017.

¹¹ Ibid at paragraph 10.

¹² Ibid at paragraph 21.

In this situation, Ms Banks retains her opposition to the Body Corporate 22362 rezoning request from a transport perspective, and Mr Glasner is opposed to the wider submission 391 rezoning request from an infrastructure perspective. The submitter has not provided expert evidence in regard to transport or infrastructure. Based on the available evidence I do not support the extension of the MDR zone as requested by the submitters on the basis that there is insufficient infrastructure support for the rezoning. sought, while well intentioned, is 'too much'. In addition, I rely on Ms Kimberley Banks' supplementary evidence dated 19 June 2017 that additional upzonings of land to higher intensities are not required for the PDP timeframe.

5.5 Given all of the above, I retain my recommendations on these submissions.

6. MR PETER MANTHEY (75)

6.1 Mr Manthey has filed evidence in support of rezoning the site on Vancouver Drive to a green space (which I have assumed is a reference to an open space zone).

6.2 Mr Manthey's primary submission did not specifically refer to the Commonage area and he did not file a further submission on submission 790. Submission 790 seeks to rezone parts of the Commonage site on Queenstown Hill from Rural to MDR to match the parcel boundaries. I met with Mr Manthey to gain a better understanding of his concerns, the areas of land he is interested in, and to examine the zoning history on Queenstown Hill. I understand that Mr Manthey's requested green space zoning is to provide a buffer between his property and possible future development of the Commonage site.

6.3 I disagree with Mr Manthey that without resource consent RM150220 (the details of which are included in my primary evidence as well as appended to submission 790), submission 790 would not have been

made.¹³ The HDR zoning in this area dates back to the 1995 District Plan, before Vancouver Drive and Mr Manthey's property existed. A copy of 1995 District Plan map 27 is included as **Attachment A** to my evidence.

6.4 My understanding is that RM150220 is simply one step in the process of making the Commonage site available for future development, as residential zoning over most of the Commonage site has been in place for over 20 years. However, I note that, any resource consent applications for development of the Commonage site would be required to assess any adverse effects on Mr Manthey as an occupier of an adjoining property. As such, I do not consider that a pre-emptive green space zoning is necessary to protect Mr Manthey's residential amenity.

6.5 I therefore maintain my recommendation that the notified MDR zoning over the Vancouver Drive site be retained.

7. MR TIMOTHY WALSH FOR P J & G H HENSMAN AND SOUTHERN LAKES HOLDINGS LIMITED (543)

7.1 Mr Walsh has filed evidence in support of rezoning the submitter's site from LDR to HDR. The submission site is located on Windsor Place on Queenstown Hill. The submission requested rezoning the northern part of the site outside of the ODP Visitor Accommodation Sub-Zone from LDR to HDR, an area of approximately 4ha. The submission requested that the southern part of the site remain LDRZ within the Visitor Accommodation Sub-Zone.

7.2 Mr Walsh notes that the rezoning request '*now extends over the entire property*'.¹⁴ I note that the Council's development capacity calculation, and consequently Council's expert evidence in chief for infrastructure and transport, are based on the entire site (481 HDR lots).

¹³ Page 1, last sentence of Mr Manthey's Statement of Evidence dated 2 June 2017.

¹⁴ Paragraph 15 of Mr Walsh's Statement of Evidence dated 9 June 2017. Noting that submission 543 sought rezoning of part of Lot 13 to HDR i.e. rather than the whole site. The northern part of the site considered is the part of the site sought to be rezoned by submission 543.

- 7.3** My evidence in chief only considered the northern part of the site, albeit with an incorrect high development capacity.¹⁵ I estimate that this part of the site could yield 63 LDR lots or 241 HDR lots.
- 7.4** I agree with Mr Walsh's additional evidence in regard to the general benefits of higher density;¹⁶ however, I maintain my concern that the site is too far from the town centre to be appropriate for HDR. The submitter has not provided transport evidence to respond to Ms Banks' concerns. While I agree generally with Mr Walsh that the site might be easily walkable for some people, it would not be easily walkable for anyone with a mobility limitation, by which I include people with disabilities, elderly, children, and parents with small children. Ms Banks also considers that as the site is over 1km from the Queenstown Town Centre, and based on a walking pace for a fit person at 1,5/s, it would take 25 minutes to walk 1km, and a longer time returning to the site uphill. Ms Banks notes that 400m is the maximum walking distance cited in the QLDC Land Development and Subdivision Code of Practice. Ms Banks therefore retains her opposition to the requested HDR rezoning. I support and rely on Ms Banks' expert evidence.
- 7.5** Ms Banks is not opposed to the potential MDR rezoning over the site from a transport perspective, and considers that the lower intensification would result in less parking demand and less traffic generation.
- 7.6** As neither Mr Walsh nor I are landscape experts, I will not comment further on the interface between the UGB and ONL.
- 7.7** The site adjoins the MDRZ on Queenstown Hill. As such, and given Ms Banks' and Mr Glasner's evidence in regard to transport and infrastructure, I would support rezoning the northern part of the site to MDR. I consider this would be a more appropriate scale of upzoning to enable efficient use of the land to increase housing supply, while maintaining the amenities of the adjoining LDR zoned properties along Hensman Road. The MDR development capacity for the

15 Paragraph 17.1 of my Group 1C report dated 24 May 2017.

16 Paragraphs 31 – 33 of Mr Walsh's Statement of Evidence dated 9 June 2017.

rezoned area would be approximately 113 lots, based on 250m² per lot, which represents an additional 50 lots.

7.8 I therefore change my position and recommend that the northern part of the site should be rezoned MDR. I have included a section 32AA evaluation **Attachment B**.

8. MS REBECCA HOLDEN FOR QUEENSTOWN LAKES DISTRICT COUNCIL (790)

8.1 Ms Holden has filed evidence in support of rezoning the Council-owned sites of the Commonage on Queenstown Hill and Kerry Drive from Rural to LDR. Evidence is also provided by the submitter's landscape expert, Mr Skelton.

8.2 I consider that the existing pedestrian track through the Kerry Drive site should be retained, even if it needs to be slightly realigned to enable a developable and accessible LDR site. I support the location of the new trail as shown in Mr Skelton's evidence; however, the existing track serves a different purpose by providing an amenity for nearby residents, visitors and commuters.

8.3 There is general alignment between myself and Ms Holden with respect to the rezoning request for these sites. I maintain my support for both of these sites being rezoned.

9. MS AMANDA LEITH FOR ALLIUM TRUSTEES LIMITED (718)

9.1 Ms Leith has filed evidence in support of rezoning the site from LDR to HDR. The site is located on Queenstown Hill and comprises 11 Belfast Terrace, 2, 4 and 6 Manchester Place.

9.2 Ms Leith has provided useful evidence explaining how the rezoning affects amenity values and can be appropriately managed through the PDP provisions;¹⁷ however, I maintain my concern that the site is too far from the town centre to be suitable for HDR (in terms of

¹⁷ Paragraphs 23-24 of Ms Leith's Statement of Evidence dated 9 June 2017

walkability in particular) and that a 'spot zone' would not be appropriate.

9.3 The submitter has not provided transport evidence to respond to Ms Banks' concerns that the existing transport infrastructure and PDP provisions do not support HDR in this area. Ms Banks stated in her evidence in chief that either MDR or LDR would be more appropriate for the site from a transport perspective.

9.4 The Policies proposed by the Council in the Urban Development Chapter, in particular Policy 4.2.3.2, clearly support increased density of residential development "*in close proximity to town centres, public transport routes, community and education facilities*". Policy 4.2.4.2 similarly seeks that development in Queenstown "*provides increased density in locations close to key public transport routes and with convenient access to the Queenstown Town Centre*".

9.5 Ms Leith has provided additional analysis in regard to potential MDR rezoning over the site.¹⁸

9.6 The site adjoins the notified MDRZ on Queenstown Hill. As such, and given that in this location MDR could be accommodated by transport and infrastructure, I would support rezoning the site to MDR as I consider this would be a more appropriate scale of upzoning to enable efficient use of the land to increase housing supply. The MDR development capacity would be approximately an additional 10 lots (23 MDR lots in total).

9.7 I therefore change my position and recommend that the site should be rezoned MDR. I have included a section 32AA evaluation at **Attachment B**.

10. MS SUE KNOWLES FOR SUE KNOWLES (7), ANGELA WAGHORN (76), DIANE DEVER (193) AND BODY CORP 27490 (363)

10.1 Ms Knowles has filed evidence in support of rezoning 1, 3, 9 and 11 York Street from HDR to LDR.

¹⁸ Ibid at paragraph 25.

10.2 Ms Knowles' concerns are all site-specific transport and engineering design matters that, in my opinion, will be addressed through any future resource consents in the area. I maintain my view that these concerns do not warrant a downzoning.

11. MR DAVID CASSELLS AND MS ANDREA FARMINER FOR DJ & EJ CASSELLS AND OTHERS (503) AND THE FRIENDS OF THE WAKATIPU GARDENS AND RESERVES (506)

11.1 Mr Cassells has filed evidence in regard to the unique character of the Brisbane and Park Street area, and Ms Farminer has provided expert heritage evidence.

11.2 I have reviewed Ms Jones' evidence for the historic heritage (Chapter 36) hearing (stream 3) on behalf of the Council in regard to this area of Queenstown. Ms Jones noted that various submissions (including 503 and 506) seek that:¹⁹

the character of the two blocks bound by Hobart and Park Streets be recognised by adding a special character overlay to the area and referring to this as an 'Area of Special Character' in Chapter 26 in order to protect the townscape / landmark value of the precinct; the individual principal historic buildings; the group value of the buildings; and their relationship with the Wakatipu Gardens.

11.3 Ms Jones then stated:²⁰

A number of individually listed features are located within this area. There are currently no other special character areas within the heritage chapter and so to add this would be adding more complexity. Utilising the existing rule framework of the PDP, the alternative is to identify the area as a heritage precinct (under Rule 26.8) which is

¹⁹ Historic Heritage s42A report of Ms Vicki Jones in Hearing Stream 3 dated 2 June 2016 at paragraph 15.6.

²⁰ Ibid at paragraph 15.7.

perhaps what the submitters are, in fact, suggesting although that needs to be clarified. On the basis that it would be inefficient to introduce yet another layer of heritage rules/ categorisation relating to a 'special character area' and relying on the opinion of Mr Knott, who concluded that the area does not exhibit a cohesive character, I am of the view that it does not justify identification as a precinct or the consenting requirements that this would result in.

- 11.4** I support and rely on Ms Jones' evidence, and that of Mr Richard Knott, Council's heritage expert.²¹
- 11.5** I therefore retain my recommendation that a downzoning from MDRZ to LDRZ or a zone similar to the Arrowtown Residential Historic Management Zone is not appropriate for this site.

12. MS AMANDA LEITH FOR NEVILLE MAHON (628)

- 12.1** Ms Leith has filed evidence in support of rezoning the submitter's site from MDR to HDR. The site is located on Park Street near the Queenstown Gardens.
- 12.2** Ms Leith has provided useful analysis of the effects of HDR zoning on adjoining residential amenities and the Queenstown Gardens.²² In general, I agree with Ms Leith's evidence, and I maintain my position that upzoning this site would be preferable to the downzoning requested by submitters 503, 506 and 599.
- 12.3** Ms Leith considers that my recommendations to accept the rezoning requests of submissions 679 (27 Frankton Road) and 61 (land between Adelaide and Suburb Streets) from MDR to HDR would leave the submitter's site within a block of MDR through which people would have to travel to reach HDR areas.²³ I agree with this statement; however, not all of Queenstown follows the classic

21 Statement of Evidence of Richard Knott for Queenstown Lakes District Council in Hearing Stream 3 dated 2 June 2016.

22 Paragraphs 29 – 41 of Ms Leith's Statement of Evidence.

23 Ibid at paragraph 27 of Ms Leith's Statement of Evidence.

concentric zone model. For example, further along Park Street there is an area of LDR followed by HDR on the opposite side of Cecil Road below Frankton Road. In my view, the concentric zone model is a useful guide to determining zoning, but should be adjusted to respond to physical features and local context.

- 12.4** If any submitters had requested that the entire blocks bound by Park and Hobart Streets and Frankton Road be rezoned HDR, then that wider area would connect to my recommended HDR rezoning over the adjoining blocks (submission sites 679 and 61). I note that Greenwood Group Limited (FS1315) supported submission 679 and requested that their land within the adjoining block (between Hobart and Brisbane Streets) also be rezoned HDR, but this further submission only applied to one site (9 Frankton Road) and not the whole block. Thus, I do not have scope to recommend rezoning the two blocks within which this site is located to HDR, should this be considered the most appropriate zone.
- 12.5** I am concerned that rezoning this site could create a 'spot zone' of HDR surrounded by MDR. The site is approximately 7,400m² in area and includes some older style dwellings, vacant land, Happiness House community support facility, and a NIWA monitoring station. There is certainly scope for redevelopment within the site.
- 12.6** The site adjoins sites containing historic buildings at 28 Park Street, 5 and 17 Brisbane Street. I accept Ms Leith's evidence that the values of these features are adequately protected by Chapter 26.
- 12.7** Overall, given my concerns about the size of the site not being appropriate for a rezoning, and in light of Ms Kimberley Banks' evidence in regard to upzonings not being needed to provide for future development capacity at this time, I retain my recommendation that the notified MDR zoning is most appropriate for this site.

13. MR NICHOLAS GRALA FOR COHERENT HOTELS LIMITED (699)

- 13.1** Mr Grala has filed evidence in support of rezoning the submitter's entire site from LDR to MDR. The submitter's site is located at 139 Fernhill Road, and 10,12, 14 and 16 Richards Park Lane, Fernhill.
- 13.2** With regard to Mr Grala's comments on the visitor accommodation sub-zone,²⁴ I agree that visitor accommodation will be appropriately addressed in Stage 3 of the PDP.
- 13.3** There is general alignment between myself and Mr Grala with respect to the rezoning request for the site.²⁵ I maintain my support for the site being rezoned.

14. MR CAREY VIVIAN FOR PR QUEENSTOWN LIMITED (102), NEKI PATEL (103) AND HAMISH MUNRO (104)

- 14.1** Mr Vivian has filed evidence in support of rezoning 30 – 46 Gorge Road from HDR to Business Mixed Use Zone (**BMUZ**), which would connect with the expanded BMUZ at the corner of Robins and Gorge Road.
- 14.2** Mr Vivian has provided additional evidence in regard to the BMUZ building heights.²⁶ In light of this evidence I agree with Mr Vivian that building height may not be as great a concern, in regard to amenity, as I considered in my primary evidence. I would not, however, support bespoke or site-specific rules if that site was rezoned BMUZ; as sought by Mr Vivian.²⁷
- 14.3** However, I retain my concern that the site is too close to the Queenstown Town Centre Zone (**QTCZ**) for a BMUZ to be complementary and would be competitive instead.²⁸ The QTCZ is proposed to expand over the Council offices and library; whereas

24 Paragraph 15 of Mr Grala's Statement of Evidence dated 9 June 2017.

25 Ibid at paragraph 22; paragraph 39.9 of my Group 1C report dated 24 May 2017.

26 Paragraph 4.11 – 4.20 of Mr Vivian's Statement of Evidence dated 9 June 2017.

27 Paragraph 3.2 of Mr Vivian's Statement of Evidence dated 9 June 2017.

28 Paragraph 44.9 and 44.11 of my Group 1C report dated 24 May 2017.

under the ODP there is a greater separation between the QTCZ and the site (approximately 290m from Memorial Street to 30 Gorge Road via the Gorge Road car park). The resulting separation distance between the proposed edge of the QTCZ and the site is proposed to be reduced to 170m, which is within easy walking distance of an easy walk from the Council building through the car park or along Gorge Road. The PDP proposed QTCZ expansion on Brecon Street is also 'closing in' on the site, reducing walking distances from that part of the QTCZ to the submission site and related concerns about competition. Rezoning the site BMUZ would be inconsistent with policies 3.2.1.1.1 and 3.2.1.1.2 in particular, in regard to providing a planning framework for the Queenstown central business area as a key commercial hub within the District, and avoiding commercial rezoning that could fundamentally undermine the role of Queenstown central business areas as the primary focus for the District's economic activity. The rezoning request would not meet policy 12.2.4.2, which seeks to ensure that the QTC remains compact and easily walkable by avoiding outward expansion of the QTCZ.

14.4 I have investigated the current uses of the site:

- (a) 30 Gorge Road (opposite the Gorge Road car park) – contains a large older style dwelling, which appears to be used for residential purposes;
- (b) 32 Gorge Road – currently being developed into a multi-unit visitor accommodation development (six 3-bedroom units) through resource consent RM161015;
- (c) 38 Gorge Road – contains an older style dwelling currently used for 'Queenstown Health' physiotherapy clinic – operating under resource consent RM041047 for commercial operations for four medical professionals;
- (d) 42 Gorge Road – contains a large older style dwelling currently used for 'A Woman's Touch' cleaning service – apparently without a valid resource consent; and
- (e) 46 Gorge Road – contains five townhouses, which appear to be used for residential purposes.

14.5 The site contains a mix of commercial, visitor accommodation and residential activities. With regard to Mr Vivian's s32AA Evaluation,²⁹ I do not consider that all of the existing uses of the site form a logical expansion for the BMUZ at the corner of Robins and Gorge Road, and I note that one of the existing commercial uses appears to be unconsented. As I have noted above, I consider the close proximity of the site to the QTCZ to be a potential cost, rather than benefit of the rezoning request.

14.6 Given the above, I maintain my recommendation to retain the notified HDR zoning.

15. MR BEN FARRELL FOR NGAI TAHU TOURISM (716)

15.1 Mr Farrell has filed evidence in support of rezoning the submitter's land and the surrounding Morning Star Beach Reserve in Arthurs Point from Rural to ODP Rural Visitor Zone (**RVZ**). Mr Farrell has raised concerns about the development capacity calculations³⁰ and assumption that residential development will occur as a result of the rezoning being sought.

15.2 Given that the RVZ has no minimum lot size, it is inherently difficult to estimate capacity, and I agree with Mr Farrell that a 338 lot yield could well be unrealistic once a range of feasibility issues are taken into account. The Council has since reassessed the assumptions behind the RVZ capacity calculations, with Ms Banks' supplementary evidence and Mr Osborne's evidence stating that the Arthurs Point RVZ has a capacity of 200 lots, based on historical development within the zone.

15.3 Mr Farrell states the submitter does not intend to include residential development and suggests that bespoke provisions would be appropriate to restrict or manage residential development with the reserve.³¹ However, Mr Farrell has not provided any bespoke provisions for analysis. Given my reservations about the RVZ, I

²⁹ Attachment CV3 of Mr Vivian's Statement of Evidence dated 9 June 2017.

³⁰ Paragraphs 11-12 of Mr Farrell's Statement of Evidence dated 9 June 2017.

³¹ Ibid at paragraph 13.

would not support incorporation of bespoke provisions within the RVZ.

- 15.4** Mr Farrell has provided an additional description of the conservation value of the site by noting that it is a Conservation Unit and *Special Place* under the Otago Conservation Management Strategy.³² Given the nature of these values, I retain my concerns about development on the scale anticipated by the RVZ being likely to be problematic to reconcile with this additional value. I also retain my concerns about the related historic and recreation values of the wider reserve (north of the Shotover Jet area) not being appropriate for development on the scale anticipated by the RVZ.
- 15.5** Mr Farrell has provided a useful map and summary of existing activities within the southern part of the site. I consider that there could be merit in rezoning this area (approximately 2.7ha) from Rural to an urban zone, if that would promote a more strategic approach to tourism and visitor activities compared with resource consents, although I maintain my concerns about a bespoke 'spot zone' over the reserve.³³
- 15.6** The ODP RVZ includes a rule for a Structure Plan. However, the rule does not list many matters of control beyond '*showing the locations where activities are to be undertaken, landscaping, open space and details of the density of development*', and the status of other activities are not affected by their consistency with a Structure Plan, meaning there is effectively no need to even submit a Structure Plan. I consider that this illustrates the inherent problems with the RVZ.
- 15.7** I note that the Rural Zone does provide for commercial and tourism or recreational activities, and as such I am not convinced that a rezoning would necessarily be more beneficial than a master planned approach through resource consents. Commercial recreation activities (up to 10 persons) would be permitted in the Rural Zone, with more than 10 persons being discretionary. Commercial activities

³² Ibid at paragraph 8.

³³ Paragraph 46.14 of my 11 of my Group 1C report dated 24 May 2017.

ancillary to recreation activities would be discretionary, and buildings restricted discretionary, if they meet the relevant standards.

15.8 The submission requests either "Rural Visitor" or "Visitor," which gives scope for a modified or bespoke version of the RVZ or a completely new visitor zone, for example a zone over the southern part of the site to provide for tourism activities while excluding residential activities. If a rezoning over this part of the site, or the entire reserve, is considered appropriate, then I consider that the onus is on the submitter to provide appropriate zone provisions for analysis, and as confirmed by the Panel in its minute, provide the sufficient level of analysis against the PDP strategic objectives and policies in chapters 3-6 of the PDP.

15.9 Without confirmation that the submitter would reduce the geographic scope of the rezoning request to the southern part of the site, and without any details of a suitable zoning framework addressing the various values relevant to developing the site that I can assess (either RVZ with bespoke rules or an alternative visitor zone), I retain my recommendation that the notified Rural zoning is most appropriate for this site.

16. MR CAREY VIVIAN FOR MICHAEL SWAN / GERTRUDE SADDLERY LIMITED (494) AND LARCHMONT DEVELOPMENTS LIMITED (527)

16.1 Mr Vivian has filed evidence in support of rezoning land in Arthurs Point from Rural to LDR.

16.2 Mr Vivian and the submitters' experts have provided substantial additional evidence in regard to planning, landscape, transport, infrastructure, geotechnical engineering.

16.3 Of note, the submitters now propose an alternative access to the site through an upgrade to Atley Road, rather than via Mathias Terrace. Mr Vivian states that this access opens up the possibility of extending the LDRZ further to the south, although it appears that this will not increase the site's development capacity. Mr Bartlett has relied on the estimated 89 LDRZ lots provided by Council's primary evidence,

and Mr McCartney has stated that the submitters' estimate of a likely lot yield would be similar to the Council's.

- 16.4** I agree with Mr Vivian that a future trail link near the sites and footbridge would be positive benefit, but note that this would be some way in the future, and is not wholly dependent on rezoning the sites. In addition, while I support the removal of wilding conifers, I consider that this could happen on the sites now without requiring a rezoning. I agree with Mr Vivian that amenities of existing LDR residents may not be of as great a concern as I have considered in my primary evidence, particularly in light of the more detailed landscape evidence provided by Mr Espie.
- 16.5** Given the new evidence provided by Mr McCartney, Mr Glasner no longer opposes the request from an infrastructure perspective.
- 16.6** Ms Banks has reviewed Mr Bartlett's evidence and maintains her opposition to the rezoning request from a transport perspective.
- 16.7** Dr Read considers that a part of the site may be able to accommodate development without resulting in adverse effects on the ONL and Shotover River ONF. I have included Dr Read's map at **Attachment C**. This area could yield 8 to 22 LDR lots (based on 3000m² to 800m² per lot). Ms Banks has considered that yield from a transport perspective and considers that 8 to 22 LDR lots would reduce the risks associated with the upgrade of Atley Road proposed by the submitter.
- 16.8** Although some of my concerns have been addressed through additional evidence, I do not support a rezoning of the entire site. In particular I understand that there is a high likelihood that residential development enabled by LDR zoning would result in adverse transport effects that are unlikely to be able to be addressed in a satisfactory way as part of consents for subdivision and development.
- 16.9** However, I would support rezoning of the part of the site identified by Dr Read and not opposed by Ms Banks.

16.10 I therefore change my position and recommend that part of the site should be rezoned LDR, with the remainder Rural. I have included a section 32AA evaluation at **Attachment B**.

17. MR CAREY VIVIAN FOR DARRYL SAMPSON AND LOUISE COOPER (495)

17.1 Mr Vivian has filed evidence in support of rezoning part of the submitter's site at 182D Arthurs Point Road from Rural to ODP Rural Visitor Zone, with no changes to the objectives, policies and rules associated with that zone.

17.2 The submitter's landscape expert, Mr Espie, is in agreement with Dr Read in regard to the part of the site that could be rezoned while avoiding adverse landscape effects.

17.3 Despite my general reservations with the RVZ detailed above in relation to the Ngai Tahu submission (716), there is alignment between myself and Mr Vivian with respect to the rezoning request, with our main area of difference being the process by which the site is rezoned.

17.4 While I have note my previous evidence that I am not supportive of the ODP RVZ provisions,³⁴ I agree with Mr Vivian³⁵ that the evidence demonstrates that part of the site can accommodate urban development. Mr Vivian has provided a detailed assessment of the proposed rezoning against the provisions of the PDP Strategic Directions Chapter.³⁶ I agree with Mr Vivian's assessment that the requested rezoning is a logical extension to the type of development currently in existence in the ODP RVZ, will not adversely affect the ONF values of the Shotover River, and can be fully serviced. I disagree, however, that the requested rezoning will contribute to the District's development capacity in a positive way, given my concerns about the scale of development that the RVZ could enable on this site.

³⁴ Paragraph 51.14 – 51.15 of my Group 1C report dated 24 May 2017.

³⁵ Paragraph 5.11 of Mr Vivian's Statement of Evidence dated 9 June 2017.

³⁶ Ibid at Attachment CV4 – S32AA Evaluation.

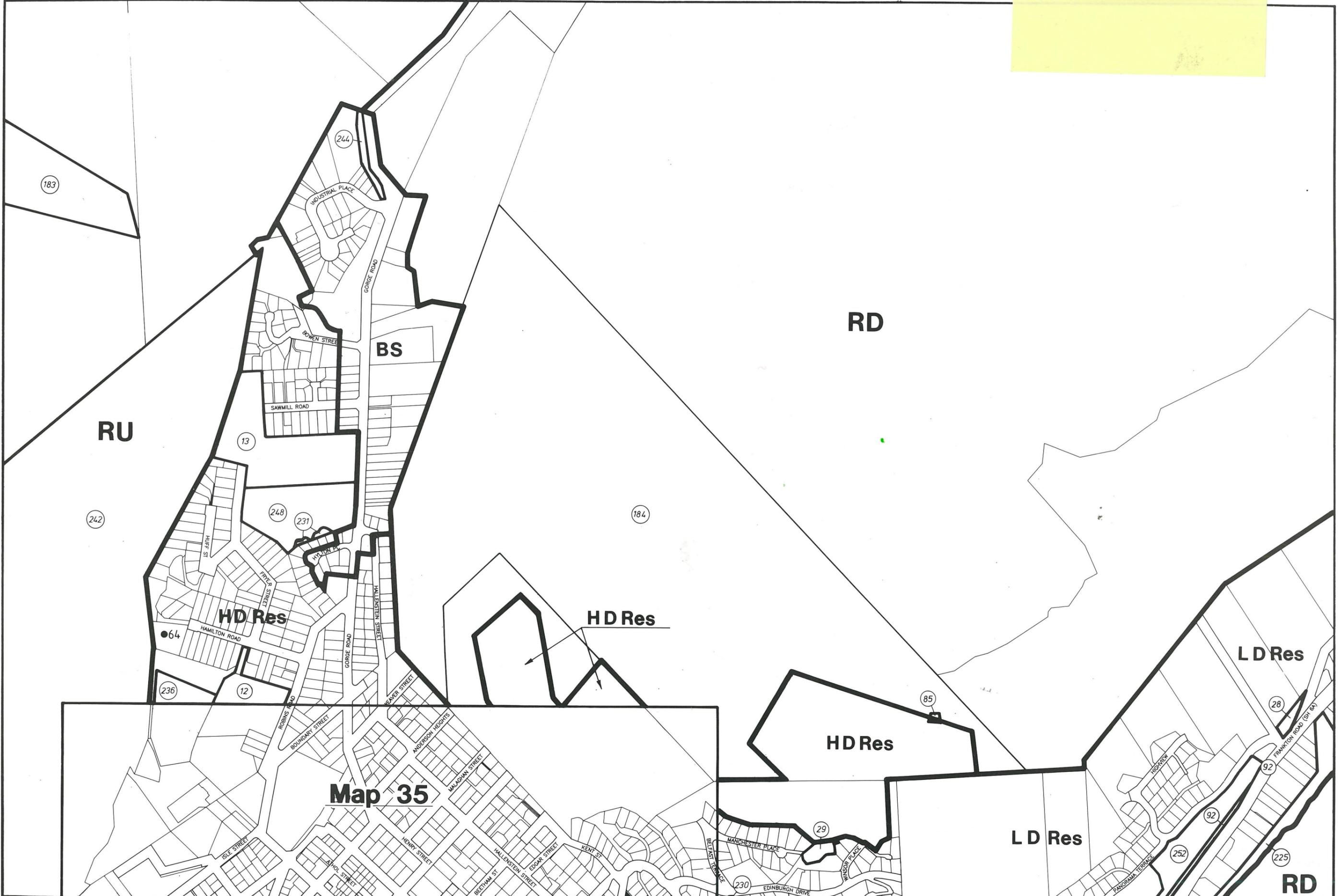
17.5 I consider that Mr Vivian has not satisfied the Panel's directions in its minute of 29 May 2017 in that he has not demonstrated that the RV Zone fits within the PDP, nor that the RV zone gives to and implements the strategic directions chapters. For that reason, I cannot support the rezoning request, and it then becomes a matter of how to reconsider this land alongside the Council's review of the neighbouring ODP Rural Visitor Zone. I defer to legal counsel on that matter, but do consider that notifying this land alongside the adjacent land, would be a sensible and integrated way to progress this.



Rosalind Devlin

7 July 2017

ATTACHMENT A



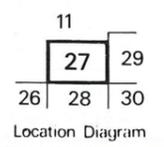
Map 35

ZONES

- RURAL UPLANDS (RU)
- RURAL DOWNLANDS (RD)
- BUSINESS (BS)
- HIGH DENSITY RESIDENTIAL (HD Res)
- LOW DENSITY RESIDENTIAL (LD Res)

NOTATIONS

- Heritage Items
- Designations
- Scheduled Sites
- Proposed Road
- Road to be Closed
- ZONE BDY.
- DISTRICT BDY.



Original Scale
1: 5,000 @ A2

Northpoint Vertical
Compiled from DOSLI records

Prepared by
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Queenstown

Date September 1995 Map No **27**

ATTACHMENT B

SECTION 32AA EVALUATION IN RELATION TO QUEENSTOWN URBAN – CENTRAL, WEST AND ARTHURS POINT (GROUP 1C)

This evaluation assesses the costs, benefits, efficiency, and effectiveness of changes to zoning, UGB and ONL boundaries that are being recommended in the rebuttal evidence.

1. Rezone Lot 1 DP 9121 (634 Frankton Road) Medium Density Residential Zone (MDRZ) (Mount Crystal Limited – 150)

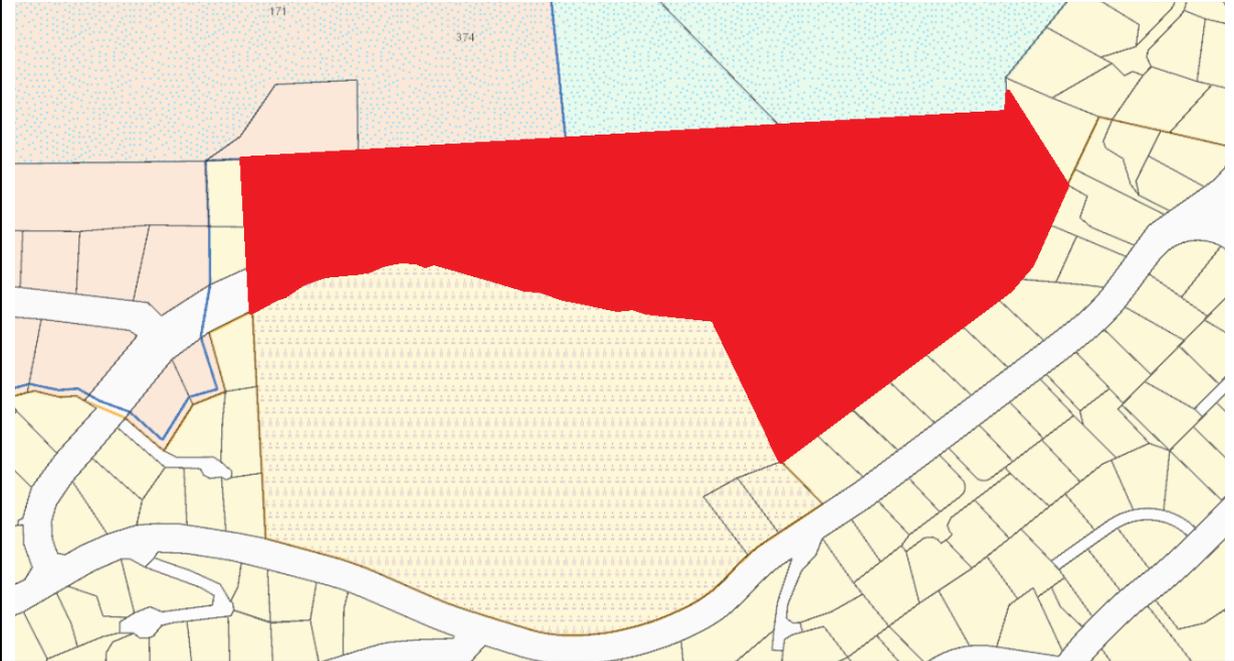
Recommended amendments to zoning (Frankton Road)
Planning Maps 31, 31a and 32: Rezone Lot 1 DP 9121 MDRZ

Costs	Benefits	Effectiveness & Efficiency
Will result in a large area of MDR separated from other MDR zonings	<p>The rezoning would be in keeping with the character of adjoining land to the east and west, which has been developed at greater densities than conventional suburban development</p> <p>The site can be fully serviced</p> <p>The site can be accommodated by transport infrastructure</p> <p>The rezoning will enable 15 additional lots and therefore will contribute in a minor way to dwelling capacity</p>	<p>The rezoning will enable efficient and effective use of the land for Medium Density Residential purposes</p> <p>Will efficiently utilise existing infrastructure</p>

2. Extend the Medium Density Residential Zone to incorporate part of Lot 13 DP 27397 on Windsor Place (P J & G H Hensman & Southern Lakes Holdings Limited – 543)

Recommended amendments to zoning (Windsor Place)

Planning Maps 32 and 37: Rezone part of Lot 13 DP 27397 MDRZ in accordance with the following:



Costs	Benefits	Effectiveness & Efficiency
None	<p>The proposed rezoning would connect the site to a contiguous MDR zone on Queenstown Hill</p> <p>The site can be fully serviced</p> <p>The site can be accommodated by transport infrastructure</p> <p>The rezoning will enable 50 additional lots and therefore contribute to dwelling capacity</p>	<p>The rezoning will enable efficient and effective use of the land for Medium Density Residential purposes</p> <p>Will efficiently utilise existing infrastructure</p>

3. Extend the MDRZ to incorporate Lots 21-24 21 DP 20448, Lots 33-35, 37 & 38 DP 21257, Lots 1 & 2 DP 410709 on Belfast Terrace and Manchester Place (Allium Trustees Limited - 718)

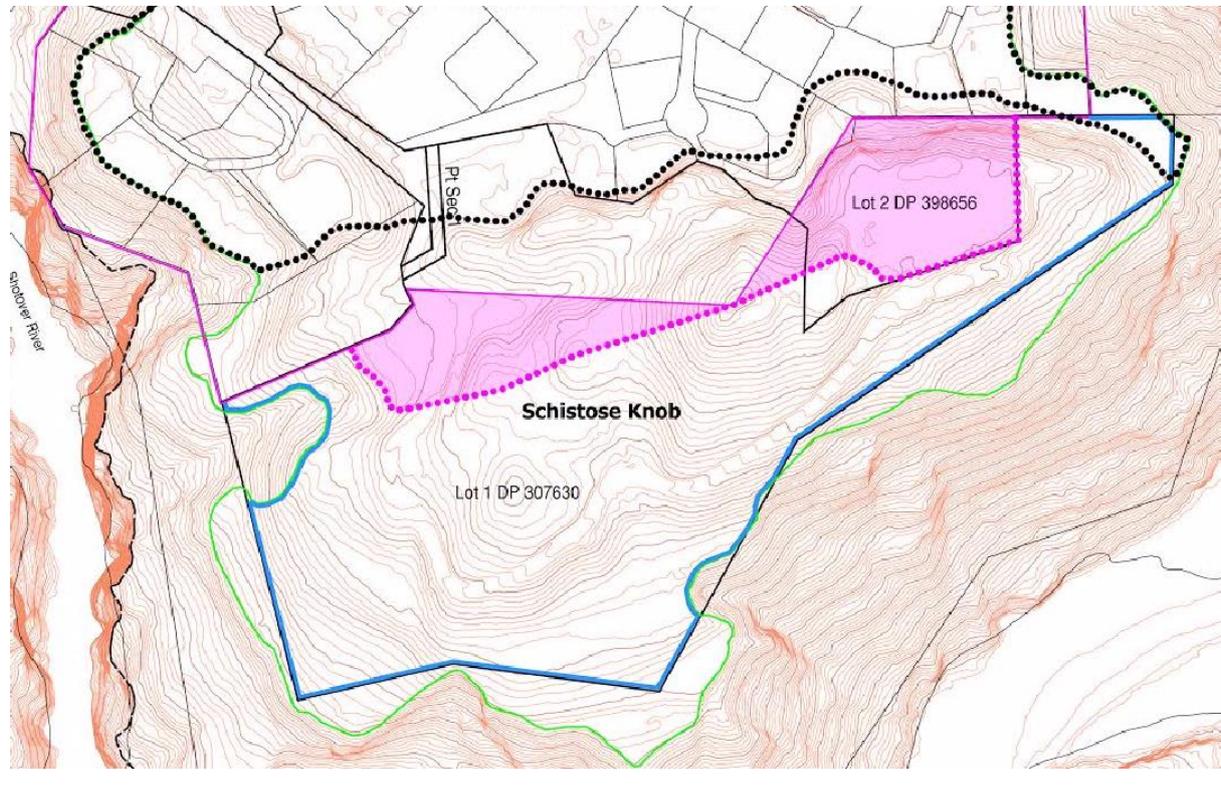
Recommended amendments to zoning (Manchester Place and Belfast Terrace)
Planning Maps 35 and 37: Rezone Lots 21-24 21 DP 20448, Lots 33-35, 37 & 38 DP 21257, Lots 1 & 2 DP 410709 MDRZ

Costs	Benefits	Effectiveness & Efficiency
None	<p>The proposed rezoning would connect the site to a contiguous MDR zone on Queenstown Hill</p> <p>The site can be fully serviced</p> <p>The site can be accommodated by transport infrastructure</p> <p>The rezoning will enable 10 additional lots and therefore contribute in a minor way, to dwelling capacity</p>	<p>The rezoning will enable efficient and effective use of the land for Medium Density Residential purposes</p> <p>Will efficiently utilise existing infrastructure</p>

4. Extend the LDRZ to incorporate part of Pt Sec 1 SO 24074 Lots 1-2 DP 307630 and part of Lot 2 DP 393406 at 111, 113, 115 and 163 Atley Road (Gertrude’s Saddlery Limited 494 and Larchmont Developments Limited 527)

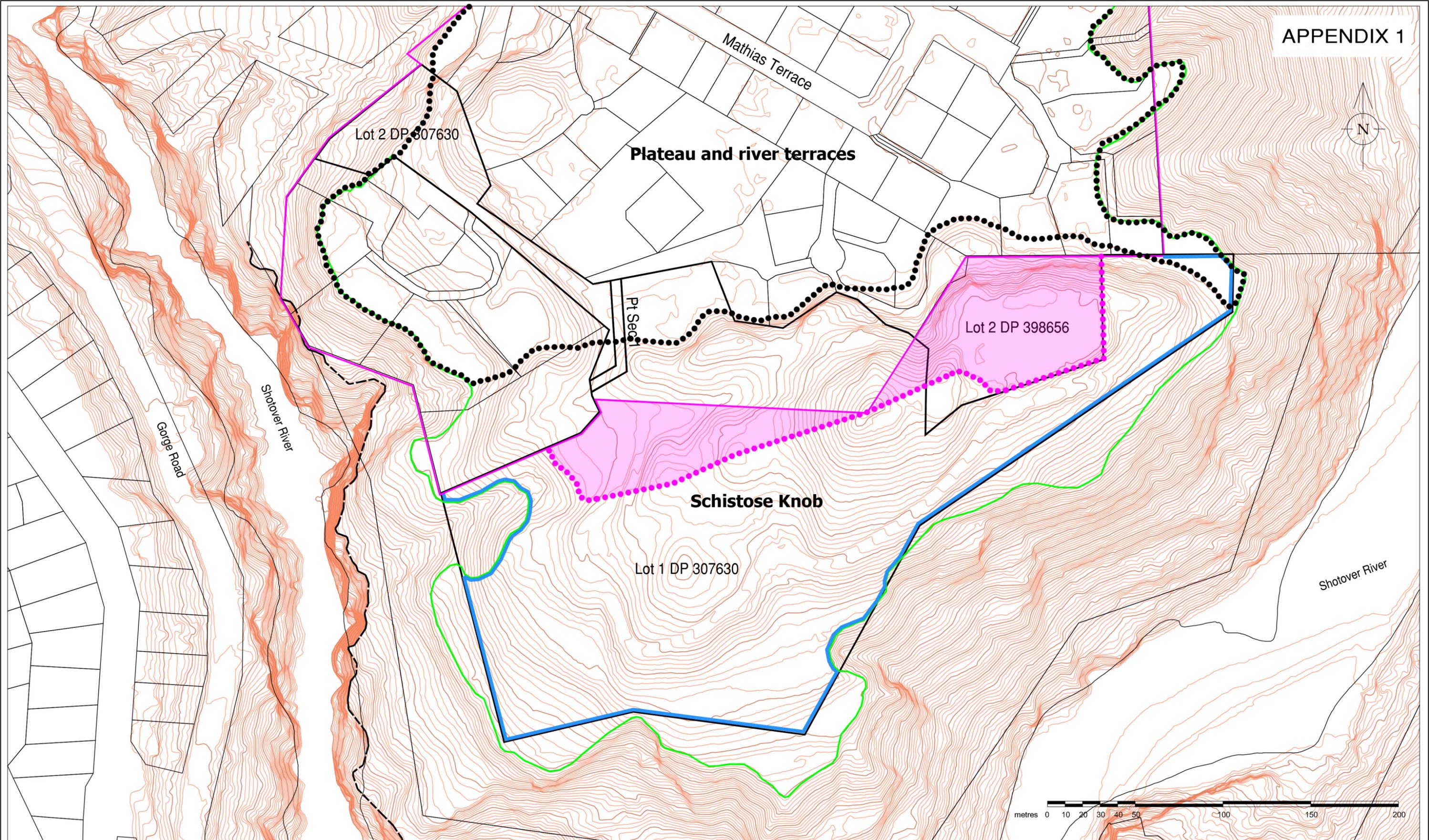
Recommended amendments to zoning (Arthurs Point)

Planning Maps 39a: Amendment to the LDRZ and UGB boundary to incorporate some of Pt Sec 1 SO 24074 Lots 1-2 DP 307630 and some of Lot 2 DP 393406 in accordance with the following:



Costs	Benefits	Effectiveness & Efficiency
<p>Potential adverse amenity effects on residents of existing LDRZ</p>	<p>Removes land that may otherwise diminish the intent of the meaning of "outstanding" in terms of section 6 (b) of the RMA.</p> <p>The proposed rezoning would connect the site to a contiguous LDRZ at Arthurs Point</p> <p>The site can be fully serviced</p> <p>The site can be accommodated by upgrades to Atley Road</p> <p>The rezoning will enable up to 20 additional lots and therefore will contribute in a minor way to dwelling capacity</p>	<p>The rezoning will enable efficient and effective use of the land for Low Density Residential purposes</p> <p>Will efficiently utilise existing infrastructure</p>

ATTACHMENT C



- Legend**
-  Requested Low Density Residential Zone Boundary
 -  Operative/PDP Low Density Residential Zone Boundary
 -  Top of River Cliff
 -  Edge of the Shotover Gorge

Note: All areas and dimensions are subject to survey
 Note: Aerial image & contours from QLDC information
 Note: Not all easements are shown
 Note: Contour interval is 1.0m

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PROPOSED ZONE CHANGE
 Lots 1 & 2 DP 307630 & Pt Sec 1 SO 24074
 ARTHURS POINT
 FOR GERTRUDE'S SADDLERY LTD

DATE: 8 June 2017 Scale 1:2000 DRAWING & ISSUE No. 4462-3R-1A
 BY: B McLeod Original Plan A3



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