

**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 15
Visitor Accommodation

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF ROSALIND DEVLIN
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

VISITOR ACCOMMODATION SUB ZONES – MAPPING

10 AUGUST 2018

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1. INTRODUCTION

- 1.1 My full name is Rosalind Mary Devlin. I am self-employed as a planning consultant.
- 1.2 My qualifications and experience, including experience relating to the Proposed District Plan (**PDP**), are set out in the section 42A report (**42A report**) that I prepared and filed for this hearing, dated 23 July 2018.
- 1.3 Although this is a Council hearing, 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 OF THIS EVIDENCE

- 2.1 This supplementary statement addresses the following two submission points:
- (a) Teece Irrevocable Trust No. 3 (2599) (**Teece**); and
 - (b) Glen Dene Limited and Sarah Burdon (2407) (**Glen Dene**).
- 2.2 The Panel issued a decision in relation to these submissions¹, among others, and determined that:
- (a) Those portions of the Teece submission which seek to replace the Rural Zone with a visitor accommodation-specific zone (whether called Rural Visitor Zone or otherwise) are struck out, but the submission retains the ability to request a VASZ with the characteristics outlined in the submission; and
 - (b) The relief within the Glen Dene submission provides scope for some form of VASZ over Lot 1.

1 Hearing Panel Second Decision Relating to Submissions not "on" the PDP, dated 2 August 2018.

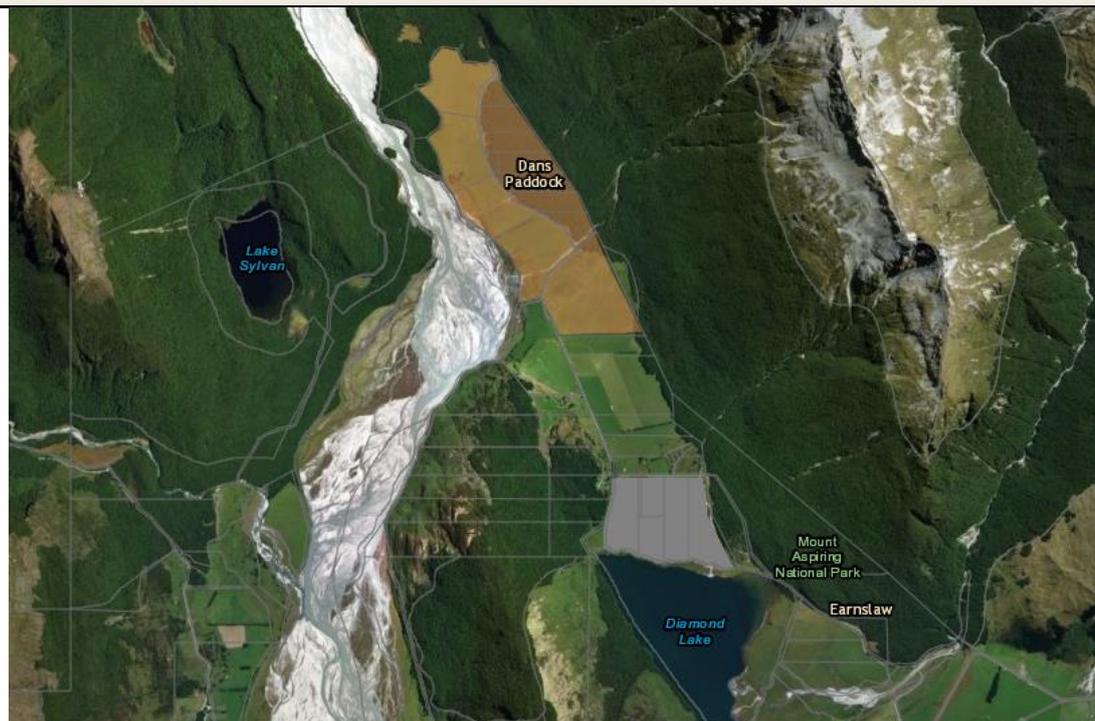
2.3 Accordingly, I address these two submission points in this report.

3. TEECE IRREVOCABLE TRUST NO. 3 (2599)

Overall Recommendation	
Recommendation	Reject

Property and submission information	
Submission Points and Further Submission Points	2599.1
Land area/request referred to as	Upper Dart Valley, Glenorchy Rural
Stage 1 zone and any mapping annotation (decisions)	Rural Outstanding Natural Landscape
Stage 2 PDP Zone and any mapping annotations	N/A
Stage 2 Zone requested in submission	VASZ (as accepted within scope by Panel)
Supporting technical Information or reports provided with submission	None
Legal Description	Lots 1, 2 and 3 DP23952, Lots 4 and 6 DP24043, Part Sections 16, 17, 18, 19, 20, 21, 22 and 23 Block II Dart Survey District (SO404), and Sections 40 and 48 Block II Dart Survey District (SO404)
Area	278 ha
QLDC Property ID	13552
QLDC Hazard Register	Alluvial Fans – Regional Scale – Debris Dominated Liquefaction Risk – Possibly Susceptible

Aerial Photograph of the site



Light & dark brown – submission site
Grey – Arcadia Station ODP RVZ

Analysis

- 3.1 The subject site is zoned Rural (PDP Stage 1), as shown on PDP Planning Maps 6 and 9. The PDP maps identify the site as within an Outstanding Natural Landscape (**ONL**).
- 3.2 The question is whether it would be appropriate for a VASZ to be added to the site, over the Stage 1 confirmed Rural Zone and ONL.
- 3.3 As I noted in my 42A report, the rural zones do not contain any VASZs and associated provisions² and the Variation does not include any provisions that enable VASZ within the Rural Zone. As such the rezoning request is not anticipated by the Variation or the PDP.
- 3.4 Whether or not a VASZ should be included as a method within the Rural Zone, is considered in Ms Bowbye's evidence at paragraphs 10.9 and 11.40. Her recommendation is that none be provided for, instead

2 Section 42A Hearing Report Visitor Accommodation Sub Zones – Mapping dated 23 July 2018, paragraph 4.17.

that Visitor Accommodation should be consented under the fully Discretionary Visitor Accommodation Rule, 21.4.19.

3.5 In the urban residential zones, VASZs, as notified and recommended within Ms Bowbyes' evidence in chief,³ provide for visitor accommodation as a Restricted Discretionary Activity, with limits on notification. The matters of discretion are limited to:

- (a) The location, nature and scale of activities;
- (b) The location, provision, and screening of parking and access;
- (c) Landscaping;
- (d) Noise generation and methods of mitigation (through design and management controls);
- (e) Hours of operation, including in respect of ancillary activities; and
- (f) The external appearance of buildings, including design, materials and external lighting, and design measures to limit the impact on adjoining residential activities.

3.6 The VASZ provisions are intended for urban residential zones, and as such the matters of discretion listed above have greater relevance to urban environments, where noise and other potential adverse effects on neighbours can arise. The Teece site is rural and remote, with many of the matters of discretion being of limited relevance.

3.7 The Teece submission requests that the PDP be amended to:

- (a) include provision for Outline Development Plans or similar which identify preferred locations for development;
- (b) provide for visitor accommodation as a controlled activity, with the matters of control relating to building design, landscaping and access;
- (c) provide for residential visitor accommodation and homestays as a permitted activity; and

3 Section 42A Hearing Report Visitor Accommodation dated 23 July 2018, paragraph 11.58.

(d) include appropriate performance standards to facilitate development which is compatible with the surrounding landscape setting and natural environment⁴.

3.8 With respect to the activity status for visitor accommodation, Residential Visitor Accommodation (**RVA**) and Homestays and the associated performance standards, I support and rely on Ms Bowbyes' 42A report in relation to any recommended changes to the notified provisions. I therefore do not support the change to permitted activity status for RVA and Homestays or controlled activity for visitor accommodation.

3.9 I do not have sufficient detail in relation to provisions providing for Outline Development Plans or similar to consider whether such an approach would be consistent with the PDP.

3.10 The submission states that Teece has received some initial expert advice regarding the potential for development of the site for visitor accommodation, such as sustainable 'eco' style accommodation. This advice is not included with the submission and I therefore cannot comment on its merits.

3.11 The submission refers to the Paradise Trust site that includes existing visitor accommodation development. This site was developed by resource consents on land zoned (ODP) Rural General, starting with an existing historic building ('Paradise House') that has been adapted for use as visitor accommodation along with several small buildings that have been relocated to the site. In my opinion the existence of this development does not support the submission's rezoning request.

3.12 In regard to the appropriateness of a VASZ and provisions (bespoke or otherwise) for the Teece site, I take guidance from the strategic directions chapters of the PDP, as referenced in the Hearing Panel Report 4B:

Looking at the Strategic Policies (in Chapters 3 and 6), it is clear that the provision for visitor accommodation outside the urban

4 Submission 2599, page 7.

areas is contemplated only where they would protect, maintain or enhance landscape quality, character and visual amenity values.⁵

- 3.13** I consider that Strategic Policy 3.3.1 enables VASZs to locate within Urban Growth Boundaries and not within the rural zones:

Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.

- 3.14** Given the ONL location of the submission site, I also consider that the strategic direction of the PDP in regard to ONLs is particularly relevant to the submission, as expressed in Chapters 3 and 21:

3.2 Strategic Objectives

3.2.5.1 The landscape and visual amenity values and the natural character of Outstanding Natural Landscapes and Outstanding Natural Features are protected from adverse effects of subdivision, use and development that are more than minor and/or not temporary in duration.

21.21 Assessment Matters (Landscape)

21.21.1.1 In applying the assessment matters, the Council will work from the presumption that in or on Outstanding Natural Features and Landscapes, the applicable activities are inappropriate in almost all locations and that successful applications will be exceptional cases where the landscape or feature can absorb the change and where the buildings and structures and associated roading and boundary changes are reasonably difficult to see from beyond the boundary of the site the subject of application.

- 3.15** Given the absence of a policy framework for VASZs in the rural zones; considering the Hearing Panel's earlier comments; and with reference

⁵ Hearing Panel Report 4B Report and Recommendations of Independent Commissioners Regarding the Visitor Accommodation Subzone in Chapter 22: Rural Residential & Lifestyle, paragraph 43, dated 30 March 2018.

to the PDP's strategic direction, I consider that a VASZ with the characteristics outlined in the submission would be inconsistent with the PDP.

3.16 Overall, I consider that the PDP direction is that RVA and Homestays are a more appropriate outcome for the Rural Zone than a VASZ, in terms of maintaining landscape quality, character and visual amenity, in accordance with strategic policy 3.3.21⁶, and that visitor accommodation within the Teece site should remain as a Discretionary Activity, in accordance with Chapter 21.

3.17 For all of the reasons outlined above, I recommend that the rezoning request be rejected.

4. GLEN DENE LIMITED AND SARAH BURDON (2407)

Overall Recommendation	
Recommendation	Reject

Property and submission information	
Submission Points and Further Submission Points	2407.2
Land area/request referred to as	Hawea Campground and Glen Dene Station, SH6, Hawea
Stage 1 zone and any mapping annotation (decisions)	Rural Outstanding Natural Landscape
Stage 2 PDP Zone and any mapping annotations	N/A (the site was withdrawn from Stage 2)
Stage 2 Zone requested in submission	VASZ be applied to Lot 1 DP 418978 (as accepted within scope by Panel).
Supporting technical Information or reports provided with submission	None
Legal Description	Lot 1 DP 418972

⁶ 3.3.21 Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

Area	1.35 (approx.)
QLDC Property ID	54250; 26454
QLDC Hazard Register	Alluvial Fans – Regional Scale – composite; less recently active

Aerial Photograph of the site (from submission)



Yellow outline – submission site – Lot 1 is the northernmost site

Analysis

- 4.1** The subject site (Lot 1) is zoned Rural, as shown on Stage 1 PDP Planning Maps 8 and 17. It is not subject to Designation 175 (Hawea Motor Park), which is located over Pt Sect 2 (owned by the Council). The PDP maps identify Lot 1 as within an ONL.
- 4.2** As noted within section 2 above, the relief sought by the submission provides scope for some form of VASZ over Lot 1.

4.3 The rural zone chapters and the Variation do not provide for any VASZ or associated provisions⁷. As such rezoning VASZ over the Rural Zone, is not anticipated by the Variation or the PDP. For the same reasons as set out above for Teece, I consider that including a VASZ into the Rural Zone framework would be inconsistent with the objectives and policies of the PDP.

4.4 In regard to the appropriateness of a VASZ and provisions (bespoke or otherwise) for the subject site within the Rural Zone, the Hearing Panel noted:

Looking at the Strategic Policies (in Chapters 3 and 6), it is clear that the provision for visitor accommodation outside the urban areas is contemplated only where they would protect, maintain or enhance landscape quality, character and visual amenity values.⁸

4.5 Specifically, I consider that Strategic Policy 3.3.1 enables VASZs located within Urban Growth Boundaries and not within the rural zones:

Make provision for the visitor industry to maintain and enhance attractions, facilities and services within the Queenstown and Wanaka town centre areas and elsewhere within the District's urban areas and settlements at locations where this is consistent with objectives and policies for the relevant zone.

4.6 The VASZs as included in urban residential zones, as notified and recommended within Ms Bowbyes' section 42A report⁹, provide for visitor accommodation as a Restricted Discretionary Activity, with limits on notification.

4.7 As noted above in relation to the Teece submission, the VASZ provisions are intended for urban residential zones. The matters of discretion address matters relevant to urban environments, including

7 Section 42A Hearing Report Visitor Accommodation Sub Zones – Mapping dated 23 July 2018, paragraph 4.17.

8 Hearing Panel Report 4B Report and Recommendations of Independent Commissioners Regarding the Visitor Accommodation Subzone in Chapter 22: Rural Residential & Lifestyle, paragraph 43, dated 30 March 2018.

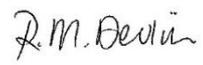
9 Section 42A Hearing Report Visitor Accommodation dated 23 July 2018, paragraph 11.58

noise and other relevant potential adverse effects on neighbours. The subject site is rural, although it is reasonably close to the urban environment of Hawea township. Many of the matters of discretion would be of limited relevance.

- 4.8** The submission states that the submitter wishes to improve the operational viability of the campground on an ongoing basis by providing additional built visitor accommodation facilities so as to extend the camp season beyond the summer period.
- 4.9** Given that the campground is already in existence, I consider that a resource consent for additional facilities could be applied for and assessed on its merits as a Discretionary Activity. Even if a VASZ was considered appropriate for the subject site, I would consider it very unlikely to enable visitor accommodation activities or buildings as a Permitted Activity within the Rural Zone.
- 4.10** Considering that there is no policy framework for VASZs in the Rural Zone; taking into account the Hearing Panel's comments; and with reference to the PDP's strategic direction, I consider that some form of VASZ, and associated provisions, over the Rural zoned campground site would be inconsistent with the PDP.
- 4.11** I consider that visitor accommodation within the subject site should remain as a Discretionary Activity, in accordance with Chapter 21, as the most appropriate outcome for maintaining landscape quality, character and visual amenity, in accordance with strategic policy 3.3.21:

3.3.21 Recognise that commercial recreation and tourism related activities seeking to locate within the Rural Zone may be appropriate where these activities enhance the appreciation of landscapes, and on the basis they would protect, maintain or enhance landscape quality, character and visual amenity values.

4.12 For all of the reasons outlined above, I recommend that the rezoning request by Glen Dene be rejected.



Rosalind Devlin

10 August 2018

APPENDIX 1
RECOMMENDATIONS ON SUBMISSIONS

Appendix 1 to the Supplementary Evidence of Rosalind Devlin - Visitor Accommodation - Mapping - 10 August 2018

Original Submission No	Further Submission No	Agent	Submitter	Provision	Position	Submission Summary	Planner Recommendation
2599.1		Aston Consultants Ltd	Teece Irrevocable Trust No. 3	7-Planning Maps > 7.6-Stage 2 Map 6	Oppose	That the submitter's land (described as 278 ha of land at upper Glenorchy legally described as Lots 1, 2 and 3 DP23952, Lots 4 and 6 DP24043, Part Sections 16, 17, 18, 19, 20, 21, 22 and 23 Block II Dart Survey District (SO404), and Sections 40 and 48 Block II Dart Survey District (SO404)) is zoned Rural Visitor North Glenorchy Zone, with associated amendments to the operative zone provisions, and retain the operative district plan provisions with respect to Residential Visitor Accommodation and Homestays in the Rural General Zone, with amendments as above for the submitter's site; or other relief to give effect to the relief sought.	Reject
2407.2		Paterson Pitts Group	Glen Dene Limited and Sarah Burdon	7-Planning Maps > 7.6-Stage 2 Map 8 and 17	Oppose	The submitter opposes the zoning of Lot 1 and Lot 2 DP 418972 as Rural, and seek that the zoning of Lot 1 DP 418972 be amended to Community Purpose - Campground.	Reject