

**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 the proposed rezoning of
Arthurs Point from Rural Visitor
to a mix of zones (Stage 3b).

STATEMENT OF BLAIR JEFFREY DEVLIN

on behalf of

**MANDALEA PROPERTIES LTD
GOLDSTREAM PROPERTIES LTD
(SUBMITTER #31028)**

31 JULY 2020

1. INTRODUCTION AND BACKGROUND

1.1 The written submission on the notified provisions on behalf of Mandalea Properties Ltd and Goldstream Properties Ltd (#31028) (**the submitter**) relating to Arthurs Point was prepared by The Property Group Limited.

1.2 Due to the Covid -19 related disruption, the submitter was not able to file expert evidence by the 29 May 2020 deadline. I have subsequently been engaged by the submitter to assist in presenting the submission to the Hearings Panel.

1.3 As this statement has not been pre-circulated, and Council officers have not been able to comment on it, this statement is not presented as expert evidence. The purpose of this statement is to assist the Panel in considering the Mandalea and Goldstream Properties Ltd submission.

1.4 The site at 164 Arthurs Point Road measures 2.83 hectares and is shown in Figure 1 below:



Figure 1: 164 Arthurs Point Road

1.5 The site is one of the largest predominately vacant sites remaining in Arthurs Point. It has been in the submitter's ownership for 20 years. The site was originally purchased as three separate lots that have been amalgamated. It comprises flat land closest to Arthurs Point Road, and sloping land to the south. A topographic survey of the site is available

in Attachment [A] which was prepared as part of a subdivision concept, but which shows that vehicle access is already available to the sloping parts of the site.

- 1.6** One residential unit has been constructed on the property; however the submitter has been working on a range of development concepts for some time. The submitter has turned down lucrative joint venture hotel offers that maximised the operative Rural Visitor Zone (**RVZ**) provisions to find a better balance and fit for the development of the property. Over the years the submitter has kept on top of pests and is slowly re-introducing native vegetation to the site.
- 1.7** The submitters land is one of the properties most affected in Arthurs Point by the Stage 3b zoning. Under the ODP, almost the full extent of their property is zoned for Rural Visitor activity, whereas under the PDP a large part of the land has been down zoned to Rural (Outstanding Natural Landscape)(**ONL**).

2. RELIEF SOUGHT

- 2.1** Submission #31028 seeks that the notified provisions be rejected in full, including the proposed ONL location, and that the operative Rural Visitor zone provisions should remain in place.
- 2.2** Council's S42A report rejects that relief but recommends other changes including zoning the upper part of the property High Density Residential (**HDR**) rather than Medium Density Residential (**MDR**) as notified.

3. ASSESSMENT – HDR AND MDR ZONING

- 3.1** The submitter supports the assessment of Ms Turner with regard to the proposed change from MDR to HDR on the upper part of 164 Arthurs Point Road. The submitter also supports the removal of the Building Restriction Area from the MDR zoned portion of the property. This change recognises that the Arthurs Point area is not homogenous in terms of character and issues, and the submitter agrees that multiple zones better achieve the Strategic Objectives and Policies of the PDP (Chapters 3 and 4)¹.
- 3.2** Ms. Turner's Figure 9 is shown below, with the submitter property outlined in red. The submitter property now has a portion of HDR zoning on the flattest portion of the site near Arthurs Point Road, and a portion of MDR on the eastern boundary that coincides with a flatter terrace area:

¹ Paragraph 4.26 – Emma Turner S42A report

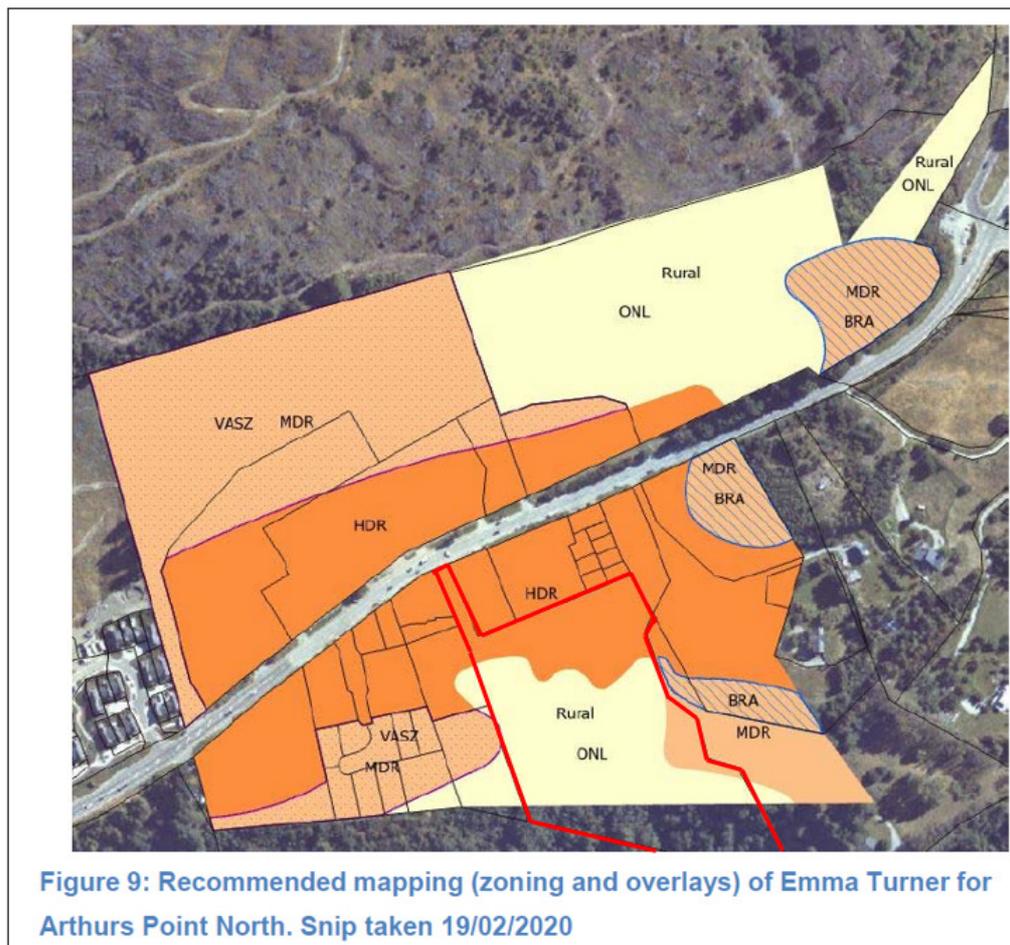


Figure 2: S42A Report Proposed Zoning changes

3.3 The HDR and MDR proposed in the S42A report addresses the relief sought by the submitter with regard to those discrete areas of land that are recommended to be HDR and MDR.

4. ASSESSMENT – RURAL (ONL) ZONING

4.1 As Figure 2 above illustrates, the Rural zoning and associated ONL line veers significantly into the submitter property, forming a peninsula of rural land within the site. This is based on the evidence of Ms Mellsop who stated in relation to the submission:

7.23 No landscape assessment was provided in the submission to support any change to the ONL line. In my June 2019 assessment, I identified the steep unmodified parts of the Shotover escarpment within 164 Arthurs Point Road as having no capacity to absorb development without loss of the legibility and natural character of the Shotover River ONF. The notified ONL boundary follows the crest of the Shotover River escarpment and the land below this boundary is clearly within the topographical feature of the Shotover River. While the part of the ONL that is within 164 Arthurs Point Road is substantially colonised with exotic weed species, it retains a moderately high level of naturalness. The inclusion of this area in the ONF would not undermine the landscape values of the Shotover River feature

as a whole. Consequently, I support the location of the ONL boundary at the crest of the escarpment and the zoning of the steep land within the ONL as Rural, as notified.

7.24 I oppose the relief sought by Submitter #31028 from a landscape perspective.

4.2 Ms Mellsop opposes the rezoning from a landscape perspective. The submitter comments on this as follows.

4.3 As Figure 3 below shows, development has already occurred down the Shotover River escarpment on either side of the submitter's property. To the east is the Onsen Hot Pools development, and to the west is residential housing. Due to this development on either side that has been zoned for development, the proposed Rural zone forms a peninsula that extends into the site.

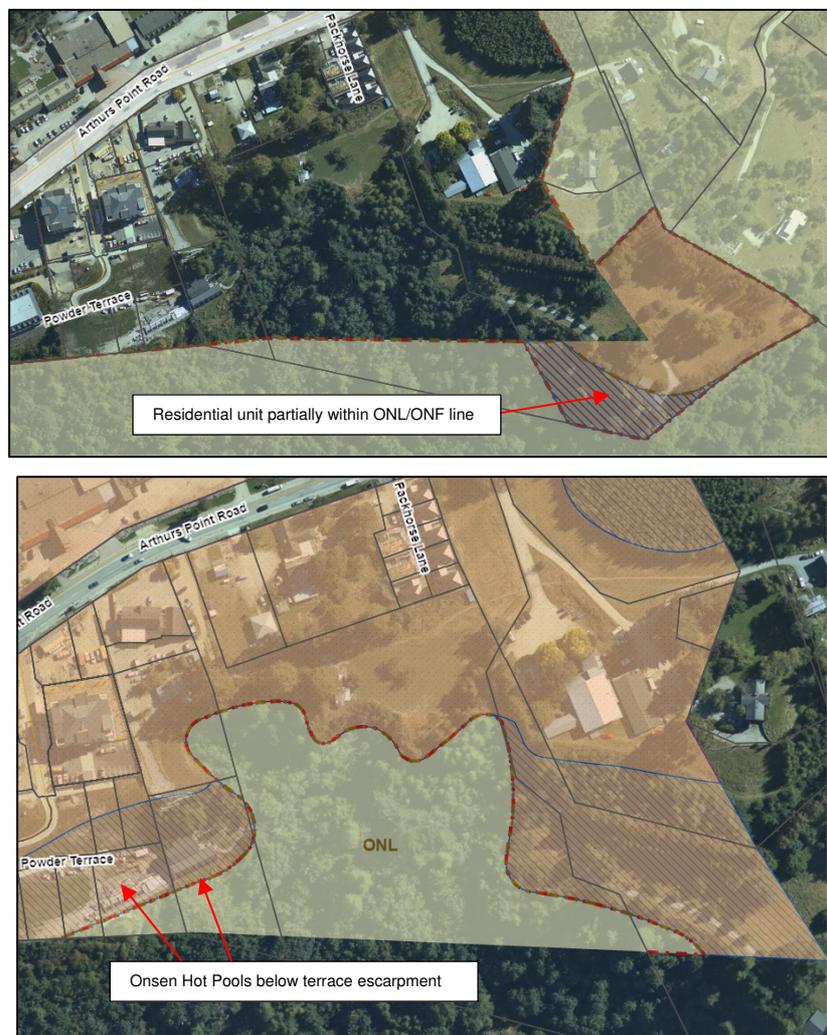


Figure 3 – Location of adjoining development

4.4 Recognising the existing development below the Shotover River escarpment, the submitter considers a more pragmatic approach to the site would be to extend the HDR zoning to the green line shown in Figure 4 below, following the 427 masl contour.

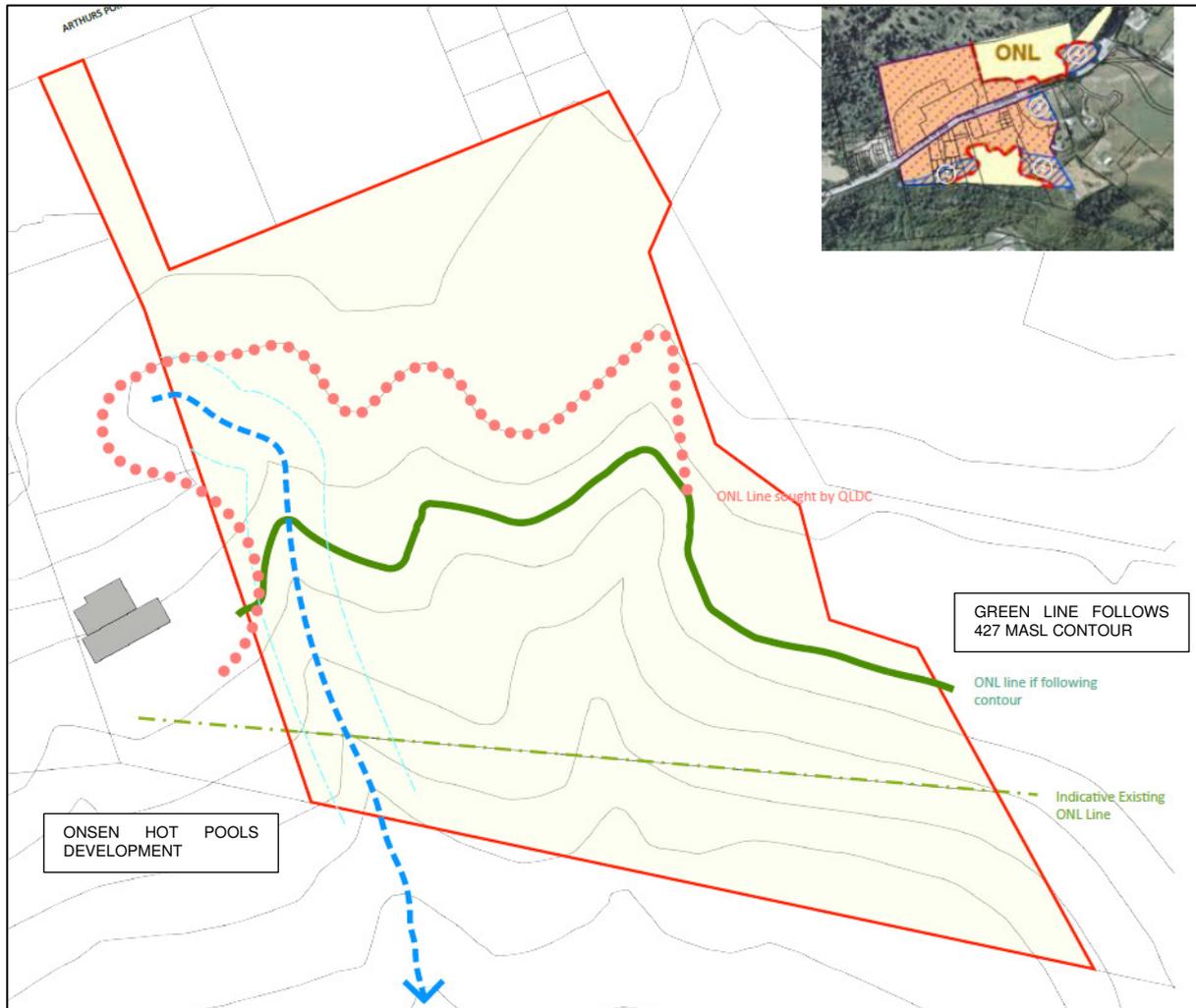


Figure 4 – Proposed ONL line (green) compared to QLDC ONL line (pink dots)

4.5 The green line follows the 427masl contour line, whereas the QLDC line tracks up the contour to reach what has been identified as the terrace edge.

4.6 If the HDR zoning aligned with the green ONL line shown in Figure 4 above, the submitter considers it would enable more development on the site, be more consistent with the operative RVZ and reduce the impact of the down-zoning on the submitter. Visually the submitter considers it would also appear to align better with the existing development on either side of the site. While the land is sloping in this area development is feasible as evidenced by the Onsen Hot Pools building. Council’s Hazard Register does not identify any new hazard on the sloping part of the site compared to the flat part of the site, all of which is identified as being possibly susceptible to liquefaction.

4.7 In Ms Mellsop's landscape assessment report on the Rural Visitor Zones², she notes that

The [Arthurs Point RV] zone is one of the most developed of the RV Zones within the District, with the flat terrace being relatively intensively developed for visitor accommodation, visitor facilities, apartments, commercial/industrial activities and restaurants/cafes. Development has also spilled over the steep Shotover River escarpment, with construction currently underway for an extension to the existing Onsen Hot Pools on the escarpment (RM180965). The Mt Dewar slopes within the zone are currently undeveloped and are largely covered with wilding conifers.

The terrace flats within the zone currently have an urban character, with very mixed building forms, styles and uses, ranging from a single storey historic cottage to 3- to 4-storey apartment blocks. Buildings are generally set back from Arthurs Point Rd. The urban and streetscape amenity of the developed part of the zone is reduced by the lack of consistency in building style and form and the generally poor interface with the road.

The less developed parts of the zone have a predominantly wild unkempt rural character. (Page 16)

4.8 This description is accurate in relation to the submitter property, where adjoining development has 'spilled over' the Shotover escarpment and the less developed parts of the site are predominantly unkempt and wild in appearance.

4.9 On page 17, Ms Mellsop goes on to comment specifically on the escarpment area:

*The whole of the Shotover River escarpment, which forms the legible edge of the river as a feature, is sensitive to development which degrades its legibility and natural character. The escarpments are clearly visible from the Shotover River, Big Beach, and parts of suburban Arthurs Point (refer **Photograph 8** in **Appendix B**). Development within the RV Zone has already spilled over this escarpment in places and a narrow intermediate terrace to the east is within a site that has been part zoned Medium Density Residential in the PDP. These parts of the zone have some capacity to absorb development that is recessive and well integrated by vegetation. The remaining steep unmodified parts of the cliffs that are within the zone do not have any absorption capacity for development.* (underlining added).

4.10 Ms Mellsop states above that where development has spilled over the terrace, and in the area zoned MDR, there is some capacity to absorb development. The submitter considers that their land, located directly in between these two spaces, also has capacity to absorb development.

4.11 By extending the HDR zoning to the 427masl contour line as shown in Figure 4, the ONL boundary would adjust to match, leaving the lower part of the site with a Rural zoning. The submitter does have development ambitions for this lower Rural zoned part of the site, namely an eco-pod style development, however this type of development is likely to be able to address many of the Rural zone objectives and policies through a consent process. A Rural zoning would represent a significant down-zoning of this portion of the

² S32 Appendix 2 - QLDC Rural Visitor Zone Review Landscape Assessment June 2019

site compared to the ODP Rural Visitor provisions which enable buildings as a controlled activity.

5. CONCLUSION

- 5.1** In conclusion, the submitter sought that the notified provisions be rejected and the more enabling Rural Visitor zone provisions from the ODP be retained. The changes recommended by the S42A author to provide for HDR on the upper part of the site, and MDR on a small portion of the eastern part of the site (without a BLR) are similar to the ODP RVZ and are now supported (recognising the HDR anticipated visitor accommodation).
- 5.2** A large portion of the site remains down-zoned from Rural Visitor in the ODP to Rural (ONL). The submitter requests that a pragmatic approach be taken with regard to the location of the ONL line in this location, as it veers significantly into the submitter property when compared with adjoining land.
- 5.3** While it is accepted that the ONL location is based on the evidence of Ms Mellsop, It is sought that rather than following the topographic terrace edge, having the HDR zoning follow the 427 masl contour line (as shown in Figure 4 and **Appendix 2**) would better reflect development on adjoining land, enable additional residential development of the site, and better align with the operative RVZ, meaning less of a down-zoning (with consequent financial implications for the submitter).
- 5.4** I am happy to take any questions, as is Mr Samuel Reese on behalf of the submitter.

Blair Devlin
31 July 2020

Appendix 1 Topographic survey of the site showing
Appendix 2 A3 plan version of Figure 4



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Notes:

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APPLICANT	MANDALEA PROPERTIES LTD.
COMPRISED IN	OT 163/305
TERRITORIAL AUTHORITY	QUEENSTOWN LAKES DISTRICT COUNCIL
LAND DISTRICT	OTAGO
TOTAL AREA	2.84 ha
DATE	11/06/09

Drawing Title:
PROPOSED SUBDIVISION OF LOT 1 DP 20925, 164 ARTHURS POINT ROAD, QUEENSTOWN

Prepared for:
MANDALEA PROPERTIES LTD.

Plan Revisions:

REV	DESCRIPTION	DATE
A	ORIGINAL ISSUE	11/06/09

SCALE
1:1,000 @ A3
 DATUM & LEVEL
Mt Nicholas Circuit 2000

REVISION	DRAWING REFERENCE	Sheet	
A	M4012_S1	1 OF 1	
SURVEYED	DATE	CHECKED	DATE
X.X.	XX/XX/XX	L.W.	12/06/09
DRAWN	DATE	APPROVED	DATE
J.K.	12/06/09	V.W.	12/06/09

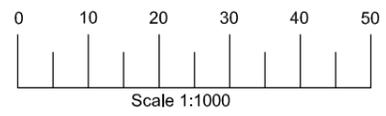


LEGEND

- Top of Bank
- Bottom of Bank
- Edge of Vegetation
- Stream
- Power / Telecom

SCHEDULE OF PROPOSED EASEMENTS

PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
Right of Way	(A)	Lot 3 heron	Lot 1 heron
	(G)	Lot 3 DP 300462	Lots 1-3 heron
Right to convey water & Right to drain Sewage	(B) (D)	Lot 1 heron	Lots 2 & 3 heron Lot 2 DP 24233
	(C)	Lot 1 heron	Lot 3 heron
	(E)	Lot 2 heron	Lots 1-3 heron Lot 2 DP 24233
	(F)	Lot 1 DP 300462	Lots 1-3 heron Lot 2 DP 24233
	(H)	Lot 3 heron	Lots 1-2 heron Lot 2 DP 24233



Pt Section 89
 Blk XIX Shotover SD



PROJECT
164 Arthurs Point Road

LOCATION Queenstown, NZ

PROJECT NO.
716445
CLIENT
Mandalea Properties Ltd

CONCEPT 01
V3

PLAN NAME
ONL contour

ISSUE April 14, 2020 DRAWN BY BW

NOTES

Proposed ONL re-alignment does not adhere to Environment Court rulings of following a contour line



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