

**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

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

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

11 July 2017

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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 supplementary rebuttal evidence is provided in response to the following evidence filed on behalf of:
- (a) Mr Nicholas Geddes and Mr Paul Faulkner for Middleton Family Trust (336);
 - (b) Mr Sean Dent for Mount Crystal Limited (150); and
 - (c) Mr Carey Vivian for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527).
- 2.2 I also confirm that I have read the following statements of evidence:
- (a) Mr John McCartney for Mount Crystal Limited (150);
 - (b) for Michael Swan / Gertrude's Saddlery Limited (494) and Larchmont Developments Limited (527):
 - (i) Mr Ben Espie;
 - (ii) Mr Jason Bartlett;
 - (iii) Mr John McCartney; and
 - (iv) Mr Peter Nicholson.
- 2.3 All references to the Proposed District Plan (**PDP**) provision numbers are to the Council's Reply version of those provisions, unless

otherwise stated. In addition, I have used tab references to documents included in the Council's Bundle of Documents (**CB**) dated 10 March 2017.

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 (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. In any event, Mr Geddes now considers that 412 lots (at 1 per 450m²) is a more realistic capacity.¹ I accept 412 lots as being within scope of the submission, noting that the Council's original calculation was 583 Low Density Residential (**LDR**) lots.²

3.3 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.³ 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.

3.4 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.

1 Paragraphs 3.1-3.3 of Mr Geddes' Statement of Evidence dated 2 June 2017.

2 Section 42A report of Rosalind Devlin for Group 1C Queenstown Urban – Central, West and Arthurs Point (Hearing Stream 13) dated 24 May 2017 at paragraph 5.3.

3 Paragraph 5.10 of Mr Geddes' Statement of Evidence dated 2 June 2017; paragraph 3.3 of Mr Faulkner's Statement of Evidence dated 9 June 2017.

- 3.5** Mr Watts notes that the submitter has not provided a geotechnical investigation or evidence that addresses natural hazards on the site in question. There is insufficient information provided by the submitter for Mr Watts to determine if the QHO should be removed, and I rely on Mr Watts' conclusion that he does not consider he has the necessary level of information to confirm that a low residential development would be appropriate in this area.
- 3.6** 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.
- 3.7** 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** Natural hazards on the site are identified on Council's hazard maps and would need to be addressed under the notified LDR zoning at either subdivision and development stage, or building consent stage.
- 4.3** Mr Watts has assessed the submitter's geotechnical report, and considers that the report provides a useful summary of geotechnical risks that should be considered as part of any design process for future development on this site.⁴ Mr Watts does not oppose MDR or HDR zoning over the site, from a geotechnical perspective, as long as the identified risks are considered during development.
- 4.4** I support and rely on Mr Watts' evidence. In response to his evidence that there needs to be a provision in the plan requiring assessment at the consenting stage, I consider that the provisions of Chapters 8 (Medium Density Residential) or 9 (High Density Residential), 27

⁴ Geotechnical Hazards – Preliminary Assessment, Geosolve Ref: 160184, dated August 2016

(Subdivision & Development) and 28 (Natural Hazards) would ensure that HDR or MDR 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). Four or more MDR or HDR dwellings or units would be a restricted discretionary activity, with Council's discretion to impose conditions or refuse consent including the nature and degree of risk posed by natural hazards (Rules 8.4.11.3 and 9.4.4). A permitted development of three or less units subject to natural hazards could be refused at building consent stage under s71 of the Building Act 2004.

4.5 A subdivision would require a restricted discretionary activity consent under Rule 27.5.6 **[CB18]** and would be subject to Rule 27.12 **[CB18]** whereby a natural hazards assessment can be required for all subdivisions, and conditions can be imposed or consent refused. All subdivisions are also subject to s106 of the RMA.

4.6 I maintain my recommendation, as detailed in my rebuttal evidence dated 7 July 2017, that the site should be rezoned MDR.

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

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

5.2 Mr Watts considers that the submitter's geotechnical evidence raises hazard issues that should be examined and assessed during subdivision or development. I support and rely on Mr Watts' evidence. I consider the hazard issues identified by Mr Nicolson will be appropriately addressed during the subdivision or development process, or the building consent stage.

5.3 In response to his evidence that there needs to be a provision in the plan requiring assessment at the consenting stage, I consider that the provisions of Chapters 7 (Low Density Residential), 27 (Subdivision & Development) and 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). Development of no greater than one unit per 300m² would be a restricted discretionary activity, with Council's discretion to impose conditions or refuse consent including the nature and degree of risk posed by natural hazards (Rule 7.4.10). A permitted development of no greater than one unit per 450m² subject to natural hazards could be refused at building consent stage under s71 of the Building Act 2004.

- 5.4** A subdivision would require a restricted discretionary activity consent under Rule 27.5.6 and would be subject to Rule 27.12 whereby a natural hazards assessment can be required for all subdivisions, and conditions can be imposed or consent refused. All subdivisions are also subject to s106 of the RMA.
- 5.5** Given the above, I therefore maintain my recommendation, as detailed in my rebuttal evidence dated 7 July 2017, that part of the site should be rezoned LDR, with the remainder Rural.



Rosalind Devlin
11 July 2017