

BEFORE THE HEARINGS PANEL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Queenstown Lakes District Plan – Stage 3B

Statement of Evidence of **John Bernard Edmonds** for
Coronet Peak Properties Limited (#31040)

Dated: 29 May 2020

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INTRODUCTION

Qualifications and Experience

1. My full name is John Bernard Edmonds.
2. I hold the qualification of Bachelor of Regional Planning from Massey University, and I am a full member of the New Zealand Planning Institute. I have 29 years' experience in planning and resource management, spanning policy and resource consent roles in local government and as a private consultant. I spent five years at Nelson City Council and six years with the Queenstown Lakes District Council (QLDC), most of that time (1997-2001) as the District Planner. In January 2001 I went into private consultancy. I am in my sixth year as a trustee of the Queenstown Trails Trust.

Code of Conduct

3. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.
4. The key documents I have referred to in drafting this brief are:
 - (a) The Section 42A Report (**s42A**) prepared by Ms E J Turner (18 March 2020) and associated expert landscape evidence prepared for the Council by Ms H J Mellsop; and
 - (b) Landscape Assessment prepared by H J Mellsop for Queenstown Lakes District Council, dated June 2019.

SCOPE OF EVIDENCE

5. I have been engaged by Coronet Peak Properties Ltd (**CPPL**) to provide evidence on the Proposed Queenstown Lakes District Plan – Stage 3B (**PDP**).
6. The following evidence covers CPPL's submission and further submission points that relate to the notified zoning of CPPL's property. In particular, CPPL owns the land at 161 Arthurs Point Road (comprising Lot 1 DP 37636; and Lot 2 DP 376236) (**Site**) which have been notified as Medium Density Residential Zone (**MDR**), Visitor Accommodation Sub-Zone (**VAS**). CPPL opposed the notified MDR VAS zoning of the Site and the surrounding area and instead sought the rezoning of the Site to High Density Residential (**HDR**).

7. The evidence is provided in the following parts:
 - (a) Executive Summary;
 - (b) Notified Version;
 - (c) CPPL Relief Sought in Submissions;
 - (d) Summary of s42A Report;
 - (e) Subsequent CPPL Relief Sought following the s42 Report;
 - (f) Response to Section 42A;
 - (g) Conclusion.

EXECUTIVE SUMMARY

8. This evidence has been prepared to address the appropriate zoning within the CPPL Site and the Visitor Accommodation (**VA**) activity status on the Site as part of Stage 3 of the PDP Review.
9. This evidence addresses the recommended split HDR/MDR zoning of the site and concludes that the entirety of the Site should be zoned as HDR for the following reasons:
 - (a) Any landscape effect will be indiscernible due to the small size of the area recommended to be zoned as MDR and the similarity between the MDR and HDR permitted height;
 - (b) Having a split zoning for the site results in more stringent activity statuses for the entire site due the most restrictive activity status applying to land where a more than one standard is breached; and
 - (c) The fact that the north-eastern corner of the site falls within the toe of a slope and has a landslide area natural hazards overlay applied is not a reason to apply a different zoning to this corner from the rest of the site.
10. The visitor accommodation status for HDR at Arthurs Point North should be amended to a controlled activity status given the existing and anticipated activity for the area.

NOTIFIED VERSION

11. Under the notified zoning, the site was zoned MDR with VAS as shown in Figure 1 below.

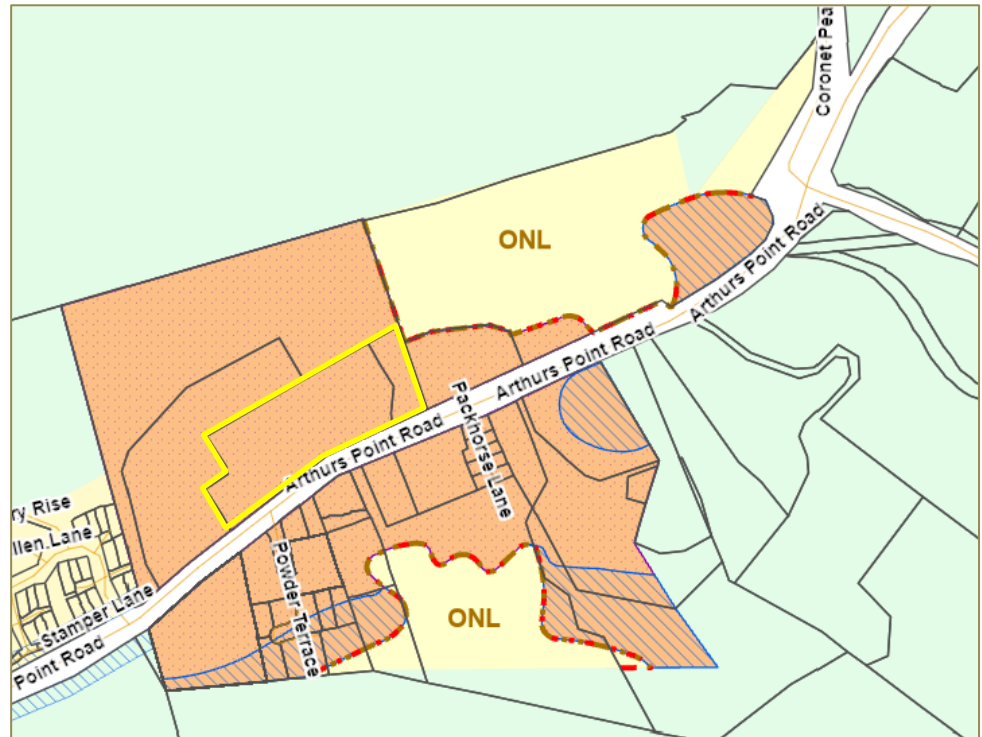


Figure 1: Notified Stage 3b PDP Review Planning Map with Site outlined in yellow.

12. Ms Turner recommends rezoning the majority of the site to HDR, with the exclusion of the northern section of the Site which Ms Turner has recommended is retained MDR with VAS as shown in Figure 2 below.



Figure 2: Section 42A Report at Page 23- Recommended mapping (zoning and overlays) with Site outlined in yellow

13. CCPL supports the recommendation to rezone the majority of the Site to HDR for the following reasons:
- (a) There is very little flat land in close proximity to the town centre that is suitable for high density residential activity.
 - (b) Zoning this land HDR would allow a greater range of housing densities and options.
 - (c) Arthurs Point is nestled into the lower slopes of Mt. Dewar immediately to the north with the Shotover River canyon to the south. Increased height limits can be tolerated within these topographical features.
 - (d) Arthurs Point already contains a predominantly high-density character (including residential and visitor accommodation activities), and changing the zoning of the land to reflect this character is consistent with Objective 3.2.3 (Chapter 3 – Strategic Direction) which states:

A quality-built environment taking into account the character of individual communities.

- (e) HDR is consistent with Policy 3.2.1.1 (Chapter 3 – Strategic Direction) of the PDP which states:

The significant socioeconomic benefits of well-designed and appropriately located visitor industry facilities and services are realised across the District.

RELIEF SOUGHT IN SUBMISSIONS

14. The Submitters sought the following relief:
- (a) To rezone the subject Site from MDR with VAS to HDR and refer to that land as the Arthurs Point Terrace precinct or neighbourhood.
 - (b) The Submitters sought to rezone the balance of the neighbourhood currently proposed as MDR in the Arthurs Point community to HDR and refer to that land as the Arthurs Point Terrace precinct or neighbourhood.
 - (c) CPPL sought to include new objectives and policies seeking specific outcomes for Arthurs Point Terrace.
 - (d) CPPL sought to change the activity status of visitor accommodation (**VA**) in the HDR of Arthurs Point from restricted discretionary activity status to controlled activity status.

SUMMARY OF SECTION 42A REPORT

15. Ms Turner recommends naming the area 'Arthurs Point North' (**APN**).
16. Ms Turner recommends the following zoning of APN:



Figure 3: Section 42A Report at Page 23- Recommended mapping (zoning and overlays) with Site outlined in yellow

17. Ms Turner recommends rezoning the majority of the CPPL Site to HDR with MDR recommended for the north-east corner of the CPPL Site with a VAS overlay.
18. Ms Turner recommends including the policy sought by CPPL regarding the promotion of a distinct streetscape for APN in submissions, with some amendments.
19. Ms Turner rejected the requested change in VA activity status for APN from a restricted discretionary activity to a controlled activity.

SUBSEQUENT APLT RELIEF SOUGHT FOLLOWING THE S42A REPORT

20. Ms Turner recommends a new policy as included in the submission by CPPL. The new policy states:

Policy 9.2.2.3 Promote a distinct streetscape for the Arthurs Point North neighbourhood that is based upon a shared and integrated public realm.

21. CPPL supports the inclusion of this policy in the HDR Zone Chapter as it will ensure the enhancement of streetscape on Arthurs Point Road. CPPL supports the

inclusion of a qualifier into the policy, being *Arthurs Point North*, so that the policy has a clear location to which the policy is applicable.

22. CPPL seeks the northern section of the site is rezoned from MDR with VAS to HDRZ for the following reasons:
- (a) The HDR should follow the cadastral boundaries of the site;
 - (b) The visual effect of a building within this north-eastern corner of the Site would be very similar whether it was on land zoned MDR or HDR; and
 - (c) Having a split zoning for the site results in more stringent activity statuses for the entire site due the most restrictive activity status applying to land where a more than one standard is breached.
23. CPPL seeks controlled activity status (a change from RD) for visitor accommodation activities within the recommended HDR zone at Arthurs Point North. This is to provide for the existing and anticipated visitor accommodation activities that are occurring (and anticipated to occur) with Arthurs Point.
24. Arthurs Point is characterised by predominantly high-density character (including residential and visitor accommodation activities). Given this, the location of the Site to central Queenstown and the anticipated activities within the area, this activity status is considered to be appropriate.

RESPONSE TO SECTION 42A

Rezoning

25. CPPL agrees with Ms Turner's recommendation to rezone the majority of the site to HDR as detailed above.
26. Ms Turner recommends that a small section of the northern sloping section of the Site is not zoned HDR and is to remain MDR with VAS. In accordance with Ms Mellsop's landscape evidence, Ms Turner considers that due to landscape effects and natural hazards¹, the toe of Mt Dewar is a better location for the HDR to end rather than the parcel boundary.
27. CPPL disagrees with the HDR ending at the toe of Mt Dewar and seeks that the zoning follows the cadastral boundary so that the whole Site is zoned HDR. This will ensure consistency and clarity for future development on the site and does not add additional complexity to the Site.

¹ Para. 8.2

28. It is considered that the landscape evidence should not determine the difference between HDR or MDR given that development can occur in both of these zones. The similarity between design controls of these two zones, in particular building height, coverage and landscaped areas further supports this. A comparison between the HDR and the MDR with regards to design controls (considered to be the most relevant to landscape effects) is included in Table 1 below.

Table 1: Comparison of Rules

Design Control	HDRZ	Non-compliance	MDRZ with VASZ	Non-compliance
Building Height (sloping sites)	7m	RD	8m	NC
	10m	D		
Building coverage	70%	NC	45%	RD
Landscape permeable surface	20%	NC	25%	RD

29. There are two main differences between these zones:
- (a) When the maximum building height is exceeded in the MDR zone, the activity status is non-complying, opposed to under HDR where the most restrictive activity status for exceeding the building height limit is discretionary.
 - (b) The permitted building coverage under the HDR is greater than under the MDR.
30. The PDP states that where an activity breaches more than one Standard, the most restrictive status shall apply to the Activity. As such, for development on this site, the landowner will be required to apply the most restrictive activity status from both the HDR and MDR across the whole site. For any development on the whole Site, if the landowner proposes a building (no matter the area of the building) within the MDR which exceeds the 8m height limit, the whole resource consent would fall to a non-complying activity and would be required to be assessed as such, even though only a small portion of the site is zoned MDR.
31. The portion of the site to be zoned MDRZ is small and will not change the overall anticipated development on the site. Given the size of this area, whether the building coverage area within this part of the site was 45% or 75% it would not make a material difference to the overall development of the site. It will however result in an additional layer of complexity to any future development as each part of the site with a different zoning will be required to meet different rules in the PDP.

32. The visual effect of a building within the north-eastern corner will be very similar regardless of whether it was zoned MDR or HDR because the permitted building heights are only a metre in difference, the north-eastern corner of the Site is tucked into the toe of a slope away from the road, and the small size of the north-eastern corner is not going to make a discernible difference in the building coverage area of the overall Site.
33. Having two different zones (MDR and HDR) on this Site adds more complication for future development. Given the similarity in design controls and the small portion of the Site that would be zoned for MDR, changing the zoning to HDR would not result in lesser landscape outcomes.
34. As the whole of the Arthurs Point North area is identified as having 'nil to low' liquefaction, it is considered that Ms Turner must be referring to the landslide area where she has stated in the s42a report that a reason this portion of the site shouldn't be rezoned HDR is due to natural hazards². As shown in Figure 3 below, this is the edge of an identified landslide area which covers the very northern edge of the Site.

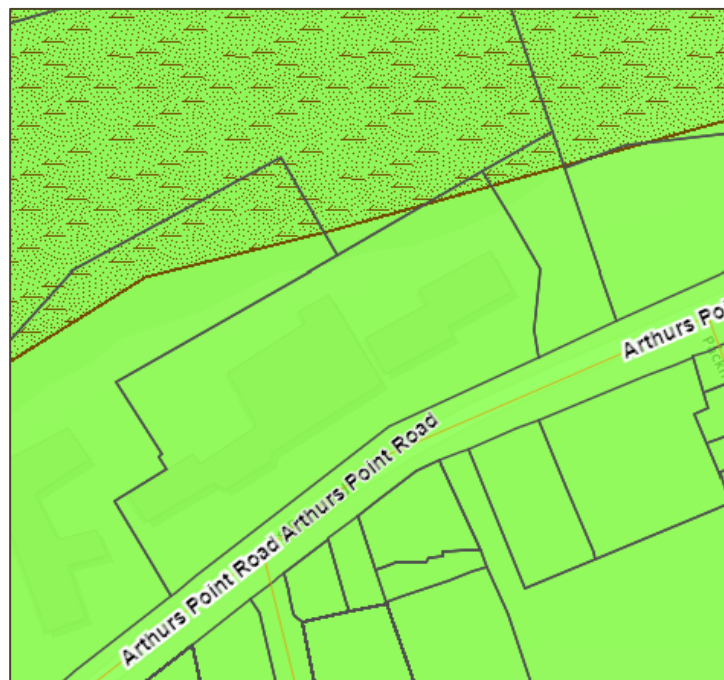


Figure 4: Natural Hazards - QLDC Planning Maps

35. I do not consider that natural hazards should change the zone type because as discussed above, the development can occur within both the MDR and HDR. Additionally, any development of this area regardless of whether it is on MDR or HDR land would require geotechnical and engineering input which can be relied upon by decision makers in avoiding or mitigating any effects from natural hazards.

² Para. 8.2

36. Changing the zoning from MDR to HDR will not result in adverse landscape effects as both zones allow for development. In this instance, I do not agree that the zoning should be determined by natural hazards given that the MDR and HDR both allow for development. Changing the zone so that the HDR follows the cadastral boundary will provide consistency in zoning for the site.

Visitor Accommodation Activity Status

37. Ms Turner does not support CPPL's submission for controlled activity status for VA activities within Arthurs Point North on the basis that amending the provision would make it more similar to Business Mixed Use zone (**BMU**).³
38. I do not consider that changing the activity status would make it more similar to the BMU. While VA activity in the BMU carries a controlled activity status, the BMU as a whole anticipates activities such as service-based activities, commercial and retail activities whereas HDR does not. Given this, the matters of control for a VA activity in the HDR would be different and the standards for the development to meet will remain the same as HDR standards for building controls.
39. Providing a controlled activity status for visitor accommodation activity in the HDR zone is appropriate for Arthurs Point. Ms Turner states that "to achieve these strategic objectives for the Arthurs Point North area, recognition should be given that Arthurs Point North is not a homogenous area in terms of character or issues, and that the different levels of development are appropriate for different areas to manage the effects on landscape values, as well as social and economic wellbeing⁴". In considering this statement, the character of Arthurs Point is not homogenous and while the Site is to be zoned predominantly for high density residential development, the scale of this development should not determine the use for this site, given the existing and anticipated character of Arthurs Point which is a mix of visitor accommodation and residential.
40. The 'residential' amenity has already been altered given the existing character of the area. Given this, the zoning should be to protect and provide for the residential and VA environment in Arthurs Point.
41. Ms Turner considers traffic safety effects are relevant when considering the activity status of VA activity⁵. I consider that when assessing a VA activity, traffic safety under the Transport Chapter will be relevant regardless of activity status. Therefore, the traffic safety should not be a consideration when determining activity status.

³ Para 10.6

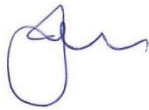
⁴ Para. 4.24

⁵ Para. 10.10

Under the Transport Chapter, Class 2 activities (including VA) are required to meet certain standards. These standards are what ensures this safety, not the RD activity status of the VA activity in the HDR chapter.

CONCLUSION

42. I consider that for the reasons identified above, HDR is the most appropriate zone for the entirety of the Site.
43. The northern portion of the Site should change from MDR with VAS to HDR so the zoning follows the cadastral boundaries.
44. The HDR zone should include visitor accommodation activity in Arthurs Point North as a controlled activity status given the existing and anticipated character of the area.
45. CPPL relief should be granted.



John Bernard Edmonds

29 May 2020