

EVIDENCE SUMMARY STATEMENT OF CAREY VIVIAN

1 Ms Turner considers the evidence we prepared in support of Mr Stewart's submission in Part 3 of her rebuttal evidence where she has identified two outstanding issues – natural hazards and the inconsistency in applying a VASZ to a BRA. I address each of these in turn.

Hazards

2 In paragraph 3.2 (Page 3)¹ of her rebuttal evidence, Ms Turner states that Mr Bond admits that foundations and other engineering solutions, possibly of a prohibitive cost, could lower the hazard risk. Ms Turner considers the “non-standard approach” required to lower the risk indicates an urban zone may not be the most appropriate zone for the affected area. With respect, I disagree. Engineered foundations and other solutions are typical in the construction of residential dwellings on moderately steep sites of this nature in the district.²

3 At paragraph 3.3 (Page 3) Ms Turner says that she remains concerned with rezoning the site to MDRZ from Rural Zone due to the extent of the hazards present on the site. Ms Turner identifies that the Active Schist Landslide has an overall risk of moderate to high. With respect, Dr Forrest confirms that the landslide is dormant, not active, however he still considers the geotechnical risk of building residential dwellings on it is moderate to high which he considers is typical for a moderately steep site of this nature in the district.

4 Ms Turner considers having a bespoke rule with the activity status of RDA as I recommend in my primary evidence gives a strong indication that development of this site for MDRZ development is anticipated by the PDP (albeit any conditions could be imposed dependent on the matters of discretion). I agree with Ms Turner, the MDRZ zoning does anticipate residential development can occur. However, the MDRZ zoning also makes it very clear that such anticipation is subject to meeting the relevant rules and standards contained in the PDP, including earthworks³ and subdivision rules, and the Building Act requirements. In this case I have recommended a further RD rule that ensures natural hazards are considered prior to the development of any buildings on the site. This further rule is really just a safeguard in case development does not require land-use consent under the earthwork's or subdivision standards (which is very unlikely in my view). The RD activity rule I have proposed can be refused by Council on natural hazard grounds.

5 Ms Turner considers the evidence currently available from both Dr Forrest and Mr Bond suggests that providing this signal and level of certainty about the land being suitable for MDRZ development would not achieve the objectives of the PDP in relation to natural hazards as explained by the relevant policies in her assessment. I disagree. In my view, it is clear from Dr Forrest's assessment that there is sufficient evidence to suggest the landslide is now dormant, engineered foundations and other solutions are typical in the construction of residential dwellings on moderately steep sites of this nature in the district and Mr Stewart's site is adjacent to residentially zoned land where development has been recently approved subject to conditions on foundation design.

6 At paragraph 3.4 (Page 3) Ms Turner retains the view that the rezoning sought would be contrary to 28.3.1.2, 28.3.2.1, 28.3.2.2 which seek to avoid significantly increasing risks associated with natural hazards, and preclude exposing vulnerable activities to hazard risk, or creating risks to human life where this is deemed to be “intolerable”. Ms Turner considers there is a clear direction in the PORPS, which,

¹ I note there two paragraphs 3.2 in Ms Turner's report.

² Refer to Mr Dr Forrest's assessment, Page 27 of my primary evidence.

³ Rule

cautions against reliance on engineering solutions to natural hazards and also provides relevant direction that cautions against this rezoning. Ms Turner considers my suggested approach of bespoke planning rules for individual sites is an inefficient and ineffective method when there is a zone framework (i.e. the Rural Zone) that more appropriately manages natural hazard risk and doesn't carry any presumption that urban development is anticipated.

7 In my opinion, the Chapter 28 Objectives and policies do not require that development is avoided because there is a natural hazard risk. As Ms Robb submissions state, the focus is on tolerability of that risk to people and communities. In my view, an arbitrary property boundary should not determine where a natural hazard terminates or becomes less relevant or important. The whole of the upslope side of Arthurs Point is situated on the dormant landslide material to more or less extent. The Objectives and Policies, in my view, require recognition that the hazard exists, understand the level of risk any development may be exposed to as a consequence of being within the hazard and then confirm if there are commensurate mitigation opportunities to reduce that risk to acceptable levels (i.e. through engineering design). That is exactly what my proposed "bespoke" rule does.

8 It appears to me that Ms Turner's approach is very risk adverse with respect to this issue – if there is a natural hazard risk present then it should be avoided - there is little appetite for engineering solutions and mitigation. If this was adopted on all land, there would be very little opportunity left for development in our district.

VASZ

9 At Para 3.8 Ms Turner states that while Visitor Accommodation may be appropriate within the existing building, due to the contradicting intentions of the BRA and the VASZ she considers applying a VASZ to the site with a BRA would undermine the restrictive intention of the BRA. Ms Turner therefore recommends the VASZ is not applied to the site.

10 In my view, the BRA and VASZ have different purposes. The BRA is about restricting built form in a certain location, the VASZ is about visitor accommodation use of a site. I disagree with Ms Turner that they have contradictory intentions where built form is existing and can be used for VA without modification (which I understand is the case here).

11 The advantage of VASZ, in this case, is the status of land-use for VA changes from NC to RD. In my opinion, the matters of restriction in the RD rule comprehensively manage any future VA activities on the subject site.

Supplementary Evidence – NPS Urban Development 2020

12 I have previously addressed the NPS Urban Development Capacity (NPS-UDC) in my primary evidence. In accordance with the Chairpersons minute (dated 27 July 2020) I have now considered the submission pursuant to the new NPS on Urban Development (NPS-UD). It is my understanding that the NPS-UD replaces the NPS-UDC from the 20 August 2020. The NPS-UD has a broader focus on "well-functioning urban environments" and a particular focus on the intensification of urban areas. Many elements of the NPS-UD are similar to those in the NPS-UDC, but there are some new policies and ways of giving effect to those policies.

13 The NPS-UD contains eight objectives. In my opinion, Objectives 2, 3 and 4 in particular support Mr Stewarts submission to extend the MDRZ on his property.