

**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 Stages 3 and 3B of  
the Proposed District  
Plan

---

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

**PLANNING: SETTLEMENT AND LOWER DENSITY SUBURBAN RESIDENTIAL  
ZONES – MAPPING**

**12 June 2020**

---

---

 **Simpson Grierson**  
Barristers & Solicitors

S J Scott / R Mortiaux  
Telephone: +64-3-968 4018  
Facsimile: +64-3-379 5023  
Email: sarah.scott@simpsongrierson.com  
PO Box 874  
SOLICITORS  
CHRISTCHURCH 8140

## CONTENTS

	<b>PAGE</b>
1. INTRODUCTION .....	1
2. SCOPE.....	1
3. MR GLOVER (3006).....	2
4. MR FREEMAN FOR POUNAMU HOLDINGS 2014 LTD (3307) .....	7
5. TIM GRACE FOR CARDRONA VILLAGE LIMITED (31019) .....	9
6. SCOTT EDGAR FOR SOUTHERN VENTURES PROPERTY LIMITED (3190).....	12
7. MEGAN JUSTICE FOR GREENVALE STATION LIMITED (FS3435) .....	14
8. TIMOTHY GRACE FOR KINGSTON LIFESTYLE PROPERTIES LIMITED (3297) ...	15

## 1. INTRODUCTION

1.1 My full name is Rosalind Mary Devlin. My qualifications and experience are set out in my Section 42A Report (**s42A**) dated 18 March 2020.

1.2 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 rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:

### **Settlement Zone rezoning's: Group 1: Glenorchy**

- (a) Mr Glover for John & Toni Glover (**3006**);
- (b) Mr Freeman for Pounamu Holdings 2014 Ltd (**3307**);

### **Settlement Zone rezoning's: Group 2: Cardrona**

- (c) Mr Grace for Cardrona Village Limited (**31019**);
- (d) Mr Brown for Cardrona Village Limited (**31019**);

### **Lower Density Suburban Residential Zone rezoning's: Group 3 Albert Town**

- (e) Mr Edgar for Southern Ventures Property Limited (**3190**);

### **Settlement Zone rezoning's: Group 6: Kingston**

- (f) Ms Justice for Greenvale Station Limited (**FS3435**);
- (g) Mr Grace for Kingston Lifestyle Properties Limited (**3297**).

2.2 I also confirm that I have read the following statements of evidence and consider that no response is needed:

- (a) Paul and Deborah Brainerd for Pounamu Holdings 2014 Ltd (**3307**);
- (b) Mr Colegrave for Pounamu Holdings 2014 Ltd (**3307**);
- (c) Mr Lee for Cardrona Village Limited (**31019**);
- (d) Ms Greaves for Southern Ventures Property Limited (**3190**);
- (e) Mr Williams for Quartz Commercial Group Limited (**3328**);
- (f) Ms Justice for H W Richardson Group (**3285**);
- (g) Ms Justice for Kingston Village Limited (**3306**);
- (h) Mr Simpson for Kingston Lifestyle Properties Limited (**3297**).

**2.3** My evidence has the following attachments:

- (a) **Appendix A:** Recommended Provisions – Chapters 7 and 20;
- (b) **Appendix B:** Recommended changes to the plan maps.

**2.4** Due to a recent conflict of interest I no longer address a rezoning submission from Universal Developments Limited (**3248**), which will instead be addressed by Mr Barr.

### **3. MR GLOVER (3006)**

**3.1** Mr Glover has filed a statement in relation to extending the Commercial Precinct over land on Mull Street, Glenorchy (relief 3006.2). I note at the outset that in this section I revise my recommendations as they relate to a rezoning submission 3339 (Blackthorn Limited), although that submitter has not filed evidence.

**3.2** I accept that my s42A contained an error, as the notified permitted building height in Glenorchy is 5.5m, not 7m, as Mr Glover has pointed out at his paragraph 18. Mr Glover has clarified the activities that legally operate at 13 Mull Street. I accept Mr Glover's update in regard to the authorised activities at that site and provide an updated assessment based on that information<sup>1</sup>.

**3.3** Mr Glover has provided some background to the existing Commercial Precinct, including the Commercial Precinct Extension Area annotated

---

1 Evidence of John & Toni Glover: Submitter 3006, paras 2-5.

on ODP planning map 25b. I note that the Commercial Precinct Extension Area centred around Islay Street. Mr Glover considers that the extension has never been developed as it is in the 'wrong place', and refers to a community wish for Mull Street to be the commercial heart of the town.<sup>2</sup>

**3.4** In regard to community wishes, I have reviewed the Glenorchy Community Plan (**GCP**), which includes as a key strategy:

*Strong enlarged commercial centre with mix of commercial, retail, restaurants, accommodation and residential.*<sup>3</sup>

**3.5** The GCP includes a range of recommendations to support Mull Street being the 'Town Centre', including signage at the Oban – Mull Street intersection, flagstones at either end of Mull Street, footpaths, defined parking areas, street furniture, a Village Green next to the Town Hall. In contrast, Islay Street is noted in the GCP as having a narrow carriageway with no kerb and channel, in keeping with rural context.<sup>4</sup>

**3.6** The GCP implies that Mull Street is the commercial heart of Glenorchy, with the 'Town Plan'<sup>5</sup> showing a 'strong commercial centre' bookended by visitor accommodation and residential development (**Figure 1**):

---

2 Ibid at paras 11-12.

3 Glenorchy – Head of the Lake, 2001 Glenorchy Community Plan Plus Glenorchy Community Visioning Report 2016, para 4.72, page 72.

4 Ibid at page 52.

5 Ibid at Section 5 Sheet 3.

### Glenorchy Community Plan: Town Plan



**Figure 1** – Excerpt from Glenorchy Community Plan Town Plan, snip taken 7/6/2020

- 3.7** While the commercial centre illustrated on the Town Plan appears to be a perfect rectangle, when transposed onto the PDP planning maps the commercial centre includes the Glenorchy Hall and adjacent land, which is rezoned Open Space and not available for commercial development.
- 3.8** The Town Plan was prepared in 2001. In regard to a more recent description of community wishes, the 2016 visioning report appended to the GCP focused on sustainability, infrastructure, and responding to the visitor industry, with no specific reference to the spatial location of the commercial centre.
- 3.9** I consider that the GCP does not provide a clear community wish to rezone lower Mull Street, or possibly to relocate the Commercial Precinct away from Islay Street. I consider the GCP does not preclude the rezoning request either; it provides useful guidance for community desires, but it is a non-statutory document. Ultimately, I agree with Mr Glover at his paragraph 15 that ‘good planning will respond to neighbourhood changes over time’.
- 3.10** Mr Glover considers at his paragraph 14 that the lake end of Mull Street is no longer a neighbourhood that encourages low intensity residential living. This area is disconnected from the main residential part of

Glenorchy, and is en route from the Commercial Precinct to the lakefront, where commercial and passive recreational activities take place. This area does not have a cohesive residential character. While that does not automatically mean that it should be rezoned, in my view, applying the Commercial Precinct could assist in connecting the existing commercial area with the lakefront, as well as better reflecting the transitioning character of lower Mull Street.

- 3.11** Mr Glover has not provided any economic evidence; however, I have reviewed Mr Colegrave's evidence for submitter 3307 (Pounamu Holdings 2014 Ltd, discussed further below). I accept Mr Colegrave's evidence that the existing Commercial Precinct in Glenorchy is sparsely developed with old building stock, with 'limited evidence of tangible demand for development in this location over the last 20 or so years since the zone has been in effect'<sup>6</sup>. Mr Colegrave noted that some of the land on Islay Street has little to no profile from Mull Street, and it is therefore unlikely that this land would be attractive to retail or café type uses given their lack of 'main' street visibility<sup>7</sup>. I accept this evidence.
- 3.12** In regard to the hotel site at 1 Benmore Place (within the scope of the Glover submission), in my s42A I considered that this allotment is too large to be entirely incorporated into the Commercial Precinct. Applying the overlay over part of the land could be appropriate, however, as requested by submitter 3339 (Blackthorn Limited).
- 3.13** No evidence has been filed by Blackthorn Limited. I have reviewed the urban design reports for RM191318, the application for the proposed hotel on 1 Benmore Place. Both the applicant's urban designer and Council's urban designer (providing a peer review) agree that the part of the site fronting Mull Street could appropriately be used for commercial activities. The applicant's urban designer considers that Mull Street is the main commercial 'heart' of Glenorchy with the majority of the township's cafes and retail outlets clustered along Mull and to a lesser extent Oban Streets.<sup>8</sup> Council's urban designer considered that the alignment of the proposed commercial buildings

---

6 Statement of Evidence of Fraser Colegrave on behalf of Pounamu Holdings 2014 Limited, para 53.

7 Ibid at para 54.

8 The Grand Mount Earnslaw Hotel Preliminary Design Report, 29.11.2019, page 16.

close to the Mull Street boundary is compatible with the existing development pattern of the commercial complex at the eastern end of the block near the intersection with Argyle Street.<sup>9</sup> Both urban designers refer to Islay Street as having a more residential character.

**3.14** I accept these expert findings. Although a decision on RM191318 has not yet been made, in my view the urban design reports have assisted in identifying an appropriate location for commercial activities on lower Mull Street, and by extension, an appropriate location for potential rezoning to Commercial Precinct. I consider that a Commercial Precinct over 1 Benmore Place should be smaller than shown on the plan included with submission 3339 (Blackthorn Limited), to ensure that commercial development is appropriately small-scale, and to mirror the parcel boundaries of the land on the north side of Mull Street, rather than extending opposite Jetty Street, which is informal and appears as an extension of the recreation reserve near the lake. In my view this would ensure that the Commercial Precinct along Mull Street, if extended, is still compact with defined boundaries.

**3.15** The area of Commercial Precinct I have identified for 1 Benmore Place would be approximately 750m<sup>2</sup>. 13-19 Mull Street would enable an additional 2,598m<sup>2</sup> for commercial activities over three allotments. I consider these areas are of an appropriate size to enable commercial activities that will be limited in scale, provide for local and visitor convenience, and support the local economy<sup>10</sup>.

**3.16** I note that the requested rezoning of 13-19 Mull Street would exclude a very small area of land (86m<sup>2</sup>) that is part of the Glenorchy Café site and held in the same title as the café.<sup>11</sup> Submission 3006 sought to extend the Commercial Precinct ‘the full length of Mull Street’<sup>12</sup>. Therefore, I consider it is within scope and logical to apply the Commercial Precinct over this land as well, to ensure there is not an anomalous gap in the zoning along Mull Street.

---

9 Urban Design Review 1 Benmore Place Grand Mt Earnslaw Hotel, Glenorchy, 7 May 2020, page 6.  
10 Chapter 20 Objective 20.2.3.  
11 Lot 44 DP 8985 Lots 21 22 Deeds Plan 22 9 BLK XII Glenorchy TN, valuation number 2911100900  
12 Submission 3006 John & Toni Glover, page 2.



- 3.17** Overall, having considered Mr Colegrave's economic evidence, the GCP, existing commercial activities, and the character and position of the land on lower Mull Street, I now consider that it would be appropriate to extend the Commercial Precinct over 13-19 Mull Street and part of 1 Benmore Place.
- 3.18** Extending the Commercial Precinct over lower Mull Street to connect with the lakefront would be consistent with the relevant objectives and policies of the Strategic Direction chapters of the PDP, in providing for small-scale commercial activities within the Settlement Zone, while maintaining the low-intensity residential character of Glenorchy<sup>13</sup>. The rezoning will enable efficient and effective use of the land for residential, visitor accommodation and/or commercial purposes (or any appropriate combination of activities).
- 3.19** I therefore change my recommendation on relief 3006.2 to accept (in part). Consequentially I also change my recommendation on relief 3339.2 to accept (in part). I recommend that the changes to mapping in **Appendix B** be accepted.

#### **4. MR FREEMAN FOR POUNAMU HOLDINGS 2014 LTD (3307)**

- 4.1** Mr Freeman has filed evidence in relation to applying the Commercial Precinct over part of the Mrs Woolly's site within the notified Visitor Accommodation Sub-Zone (**VASZ**) in Glenorchy, with a site-specific rule (relief 3307.7).
- 4.2** Mr Freeman relies on Mr Colegrave's economic evidence,<sup>14</sup> which was reviewed by Council's expert Ms Natalie Hampson. Ms Hampson has considered Mr Colegrave's evidence and has advised that she concurs with his findings in relation to the site in question. I therefore accept and reply on Mr Colegrave's evidence, and have reconsidered my recommendation.
- 4.3** It is apparent from the evidence that the economic benefits of the submission are expected to outweigh any potential economic costs. As

---

<sup>13</sup> Strategic Policies 3.2.1.5, 3.3.9, Chapter 20 Policy 20.2.3.1.

<sup>14</sup> Submission of Pounamu Holdings 2014 Limited (3307) Statement of Evidence of Scott Anthony Freeman paras 10.53 – 10.57.

such, while creating a second Commercial Precinct may appear illogical (given the considerable vacant capacity of the existing Commercial Precinct), the rezoning request may actually generate significant and enduring benefits, both during construction and operations, which may in turn build confidence to develop the vacant capacity in the existing Commercial Precinct.<sup>15</sup> The existing Commercial Precinct appears to have supplied very little commercial activity and has failed to attract investment, providing only limited amenity to local residents and visitors. This corresponds with Mr Glover's view that the existing Commercial Precinct on Islay Street is in the wrong place (submitter 3006, discussed above).

**4.4** I accept Mr Colegrave's evidence that further commercial development of the Mrs Woolly's site would have 'no material impacts on other centres, either in Glenorchy, Queenstown or further afield'<sup>16</sup> and as such would not undermine the future development of the existing Commercial Precinct. I concur with Mr Freeman that future limited commercial development within the Mrs Woolly's site will complement and benefit the existing commercial operations located on Mull Street and elsewhere.<sup>17</sup>

**4.5** Given all of the above, I now consider that applying the Commercial Precinct over part of the Mrs Woolly's site would be appropriate, along with the site-specific rule limiting building coverage to 12%. The rezoning would be consistent with the relevant objectives and policies of the Strategic Direction chapters of the PDP, in providing for small-scale commercial activities within the Settlement Zone, while maintaining the low-intensity residential character of Glenorchy.<sup>18</sup> The rezoning will enable efficient and effective use of the land for residential, visitor accommodation and/or commercial purposes (or any appropriate combination of activities).

**4.6** Given all of the above, I change my recommendation on relief 3307.7 to accept. I recommend that the changes to text in **Appendix A** and changes to mapping in **Appendix B** be accepted.

---

15 Statement of Evidence of Fraser Colegrave on behalf of Pounamu Holdings 2014 Limited, para 61.  
16 Ibid at para 13.  
17 Submission of Pounamu Holdings 2014 Limited (3307) Statement of Evidence of Scott Anthony Freeman para 10.66.  
18 Strategic Policies 3.2.1.5, 3.3.9, Chapter 20 Policy 20.2.3.1.

**5. TIM GRACE FOR CARDRONA VILLAGE LIMITED (31019)**

- 5.1** Mr Grace has filed evidence in relation to rezoning land in Cardrona from Rural to Settlement zone (**SETZ**), landscape lines, and extending the Commercial Precinct along Soho Street.

**Rezoning (Relief 31019.2 and 31019.3)**

- 5.2** Mr Bond opposes the rezoning request from a natural hazards perspective.
- 5.3** Mr Powell does not oppose the rezoning request from an infrastructure perspective.
- 5.4** I rely on Mr Bond's and Mr Powell's evidence. The rezoning request depends on flood hazard. Raising the site will meet the Council's Code of Practice and would be acceptable as a site-specific land use consent, should the site already be zoned for development.
- 5.5** Taking a broader perspective for the rezoning request, raising the site will result in a loss of online flood storage, which will have consequent downstream effects.
- 5.6** The PDP strategic direction chapters and Chapter 28 (Natural Hazards) provide the following:

*3.2.2.1 Urban development occurs in a logical manner so as to: ...*

*d. minimise the natural hazard risk, taking into account the predicted effects of climate change;*

*28.3.1 Objective - The risk to people and the built environment posed by natural hazards is managed to a level tolerable to the community.*

*28.3.1.2 Restrict the establishment of activities which significantly increase natural hazard risk, including where they will have an intolerable impact upon the community and built environment.*

*28.3.2 Objective - Development on land subject to natural hazards only occurs where the risks to the community and the built environment are appropriately managed.*

*28.3.2.1 Avoid significantly increasing natural hazard risk.*

- 5.7** I note that the Otago Regional Council has not submitted on this rezoning request.
- 5.8** The flooding risk downstream will be increased, rather than minimised. I am unclear on whether the increase in flooding will be significant, and whether the flooding risk that is transferred downstream will be tolerable or intolerable to the community. Given that much of the Cardrona Valley is rural, there may be sufficient floodplain available downstream to absorb the lost storage without exacerbating risk to human life or rural activities. I am not an expert; however, and therefore I consider that it would be inappropriate for me to recommend that the rezoning is accepted.
- 5.9** Given the above, I retain my recommendations to reject relief 31019.2 and 31019.3.

**ONL classification (relief 31019.4)**

- 5.10** Mr Grace has clarified that the submission was made on the basis that there was some confusion as to whether the land to be zoned SETZ was intended to be included within the ONL overlay. Mr Grace notes that I confirmed in my s42A that this is not the intention, and the Cardrona SETZ is excluded from the ONL.<sup>19</sup> Given that I now have a better understanding of this relief point, I change my recommendation on relief 31019.4 to accept.

**Commercial Precinct (relief 31019.5)**

- 5.11** Since my s42A was prepared, EX061204 was granted on 30 April 2020 to extend the lapse date of RM061204 to 6 May 2025. RM061204 approved land use consent for visitor accommodation and residential

---

<sup>19</sup> Evidence of Timothy Adam Grace in support of the submission of Cardrona Village Limited, 29 May 2020, para 29.

development on the submitter's land on the eastern side of the Cardrona River (true right bank). The EX061204 decision notes that in regard to progress, no physical works have been undertaken, but the land exchange and other resource consents have been advanced. A decision for on RM191114, which is for a subdivision around the RM061204 development, had not been issued at the time of preparing this report.

**5.12** Mr Grace considers that the requested extension of the Commercial Precinct along both sides of Soho Street will provide for recognition of the visitor accommodation hub that is intended to be created around this intersection.<sup>20</sup> With respect, I disagree. The Settlement zoning and Visitor Accommodation Sub-Zone (**VASZ**) provides for small-scale commercial activities and services and facilities that are ancillary to visitor accommodation, such as food and beverage spaces, gyms and function spaces, which are listed in the RM190669 application (which is still being processed). A Commercial Precinct would not provide any further zoning 'support' for those activities.

**5.13** Mr Grace considers that the consented environment needs to be reflected in the zoning provisions, noting that RM190669 may be approved prior to decisions on rezoning, and noting that approved development consented under the ODP Rural Visitor Zone (**RVZ**) may be more intensive than the Settlement zone provisions.<sup>21</sup> I acknowledge that RM190669 may be approved soon and that the development may be more intensive, having been applied for under the ODP RVZ regime. However, I disagree that zoning must reflect consented development. This may be appropriate in some circumstances. In this instance, however, the Commercial Precinct would enable additional activities that have not been approved for this submitter's land (i.e. commercial activities that are not ancillary to visitor accommodation).

**5.14** Mr Grace cites Mr Brown's evidence that two types of commercial / retail development will develop in Cardrona, with one being integrated with new visitor accommodation offering a safe, attractive, 'main street'

---

20      ibid at para 37.

21      ibid at para 33.

experience, and considers that the Commercial Precinct extension is required to support this.<sup>22</sup> I disagree. Even if the Cardrona Valley becomes a busier traffic conduit, the posted speed limit in the village is 50km/hr, which is intended to create a safe pedestrian environment. Mr Brown acknowledges the speed limit, but considers that Cardrona aspires to become similar to Buckingham Street in Arrowtown, and will not achieve that.<sup>23</sup> I consider that whether or not Cardrona aspires to be like Arrowtown is irrelevant. The Cardrona Village Character Guideline, incorporated by reference into Chapter 20, is clear that the commercial core of Cardrona be restricted to the main road:

*The Commercial Precinct overlay as shown on the Plan Maps concentrates Commercial development on the straight stretch of the road either side of the Hotel and around the envisaged village green<sup>24</sup>.*

- 5.15** In my view, the submitter's visitor accommodation and residential development plans near the river will not necessarily create a shift in the village's centre of gravity. Even if the submitter's land does become a new area of focus away from the main road and creates a pedestrian focussed environment near the river, that does not mean that it must also provide for additional commercial / retail development, beyond that already provided for by the underlying zoning.

## **6. SCOTT EDGAR FOR SOUTHERN VENTURES PROPERTY LIMITED (3190)**

- 6.1** Mr Edgar has filed evidence in relation to partial rezoning of the submission site from Rural Lifestyle and Rural to Lower Density Suburban Residential Zone (**LDSR**) (or Township / Settlement Zone) and the associated realignment of the Urban Growth Boundary (**UGB**) and Landscape Classification Line.

- 6.2** Mr Powell does not oppose the rezoning request from an infrastructure perspective.

---

22 Ibid at para 38.

23 Evidence of Stephen Kenneth Brown in support of the submission of Cardrona Village Limited, 29 May 2020, page 38.

24 Cardrona Character Guideline 2012.

- 6.3** I rely on Mr Powell's evidence and I now consider the request to rezone part of the site to LDSR would be appropriate. I agree with Mr Edgar's suggestion that the remainder of the site would remain as Rural Lifestyle with a no build overlay to restrict development of the parts of the site where the flood hazard is harder to mitigate without exacerbating flood hazard risks on upstream properties. I accept Mr Edgar's assessment of the request against the statutory framework.<sup>25</sup>
- 6.4** In regard to natural hazards (namely flooding), Mr Edgar considers that the suggested site-specific rule in my s42A is not necessary. Mr Bond was not opposed to the rezoning request on the basis of the GeoSolve recommended mitigation in the form of offsetting and lifting of development platforms combined with an agreed set back of 250-300m.<sup>26</sup> I retain my recommendation that risks from flood hazard must be mitigated prior to subdivision or development. I consider that other legislation (e.g. Section 71 of the Building Act 2004) should not be relied on, as I am of the view that if the land is rezoned, it should be fit for purpose, and that ideally risks should not be passed on. It would not be appropriate, in my view, for individual households to raise up their part of the land by 1.5-2.5m. I would take a different view if the required floor level was less than 1m above existing ground level.
- 6.5** I do accept Mr Edgar's view that it would also be very unusual for development to proceed on a large land holding, such as the submission site, prior to subdivision.<sup>27</sup> In this regard, my recommendation is based on the potentially remote possibility of development preceding before subdivision.
- 6.6** Should the rezoning be accepted, the site will be split-zoned until a subdivision is undertaken. The submitter has proposed a Building Restriction Area over the lower part of the land to remain as Rural Lifestyle, and I consider this would be an appropriate signal to deter development creep outside the UGB and into the ONL, and to avoid the flood hazard. This would also retain the lower part of the site as

---

25 Statement of Evidence of Scott Sneddon Edgar for Southern Ventures Property Limited (Submitter #3190) 29 May 2020, paras 18 – 31.

26 First Statement of Evidence of Robert Bond on behalf of Queenstown Lakes District Council Geotechnical Engineering – Settlement Zone and Lower Density Suburban Residential Zone – Rezoning's 18 March 2020, para 5.18.

27 Statement of Evidence of Scott Sneddon Edgar for Southern Ventures Property Limited (Submitter #3190) 29 May 2020, para 38.

part of the buffer edge between urban Albert Town and the natural landscape values of the surrounding Rural Zone.<sup>28</sup> As such I consider that the rezoning will not result in a significant loss of rural character or landscape values.

**6.7** The rezoning will result in a minor loss of rural lifestyle character; however, it will instead enable efficient and effective use of appropriately located land for Lower Density Suburban Residential purposes. Natural and other hazards have been addressed and the site can be fully serviced. I consider that the relief sought is consistent with the strategic direction of the PDP<sup>29</sup> and Chapter 28 Natural Hazards objectives 28.3.1 and 28.3.2 and associated policies.

**6.8** On the basis of the analysis above, I recommend that the changes to recommended map 3 in **Appendix B** and changes to text in **Appendix A** be accepted. I therefore change my recommendations on relief 3190.2, 3190.3 and 3190.4 from reject to accept.

## **7. MEGAN JUSTICE FOR GREENVALE STATION LIMITED (FS3435)**

**7.1** Ms Justice has filed evidence in relation to the submitter's opposition to the rezoning sought by Kingston Lifestyle Properties Ltd (**3297**).

**7.2** Ms Justice considers that, despite the recommendations made within the s42A report to rezone parts of the submitter's site in accordance with the relief sought, there was no accompanying section 32 and section 32AA evaluation.<sup>30</sup> I disagree. A s32AA evaluation was built into all rezoning recommendations within my s42A, not appended as a separate table. Submitter 3297 included a basic s32 evaluation in a table at pages 1-24, and a s32AA evaluation for my recommendations is incorporated into paragraphs 34.11 – 34.15 of my s42A. I consider the relief sought by Kingston Lifestyle Properties Ltd has been thoroughly and appropriately assessed, and I retain my recommendations on relief 3297.1 – 3297.4 (inclusive).

---

28 Section 42a Report / Statement of Evidence of Craig Barr Strategic Overview and Common Themes 17 March 2017, page 48.

29 Strategic Direction Objective 3.2.2 and Policy 3.2.2.1.

30 Ibid at para 2.6.



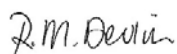
**8. TIMOTHY GRACE FOR KINGSTON LIFESTYLE PROPERTIES LIMITED  
(3297)**

**8.1** Mr Grace has filed evidence in relation to rezoning the Kingston Flyer land to SETZ with a Commercial Precinct.

**8.2** Mr Grace considers that the Kingston Flyer is best defined as Transport Infrastructure. I appreciate that interpretation, as 'rail' is mentioned in the definition of Transport Infrastructure, however, this is a tourist activity, not part of a Transport Network. My understanding is that Transport Infrastructure is part of and contributes to a Transport Network, it does not exist independently or in isolation. I consider that the best definition for the Kingston Flyer is likely to be Commercial Recreation Activity.

**8.3** Regardless of how the activity is best defined, I consider that the Kingston Flyer likely provides positive economic benefits to Kingston (when operating), as well as being an integral part of Kingston's history and identity. I remain of the view, however, that applying the SETZ with a Commercial Precinct is not the most appropriate zoning for the Kingston Flyer railway corridor. The SETZ provides for spatially well-defined areas of low-intensity residential living and only anticipates small-scale commercial activities that primarily service a local convenience purpose<sup>31</sup>. The railway corridor does not fit well in that context.

**8.4** I maintain my view that (re)designating the Kingston Flyer land is worth considering. I retain my recommendations on relief 3297.1, 3297.2, 3297.3 and 3297.4.



**Rosalind Devlin**

**12 June 2020**

**APPENDIX A**  
**RECOMMENDED PROVISIONS – CHAPTERS 7 AND 20**

**Key**

Rebuttal 12/06/2020 recommended changes to notified provisions are shown in green underlined text for additions and ~~green strike through text~~ for deletions.

Any black underlined or ~~strike through~~ text, reflect the notified variation.

**20.5 Rules - Standards**

	<b>20.5 - Standards for activities in the Settlement Zone</b>	<b>Non-compliance status</b>
<b>20.5.5</b>	<b>Maximum building coverage on any site – buildings located in Commercial Precincts and Visitor Accommodation Sub-Zones only</b>	D
20.5.5.1	Within the Commercial Precinct at Cardrona: 80%.	
20.5.5.2	Within the Visitor Accommodation Sub-zone at Cardrona: 50%.	
20.5.5.3	<u>Within the Commercial Precinct located on the eastern side of Oban Street in Glenorchy: 12%.</u>	
20.5.5.4	At all other locations within Commercial Precincts or Visitor Accommodation Sub-Zones building coverage shall not exceed 80% on any site.	

**Commented [RD-E1]:** Pounamu Holdings 2014 Limited (3307)

7.5 Rules - Standards

	Standards for activities located in the Low Density Residential Zone	Non-compliance status
7.5.20	<p><u>Residential Units - Templeton Street</u></p> <p>a. <u>No residential units shall be constructed on the Templeton Street site until such time as fill works are constructed in accordance with the plan contained in Appendix 7.7. The fill works shall be:</u></p> <p>i. <u>Located within the Fill Area shown on the Fill Area Plan in Appendix 7.7;</u></p> <p>ii. <u>Constructed to achieve a height throughout the Fill Area no lower than the Minimum Finished Ground Levels shown on the Fill Area Plan in Appendix 7.7 provided that the finished ground levels detailed on the Fill Area Plan are extrapolated across the Fill Area to achieve a plane surface.</u></p> <p>b. <u>No works of any nature shall interfere with, damage or otherwise adversely affect the fill works constructed under subclause (a) of this rule so that those fill works shall be maintained in perpetuity.</u></p> <p>c. <u>No residential units shall be constructed on the Templeton Street site until the outer batter (facing the Cardrona River) of the fill works required to be implemented under subclause (a) of this rule has been top soiled and planted to achieve a permanent vegetative cover.</u></p> <p>d. <u>No works of any nature (excluding mowing or other plant maintenance works) shall interfere with, damage or otherwise adversely affect the vegetative cover on the outer batter implemented under subclause (c) of this rule so that that vegetative cover shall be maintained permanently.</u></p>	NC

Commented [RD-E2]: Southern Ventures Property Limited (3190)

7.7 **Templeton Street Fill Area Plan**

**Commented [RD-E3]:** Southern Ventures Property Limited (3190)



www.measuredlandsurveys.co.nz info@measuredlandsurveys.co.nz

Rev	Description	Date
A	ORIGINAL	13/11/19
B	TITLE	04/03/20

**Fill Area Plan**  
 (Templeton Street - Albert Town)

Client:  
**Southern Ventures Property Limited**

Scale: 1 : 1750 @ A3

Surveyed: ST 24/05/18  
 Drawn: ST 04/03/20

COPYRIGHT ©  
 This drawing and parts thereof are copyright to Measured Land Surveys Limited and shall not be copied, copied or reproduced without the written permission of Measured Land Surveys Limited.

**CSNZ** THE CONSULTING SURVEYORS OF NEW ZEALAND  
 A MEMBER OF THE NEW ZEALAND SOCIETY OF SURVEYORS

Date: Linds Peak 2000/DVD 1958

Sheet **1 of 1**

Job # 18012\_S2  
 Rev B

**APPENDIX B**

**RECOMMENDED REZONINGS**

**1. Extend the Commercial Precinct in Glenorchy to incorporate Lot 36 - 38 DP 8985 and part of Lot 1 DP 12016 (John and Toni Glover – 3006; Blackthorn Limited – 3339)**

Recommended amendments to zoning – extend the Commercial Precinct in Glenorchy:



Yellow – Settlement  
Red diagonal stripes – Commercial Precinct  
Blue line – Flood Zone



**2. Extend the Commercial Precinct in Glenorchy to incorporate part of Lots 1 – 3 DP 26928 (Pounamu Holdings 2014 Limited – 3307)**

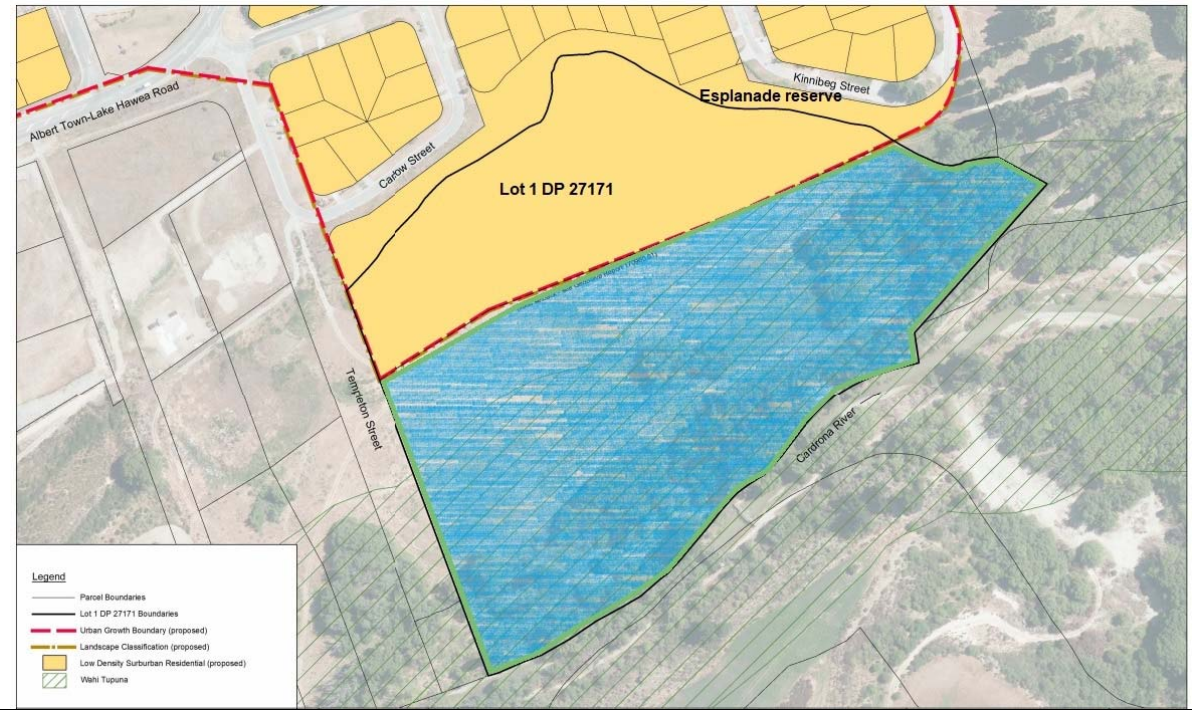
Recommended amendments to zoning – extend the Commercial Precinct in Glenorchy:



Yellow – Settlement  
Recommended Commercial Precinct shown by solid red

**3. Extend the Lower Density Suburban Residential Zone (LDSR) in Albert Town to incorporate part of Lot 1 DP 27171 and adjoining esplanade reserve, and apply a Building Restriction Area over the part of the land to remain within the Rural Lifestyle Zone (Southern Ventures Property Limited – 3190)**

Recommended amendments to zoning – extend the LDSR in Albert Town:



**Legend**

- Parcel Boundaries
- Lot 1 DP 27171 Boundaries
- Urban Growth Boundary (proposed)
- Landscape Classification (proposed)
- Low Density Suburban Residential (proposed)
- Wahi Tupuna
- Rural Lifestyle with Building Restriction Area (proposed)