

use and result in a change to the existing environment experienced by adjacent urban areas.	in Queenstown in a location in close proximity to services, amenities and active transport networks.	housing within the Queenstown UGB in a location which is efficient to service.
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MIDDELTON FAMILY TRUST – 338 – Accept in part

Rezone area identified in red below (below the ONL) from Rural to Rural Lifestyle



Costs	Benefits	Effectiveness and efficiency
<p>The rezoning of this land will intensify its current land use and result in a change to the existing environment and landscape experienced by adjacent areas and those within the basin.</p> <p>The rezoning results in the extension of a 'strip' of RR and RL zoning which is less efficient in terms of servicing and transportation.</p> <p>The RL will be reliant on a</p>	<p>The RL zoning (as opposed to the RR or LDR sought by the submitter) is less intensive and will therefore reduce the scale of traffic and landscape effects associated with new development on this land.</p> <p>The RL zoning (as opposed to the RR or LDR sought by the submitter) enables the adequate assessment of built form within the landscape</p>	<p>The proposed rezoning is efficient and effective in enabling limited housing opportunities where this is undertaken through consent with adequate consideration to the landscape setting.</p>

<p>single access point from Tucker Beach Road and may result in adverse traffic effects.</p>	<p>context, as consent is required under Chapter 22 to establish building platforms to manage adverse effects on landscape values, and the Discretionary status (22.4.3.3) enables consideration to the objectives and policies of chapter 6.</p> <p>Increases housing options in Queenstown.</p> <p>Avoids the need for landowners to seek discretionary subdivision consent (with less certainty of outcome) under the current rural zoning. The RL zoning still requires consent to establish building platforms however signals an entitlement to develop to the densities of this zone.</p> <p>The Tucker Beach Road intersection is planned to be upgraded to improve safety and minimise traffic delays.</p>	
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Changes to Chapter 9: High Density Residential (Reply recommendations shown in brown text)

<p>Chapter 9: High Density Residential Recommended amendment to Objective 9.2.8, policy 9.2.8.6 and policy 9.2.X.X</p>	
<p>9.2.8</p>	<p>Objective - The development of land fronting State Highway 6 (between Hansen Road and Ferry Hill Drive) provides a high quality residential environment which is sensitive to its location at the entrance to Queenstown, minimises traffic impacts to the State Highway network, and is appropriately serviced.</p>
<p>9.2.8.6</p>	<p>Provide an internal road and access network design that ensures road frontages are not dominated by vehicular access and parking.</p>
<p>9.2.XXX Promote coordinated, efficient and well designed development by requiring, prior to, or as part of subdivision and development, construction of the following to appropriate Council standards:</p>	

at Frankton North. This is shown in Revised Chapter 16 (Rule 16.4.6) at **Appendix 3**.

7. BOYES CRESCENT – QLDC (790)

- 7.1 As I have discussed above, this submission has now been withdrawn by QLDC and is not subject to decisions of the Panel. This is the submission that I recommended be rezoned from Rural to LDRZ in my EIC, and that was opposed by QAC (FS1340). This withdrawal therefore addresses QAC's concerns.

8. MIDDLETON FAMILY TRUST (338)

The NPS-UDC and Council's DCM evidence

- 8.1 In terms of the submitter's comments regarding Council's DCM evidence and the legal submissions of Ms Macdonald, which question a potential inconsistency with Council's consideration of the Ladies Mile SHA due to concerns expressed over landbanking, I have discussed these matters within section 3 and I do not revisit this here. The Council's DCM evidence identifies that there is sufficient feasible capacity to meet dwelling demand in the short, medium and long term to give effect to PA1 and PC1 of the NPS-UDC in particular, and PC2 as well.
- 8.2 The legal submissions of Ms Macdonald discuss that the rezoning of this land would be consistent with the NPS-UDC, in that the Council can choose to provide capacity on greenfield land outside the confines of the current urban environment. I agree with this statement, and the NPS certainly requires consideration of new areas of greenfield land, in addition to infill opportunities, in meeting the objectives and policies to provide sufficient dwelling capacity (PA1) and provide for housing choices (OA2). If greenfield land is rezoned for urban development then depending on its location, this may then be absorbed into a newly defined 'urban environment'. However, as I have already stated, the Council's DCM evidence indicates there is sufficient development capacity within the Queenstown urban environment, and within the District as a whole. Therefore, the NPS

as it applies to this land cannot be elevated above other considerations. Nor is this the intention of the NPS-UDC, even if Queenstown were in an alternative scenario of having insufficient capacity. This is also addressed in the Legal Reply.

- 8.3 The NPS, in providing for sufficient housing capacity, still requires consideration of the creation of effective and efficient urban environments to provide for social, economic and cultural wellbeing (OA1). Furthermore, PA3 specifically lists a number of factors that must be considered in making decisions about the *way and the rate* that capacity is provided.
- 8.4 The submitter appears to be implying that capacity should be provided where a landowner has suggested it. This in my view is grossly oversimplifying the means of *giving effect* to the NPS.
- 8.5 I separate my remaining reply comments on this submission in terms of land within and outside the ONL.

Recommendations for the rezoning of land *within* the ONL

- 8.6 The Middleton submission seeks LDRZ within the ONL surrounding Lake Johnson. The submitter has not provided any landscape evidence to support this rezoning. I rely on the landscape evidence of Dr Read and Stephen Skelton (the latter, for the further submitter) who agree that development to the intensity of the LDRZ would have significant adverse effects on the landscape. I therefore maintain my view expressed in my evidence in chief and rebuttal and recommend that this component of the submission within the ONL be rejected.
- 8.7 The submitter did not file any detailed landscape analysis in response to Dr Read's opposition to rezoning this ONL to LDRZ, and the only evidence before the Panel is that the expansion of development into this ONL will have significant adverse effects on landscape character.
- 8.8 The Panel questioned both myself and Mr Geddes as to whether there may be other suitable locations in the Basin, that are outside the ONL and which may otherwise be appropriate for urban

development. Mr Geddes did not provide specific examples of locations, and nor do I intend to go through a detailed analysis of this, other than to note that there are other locations within the RLC that are also in close proximity to the existing urban environment, which could provide for future urban growth.

Recommendations for the rezoning of land *outside* the ONL

- 8.9** The submission (as it relates to land outside the ONL) seeks a combination of LDRZ zoning on the elevated river terraces, and Rural Residential zoning on the lower land adjacent to the Shotover River corridor. Ms Macdonald has questioned the approach of myself and Dr Read in analysing this component of the submission; and has stated that the lack of identification of landscape issue in my s42A report, and through Dr Read not considering this part of the submission, led to the submitter not seeking landscape evidence.
- 8.10** The Council's response to Ms Macdonald's submission has been responded to in the Legal Reply. I note also that Mr Skelton for Oasis in the Basin (FS1289) did not provide landscape evidence for this component of the submission, and Oasis in the Basin does not object to any scale of development below the ONL. Dr Read maintains that the land can absorb some development but she does not support the LDRZ. As such, my recommendation remains that this land is not appropriate for development to the intensity of the LDRZ.
- 8.11** Nonetheless, I have reconsidered my position on this submission and reflected on the evidence of Dr Read. I consider that development to the density of the RL zoning is appropriate for this land. A RL zoning enables the location of building platforms to be established and an assessment of landscape and amenity effects to be considered at this time. I consider this zone type to be an appropriate density in this location (resulting in approximately 18 units based on 18ha of land) and this would still provide adequate housing opportunities through the provision for residential flats.
- 8.12** I have undertaken a s32AA analysis for this change within **Appendix 4**.

The proposed 'Tuckers Beach Walking Trail'

8.13 As a means of advancing the proposed rezoning, the submitter has proposed a walking trail link from Hansen Road, through the subject land to Tucker Beach. I have listened to the evidence presented by Mr Goldsmith for Oasis in the Basin, and agree that the current land ownership arrangement, which is split between the Middletons and the Hansen's land, would be unlikely to realise this trail link, where either party's land is not receiving the benefit of the rezoning – i.e. unless both the Hansen's and the Middleton's land is to benefit from the rezoning, then the walking trail link may not be feasible. I note that land below the ONL is entirely owned by the Middleton's.

8.14 I attach a memorandum as **Appendix 5** that has been provided by Council's parks and reserves team, who have indicated a desire for further trails to be provided in this location, both in the north-south direction, and also running at the base of Queenstown Hill alongside the Shotover River corridor, and potentially through to Gorge Road. This memorandum identifies that the north-south trail link proposed by the submitter is preferable to that which could be achieved via Hansen Road, as it would provide a route with higher amenity and gentle gradient.

8.15 Therefore, for any component of rezoning which the Panel may be of a mind to accept under this submission, I recommend that trail links should be more explicitly provided for within the subdivision chapter, through the following amendment to matters of discretion listed for Rule 27.5.7:

Open space and recreation including trail corridors for walking and/or cycling;

8.16 I consider that this addition is necessary because the reference to 'open space and recreation', while potentially relevant to trails, is not obvious.

8.17 I also consider that an amendment should be made to the assessment matters for restricted discretionary subdivision, as detailed within Rule 27.9.3 to state:

the extent to which the subdivision provides opportunities to establish new trail links of benefit to the community, including within the Tucker Beach [XX] zone a trail linking Hansen Road through to Tucker Beach, and/or from the north of Hansen Road to the base of Queenstown Hill.

9. **KELVIN HEIGHTS SITES SUBJECT TO NATURAL HAZARDS³²**

9.1 In my Supplementary Rebuttal Evidence, I recommended that the Panel reject a number of submissions on the basis that the significance of the level of risk from natural hazards had not been adequately addressed. I have listened to the presentation of evidence and the Panel's questioning of the witnesses for these submitters and have reconsidered my recommendations. I address the relevant rezoning sites separately below.

LINZ (661) and Winton Partners (533)

9.2 Mr Bryant for the submitter has provided geotechnical evidence for this site, and concludes that the land is suitable for development subject to the establishment of mitigation measures to address the risk of rock fall and debris flow. In his summary of evidence at paragraph 18, he states that "*for the landslide to be a threat it would have to move some 25m across Peninsula Road to reach the property boundary and about another 15-20m to reach the lots boundary. Such mobility does not seem plausible given that very old, pre-existing landslides are considered to be resilient to all but major earthquakes*". Mr Watts for the Council considered that further modelling of the landslide hazard and its stability should be undertaken before development is approved on the site.³³

³² LINZ (661), Winton Partners (533), F&S Mee Developments Limited (429) and Kerr Ritchie (48).

³³ Rebuttal Evidence of Charlie Watts on behalf of Queenstown Lakes District Council Geotechnical Engineering at paragraph 8.4.