

**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

**REBUTTAL EVIDENCE OF RUTH EVANS
ON BEHALF OF QUEENSTOWN LAKES DISTRICT COUNCIL**

**QUEENSTOWN MAPPING
GROUP 1A QUEENSTOWN URBAN - BUSINESS AND INDUSTRIAL**

7 July 2017

 **Simpson Grierson**
Barristers & Solicitors

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

TABLE OF CONTENTS

1. INTRODUCTION.....	1
2. SCOPE.....	1
3. MEMORANDUM OF COUNSEL DATED 30 JUNE 2017.....	2
4. MR ANTHONY MACCOLL FOR NEW ZEALAND TRANSPORT AGENCY LIMITED (719).....	3
5. MR BRETT GIDDENS FOR BRETT GIDDENS (828).....	3
6. MR NICHOLAS GEDDES FOR C AND S HANSEN (840).....	5
7. MR SEAN DENT FOR SKYLINE ENTERPRISES LIMITED (574).....	7
8. MR JEFFREY BROWN FOR ZJV (NZ) LIMITED (1370).....	11

1. INTRODUCTION

- 1.1** My full name is Ruth Christine Cameron Evans. I am a senior planner and have been employed by Harrison Grierson since 2008.
- 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 rebuttal evidence is provided in response to the following evidence filed on behalf of various submitters:
- (a) Mr Tony MacColl for New Zealand Transport Agency Limited (NZ Transport Agency) (719);
 - (b) Mr Brett Giddens (828);
 - (c) Mr Nicholas Geddes for C and S Hansen (840);
 - (d) Mr Sean Dent for Skyline Enterprises Limited (574); and
 - (e) Mr Jeffery Brown for ZJV (NZ) Limited (1370).
- 2.2** I also confirm that I have read the following statements of evidence:
- (a) Ms Rachel Tregidga for Queenstown Airport Corporation (433);
 - (b) Mr John Kyle for Queenstown Airport Corporation (433);
 - (c) Mr Christopher Day for Queenstown Airport Corporation (433);
 - (d) Mr Jason Bartlett for C and S Hansen (840);
 - (e) Mr Christopher Hansen for C and S Hansen (840);
 - (f) Ms Kahlia Thomas for Z Energy Limited (312); and

(g) Ms Michelle Snodgrass for Skyline Enterprises Limited (574).

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, or I am referring to Chapter 15 (which I have updated in my s42A report and have recommended one non-substantive amendment to in this rebuttal evidence).

2.4 In addition, I have used tab references to documents included in the Council's Bundle of Documents (**CB**) dated 10 March 2017, the Supplementary Bundle of Documents (**SB**) dated 17 March 2017, and the Second Supplementary Bundle of Documents (**SSB**) dated 24 May 2017.

3. MEMORANDUM OF COUNSEL DATED 30 JUNE 2017

3.1 I refer to the Memorandum of Counsel filed on behalf of QLDC regarding the Panel's minute concerning annotations on maps, dated 30 June 2017. I understand this memorandum confirms the approach the Council will take in this hearing, in light of the views of the Panel relating to its jurisdiction, as expressed in its Minute dated 12 June 2017.

3.2 For the purposes of this hearing, the following paragraphs of my s42A report relates to submissions filed on either 'Stages 2-4' or Volume B land:

(a) paragraphs 7.1 to 7.13 which contain an assessment of submission 488 (Schist Holdings Limited and BNZL Properties Limited) insofar as they relate to the part of the submitter's land that has not been notified in Stage 1 and is zoned Industrial A in the ODP. The other part of the site is zoned Rural, and I understand still subject to the Panel's recommendations.

4. MR ANTHONY MACCOLL FOR NEW ZEALAND TRANSPORT AGENCY LIMITED (719)

4.1 Mr MacColl has filed evidence in relation to the Local Shopping Centre Zone (**LSCZ**) at 1 Hansen Road. Mr MacColl states at paragraph 42 that the NZ Transport Agency's submission sought inclusion of a rule restricting access to the State Highway in Rule 15.4.3.2. While Mr MacColl acknowledged that access to the State Highway is restricted under Rule 15.5.5, he maintains that this additional rule is still required as Rule 15.4.3.2 does not include any reference to the standards and it is not clear that these apply to all activities.

4.2 I do not agree that reference to the standards is required within the activity rules. The Proposed District Plan (**PDP**) is made up of activities and standards, that work together to manage development. I note that in the case of Chapter 15, this is clarified by Advice Note 15.3.2.1, which states that "*Where an activity does not comply with a Standard listed in the Standards table, the activity status identified in the 'Non-Compliance Status' column shall apply*". In this case, an activity that breaches Rule (Standard) 15.5.5 is a discretionary activity. I do not consider that any further clarification, or reference to this standard within Rule 15.4.3.2 is required.

4.3 Mr MacColl has identified at paragraph 45 of his evidence that there is a typographical error in Policy 15.2.1.4, where the word 'end' should be 'and'. I agree that this is an error, and recommend that this be corrected. This is a non-substantive change.

5. MR BRETT GIDDENS FOR BRETT GIDDENS (828)

5.1 Mr Giddens has filed evidence relating to the zoning of properties at the northern end of McBride Street, and their rezoning to Local Shopping Centre Zone (**LSCZ**) as sought by submissions. I note that the original submission, as well as a number of others,¹ sought that a larger area of land (the land bound by McBride Street, Burse Street, Grey Street and State Highway 6) be rezoned to either LSCZ, High

¹ Barbara Williams (141) and C and S Hansen (840)
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Density Residential Zone (**HDR**), Medium Density Residential Zone (**MDR**), or another zone or amended zone. At paragraphs 7.2 and 7.6 Mr Giddens' evidence appears to narrow the area of land and rezoning sought to 16, 18, 18B and 20 McBride Street, and his evidence principally relates to these sites. My primary assessment considered the relief sought the Giddens' submission in its entirety (i.e. the full area), not just these properties.

5.2 At paragraph 7.4 Mr Giddens questions my summary that the notified LDR zone will provide an efficient use of the land. I note that this summary was in relation to the larger site that the original submissions sought be rezoned. In relation to the sites that Mr Giddens' evidence relates to, I do not consider the existence of commercial activities on some of these sites means that the LSCZ is a more efficient zone, given that the activities are already established. In terms of managing effects in this location my opinion is that the Low Density Residential Zone (**LDR**) is more efficient when taking into account the wider environment and residential activities to the south.

5.3 In relation to his paragraph 7.6, I acknowledge that the majority of existing land uses on the refined sites that Mr Giddens' evidence relates to are commercial. However, I note that they are smaller scale commercial than what could be established if zoned LSCZ. The existing uses are mainly offices, and contained in dwellings, which retains a residential scale and appearance. I agree that redevelopment of these properties may not have a significant effect on the wider Frankton residential area. However, in relation to providing for complementary activities as Mr Giddens suggests, I consider these activities can be appropriately provided for in the existing LSCZ at Frankton, located in close proximity to the subject sites.

5.4 Turning to paragraph 7.8, Mr Giddens has noted that I have summarised that rezoning the area to commercial could have significant traffic and infrastructure network effects (my emphasis). Mr Giddens has correctly noted that Mr Glasner's infrastructure evidence for the Council does not oppose the rezoning from an

infrastructure perspective. This is an error in my summary tables contained in section 5 of my s42A report. The summary should only relate to the potential for traffic effects to be significant, not infrastructure.

5.5 At paragraph 7.13 Mr Giddens refers to my paragraph 5.4 and impacts on residential amenity of McBride Street, formed in the context of the request for the MDRZ. I expect that the reference should be to paragraph 5.24 and only note in relation to this that the assessment he is referring to was not in relation to the request for MDRZ.

5.6 Regarding paragraph 7.17 Mr Giddens questions my reliance on Mr Heath's evidence (ie, that there is no immediate need for commercial land in Queenstown). Again, I had made this assessment on the larger rezoning area, not just the four sites now being sought for rezoning. I have discussed the revised scope now being sought by submitters 828 and 840 with Mr Heath, who considered that this assessment is still relevant, and there is no justification for additional LSCZ at Frankton.

5.7 In relation to traffic effects, I continue to rely on the assessment provided by Ms Banks, including her rebuttal.

6. MR NICHOLAS GEDDES FOR C AND S HANSEN (840)

6.1 Mr Geddes has filed evidence in relation to C and S Hansen's submission. Mr Geddes notes at the start of his evidence that submission 840 has been amended to relate only to 16, 18, 18b and 20 McBride Street.

6.2 Mr Geddes has prepared bulk and location images intended to show the difference between the notified zone and the proposed LSCZ. The diagrams are confusing to read as the red and green merge together and in my opinion it is difficult to work out the difference between the bulk and location scenarios. I also note that they have been produced on the basis of Mr Geddes' proposed amended provisions contained in Appendix 4 of his evidence, as opposed to the

PDP provisions. At paragraph 5.3 Mr Geddes mentioned amendments to the policies of Chapter 15, but the proposed amendments to policies are not provided within Appendix 4. Appendix 4 contains proposed amendments to the activities and standards, although I note that these are organised by headings such as 'Insert new policy 15.4.3.3', which is repeated for two of the proposed amendments to the rules. Mr Geddes may want to clarify whether a new policy is also being sought.

- 6.3** Regarding the content of the provisions proposed by Mr Geddes, I note that the proposed 4.5 metre road setback, currently proposed to form part of the restricted discretionary activity rule for buildings (15.4.3), numbered as 15.5.3.3 a. in Mr Geddes' Appendix 4 should be a standard rather than an activity.
- 6.4** In my opinion the need to include additional bulk and location standards such as road boundary setbacks, building height, and residential zone setback for these four sites indicates that there are potential adverse effects on residential amenity from the rezoning. My preference is to avoid bespoke provisions in the PDP where possible, and in particular for such a small area, and leave the mitigation of adverse effects to the resource consent process.
- 6.5** In paragraphs 6.5 and 6.10 Mr Geddes contends that the LDRZ objectives and policies do not facilitate existing commercial uses and the zone does not ensure the longevity of the businesses. With regard to this submission, I note that the activities are already in place via a resource consent and can continue to operate regardless of the zone. Mr Geddes (paragraph 10) also considers that a benefit of the rezoning is to provide for a diverse range of activities to serve the needs of the community. I consider that this opportunity already exists in the nearby LSCZ at Frankton.
- 6.6** Turning to paragraph 9.2, Mr Geddes' assessment is that the policies of Chapter 15 and the amendments he has proposed in Appendix 4 will not result in any loss of residential amenity. While I agree that the proposed amendments will assist in mitigating effects on residential amenity, the controls only relate to bulk and location, which assist in

mitigating the visual component of residential amenity. However, they will not mitigate the effect of potential increased intensity on these sites.

- 6.7** At paragraph 9.11 and 9.12 Mr Geddes notes that the land subject to the submission already contains commercial uses and the rezoning is to better provide for these more so than to provide future capacity. It may be the case that the rezoning will better provide for existing commercial uses. However, the rezoning will also provide additional capacity, albeit relatively small scale, that could be realised in the future – either by the current landowners or future landowners. Regarding the statement that the community could be more effectively served by increased supply of commercially zoned land, I consider the ability for this already exists through the zoned LSCZ at Frankton.

7. MR SEAN DENT FOR SKYLINE ENTERPRISES LIMITED (574)

- 7.1** Mr Dent has filed evidence in relation to the proposed Commercial Tourism and Recreation Sub-Zone of the Rural Zone (**CTRSZ**) sought by Skyline Enterprises. I address Mr Dent's concerns below in the order they are set out in his brief.

- 7.2** At paragraph 17 Mr Dent states that the proposed CTRSZ amendments have been made to the notified version of the PDP rules. I have assessed the proposed CTRSZ in the context of the Council's reply version of the Rural Zone, which is the version now supported by Council evidence (and also takes into account submitter evidence filed in the Rural Hearing Stream. The Council's version contains amendments that I consider are positive in terms of providing for tourism type activities in the Rural Zone, such as Skyline. In particular I note the purpose of the zone includes provision for a range of activities, "*and the desire for further opportunities with these activities*".

Extent of the proposed CTRSZ

- 7.3** At paragraphs 24-31, Mr Dent sets out proposed changes to the extent of the CTRSZ, which he considers now represent a more accurate extent of the sub-zone. Mr Dent explains that most of the areas have been extended, and notes that the alterations are a clarification of boundaries of the zone as opposed to introducing significantly greater areas. Given the scale of the proposed sub-zone and without seeing the new proposed sub-zone boundary overlaid with the submitted sub-zone boundary it is difficult to confirm how much additional land is now proposed to be included. I therefore struggle to form an opinion on whether the proposed amendment is non-substantive and therefore within scope.
- 7.4** Regarding the zoning of the lower terminal site, Mr Dent has suggested that this be changed to Rural (from Queenstown Town Centre), to allow for the sub-zone provisions to apply to this site. The original submission did not seek to change the underlying zone, and I do not consider there is scope to change this now.
- 7.5** With regard to the lower terminal site and the alternative relief being sought that is set out in paragraphs 4.42 to 4.51 of the submission, these submission points were assessed in Hearing Stream 8 for Queenstown Town Centre.

Noise limits for helicopters in the proposed sub-zone

- 7.6** At paragraph 15 Mr Dent indicates that during Hearing Stream 5, which included Chapter 36 Noise, the chair identified that the helicopter noise matters for the Skyline heli pad should be addressed during the mapping stream hearings. I have not found any formal record transferring this part of the submission to the mapping streams, and I am not aware that the Chair made a direction to this effect. However, for completeness, I have assessed this part of the relief sought.

7.7 I continue to rely on the evidence of Dr Chiles for Chapter 36 Noise.² In relation to noise limits within the proposed sub-zone, I refer to my reply evidence for Hearing Stream 5.³ In summary, while I acknowledge that a higher noise limit of 60dB L_{dn} has been approved by Environment Court decision *ZJV (NZ) Ltd v Queenstown Lakes District Council* [2015] NZEnvC 205, I note that this consent was granted with a five year duration. I maintain my opinion that including the higher limit as a rule in the PDP allows the higher limit to be in place for the life of the activity, rather than the shorter timeframe deemed appropriate by the Environment Court. I also note that the agreed 60dB L_{dn} limit was deemed appropriate in this particular location in this particular set of circumstances, and that a helicopter landing area in another location would need a separate assessment.

Amendments to the provisions

7.8 At paragraph 100, Mr Dent notes that the earthworks provisions in Chapter 22 of the Operative District Plan (**ODP**) will not apply to the proposed sub-zone (if rolled over into the PDP in the exact same manner).

7.9 I consider there to be a regulatory gap if the provisions in Chapter 22 were not to apply to the CTRSZ in the PDP and if so then the CTRSZ proposed provisions would need to include control over earthworks. I understand that these could be relocated into the PDP Earthworks chapter, when one is notified for the PDP (with any variation required to allow this to happen). While I note that Mr Dent has included associated earthworks as a matter of discretion or control for buildings and passenger lift systems (which I agree is appropriate), I consider that general earthworks (for example for contouring or building tracks) should also be managed in the CTRSZ.

7.10 At paragraphs 118 – 123, Mr Dent outlines the inclusion of natural hazards as a matter of control and discretion for activities that require consent (as a controlled or restricted discretionary activity) in the proposed CTRSZ. I agree with Mr Dent that this is a necessary inclusion in the rule framework he proposes. I also consider that

² Statement of Evidence of Dr Stephen Chiles dated 17 August 2016 filed in Hearing Stream 5.

³ Reply of Ruth Evans dated 22 September 2016 filed in Hearing Stream 5, paragraph 9.1.

geotechnical requirements should be included as a matter of control or discretion.

- 7.11** At paragraph 150 Mr Dent notes that it is his understanding that if the decision on the CTRSZ is released before the Transport Chapter is assessed through the District Plan Review then no formal transport rules will apply to the proposed sub-zone. Similar to the earthworks controls, there will be a regulatory gap if the transport rules do not apply to development in this zone.
- 7.12** At paragraph 155, Mr Dent considers (in the absence of an applicable transport chapter applying to the sub-zone) that it would be appropriate for built form to assess the effects and requirements for car parking using an Integrated Transport Assessment (**ITA**). In my opinion the requirement for an ITA should be linked to the activity, not just the built form. For example, an application for a commercial activity should require an ITA. Notwithstanding that a commercial activity is permitted under the submitter's proposed rule structure. I also consider that the assessment should consider broader effects on the transport network, not just car parking. I note that Ms Bank's opinion from a traffic and transport perspective, as outlined in her rebuttal evidence, is that the traffic effects from a commercial activity need to be assessed.
- 7.13** If the proposed CTRSZ was to be implemented, consideration would need to be given to all 'district wide' rules that are not part of this stage of the PDP, including earthworks and traffic as identified above, as well as others, such as signage.
- 7.14** Within the versions of the provisions provided with the submission, and in Mr Dent's evidence, I note that Table 11 (which contains the proposed CTRSZ rules) has been added to the list of Activities in 21.4. Rule 21.4.1 states that any activity not listed in Tables 1-10 is a non-complying activity. If the CTRSZ was to be included in the PDP, in my opinion Rule 21.4.1 should be amended to include Table 11, otherwise there is no default status for activities not listed.

7.15 With regard to landscape effects, Dr Read notes that Mr Dent has accepted many of her recommendations regarding activity status. With regard to the reduced height for passenger lift systems, Dr Read considers controlled activity status to be appropriate. I accept and rely on Dr Read's assessment on this. I also accept and rely on Dr Read's advice regarding the no-build area within the revised CTRSZ. Finally, I agree that the proposed building coverage rule which allows for 35% site coverage would not be appropriate over such a large area. I agree with Dr Read that this should be reduced to 15%, which Dr Read considers is appropriate from a landscape perspective.

Section 32AA evaluation

7.16 Regarding paragraph 227, which refers to the analysis required under section 32, I continue to consider that the level of section 32 analysis provided by the submitter is not commensurate with the scale of the rezoning sought.

7.17 I note that Mr Dent's revised provisions go some way to addressing the Council's concern with the liberal nature of the provisions. However, in my opinion there are still information gaps, for example traffic. I also consider the permitted activity status proposed for commercial activities and commercial recreation activities remains an issue as it does not limit the scale of activity.

7.18 I note Dr Read's concern with the proposed building coverage rule, and agree with and accept her opinion that allowing 35% building coverage over this large area could have significant effects on the landscape.

8. MR JEFFREY BROWN FOR ZJV (NZ) LIMITED (1370)

8.1 Mr Brown has filed evidence on behalf of ZJV (NZ) Limited in relation to the proposed CTRSZ sought by Skyline Enterprises.

8.2 Mr Brown has outlined the applicability of the reserve management plan to development within the proposed CRTSZ area. At paragraph 2.4 Mr Brown notes that the liberal rules proposed are not necessarily

consistent with the reserve management plan. My understanding is that Council has to have regard to any management plan prepared under another Act, but this does not mean the PDP provisions have to be consistent with the reserve management plan.

A handwritten signature in black ink, appearing to read 'Ruth Evans', written in a cursive style.

Ruth Evans

7 July 2017