

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL
INDEPENDENT HEARINGS PANEL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of submissions to the Stage 1B Proposed
Queenstown Lakes District Council Plan by B
Grant – Queenstown Mapping Annotations
and Rezoning Requests

**STATEMENT OF EVIDENCE OF LUCY JANE MILLTON
ON BEHALF OF B GRANT**

**(SUBMITTER 318,434)
STREAM 13**

9 JUNE 2017

1 Introduction

- 1.1 My name is Lucy Jane Millton. I have the qualification of Bachelor of Resource Studies from Lincoln University (2007).
- 1.2 I am a Director of L M Consulting Ltd. In addition to providing planning services to my own clients, I provide planning services on a contract basis to Brown & Company Planning Group. Previously I worked for Lakes Environmental Limited (later Queenstown Lakes District Council) (2007-2013), and Canterbury Regional Council (2006 - 2007). Prior to that I worked overseas in various planning and enforcement roles.
- 1.2 **Attachment A** contains a more detailed description of my work and recent experience.
- 1.3 I have complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Consolidated Practice Note 2014. This evidence is within my area of expertise, except where I state that I am relying on another person, and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.
- 1.4 This evidence is in relation to the submission by B Grant (the submitter) (submission #318, #434).
- 1.5 I prepared the submitters original submission in relation to Stage 1B of the Proposed District Plan Review.
- 1.6 I have read the Section 42A report prepared by Kimberly Banks dated 25 May 2017, and the Strategic Overview and common themes evidence by Kimberly Banks also dated 25 May 2017. I have also read the relevant parts from other experts in terms of relevant information (landscape, infrastructure etc.) that relate to this submission.
- 1.7 My evidence covers the following sections:
- (2) Overview of the submission
 - (3) The submission
 - (4) Relevant parts of the 42A report
 - (5) Conclusion

2 Overview of Submission

- 2.1 The land subject to the original submission is owned by both the submitters parents, W J & M M Grant (Lots 6 and 10) and the submitter (Lot 7). In 2009 the submitter constructed a residential dwelling within Lot 7 which is accessed off Marina Drive via a right of way. This land was subdivided by way of subdivision consent RM980009 from the main family farm (which

takes in most of the south-east slopes of Queenstown Hill and land further to east of Frankton, now the Frankton Flats zone). The remaining land, which forms part of the original submission, both Lots 6 and 10 at this time are free from any development.

- 2.2 The original submission stated that the submitter sought to rezone the subject land from Rural to Low Density Residential (LDRZ). The submitter also sought to amend the UGB to include the subject land; and supported the exclusion of the subject land from the Outstanding Natural Landscape, Landscape Classification ("ONL").
- 2.3 The intention of the submission was to allow for future development of land in accordance with the adjacent LDRZ, as the proposed rezoning as Rural would be inconsistent with the existing lot sizes or development opportunities of that land. The proposed Rural zoning prevents any permitted development from occurring in an area which was previously determined to be appropriate for more intensified residential developments on smaller allotments (subdivision RM980009).
- 2.4 In addition, the location of the UGB in its proposed location would prevent these lots from being developed and will create lots which due to their size, and location could not be utilised in the manner which the Rural zone anticipates.
- 2.5 The submitter accepts the location of the proposed Outstanding Natural Landscape.

3. The Submission

- 3.1 Within the submission, the submitter sought to rezone the entire area of the subject land to Low Density Residential Zoning. It is submitted that the land is within proposed Urban Growth Boundary (UGB) and should logically be rezoned for urban purposes.
- 3.2 Given the previous subdivision consent, and information which led to that approval, it is considered inconsistent for Council to zone land which is not compatible with surrounding land uses, and would prevent the land from being developed in accordance with previous approvals.

4. Relevant parts of the 42A report

- 4.1 Ms Banks states¹ that the rezoning could allow for an additional **eight** dwellings on the land relating to this submission, over the notified zoning proposed. This is inaccurate, as Lot 7 contains an existing residential dwelling and is completely separated from the remaining land by the right of way. Therefore Lot 7 cannot be included within the total area of land which could be developed; as it is already developed to its full potential. The remaining Lots 6 and 10 are subject to consent notice 6368355.3 (**Attachment B**) which prohibits building over a

¹ Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 119, Paragraph 23.1

large area of those lots along the eastern and southern boundaries. The remaining area of land which could potentially be developed equates to 2190m², which could enable **six** residential dwellings in total, which includes an extra **four** dwellings over the notified zoning proposed (noting that Lot 7 is 787m² in area, already contains an existing dwelling on site, and is separated by the right of way).

- 4.2 Ms K Banks² refers to Ms W Banks advice, stating that she does not oppose the rezoning in terms of traffic impacts, as the increase in lots yielded would not have a significant traffic impact. This is based on a condition from Ms Banks that access shall be via Marina Drive and not off Frankton Road. Access to a future development within the subject lots will be via Marina Drive. To ensure this, Lot 24 DP 23191 (within the LDRZ) was purchased to provide a link from Marina Drive to Lots 6 and 10. There was no intention to ever access onto Frankton Road; as through consultation, the New Zealand Transport Agency has advised the submitter that access would not be available. Therefore based on this, it is considered that an appropriate access can be provided which would not result in an impact on traffic effects, and as such would address Ms Banks concerns regarding access.
- 4.3 Ms Banks³ states that there is an incorrect subdivision consent reference. The correct reference is RM980009 which was the original consent which created the land subject to the original submission. A copy of this decision is attached (**Attachment C**).
- 4.4 Ms Banks⁴ states that there is an active schist debris landslide hazard on the land which is located to the north and east of the subject site (at Lot 4 DP 459375). She further states that a significant slip occurred on this land following the 1999 floods which caused damage to the road and properties below Frankton Road. Geotechnical reports were provided as part of the RM980009 subdivision consent to outline any potential hazards and/or dangers as a result of creating these additional lots. The information provided as part of RM980009, includes a Geotechnical Evaluation prepared by Canterprise, Mr David H Bell, dated 19 August 1997 (**Attachment D**), and a further review of that report by Tonkin and Taylor, Mr Graham Salt, dated March 1998 (**Attachment E**). Both reports conclude that the land is suitable for future residential development, subject to those recommendations set out in each report. These recommendations have been placed on each of the titles by way of consent notice 6368355.3.

² Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 119, Paragraph 23.5

³ Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 119, Paragraph 23.8

⁴ Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 120, Paragraph 23.9

- 4.5 Further to this, under “Reasons For Decision” within the subdivision consent⁵ (RM980009) it states that “*The Committee was satisfied that the geotechnical issues relating to the landslide and potential rockfall hazard had been adequately covered in the reports submitted with the application.....*”. Based on this, it is considered that the Council deemed the lots to be appropriate for a more intense residential development.
- 4.6 Ms Banks⁶ states that she does not accept that including a consent notice on land if subdivided is a sound approach to resource management, as a consent notice can be altered, and does not provide a tool for the management or mitigation of risk, or reduction of public exposure to this risk. In this situation, both Lots 6 and 10 are already subject to a consent notice setting out limitations for future development of the site. If the land were to be further subdivided, then part of that subdivision process would mean that these conditions would come down onto any new title. A consent notice can be varied and/or removed, but would be subject to those specifications set out in Section 221 of the Resource Management Act 1991. It is not uncommon for subdivision consents of this nature to include a consent notice outlining future requirements.
- 4.7 Ms Banks⁷ acknowledges that ‘natural hazards’ can be considered at the time of subdivision but has concerns surrounding the uncertainty of the particular hazard and lack of information provided. The information provided within this evidence will ensure that Ms Banks has the reassurance that the appropriate expert advice has been sought to ensure that any potential hazard effect has been addressed. Furthermore, as a result of consent notice 6368355.3 further investigations will be required at such time a dwelling is proposed. This will enable specific consideration to be undertaken based on the design and location of the individual dwellings.
- 4.8 Ms Banks⁸ acknowledges that the location of this land may support residential activity at increased densities, but appears confused by how access to these lots can be achieved, as she states that access to Marina Drive would be need to be gained via private allotments. By way of clarification, both Lot 6 and Lot 10 have existing access over the right of way to the immediate north of those allotments. However, at such time that more than two residential units were proposed on either lot, access would be provided via Lot 24 DP 23191, which is owned by W J Grant. Lot 24 is located to the immediate east of Lot 6 DP 345807 which is also owned by W J Grant, M M Grant and the NZ Guardian Trust Co Ltd. Lot 7 DP 345807 (to the immediate north of Lot 6) is owned by the submitter, B Grant, who is the son of W J & M M

⁵ Queenstown Lakes District Council Decision RM980009, dated 15 September 1999, page 8

⁶ Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 120, Paragraph 23.10

⁷ Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 120, Paragraph 23.11

⁸ Kimberly Banks, Section 42A Report/Statement of Evidence Group 1B Queenstown Urban – Frankton and South, 25 May 2017, Page 121, Paragraph 23.12

Grant. Therefore the land to be utilised as access to Marina Drive forms part of the overall development site. An initial development scheme plan has been drafted showing how a possible access could be gained (**Attachment F**). As previously stated there is no intention to gain access onto Frankton Road,

5.0 Conclusion

- 5.1 The submitter seeks to rezone Lots 7, 6 and 10 DP345807 from Rural to LDRZ to allow for future development, which is consistent with the adjoining LDRZ to the immediate west of the site. Additionally the submitter seeks to relocate the UGB to the outside of the subject lots, in line with the proposed ONL. No change to the ONL is sought. Within Ms Banks Section 42A report, she had concerns regarding future development of the site, specifically related to access and geotechnical issues. Further information has been included within my evidence to provide further clarification of how future access can be achieved from these lots, and additional expert geotechnical reports to outline the sites ability to be further developed in future.
- 5.2 It is my opinion that the information provided within this submission will be sufficient for Council to make a logical decision to rezone this land to LDRZ, and to relocate the UGB to the outside of these lots, without any future development resulting in any access/traffic impacts or effects from natural hazards.

Lucy Millton
9 June 2017