

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Plan Change 50 (Queenstown Town Centre Zone
Extension) to the Queenstown Lakes District Plan

SUPPLEMENTARY EVIDENCE OF CLINTON BIRD

INTRODUCTION

1. My name is Clinton Bird. My qualifications and experience are set out in paragraphs 2.1 and 2.2 of my primary evidence dated 10 November 2014.
2. I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Council. I confirm that the issues addressed in this brief of evidence are within my area of expertise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.
3. Since I presented my primary evidence and since the Hearing was adjourned, I have been asked by Queenstown Lakes District Council (**Council**) to read the evidence of Mr Munro and Mr Gibbs in support of the submission by Brecon Street Partnership Limited (**BSPL**) (the owner of 34 Brecon Street), and to consider whether that evidence would change my view on the appropriateness of Plan Change 50's (**PC 50**) notified height limit of 12m (plus the 2m roof bonus) for the 34 Brecon Street site. I have also been asked to consider the alternative height limit rule for the western Isle Street sub-zone block that was suggested by Nigel Brown during conferencing.
4. Having read both statements of evidence, it seems to me that Mr Munro's evidence on urban design matters is largely reliant on the evidence of Mr Gibbs so I will focus on the evidence of Mr Gibbs. Where and to the extent that I disagree with parts of his evidence, it may be assumed that I also disagree with the equivalent parts of that of Mr Munro.
5. The relief sought by the BSPL submission with regard to 34 Brecon Street (**Site**) was as follows:

(E) *Amend the height limit plan to provide for buildings at 34 Brecon Street up to 19m as a controlled activity, and amend 10.6.3.3, 10.6.4, and/or 10.6.5.1(xi)(d) so as to provide, as a non-notified restricted discretionary activity, buildings up to 24m in height. Discretion would be restricted to the relevant matters for the Lakeview sub-zone set out in 10.2.2, and ensuring the additional building height is designed to be visually recessive and add visual interest to the remainder of the building. An alternative to this*

could be to set the restricted discretionary height limit at 22.5m provided that 10.6.5.1(xi)(f) was also amended so as to allow habitable space inside the 2m roof bonus, and in consequence specify that roof plant may exceed this provided that it is no greater than an additional 3m in height, is no greater than 40m² in area, and is located at least 10m from any road boundary.

- (F) *Amend Clause 10.6.5.1(i)(d) so that any building height greater than 19m at 34 Brecon Street must comply with a maximum building coverage of 70%.*
- (G) *Amend the Structure Plan and height Limit Plan to add a building setback of 17m from the existing southern boundary of the cemetery, applying to all building height above 15m (note: in the event that Cemetery Road was realigned in accordance with other submission points, all buildings would need to be clear of that road from the ground and no further setback would be required unless the road was narrower than 17m).*
- (H) *Amend Clause 110.6.5.1 (xiv) (a)(d) to specify a minimum 3.5m ground floor floor-to-ceiling height so as to remove the uncertainty that exists around interfloor and service height in a floor-to-floor requirement, and ensure the most efficient possible use of space.*

6. In essence, Clauses (E)-(G) above indicate that the key difference between the Queenstown Lakes District Council (**Council**) and BSPL is that Council considers that 12m (plus a 2m roof bonus) is an appropriate maximum building height for the Site while BSPL considers either 24m (plus a roof bonus) or 24.5m with habitable space inside the roof bonus to be appropriate (with lower heights subject to more permissive levels of activity status and various controls on the building bulk relative to the cemetery boundary and additional height allowed for roof plant)¹.

7. With regard to Clause (H) above, I agree that a minimum 3.5m ground floor floor-to-ceiling height would deliver an acceptable urban design outcome. In my evidence in

¹ It is not clear from Mr Gibbs's evidence whether the 24m maximum building height sought includes or excludes the 2m roof bonus, but for the purposes of this evidence I have assumed that it does include the roof bonus and therefore my evidence takes a conservative view of the maximum building height sought by the BSPL submission.

chief I expressed a preference for a minimum ground floor floor-to-floor height of 4.5m, which would have delivered a minimum ground floor floor-to-ceiling height of approximately 4.0m. I do not consider that BSPL's submission seeking a 500mm reduction in the minimum ground floor floor-to-ceiling height makes a significant difference from an urban design perspective. I can therefore support a minimum 4m floor-to-floor-height limit.

8. Before addressing the key matters raised in Mr Gibbs's evidence, I would like to note that I am not opposed to high buildings, provided they are appropriately located in relation to their surroundings and provided any consequential adverse environmental effects are not more than minor. However, in the case of a 24m high building on the Site and having regard to its surrounding natural and built contexts, it is my opinion that neither of those provisos would apply.

KEY TENETS OF MR GIBBS'S EVIDENCE

9. In my opinion, much of Mr Gibbs's evidence is highly selective in its focus and he expresses many opinions with which I disagree. In responding to his evidence, I will concentrate on the following seven key areas of difference in our respective urban design opinions:
 - 9.1 The strategic location of the Site;
 - 9.2 Domination of the cemetery;
 - 9.3 Shading;
 - 9.4 Views from the cemetery;
 - 9.5 Urban definition and containment of the cemetery;
 - 9.6 Views of the Site from Queenstown Gardens and the Queenstown Bay Town Centre waterfront; and
 - 9.7 The heritage of the cemetery.
10. I will now discuss each of these areas of disagreement in turn.

The strategic location of the 34 Brecon Street site

11. When attempting to justify a 24m high building on the Site, Mr Gibbs places a high degree of emphasis on what he describes as the '*strategic location*' of the site in relation to the town centre.

12. I would agree that 'strategic location' is one factor but I cannot agree with the degree of emphasis and reliance placed on this aspect of the site by Mr Gibbs². In my opinion, the 'strategic location' of the Site is only one of many factors that need to be taken into balanced account when considering a suitable maximum building height for a particular site.
13. In addition to the 'strategic location' of 34 Brecon Street, it is my opinion that factors including natural landform/topography, character and scale of built form, building height, shading, overlooking, visual dominance, privatisation of public space, loss of public views and outlook from public spaces also need to be considered and their potential to result in adverse environmental effects taken into account.
14. Mr Gibbs appears to suggest that because PC 50 provides for a 26m high building at the very western end of the Lakeview sub-zone, then it makes sense for PC 50 to enable a similarly tall building at the eastern end which is close to and contiguous with the existing town centre³.
15. In my opinion, such a view overlooks the fact that the enablement of a 26m high building on the '26m site' at the western end of the Lakeview sub-zone responds to the following unique visual, physical and functional characteristics and requirements of the site, not just to considerations of town centre proximity:
- 15.1 The close proximity of the Ben Lomond mountain, against which a 26m high building can be set and visually 'absorbed', without any adverse environmental effects;
- 15.2 The fact that, unlike the 34 Brecon Street site, the PC 50 '26m site' does not have a significant public space (in the form of a cemetery) between it and the vertically precipitous Ben Lomond mountain reserve;
- 15.3 The potential for an expansive outlook from an enabled building towards the lake and mountain ranges, over the public square, and the top of the maximum 4.5m high buildings (plus a 2m roof bonus) on the 'Hot Pools' site;

² Mr Gibbs devotes most of pages 5-12 of his evidence the issue of the strategic location of the 34 Brecon Street site.

³ Evidence of Alexander David Gibbs, paragraph 15.3 (not numbered), page 10.

- 15.4 The advantages of the '26m site', just across the square from the possible Convention Centre site, being able to accommodate hotel activities;
- 15.5 The fact that any shadows cast across the surrounding landscape by a building maximizing the PC 50-enabled building bulk on the '26m site', when the sun is in the north, will be well and truly eclipsed by shading from the Ben Lomond mountain;
- 15.6 The adjacency of the proposed public square indicated in the Structure Plan, which 'requires' at least *some* buildings of significant height:
- (i) To adequately spatially define and contain the generous dimensions of the square, and to create appropriately scaled walls to the 'outdoor room'⁴;
 - (ii) To 'compensate' for the relatively low buildings on the land earmarked for the possible Hot Pools development; and
 - (iii) To inject sufficient numbers of people into the square to ensure that it becomes a vital, lively and attractive public space to spend some time.
- 15.7 The need to provide sufficient accommodation in and around the public square to ensure that it is activated by sufficient numbers of people and that it feels vital, attractive and lively;
- 15.8 The elevated topography of the Lynch Block to the immediate west of the 26m 'site'; and
- 15.9 The graduated slope in the overall profile of enabled building height against the Ben Lomond backdrop (from west to east), which echoes the gentle and gradual decline in the height of the mountain towards the Gorge Road valley at the eastern end of the sub-zone.

⁴ I acknowledge that the cemetery has generous dimensions too but, in contrast to the proposed Square, the cemetery is by nature a public space that, in my opinion, should be quiet, peaceful, tranquil and conducive to withdrawal, *private* reflection and contemplation, and respecting those who rest therein. For these reasons, 24m high buildings around or alongside the cemetery would not be appropriate, in my opinion.

16. For all of the reasons outlined, I do not agree with Mr Gibbs's view that the strategic location of the Site, relative to the town centre, should be accorded the degree of importance and significance advocated in his evidence. I acknowledge that 'strategic location' is *one* factor, but only one factor, and in my opinion the location of the site needs to be carefully balanced against all the other relevant considerations and potentially adverse environmental effects associated with building height.

Domination of the cemetery

17. At paragraph 23 on page 15 of his evidence Mr Gibbs expresses his view that the *'reporting planner has placed undue weight on the testimony prepared by Dr Read in light of the lack of evidence offered to substantiate effects on the cemetery.'*
18. Mr Gibbs opines that *'a 24m high building can sit comfortably in the 34 Brecon Street environment and not dominate the cemetery.'*⁵ I disagree with this view for the following reasons:
- 18.1 In comparing the 12m PC 50 building with the BSPL 24m high building on the Site, in relation to the cemetery, the 12m high building sits comfortably alongside the cemetery whereas the 24m high building (which is twice the height) begins to take visually dominant command of the cemetery in a manner that is out of proportion to its likely retail and 'permanent' or 'non-permanent' residential use. I am using the term '*visually dominant*' here not so much to infer that I or members of the general public would feel 'dominated' by the height of the building, but rather to describe the relationship between the height, scale and proportioning of the general mass/bulk of the building and its visual effects on the cemetery (see Figure 1).

⁵ Evidence of Alexander David Gibbs, paragraph 24, page 16.

Appendix B: Photo-montages comparing as notified (top) and BSPLs submission (bottom)

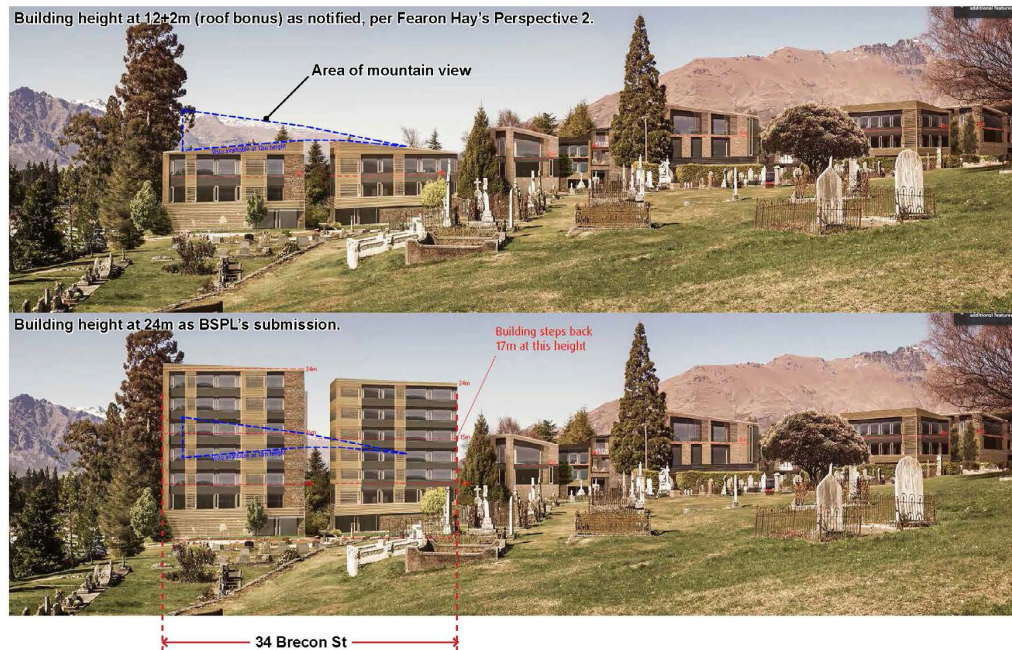


Figure 1: Appendix B from the evidence of David Gibb's illustrating, in the upper image, indicative 12m high buildings (plus a 2m roof bonus) as enabled on the Site by PC 50 and, in the lower image, indicative 24m high buildings on the Site sought by BSPL and which, in Mr Gibbs's opinion, do not dominate the cemetery.

- 18.2 In my opinion, the domination of the cemetery would arise as a result of the overt and disproportionate visual primacy, supremacy and prominence of the 24m high building, relative to the spatial setting of the cemetery within its local and greater Queenstown landscape.
- 18.3 The eye would be drawn relatively quickly across the cemetery in the foreground and the middle distance to focus on the building beyond.
- 18.4 Instead of experiencing a series of visually recessive 'low key', 12m high buildings blending into an overall scene in which all component elements (including landscape, grave headstones, buildings and/or trees) take on an approximately equal and harmonious, non-hierarchical visual prominence, the 24m high buildings stand out and apart from the other elements in the overall scene and command the attention of the eye. This is further reinforced by the vertical proportional emphasis of the 24m high buildings.

- 18.5 As visitors to the cemetery moved further down the slope towards Brecon Street (to the left of the image) the 24m high buildings would appear even higher, with the dominance effects described above becoming further accentuated.
- 18.6 The closer people visiting the cemetery moved towards the boundary between the cemetery and the Site, the greater the perception of dominance would be, largely because the building would appear taller and because people would experience a sense of encroaching on the private indoor and outdoor living realms of the building's occupants. That is why I recommended in my primary evidence that a road be constructed (as part of a land swap) between the cemetery and the Site. Roads have a well-established tradition of successfully mediating between public and private realms. Examples include roads with parks on one side and houses on the other, and roads around the edges of coastlines with the sea on one side and baches and/or farms on the other.
- 18.7 Mr Gibbs also supports the 17m set back from the shared cemetery boundary for all parts of a building higher than 15m, as proposed by BSPL.⁶ This support is on the basis that *"this control would ensure that development of 34 Brecon Street would not dominate the cemetery, irrespective of whether or not Cemetery Road is relocated."*⁷ I disagree with this contention because, as Figure 1 of my evidence demonstrates, the 24m high building will generally be viewed from the higher ground of the cemetery so its full 24m height (even with the 17m set-back above 15m) will be visible from the cemetery. Only as a viewer got very close to the shared boundary would the 15m high component begin to eclipse the additional 9m of building height because of the increasingly steep angle of view.
19. For all of the reasons outlined I am firmly of the view that a 24m high building/buildings on the Site would visually dominate the cemetery and I therefore support the provision within PC 50 for a maximum permitted building height on this site of 12m, plus the 2m roof bonus.

⁶ Evidence of Alexander David Gibbs, Figure 4, page 16

⁷ Evidence of Alexander David Gibbs, paragraph 24, page 16

Shading

20. In my opinion, the evidence of Mr Gibbs lacks a thorough and robust analysis of the shading effects of the 24m high building on the Site that he supports. His evidence in relation to shading is highly selective and is limited to one paragraph⁸ and Appendix D only. The one paragraph that he does devote to shading effects, paragraph 28, focuses on the fact that *'The cemetery is north of 34 Brecon St, so it is very fortunately situated to avoid sun shading.'*
21. The evidence of Mr Gibbs completely ignores and fails to consider the shading effects of a 24m high building at 34 Brecon Street, on the Isle Street and Lakeview subzones to the south and west, which would be shaded by such a building.
22. In my opinion, any thorough assessment of the shading effects of a building of whatever height on 34 Brecon Street needs to be carried out not only in relation to the cemetery, but also in relation to the sub-zone areas to the east, south and west of the Brecon Street site.
23. For that reason I asked fearonhay to prepare a series of shading diagrams which depict, on the same diagram for different times of the day and year, the shadows cast by a PC50 permitted 12m high building (with an additional 2m high roof bonus), in blue, and the additional shadows cast by a 24m high building (including a 2m roof bonus), as sought by BSPL, in red. These diagrams illustrate very clearly the significant differences in shading effects caused by the 12m and 24m high buildings⁹.
24. A full set of these shading studies is contained in Appendix 1 of this evidence.
25. I have selected for analysis and comment below a few of the more significant examples of the comparative shadow diagrams (see Figure 2, 3, 4, 5 and 6).

⁸ Evidence of Alexander David Gibbs, paragraph 28, page 17.

⁹ There is some inconsistency between the evidence of Mr Gibbs and the submissions of Mr Bartlett with respect to the maximum building height sought by BSPL. Mr Gibbs refers to a 24m high building but does not specify whether the 24m includes or excludes the 2m high roof bonus, while Mr Bartlett refers to either a building up to 24m in height (as a non-notified restricted discretionary activity) or a 22.5m high building plus a habitable 2m roof space (which could deliver a 24.5m high building). Because of this inconsistency the shadow modeling takes a *conservative* approach and models the additional shading (in red) that would result from a 24m high building on the 34 Brecon Street site, not the 24.5m high building which could result from one of the height options sought in Mr Bartlett's submission.

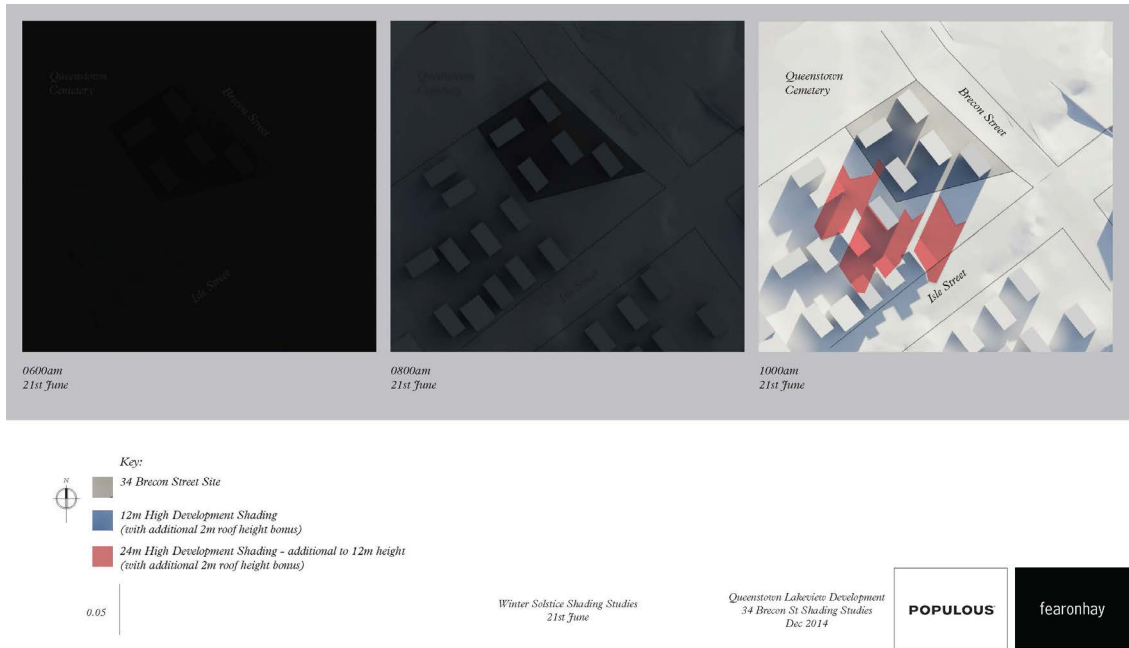


Figure 2: Right image: Shadows cast at 10.00am in mid-winter (21 June).

26. Figure 2 illustrates how 12m high buildings on the Brecon Street site would cast relatively short shadows onto the edge of the holiday park land within the Lakeview sub-zone, whereas 24m high buildings would cast very much longer shadows across this area, and over parts of Isle Street not affected by a 12m high building, thereby creating more than minor adverse shading effects.

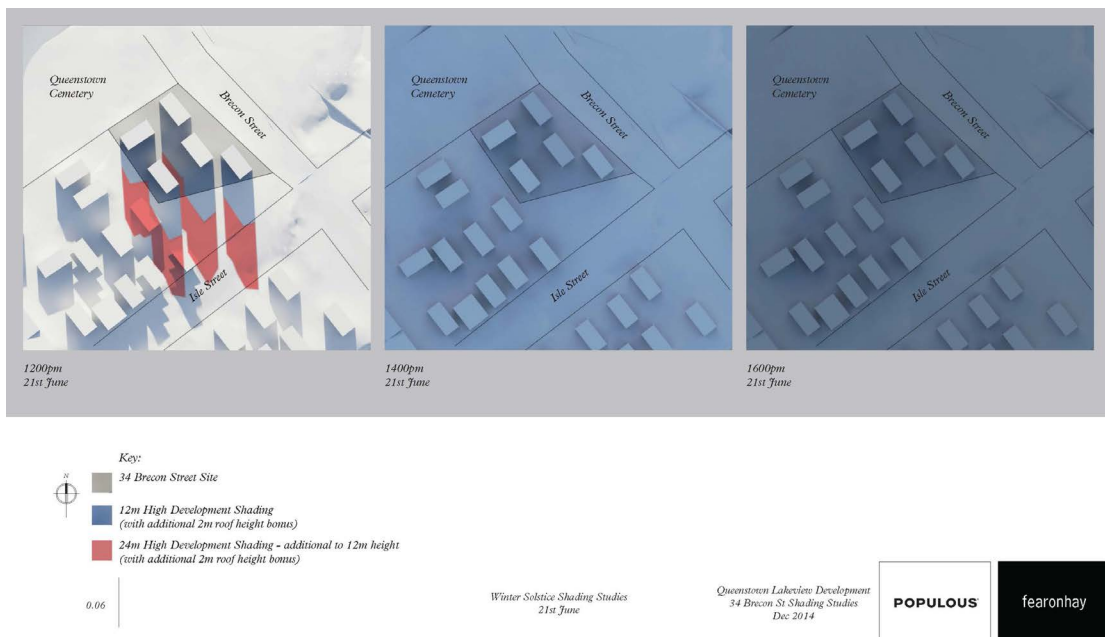


Figure 3: Left image: Shadow cast at 12.00pm in mid-winter (21 June).

27. Figure 3 illustrates how shadows cast by 24m high buildings on the Brecon Street site would be over twice the length and extend far beyond those cast by 12m high buildings on the same site. Isle street would not be shaded by a 12m building but it would be by a 24m building high building.

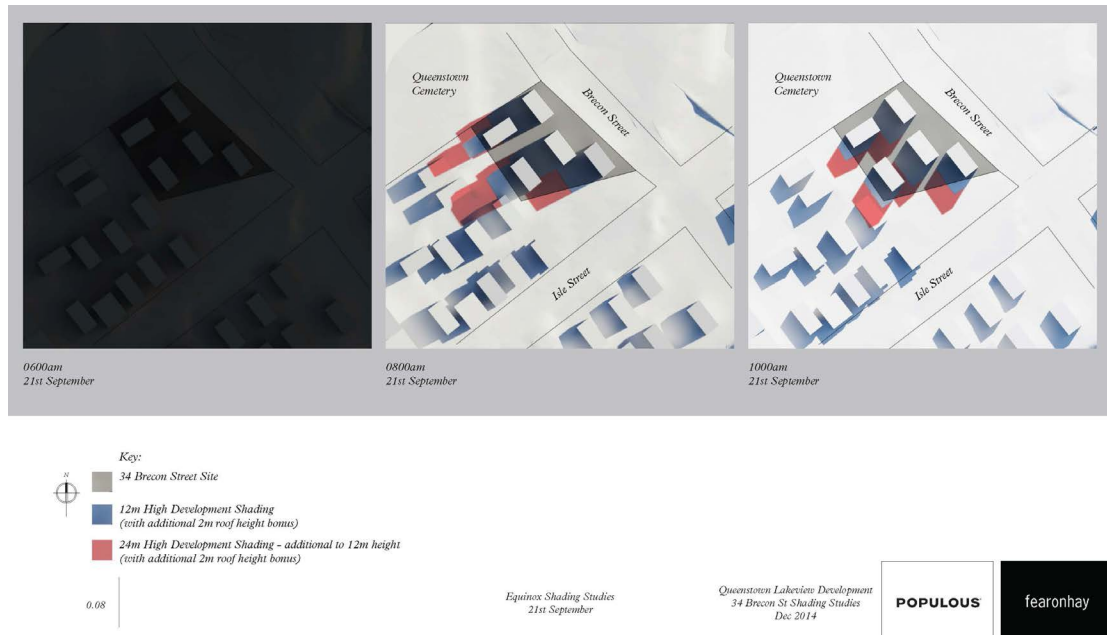


Figure 4: Middle and right images: Shadows cast at 8.00am and 10.00am during one of the two Equinoxes (21 September)

28. Figure 4 shows shadows cast by 24m high buildings to be well over twice the length of 12m high buildings, and giving rise to adverse effects on the holiday park land. At 10.00am shadows from 12m high buildings barely extend beyond the Site whereas those cast by 24m high buildings extend well beyond that boundary.



Figure 5: Left and middle images: Shadows cast at 12.00pm and 2.00pm during one of the two Equinoxes (21 September)

29. Figure 5 illustrates once again how the shadows from 24m high buildings are at least twice the length of those cast by 12m high buildings, thereby creating a higher level of adverse environmental effects on the land they fall across.



Figure 6: Left to right: Shadows cast at 12.00pm, 2.00pm and 4.00pm in mid-summer (21 December)

30. Figure 6 indicates that, at 4.00pm in mid-summer, when many people could be expected to be walking up and down Brecon Street to and from the Gondola, relatively few shadows would be cast across the street by 12m high buildings but a very significant area of Brecon Street would be in the shadows cast by 24 high buildings.
31. Having analysed the differences in the shading effects arising as a result of 12m and 24m high buildings, I am firmly of the view that while any adverse shading effects arising as a result of 12m high buildings would be minor, those that would arise as a result of 24m high buildings on the 34 Brecon Street site would be more than minor.

Views from the cemetery

32. At paragraph 30 on page 18 of his evidence, Mr Gibbs acknowledges that *“development of the Brecon Street site will undoubtedly effect (sic) views that are currently experienced from the cemetery,”* but goes on to express his disagreement with Dr Read’s opinion that the effects will be “significant”. Mr Gibbs questions whether the effects on views from the cemetery will be significantly increased if the buildings are 8m, 12m or 24m high, as limited respectively by the status quo zoning, PC 50 and the BSPL proposal.
33. In assessing the degree of effects of a 24m high building on views from the cemetery, Mr Gibbs uses a very limited and narrowly focused technique, in my opinion (see Figure 7). In my professional experience, Mr Gibbs’s evidence falls far short of providing a thorough and detailed analysis of the effects of a 24m high building on loss of views from the cemetery.

Appendix B: Photo-montages comparing as notified (top) and BSPLs submission (bottom)

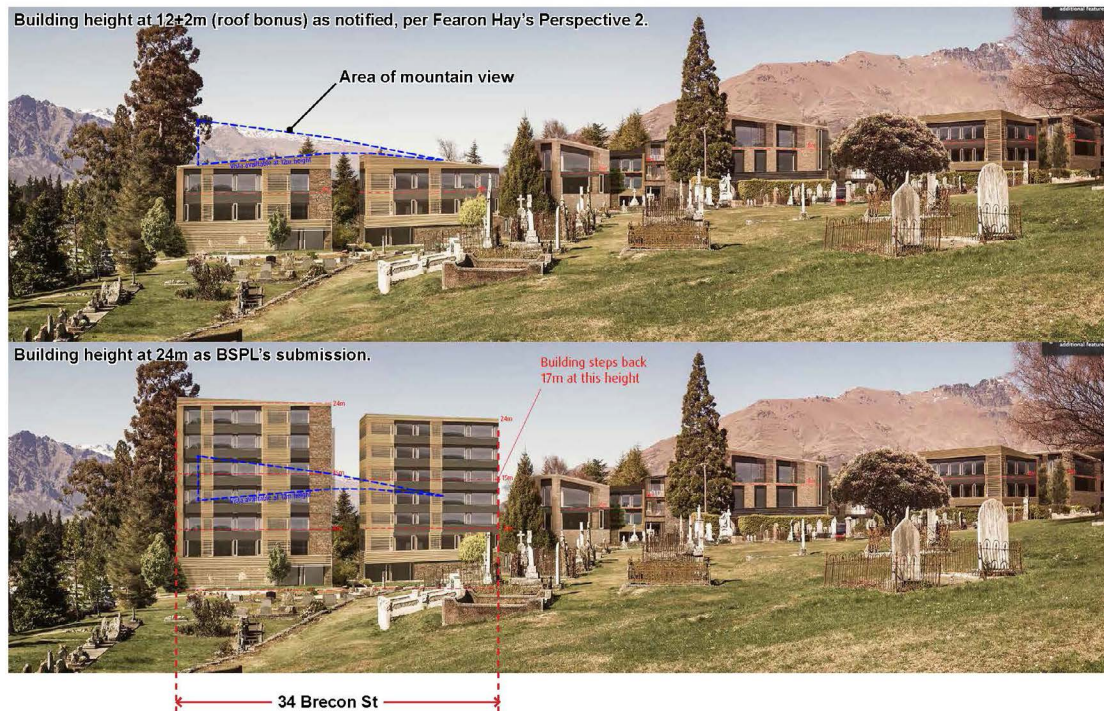


Figure 7: Appendix B from the evidence of David Gibb's illustrating, in the upper image, indicative 12m high buildings (plus a 2m roof bonus) as enabled on the Site by PC 50 and, in the lower image, indicative 24m high buildings on the Site sought by BSPL and which, in Mr Gibbs's opinion, do not dominate the cemetery.

34. Mr Gibbs assessment of the difference in the effects of a 12m (plus the 2m roof bonus) and a 24m high building on views from the cemetery relies solely upon the small triangular "area of mountain view" (outlined in the blue dotted line) to substantiate his opinion that the loss of views is "insignificant". In this regard, Mr Gibbs concentrates almost exclusively on the *quantity* of the modified view rather than its *quality*.
35. In my opinion, Mr Gibbs has overlooked or chosen to ignore the following 'visual facts':
- 35.1 The existing view, and that which would exist under the PC50 12m high building scenario, demonstrates a virtually continuous and unimpeded natural silhouette against the sky comprised of trees and mountain range ridgelines. The 24m high building interrupt and disrupt with built form the continuity of the natural skyline;

- 35.2 No 12m high buildings encroach into the backdrop of the sky. The 24m high building penetrate significantly into and eclipse the backdrop of the sky;
- 35.3 The consistency in the heights of the 12m buildings above ground level ensures that they generally follow the slope of the underlying landform and step progressively down the slope from right to left, just as do the graves and headstones. In that sense the buildings and the graves/headstones are in visual synch and harmony with one another. The 24m high buildings, relative to the 12m high buildings to their right (west), run counter to and oppose the underlying natural topography which drops down in height towards Brecon Street, off to the left of the image; and
- 35.4 The 12m high buildings enable the large scale and grandeur of the Remarkables mountain range (on the left) and Cecil Peak (on the right) to remain fully legible and the predominant natural elements in the overall scene. By appearing to be taller than the Remarkables mountain range and obscuring much of them, the 24m high buildings visually distort and diminish their apparent scale and grandeur.
36. BSPL submits that people visiting the cemetery are there predominantly to look at the headstones and read the inscriptions on them. This submission is based upon an informal survey and questioning of visitors to the cemetery over a period of seven days between 9.30am and 4.30pm, as described in the evidence of Trevor Schreiber, dated 21 November 2014, and Appendix 1 to that evidence. Based on this survey, I understand that BSPL consider views from the cemetery towards the lake and the mountains beyond to be not particularly important.
37. In response to BSPL's submission that visitors to the cemetery are more interested in reading inscriptions on the headstones than they are in the views to be enjoyed from this public space, I have carried out some research of my own.
38. Firstly, I consulted the TripAdvisor website to see if any people have in an unsolicited fashion, recorded their appreciation and/or enjoyment of the views from the cemetery. Trip Advisor is a website where people voluntarily post their travel experiences for the benefit of others travelling to the same destination or region. Both positive and negative experiences are posted. The information gleaned from this research is as follows:

- a. Trip Advisor¹⁰ classifies the Queenstown cemetery as *Type: Cemeteries, Cultural* (my emphasis);
 - b. There were 25 reviews of the cemetery, of which 7 rated it 'excellent', 12 rated it 'very good'; 5 'average', none 'poor' and 1 'terrible';
 - c. 76% of people who visited the cemetery thought it worth a visit;
 - d. The cemetery was ranked #8 out of 12 attractions in Queenstown;
39. Comments posted by visitors to the cemetery include:
- a. "...A quiet and peaceful place but some background noise from the gondola towers.";
 - b. "Lovely area, very well maintained, lots of history – a must see, just too bad its located right next to skyline.";
 - c. "Extremely beautiful place. Has a lovely aura about it. The graves are well maintained and preserved. Very calm and serene. Too pretty to be missed.";
 - d. "On our way to the gondola, we wandered through the cemetery. Lots of Queenstown history there. Also nice for some peace and quiet, and to take in the views of the beautiful countryside." (my emphasis);
 - e. "Read this on trip advisor and went for a look, lovely piece of the past. Interesting treatment of the Chinese. Great views." (my emphasis);
 - f. "I came across this place by chance. It's next to the Gondola and Luge attraction. Very nice, quiet and relaxing site with a stunning view of the city." (my emphasis); and
 - g. "The old Queenstown Cemetery had many interesting stories on the gravestones and told the story of the history of Queenstown. It's next to the

¹⁰ tripadvisor.co.nz

Skyline Gondola and has a beautiful view. Well worth a visit for history lovers.”
(my emphasis)

40. The second facet of my research into whether there was any evidence of a popular appreciation of views from the Queenstown cemetery involved searching the ‘Google Images’ and the ‘Flickr – Photo Sharing’ websites for photographs that visitors to the cemetery had taken and voluntarily posted on-line.
41. When searching on Flickr Photo Sharing for “Queenstown cemetery”, one of the sites that comes up states “**Queenstown Cemetery** is located on a hilly slope with breathtaking views of The Remarkables, a mountain range and ski field in Otago, South Island of New Zealand.” (my emphasis)
42. These searches revealed the photographs depicted in Figures 8, 9, 10 and 11.



Figure 8: A view of the cemetery with Queenstown and The Remarkables mountain range in the distance.¹¹

¹¹ http://talltalestravelblog.files.wordpress.com/2013/01/img_1639.jpg



Figure 9: Another view of the cemetery with Queenstown and The Remarkables mountain range in the distance.¹²



Figure 10: A view of the cemetery with Queenstown and The Remarkables mountain range in the distance.¹³

¹² http://talltalestravelblog.files.wordpress.com/2013/01/img_1639.jpg

¹³ http://image1.findagrave.com/photos250/photos/2010/339/CEM46776035_129166618589.jpg



Figure 11: A view of the cemetery with Cecil Peak in the distance.¹⁴

43. In my opinion, these unsolicited and entirely voluntary written and photographic postings clearly demonstrate that, contrary to the submission by BSPL, views from cemetery are important to and appreciated by visitors to this historic public place.
44. These written comments and photographs also provide an insight into just how much people appear to appreciate and value the quiet, relaxing, calm, serene, and contemplative atmosphere of the cemetery. To my mind this provides yet another reason why the height of future buildings on 34 Brecon Street should be limited to 12m rather than 24m, so as not to provide too much accommodation which could disrupt and have significant adverse noise and overlooking effects on the existing atmosphere and ambience of the cemetery.

Urban definition and containment of the cemetery

45. At paragraph 26 on page 17 of his evidence Mr Gibbs refers to his Appendix C which contains examples of cemeteries in Europe that have evolved over time and whose locational settings have changed from being on the fringes of villages and towns to

¹⁴[http://2.bp.blogspot.com/y_yDnKT07Fo/T6DTXJy4TkI/AAAAAAAAAHJA/T6CLI0qRgHA/s1600/Heading+Skyline+Queenstown+\(3\).JPG](http://2.bp.blogspot.com/y_yDnKT07Fo/T6DTXJy4TkI/AAAAAAAAAHJA/T6CLI0qRgHA/s1600/Heading+Skyline+Queenstown+(3).JPG)

being in more centralised and highly urbanized locations where they are surrounded on all sides by buildings (see Figure 12).

Appendix C: Examples of historical cemeteries in Europe and US in an urban setting



Old Granary Burial Ground in Boston, Massachusetts, USA



Urban Cemetery in Bucharest



Prague historical Jewish Cemetery



Trinity Church Cemetery New York

Figure 12: Appendix C from the evidence of Alexander David Gibbs.

46. In my opinion, these examples of are of little relevance to the relationship between Queenstown cemetery and its surroundings, because:
- 46.1 All Mr Gibb's examples appear to be on generally flat land, at the same or a similar level to their surroundings, whereas the Queenstown cemetery is on *sloping* land considerably *elevated* above and generally *overlooking* its natural and urbanized surroundings to the south and east;
 - 46.2 It is not possible to tell whether any views of dramatic natural scenery from these cemeteries have been blocked by the buildings erected around them, although the generally flat land suggests that this would not be the case;
 - 46.3 The cemeteries appear to be surrounded on all sides by tall buildings whereas the Queenstown example is unlikely to ever be so because of the development constraints applying to the Ben Lomond Scenic Reserve land.

47. For the reasons outlined I do not consider that the examples used by Mr Gibbs justify the construction of a 24m high building on the edge of the Queenstown cemetery. In my opinion, and for the reasons outlined throughout this evidence, such a proposition would have more than minor adverse environmental effects.

Views of the cemetery from Queenstown Gardens and the Queenstown Bay Town Centre waterfront

48. In order to further appreciate the potential visual effect of a 24m high building on the 34 Brecon Street site, I asked fearonhay to produce three new block form photomontages, similar to those originally produced in support of the building heights promoted by the notified version of PC50, but this time depicting the bulk of a 24m high building occupying the Brecon Street site.
49. Three viewpoints were selected: one from the original Viewpoint 6 on the waterfront edge of Queenstown Bay, one from Viewpoint 8, approximately mid-way along the footpath on the lakeside edge of Queenstown Gardens and one from Viewpoint 2, at the far western end of the footpath following the lakeside edge of Queenstown Gardens (see Figures 13, 14 and 15).



Figure 13: A photomontage from Viewpoint 6 on the waterfront of Queenstown Bay, illustrating in red the visual bulk and effect of a 24m high building on the 34 Brecon Street site.

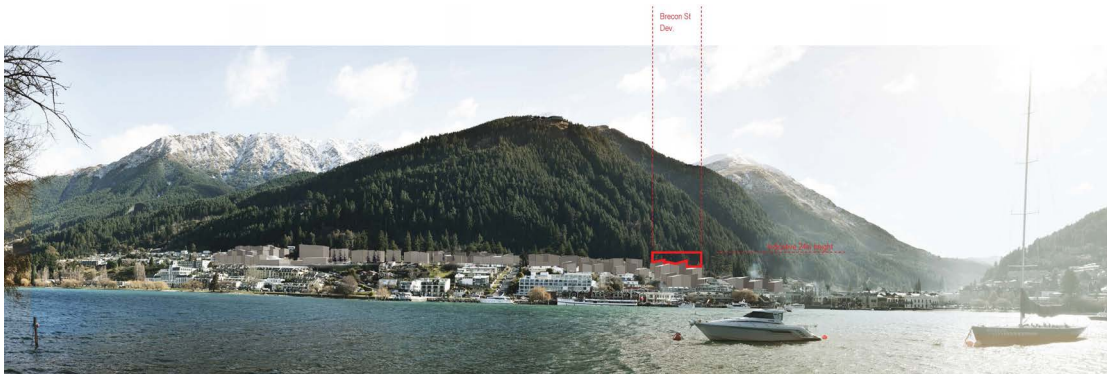


Figure 14: A photomontage from Viewpoint 8 approximately mid-way along the footpath on the lakeside edge of Queenstown Gardens, illustrating in red the visual bulk and effect of a 24m high building on the 34 Brecon Street site.



Figure 15: A photomontage from Viewpoint 7 at the far western end of the footpath on the lakeside edge of Queenstown Gardens, illustrating in red the visual bulk and effect of a 24m high building on the 34 Brecon Street site.

50. In my opinion, all three photomontages illustrate how doubling the height of a building on the 34 Brecon Street site, creates something of an abrupt and visually truncated right hand (eastern) end to the enabled development silhouette/profile of the

Lakeview and Isle Street sub-zones against the backdrop of the Ben Lomond Scenic Reserve. The PC50 height Limit Plan, as notified, would enable and be likely to deliver a visually legible gentle slope down from the tallest buildings on the left (west) of the images to the right (east) where the subzones merge with the low lying Gorge Road valley. In other words there would be a synchronicity between the sloping topography of the natural landform underlying the two sub-zones and the built form constructed on top of it. This would help to ensure that the character of the unique landform would remain legible.

51. In contrast, a 24m building on the Brecon Street site would be contrary to the urban form outcome sought and promoted by PC50.

The heritage of the cemetery

52. While I do not claim to be an expert in heritage matters, the heritage of a place is in my opinion an urban design issue.
53. In my view, the heritage of the Queenstown cemetery draws upon two key urban design characteristics of its setting. One is the view of the man-made town and the other is the view of the natural setting, namely Lake Wakatipu and the mountain ranges, including The Remarkables, Cecil Peak and Ben Lomond.
54. Over time, and for all sorts of reasons, views of the town have been largely lost. All that remains to provide the cemetery with its genius loci, or unique sense of place, and to orientate visitors to their greater landscape setting are the views of the mountains. If these are lost, it is my view that a key visual contributor to the cemetery's unique sense of place will also be lost.

THE PROPOSED ALTERNATIVE HEIGHT LIMIT RULE FOR THE WESTERN-MOST BLOCK IN THE ISLE STREET SUB-ZONE

55. During conferencing I understand Mr Nigel Brown proposed an alternative building height limit rule for the western-most block in the Isle Street sub-zone. Mr Speedy has supplied me with a drawing comprising four cross sections through that part of the Isle Street sub-zone, which illustrate the effect of the proposed rule (see Figure 16 and Appendix 2).

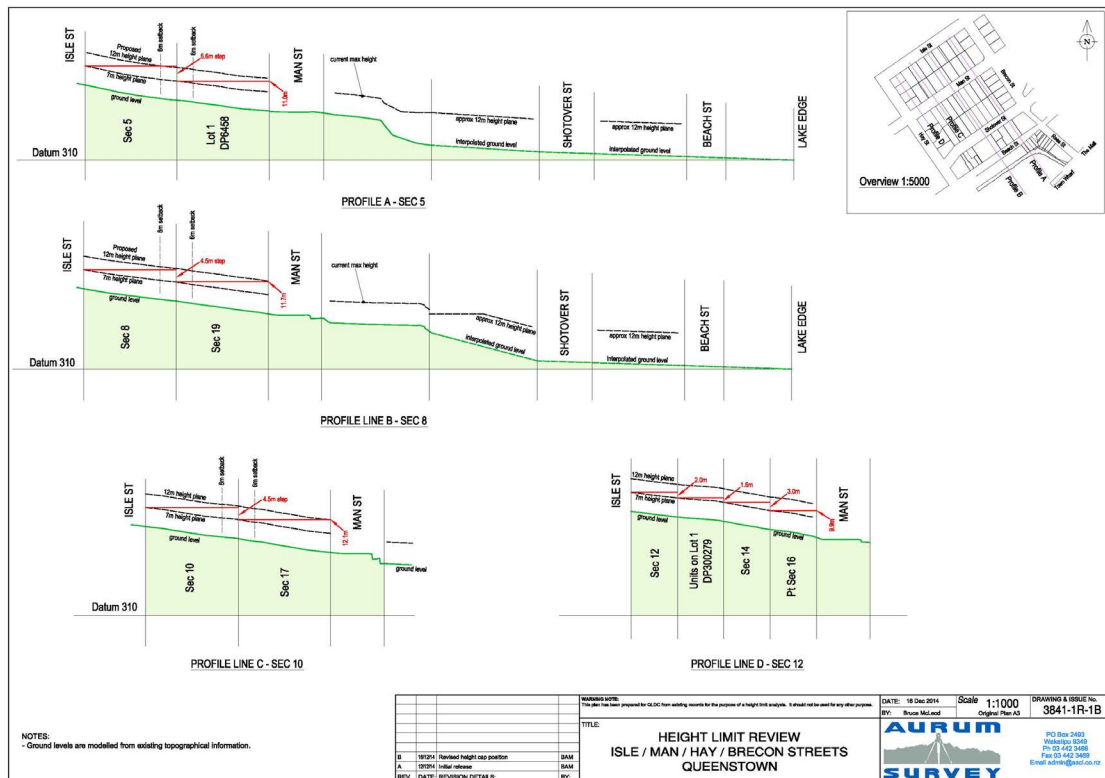


Figure 16: Cross sections through the western-most block of the Isle Street sub-zone, illustrating the effect of the building height limit rule proposed by Mr Nigel Brown during conferencing. The locations of the cross sections are shown on the plan in the top right hand corner of the drawing. For larger version of this image please refer to the Appendix 2.

56. The effect of the proposed rule, as I understand it, is to create two stepped maximum building height envelopes between Isle Street and Man Street. One envelope would have, as its upper limit, a *horizontal* plane extending south-eastwards from a maximum height of 7m above the front (north-western) boundary with Isle Street to whatever height above ground level was reached at line set back 6m from the rear (south-eastern) boundary of the site. The second envelope would also have, as its upper limit, a *horizontal* plane extending from a point 7m above the rear (north-western) boundary of a Man street property to whatever height was reached at the front (south-eastern) boundary of the site.
57. Having considered the likely urban design outcome of this proposed rule, I do not support it for the following reasons:

- 57.1 Application of this rule would be likely to result in no stepping of building form *within* a site, and only two (disconnected) stepped forms across the entire north-west/south-east width of the block;
- 57.2 The rule is likely to result in an entire city block of flat roof buildings, two storeys high on the north-western edge of the block and three storeys high on the south-eastern edge;
- 57.3 A 7m maximum building height control on the Isle Street frontage would limit the street frontage of the building to a maximum of 2 storeys in height. Excavation could enable a third storey but the lowest of 3 storeys would have very little or no access to light from the street;
- 57.4 A maximum of two storeys on the street frontage is likely to privilege purely residential accommodation;
- 57.5 The rule would be likely to reduce the chances of achieving a mixed-use development outcome, with street edge-activating retail and/or commercial space at street level and two storeys of residential accommodation above;
- 57.6 An entire block of predominantly 2 and 3 storey high residential accommodation in the Isle Street block would result in a pocket of semi-suburban development interrupting the continuity of the desired extension of the existing town centre urban character and ambience through to the western end of the Lakeview sub-zone;
- 57.7 It is difficult to see how the rule would rule apply to the possible amalgamation of sites, especially a scenario where back-to-back sites (one or facing Isle Street and one or more facing Man Street) were amalgamated; and
- 57.8 Having different rules for the two Isle St blocks may result in inconsistent streetscape and an inconsistency in urban form within this sub-zone.
58. For all of the urban design reasons outlined, I remain supportive of the proposed PC50 development controls for the Isle Street subzone as outlined in the Plan Provisions presented by Mr Kyle in his supplementary evidence.

CONCLUSION

59. Having read and carefully considered the evidence of Mr Gibbs and Mr Munro, and for all of the reasons outlined in this supplementary evidence, I remain of the view that the originally notified PC50 height limit for the 34 Brecon Street site should remain at 12m (plus a 2m roof bonus). I am also firmly of the opinion that a 24m high building on the 34 Brecon Street site, as supported by Mr Gibbs, would have more than minor adverse urban design and environmental effects on the character of the Queenstown cemetery, the Lakeview and Isle Street sub-zones and the Queenstown Town Centre environs.
60. Having also considered the urban design implications of the diagram supplied to me by Mr Speedy, which illustrates in cross-section the building height limit rule proposed by Mr Brown, it is my opinion that the height rules for the Isle Street subzones, as outlined in the Plan provisions presented by Mr Kyle in his supplementary evidence, would deliver a more appropriate and superior urban design outcome, given the overriding PC50 objective of extending the town centre into the Isle Street and Lakeview sub-zones.
61. I would be happy to answer any questions.

Clinton Bird

BArch (Hons) DipUD (Dist) MA (Oxford Brookes)

16 December 2014

APPENDIX 1: SHADING DIAGRAMS PREPARED BY FEARONHAY

*Queensway Lakeside Development
34 Brecon St Shading Studies
Dec 2014*

POPULOUS

fearonhay



Queenstown Labrecien Development
34 Brecon St Shading Studies
Dec 2014

Summer Solstice Shading Studies
21st December

fearonhay

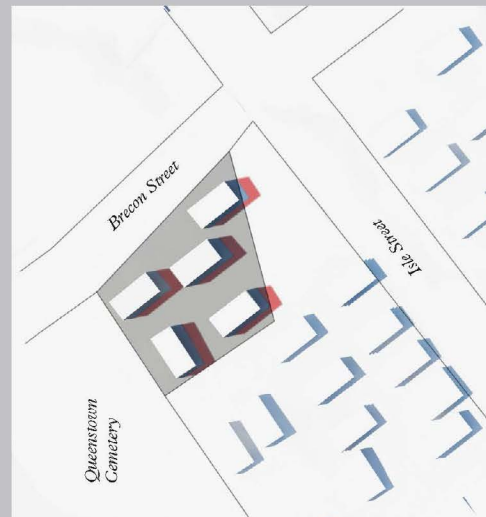
POPULOUS



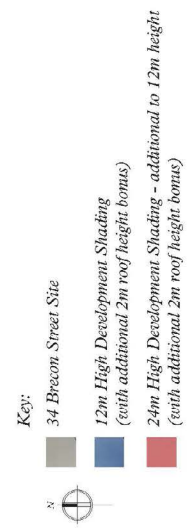
1600pm
21st December



1400pm
21st December



1200pm
21st December



fearonhay

POPULOUS

Queenstown Labrecien Development
34 Brecon St Shading Studies
Dec 2014

Summer Solstice Shading Studies
21st December

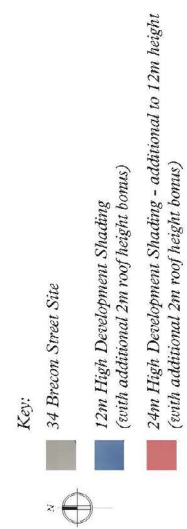
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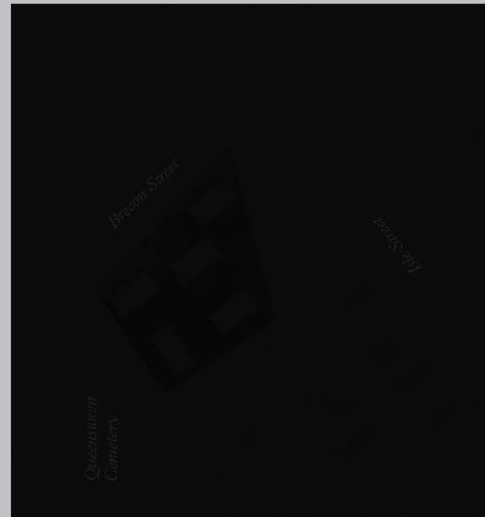


1800pm
21st December

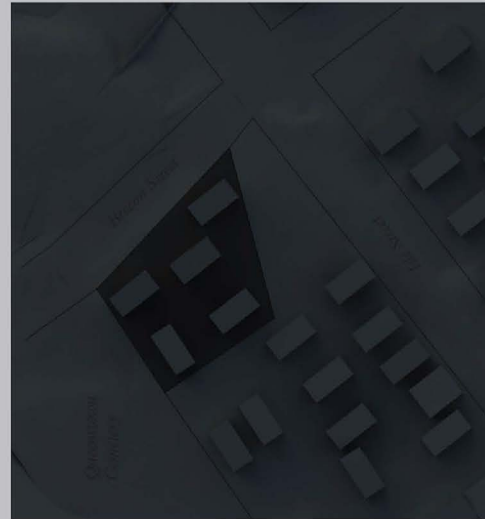


2000pm
21st December





0600am
21st June



0800am
21st June



1000am
21st June

Key:



34 Brecon Street Site

12m High Development Shading
(with additional 2m roof height bonus)

24m High Development Shading - additional to 12m height
(with additional 2m roof height bonus)

0.05

Queenstown Laberion Development
34 Brecon St Shading Studies
Dec 2014

Winter Solstice Shading Studies
21st June

fearonhay

POPULOUS

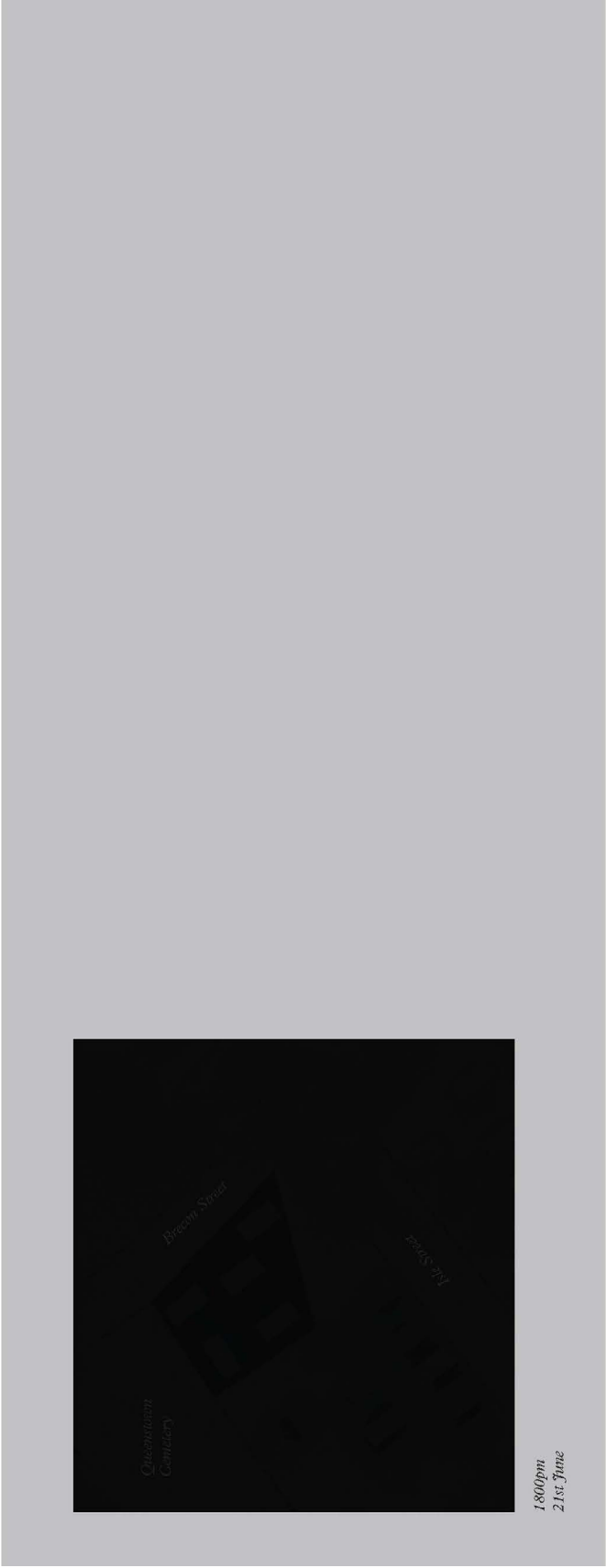


Queenstown Labrecien Development
34 Brecon St Shading Studies
Dec 2014

Winter Solstice Shading Studies
21st June

fearonhay

POPULOUS

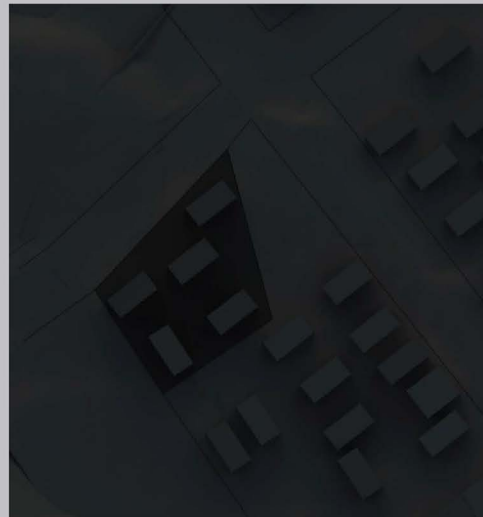


fearohay

POPULOUS

Queensway Cemetery Development
34 Brecon St Shading Studies
Dec 2014

Winter Solstice Shading Studies
21st June



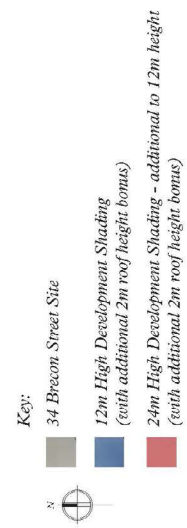
0600am
21st September

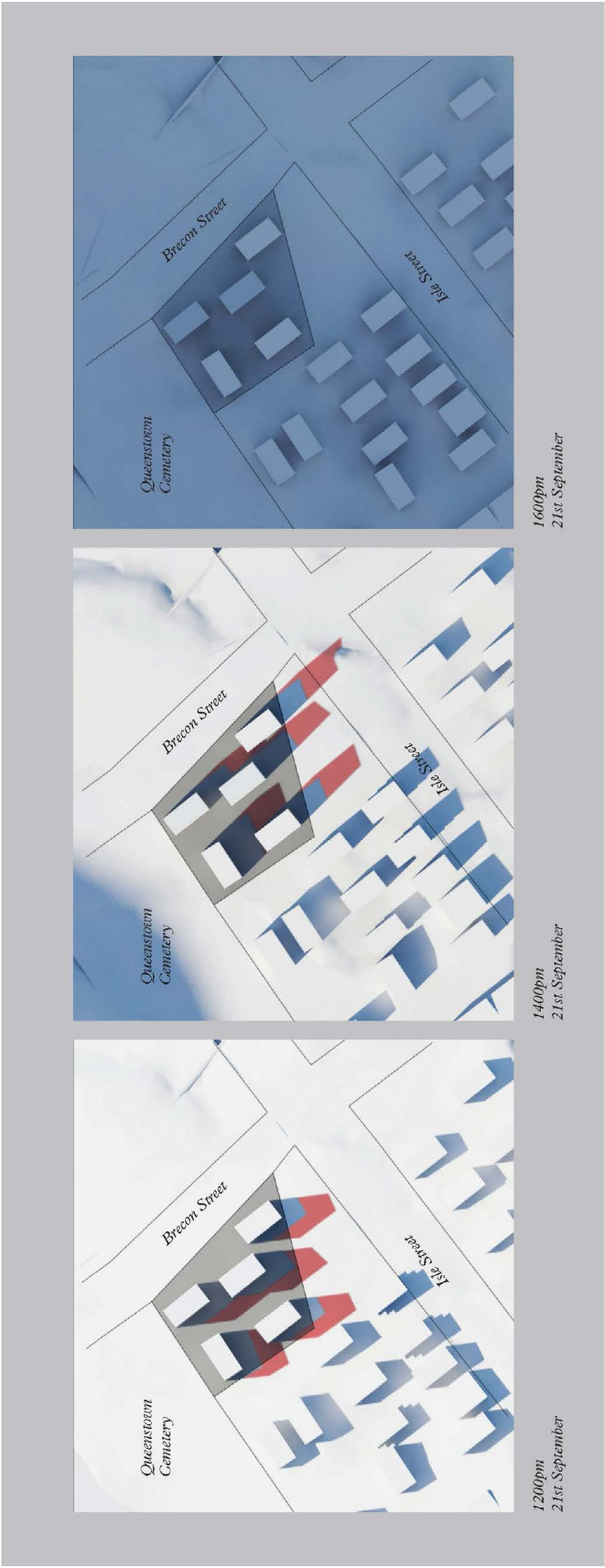


0800am
21st September



1000am
21st September



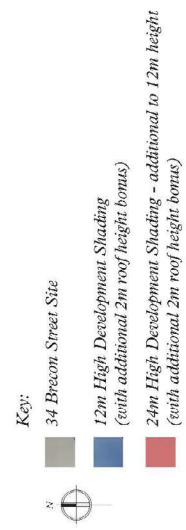
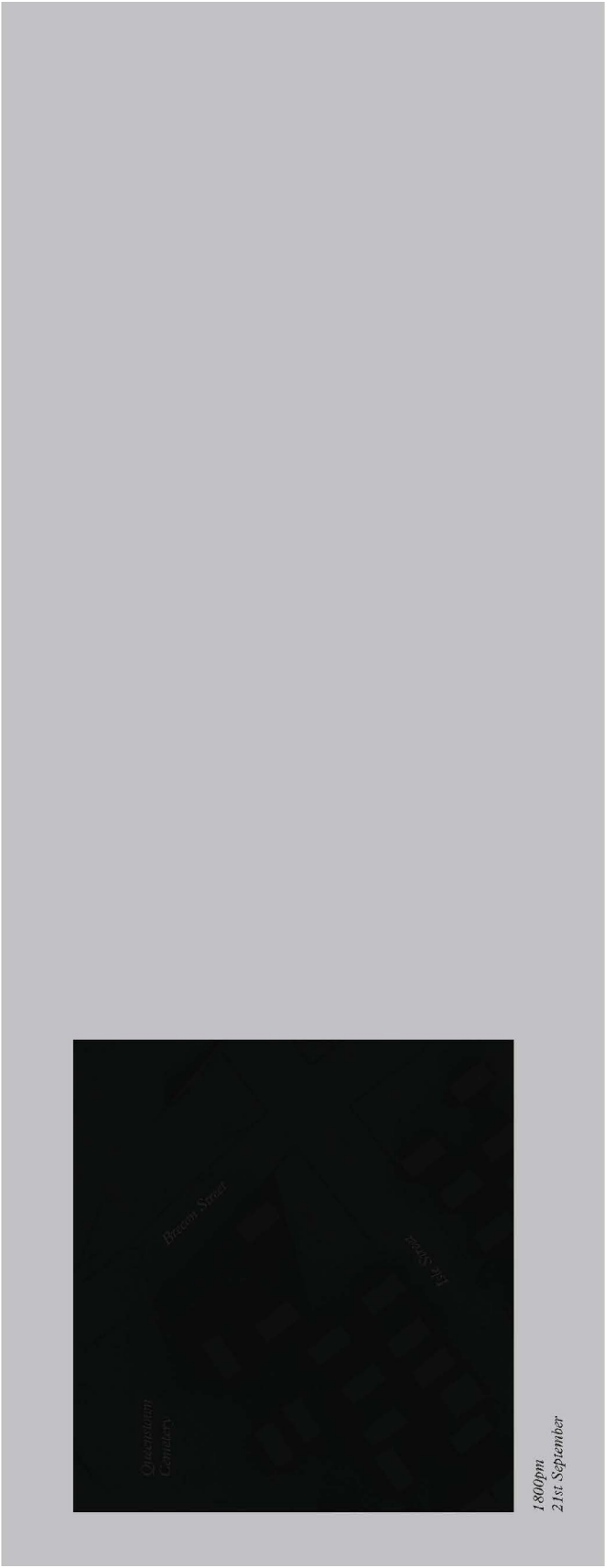


Queenstown Labrecien Development
34 Brecon St Shading Studies
Dec 2014

Equinox Shading Studies
21st September

fearonhay

POPULOUS



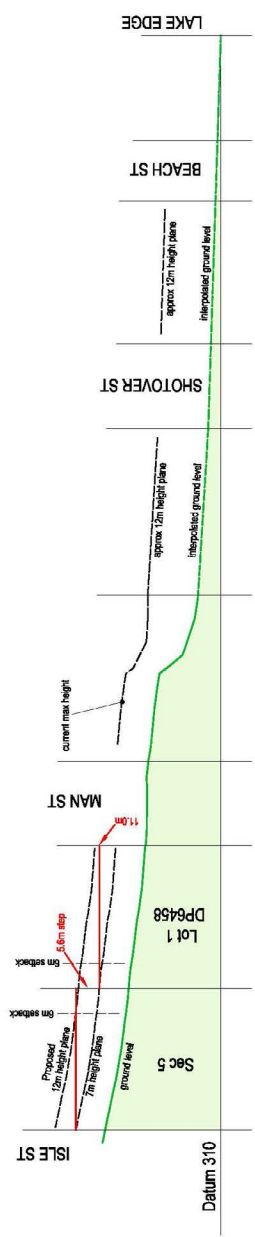
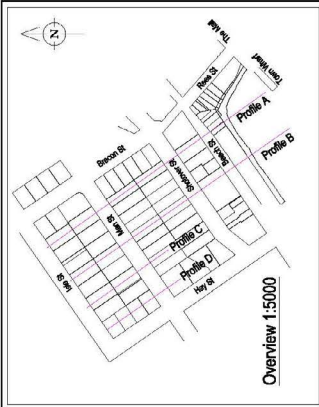
Equinox Shading Studies
21st September

Queensdown Laberion Development
34 Brecon St Shading Studies
Dec 2014

POPULOUS

fearonhay

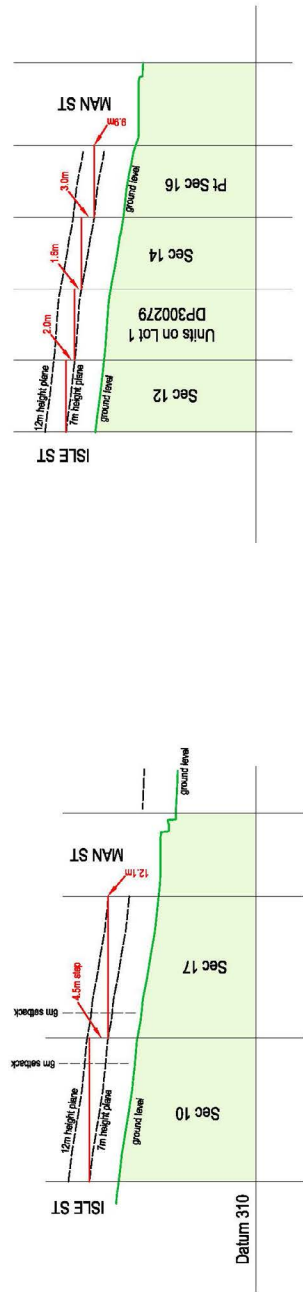
APPENDIX 2: CROSS SECTIONS THROUGH THE WESTERN-MOST BLOCK OF THE ISLE STREET SUB-ZONE, ILLUSTRATING THE EFFECT OF THE BUILDING HEIGHT LIMIT RULE PROPOSED BY MR NIGEL BROWN DURING CONFERENCING.



PROFILE A - SEC 5



PROFILE LINE B - SEC 8



PROFILE LINE C - SEC 10

PROFILE LINE D - SEC 12

NOTES:
- Ground levels are modelled from existing topographical information.

WARNING NOTE:
This plan has been prepared for CLC from existing records for the purpose of a height limit analysis. It should not be used for any other purpose.

DATE: 18 Dec 2014
BY: Bruce McLeod

Scale: 1:1000
Original Plan No: 3841-1R-1B

DRAWING & ISSUE No: 3841-1R-1B

PROJECT: 3841-1R-1B
PROJECT: 3841-1R-1B
PROJECT: 3841-1R-1B
PROJECT: 3841-1R-1B

TITLE:
HEIGHT LIMIT REVIEW
ISLE / MAN / HAY / BECON STREETS
QUEENSTOWN

REV.	DATE	REVISION DETAILS	BY:
B	18/12/14	Revised height cap position	BM
A	17/12/14	initial release	BM