

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

EXECUTIVE SUMMARY OF EVIDENCE OF JOHN CLIFFORD KYLE

EXECUTIVE SUMMARY

- 0.1 My name is John Kyle. My qualifications and experience are set out in paragraphs 1.1 – 1.5 of my primary evidence.
- 0.2 My evidence focuses on the issues that have driven the need for the plan change and describes why I consider the subject sites to be appropriate for rezoning to Town Centre in the District Plan. I also make comment on matters raised in submissions and further submission where it is within my expertise to do so, and provide an overview of the suggested amendments to the plan change provisions that arise as a result of these submissions.
- 0.3 The plan change request includes some quite lengthy documentation and the Council has called a number of witnesses to give evidence in support of it. My evidence should be read alongside all of that material, as well as the submissions received. I am happy to answer questions of clarification, or elaborate on any matter relevant to my expertise should the Council's Commissioners wish me to.
- 0.4 In my opinion, the primary planning questions to be considered in relation to this plan change are:
- a) What is the justification for zoning additional land Town Centre in central Queenstown?
 - b) Is the objective of this rezoning consistent with meeting the purpose of the RMA, having considered the relevant matters inherent in section 32?
 - c) What are the benefits and costs of the environmental, economic, social and cultural effects that accrue from the plan change?
- 0.5 In relation to the primary planning questions my conclusions are:-
- a) Justification for the zoning of additional Town Centre land:
 - (i) There is a demonstrable and pressing need to provide additional commercially zoned land in central Queenstown. This is required as the Queenstown Town Centre zone is at (or very near to being at) capacity and future growth prospects are set to be constrained.
 - (ii) Queenstown is an internationally renowned tourist destination – and tourism is the District's primary industry. Failing to act now to address the capacity issues facing central Queenstown could result in adverse implications for the

tourism industry as investment in tourist facilities and services slows, or goes elsewhere.

- (iii) Provisioning for more land zoned Town Centre in downtown Queenstown is necessary in order to ensure that Queenstown remains the District's primary tourist and administration centre. It is evident from the evidence of Dr McDermott in particular that ongoing business development and growth in central Queenstown is essential for stimulating additional economic activity that will in turn have a spill-over effect for the remainder of the District in terms of supporting population growth. This population growth will lead to increased economic activity in other centres, such as at Frankton, particularly because that area primarily serves "domestic" household demand for goods and services.
- b) In my opinion this rezoning is consistent with meeting the purpose of the RMA, having considered the relevant matters inherent in section 32, and this is demonstrated in the section 32 analysis prepared for PC50.
- c) In terms of benefits and costs:
 - (i) The benefits include economic benefits in the form of increased economic activity in the Town Centre, in particular for tourism related activities, and the spin off effects of this in terms of increased GDP, and employment, which leads to population growth.
 - (ii) The planning controls over building height, bulk and location are, in my assessment, appropriate. These controls are intended to manage the effects on amenity values that will occur from more intensive development in the areas subject to the plan change. The proposed building height limits have been carefully developed and found (following expert analysis) to be appropriate for this setting, and particularly because the largest buildings will be set against the backdrop of Ben Lomond, which is a landform feature of significant scale.
 - (iii) The proposed increase in building heights will also enable additional development density for a mix of activities within central Queenstown. This will result in significant benefits in terms of the production of a more consolidated urban form including a reduced reliance on vehicle travel for residents living and working in central Queenstown who will be able to walk between activities. It will also facilitate the continued development of a more vibrant and lively downtown environment. A mix of housing types will be enabled within the plan change area.

- (iv) In terms of the effects on Queenstown's transportation network, it is clear from the evidence of Mr McKenzie and Mr Mander that traffic management is a key consideration for this plan change. Managing traffic in Queenstown is an ongoing matter for the Council and Mr Mander confirms that wider and longer term initiatives are being developed by the Council to ensure that traffic management matters do not impede the growth of central Queenstown.
- (v) Mr Cawte has stated that potential effects on archaeological sites will continue to be appropriately managed via the requirement to obtain an archaeological authority prior to development works occurring at the site. Effects on historic heritage values will be mitigated through the recording of the Thompson Street cabins in accordance with the Heritage New Zealand Guidelines for Investigation and Recording of Buildings (2006) as a measure of understanding this formative period of Queenstown's development¹.
- (vi) I note that there are differences in opinion on how the plan change will impact upon the Queenstown Cemetery. The plan change will enable an increase in the built form provided for adjacent to the Cemetery, but any built development will now be subject to obtaining a controlled activity resource consent. Dr Read recommends a setback of 20m from this boundary, within which buildings should be a maximum of 8m in height. Mr Bird does not agree with this recommendation. Mr Bryce has recommended that an additional matter of control be included in the District Plan to ensure that the interface with the Cemetery can be assessed when resource consent is sought for buildings on sites adjacent to the Cemetery. I support Mr Bryce's recommendation.
- (vii) Housing affordability issues have been raised by some submitters. In my opinion, the plan change successfully addresses this issue. Residential activity is a permitted activity in the proposed zone. Thus residential accommodation is enabled in a location within Queenstown's downtown area in very close proximity to where people work. The easing of the bulk and location requirements for the land subject to this plan change, the removal of density requirements for residential activities and provisioning for greater building height are all methods that are intended to assist in bringing residential unit costs down.
- (viii) Mr Bird has undertaken an analysis of submissions that have raised concerns about the effect on amenity values that arise primarily from those concerned with the proposed development controls within the Isle Street Sub-Zone. I

¹ Paragraph 7.7 of Mr Cawte's evidence.

agree with the amendments he has proposed and the revised PC50 provisions attached to my primary evidence reflect his recommendations.

- 0.6 I have read and considered the section 42A report. I consider the 42A report to be a thorough assessment of the plan change and it provides comprehensive consideration of the submissions and further submissions. I support the changes that Mr Bryce has recommended to the provisions.
- 0.7 In summary, following consideration of all the submissions and further submissions on the plan change the key recommended amendments to the provisions are:
- a) Including consideration of landscaping as a matter of control for buildings in the Lakeview sub-zone;
 - b) Including a controlled activity matter to require buildings in the Lakeview sub-zone that are adjacent to the Queenstown Cemetery to address the important heritage relationship of this setting²;
 - c) As outlined by Mr Bird in particular, changes to the Isle Street sub-zone bulk and location requirements brought about by a full reconsideration of these provisions in the light of submissions; and
 - d) Amending an assessment matter to ensure that development in the Lakeview and Isle Street sub-zones that do not achieve the site standards for height and site coverage trigger the consideration of affordable housing contribution³.
- 0.8 For the reasons outlined in the section 32 analysis, the plan change documents and in my evidence I support confirmation of the plan change, subject to the amendments as I have outlined in **Appendix C** (attached to my primary evidence).

² Note an additional matter of control for new buildings on sites adjacent to the Glenarm Cottage is also suggested – see below.

³ In the light of questions from the panel on 17.11.14, additional detail about the issue of affordable housing is provided below.

ADDITIONAL MATTERS ARISING FROM THE HEARING THUS FAR

Affordable Housing

1. Mr Speedy was questioned about Plan Change 24 (PC24) (Affordable Housing) and the Council's current involvement with establishing a Housing Accord and Special Housing Areas.
2. I am familiar with the origins and the outcome of PC24. As originally notified PC24 would have required a developer at the time of a plan change request or an application for a resource consent (non-complying or in some cases discretionary) to include in the plan change request or resource consent application an appropriate allowance/provision for affordable housing⁴. In particular there would be a requirement to incorporate allotments which encourage a form of housing that by its nature is more likely to be affordable to lower and moderate income families, and/or make a financial contribution to the same effect. An Appendix to the Plan Change (Appendix 11) set some parameters around what type of housing would qualify as affordable and how the contribution was to be quantified.
3. PC24 attracted wide ranging submissions and was subsequently appealed to the Environment Court. The parties ultimately settled the provisions⁵. They were substantially amended. The amended provisions are addressed in my primary evidence.⁶
4. Unlike the original version of PC24 there is no longer any "prescriptive" requirement to provide for "affordable housing".
5. In relation to a plan change, the extent and manner in which affordable housing is provided is but one matter the consent authority considers when assessing whether the plan change is appropriate in all the circumstances. A developer initiating the plan change process is required to undertake an analysis under s 32 of the RMA, which among other things, requires an evaluation of whether the provisions of the proposed plan are the most appropriate way to achieve the Plan's objectives.
6. There is no presumption in favour of one form of housing over another, or for a certain percentage of housing to be provided, noting that Objective 1 is disjunctive⁷. Access is

⁴ Which was defined as "housing whose cost to rent or own does not exceed thirty percent of the gross income of lower and moderate income households and which reflects the criteria established in Appendix 11."

⁵ July 2013.

⁶ See paragraphs 8.9 and 8.10.

⁷

to Community Housing “or” the provision of a range of residential activity. The language used in policy 1.3 “to enable the delivery of Community Housing....” signals an intention to move away from the prescriptive origins of PC24 to a market driven, developer promoted outcome.

7. It is for the Council to then undertake an assessment against the policy framework, and to determine, on a case by case basis, the extent to which the application or proposal “stacks up” against the plans’ policy framework, noting the different statutory criteria applying for discretionary and non-complying activities, and plan changes.
8. The following assessment matters were included for resource consent applications:
“With regard to proposals that breach one or more zone standard(s), whether and the extent to which the proposal will facilitate the provision of a range of Residential Activity that contributes to housing affordability in the District”.
9. My primary evidence⁸ describes a proposed amendment which effectively emulates the PC24 approach insofar as it relates to PC50.
10. On 23rd October 2014 the Council and Housing Minister Dr Nick Smith signed the Queenstown Lakes Housing Accord, which seeks to address housing affordability issues in the district. The main tool in this Accord is the creation of Special Housing Areas (SHAs).
11. The Council is currently seeking expressions of interest from landowners of land in the Wakatipu Basin that may be suitable as a SHA. The Council has established “Lead Policy on Special Housing Areas” to guide its assessment of potential SHAs. Expressions of interest close on 5 December 2014.

Brecon Street

12. A question was raised with Mr Bird about the potential impact of balcony use on the Brecon Street Cemetery. I note that this site is zoned High Density Residential. A balcony could be established as part of a building on the site at 34 Brecon St, subject to a side yard setback of 2m.⁹ In my opinion, limiting the height of buildings as is proposed with PC50 on this site would assist to reduce the prospect of balconies overlooking the Cemetery.


⁸ Paragraph 8.16

⁹ With a further encroachment of 0.6m allowed if the balcony does not exceed 3m in length – see Rule 7.5.5.2.

13. If concerns remain about this matter a performance standard could be set out within the Lakeview Sub-Zone provisions that precluded balconies on any building façade at 34 Brecon Street that faces the Cemetery.

Glenarm Cottage

14. Glenarm Cottage (located at 50 Camp St in the Isle St sub-zone) has a Category 2 district plan listing. Rule 13.2.3.2 means that any alteration to this cottage is a discretionary activity and Rule 13.2.3.3 means that its removal is a non-complying activity.
15. Glenarm Cottage was discussed with Mr Cawte. As I understand part of the discussion, there is a potential concern that the redevelopment of the two sites adjacent to the cottage site could impact upon the heritage qualities of the cottage. The cottage is located quite close to its Man Street frontage. It has reasonable separation from the property to the north. The cottage is not so well separated from the property to the west. In fact the dwelling to the west is located very close to its boundary with the cottage and has a second storey addition that overlooks the cottage site.
16. In my opinion and subject to there being jurisdiction, it would be helpful if future development on the sites to the north and west of the cottage was subject to an additional assessment matter of the nature set out in the pages attached.



J C Kyle

BRP (Hons)

18 November 2014

Attachment 1 – Amended Plan Change Provisions

Text double underlined and highlighted in yellow is additional

10.6.3.2 Controlled Activities

The following shall be **Controlled Activities** provided that they are not listed as a **Prohibited, Non-Complying or Discretionary Activity** and they comply with all the relevant **Site and Zone Standards**. The matters in respect of which the Council has reserved control are listed with each **Controlled Activity**.

- i **Buildings located in the town centre outside the special character area and outside of the Lakeview sub-zone**

Buildings in respect of design (including the heritage values of Glenarm Cottage at 50 Camp Street for developments at 52 Camp Street or 5 Man Street), appearance, signage (which may include directional street maps for buildings, and servicing requirements within the Isle Street sub-zone), lighting, materials and impact on the streetscape. (Refer District Plan Map No. 36.)

10.10.2 Assessment Matters

- iii **Controlled Activities - Buildings - Queenstown Town Centre (Refer also Assessment Matters vii and viii) excluding the Lakeview sub-zone**

Conditions may be imposed to ensure:

- (a) The building has been considered as part of the surrounding urban environment in terms of how it reflects its location within the town and the nature of open spaces which it may face.
- (b) The individual design elements of the building are in scale with the relatively fine grained individual site development which may have individual characteristics of the town centre in situations where sites are to be aggregated.
- (c) The design of the ground floor frontage of the building maintains a sense of variety which is desirable in promoting diversity.
- (d) The views along a street to a landmark, a significant building, or the Lake have been considered in the design of the building, and that the external appearance of buildings on prominent sites has taken into account their importance in terminating vistas or framing views.
- (e) The building facade reflects the importance of open space on to which it fronts, and the detail of the facade is sympathetic to other buildings in the vicinity, having regard to:

Building materials

Glazing treatment

Symmetry

External appearance

Vertical and horizontal emphasis

- (f) The top of a building has been treated as an important termination, as may be seen from numerous vantage points and the quality of the roof design.
- (g) The ground and first floor facades of the building establish a strong relationship to pedestrians, and the ground floor appears accessible.
- (h) Any buildings proposed along the lake frontage strongly recognise the unique quality of the open space and waterfront amenity.
- (i) The adverse effects of any colour scheme which incorporates colours, which act as a form of advertising on the visual coherence and harmony of the locality, are avoided or mitigated.
- (j) The heritage values of Glenarm Cottage (at 50 Camp Street) have been taken into account in the design of development on 52 Camp Street or 5 Man Street.