

**BEFORE INDEPENDENT COMMISSIONERS**

**IN THE MATTER**

of a change under Part 1 of the First  
Schedule of the Resource Management  
Act 1991

**AND**

**IN THE MATTER**

of proposed Plan Change 50:  
Queenstown Town Centre Zone  
to the Queenstown Lakes District Plan

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**STATEMENT OF EVIDENCE OF  
JOHN BERNARD EDMONDS  
FOR H W HOLDINGS LIMITED**

**Dated November 2014**

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## **1.0 INTRODUCTION**

- 1.1 My full name is John Bernard Edmonds. I hold the qualification of Bachelor of Regional Planning from Massey University, and am a full member of the New Zealand Planning Institute. I have 20 years' experience in planning and resource management, spanning policy and resource consent roles in local government and as a private consultant. I spent five years at Nelson City Council and six years with the Queenstown Lakes District Council (QLDC), most of that time (1997-2001) as the District Planner. In January 2001 I went into private consultancy.
- 1.2 I have read the Environment Court's Practice Note 2014 and in particular Part 7 that refers to the expert witnesses, which I understand will become operative on 1 December 2014, and I agree to comply with it. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
- 1.3 I have read the section 42A report and the relevant parts of the reports and evidence prepared by particular consultants engaged by the Council.

## **2.0 HW HOLDINGS LTD – SUBMISSION #37**

- 2.1 The submitter (HW) is the owner of 9 contiguous parcels of land at 23 to 29 Thompson Street that adjoin the western edge of the Council's Lakeview site. The total land area is 4,530m<sup>2</sup>. There are three further smaller sections that complete the block as far as Glasgow Street. These other three sections are separately owned and are not included under the cover of this submission.
- 2.2 The land is currently included within Sub-Zone A of the High Density Residential Zone; a zoning that anticipates the highest residential and visitor development density in the District outside of commercial zones. This land is long and narrow, at about 50m depth from the road. The key amenity value of this land relates to the views and outlook from this land, like much of the land along this terrace

- 2.3 The most recent consent (2005 to 2012) for this land provided for a hotel with 124 rooms, together with 81 basement car-parks.

### **3.0 KEY ISSUES**

- 3.1 In this brief of evidence I have taken the primary submission as read, and simply add to those matters. From my review of the further submissions, I cannot find any that apply to the HW primary submission.
- 3.2 I agree that the site can absorb the additional height that has been proposed by the plan change.
- 3.3 The key concerns of HW Holdings Ltd relate to the effect that development within the adjoining Council owned land to the east, might have upon their land. I have limited my evidence to address those matters.

### **4.0 STATUS OF THE BUILDINGS AND DEVELOPMENT WITHIN THE LAKEVIEW SUBZONE**

- 4.1 The proposed plan provisions identify that any building, including a conference centre, located anywhere within the Lakeview subzone has the status of a listed non-notified Controlled Activity – through the combination of Rules 10.6.3.2 (vii) and Rule 10.6.4 (i).
- 4.2 My opinion is that a conference centre within this sub-zone should have a Restricted Discretionary activity status, and that it should not be included within the non-notification provisions.
- 4.3 It appears to me that if a conference centre is to be built it is highly likely that it will be constructed next door to the HW land.
- 4.4 The Council's Feasibility Study (July 2012) identified that the minimum building footprint of a conference centre would be around 5,300m<sup>2</sup>, while ranging in height from 12 – 15m, making it one of the largest structures in the District, and certainly within the CBD.
- 4.5 Although the location of the conference centre is not fixed; the rules suggest it should be able to locate anywhere within the Lakeview sub-zone, it is obvious that the only place that a

5,300m<sup>2</sup> building can be constructed within the Lakeview sub-zone in compliance with the Structure Plan is on that land immediately to the east of the HW land. It is therefore reasonable to assume and to assess the provisions of the plan change in that context.

4.6 Under the current High Density zoning, the Council has established a relatively high bar in terms of wanting to ensure high quality building designs and in particular good urban design outcomes. It does this through a Restricted Discretionary consent process for any building containing more than 3 units or with a floor area of more than 500m<sup>2</sup>, where that building complies with the 7 – 8 m height limits. There is a general expectation that larger buildings are more carefully assessed, with the option of seeking either neighbour or wider public comment. A similar approach is taken with parts of the Town Centre Zone, and within the recently zoned areas at Frankton Flats. In my experience, the more recent plan changes have tended to use the Restricted or full Discretionary approach for larger structures either for urban design considerations, landscape or a combination of both. The PC50 approach of enabling a large structure in a high profile location is not consistent with Council's general policy pattern.

4.7 The Planners report dismisses a higher consent status for reasons of increased consent risk and the potential of more complex consent processes to undermine investment in the town centre. I think this is a very narrow view of the matter. The consent risk is no greater than for numerous other activities, and a Restricted Discretionary process can refine that risk further; so that the matters of discretion are clearly spelt out and so too the assessment matters. The reporting planner suggests in his footnote (99) on page 34 that the consent risk could be "offset" by including buildings and certain types of activities within a list of non-notified processes. However care needs to be taken when limiting public involvement in consent processes, particular with developments of this magnitude.

## **5.0 THE ADJACENT VIEWSHAFT**

5.1 The Structure Plan identifies a 'viewshaft' that also doubles as a 'lane' extending along the eastern boundary of HW's land. I am concerned that if this plan change proceeds in the current form – that a conference centre will be proposed upon the adjacent land, and that low amenity activities may establish nearby, such as loading docks, and other low amenity activities.



- 5.2 The submission notes that the overall Structure Plan for the Council owned part of the Lakeview sub-zone generally orientates development to the north and east, partly in response to the steep embankment of the Lynch Block that defines the western edge of this land, but probably more for solar access and orientation towards the existing town centre. Regardless of the whether a convention centre, hotel or apartments gets constructed near to HW's land – it remains a distinct possibility that there is insufficient certainty that the adjoining viewshaft won't morph into a laneway and then to a service lane and that low amenity activities will not establish nearby.
- 5.3 The reporting planner and Mr. Kyle both dismiss this concern; and incorrectly say that if storage occurs in that area – then a particular Site Standard (10.6.5.1 (v) - *Storage*) will apply and make the activity discretionary. However that rule does not apply to the Lakeview sub-zone – and if it did – then only a Restricted Discretionary consent would be needed. Regardless, the concern is not whether screening occurs – but that this type of activity is inappropriate in this location.
- 5.4 I have not seen any plans for the conference venue or any other development of the site to provide me with any comfort. This lack of information only leads me to assume the worst.
- 5.5 I suggest that the answer lies in a conference venue being subject to a Restricted Discretionary consent process so that these amenity issues can be properly assessed, together with a rule that prevents the location of any service docks or back-of-house facilities and storage areas within 50m of the Thompson Street boundary.

## **6.0 LOCATION OF THE VIEWSHAFT**

- 6.1 I agree with the reporting Planner's recommendation that restricts the location of the viewshaft to the Council owned land, as noted at page 424 of his report.

## **7.0 CONSEQUENTIAL**

- 7.1 This land adjoins that split-level part of Thompson Street where the lower half is named Brunswick Street. Although the legal width of these two strips is the standard 20m width, that part that is referred to as Thompson Street is only 10m wide.
- 7.2 Rule 10.6.5.1 (xiii) titled: 'Lakeview sub-zone Structure Plan', requires general adherence to the Structure Plan, with a few exceptions, including an ability to move boundaries within a 5m margin of change. There is also the scope to widen Thompson Street at some time in the future by an unspecified amount.
- 7.4 With regard to the future widening of Thompson Street, it is accepted that limited widening may be required in the future, however a rule that simply provides an unfettered discretion cannot apply. If the Council anticipates future widening then it should be more precise. I may stand corrected, but I am not aware of any consultation with the landowner on this issue.
- 7.5 The proposed Structure Plan (Figure 2 at page 10-17) does not indicate any indication of road widening, and so the submitter is left in a position of not knowing how much land might be required by the Council for road widening.

John Edmonds