

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
IN QUEENSTOWN**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of proposed Plan Change 50 to the Queenstown Lakes  
District Plan

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**LEGAL SUBMISSIONS FOR JOHN THOMPSON, SUBMITTER NUMBER 24**

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- 1 Mr Thompson directly and indirectly through his company MacFarlane Investments Ltd has accumulated several properties ("the Thompson properties") along Man and Brecon Street, since the mid eighties. The properties are located at 5, 7, 11 and 15 Man Street, and 19 Brecon Street and, as can be seen from the map below (coloured yellow), form a contiguous area which contains 2,644 square metres. The properties are a mix of vacant lots, and two old residential buildings currently tenanted. The map shows the Thompson properties, along with all the other properties in that block. The character of this block is unique. Some owners have developed and others, such as Mr Thompson have clearly been biding their time, waiting for the right economic and planning climate, before commencing development. The block is immediately adjacent to the town centre, and is on the main thoroughfare from the town centre up to the Gondola. Given the substantial consolidation of properties that has already taken place, and the proximity of its location to the town centre, it is the logical and obvious block on which the initial expansion of the town centre should commence.

#### Isle Street sub-zone



#### Legend

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|---|--|
| <b>Yellow:</b> Thompson Properties – Residential / Vacant                     | <b>Pink:</b> Residential (Watertight – Submitter 33) |
| <b>Green:</b> Dairy Guesthouse – Visitor Accommodation, Hotel - Submitter 26) | <b>White:</b> Consented Office                       |
| <b>Blue:</b> Visitor Accommodation, Backpackers (Hockey – Submitter 36)       | <b>Grey:</b> Residential (Private Dwelling)          |

2 In summary, I am going to focus on the key points Mr Thompson wishes to make. They are:

- (a) The majority of the Isle Street Sub Zone block in which Mr Thompson owns 5 sites ("Mr Thompson's block") is owned by 4 owners. It is a block that is ready for development. It is not a 'residential block' in the normal sense of that term.
- (b) There are no submitters within, or across the road from, Mr Thompson's block that oppose the plan change for this block in general, or any of the relief sought by Mr Thompson in particular.<sup>1</sup>
- (c) Mr Thompson's block is a logical extension of the town centre, and the plan provisions need to be carefully crafted to ensure this extension is not unnecessarily restricted. In particular, care needs to be taken with the height, coverage, set back and recession plane/stepped height provisions. In Mr Thompson's block, in our submission, some of the restrictions proposed by the Council (in evidence for the Council) are not justified or appropriate.
- (d) Mr Thompson's block, comprising the eastern half of the Isle Street Sub Zone, has characteristics and considerations quite different from the western half of the Isle Street Sub Zone. The Commissioners are requested to consider carefully whether the same provisions should be applicable to both blocks, or whether there may be a case for different plan provisions applying to Mr Thompson's block compared to those which apply to the western block.

3 The properties on this block are as follows and are set out in the plan above:

- (a) 5 Man St, MacFarlane Investments, 7 Man St, Thompson, 11 Man St, Thompson, 15 Man St, MacFarlane Investments, 19 Brecon St, MacFarlane Investments. **Use – combination of vacant lots and residential tenancies.**
- (b) 21 Brecon and 10 Isle St, Dairy Guest House (submitter 26). **Use – Visitor Accommodation – boutique hotel.**

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<sup>1</sup> With the exception of Dairy Guest House who oppose the relaxing of the prerequisite for the 15.5m zone standard.



- (c) 2, 4 and 8 Isle St. 4 and 8 owned by C Hockey who also has an interest in 2 Isle St (submitter 36). **Use – Visitor accommodation – backpacker.**
  - (d) Cnr of Camp and Isle Street. Berry and Co. **Use – consented office space**
  - (e) 56 Camp Street. **Use – residential**
  - (f) 50 – 54 Camp Street. Watertight Investments. (Submitter 33) **Use – residential.**
- 4 The remainder of these submissions focus entirely on Mr Thompson's block, the factors relevant to that block, and on plan provisions appropriate to that block. It is accepted that some points to be made will not necessarily apply to the western half of the Isle Street Sub Zone which is clearly more residential in nature and in respect of which submissions have been lodged by residents seeking to protect their residential amenities.
- 5 It is submitted for Mr Thompson that the s42A Report prepared for this hearing, and the evidence for the Council circulated for this hearing, have not properly taken into account the different characteristics applicable to the two separate blocks within the Isle Street Sub Zone or the different submission response which has occurred in respect of the two different blocks when one considers the views expressed.
- 6 The owners of the land coloured yellow, green, blue and pink in the above map submitted largely in support of the proposed plan change provisions for this block and/or in support of Mr Thompson's primary submission. Each submitter, including Mr Thompson, sought technical changes to the plan provisions, so that this block might best realise its potential as the next extension of the town centre and transition through to the Lakeview Sub Zone and proposed convention centre. Those 4 owners are well placed to develop their sites. With the exception of the one office use at number 58 Camp St, and one private dwelling at 56 Camp St, the remainder of the block is ready for development. It is not a residential block. This needs to be taken into account when considering the rules that should apply to this block.
- 7 The properties across the road from Mr Thompson's block did not submit:



- (a) Across from the yellow properties on Man St (Mr Thompson's) is the Sofitel Hotel. No submission.
  - (b) Across from the yellow and green properties on Brecon St are three residential properties which are not orientated towards the block. No submissions.
  - (c) Across from the green and blue properties on Isle Street are a café and the Medical Centre. No submissions.
  - (d) At the other end of Isle St across from the white property is the fire station. No submission.
  - (e) Across the road from the pink property on Camp Street is the Council Recreation Reserve. No submission.
- 8 In summary, 3 of the 4 boundaries of Mr Thompson's block are faced by non-residential activities, and the 4<sup>th</sup> currently residential boundary is in the proposed Isle Street Sub Zone as well, destined for development. No adjacent properties submitted with concerns about the plan change in general, or the height limits in particular.
- 9 The proposed Isle Street Sub Zone is designed to provide for the expansion of the Queenstown Town Centre by providing for complementary activities such as retail and commercial as controlled activities, in addition to continuation of the permissive status for residential and visitor accommodation. The most permissive status for all buildings is controlled. The intention for the Isle Street Sub Zone is to encourage a high quality mixed use retail, commercial and high density residential environment.
- 10 This vision for the town centre and its logical growth up the hill, is strongly supported. Mr Thompson wants to ensure that the controls strike the right balance between enabling flexibility of design and scale of development, while controlling effects so that the transition is seamless and sensible. When you look at the map, and the fact that contiguous areas are owned by relatively few owners, you can see the potential for this block to be developed in a cohesive and integrated manner. We seek to ensure that the planning provisions enhance the potential for this block to be developed in a way that best serves the town centre and the wider environs.
- 11 In this regard, the key issues that I am going to focus on today relate to the site and zone standards and assessment matters for this block, that

address coverage, setbacks, height (including recession planes and/or height setbacks) and the fact this will be a block in transition, as these are the provisions that are critical to ensuring this block achieves its full potential.

- 12 I submit that in order to achieve the optimum development of this block as an extension of the town centre (and therefore integrated transition through to the other Isle Street Sub Zone block, and then the Lakeview Sub Zone) the plan provisions should be considered carefully and be fit for purpose, for this site. When you are conducting your site evaluation you will see that the issues for this site are different in important ways to the adjacent Isle Street Sub Zone block bounded by Hay, Isle, Brecon and Man St:

- (a) That adjacent block has significant residential and visitor accommodation to the north of it/behind it. Mr Thompson's block does not.
- (b) The adjacent Isle St block is bounded at the front/south by the undeveloped Town Centre Transition Zone. Mr Thompson's block is bounded at the front/south by the tall and established Sofitel Hotel.
- (c) Mr Thompson's block is bounded by:
  - (i) Medical Centre and Fire Station to the north (across Isle St)
  - (ii) Reserve to the east (across Camp St)
  - (iii) Sofitel Hotel to the south (across Man St)
  - (iv) Residences to the west (across Brecon St)
- (d) No property across the road from Mr Thompson's block, and therefore potentially directly affected by development within the block, has submitted expressing any concern.

- 13 On this basis, it is submitted that the block warrants individual attention, to ensure the plan provisions enable and encourage the most appropriate development and expansion of the Queenstown Town Centre.

- 14 Before considering specific issues below, I refer to Mr Clinton Bird's evidence for the Council, and in particular the following statements in paragraphs 10.52 and 10.53 of that evidence:

"10.52 *A further challenging factor was the realisation that change brought about by PC50 will inevitably impact on the amenity of those existing properties whose residents choose not to take advantage of the intensification opportunities provided by the provisions of PC50....*

10.53 *In the case of the Isle Street Sub Zone, every effort has been made to, on the one hand, strike a reasonable balance between minimising the adverse effects that PC50 complying development may have on the residential amenity of existing properties and... "*

15 I submit that the statements quoted above demonstrate that Mr Bird has not carefully considered the different submissions which have been lodged in respect of each separate block within the Isle Street Sub Zone. In particular Mr Bird has not taken into account the fact that there is currently only one residential property in Mr Thompson's block which has not submitted in support of PC50, and the fact that that residential property owner did not submit against any of the PC50 provisions.

16 Mr Thompson submitted in support of the Plan Change, but sought changes to provisions relating to building scale generally, as well as noise, and parking. I do not propose to address the issues of noise and parking/traffic, except to record that Mr Thompson accepts or supports the Council position on those issues. In my submission, the most important matters for you to understand are the provisions that will control the transition process for this block to the next extension of the town centre.

#### *Site coverage*

17 The maximum site coverage to comply with site standard 10.6.5.1.i.e is 70%. This contrasts to 80% for the town centre, and 80% for the Lakeview Sub Zone. Mr Thompson opposes this distinction, and seeks that 80% be the site standard, enabling developers the flexibility to make the best use of their respective sites.

18 The other submitters in this block, Dairy Guesthouse (26), Watertight Investments (33) and C Hockey (36), further submitted in support of the relief sought by Mr Thompson on this point. Brecon Street Partnership (10) also supported it. No submitter opposed it.



- 19 However, the Council has not taken on board this submission. Mr Bird in particular does not support increase from 70 – 80% on the basis that it is predominantly residential in character now, and likely to be residential in the future (in his opinion, para 10.93). With respect, this assumption is inconsistent with the intended outcome for the Isle St sub-zone, which is that it become an extension of the town centre, with mixed uses and urban character. It is no longer intended to be a residential zone. The site coverage provision and density should therefore be on the same basis as the adjacent town centre, and the proposed Lakeview Sub Zone.
- 20 Mr Kyle, Council's planner, also supports Mr Bird's conclusion on this and other restrictions (below) on the basis that the relaxed provisions to provide for more intensive activity need to take into account the conflict with the "predominance of residential uses" (paragraph 8.34). However, as set out in these submissions, Mr Thompson's block cannot currently be categorised as being predominantly residential, and given the stated preference of the majority of the block's landowners for development, it is unlikely to be developed that way. Those reasons for restricting development in Mr Thompson's block, should in my submission, be given little weight.

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#### *Setbacks*

- 21 Site standard 10.6.5.1.iv.g as notified required setbacks from side boundaries of 1.5m, whereas the Town Centre Transition Zone and the Lakeview Zone have no such restriction. This is opposed by Mr Thompson.
- 22 Hockey and Watertight submitted in support of Mr Thompson's submission. The Dairy Guesthouse points out that side boundary setbacks will simply create narrow tunnels, that will result in "dead or redundant spaces" as well as disrupting the continuity of road frontages.
- 23 It is submitted the side boundary setbacks serve no good purpose, and will instead hamper good development of the sites.
- 24 In response the Council has supported the removal of the side yard provision. Mr Bird supported it on the basis that side yards are more often than not a waste of space (para 10.81). Mr Thompson agrees.

### *Rear Yard*

- 25 Mr Bird recommends a new rear yard setback of 6m, which, it is submitted, is severely restrictive, and cannot be justified, particularly in combination with the Council's recommended site coverage (70%). Mr Kyle accepted Mr Bird's recommendation and it is given effect to in the amended form of site standard 10.6.5.1.iv.g in Appendix C to Mr Kyle's evidence.
- 26 The Commissioners may wish to consider whether the submissions lodged in respect of the rear yard setback issue provide jurisdiction to now impose a 6m rear yard setback when such a setback was not publicly notified and was not requested in any submission lodged to PC50.
- 27 Putting jurisdiction to one side, and addressing this issue substantively, when you look at the plan of the sites in Mr Thompson's block, and consider their orientation, it is submitted that the proposed 6m rear yard requirement will have a perverse outcome. Assuming properties are not further amalgamated, the outcome could be urban buildings up to 12m plus 2m in height surrounding a dead rectangle 12m wide in the middle. That is a very inefficient use of a valuable land resource.
- 28 Mr Bird's recommendation for the 6m rear yard is primarily on the basis that it will allow for outdoor living area. However in a zone where mixed use is to be encouraged, and retail and commercial most likely to go on the ground floors, this reason does not provide a good justification for a provision that will otherwise reduce flexibility in the shape of the building plan footprints, their location within the site and vehicular access. Those matters are better left to the building developer to ensure an optimal design for the building inhabitants and proposed uses.
- 29 When considering the recommendation for a 6m rear yard, I submit it is also relevant to consider that for Mr Thompson's block there are strict street frontage setback site standards recommended (1.5m maximum for Man St, and no setback for Brecon St 10.6.5.1.iv). The street frontage setback site standard, combined with the site coverage site standard, makes an additional site standard for rear yards effectively redundant.
- 30 While the 42A report writer notes his concern that the rear yard requirement be put in place to ensure separation of sites (page 82), this is not necessary if the combination of the street frontage set back and

site coverage site standards achieve a similar outcome, whilst ensuring an element of flexibility in terms of a building's shape and layout in the rear. The street frontage setback site standard and coverage site standard will be sufficient to ensure separation between buildings.

- 31 The benefits of the proposed 6m rear yard for Mr Thompson's block are not apparent. However there will be a cost in terms of losing the potential to make the most out of the site, and efficiently develop this land.

*Recession plane*

- 32 The recession plane site standard 10.6.5.1.xi.i is opposed on the basis it is likely to result in poor design outcomes, and unjustified controls on development. It is simply not well thought through or justified. Mr Bird for the Council agrees that the recession plane site standard is inappropriate, at paragraph 10.63 onwards, noting in particular that it may result in lopsided building forms (para 10.68). However, Mr Bird's proposed alternative set out in his paragraph 10.71, and endorsed by Council's planner John Kyle at paragraph 8.35, may also result in lopsided buildings.
- 33 The Council's proposed stepped height set back seems to be based on the architectural design implications for a single, existing 16m wide site and a terraced house (see Bird paragraph 10.77). Given the potential for amalgamation of sites in this block, and the intended expansion of the town centre into mixed use, the use of this as the measure for design implications of the controls supported by Mr Bird is of little relevance to Mr Thompson's block.
- 34 The proposal now advanced by the Council is that, instead of height planes there be a setback, **if** a building is adjacent to an existing residential dwelling. For a setback of 3.2m, it is proposed the maximum height may be 8m, and then beyond that, up to 12m. This is illustrated in Mr Bird's Figure 41.
- 35 The first point to be made on this issue is that, as stated above, there is only one remaining residential property within this block which has not submitted in support of PC50, and which also has not submitted against the PC50 height provisions in particular. Given that fact we question the justification for a special rule just for the benefit of one property, when that property has not sought such a rule.



36 The second point to be made is that the rule, if imposed, would result in the somewhat bizarre situation that the first property to develop must have a setback (because of an adjoining residential property) but when the adjoining residential property subsequently develops that property is not required to have a setback. The two developers will therefore be treated unequally.

37 It is submitted that the justification for the height setback is not relevant to or appropriate for Mr Thompson's block.

#### *Height – Apparent Drafting Errors*

38 I note in passing that there may be two inadvertent errors in the latest version PC50 plan provisions attached to Mr Kyle's evidence.

39 The intended outcome is recorded in Mr Kyle's paragraph 8.35.d which reads as follows:

*"d) Removal of the proposed zone standard (10.6.5.2(i)(a)(bullet point 7)) that provides for additional height for a larger scale development to be considered as a discretionary activity. This rule did not provide a more enabling path for such development. The removal of this rule would mean buildings that breach the 12m height limit (plus the roof bonus where applied) would need a consent to a discretionary activity."*

40 The first apparent error is that the controlled 12m height provision in site standard Rule 10.6.5.1.ix, together with its 2m 'roof bonus' in subparagraph (f), appears to be trumped by the 12m zone standard in Rule 10.6.5.2.i. It appears that the bullet point in this rule which exempts the Lakeview Sub-Zone from this rule should also exempt the Isle Street Sub-Zone, otherwise the 2m roof bonus is unavailable. If this point is correct, the latest version of Rule 10.6.5.2.i(a)(9<sup>th</sup> bullet point) should read (amendment underlined):

*"• This rule does not apply to the Lakeview Sub-Zone or the Isle Street Sub-Zone."*

41 The second apparent drafting error appears in assessment matter Rule 10.10.2.i Building Height – the rule which contains assessment matters in relation to building height. Subparagraph (c) (as amended in John Kyle's appendix C) reads:

*"(c) With regard to proposals, that breached one or more zone standard(s) and for the Lakeview Sub-Zone and the Isle Street Sub-Zone proposals that breach site standards 10.6.5.1(xi) and 10.6.5.1(i)(d) and (e) 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".*

- 42 The apparent error in the provision quoted above is that Site Standards 10.6.5.1(i)(d) and (e) relate to site coverage, not building height. Therefore that reference appears to be in the wrong section of assessment matters. That reference should be moved to Rule 10.10.2.xiii Building Coverage.

*Height – 15.5m Discretionary Uplift*

- 43 Mr Thompson submitted in support of the discretionary height uplift to 15.5m allowed for in zone standard 10.6.5.2.i as notified, but opposed the requirement that the uplift only apply to an amalgamated 2,000m<sup>2</sup> property stretching between Isle Street and Man Street. When you look at the map produced above, the reason for that submission will be obvious. Mr Thompson owns a site which can be amalgamated to an excess of 2,000m<sup>2</sup> but which does not connect through to Isle Street. The justification for this aspect of that rule is unclear, given that Mr Thompson's property is on the lower side of the block which means it can more easily accommodate greater height.
- 44 The current recommendation from Council witnesses to the Commissioners is to delete the 15.5m discretionary uplift and restrict height to 12m with a 2m roof bonus. What the practical difference is between 14m on the one hand and 15.5m on the other hand, is in terms of potential adverse environmental effects unclear. Perhaps more important is the fact that the recommendation appears to be based entirely on external considerations, with no thought being given to the practical consequences in terms of the kind of development which may be driven by that rule compared to the outcomes anticipated in this proposed new zone.
- 45 The first consideration is potential adverse effects. The Planner's Section 42A report notes his support for the rationale behind applying a discretionary activity resource consent to this provision so that effects can be considered on a case by case basis. However he then notes that there is no way of determining just how many sites would take

advantage of the provision before cumulative effects become adverse (page 79, paragraph 6). In response, and with respect, I submit that:

- (a) The suggested reason that cumulative effects might arise is that the outcome might be that "... *this scale of development did not sit in harmony with the built character of the existing QTC*". There is no analysis of the particular characteristics of Mr Thompson's block, nor is there any reasoned basis to suggest that development at 15.5m on this block (instead of 14m as currently proposed) would not "*sit in harmony*" with the built character of the existing QTC.
- (b) If there were any such cumulative adverse effects, the case by case assessment ensured by the discretionary status will enable any such cumulative effects to be assessed, provided the assessment matters are appropriately worded. That is the purpose and nature of discretionary activities.

46 Mr Bird's justification for not supporting the 15.5m provision is restricted to the fact it would enable construction of buildings higher than the maximum permitted in the Lakeview sub-zone (para 10.59) which "*would be counter to the urban design and landform/built form objectives of having the taller buildings tucked as closely as possible into the toe of Ben Lomond and then stepping down in height as they move away from this location.*"

47 With respect to Mr Bird, I submit that:

- (a) Mr Bird's one sentence analysis of this important issue does not adequately address the range of considerations relevant to this important issue of height.
- (b) Mr Bird does not address the difference in effects which would arise from the proposed 12m plus 2m height limit compared to the 15.5m height limit supported by Mr Thompson.
- (c) Mr Bird does not actually identify any adverse effects which would flow from construction of buildings within Mr Thompson's block to the 15.5m height limit supported by Mr Thompson.

48 I also note that Mr Bird's evidence and expert opinion may have been influenced by his observation at paragraph 10.50 that the Isle St Sub Zone was quite challenging because "*of the large number of permanent residences on land in multiple ownerships and the low density typically*



*suburban character of the two Isle St blocks...*". Whilst this observation might apply to the other block, it certainly cannot be said to apply to Mr Thompson's block.

49 On this issue of potential adverse effects resulting from the 15.5m height limit I submit that the important considerations are:

- (a) Neither the s42A Report, or the evidence presented by Council, identifies any potential adverse effect which justifies removal of this discretionary opportunity.
- (b) All of the landowners within Mr Thompson's block who have submitted to PC50 support this discretionary opportunity.
- (c) No property owners located across any road from Mr Thompson's block, being the property owners who would potentially be most affected by this discretionary opportunity, have lodged a submission opposing the height limit.
- (d) If any potential adverse effect is identified, it can adequately be addressed in assessment matters relating to the discretionary opportunity.

50 The second important consideration is the practical consequences of the 12m plus 2m height limit now proposed by the Council. The intention of PC50 is to extend the Queenstown Town Centre in general, and in particular to enable mixed use development which could comprise of any or all retail, commercial, visitor accommodation and residential activities. However the practical consequences of the current, proposed height rule potentially militate against those intended outcomes. I submit that the Commissioners should take into account the following practical considerations:

- (a) A 12m height limit plus 2m roof bonus enables four floors of visitor accommodation or residential development, at 3m height per floor plus an appropriate allowance to enable a roof with some variety of shape. Four floors inside 14m is relatively tight but it is achievable.
- (b) However a retail ground floor is generally designed with 4.5m – 5m floor to floor height on the ground floor. Development of a retail ground floor will inevitably result in the loss of an entire floor, because there is insufficient height to develop three additional floors above a 4.5m – 5m ground floor.

- (c) A commercial floor is generally designed with at least 3.5m – 3.7m floor to floor height. Introduction of one commercial floor would almost certainly result in the loss of a floor, and introduction of two commercial floors would certainly result in loss of a floor.
- (d) The net effect of this proposed height rule is therefore to force a developer to potentially make a choice between four floors of residential/visitor accommodation development or three floors of mixed use development incorporating retail and/or commercial activities. That consequence potentially results in an inefficient use of a valuable land resource.

51 In comparison, a 15.5m height limit enables the following range of outcomes:

- (a) Four residential and/or visitor accommodation floors at 3m each plus 2m roof.
- (b) 5m retail ground floor plus 3 x 3m residential floors plus 1.5m roof.
- (c) 5m retail ground floor plus 3.5m commercial first floor plus 2 x 3m residential floors plus 1m roof.
- (d) (Possibly) 5m retail ground floor plus 2 x 3.5m office floors plus one 3m residential floor plus 0.5m roof (tight, but probably achievable).

52 As important components of the 15.5m scenario outlined above, it would be appropriate to:

- (a) Insert a four storey/four level maximum (to prevent a developer trying to squeeze five residential levels inside 15.5m).
- (b) Introduce appropriate discretionary activity assessment matter(s) to guide the appropriate use of the height available.

53 Taking into account the submissions above, appropriate additional discretionary activity assessment matters introduced as suggested in the previous paragraph could be along the following lines:

- "1. The extent to which additional height will enable better quality urban design internal outcomes, in respect of floor to ceiling heights for the uses proposed within the building.
2. The extent to which additional height of the proposed building, when considered in conjunction with any other

*buildings within the same block which exceed the 12m discretionary height limit would result in adverse cumulative effects upon the wider townscape."*

- 54 Mr Thompson does not oppose the 2,000m<sup>2</sup> amalgamation requirement, as the 15.5m height regime is more appropriate for a larger development than a smaller development.
- 55 Given the lack of identified adverse environmental effects which would result from a 15.5m height limit applicable to Mr Thompson's block compared to a 14m height limit (including roof bonus), and given the positive outcomes enabled by a 15.5m height limit as detailed above, it is submitted for Mr Thompson that the 15.5m discretionary uplift in zone standard 10.6.5.2.i as notified should be retained.

#### *Urban Design Panel*

- 56 Mr Thompson supports the s42A Report's assessment of submitter 15's request that a positive report from the Urban Design Panel should somehow be definitive in the assessment of any development proposal (page 96). While there is no difficulty with an Urban Design Panel assessment being a relevant assessment matter for consideration by the Council, it would be entirely inappropriate to effectively delegate the Council's assessment and decision making responsibilities to an informal, appointed panel such as the Urban Design Panel. This submission does not in any way devalue the role of the Urban Design Panel which has had, and no doubt will continue to have, an important role in the assessment of developments in the Queenstown Town Centre.

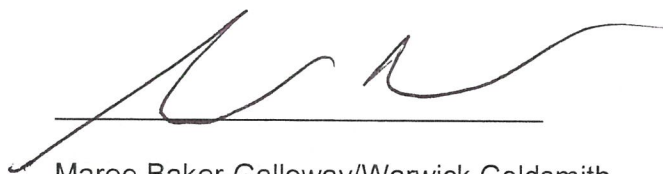
#### *Assessment Matters*

- 57 The final point to which to draw your attention related to the fact this will be a block in transition, is Mr Thompson's submission on the assessment matters that effectively require a building be assessed so that it fits in with the buildings around it. However similar to the stepped height restriction, assessment of such matters are not appropriate in what is intended, by this plan change, to be a changing, developing environment. Requiring a new 12 m high building to be sympathetic to the adjacent single storey residential building, when that building itself is also likely destined for development, is not productive and nor will it assist in good decision making.



*Conclusion*

- 58 Mr Thompson supports the plan change. For the plan change to realise the objective of providing for the extension of the town centre (and transition through to the Lakeview Sub-Zone) Mr Thompson's block has distinct characteristics that justify carefully drafted provisions. It is not a residential block now, it is a development block. The plan change provisions were not objected to by any owner or resident within or adjacent to this block. Mr Thompson's submissions requesting technical but important changes are supported by other owners in the block. With block specific changes, this part of the plan change will enable the aim of the plan change to be realised.

A handwritten signature in dark ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Maree Baker-Galloway/Warwick Goldsmith

Counsel for John Thompson