

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

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

**STATEMENT OF EVIDENCE OF SCOTT FREEMAN**

## Introduction

- 1 My name is Scott Anthony Freeman and I reside in Queenstown. I am a Director of Southern Planning Group Limited, a Queenstown based resource management planning consultancy. I hold the degree of Bachelor of Planning from the University of Auckland. I have over 17 years experience in the field of resource management planning.
- 2 I have previously worked for the Queenstown Lakes District Council and later Civic Corporation Limited from 1997–1999. During this period I was employed as a consents planner responsible for processing a variety of land use and subdivision consents on behalf of the Council.
- 3 Since late 1999, I have been practicing as a resource management planning consultant, primarily within the Queenstown Lakes District. I formed Southern Planning Group in 2003. I am the sole director at Southern Planning Group.
- 4 Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of various district and regional councils and the Environment Court.
- 5 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 confirm that the matters 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.
- 6 In accordance with the Code of Conduct, I declare that I am a Director and Shareholder of the property located at 19 Man Street. This property is owned by Maximum Mojo Holdings Limited. In relation to Plan Change 50 ("PC 50"), the property located at 19 Man Street is contained within the proposed extension of the Queenstown Town Centre Zone, and specifically within the proposed Isle Street Sub-Zone. Maximum Mojo Holdings Limited has lodged a submission in support of PC 50.

- 7 I note that I was professionally involved in the consortium chosen by the Council to develop the convention centre on the Lakeview site. This consortium was disbanded some time ago.

### **Scope of Evidence**

- 8 I have been engaged by Man Street Properties Limited ("MSPL") to provide resource management planning evidence in relation to the matters raised by MSPL in its submission on PC 50 (referenced 50/27).

- 9 This evidence will address the following matters:

- The District Plan provisions that apply to the MSPL site
- The District Plan amendments sought by MSPL
- Rationale for the amendments sought by MSPL

- 10 MSPL is the registered proprietor of the podium level ("the site") that is located on top of the Man Street car parking building. The site is 3961m<sup>2</sup> in area and is legally described as Lot 1 Deposited Plan 399240.

### **District Plan provisions applying to MSPL site**

- 11 The MSPL site is contained within the Queenstown Town Centre Zone ("QTCZ"), and specifically within the Town Centre Transitional Sub-Zone ("TCTZ").

- 12 Section 10.2.2 (Page 10-22) of the District Plan presently describes the land contained within the TCTZ as follows:

*The unique character of this area derives largely from its topography which, unlike the rest of the Queenstown Town Centre, is relatively steep, forming something of an amphitheatre around the historic parts of the Town Centre. Due to the slope of the area; the fact that it is located between an established residential area and the views of the lake and mountains; and is elevated well above the rest of the town, development within the area has the potential to affect views and the amenity, scale, and streetscape of the Town Centre more than in any other area of the zone. Therefore, special bulk and location*

*rules and rules relating to the area's role at the interface of the residential area have been applied in the area in order to avoid or mitigate adverse effects.*

13 It is noted that PC 50 seeks to delete the italic text outlined in paragraph 12 above. No further subsequent changes are proposed to the specific TCTZ provisions as part of PC 50.

14 The specific TCTZ provisions at issue for MSPL have been canvassed in its submission on PC 50. These provisions relate to building height/coverage and building setback from the Man Street. For completeness, I will briefly outline these provisions.

15 Rule 10.6.5.2(i)(a) (bullet point 6) states the following in relation to the applicable building height limit within the TCTZ that applies to the MSPL site:

*In the Town Centre Transitional sub-zone the maximum building height shall be 8m above ground level, provided that in addition any part of a building may extend up to the maximum permitted height at the nearest point of the sub-zone internal boundary.*

16 Rule 10.6.5.1(i)(b) prescribes a maximum building coverage of 70% for the TCTZ.

17 Rule 10.6.5.1(iv)(c) prescribes that within the TCTZ, the minimum building setback from road boundaries of any building shall be 4.5 metres along Man Street.

### **The District Plan amendments sought by MSPL**

18 As outlined in its submission, MSPL seeks to amend the current District Plan rules as addressed in paragraphs 15 – 17 above. The proposed changes are outlined below.

## Building Height

- 19 PC 50 is seeking to expand the QTCZ in a northerly/north-westerly direction. If confirmed, PC will rezone a significant area of residentially zoned land into an expanded QTCZ.
- 20 In combination with the potential rezoning, PC 50 seeks to significantly increase the building height limits within the area covered by PC 50. Within the Lakeview Sub-Zone, the proposed height limits will range from 4.5m to 26m, with the majority of this sub-zone providing for a 12m height limit. The height limits within the Isle Street Sub-Zone are now proposed to be 12m. Both the Lakeview Sub-Zone and Isle Street Sub-Zone provide for a 2m 'roof bonus'.
- 21 Bearing in mind the increase in building height for the land subject to PC 50, I consider that a specific rule for the MSPL site that allows an increase in building height should be investigated.
- 22 Firstly, I consider it appropriate that the building height limit is determined from the level of the podium of the car parking building, as opposed to the original ground level. The podium level is 327.1m. Using the podium as the 'original' ground level provides for a more efficient building design as opposed to combating the highly varied original ground level that existed prior to the car parking building being developed.
- 23 Secondly, I consider that four 'zones' can be created on the podium level, consisting of:
- Zone A: Maximum building height of 12m (area 1370m<sup>2</sup>)
  - Zone B: Maximum building height of 12m (area 1405m<sup>2</sup>)
  - Zone C: Maximum building height of 4m (area 455m<sup>2</sup>)
  - Zone D: Maximum building height of 4m (area 95m<sup>2</sup>)

24 The four zones described above are illustrated on the plans compiled by Aurum Survey Consultants Limited ("Aurum") that were attached to the MSPL submission.

25 Zones A and B provide the bulk of the site in terms of optimum development potential. Zone A is located at the north-western end of the site, while Zone B largely sits behind the 'Hamilton' building. Zone C backs onto the existing building located off Shotover Street (the Hamilton building extension), which roughly sits between 3 metres to 4 metres above the podium level. Zone D sits to the south of the existing vehicle ramp into the building.

26 It is noted that the overall development of the site within the four zones will be controlled by building coverage requirements.

#### Building Coverage

27 I consider that it is appropriate to increase the building coverage for the site from 70% to 80%. The building coverage proposed for the Lakeview and Isle Street Sub-Zones is respectively 80% and 70%, while the majority of the existing QTCZ provides a building coverage of 80%.

#### Building Setback from Man Street

28 Presently, the TCTZ provides for a 4.5m setback from Man Street. Within the proposed Isle Street Sub-Zone, it is proposed that a maximum setback of 1.5m is provided for sites that adjoin Man Street. I consider a slight reduction of the TCTZ building setback is appropriate, with 3m being the nominal figure.

### **Rationale for the amendments sought by MSPL**

29 In terms of the proposal by MSPL to amend the subject provisions as outlined above, Mr Bryce in his Section 42A Report when addressing the MSPL and Reid Investment Trust (50/03) submissions, states in his view that neither submission is within scope of the notified PC 50.

30 In his Statement of Evidence (paragraph 8.5), Mr Kyle states:

*I also acknowledge the submissions that seek to delete the Queenstown Town Centre Transitional Zone from the District Plan. I accept the rationale behind these submissions that the extension of the Queenstown Town Centre zone beyond the current Transitional Zone does render this zone redundant. However, again, this matter is more appropriately addressed by the District Plan review process.*

- 31 Mr Bryce also promotes the District Plan review as the planning channel to be used in amending the current TCTZ provisions that are subject to the MSPL and Reid Investment Trust.
- 32 It is understood that legal counsel for both MSPL and Council have presented legal submissions to the Commissioner's this week as to whether there is jurisdiction (or not) to include within PC 50 the matters raised by MSPL (and various other submitters). It is further understood the Commissioner's will make a decision on the jurisdiction issue as part of the wider decision on PC 50.
- 33 I will not traverse the jurisdiction debate as this is a matter for legal counsel, with the ultimate decision being made by the Commissioner's. Instead, I will focus on the planning rationale as to why District Plan amendments sought by MSPL are appropriate.
- 34 The text quoted from the District Plan in paragraph 12 above describes the 'character' of the TCTZ. The District Plan states that special bulk and location rules were developed for the TCTZ due to this areas role at the interface of the nearby residential area - in order to avoid or mitigate adverse effects. These rules were developed to deal with the following factors:
- Due to the ground slope of the TCTZ
  - The fact that the TCTZ is located between an established residential area and the views of the lake and mountains
  - The TCTZ is elevated well above the rest of the town

- Development within the TCTZ has the potential to affect views and the amenity, scale, and streetscape of the Town Centre more than in any other area of the zone.

35 In my view, the key issue if PC 50 is confirmed as presently proposed, in particular the Isle Street Sub-Zone, will be the removal of the established residential area on the high side of Man Street and to the west of Hay Street as discussed in the 'description' of the TCTZ.

36 With the introduction of commercial zoning within the Isle Street Sub-Zone (and the commercial zoning to the west), the primary purpose of the TCTZ (and the specific controls that apply to this land) is now redundant. This view is shared with Mr Kyle and from the views expressed in the Reid Investment Trust submission and the evidence provided by Mr Arnesen.

37 Presently, the TCTZ provides the transition area or cushion between the QTCZ and the residential areas to the north and north-west of central Queenstown. Various existing TCTZ rules were developed so as to cement this buffer effect, namely reasonably low building heights/coverage and a large setback from Man Street (when compared to the more intensive provisions for the QTCZ).

38 With the commercial focus of the Isle Street Sub-Zone, the TCTZ is now largely meaningless. The residential land that was to be 'protected' in terms of amenity considerations and views towards the lake and distant mountains, will disappear over time.

39 The presently proposed Isle Street Sub Zone provisions will enable significantly larger buildings than provided for under the existing residential zoning. The Isle Street Sub-Zone provides a 12m height limit with a 2m roof bonus, while the TCTZ has an 8m height limit. Potentially, it will be more efficient to build in the Isle Street Sub-Zone than within the TCTZ – based on the 8m height limit and the original ground level. With the removal of the residential 'focus', I do not consider this to be a proper and logical outcome.

40 With the above views in mind, I will return the submission points of MSPL.



- 41 The introduction of a 12m height limit for the MSPL site presents a similar building height outcome as proposed within the Isle Street Sub-Zone. However, the 'ground level' for the MSPL site should be determined from the podium level, as opposed to the original ground level. As outlined in the MSPL submission, the original ground level presents a range of negative issues when seeking to develop this site. If the original ground level is utilised to control building height, built form will need to be highly varied and undulating in order to comply with the applicable height rules, or height dispensations will be needed via a resource consent.
- 42 If a 12m building height regime as illustrated on the Aurum plans is utilised for the MSPL site, the following maximum height 'encroachments' will occur through the existing 8m TCTZ height limit in the various zones:
- Zone A: 8.9m
  - Zone B: 11.1m
  - Zone C: 9.0m
  - Zone D: 12.1m
- 43 Whilst I acknowledge that the height encroachments may seem extreme on paper, the reality is that the original ground levels on the lower part of the site play a significant role with such encroachments. It is noted however that the maximum height encroachments listed above will most likely not occur when a specific building is designed for the site (to the full extent).
- 44 In assessing the suitability of accepting the proposed building height limits, I consider there are two key factors. Firstly, whilst buildings will be higher on the MSPL site, future buildings across Man Street will be allowed to be much higher than the present residential requirements under the Isle Street Sub-Zone allowances (potentially up to 7m's higher – taking into account the roof bonus). Secondly, irrespective of the additional height requested for the MSPL site, foreground views through the site into central Queenstown, Queenstown Bay and the Gardens from the northern side of Man Street would largely be blocked by a complying 8 metre development on the site for a number of properties directly facing onto Man Street. Distance mountain/lake views will still be achievable.

- 45 Zones C and D on the Aurum plans will provide an opportunity for viewing channels through the MSPL. Such viewing channels might not exist with a complying development constructed under the present TCTZ provisions.
- 46 From a broader sense within central Queenstown, I consider that the proposed height increases for the MSPL site can occur in a manner which enables built form to blend into the wider setting.
- 47 When viewing the MSPL site from Shotover Street, existing buildings will largely screen built form maximised to the height sought by MSPL.
- 48 Further afield from locations such as Earnslaw Park, Queenstown Bay and Queenstown Garden, again, existing buildings will assist to a degree in shielding the maximised height on the MSPL site. However, very much like the rationale employed through PC 50 for higher built form within the Lakeview and Isle Street Sub-Zones, buildings on the MSPL site (at 12m above the podium) will blend into the background which combines Ben Lomond and future development within the PC 50 area.

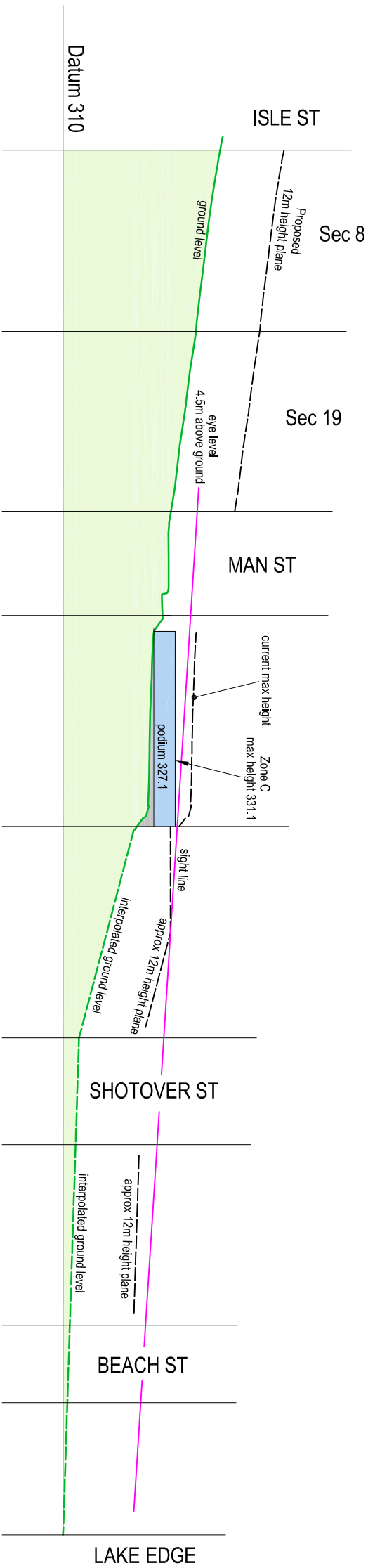
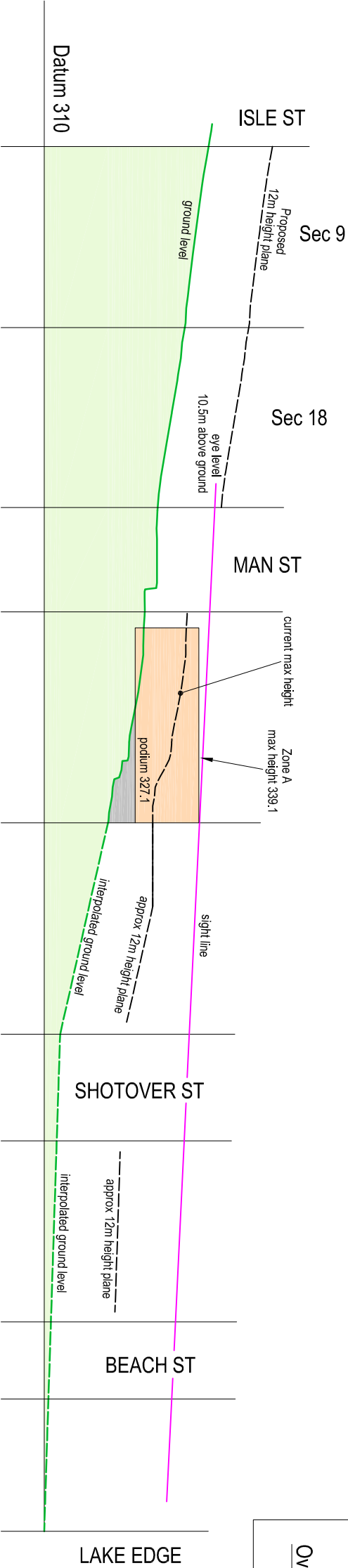
## **Conclusion**

- 49 I consider that PC 50 and the TCTZ are importantly linked through location and function, especially considering the commercial rezoning proposed within the Isle Street Sub-Zone.
- 50 Enabling the proposed District Plan changes to the MSPL site will provide greater building flexibility and efficiencies, which in turn will lead to a far better design outcome for the site.
- 51 Man Street will be the main thoroughfare to the Lakeview Sub-Zone, and potentially the convention centre in this location. Having excellent built form on the MSPL site will enhance the entry experience to the Lakeview Sub-Zone and the convention centre, if built.


Scott Freeman

21<sup>st</sup> November 2014





			<b>WARNING NOTE:</b> This plan has been prepared for Man St Properties Ltd from existing records for the purpose of a sight line analysis. It should not be used by the client company for any other purpose.	
			DATE: 10 Oct 2014	Scale 1:1000
			BY: Bruce McLeod	DRAWING & ISSUE No. 2140-32R-1D
			Original Plan A3	
TITLE:				
SIGHT LINE ANALYSIS				
MAN STREET CAR PARK SITE				
D	10-10-14	Height adj	BAM	
C	2-09-14	Ramp amendment	BAM	
B	2-09-14	Minor amendments	BAM	
A	1-09-14	Initial release	BAM	
REV.	DATE:	REVISION DETAILS:	BY:	

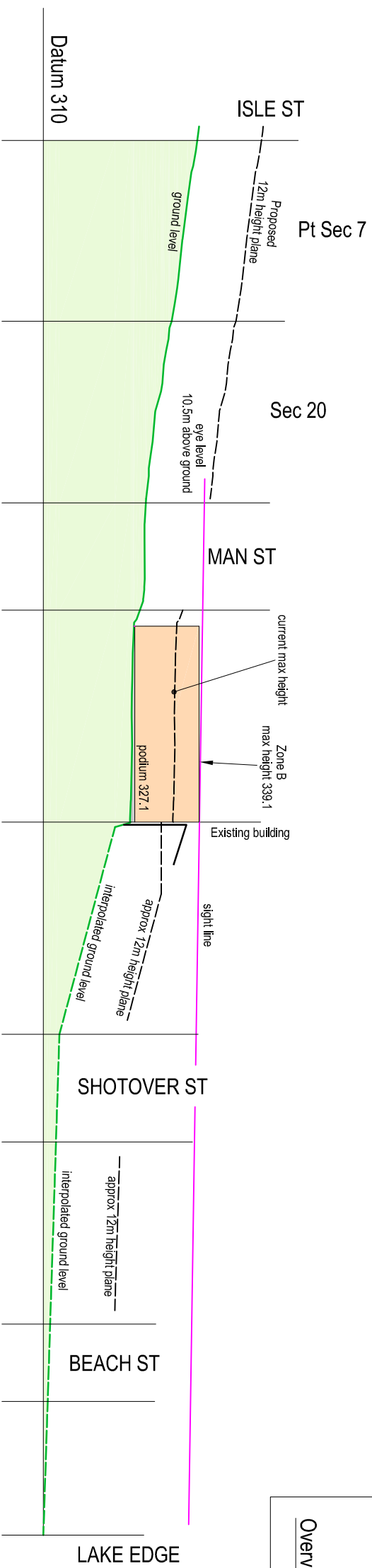
		PO Box 2493 Wakaitapu 9349 Ph 03 442 3466 Fax 03 442 3469 Email admin@ascd.co.nz
<b>AURUM</b>		
<b>SURVEY</b>		



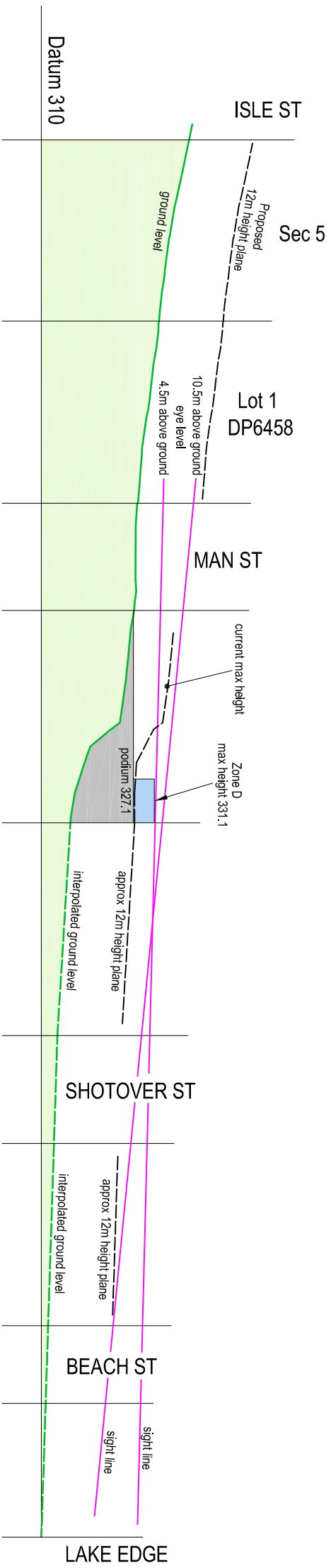
**AURUM**  
**SURVEY**

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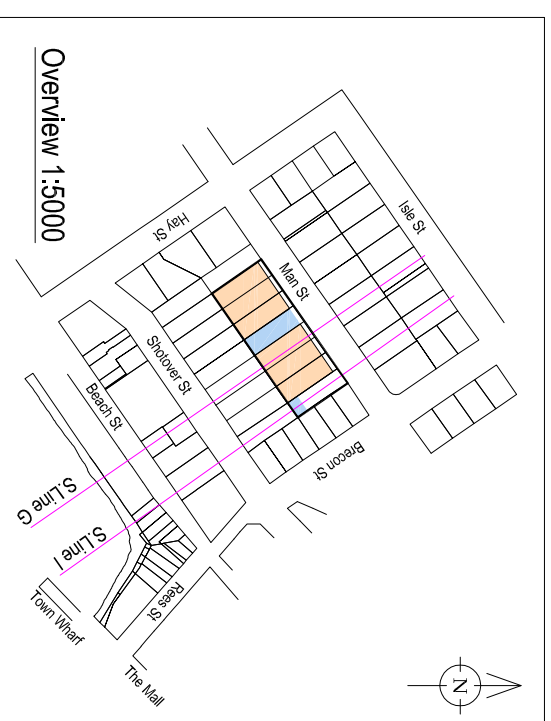
NOTES:  
- Ground levels are modelled from existing topographical information.



SIGHT LINE G - Pt SEC 7




SIGHT LINE 1 - SEC 5



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SIGHT LINE ANALYSIS  MAN STREET CAR PARK SITE	DATE: 10 Oct 2014	Scale 1:1000	DRAWING & ISSUE No. 2140-32R-2D
	By: Bruce McLeod	Original Plan A3	

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