

**BEFORE THE HEARING COMMISSIONERS
AT QUEENSTOWN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER Proposed Plan Change 50 to
the Queenstown Lakes
District Plan

BETWEEN BRECON STREET
PARTNERSHIP LIMITED

Submitter No 50/10

AND QUEENSTOWN LAKES
DISTRICT COUNCIL

Applicant

**STATEMENT OF EVIDENCE OF IAN COLIN MUNRO
FOR BRECON STREET PARTNERSHIP LIMITED**

Dated 21 November 2014

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Appendix 1 - Ian Colin Munro CV

1.0 INTRODUCTION

- 1.1 My name is Ian Colin Munro. I am a self-employed urban planner and urban designer with approximately 15 years of experience in the industry. I have worked for both the public and private sectors.
- 1.2 I hold the qualifications of a Bachelor of Planning (Hons); a Master of Planning (Hons); a Master of Architecture [Urban Design] (Hons); a Master of Environmental Legal Studies (Hons); and a Master of Engineering Studies [Transportation] (Hons), all from the University of Auckland. I am a full member of the New Zealand Planning Institute. I attach as **Appendix 1** a standard CV.
- 1.3 I am experienced with town centre growth, expansion and general development issues. I am familiar with the Proposed Plan Change 50 (“**PC50**”) area, Queenstown township, and the wider environs extending to Jacks Point, Kawarau Falls, Frankton, Remarkables Park, Quail Rise and Lake Hayes Estate. I am also familiar with the transportation issues facing the Queenstown area and the challenges that ongoing ‘outwards’ growth present for its constrained road network. I am familiar with my client’s site at 34 Brecon Street¹ and the adjoining Queenstown Cemetery.
- 1.4 Although this is not an Environment Court hearing, I agree to be bound by the Court’s Code of Conduct for Expert Witnesses with my duty being to impartially assist the Panel.
- 1.5 I have been engaged by Brecon Street Partnership Ltd (“**BSPL**”) to provide resource management planning evidence in relation to the issues raised by its submission and, as relevant, its further submissions. In preparing my evidence I have read:
- (a) PC50 and its associated technical reports;
 - (b) The Council’s s.42A RMA report on the Plan Change and its associated evidence including the resource management analysis of Mr Kyle;

¹ Having provided an urban design assessment of a development proposal for the site in 2007.

- (c) My client's submission and the further submissions made by my client and by others in response to my client's submission;
- (d) The urban design evidence prepared on behalf of my client by Mr David Gibbs and the survey data obtained by Mr Schreiber; and
- (e) The Queenstown Height Study prepared by Ms Mellsop (landscape architect) and Mr Karlovsky (urban designer), and referred to by Dr Read and Mr Bird in support of their conclusions.

1.6 In my evidence, I will:

- (a) present a summary of my conclusions;
- (b) confirm the statutory context of PC50;
- (c) outline the District Plan (objectives) framework of PC50;
- (d) present the alternatives to achieve the objectives as they relate to the BSPL submission;
- (e) assess the alternatives in accordance with section 32(1)(b) (which I propose will also meet the requirements of s.32AA RMA);
- (f) present my conclusions and preferred PC50 provisions.

2.0 SUMMARY OF EVIDENCE

2.1 I support the resource management recognition underpinning PC50 that ongoing development is required to enable wellbeing in Queenstown township. For the settlement and its surrounds more generally, a maximisation of appropriately designed low rise and medium-rise² opportunity for development in close proximity to its heart (the lakefront area) that is also sufficiently set back that it will not compromise the open and low-rise character of that wellbeing focal point is the most appropriate approach to promote sustainable management and achieve the objectives and policies of the District Plan. This gives the land subject to PC50 unique significance. In my view the justification for PC50 set out by Mr Kyle in his evidence, including extensive reference to section 10 of the District Plan and

² As defined in the evidence of Clinton Bird, paragraph 10.10.

acknowledgement of the significant wellbeing, development, employment and transportation issues facing the Queenstown centre, is the correct way to approach PC50.

- 2.2 34 Brecon Street is a very logical addition to the town centre zone and exhibits every characteristic I would expect of a prime site for medium rise intensification, including its northern interface with the cemetery open space and separation from Ben Lomond's steeply rising flank. It has been identified in previous town centre expansion analysis (the Queenstown Town Centre Study, 2009). Although currently zoned for high density residential use, it is subject to a commercial activity overlay. This reflects that the site, linking the town centre to the gondola, is already acting as a de-facto extension of the town centre zone. Bringing it formally into that zone via PC50, in conjunction with an opportunity for large-footprint convention activities slightly further away from the town centre, reflects in my view an obvious rationalisation and recognition of 34 Brecon Street's characteristics rather than a step change in resource management direction.
- 2.3 By and large I support Mr Kyle's recommendations, including that medium rise building height of up to 26m plus 2m roof space bonus in the zone is appropriate. Such medium rise building forms will change the composition of some views of Queenstown, which are not confined to those few selected and used by the Council to support its proposed provisions. From some of those views the PC50 buildings will appear relatively large, occasionally dominant, and will screen or block views people may currently enjoy looking across land they do not control (especially from streets at the zone perimeter). I disagree that there is any factual basis to hold that in a major, internationally significant resort town medium rise buildings are inherently adverse or that a change in a person's view - to include buildings - is inherently adverse. I cannot agree that Queenstown's essential urban character is limited to predominantly one or two storey buildings. This seems to nonetheless be an underpinning assumption in many opposing submissions and some of the Council's evidence.

- 2.4 The largely subjective adverse effects of these changed panoramic views - whether or not people feel harmed by losing views of slopes and peaks, and/or whether they find looking the particular aesthetic style of new buildings offensive – can in my view be appropriately managed through consent requirements including very high standards of building design. Furthermore those managed adverse effects arising from PC50 will on balance be outweighed by the significant enablement of social, economic and cultural wellbeing that will eventuate such that sustainable management will be promoted even though changes to views and landscape appreciation could result. I note that in respect of 34 Brecon Street, no view would be lost that is not readily available from several vantage points elsewhere in Queenstown. Most of the view vantage points of concern to the Council have themselves been created by significant changes to the landscape values that existed beforehand (i.e. view 'X' only exists because creating viewpoint 'X' itself was allowed to spoil previous viewpoint 'Y').
- 2.5 Taking into account the requirements of s.32 RMA, including the benefits and costs of the effects of alternative provisions, opportunities for economic growth to be provided or reduced, and employment that could be provided or reduced, my analysis has led me to prefer the relief sought by BSPL. This includes accepting the landscape architecture analysis of Dr Read but weighting it differently from Mr Bryce and Mr Kyle on the basis of my reading of the relevant District Plan priorities for Queenstown and survey evidence of what cemetery visitors came to the cemetery for. I have preferred the urban design analysis of Mr Gibbs over Mr Bird as Mr Gibbs' analysis is more factual and comprehensive in the case of 34 Brecon Street. I note that I accept and agree with Mr Bird's analysis for the balance of PC50.
- 2.6 I accept the heritage analysis of Dr Cawte and the letter received from Heritage New Zealand dated 19 November 2014, which in my view emphasise the resource management issues as being primarily about how development of 34 Brecon St should relate to the adjoining cemetery rather than about protecting general views to distant landform features. I accept and prefer Mr Cawte's apparent

suggestion that the heritage values relating to views from the cemetery were primarily focussed between that space and the town below.

- 2.7 In my view the Council's design experts favour giving emphasis to maintaining as much as is possible the existing environment and views around Queenstown, supporting change only where there will be no or only very minimal adverse "change" effects on the visual environment and their assessment of locals' appreciation of it. That emphasis is directly behind Dr Read's preference to limit height at 34 Brecon Street to the existing High Density Residential zone standard, and the earlier Queenstown Height Study's preoccupation with maintaining a predominantly low rise environment. That approach to enabling the future of Queenstown has been given more importance in their analysis than maximising the potential of land in convenient walking distance of Queenstown's centre to accommodate development and, for instance, helping consolidate and reinforce Queenstown and reducing car dependence.
- 2.8 My reading of the District Plan and in particular the content of sections 10, 13, 4 and Appendix 1 has led me to prefer an alternative approach for evaluating PC50 and the BSPL submission. This promotes maximising development potential on land close to the town centre in such a way that it does not have significant "change" effects. Doing so will serve the maximum possible concentration of Queenstown and contribute to stated aims in the District Plan of not seeing growth continue to spread outwards when that can be avoided. It will also accommodate what is in my view a reasonable expectation that views may change considerably without resulting in necessarily considerable adverse effects by way of building location and design quality. In so doing, development of 34 Brecon Street as I recommend will not be inappropriate in terms of section 6(f) RMA or having particular regard to section 7(c) RMA as these relate to the Queenstown Cemetery's heritage and amenity values respectively.
- 2.9 The two approaches described in paragraphs 2.6 and 2.7 above may seem semantically similar but in my opinion the Council's gives

emphasis to minimising “change” in the district’s major urban centre unless it is absolutely necessary. Mine celebrates it subject to avoiding significant adverse effects and sees it as contributing to more important and positive outcomes “bigger” than PC50 itself in Queenstown.

2.10 In this respect, Mr Gibbs is the only expert who has sought to factually understand the likely effects of the BSPL submission by way of actual shadowing assessments and photo simulations, as well as numerous other spatial analyses including cross sections and plans. His analysis is consistent with accepted urban design practice and is in my view convincing in its rebuttal of the Council’s experts’ assertions. For that reason, his evidence in support of a medium rise outcome on 34 Brecon Street is more reliable than the largely speculative and assumptive conclusions reached by Mr Bird and Dr Read.

2.11 Similarly, my client’s attempt to understand what actual users of the cemetery see as important by way of a week long survey of visitors is essential to understand the severity of any potential adverse effects that development at 34 Brecon Street may have on the cemetery. For that reason the evidence of Mr Schreiber is in my view important and it is to my knowledge the only “on the ground” data available to help address this PC50 question. The survey results made it clear that most visitors to the cemetery do not visit it to appreciate landscape views generally but to appreciate the resting place of so many of the town’s historical residents and to reflect on their stories by way of directly interacting with tombstones and gravesites. Most of those surveyed were indeed on their way to the Gondola to enjoy far superior landscape views to those available at the cemetery, such that any loss of those views from the cemetery would not in my analysis be materially injurious to them or their appreciation of the cemetery’s heritage values.

2.12 On this basis, I recommend that the provisions of PC50 as proposed in Mr Kyle’s evidence, subject to site-specific changes applying to the site at 34 Brecon Street contained in my evidence, will be the most appropriate way of giving effect to the objectives of the Queenstown

Lakes District Plan as is required by s32(1)(b). I note that the new objective and associated text changes to section 10 of the District Plan will also be the most appropriate way of achieving the purpose of the RMA. The key changes I recommend are:

- (a) Reducing the requirement for ground level stud heights from 4.5m floor-to-floor to either 3.5m floor-to-ceiling or 4m floor-to-floor;
- (b) Providing for the habitable use of roof space bonus height, and the accommodation of plant above this provided that such plant is less than 3m in height, no greater than 40m² in area, and at least 10m from any road boundary;
- (c) (excluding habitable roof space described above) Providing for additional building height up to 22.5m at 34 Brecon Street subject to various consent requirements and setbacks from the adjoining Queenstown Cemetery (all height above 15m to be at least 17m back from the common boundary, and all height above 19m to be subject to a 70% site coverage limit).

2.13 PC50 as amended to include my recommendations for 34 Brecon Street will in particular effectively and efficiently serve District Plan objectives and policies that together seek:

- The consolidation of Queenstown and avoidance of enabling development in any outstanding landscape;
- The management of adverse effects of public open space and heritage areas (the Queenstown Cemetery) so that the space's key characteristics are maintained and protected; and
- A contribution to a reduction in car-based vehicle trips by providing as much as possible for walking and cycling to meet daily needs.

2.14 A critical finding in my analysis is that the District Plan does not state or imply that existing views enjoyed from public open spaces have overriding resource management significance or must be protected into the future from new buildings. This presumption is a major plank of Dr Read's recommendations and has also influenced Mr Bird's. The only provisions that could support the position taken by the Council are found in section 4 of the Plan (policies 4.2.5(2)(d), 4.2.5(3)(a), 4.2.5(4)(a), and 4.2.5(5)(a)). These do not in my view apply to 34

Brecon Street or current views from the cemetery facing southwards. If anything, those policies give greater emphasis to the protection of views from public roads rather than from reserves.

- 2.15 My reading of the District Plan is that it acknowledges the importance of the landscape and of integrating buildings with it, but still promotes well designed and occasionally visually prominent building forms in the main centre of Queenstown. It does not intend to literally lock Queenstown into low rise building forms. The Plan does contemplate avoiding development where it may create unacceptable effects on certain landscapes. This is described in the objectives and policies as being development “in” or “on” an outstanding natural or visual amenity landscape, or located such that it will seriously undermine those features (such as atop an adjacent peak or ridge). I disagree that this can be so readily extended, as the Council seeks, to encompass any view that currently exists to those landscapes.
- 2.16 In reaching these conclusions and given the strategic significance of PC50’s land to Queenstown, I propose that it is necessary to take both a demand-side and a supply-side approach to address the question of how much floor area to enable in PC50. By supply-side, I refer to the scarce nature of easily developable land in Queenstown centre and the importance that when it is used and taken out of play for at least fifty years (until next redevelopment), it is used to its maximum possible utility. This amounts to a consideration of the reasonably foreseeable needs of future generations over and above whatever immediate trigger may lead to its re-zoning being considered today.
- 2.17 Not doing this will inefficiently consume Queenstown’s best remaining sites and require more development over a shorter timeframe to spread to inferior sites elsewhere (which will also involve various landscape views being changed or lost). When looked at through this filter, key development sites in Queenstown, including 34 Brecon Street, become more important than has been reflected in the Council’s analysis to date. I propose that this approach is the obvious way of addressing the District Plan’s strong emphasis on making the most of growth opportunities in Queenstown at section 10 of the

District Plan. In my view had Queenstown developed along the compact lines of PC50 (amended by my recommendations) rather than spreading one and two storey dwellings widely across the Queenstown Hill, considerably less adverse landscape character effects would have occurred (most particularly at night in terms of lighting effects).

3. STATUTORY CONTEXT OF PC50

- 3.1 I am comfortable with the statutory analysis provided by Mr Bryce and Mr Kyle in their s.42A report and evidence, respectively, to the Panel.
- 3.2 In addition, I note my understanding that for PC50 the test for new objectives is, under s.32 RMA, identifying the most appropriate way of achieving the purpose of the Act. For all new provisions that are not objectives (i.e. policies, rules and other methods), the test is the most appropriate way of achieving both the direct objectives each provision serves as well as the objectives of the whole Plan as relevant. This approach does not work well for provisions that are intended to sit higher than objectives, such as the presentation of issues and other explanatory material proposed to be added to the Plan under PC50 that set up objectives but which are not objectives as such. That material is important to allow a correct understanding of the objectives and for that reason I agree with the pragmatic approach of Mr Kyle in considering them against Part 2 of the Act.
- 3.3 Lastly I note that all changes to the provisions, whomever has promoted them, since the Council's last s.32 analysis was undertaken, are required to be accompanied by a further evaluation pursuant to s.32AA. In undertaking my analysis I have been mindful to ensure that this occurs so that my recommended changes to Mr Kyle's provisions are also in my view the most appropriate in terms of s.32(1)(b) RMA.

4. DISTRICT PLAN FRAMEWORK

- 4.1 The Queenstown Lakes District Plan follows a conventional top-down and hierarchical structure whereby administration and district-wide issues are initially addressed (sections 1 to 4), including the broadest objectives and policies. While these reflect the most important and strategic issues facing the District, they are also the least integrated or reconciled with other considerations and are hence generally presented as single-topic issues or general concerns of little assistance when looking at an individual site like 34 Brecon Street.
- 4.2 Beneath this strategic framework a series of more local frameworks in the form of land use zones have been applied (sections 5 to 20). Technical assistance in the form of definitions and Appendices then conclude the Plan's structure. Those zone frameworks set out local bundles of objectives, policies and methods (typically rules) and it is these that applications for resource consent typically focus on. These zones reflect a combination of local environmental characteristics and the district's identified strategic issues. They can be seen as local progressions of the district-wide sustainable management starting point.
- 4.3 Those zone frameworks inherently give effect to the general district-wide provisions above them but, as would be expected, weight the different strategic issues so as to give emphasis towards different outcomes across the wide spectrum of sustainable management. While every zone acknowledges that "everything is important" to some degree, it is in my view fair to say that zones promoting the clustering of development, buildings and activities are intended to give emphasis to social and economic wellbeing as being the more important contributor to sustainable management. Those promoting the protection of natural environmental features and which strongly restrict buildings or modifications give emphasis to ecological protection and natural character considerations ahead of others.
- 4.4 The zone frameworks are also characteristically more explicit and directive than district-wide ones, including objectives and policies that

relate directly to built outcomes, building bulk, location and design controls and site-specific developments.

- 4.5 In the case of PC50, the Council has elected to promote the use of an existing zone rather than creating a new one in its Special Zone section (section 12). Whereas the special zones bring with them their own objectives and policies, PC50 is proposed to largely hang off the existing objectives and policies of section 10 – Town Centres. I agree with the Council's analysis that PC50 is most appropriately accommodated in this way. The resource management issues PC50 grapples with are in particular a more appropriate fit for the District's wider issues as weighted by section 10 than any other combination of existing or new zones (special zones / high density residential zones / business and industrial area zones etc.). The new objective and policies proposed are in my view reasonable and sit logically in the proposed structure.
- 4.6 Accordingly, PC50 should be assessed for the purposes of s.32(1)(b) in an explicit-to-general "bottom up" manner. Failing to do this would not recognise the Plan's internal and hierarchical structure, and may lead to an outcome where PC50 is treated, for instance, as if it were an appendage of general section 4 of the Plan or a stand-alone special zone rather than sitting as part of section 10.
- 4.7 In the case of the BSPL submissions, in my view the appropriate analysis is between the relief sought in the original submission or further submissions (where I am able to support that) and the PC50 underlying provisions. Given that Dr Read has expressed a preference that development adjacent to the cemetery boundary may be more appropriately limited to a reduced maximum building height (the limit currently applicable in the existing high density residential zone for 34 Brecon Street), it is also appropriate to consider this as well.
- 4.8 Because of all of the above, I recommend that in evaluating the alternative provisions a dominant weighting be given to achieving the objectives and policies of section 10 of the District Plan. This is because the site at 34 Brecon Street is intended to become a part of

the Town Centre zone, and that this zone has already been constructed to give effect to the Plan's wider objectives and policies including an appropriately weighted balance between economic development and environmental protection.

- 4.9 Secondary weighting should be given to section 13: Heritage, as well as Appendix 1: Designations, in relation to the Queenstown Cemetery. This is because there is an important relationship between the site at 34 Brecon Street and the cemetery that is not captured by the Town Centre zone provisions.
- 4.10 Weighting should then lastly fall to the general district-wide objectives and policies of section 4. In my view, there is no need to look beyond sections 10, 13, Appendix 1, and 4 of the Plan in terms of the s.32(1)(b) requirements. I disagree that PC50 raises any issues relevant to other town centres in the District.
- 4.11 For completeness, I do not feel the BSPL submission raises issues relevant to any Regional Plan or Policy Statement, or any National Policy Statement not already addressed as part of the PC50 work undertaken by the Council and as addressed by Mr Bryce and Mr Kyle.

Section 10: Town Centre zone

- 4.12 This section contains general objectives for town centres across the District. Relevant to PC50 and the BSPL submission are:
- “Objective 1 - Maintenance and Consolidation of the existing Town Centres and Activities Therein*
Viable Town Centres which respond to new challenges and initiatives but which are compatible with the natural and physical environment.”
- “Objective 2 - Amenity*
Enhancement of the amenity, character, heritage, environmental quality and appearance of the town centres.”
- “Objective 3 - Built Form*

Maintenance and enhancement of a built form and style within each town centre that respects and enhances the existing character, quality and amenity values of each town centre and the needs of present and future activities.”

“Objective 4 - Town Centre and Building Appearance

Visually exciting and aesthetically pleasing town centres which reflect their physical and historical setting.”

“Objective 5 - Pedestrian and Amenity Linkages

An attractive, convenient and comprehensive network of pedestrian linkages within town centres.”

- 4.13 The section then continues to set out Queenstown-specific objectives. These are:

“Objective 1 - Maintenance and Consolidation of the Town Centre

Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the District.”

“Objective 2 - Character and Heritage

A town centre in which the built form, public space and linkages reflects, protects and enhances the distinctive built heritage and image which creates its essential character.”

(new via PC50) *“Objective 3 – A high quality, attractive environment within the Lakeview sub-zone where new business, tourist, community and high density residential activities will be the predominant use.”*

“Objective 4 - Land Water Interface: Queenstown Bay

Integrated management of the land-water interface, the activities about this interface and the establishment of a dynamic and aesthetically pleasing environment for the benefit of the community and visitors.”

“Objective 5 – Accessibility and Parking

A town centre which is accessible to people.”

- 4.14 The objectives above are also supported by numerous policies but for simplicity I have not included them. I have however considered them in my analysis.

Section 13: Heritage

- 4.15 This section contains three objectives. Objective 1 is relevant to the cemetery and 34 Brecon Street. It states:
"The conservation and enhancement of the District's natural, physical and cultural heritage values, in order that the character and history of the District can be preserved."
- 4.16 The objectives above are also supported by numerous operative policies but for simplicity I have not included them. I have however considered them in my analysis. None of them mention the retention of landscape views from heritage items or sites.
- 4.17 Through this section, the Queenstown Cemetery is identified in Appendix 3 to the Plan, the Inventory of Protected Features. The Plan uses a number of criteria to classify the heritage significance of different features. The cemetery is identified as feature 17 and classified as category 2 by the Council. This classification means:
"The heritage resource warrants permanent preservation because of its significance to the District. The Council would be unlikely to approve any significant alteration but would take steps to arrange compensation or acquisition if the owner's property rights are unreasonably restricted."
- 4.18 I have read this as meaning that the Council would be unlikely to support itself undertaking any significant alteration to the cemetery, but I do not agree it goes so far as to extend an expectation of preservation of any views of distant landscape elements visible from the cemetery today, especially in light of the absence of any acknowledgement within the Plan that any such views are important to the ongoing heritage values of the cemetery being maintained (the Plan does not state what the cemetery's heritage values are and this

deficiency is an ongoing shortcoming in the Council's analysis of the BSPL submission).

- 4.19 In the absence of any guidance in the District Plan on the matter, I am reluctant to accept the assumptions of the Council's experts that general landscape views from the Cemetery are a part of that item's heritage values. While I agree the views add to the character and amenity values of the cemetery for those users wishing to look south while visiting the gravesites, I disagree that they are of such significance that their protection is essential to promoting sustainable management or achieving the District Plan's objectives. I would however accept Mr Cawte's evidence that the historical visual connection between the Cemetery and the town (now lost by historical and currently enabled development in the High Density Residential zone) did form part of the Cemetery's heritage values. I also note that this section of the Plan provides an objective and methods for protecting heritage landscapes. None of those identified in the Plan (Appendix 10) relate to the cemetery or its views south above 34 Brecon Street.

Appendix 1: Designations

- 4.20 This section of the Plan identifies the designation applying to the cemetery. It is number 213 and is for "local purpose reserve" purposes, although there are no specific conditions attached to this designation. The Plan does not define what local purpose reserve means in resource management terms and there are no objectives or policies applying to this section of the Plan.
- 4.21 Part B of this section outlines development rules relating to Recreation Reserves, which as I understand the Plan applies to the cemetery despite its underlying zoning, and which would override the underlying zone development controls unless the Council gave permission for the land to be used in a manner inconsistent with the designation (in which case the zone controls would come into play). The designation controls provide for buildings to be erected on the cemetery site (100m² maximum each, to a cumulative total of 5% site coverage), which could be placed in front of the viewing position identified by Dr

Read and lead to similar or greater loss of views than she is concerned may result from PC50 and the BSPL submission.

- 4.22 There are no provisions in this section of the Plan that state or imply that any landscape views available from these spaces are important in resource management terms or should be protected from development on neighbouring sites.

Section 4: District-wide issues

- 4.23 Section 4 sets out district-wide priorities at the highest level of the Plan. They relate to natural environment; landscape and visual amenity; takata whenua; open space and recreation; energy; surface of lakes and rivers; solid and hazardous waste management; natural hazards; urban growth; affordable and community housing; earthworks; and monitoring, review and enforcement. Of those, natural environment, landscape and visual amenity, open space and recreation, energy, and urban growth contain objectives relevant to PC50 and the BSPL submission. The relevant objectives are:
- 4.24 Natural environment:
- “Objective 1 - Nature Conservation Values*
- The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.*
- Improved opportunity for linkages between the habitat communities.*
- The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.*
- The protection of outstanding natural features and natural landscapes.*
- The management of the land resources of the District in such a way as to maintain and, where possible, enhance the quality and quantity of water in the lakes, rivers and wetlands.*
- The protection of the habitat of trout and salmon.”*

- 4.25 Landscape and Visual Amenity:
*“Objective:
Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.”*
- 4.26 Of note, Policy 2(d) is relevant to the issues raised by Dr Read relating to a loss of views from public places or accessible locations. It states (my emphasis added):
*“To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of **views from public roads.**”*
- 4.27 I note that this policy only acknowledges that views from roads are worthy of protection, not from public reserves such as the cemetery. I would not go so far as to conclude that views from reserves are not at all relevant, but I do not agree that views from the cemetery enjoy the resource management significance attached to it by the Council.
- 4.28 Policy 3(a) also discusses protecting views. It states (my emphasis added):
*“(a) To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:
...
(v) The importance of protecting the naturalness and enhancing the amenity values of **views from public places and public roads.**”*
- 4.29 Clause (v) is subordinate to policy 3(a), which is in turn limited to subdivision or development “on” the Wakatipu basin’s outstanding natural landscapes and features. As I understand the District’s ONL classifications, the site at 34 Brecon Street does not qualify in this regard as it is not “on” an ONL or outstanding natural feature. In any event, the policy does not seek to prohibit any such loss of views but

to ensure any adverse effects are not more than minor, contemplating that some adverse effects could occur.

- 4.30 Policy 4(a) also discusses a loss of views. It states (my emphasis added):

“To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:

** **highly visible from public places** and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*

** **visible from public roads.**”*

- 4.31 As I read this policy, it is triggered by subdivision or development “on” those visual amenity landscapes that are highly visible from the places set out in the two bullets above. This would include public places including the cemetery. However, 34 Brecon Street is not “on” a visual amenity landscape and as such I could not agree that the Plan’s intent that effects on views be addressed in these circumstances would be triggered. Even if it were, the policy does not seek the avoidance of effects such as by not providing for the building heights sought by the BSPL submission, rather it seeks that any effects be avoided, remedied or mitigated. Mitigation could be achieved by way of the design quality, consent requirements, and physical setbacks for upper levels sought in the BSPL submission.

- 4.32 Policy 5(a) also discusses public views. It states (my emphasis added):

“To avoid subdivision and/or development on and in the vicinity of distinctive landforms and landscape features, including:

(a) in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;

- unless the subdivision and/or development will not result in adverse effects which will be more than minor on:

(i) Landscape values and natural character; and

(ii) Visual amenity values

- recognising and providing for:

...

*(v) The importance of protecting the naturalness and enhancing the amenity values of **views from public places and public roads.***

4.33 This policy could be triggered by development at 34 Brecon Street, in terms of it being “in the vicinity of” (an undefined term) the distinctive landform feature of Ben Lomond. This policy would require that the development of the site could not have adverse effects that are more than minor on Ben Lomond. However in terms of views from public places and public roads, this would not raise issues with the cemetery site as 34 Brecon Street does not sit between the cemetery and Ben Lomond (and hence does not impede any views between the two irrespective of the development enabled on that site). I disagree that this policy could be used to protect views from the cemetery to other distinctive landforms and landscapes as 34 Brecon Street is not “on or in the vicinity of” any of those. On that note I agree with and accept Mr Gibbs’ analysis of impacts from Brecon Street and the playing fields at Gorge Road as being at most minor.

4.34 Open Space and Recreation:

“Objective 3 - Effective Use

Effective use and functioning of open space and recreational areas in meeting the needs of the District’s residents and visitors.”

4.35 Energy:

“Objective 1 - Efficiency

The conservation and efficient use of energy and the use of renewable energy sources”

4.36 Urban Growth:

“Objective 1 - Natural Environment and Landscape Values

Growth and development consistent with the maintenance of the quality of the natural environment and landscape values.”

“Objective 2 - Existing Urban Areas and Communities

Urban growth which has regard for the built character and amenity values of the existing urban areas and enables people and

communities to provide for their social, cultural and economic well being.”

“Objective 4 - Business Activity and Growth

A pattern of land use which promotes a close relationship and good access between living, working and leisure environments.”

“Objective 7 Sustainable Management of Development

The scale and distribution of urban development is effectively managed.”

- 4.37 On the basis of this framework, and in particular if the objectives and their attendant policies were weighted as I recommended earlier, the District Plan context for PC50 and the BSPL submission can be summarised as:
- (a) How to best support a compact built form that maximises opportunities for a walkable connection between living, working and recreating;
 - (b) How to best support the concentration of urban growth in Queenstown rather than in outlying areas, and in particular avoiding it extending along road corridors;
 - (c) How to maximise the use of land already identified as being suitable for urban development rather than finding “new” development land (this does not apply to all PC50 land);
 - (d) Ensuring that new development can integrate effectively with the scale and character of urban development already established in Queenstown;
 - (e) Requiring any new development to be well designed, visually interesting, and appropriate to its landscape and urban contexts;
 - (f) Ensuring that new development can integrate carefully with and protect the heritage values of the Queenstown cemetery and maintain the amenity values of nearby public places; and
 - (g) Generally minimising adverse effects on wider landscape values including views from public roads.

5. THE ALTERNATIVE PROVISIONS TO BE ASSESSED

5.1 In terms of the above statutory and District Plan context, I see the alternatives of most relevance to be:

(a) **Potential realignment of Cemetery Road:**

- (i) I agree with and recommend the approach proposed by Mr Kyle to add text to Rule 10.5.2.1(xiii), and make no further comment.

(b) **Ground Floor Stud Height:**

- (i) 4.5m floor-to-floor minimum (*Council preference*);
- (ii) 3.5m floor-to-ceiling or similar (*my preference*).

(c) **Habitable Roof Space Allowance:**

- (i) 2m non habitable space (*Council preference*);
- (ii) 2m habitable space with roof plant permitted to exceed this by up to 3m provided the plant was no more than 40m² area and at least 10m back from any road boundary (BSPL) (these dimensions have been taken from PC50, Rule 10.6.5.2(i)(a)) (*my preference*).

(d) **Maximum Building Height at 34 Brecon St:**

- (i) 12m controlled activity (plus 2m roof bonus) (*Council preference excluding Dr Read*);
- (ii) 12m controlled activity but 8m in vicinity of Queenstown Cemetery (uncertain whether roof bonus is additional but presumed not to be) (*Dr Read's preference*);
- (iii) 15m controlled activity at cemetery boundary and up to 19m set back a minimum 17m from cemetery boundary controlled activity, and up to 22.5m set back a minimum 17m from the cemetery boundary as a restricted discretionary activity (with roof bonus additional to this). Site coverage above 19m in height limited to 70% maximum (*my preference*).

6. ASSESSMENT OF ALTERNATIVES AND IDENTIFICATION OF MOST APPROPRIATE METHODS

- 6.1 The relevant Council evidence in my view is that of Mr Kyle (planning, building on the s.42A report of Mr Bryce), Mr Bird (urban design), Dr Cawte (heritage), and Dr Read (landscape architecture). I have also taken into account the letter provided to the Panel by Heritage New Zealand dated 19 November 2014. The HNZ letter was very helpful and it reinforces my conclusion that the issue of protecting heritage values is more about the way in which development could relate with the cemetery (HNZ was explicit in agreeing with the s.42A report on this) than avoiding building height (HNZ was explicit in not expressing any preference in terms of Dr Read's recommendation, the s.42A recommendation, or the BSPL request). I cannot imagine why HNZ would not support either Dr Read's or Mr Bryce's height recommendations if this issue was a key heritage concern to the organisation. HNZ emphasised that there is a balance to be had, on the basis of the likely effects that would result, between building height, building setback and building design. Mr Gibbs' is the only evidence that addresses these for all options and it demonstrates that the BSPL request for height is appropriate.
- 6.2 My analysis is that none of the other evidence prepared by the Council is relevant to the BSPL submission and I make no comment on it.
- 6.3 Before assessing the three outstanding issues identified in section 5 above, I wish to comment on some of the information relied on by the Council.

Queenstown Height Study: Landscape and Urban Design Assessment, 2009

- 6.4 This report has been influential in the Council's recommendations. The report expresses a strong aesthetic preference for evenness and similarity in building height across the townscape. This is of course a matter of personal taste and it contrasts with the dramatic variation in height presented by the glacial landform. Its approach to the Brecon

Street area can be summed up from the following conclusion at page 29 in the report:

“Opportunity for increased height is also recognised in the Brecon Street area, but the potential increase is limited by Queenstown cemetery and the prominence of the area in important view shafts and vistas.”

6.5 This stems from an earlier conclusion at page 16 of the report:

“The area has less potential to absorb significant building height increases than the adjacent Lakeview Park area, as it is separated from the steeply sloping land of Ben Lomond by the cemetery open space. Building heights over three or four stories could have significant adverse effects on landscape and heritage values:

- By dominating and shadowing the cemetery and potentially blocking views out from this important public space to the Remarkables, Cecil Peak, Queenstown Hill and the town;*

- Visually dominating views from Queenstown Recreation Grounds, Queenstown Primary School playing fields and parts of the town centre;*

- Potentially obscuring vistas up Brecon St and Camp St to the gondola and Ben Lomond.”*

6.6 The authors state more than once that the report’s methodology did not allow for dominance or shadowing effects to be assessed (most explicitly at p.29). For other sites examined including Lakeview Park, a more balanced view of the need for future shadowing and dominance to be taken into account is expressed. How the authors determined that there could be potentially significant effects and use this as a reason to not support a height increase at Brecon Street without supporting analysis is not clear to me. This leaves only a loss or change in views remaining as being significantly adverse, and in this respect the report offers no analysis of why any view taking in private land changed to include more buildings than is currently the case would be inherently adversely affected. It seems that the authors of

the report, and the Council's PC50 experts, are promoting a de facto view shaft outside of what I would see as the correct first schedule process of classifying it formally in the District Plan.

6.7 I therefore do not agree that this document is as reliable as the Council does. In summary my other concerns are:

- (a) In terms of the cemetery, while it is accepted that there have been long standing views from the cemetery out across the town and taking in distant peaks, this is in my view more correctly described as a general character or amenity value of the cemetery rather than an essential quality of its contribution to the community as a heritage item (as, for instance, the layout of tombstones often leads people away from the view rather than framing the views of people looking at tombstones). That HNZ remains open minded to an effects-based consideration of height, setback and design at 34 Brecon Street is in my view consistent with this approach.
- (b) The report is inconsistent in that it variously discourages building height in the upper Brecon Street area but at the same time acknowledges the benefits of larger landmark buildings in this location and of reinforcing the connection up to the Gondola at the end of Brecon Street.
- (c) The report expresses concerns with development that may impede views out from the cemetery. Such views have not been identified in any Council document or plan as being worthy of protection. Within the Height Study itself (figure 3, page 21 and section 7, page 28) views from the cemetery are not identified as either "significant" or even "other". I prefer an approach that considers a loss of views resulting from development as something to be weighted and assessed as part of a rounded consideration of merit rather than as an automatic fail.

- (d) Despite being an “urban design” assessment, the report fails to establish any urban design analysis of the wider development issues facing the town. As an experienced urban designer who has undertaken many town centre analyses, any town-wide assessment should necessarily take into account issues such as scarcity of development land, known development issues and traffic problems, future growth needs, and social and economic considerations that are missing from the report. As such this negatively distorts the conclusions reached on providing for more height, which are based ultimately on aesthetic preferences only.
- (e) Much is made of the cemetery sitting between any buildings and the base of Ben Lomond as a reason why taller buildings would be appropriate in the Lakeview Park area but not the Brecon St area. As Mr Gibbs' Appendices A and F illustrate, the impact this makes to the relationship between buildings and the landform has been considerably overstated by the Council. There is a positive benefit for appropriately set back medium rise buildings adjoining the cemetery. The cemetery space between a building and Ben Lomond provides for more viable north-facing activity in a building orientated to the cemetery, which buildings harder-up against Ben Lomond would struggle to resolve. It is widely accepted that an appropriate balance of passive surveillance from development overlooking public spaces can have significant safety and amenity benefits.

Evidence of Dr Hayden Cawte

- 6.8 Dr Cawte's evidence is helpful in that it shines, in my view, a balanced light on the heritage issues relevant between the cemetery and the site at 34 Brecon Street. His evidence is clear that the effects of most concern are of the relationship between building height and proximity to the boundary. He prefers a roadway separating the cemetery from 34 Brecon Street (his paragraph 8.9).

- 6.9 Dr Cawte raises a number of concerns that are in my view appropriate and should be accounted for in PC50:
- (a) Managing building height at 34 Brecon Street so as to reduce adverse shadowing effects on the cemetery;
 - (b) Managing building height (and in my view necessarily form) so as to not adversely “enclose” the cemetery;
 - (c) Management of noise and “din” at the boundary (although a public street could be noisier than a private development);
 - (d) Avoiding buildings from “significantly” impacting on views to the south, as they could impact on the user’s experience. This is essentially consistent with the conclusion I reached on how to manage loss of views based on reading the District Plan’s relevant objectives and policies.
- 6.10 In his evidence, Dr Cawte has emphasised the connection between the cemetery and the town below. This is a critical point that I will return to later as even 8m development currently enabled on 34 Brecon Street will be sufficient to almost completely visually separate the cemetery from the town and leave views only of the tops of distant peaks. General views out to distant landforms do not in my view form part of the cemetery’s heritage values but, as I have noted elsewhere, fall as part of its general amenity values.
- 6.11 I agree with Dr Cawte when he confirms, at his paragraph 8.4, that PC50 will have no direct adverse impact on the cemetery. He acknowledges that development on 34 Brecon Street could “negatively impact” the cemetery. I agree with this as well. He confirms that much of the heritage values of the cemetery are user experiences. So far as I am aware, he has not undertaken any investigations as to what user experiences in the cemetery are but has instead used his own general judgement. I do not disagree that experts are often correct to use their own judgement in the absence of better data. But in this instance my client has been able to provide survey data of users and this has placed considerably lower value on views from the cemetery to the southern mountains than Dr Cawte may have presumed.

Evidence of Mr Clinton Bird

- 6.12 Mr Bird peer reviewed PC50 and has provided an additional analysis of the submissions received, including that of BSPL. Mr Bird favours a realignment of Cemetery Road and supports retention of the notified 12m height limit for 34 Brecon Street. He also supports retention of the notified 4.5m floor-to-floor ground level height requirement and otherwise opposes the relief sought by BSPL. He did not have the benefit of the additional Fearon Hay photomontages or other analysis presented by Mr Gibbs when reaching his conclusions.
- 6.13 At his paragraph 5.21, Mr Bird records his appreciation of views from the cemetery to the south over the town. In section 10 of his evidence Mr Bird responds to submissions objecting to building heights proposed. He concludes, variously, that buildings up to seven storeys are recognised as “medium rise” rather than “high rise”; that buildings up to 12m provided for in the notified PC50 would be “low rise”, and that even the tallest buildings enabled in PC50 would “pale into insignificance when viewed against the height of Ben Lomond”. I agree with all of those conclusions.
- 6.14 At his paragraph 10.20, Mr Bird does not support additional height at 34 Brecon Street, in any combination of setbacks or form controls, on the basis of shading effects and visual effects on the Queenstown cemetery. I have taken “visual effects” in his evidence to mean a loss of views from the cemetery but it could also include building dominance effects from invasive proximity. But he is clear that he does not support a recommendation of Dr Read to reduce height below 12m. He places weight on views to the top of Double Cone, the Remarkables and Cecil Peak being retained as indicating an acceptable retention of views, and appears to acknowledge that existing planning entitlements extinguish any meaningful visual connection between the cemetery and the town.

Dr Marion Read

- 6.15 I have read Dr Read's landscape report on PC50 as well as her evidence. Dr Read's analysis places much emphasis on what

amounts to incrementalism as a necessary part of promoting sustainable management. This is by way of her concern that new development must not considerably change the existing views that people have. I disagree that this is appropriate in the context of the District's largest settlement where growth and change is explicitly anticipated in the District Plan. Large-scale changes, including of views, can still promote sustainable management despite being disruptive to the existing composition of a field of view.

- 6.16 By increasingly penalising propositions that are increasingly different (because more change does appear in her analysis to equal more adverse), Dr Read's approach inherently rewards outcomes that lean towards the status quo. In contexts where the status quo is working comfortably I do not oppose this management technique but the District Plan has numerous objectives aimed at changing the current development patterns in and around Queenstown, and in particular reducing the outward low density spread of development away from it. This cannot be addressed if development within Queenstown that could potentially accommodate alternative development outcomes is managed in a way where any such alternatives are seen as being unacceptably adverse by way of changing existing views.
- 6.17 Dr Read opposes the relief sought by BSPL on the grounds that it would in any configuration or design be too dominant. I disagree with her conclusion that a building, in the District's major town centre, (her paragraph 7.3) creating a stronger sense of destination atop the Brecon St steps occupying one third of the skyline would take away from the significance of the backdrop or be dominant in the context of that very urban scene. It would in my view be entirely within the expectations of a visitor to an internationally significant resort centre to see buildings up to seven storeys tall around the outer edge of the low density historical core. I agree with Mr Gibbs' similar assessment of this viewpoint, and his conclusion that development of the Isle Street sub-zone would appear more dominant (to the point that it blocked views) than the 34 Brecon Street request would here anyways.

6.18 Dr Read places considerable importance on the retention of views from the cemetery out to distant peaks, and feels that there would be unacceptable effects on the cemetery if people were not able to see at least a majority of existing views. My concern with this conclusion is that it is not supported by the District Plan and, while still amounting to a potential adverse effect needing to be properly assessed, has been weighted too heavily in the Council's thinking. In any event, Mr Gibbs' analysis demonstrates that a majority of views to the peaks visible in the Fearon Hay viewpoint from the cemetery would remain visible as a result of medium rise development at 34 Brecon Street.

6.19 I will now address the three outstanding issues I identified previously.

Ground floor stud heights

6.20 Mr Bird has argued that a 4.5m floor-to-floor stud height requirement should be retained and that a reduced 3.5m floor-to-ceiling height should not be supported. I agree with him that the difference between these two outcomes will typically amount to around 500mm difference in floor-to-ceiling height.

6.21 Mr Bird has commented that plans prepared by architects will be easier to produce and read if a floor-to-floor rule is used. If the Council's staff have concerns that reading plans is onerous, I would not object to a floor-to-floor rule of 4m minimum being in PC50 as this would appear to address the only issue Mr Bird has raised in his evidence.

6.22 In my experience there are no activities suitable in buildings that may have residential activity above them that can occur comfortably in a net 4m floor-to-ceiling space (the likely effect of Mr Bird's preference) but cannot in a 3.5m floor-to-ceiling space. 3.5m is over double the average human height and is a comfortable volume for activity to occur in. I note that Mr Bird has not provided a single example of outcomes possible under his preferred 4.5m rule that could not be ably met under the BSPL request.

- 6.23 I also note that the rule is only indented to apply to building frontages that adjoin an identified active frontage on the structure plan (and hence lower stud heights are possible at other building edges) but its effect would be to either lead to stepped floor plates requiring internal stairs or taller than necessary stud heights across entire buildings. This is not efficient or practical.
- 6.24 For these reasons, I see the BSPL 3.5m floor-to-ceiling (or 4.0m floor-to-floor) relief as being equally efficient and effective as PC50's proposed 4.5m floor-to-floor rule for the purposes of accommodating a variety of uses and contributing to ground floor vibrancy at the street. But I see it as being more effective and more efficient at promoting outcomes in accordance with the wider body of the District Plan's objectives and policies including helping to enable buildings to avoid unnecessary building height. It will promote a more efficient use of space and less economic waste.
- 6.25 I recommend that Rule 10.6.5.1(xiv)(a)(d) be amended to state:
"Having a minimum ground floor internal floor to floor height of 4.5 4.0 m above ground level."

Roof Space

- 6.26 This particular request appears to have been addressed by the Council as part of a more general discussion of building height. In my view the provision of additional height for roof form is an important feature of building design. In the context of fully permitted bulk and location outcomes it is appropriate, and I support, the requirement that it be non habitable space. This considerably frees up design outcomes and leads to more interesting shapes emerging.
- 6.27 But in PC50 there are no permitted activities as buildings will require at least controlled activity assessment. In my view PC50 makes it clear that provision is being made for roof shapes that add visual interest and architectural variation to buildings. Allowing habitable space in this area will allow more efficient use of space. In the event that a proposal is put forward that fails to articulate a satisfactory roof form outcome due to the habitable component undermining the intent

of the control, I would expect the Council to exercise its reservation of control and look at its other levers such as opportunities for notification.

- 6.28 Following on from this, the accommodation of roof plant is a common requirement of buildings. PC50 provides a sensible solution for Lot 1 DP 15307. It will ensure that plant is not visually obvious and will not compete with the architectural composition of buildings.
- 6.29 In my view the additional adverse effects of such plant at 34 Brecon Street are likely to be negligible and for this reason I support it as it will allow a more efficient and logical development of the site. I recommend that Rule 10.6.5.1(xi)(f) be amended as follows:
- “In the Lakeview and Isle Street sub-zones maximum building height limits may be exceeded by the use of a roof bonus which provides for an additional maximum height of 2m. The roof bonus shall not enable an additional floor to be achieved. The roof bonus may be incorporated into the space of the upper-most floor level permitted by the maximum building height rule. Where the roof bonus is utilised no additional structures (including lift shafts) or plant or equipment shall be accommodated on top of the roof. Except that at 34 Brecon Street the roof bonus space may be used as habitable space and the height of any lift or plant tower shall be permitted to exceed this roof bonus height limit by up to an additional 3 metres, provided that the area of that additional over-run shall have a total area of no more than 40m² and shall be located at least 10 metres from a road boundary.”*

Building Height

- 6.30 Mr Kyle notes at his paragraph 3.3(c)(viii) that “*there are differences of opinion on how the plan change will impact upon the Queenstown Cemetery.*” I consider that this is indicative of the difficulty in bringing what are ultimately subjective opinions regarding the significance of views from the cemetery to a formal and robust statutory process. It has also been aggravated by the lack of any definitive expression of the cemetery’s heritage values in the District Plan.

- 6.31 At face value there is a considerable difference between the PC50 notified height of 12m plus 2m permitted non-habitable roof height (14m in total at the cemetery boundary), and the submission's more explicit request for a 15m height (total) at the cemetery boundary, and additional height up to 19m as a Controlled Activity / 22.5m as a Restricted Discretionary activity – each with up to 2m as habitable roof shape space and plant above. The additional height would be required to be set back by either a realigned Cemetery Road (as would the lower part of such a building), or by a Cemetery setback of 17m.
- 6.32 The effect of this would be that the relief sought is for one additional metre of building height at the Cemetery boundary including any roof shape (assuming the Council elects to not follow the advice of its experts and realign Cemetery Road), and up to 10.5m additional height at least 17m from that boundary. It is material to me to note that the additional height vertically would be offset by a greater horizontal setback from the boundary (approaching a 0.6:1 ratio). In my view the adverse effects of such additional building would not be considerably more than PC50's 12m + 2m at the boundary as preferred by Mr Bird and I consider Mr Gibbs Appendix F cross section demonstrates this convincingly. The setback proposed will ensure that the additional height will not dominate the cemetery and is in my view in line with the outcome Heritage New Zealand had in mind when, in its letter dated 19 November 2014, it discussed the trade off of additional height for horizontal setback. I note that the relief sought would require the upper section of any building to be set back from the boundary by at least the width of a typical local road and hence this outcome is not dependent on a road realignment occurring.
- 6.33 The key evidence on this matter is in my view from Mr Gibbs. He has been the only expert concerned with height, dominance and shadowing that has sought to quantify those concerns with reference to facts. He has referred to additional photo-simulations prepared by Fearon Hay at his instruction (with Council permission) and shading analysis. He has also prepared and analysed other diagrams and comparative cross sections through Ben Lomond down to the waterfront and quantitatively assessed the 34 Brecon Street site as

well as others in PC50. I agree with his conclusions that the difference between the BSPL relief and the notified PC50 is not significant, and is demonstrably insufficient to justify not enabling additional height in light of the superior economic efficiency and employment outcomes likely from a medium rise building. I also agree with him that the separation between 34 Brecon Street and the base of Ben Lomond (the cemetery) is much less of a disruption to the accommodation of height than the Council has argued.

- 6.34 I therefore support the relief sought by BSPL. It will:
- allow considerable additional utility of the BSPL site;
 - reinforce the legibility and vitality of the upper Brecon St /Gondola/Cemetery precinct of Queenstown;
 - as such complement the “triangle” of destinations formed by the town centre’s core, proposed PC50 convention and exhibition precinct, and the major Gondola / cemetery tourism area; and
 - have negligible further effects on the Cemetery, with the exception of reducing currently open views out from the cemetery but overall the cemetery’s heritage values will be protected and its amenity values maintained.
 - These directly and favourably address the s.32 questions of efficiency, effectiveness, economic development and employment against the Council’s preferences.
 - There are clear benefits available from the BSPL relief that considerably outweigh their very minimal additional costs (in terms of effects).
- 6.35 In opposing the relief sought, Mr Kyle has relied on the analysis of Dr Read and Mr Bird, and Dr Cawte. These experts are concerned that the relief sought by BSPL would have such unacceptable adverse effects on the heritage and other values of the Cemetery that it should not be provided for in the District Plan. I am concerned with this conclusion as follows.
- 6.36 While both Dr Read and Mr Bird have deferred to the significance of “heritage values”, neither has identified:
- what the Cemetery’s heritage values actually are;

- how those values may be sensitive to building height on 34 Brecon Street;
- the adverse effects likely to result from the relief sought on those heritage values;
- how those adverse effects could not be avoided, remedied or mitigated by way of plan provisions or any relief less than what was sought but possibly more than what PC 50 proposed; or
- why those adverse effects are so severe the only way to promote sustainable management would be to not provide for any additional height above 12m.
- I note that Dr Read goes so far as to suggest that even the 12m proposed in PC50 may be excessive.

6.37 Dr Cawte is a heritage expert and his views are much more focussed on the (now largely expired) visual relationship between the town and the cemetery, not the more general landscape views to mountain tops preferred by Dr Read and Mr Bird. In my view those distant landscape views are not protected under the District Plan and I do not agree they are so unique or essential to the cemetery that they should be. IN any event Mr Gibbs' analysis shows that 34 Brecon Street can accommodate a medium rise outcome and still allow for ready appreciation of landform features from the cemetery as part of a panoramic field of view not limited to 34 Brecon Street's boundaries.

6.38 I am concerned that the Council has determined any loss of views from the cemetery as being severe without any apparent consideration of the number of people who visit the cemetery for the purpose of enjoying views. I endorse the evidence of my client which, through Mr Wilkinson, commissioned a visitor survey of the cemetery's visitors in the week of 4 to 11. Mr Schreiber has explained his results to the Panel.

6.39 This survey demonstrated that the number of visitors on what has been assumed as a typical week is low, with most visitors being on their way to the Gondola (and to who views from the cemetery are not a reason for their visit). Related to this, I do not agree with the Council's assumption that every visitor to the cemetery wishes to face

south and Mr Schreiber discovered this first hand. On my visit to the cemetery I noticed that many headstones and plots are oriented such that visitors need to face away from the view to interact with them. This corresponds to the evidence of Mr Cawte, who discusses the symbolism of cemetery lay out in relation to the cemetery entrance and the afterlife, where many headstones were oriented towards the entrance (so visitors interacting with them face partially or fully away from the view Dr Read is concerned with).

- 6.40 I agree with Mr Gibbs' analysis that it is not uncommon that cemeteries at the edge of a settlement, over time, become part of the settlement as it grows. His examples reinforce that the way to serve heritage values in a cemetery is to ensure that buildings around it are designed to be sensitive, well composed, and respectful of the need for visitors to enjoy privacy, peace to reflect, and opportunity to grieve. But an appropriate development interface conveying the sense that people are close by has some benefits that have not been recognised by the Council, such as allowing a watchful eye over the space and discouraging anti social behaviour such as vandalism and youths drinking alcohol. This has become an occasional problem in other places such as Auckland where no natural surveillance has been in place at cemeteries, leading in some unfortunate circumstances to desecration.
- 6.41 The medium rise outcome sought by BSPL will clearly be taller than the low rise outcome PC50 would enable or the lower rise outcome Dr Read would prefer. But in terms of actual additional adverse effects I struggle to see how the facts support the Council's concerns regarding shadowing. The combination of height, setback and reduced upper level site coverage sought by the submitter would avoid problematic dominance effects, and combine to have modest visual effects other than to reduce views of mountain tops from the cemetery that are of very debatable and unsupported (in the District Plan) significance. While the cemetery view would change, a well designed building would not be overly dominant or intrusive, nor should it be seen as being inherently offensive to viewers. If it was found by the Panel that any additional buildings in the existing cemetery view were inherently

adverse, my analysis of Mr Gibbs' photomontages and accompanying modelling is that any effects would be minor at worst, and fall well short of being significant.

- 6.42 In respect of other views that may be changed by a medium rise building, I do not agree that there would be any injury or loss of amenity values that would not fall within the reasonable expectations of people living in the premier centre of a District that makes no secret of its wish to continue growing and accommodate more people (while also protecting as many of its older buildings as possible in the process). It is also important to me that the views in question to Dr Read and Mr Bird are not unique. Queenstown is rich in stunning views that are conveniently accessible to people and PC50 would not materially diminish this. I agree with Mr Bird's conclusion that the scale and grandeur of Ben Lomond is starkly large against Queenstown. Views changed to including a medium rise building or buildings at 34 Brecon Street would not leave lasting injury to any viewer and would over time become accepted as the new normal (as has occurred across Queenstown where development has spread and changed previous views).
- 6.43 Having regard to economic development opportunities, employment advantages, the enhanced social and economic wellbeing opportunities available from providing for more height at 34 Brecon Street, and the site's walkability advantages in terms of energy efficiency and a reduction in vehicle dependency, I am satisfied that the BSPL relief is the more appropriate to serve the District Plan's objectives and for that matter policies.
- 6.44 Overall, my analysis is that the reduction in height from PC50 sought by Dr Read is not supported by any evidence and is predicated on an "any loss of views is adverse and should be avoided" approach that is not warranted in resource management terms. The height proposed in PC50 reflects that change can and should occur around Queenstown and that the cemetery's relationship with Queenstown has changed from being set above and away (Dr Cawte's evidence) to being part of it. But the PC50 height limit is not in my view efficient in terms of

working within the parameters of adverse effects that have been identified by the District Plan and the Council's own experts. As has been demonstrated by Mr Gibbs, a considerably more efficient use of the land is possible that will create minimal additional effects of bulk, dominance and shadowing, and should be preferred.

- 6.45 I lastly note my agreement with a proposal by Mr Kyle that an assessment matter for controlled activities relating to the interface between the cemetery and site at 34 Brecon Street would be appropriate, and I am comfortable with the proposal he has made at 10.6.3.2(vi)(h), and 10.10.2 Lakeview Sub Zone Urban Design Principles (1).
- 6.46 I recommend the following Rules be amended:
- (a) The Lake View Sub-Zone Height Limit Plan be amended to show 19m at 34 Brecon Street as a controlled;
 - (b) That 10.6.5.1(xiii) be amended to provide the following text as a stand alone paragraph:
“At 34 Brecon Street building height, including any roof bonus height, shall be limited to 15m within 17m horizontal distance of the site’s boundary with the Queenstown Cemetery. In the event that a realignment of Cemetery Road occurs to delineate these sites, then no setback shall apply from the new road boundary with 34 Brecon St. In addition, building height up to 22.5m (excluding any roof bonus) may be applied for at 34 Brecon St as a restricted discretionary activity.”
 - (c) That Rule 10.6.3.3 be amended to add a new clause (v) as follows:
“Buildings on 34 Brecon St (excluding any roof bonus) higher than 19m but no higher than 22.5m, with discretion limited to the matters outlined at 10.10.2: Controlled Activities Rule 10.6.3.2(vi) – Buildings – Queenstown Town Centre Lakeview Sub Zone.”
 - (d) That Rule 10.6.5.1(i)(d) be amended by adding the following text:
“Lakeview sub-zone: Maximum building coverage – 80% except that any part of a building at 34 Brecon Street higher

than 19m shall not exceed a maximum building coverage of 70%."

7. CONCLUSIONS

- 7.1 The wider Queenstown area is a challenging environment due to the combination of outstanding natural landscapes, historical development choices, and areas that are otherwise impractical to develop. There are very few opportunities to accommodate future development that will not be offensive to some in the community, often on the basis of a change of views. In my opinion part of a reasonable person's amenity values in a growing town such as Queenstown should include a reasonable expectation of change around them on the basis of the effects that such change may lead to rather than any preconceived "rightness" of one form of development over another.
- 7.2 The Queenstown centre is the "capital" of the District and there are no plans for this primacy to decline or be replaced although the developing Remarkables Park / Frankton Flats area will likely grow into a node of comparable scale albeit a different function. Queenstown township itself has a distinctive built footprint, and the full extent of urban development in the locality has expanded significantly over the past twenty years. Although some viewpoints out of the town allow it to appear relatively small against the backdrop of dramatic landforms, it is a substantial and dense urban area that has involved considerable environmental modification. A number of prominent public landscape views have over time changed to accommodate extensive building forms. Where a viewer is close to a building, even at less than 8m in building height, it has been sufficient to completely screen previous landscape views.
- 7.3 In my view the Council has prepared a relatively robust and logical Plan Change that meaningfully addresses the difficult question of "where next" for Queenstown's growth. Although I disagree with the conclusions reached by the Council for 34 Brecon Street as a matter of resource management weighting and a general lack of technical

evidence, I support the balance of the Council's recommendations for PC50.

- 7.4 In particular, I reiterate my analysis that medium rise buildings are not inherently adverse or out of place in a settlement of Queenstown's scale and significance, and can be accommodated in a way that does not compromise – but will change - existing landscape character. While the District is rich in outstanding natural landscapes and other landforms that can only be described as dramatic, the promotion of sustainable management cannot be served by an ongoing slow spread outwards across every valley or low slope and the District Plan is clear on this. Suitably designed and apportioned medium rise buildings can maintain the established scale of Queenstown around its lake edge. They can also provide a considerably greater intensity and density of general mixed use agglomeration within a conveniently walkable area, recognised as very important in the District Plan.
- 7.5 Ben Lomond is a steep and tall natural feature that, with its blanket of trees, is able to accommodate a skirt of medium rise buildings at its base.
- 7.6 I recommend that to most appropriately achieve the objectives of the Queenstown Lakes District Plan, and as such promote sustainable management, PC50 be amended as set out in section 6 of my evidence and as comprehensively justified by Mr Gibbs.



21 November 2014

Ian Colin Munro

Urban Planner and Urban Designer

B.Plan(Hons); M.Plan(Hons); M.Arch(Hons); M.EnvLS(Hons); M.EngSt(Hons);
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APPENDIX 1

CV of Ian Colin Munro