

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

Dated 15 January 2015

INTRODUCTION

- 1.1 My name is Ian Colin Munro. I rely on the description of my professional qualifications and experience set out in my primary evidence, dated 21 November 2014. I continue to agree to be bound by the Environment Court's Code of Conduct for Expert Witnesses.
- 1.2 My client Brecon Street Partnership Ltd ("**BSPL**") has asked me to provide further resource management planning evidence in relation to the issues raised by the supplementary evidence lodged on behalf of the Council. In preparing my supplementary evidence I have read:
- (a) The supplemental urban design evidence of Mr Clinton Bird;
 - (b) The Trip Advisor website referred to by Mr Bird;
 - (c) The Flickr Photo Sharing website referred to by Mr Bird;
 - (d) The supplemental evidence of Mr Doug Weir;
 - (e) The supplementary planning evidence of Mr John Kyle;
 - (f) The supplemental urban design evidence prepared by Mr David Gibbs responding to that of Mr Bird; and
 - (g) I have re-read the primary evidence of Messrs Bird and Gibbs.
- 1.3 In my supplementary evidence, which will only address new issues raised in the Council's supplementary evidence that relate to the submission or further submissions lodged by my client, I will:
- (a) Identify the issues that I will respond to;
 - (b) For each, briefly outline my analysis and provide reasons for these; and
 - (c) Confirm any changes to the recommendations I have previously made in my primary evidence.
- 1.4 I did not participate in any of the meetings between the parties (none qualified as expert caucuses) held at the invitation of the Panel in late 2014. I have read the minutes of those meetings that were held. A meeting between Mr Gibbs, Mr Bird and I was tentatively booked in Auckland but cancelled by the Council (through Mr Speedy).

2. ISSUES TO BE ADDRESSED

Advocacy

- 2.1 In my primary evidence I gave reasons why I had come to prefer Mr Gibbs' evidence over Mr Bird's. In his supplementary evidence Mr Bird has criticised the work of Mr Gibbs' evidence for BSPL as being "highly selective". This would amount to advocacy on Mr Gibbs' part. This sits towards the more serious end of claims that an expert can make of a colleague. As an independent expert tasked with assisting the Panel to the best of my ability I have reflected very carefully on Mr Bird's comments. If credible it could give me reason to change my position and instead rely on Mr Bird's analysis of the issues, which would change a number of my primary evidence recommendations.
- 2.2 I have re-read the primary evidence of Mr Bird and Mr Gibbs. I have the benefit of being a qualified and experienced urban designer familiar with the various techniques available to investigate potential effects. I am comfortable that aside from the issues of shadowing and effects on views from the Queenstown Gardens there is no basis to support Mr Bird's assertion. He and Mr Gibbs simply disagree with each other and have employed at times differing techniques to work through the issues. Mr Bird not agreeing with some of the approaches used by Mr Gibbs falls well short of purposeful obfuscation to benefit a client on the part of Mr Gibbs.
- 2.3 In respect of shadowing effects other than on the cemetery, I am puzzled as to how Mr Bird concluded that this is a defect on the part of Mr Gibbs' work when Mr Bird's primary evidence itself only identified that shadowing of the cemetery was of concern. The accepted role of a Council's evidence and in particular its s.42A reporting in its impartial role as a consent authority is to fully assess submissions, filter them, and set out the key issues of contention so that submitters can in turn focus their arguments at Hearings towards those key issues. This intentional sequencing works to make Hearings as efficient and simple as possible for the decision maker.

- 2.4 The Council, specifically Mr Bird, Ms Read, Mr Kyle and Mr Bryce each identified only shadowing of the cemetery as being an effect of concern when they assessed the BSPL submission and gave recommendations to the Panel. None of them identified that further shadowing analysis may be needed or used the appropriate opportunity presented by the s.42A reporting function to signal to the submitter that shadowing of sites other than the cemetery could raise effects of concern. With the greatest of respect they should have if that was the case. Either the Council properly assessed the BSPL submission in the making of recommendations to the Panel, or it did not.
- 2.5 On the basis of carefully reading the substantial amount of evidence produced by the Council prior to the Hearing, Mr Gibbs (and I) did not spent time allocated to the BSPL submission covering issues with the Panel that as far as could be reasonably ascertained the Council was comfortable with¹. It has only been through supplemental evidence that the Council has belatedly identified different shadowing effects as a concern amongst a number of new issues and information.
- 2.6 In respect of the effects of the BSPL relief on views from the Queenstown Gardens area, the information available to Mr Gibbs at the Hearing from FearonHay was that 34 Brecon Street was not visible. I am comfortable that Mr Gibbs acted reasonably in investigating the issue and relying on the Council's experts to give advice to the Panel that there was no effect of concern.
- 2.7 On overall reflection of the above, Mr Bird's criticisms were unfair. I remain of the view that Mr Gibbs' primary evidence is more reliable than Mr Bird's for the reasons I outlined in my primary evidence. As such I continue to rely on Mr Gibbs' recommendations for the purposes of my own primary evidence recommendations.

¹ Although I note that Mr Gibbs' primary evidence appendix did fully show the wider shadows likely to be cast by the BSPL relief – he just did not speak to those effects following the prompt of the Council's reporting.

Technical issues to be addressed

- 2.8 Having read the statements of evidence referred to in paragraph 1.2 above, I have identified the following issues to be further responded to:
- (a) Visual effects from the BSPL relief on the Queenstown Gardens.
 - (b) Shadowing effects from 34 Brecon Street on the camp ground and Isle Street.
 - (c) Shadowing effects from 34 Brecon Street on Brecon Street.
 - (d) Dominance and related effects from 34 Brecon Street on the Queenstown Cemetery.
- 2.9 I can confirm that in respect of the balance of my primary analysis and conclusions, the Council's supplementary evidence has not changed my opinions. I remain in substantial support of PC50 and see the nature and scale of outcomes being grappled with as necessary to the future wellbeing of the community. Although I have identified what I see as deficiencies in the way the Council has assessed the BSPL submission, this should not take away from my agreement with the plan change in general, including the opinions of Mr Bird.

3. VISUAL EFFECTS ON QUEENSTOWN GARDENS

- 3.1 Mr Weir has outlined the process through which his supplementary Figures 9, 10 and 11 came to be produced (Figures 13, 14, and 15 respectively in Mr Bird's supplementary evidence).
- 3.2 I disagree with how the Council has represented the BSPL relief on the photomontages and assessed the submission. The use of a dominant red outline that draws the eye is a well established technique to increase the dominance of an object by making it stand out. The thickness of the red line, which in the scale of the images is itself several metres thick, also unhelpfully overstates the BSPL relief in places. Whereas for every other large site PC50 has been represented by indicative smaller buildings the approach taken by the Council in respect of the BSPL relief is to present it as one large

building form. There has been no explanation given for why the Council felt the need to depart from its previous approach in respect of assessing the BSPL relief. The photomontages also presume the removal of all existing trees. The protected tree at the front corner of 34 Brecon Street would offer further screening of the building of concern to Mr Bird, as would the existing trees lining Cemetery Road. As such the “red box” diagram does not in my opinion offer a safe basis for assessment.

3.3 Accordingly the photomontages have the effect of overstating the likely visual impact – especially the horizontal top – of the BSPL relief that will be presented to viewers. An example of this is Mr Weir’s Figure 9. It shows the combination of building sides visible on sites in front of 34 Brecon St and which have a similar orientation to 34 Brecon St. They do not have flat tops to the viewer but what appear as triangles as the leading building corner (closer) recedes to other building corners that are further away from the viewer. This effect is enhanced as buildings get both longer and taller relative to the viewer’s eye level, and is a well established phenomenon to those familiar with preparing mechanical perspective drawings. Some buildings have also had flattering sloped roofs shown by FearonHay which can break up any horizontality even further. The other consequence of Mr Weir’s Figure 9 is that it implies 34 Brecon Street is directly facing the viewer; it is not and hence the red line shown is a ‘long diagonal’ through the site rather than its actual and shorter front elevation. This makes the implied building look longer and less flattering.

3.4 I refer now to my supplemental **Figure 1**. In my view had the photomontages used grey-filled indicative building ‘boxes’ with tones varied to represent different building faces, as has been done for every other proposed PC50 building (see (b) and (c) in my Figure 1); and a further indicative render of likely building outcomes, as has been done for every other proposed PC50 building and used in Mr Bird’s primary evidence (see (d) and (e) in my Figure 1), a sounder basis for analysis would have been used. The Panel should give greatest weighting to the indicative renders ((d) and (e) in my Figure

1) as these best illustrate the likely real-world visual effects that would result. I would finally reiterate that none of the buildings shown would be permitted activities; all would require consent including the ability of the Council to require changes on design grounds including the presentation of mass, the shape and form of buildings (including roofs), and the materials and colours used. This is ample control to ensure that any particular features of the buildings indicated in the renders of concern to the Panel could be ably rectified.

3.5 Mr Bird has concluded at his supplementary paragraph 59 that the BSPL relief will be “more than minor” in the context of the photomontage and on that basis be unacceptable. Having undertaken my own analysis as well as considered Mr Gibbs’ supplementary analysis, I make the following comments:

3.5.1 Mr Bird has not provided any analytical rationale or metric for why the increase sought on 34 Brecon Street is more than minor on the Queenstown Gardens viewpoints, especially as it is still shorter than the tallest buildings proposed in PC50. This makes it impossible to identify at what point, for example, additional height would not be more than minor. While I support qualitative analysis in professional evidence I am cautious when analysis comes to rely entirely on it as Mr Bird’s has.

3.5.2 Mr Weir, in agreement with Mr Bird, also provides no analysis or rationale to support his opinion of opposition. This makes it difficult for me to evaluate the reliability of that opinion. Mr Bird has instead opined on issues of synchronicity, a gentle tapering of urban form, and a truncation of hard edges across the wider townscape. None of these general principles are related in his analysis to an adverse effect on the Queenstown Gardens being assessed in the montages. There is no basis in the District Plan or any other technical grounds to presume that these are “must haves” to promote sustainable management or will lead to unacceptable adverse effects if not precisely achieved; they appear to simply be Mr Bird’s

personal preferences to achieve his sense of visual harmony and he has not provided any explanation of the actual adverse effects of concern that will result from the BSPL relief on the viewpoints used other than that it will not reflect what would be an ideal townscape to his eye.

- 3.5.3 The “no more than minor” test is not relevant to RMA plan making and is only referred to in the Act for the purposes of determining whether or not to notify an application for resource consent under s.95A, or whether or not a Non Complying activity application passes one of the two gateway tests in section 104D. Neither circumstance applies here. My experience has been that District Plans, including the Queenstown Lakes District Plan, provide for significant adverse effects to occur - often as permitted activities. This is because the statutory requirement is to promote sustainable management in light of the relevant community’s needs, not to limit change to a “minor” level of visual or other impact.
- 3.5.4 Therefore even if the Panel were to prefer Mr Bird’s view that there was a more than minor adverse effect, that is not a sufficient basis to reject the BSPL submission as the Council has promoted. A wider analysis and conclusion on the BSPL submission, guided by s.32 RMA, is still required on overall merit including the implications of different outcomes on economic development and employment. This has not occurred in the Council’s evidence other than Mr Kyle’s indirect and whole-of-plan-change analysis.
- 3.5.5 Notwithstanding the Act’s approach to “minor”, I have revisited the District Plan objectives and policies relevant to the s.32 and s.32AA tests that were identified in section 4 of my primary evidence, in particular chapter 10 of the Plan and the proposed provisions for PC50. In my view there is no reasonable interpretation of that framework that can lead to the notion that “minor” is an important or even relevant effects threshold to

achieving the objectives of the Plan when making new policies and other methods for Queenstown centre.

- 3.5.6 In respect of the two paragraphs above, and with the greatest of respect, I can only conclude that Mr Bird has applied an incorrect test when determining what may or may not be appropriate and it has led him to an unreliable recommendation. This has followed through to the planning recommendations of Mr Kyle, who has accepted Mr Bird's recommendations without question despite what seems to be a clear error of the application of the law.
- 3.5.7 Turning to the photomontages themselves, I note that in reality there will not be a passive mass of equally grey coloured and similarly sized and shaped boxes developed together as Mr Bird may have presumed in his discussion of visual harmony and similarity of scale. There will be considerable variation including clashing building lines and planes, materials and colours. Not all sites will be developed at the same time and there may be large "gaps in the smile" for many years or decades at a time. The concerns Mr Bird expresses around jarring transitions may well occur if only the Council's intended conference, hotel and entertainment development proceeds and the softer transitional buffering intended by smaller development on adjacent land, which the Council does not control or intend to redevelop itself, lags behind.
- 3.5.8 The form indicated for 34 Brecon Street would be varied as required by proposed PC50 provisions (as a controlled or for the upper extent a restricted discretionary activity) including the expression of a roof form that avoids the sharp box shape that Mr Bird has objected to. The same applies to the design of any building side, and there are numerous well established techniques that can be employed to make a building, when viewed from a distance, appear as a collection of smaller buildings rather than one stark continuous mass (and, again, PC50's design criteria require this).

3.5.9 My analysis is that 34 Brecon Street, even though the building will be clearly visible and would be one of the larger ones in Queenstown, is unremarkable when viewed amongst that wider body of development skirting the base of Ben Lomond, even at the additional height proposed by BSPL. This is because it maintains what reads as a generally consistent line of development around the base of Ben Lomond and does not noticeably “stick out” especially as the combination of roof design and the receding perspective of different building sides come into play. Looking at the existing buildings in Queenstown and those enabled by PC50, the BSPL mass would also remain consistent with other larger forms visible including the venue of this Hearing. The additional height also serves to bring attention in the skyline to the significance of Brecon Street in Queenstown’s urban structure and the axis connecting the Gondola to the lake front. This is a benefit of additional height by way of the principle of “legibility”, and was identified as such in the Queenstown Height Study for Brecon Street.

3.5.10 My analysis of Mr Weir’s Figure 9 (Montage 7) is that the additional height sought on 34 Brecon Street represents an approximately 5.8% increase in total PC50 building mass visible in that montage. In terms of the totality of urban Queenstown, this reduces to approximately 2.4% of visible building mass. The 34 Brecon St building does not stand out or dominate the view (using the diagrams I prefer in my Figure 1), and the horizontal building edge at Brecon Street of concern to Mr Bird appears to be more of an expression of his personal taste than a technical conclusion of effects given how often strong building edges and horizontal sides will be apparent (and that PC50 itself calls for buildings to front streets with strongly defined edges).

3.5.11 I also note that there are submissions to PC50 seeking development on the opposite side of Brecon Street, which

would considerably soften that termination of 34 Brecon Street's building mass. Although the Council is recommending that there is no scope for the Panel to consider those submissions, the fact remains that it is a live issue before the Panel and is as such a relevant technical consideration.

3.5.12 Overall I have been unable to correlate Mr Bird's view that the BSPL relief, once reasonably interpreted from the montages based on the PC50 provisions and how other buildings have been represented by FearonHay, has a more than minor or otherwise unacceptable impact on Queenstown's townscape or specifically the amenity of the Queenstown Gardens.

3.6 For all of the above reasons I am led to continue preferring Mr Gibbs' analysis and conclusions. My analysis is that the facts clearly show that the additional building height sought by BSPL - subject to the proposed PC50 consent and design requirements - can be accommodated without having any concerning impact on the "townscape" visible from Queenstown Gardens, or on the amenity of the Gardens or beach. My supplementary **Figure 1** confirms this.

3.7 On this basis my recommendations to the Panel outlined in my primary evidence have not changed.

4. SHADOWING EFFECTS FROM 34 BRECON STREET ON THE CAMP GROUND AND ISLE STREET

4.1 Mr Bird has concluded that any additional building height at 34 Brecon Street would have unacceptable adverse shadowing effects on the camp ground site west of 34 Brecon Street. He has relied on images produced by FearonHay. I have a number of concerns with those images and Mr Bird's interpretation of them:

- a. Mr Bird has continued to use the incorrect threshold of "more than minor" in his analysis.

- b. Only some of the diagrams appear to have been corrected for topography, while others project shadows as if the land was flat (such as Mr Bird's supplementary figure 4 where all shadows are the same length despite an approximately 5m rise between the developable part of 34 Brecon St and Cemetery Road) at its northern side, making those shadows over 20% shorter than buildings at the site's southern side.
- c. The images have removed Cemetery Road and shown buildings on it, for an unexplained reason (although the PC50 height plan does provide a 12m height limit on the road). Property boundaries have also been removed, making it difficult to appreciate where any effects on the camp ground would commence from (**Figure 2**).
- d. By not including Cemetery Road, Mr Bird – who has previously given support to a proposed land swap to realign the road – appears to have counted shadowing on the road that would fall to the owner of 34 Brecon Street, as being part of the camp ground and a contributor to his overall unacceptable adverse effects on the camp ground.
- e. In any event, mature existing trees in the road reserve at Cemetery Road shadow that part of the land already. Mr Bird has not acknowledged those existing trees in Cemetery Road and the shadows they already give rise to in his analysis.
- f. Mr Bird has ignored the shadows that would be cast by buildings that PC50 would enable on the camp ground site itself, even though they are shown in his diagrams. This has led to an unreasonable misattribution of shadow effects to 34 Brecon St when they would be cast on the camp ground site by other buildings.
- g. Using Mr Bird's own logic the Isle St sub-zone cannot be supported because 12m development on one privately owned site would be sufficient to fully shadow at least one

neighbouring property in the same shadow conditions that Mr Bird is concerned with for 34 Brecon Street and the camp ground.

- 4.2 In respect of point (f), PC50 provides for the Council to develop buildings on the camp ground as it sees fit (as a controlled activity), subject to the rules of PC50 including 80% site coverage and 12m building height. Depending on configuration these would account for all shadowing on the camp ground site shown on the FearonHay diagrams used in Mr Bird's supplementary evidence. As an example, and adapting Mr Bird's Figure 2 (which I agree shows the "worst case" shadowing), it is possible to remove the from the shadows that might be cast by a 34 Brecon St building on an undeveloped camp ground site, the shadows that PC50-enabled camp ground buildings could themselves cast. I have shown this in my supplemental **Figure 3**. The additional shadowing cast onto this from 34 Brecon Street is in my view not problematic, and certainly less than minor.
- 4.3 I am unfamiliar with Mr Bird's approach of discounting development anticipated on a site within a Plan Change to show how development of a neighbouring site under that same plan change (albeit by way of relief sought in a submission) would lead to unacceptable adverse effects on that site. To the contrary, it is in my view accepted practice to first ascertain the bundle of effects that a plan change as proposed would enable or otherwise intends, and then overlay onto this the additional or different effects that a submission would lead to. When this standard approach is followed, Mr Bird's own diagrams show that there is minimal additional shadowing likely on the camp ground site resulting from the BSPL relief over and above what PC50 already sets in motion for the camp ground site. 12m building height and 80% site coverage allow for the camp ground site and the roads adjoining it to be entirely shadowed.
- 4.4 I do not dispute that buildings may result in considerable shadows over the camp ground site as both Mr Bird's and Mr Gibbs' images show this. But to reasonably address the BSPL submission it is necessary to fairly attribute shadowing effects resulting from the

submission that are over and above the underlying effects provided for by the Plan Change. In my view Mr Bird has not correctly interpreted his own diagrams and I do not have confidence in his conclusions.

4.5 Mr Bird has expressed similar conclusions in respect of shadowing affecting Isle Street. Referring to Mr Bird's supplemental Figure 3, (reproduced in my supplemental evidence as **Figure 4** for convenience) I am unable to understand how the shadowing indicated as being cast from 34 Brecon St spreading across part of Isle Street is "more than minor" when greater total shadowing shown in that image from indicative future buildings on the camp ground site also extending across Isle Street are in Mr Bird's view not problematic and presumably "less than minor". I also note that if the Cemetery Road land swap supported and presumably assessed by Mr Bird (allowing him to state to the Panel he supported it) proceeded, buildings up to 12m could occur along the northern edge of Isle Street and cast greater shadowing on Isle Street than has been depicted from 34 Brecon Street in his diagram. If Mr Bird were concerned with the future land swap being contemplated and included in this analysis I would not expect him to have used the FearonHay diagrams that show buildings in Cemetery Road (i.e. the land swap would have had to have occurred in those diagrams).

4.5 In my view the more reliable shading diagrams and analysis are those prepared by Mr Gibbs. Not only did he directly produce his own diagrams, he has explicitly verified that they were topographically correct before attempting to interpret what effects they show. He has also taken care to assess the BSPL relief's shadows in the context of other PC50-enabled shadows, as well as the camp ground as it exists today. Mr Gibbs' diagrams have been fully explained in terms of the methodology and procedure used to produce them, and depict environmental features that I have myself also been able to verify. An example is the slope of 34 Brecon Street as it banks uphill to Cemetery Road that is not shown on some of the FearonHay images or accounted for by Mr Bird. I also agree with Mr Gibbs' using different indicative building locations than the FearonHay set, including keeping buildings clear of Cemetery Road (although in the event of a future

land swap as previously discussed with the Panel such could eventuate to 12m in height), and showing buildings fronting Brecon Street. Mr Gibbs' depictions are better at reflecting the limit of what the development controls in PC50 could allow for and as such present a definitive "worst case" for analysis.

4.6 Mr Gibbs' images show that there is no material shading impact from the BSPL relief on the camp ground for most of the year. On the winter solstice, June 21, there would be morning shadows on those days where inclement weather would not otherwise be blocking the sun and my analysis is that a month either side of that date accounts for the period of the year where such shadowing-of-relevance could occur. Looking at Mr Gibbs' diagrams, the difference in shadowing between the 12m and 24m versions is minimal, once appropriately contextualised, and would not in my opinion be problematic on the camp ground or Isle Street, nor out of place in an urban setting where shadows from buildings are a part of life (and do not preclude high standards of amenity being achieved).

4.7 I agree with Mr Gibbs that shadowing from the BSPL relief over the camp ground is not as adverse as has been found by Mr Bird, and is not sufficiently adverse as to justify a refusal of the BSPL relief. As such, my recommendations in support of the BSPL relief expressed in my primary evidence remain unchanged.

5. SHADOWING EFFECTS FROM 34 BRECON STREET ON BRECON STREET

5.1 Without repeating my previous shadowing analysis, I also have concerns with Mr Bird's analysis of shadowing effects as they relate to Brecon Street, and prefer Mr Gibbs' analysis.

5.2 Mr Bird does not appear to have considered the provisions of PC50 in his analysis, as the FearonHay diagrams depict buildings that do not in my view give effect to the requirements for "Active Frontage" that are proposed to apply along Brecon Street, and which have the

practical effect of requiring buildings to directly front (or be very close to) the street boundary. As with the building shown by FearonHay placed in Cemetery Road, the buildings appear to have been dropped onto a plan haphazardly and without explicit consideration of forms likely under the (at least) controlled activity requirements of PC50.

- 5.3 The combination of building location at the Brecon Street boundary and even 12m height, taking into account the low angle of the afternoon sun, means that in any event Brecon Street will be almost entirely shaded across its width. The Council must be aware of this basic fact about its own plan change. Building height above 12m has the potential to cast shadows onto private land on the other side of Brecon Street, but once development on those sites is taken into account (they would intercept shadows from 34 Brecon Street on their front faces) it is clear that no shadowing would eventuate that the Plan did not already provide for on that land.
- 5.4 If the Panel determined that it did have scope to include that land on the opposite side of Brecon Street as part of PC50 and furthermore agreed with the relief sought by those submitters, then that would inherently provide for that land to create even greater shadows on itself and taller buildings at Brecon Street (which would also have the same effect of “blocking” 34 Brecon Street shadows.
- 5.5 I have also considered Mr Bird’s views in more general terms. I disagree with him that a street in an urban centre being shadowed is itself an inherently adverse effect. As can be seen in every generally east-west aligned commercial street in Queenstown, development on the northern side of the street puts that street in almost all day shadow. Any verandas in place for weather protection also often further enclose and darken at least one side of the footpath. Yet these outcomes are often called for in District Plans and within PC50 itself.
- 5.6 It is common in generally north-south commercial streets, such as that part of Brecon Street below the Brecon Street steps and Rees Street, that there is considerable shadowing in the morning and afternoon periods from buildings on either side, but openness and sunlight

through the middle part of the day when foot traffic tends to be greatest. Taking that into account, the shadows that will result on Brecon Street as a result of PC50 – irrespective of the height limit preferred by the Panel, will not be out of place or inappropriate. While Queenstown has periods of superb sunny weather, it has several wet weather and storm days that are unpleasant for pedestrians. Having buildings that form wind breaks, offer shelter from rain and make it comfortable for people to move through the centre when the sun is not shining are also an important part of enabling the community's well being. It is a key reason why District Plans frequently require buildings in high pedestrian areas to front streets.

- 5.7 On this basis, I prefer Mr Gibbs' supplementary shadow analysis and the recommendations I reached in my primary evidence remain unchanged.

6. EFFECTS ON THE QUEENSTOWN CEMETERY

- 6.1 Having previously addressed this matter I will only comment on those new issues raised by Mr Bird.
- 6.2 Mr Bird has found support for his recommendations from a "Trip Advisor" website. I have visited this website and reviewed the comments posted referred to by Mr Bird. I do not agree that any clear conclusion can be taken from that website in support of either the BSPL relief or Mr Bird's preference. While some comments discuss the quality of views available from the Cemetery, many more do not refer to views at all. Others refer not to views of the landscape elements but to buildings and the "city". It is unknown to what extent development on 34 Brecon Street may be offensive to those particular visitors, and given how wide the panoramic views are at the Cemetery, to what extent views being spoken of materially included 34 Brecon Street.
- 6.3 There is, in general, a lack of clarity over whether or not comments are consistently referring to views eastwards across Brecon Street to

Gorge Road and Queenstown Hill, or down towards the Lakefront. There are no means of ascertaining the extent to which the BSPL relief – or even just PC50 alone as supported by Mr Bird – would change those opinions expressed regarding views including above 34 Brecon Street. Mr Bird appears to feel the matter may be settled simply by demonstrating that there are some people who have expressed views similar to his own regarding views from the cemetery. That people visit the cemetery and that there are appealing views available from it have never been in contention including from Mr Schreiber's survey. The resource management question is of the overall broad balance of competing demands that most appropriately meets the tests of the RMA. In this respect I have not found the Trip Advisor comments helpful one way or the other to understand how the qualities of the cemetery that contribute to the community's wellbeing may or may not be changed by the BSPL relief on 34 Brecon Street.

- 6.4 The Cemetery offers wide panoramic views from Gorge Road in the east around the lake to the south-west. There is nothing to suggest, as Mr Bird has inferred, that the major landscape or urban views that visitors to the cemetery appreciate to the extent that protecting them becomes a critical resource management necessity is above 34 Brecon Street. Even if views to the Remarkables was seen as a key view, depending on where in the cemetery the viewer stood, 34 Brecon Street does not form a major part of that view. Despite this Mr Bird has interpreted the comments in this fashion and continued to downplay the width and openness of that total panoramic view. It is in that context where development of 34 Brecon Street would sit, and for that reason I continue to prefer the conclusions of Mr Gibbs.
- 6.5 I have also visited the "Flickr Photo Sharing" website Mr Bird referred to and produced images from to support his conclusions. I agree that the images Mr Bird showed are on that website. The majority of images for "Queenstown Cemetery" do not show the view Mr Bird is concerned with. Many include Gorge Road, the Queenstown Hill, or Ben Lomond. I have included as Figure 5 direct screenshots from my visit to the website, showing images in the order they were delivered by the website. The most frequent images - by far - are close up

photographs of individual headstone or monument details, which if anything supports my primary evidence analysis that visitors do not mainly visit the cemetery for landscape views but to commune with those that have passed. I do not agree that the balance of images on that website reasonably reflect the conclusions Mr Bird has expressed, and indeed I had to look for some time to find the images Mr Bird used.

- 6.7 Mr Bird has also disagreed that the upper level building setback proposed will have the softening of dominance that Mr Gibbs and I have concluded will occur. He has discussed how only people close to the building will truly appreciate that setback but that as users move further back into the cemetery they will perceive a flatter façade and this will make the building unacceptable. What Mr Bird has not explained well is that as users move further away from 34 Brecon Street, those buildings will appear smaller in the overall field of view, and as the ground level increases, people will increasingly be able to look out over the top of buildings on 34 Brecon Street rather than see it looming above them. My analysis is that these spatial factors will “balance-out” and overall still result in an appropriate cemetery interface being achieved. As such my primary evidence recommendations remain unchanged.

7. CONCLUSIONS

- 7.1 The Council has produced a significant amount of substantively new material. I have assessed the relevant resource management planning and urban design evidence put forward.
- 7.3 In my opinion the Council’s supplemental evidence is frequently inaccurate, often fails to reflect or acknowledge the outcomes enabled by PC50, or relies on the inapplicable benchmark of “minor” to determine the appropriateness of outcomes. It ultimately demonstrates the limitation I have previously identified to the Panel, being that the Council’s experts have taken the view that only “minor”

levels of change can be appropriate to promote sustainable management. There is no basis for this in the RMA or District Plan.

- 7.3 I continue to prefer the evidence of Mr Gibbs over Mr Bird. Mr Gibbs' is more consistent, does not include the errors that I have identified in the Council's evidence, and has the superior probative value by way of the explanations of methodology provided. I have considered the criticisms of Mr Gibbs made by Mr Bird but do not agree that there is any basis to them other than that Mr Gibbs simply does not agree with Mr Bird.
- 7.4 To the point, and on the basis of full reflection on the evidence available, I recommend that in determining the BSPL submission the amenity value effects of additional building height on the Queenstown Cemetery (landscape views and dominance) is the key issue facing the Panel. The BSPL relief will result in a range of positive and adverse effects on the cemetery. On the basis of Mr Gibbs' and my own analysis, and the tests of the Act relevant to plan making, I remain of the view that the most appropriate resource management outcome for PC50 and the cemetery's amenity values would be to accept the BSPL submission.
- 7.5 Overall and in light of the four issues discussed in this supplementary evidence, I remain of the opinions expressed in my primary evidence dated 21 November 2014.



15 January 2015

Ian Colin Munro

Urban Planner and Urban Designer

B.Plan(Hons); M.Plan(Hons); M.Arch(Hons); M.EnvLS(Hons); M.EngSt(Hons);
MNZPI.