

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

Queenstown Lakes Proposed District Plan –
Chapter 9 – High Density Residential Zone

**STATEMENT OF EVIDENCE OF SEAN DENT
ON BEHALF THE FOLLOWING SUBMITTER:**

150 – Mount Crystal Limited

30th September 2016

Introduction

1. My name is Sean Dent. I hold the qualifications of Bachelor of Resource Studies from Lincoln University which I obtained in 2005. I reside in Cromwell, Central Otago.
2. I have been employed as a resource management planning consultant with Southern Planning Group for approximately nine years. Prior to this I was employed as a resource consent processing planner and compliance officer with Lakes Environmental (formerly CivicCorp) for approximately two years.
3. Throughout my professional career, I have been involved in a range of resource consent and policy matters. I have made numerous appearances in front of various District and Regional Councils and the Environment Court.
4. From the variety of working roles that I have performed as described in the preceding paragraphs, I have acquired a sound knowledge and experience of the resource management planning issues that are faced in the Queenstown area and the wider District.
5. Whilst I acknowledge that this is a Council hearing I confirm that I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Consolidated Practice Note 2014 and have complied with it in preparing this evidence.
6. I have read the Section 32 reports and supporting documentation, the Section 42A reports prepared by the Council officers and the Council's expert witness evidence with respect to the High Density Residential ("HDR") Chapter of the Proposed District Plan ("PDP"). I have considered the facts, opinions and analysis in this documentation when forming my opinions which are expressed in this evidence.
7. I confirm that the matters addressed in this brief of evidence are within my area of expertise except where I advise otherwise and that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

Scope of Evidence

8. I have been engaged by Mount Crystal Limited (Submitter # 150) to provide expert planning evidence on the proposed HDR Chapter (Chapter 9) of the Queenstown Lakes District Council's PDP:
9. The concerns of Mount Crystal Limited with respect to the HDR Chapter relate primarily to the 10m height limit as notified in Standard 9.5.2 and 9.5.3.

10. Specifically, Mount Crystal Limited's primary submission sought an increase in the maximum height specified in Standards 9.5.2 and 9.5.3 from 10m to 12m.
11. Consequently, Mount Crystal Limited supports the notified provision 9.6.3 which specifies that any application that breaches the 7m height limit for sloping sites but complies with the maximum height in Standard 9.5.2 shall not be publicly notified but those parties deemed affected who have not provided their written approval will be served notice of the application.
12. My brief of evidence is set out as follows:
 - a) Comment on Higher Order PDP Provisions;
 - b) Comment on Standard 9.5.2 and 9.5.3 Height for Sloping Sites;
 - c) Comment on Relevant Objectives and Policies;
 - d) Summary of my opinions;

Higher Order PDP Provisions

13. Before embarking on an evaluation of whether the HDR Zone height limit should be increased it is important to consider the provisions of the Strategic Directions and Urban Development chapters of the PDP.
14. The Strategic Directions Chapter encourages the development of a compact, well designed and integrated approach to urban growth¹ and encourages higher density of residential development in close vicinity to town centres².
15. Further, and notwithstanding the necessity of increased density and recognition this will result in a change in character in some locations, the Strategic Directions Chapter also encourages good design requiring development to respond to the character of its site, the street, open space and surrounding area³.
16. Similarly to the Strategic Directions Chapter the Urban Growth Chapter also directs that higher density residential development is desirable in areas close to town centres and existing infrastructure and transport links⁴.
17. My analysis of these higher order provisions supports my opinion that increased density in the HDR Zone is necessary in achieving the purpose of the Resource Management Act 1991. Specifically,

¹ Goal 3.2.2 and Objective 3.2.2.1 of the notified version of the PDP

² Policy 3.2.2.1.4 of the notified version of the PDP

³ Goal 3.2.3 and Policy 3.2.3.1.1 of the notified version of the PDP

⁴ Objective 4.2.1 & Policy 4.2.1.3, Objective 4.2.3 & Policy 4.2.3.2 and Objective 4.2.4 and Policy 4.2.4.2

higher density residential development of land in close proximity to urban centres is an efficient use of a limited resource (land).

18. Further, intensifying development in the HDR Zone indirectly enables the protection of other land that contributes to the pleasantness of the environment and well-being of the Districts residents i.e. the Districts ONL's through avoidance of urban sprawl.
19. One way of achieving intensified residential development in the HDR Zone is through the application of height limits. As will be discussed below, it is considered that a small increase to the notified height limits for sloping sites in the HDR Zone can facilitate increased residential density but also have a positive effect on building design and therefore a developments potential effects on the receiving environment.

Standard 9.5.2 & 9.5.3 – Building Height Sloping Sites

20. As noted above Mount Crystal Limited submitted in opposition of the 10m maximum height specified in the notified version of Standards 9.5.2 and 9.5.3 and sought that this height limit be increased to 12m.
21. As a result of expert information and analysis by Mr Tim Williams (Urban Designer with Southern Planning Group) which will be discussed in more detail below, it is my opinion that a maximum height limit of 11m is appropriate.
22. As identified above, the higher order provisions of the PDP direct an intensification of residential development within the HDR Zone. In my opinion, providing for an increase in height above the permitted 7m height limit as provided for in Standard 9.5.2 incentivises developers to consider three storey development as opposed to two storey and is consistent with the intent of the PDP higher order provisions.
23. Specifically, a 7m height limit on a sloping site enables the construction of a two storey building above original ground level utilising a commonly accepted rule of thumb of 3.0m of height required per floor⁵.
24. Enabling developers to apply for a Restricted Discretionary Activity consent to build to 10m above original ground level as proposed in Standard 9.5.2 will by the same assumptions allow construction of a three storey building with either a flat roof or a basic mono pitch taking advantage of the 'wedge' that typically exists under the maximum height plane between the front and rear of a building as has been outlined in the evidence of Mr William's⁶.

⁵ Evidence of Tim Williams, Paragraph 42.

⁶ Evidence of Tim Williams, Paragraph 44.

25. Essentially, the potential result of the notified 10m height limit is essentially a box shaped development with a flat roof because the proposed 10m height limit does not afford sufficient ability for articulation of the roof form. Looking from Man Street up towards Queenstown Hill provides an excellent visual example of this monotonous roof effect albeit with the existing 7m height limit.
26. Accordingly, while achieving the intent of the higher order PDP provisions for greater residential density this would be at the detriment of achieving good urban design which is also desired by the PDP strategic chapters.
27. It is acknowledged that as currently drafted Standard 9.5.2 specifies as a matter of Council's discretion "*The extent to which the infringement provides for greater articulation of rooflines and visual interest*".
28. However, while there are high expectations around design quality for the HDR Zone expressed in the notified provisions, Section 32 and Section 42A reports, there is little discussion on how this particular matter can be achieved.
29. Mr Falconer's evidence in particular refers to a 8m height limit in the LDR Zone in Wanaka enabling 6m for two storeys and a 2m height allowance for gable/pitched rooves⁷ (notwithstanding he admits the lack of scope for discussing this height limit) but when considering the height for sloping sites in the HDRZ 10m is supported with no comment on the ability to provide for a roof bonus or articulation within that height limit⁸.
30. As Mr Falconer appears to have alluded to at paragraph 3.17 of his evidence is that if providing an extra height allowance as a 'roof bonus' 2m is an appropriate amount to provide for this. Mr William's concurs and describes in his evidence⁹ how a 2m roof bonus is appropriate for incentivising good urban design.
31. Further, I note that a 2m roof bonus is already adopted within other Zones in the Operative District Plan. Specifically, the Queenstown Town Centre Site Standard for building height 10.6.5.1(xi)(f)&(g) provides for a 2m roof bonus in the Lakeview and Isle Street Sub-Zones. Specific controls apply to the roof bonus including that it shall not accommodate an additional storey of development i.e. it is for the benefit of good urban design.
32. In my opinion, proposed Standard 9.5.2 could be amended to 11m and appropriately re-drafted to ensure that the extra height was for all intents and purposes a roof bonus and not a means by which to 'squeeze in' a fourth storey. The current Standard 9.5.2 reads as follows:

⁷ Evidence of Garth Falconer, paragraph 3.17

⁸ Evidence of Garth Falconer, Paragraph 5.19 – 5.21

⁹ Evidence of Tim Williams, Paragraph 49

Building Height – Sloping Heights

The permitted height shall be 7 metres.

Where a proposed building exceeds this permitted height and does not exceed 10 metres, a Restricted Discretionary activity consent shall be required with discretion restricted to all of the following:

- *The extent to which the infringement provides for greater articulation of rooflines and visual interest;*
- *The extent to which the infringement adversely affects the amenity values of neighbouring properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access to adjacent properties;*
- *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the risk the hazard poses to people and property, whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.*

Notes: refer to Definition for interpretation of building height.

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5).

33. It is my opinion that it could be re-worded as follows:

Building Height – Sloping Heights

The permitted height shall be 7 metres.

Where a proposed building exceeds this permitted height ~~but~~ does not exceed ~~10~~ metres and in addition a roof bonus of 2 metres, a Restricted Discretionary activity consent shall be required with discretion restricted to all of the following:

- *The extent to which the infringement provides for greater articulation of rooflines and visual interest;*
- *The extent to which the infringement adversely affects the amenity values of neighbouring properties, relative to a complying proposal, with particular reference to dominance impacts, views and outlook, and sunlight access to adjacent properties;*
- *Where a site is subject to any natural hazard and the proposal results in an increase in gross floor area: an assessment by a suitably qualified person is provided that addresses the risk the hazard poses to people and property, whether the proposal will*

alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated.

Notes: refer to Definition for interpretation of building height.

Ground slop in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5).

34. With the proposed re-drafting as I have suggested above it is explicit that the additional height sought is only a roof bonus and is not a means by which to squeeze in an additional floor level. This is achieved by referencing the specific roof bonus (as seen in the ODP).
35. The proposed wording will not restrict the ability for developers to excavate sloping sites below original ground level where such excavation is an economically viable option and multiple storeys can be established such as the large apartment sites that have been developed below Frankton Road.
36. The proposed re-wording of Standard 9.5.2 does not dis-incentivise these type of developments but prevents maximising built form (i.e. adding a fourth storey) above original ground level at the expense of good urban design by making it explicit that the maximum achievable height is partly a roof bonus.
37. In addition to the above, the Restricted Discretionary Activity status and the specified matters of discretion in terms of amenity values will ensure that any impacts of developing to a full height of 11m such as, outlook, loss of views and access to sunlight will either be internalised to such an extent that they are less than minor or by virtue of Rule 9.6.3, any such proposal is likely to be notified on a limited basis where necessary approvals have not been obtained from affected parties.
38. In my opinion, the Council and indeed the public can be assured that the assessment of proposals for increased height under this amended Standard are robust and afford consideration of the relevant amenity effects on immediately adjoining neighbours.
39. By virtue of the changes recommended to Standard 9.5.2 a consequential flow on is that the maximum height limit in Standard 9.5.3 should also be re-worded as follows:

Maximum Building Height – Sloping Sites

The maximum building height shall be ~~9.40~~ metres and in addition a roof bonus of 2 metres.

Notes: Refer to the Definition for interpretation of building height.

Ground slope in relation to building height shall be determined by measurement over the extremities of each building elevation. Sloping sites are where the ground slope is greater than 6 degrees (i.e. greater than 1 in 9.5).

40. I have considered Ms Bank's proposed amendments in Appendix 1 of the Section 42A Report and agree that these two Standards could be merged as she has suggested to reduce confusion between the Restricted Discretionary and Non-Complying height limits if the Panel preferred this layout. However, in my opinion the proposed Standards are clear and merging them in conjunction with Ms Banks recommendations for the HDR Zone west of the Kawarau Falls Bridge and my proposed roof bonus could result in an unwieldy and confusing Standard. Therefore, I consider they should remain separate.

Comment on Relevant Objectives and Policies

41. I have reviewed the proposed Objectives and Policies for the HDR Zone as notified and the subsequent amendments recommended by Ms Banks in Appendix 1 of the Section 42A Report.
42. Overall, I am supportive of the amended HDR Zone Objectives and Policies and consider that that they will provide an appropriate planning framework to support residential activities within identified areas close to town centres.
43. Further, I consider that the HDR Zone planning provisions recognise and provide for an appropriate balance between promoting intensified development within the HDR Zone, protecting amenity values and achieving quality urban design outcomes.
44. This is specifically addressed in Objective 9.2.2 and 9.2.3 which recognise the intensification that will occur albeit quality urban design outcomes are desired alongside protection of amenity values. The proposed amendments to Standard 9.5.2 and 9.5.3 will in my opinion be consistent with these Objectives.
45. Further, Policies 9.2.2.4 and 9.2.2.7 provide direction to break down the mass of buildings through variation in facades and roof form and to breach the maximum height limits where quality urban design is achieved. These Policies are considered to directly inform the assessment of future proposals made pursuant to the amended Standards 9.5.2 and 9.5.3.
46. Similarly, Policies 9.2.3.1, 9.2.3.2 and 9.2.3.3 direct consideration on amenity values from developments that breach the applicable development Standards. In my opinion, these Policies directly inform and relate to the matters of discretion within Standard 9.5.2.
47. My only comment on these provisions relates to Policy 9.2.3.2 and the use of the words 'adequately mitigated'. I consider these words do not provide clarity and are difficult to interpret. For example if an outcome is 'adequately mitigated' is this a lower threshold than if an outcome is 'mitigated'. The purpose of Objective 9.2.3 is clear that amenity values will be protected to a degree in the zone

however this is within the context of an increasingly intensified urban zone. To avoid this ambiguity I suggest Policy 9.2.3.2 is reworded as follows:

~~*Where development standards are breached, impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains), are adequately mitigated.*~~

Enable opportunities to breach permitted development standards where the impacts on the amenity values of neighbouring properties, and on public views (especially towards lakes and mountains) are taken into consideration and are not adversely affected.

Summary

48. Overall, in my opinion the proposed amendments to the provisions of the HDR Chapter of the PDP as outlined above will result in a more efficient use of HDR Zone land whilst at the same time achieving a quality urban environment.
49. However, it is important to note that this increase in efficiency is not at the expense of important characteristics and amenity values of the HDR Zone environment. Specifically, the amendments seek to promote increased height only where it results in quality urban design of proposed buildings and limits potential adverse effects on adjoining landowners. This is further emphasised through provision 9.6.3 which affords protection to the affected parties by reference to limited notification where necessary approvals have not been obtained.
50. In my opinion the amendments outlined above recognise the positive effects and benefits for the District that can result from flexibility in roof form and design in conjunction with increased development rights and specifically building height. Considering these benefits it is my opinion that the proposed changes outlined in my evidence are appropriate in the context of the enabling nature of the Act.



Sean Dent

30th September 2016