

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 12 – Queenstown Town Centre

**STATEMENT OF EVIDENCE OF TIMOTHY TURLEY WILLIAMS
ON BEHALF THE FOLLOWING SUBMITTERS:**

398 – Man Street Properties Limited
596 – Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited
606 - Skyline Investments Limited & O'Connells Pavilion Limited
**609 - Skyline Properties Limited & Accommodation Booking Agents Queenstown
Limited**
616 - Trojan Holdings Limited & Beach Street Holdings Limited
617 - Tweed Development Limited

18th November 2016

Introduction

1. My name is Timothy Williams. I hold the qualifications of Bachelor of Resource Studies from Lincoln University and Masters of Urban Design and Development with Distinction from the University of New South Wales. I reside in Queenstown.
2. I have practiced in the planning and urban design field since 2003. I am currently employed by Remarkables Park Limited as their Project Design and Planning Manager. I am undertaking this evidence under contract to Southern Planning Group who I was employed by up until 28th October 2016.
3. Since 2003 I have been involved in a wide range of resource management issues in roles including Council planner, urban designer and as a consultant. Of particular relevance to this brief, this experience has included:
 - Height controls and urban form outcome considerations in relation to Appeals on Plan Change 50 to the Queenstown Lakes District Council Operative District Plan (PC50).
 - Planning and urban design advice in relation to development options for the Man Street car park site.
 - Management of planning applications and urban design matters for a number of commercial buildings within the Queenstown Town Centre including the redevelopment of the AMI site, Marine Parade site, earthquake strengthening of the AVA Backpackers Site (Thomas Hotel) and redevelopment of 23-27 Beach Street.
 - Processing of various commercial building resource consent applications within the Queenstown Town Centre zone.
4. In addition to the above I prepared the submissions and further submissions on behalf of the clients listed in paragraph 8.
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 and the s42a reports prepared by the Council officers with respect to the Queenstown Town Centre (QTC) 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 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 the following submitters:
- Man Street Properties Limited (#398 & #1107) – Owners of the Man Street Car Park Building.
 - Ngai Tahu Property Limited & Ngai Tahu Justice Holdings Limited (#596 & #1226) – Owners of the Post Office Precinct & Queenstown Police Station site.
 - Skyline Investments Limited & O’Connells Pavilion Limited (#606 & #1239) – Owners of AVA Backpackers building (Thomas Hotel), Dairy Corner building, the recently developed Marine Parade building and O’Connells Pavilion.
 - Skyline Properties Limited & Accommodation Booking Agents Queenstown Limited (#609 & #1241) owners of 1 Ballarat Street/Skyline Arcade (Queenstown Mall), Eichardts Hotel, Town Pier Building & Chester Building.
 - Trojan Holdings Limited & Beach Street Holdings Limited (#616 & #1248) owners of Stratton House, The Station, Avis Site and recently redevelopment sites at 23 -27 Beach Street.
 - Tweed Development Limited (#617 & #1249) owners of 74 Shotover Street & 11 & 13 the Mall Queenstown
9. The submitters sought various changes to the PDP as notified as well as supporting a number of changes promoted in the PDP. My brief of evidence will largely focus on those matters that remain in contention that the submitters wish to pursue and/or have arisen out of further recommendations in the s42a report.
10. Therefore my brief of evidence is set out as follows:
- a) Comment on Higher Order PDP Provisions.
 - b) Support for various recommendations within the s42a report.
 - c) Comment on the Man/Hay/ Shotover/ Brecon Street block controls
 - d) Comment on the recommendation to replace Height Precinct 4 with Height Precinct 5 as it relates to O’Connells Pavilion and Stratton House.

- e) Comment on the recommended Comprehensive Development/75% building coverage rule.
- f) Comment on Pedestrian Links
- g) Summary

Higher Order PDP Provisions

11. The Strategic Directions Chapter encourages the development of compact, well designed urban environments, with the Queenstown town centre identified as one of the key hubs of the District's economy¹.
12. This focus on the scarcity of the town centre resource and its significance to the District's economy then flows into Chapters 4 and 12 where the compact nature of the urban environment is again emphasised² along with the town centre remaining the focus for economic development³.
13. The importance of the town centre, its scarcity as a resource and importance to the growth of the district's economy is in part due to the unique identity and sense of place of the town along with its setting. Therefore, in my view there is a necessary balance that needs to be struck between efficient use of the resource and the importance design plays in ensuring the qualities of the town centre that contribute to making it successful are not lost⁴.
14. In this context, I consider that several of the changes recommended in the s42a report will place further constraints on the economic viability and efficient use of this scarce resource that, in my view are not necessary to maintain the qualities and character of the town centre. These will be discussed in further detail below.

Support for various changes recommended in the s42a Report

15. The s42a report recommends a number of changes and provides support for various issues identified in the submissions. In summary I support the recommendations to:
 - Remove the setback requirement for buildings on Beach Street. As identified in the submissions it does not serve any real benefit to the built form outcomes and places a constraint on efficient development of sites along Beach Street.
 - Retain the provision for a building to be built to 15m on Secs 4-5 Blk XV Queenstown, being the AVA Backpackers site (Thomas Hotel) along with the addition of reference to the

¹ Strategic Directions Chapter Objective 3.2.1.1, 3.2.1.4, 3.2.3.1, 3.2.3.2, 3.2.6.4 Recommended Revised Chapter

² Objective 4.2.3 Recommended Revised Chapter

³ Objective 12.2.1 PDP notified version

⁴ Objective 12.2.2.2 & 12.2.4 PDP notified version

opportunity for landmark buildings on key sites⁵. This is considered an important principle when considering additional height within the town centre environment and in particular on the AVA Backpackers site.

- Remove Rule 12.5.14.4 relating to glare given the unnecessary control this would place on the choice of external materials and colours of buildings particularly as the external appearance of buildings is considered through the requirement for buildings to obtain resource consent.

Man/Hay/ Shotover/ Brecon Street block controls

16. This block has a long history of complex planning issues largely resulting from the difficulty of determining original ground level and the resultant unintended consequences of this on the building form outcomes. This is illustrated by the unique form and height of the Hamilton Building.
17. In my view retaining a specific set of height controls for this block is the most efficient and effective way to provide certainty to landowners and the building form outcomes given the challenges around understanding original ground levels. In this respect I support the recommendation in the s42a report where specific height controls are identified for the this block.
18. In my opinion it is important that the interrelationship between development on Man Street and properties on Shotover Street are considered together given the influence development on Shotover Street has on the building form outcomes and views from development on Man Street. It should be noted the Man Street Car Park has been specifically engineered to accommodate further development on the roof of the carpark building which I will refer to here after as the podium.
19. The relationship between heights on the southern and northern sides of Man Street is also considered relevant. The increased heights allowed within the Isle Street West Block, via PC50 (12m with a 2m roof bonus) in my view sets a backdrop to enable additional height on the southern side of Man Street.
20. Of equal importance in my view is the height profile as you move up Man Street from east to west. In this respect I support that heights should gradually step up Man Street in recognition of the rising topography. This, in conjunction with the height relationship on either side of Man Street is important to the future definition of this street. This is of particular importance as the

⁵ 12.5.9.2 (d) as recommended in the s42a report.

role of Man Street evolves and will provide a key link to future development within the PC50 land and the expanding town centre.

21. Therefore the key principles that in my view should be taken into account when considering heights are:

- The difficulties in using original ground level to define height. My preference is to use fixed or known levels such as provided by the Man Street Car Park Podium (327.1masl).
- The potential impact on views from the Man Street Site from development on Shotover Street as illustrated by the Hamilton Building.
- The increase in heights on the northern side of Man Street (up to 14m) provided through PC50.
- The importance of considering the height profile along Man Street and the fact the street rises from east to west (the stepping effect).

22. In understanding and assessing the various height relationships I have been assisted by computer modelling and would be happy to share these models to demonstrate to the Hearings Panel the complexities that exist within the Man Street block.

Height Controls relating to sites fronting Shotover Street

23. As noted above the interrelationship between sites on Shotover Street and Man Street is important and there is a long history in respect to the difficulty and uncertainty created from relying on height measurements that relate to original ground level. In this respect I support the recommendation in the s42a report where a 'cut off' height plane is proposed for Areas E & F and that it is measured from a fixed point.

24. However, a provision is also proposed requiring a determination of ground level whereby a 12 m height limit applies (above ground level) up to a point where the cut off plane is reached. In my opinion this provision will continue to create uncertainty and administrative difficulty in determining what the 'ground level' is.

25. Given the proposed recession plane requirement will ensure an appropriate scale of development to Shotover Street, it is my view that the proposed provision of an intermediary control relating to height above ground level as well as an overall cap would add complication. I note that given the block is not particularly deep (and in terms of Area F the difference in height is only 2m), removing any benefits of this control are outweighed by the opportunity to simplify and avoid issues of interpretation. I also note in this regard the modelling accompanying Mr Church's evidence does not appear to correctly illustrate the interrelationship between the cut off plane and the rolling height plane proposed. If these

heights are modelled there should be a portion of the block where the height profile slopes up to a point where it hits the cut off plane.

26. Therefore, in my opinion the provision measuring height above ground level should be deleted and the heights within Area E & F appropriately controlled by the recession plane requirement and cut off plane.
27. In terms of the cut off plane the current control effectively allows the potential for one storey of development to extend above the level of the podium on the Man Street Car Park site within Area E (whereas in Area F development would only come up to the podium level). This effectively means the first level of development in Area B on the Man Street Car Park podium would not have any views. Accordingly, any development in Area B would design in response, and most likely form a fire rated block wall in anticipation of future development coming up to this level from Shotover Street (even if the site below never develops to the maximum cut off limit).
28. In my view this may not result in the best outcome particularly in terms of viewing the development from locations such as the Queenstown Gardens and Queenstown Bay where development on the Man Street Car Park site proceeds and development in front does not for some time (if at all). In my opinion this is a likely scenario given this area adjoins the Lofts Apartments (59-63 Shotover Street) and any re-development of this site has the added complication of it being in multiple ownership.
29. Given this risk, in my view there is merit in considering limiting height on Shotover Street so it does not extend above the level of the podium (327.1 masl)/14m as is proposed in Area F. This would avoid the potential effect of a possible visible blank wall within a sensitive townscape view. In my view this should extend along the entire Shotover Street frontage of the block.
30. In addition, the changes suggested would remove the need to distinguish between Area E & F, and therefore further simplify the controls. A suggested rule is outlined below. I have also suggested the height plane relates to the podium on the Man Street Car Park site to provide greater clarity over the absolute height of buildings.
 - e. In Area F (Combining Areas E & F) the maximum height shall be 327.1 masl and in addition:
 - No part of any building shall protrude through a recession line inclined towards the site at an angle of 45 degrees commencing from a line 10m above the street boundary.

31. Attached to my evidence **Appendix [A]** is a plan and cross section illustrating these and other changes discussed further below

Height Profile along Man Street

32. In my view although the heights limits proposed in the s42a report will see some stepping it does not appear to have considered the existing height relationship of the Sofitel and the site immediately to the east of the Man Street Car Park being located at 10 Man Street containing the Language School. This site is proposed to remain in Height Precinct 1 and therefore have a height allowance of 12m and up to 14m as a restricted discretionary activity.
33. This would see height 'step up' on the Language School site then step down to the Man Street Car Park site before stepping up again. In my view it would be better for heights to gradually step up with the gradient of Man Street. Therefore I would support further consideration of the height on Man Street in relation to the Language School site. The cross section contained in **Appendix [A]** shows the height profile relationship and a suggested height control, 11m on the Language School site to better relate this site to heights moving up Man Street. I note the cross section is illustrating the 'height envelope' and in any detailed consideration applications for resource consent for buildings roof articulation and modulation would be considered.

Controls relating to the size of the site Man Street Car Park Site

34. The provisions as recommended in the s42a report introduce two mechanisms that in my view create duplication, being the recommended height controls (specifically for viewshaft Areas C and D⁶) and then the Comprehensive Development Plan requirement and accompanying 75% building coverage⁷ rule.
35. In my opinion it is inefficient and unnecessary to impose viewshafts requirements on a site if the site would be captured by a Comprehensive Development Plan requirement and coverage control which would enable consideration of, amongst other things, the provision of viewshafts in the most appropriate locations in relation to a particular design that may be proposed.
36. I consider matters such as potential view shafts, height modulation etc are best considered at the time an actual development scheme is being assessed to allow flexibility to ensure the best relationship between these various elements. Fixing viewshafts now in my opinion is not conducive to enabling this flexibility.

⁶ 12.5.10.4 (c) & (d) Recommended Revised Chapter s42a Report.

⁷ 12.5.1.1 & 12.5.1.2 Recommended Revised Chapter s42a Report.

37. Therefore, given the proposed rule triggering a requirement for a Comprehensive Development Plan and associated building coverage, would apply to the Man Street Car Park site (the site is 4000m²), I do not support the imposition of a rule fixing view shafts and would recommend such is deleted. The Height Plane Precinct 7 Map attached to my evidence **Appendix [A]** illustrates the removal of the viewshaft corridors.

Replacement of Height Precinct 4 with Height Precinct 5

38. Both O'Connells Pavillon and Stratton House are located within the area recommended to be included in Height Precinct 5 rather than 4. The effect of imposing a rule requiring a recession plane commencing at 7.5m as opposed to commencing from 10m at street level.
39. Although Beach Street is a narrow street and has a particular character these two buildings also occupy important street corner locations. O'Connells is on the corner of Beach and Camp Streets and Stratton House the corner of Beach Street and Cow Lane.
40. As acknowledged in the s42a report and accompanying expert reports corner sites play an important role in the fabric and form of a townscape. In my view these two corners are no less significant in this respect. Accordingly, in my opinion the imposition of the recession plane rule for Precinct 5 will not enable flexibility to explore or encourage additional height and expression of these corners. Any breach of the proposed recession plane would require a non-complying activity consent, which in my view would discourage applicants from exploring additional height on the corners of the sites aside from very minor intrusions which are unlikely to provide the flexibility to meaningfully contribute to the expression of these corners.
41. Given these buildings are located on the south side of Beach Street there is little risk of shading of the street therefore I consider that if these sites are to be located in Precinct 5 any breach of the recession plane requirement should have a restricted discretionary activity status to encourage opportunities to promote extra height to the corners of these sites.
42. Having reviewed the matters of discretion relating to Rule 12.5.9.2, I would consider these would be equally applicable to a breach of the recession plane for these sites. Therefore, I would recommend the restricted discretionary activity status be accompanied by these same matters of Council's discretion. On this basis a restricted discretionary activity status would still provide the opportunity to consider potential visual dominance, character, or sunlight access effects (as identified in the s42a report) whilst enabling the ability to also consider the potential positive effects additional height could have for these sites.

Comprehensive Development/75% Building Coverage Rule

43. The s42a Report recommends the reduction in size of sites that would trigger the requirement to prepare a Comprehensive Development Plan from 1800m² to 1400m² in turn would allow for a maximum building coverage of 75%.
44. I support the concept of ensuring 'larger' sites are considered comprehensively with matters including mid-block connections, grain of development and massing becoming more important on larger development sites. I also agree with the assessment provided in the s42a report and expert evidence that the Post Office and Church Street Precinct developments are good examples of larger sites developed in a comprehensive manner.
45. However, in my view reducing the threshold to 1400m² will represent an inefficient use of the town centre land resource and is not necessary to manage the potential effects this rule seeks to manage.
46. In this respect, I note the Post Office and Church Street precincts are significantly larger than 1400m² (as is the Man Street Car Park site). In addition to these sites being much larger they are also located on the periphery of the town centre where there is a natural desire to transition the scale and intensity of development and there is not an established network of lanes and pedestrian links like there is in the core of the town centre.
47. I have concluded the main driver of the Comprehensive Development Rule and accompanying site coverage rules is to encourage additional lanes/pedestrian links and/or viewshafts. However, the planning framework also seeks to identify pedestrian links within the plan provisions. I consider the fact that the plan provisions seek to protect the existing network of lanes and pedestrian links needs to be taken into consideration.
48. For example O'Connells Pavilion would be captured by the 1400m² threshold however directly adjoining the site is an existing lane (Cow Lane) and an existing pedestrian link is located within 50m of the site providing a connection from Beach Street to Cow Lane. This highlights the high level of connectivity that already exists within the town centre, such that any requirement to provide additional lanes or connections is unnecessary and the lost development potential and associated economic effects outweighs any potential benefits.
49. Given the number of existing lanes and pedestrian links within the town centre I consider it is not necessary and or an inefficient use of this resource to introduce a threshold which effectively captures sites such as O'Connells.
50. Therefore I do not support the lowering of the threshold from 1800m² to 1400m².

Pedestrian Links

51. As discussed above the existing pedestrian links assist in the connectivity and general character of the town centre. However, several of the pedestrian links identified in the s42a report (Skyline Arcade and the connection through Stratton House for example) have not been previously protected. Therefore although it is desirable to provide pedestrian links, such protection will have economic implications for the affected landowners.
52. The statements of Mr Staniland and Johnston have illustrated the significance of this financial effect.
53. The provisions as amended by the s42a report imply there are methods to offset these losses. Objective 12.2.2.5 for example identifies the potential to enable additional height. However, this objective only makes reference to connections if uncovered yet Skyline Arcade and the link through Stratton House are covered. Therefore, although these connections would come at a significant financial cost to the development there does not appear to be methods to offset this loss. In my view even if a connection is covered and is to be protected in the manner proposed in the s42a report methods should enable consideration of offsets in these situations.
54. In my view there are also shortcomings in this general approach regardless of whether covered or uncovered connections are recognized in Objective 12.2.2.5. For example the link through Stratton House is located within 15m of another lane, which provides connection from Beach Street to Cow Lane. In my opinion given the financial cost of providing a link through the building it is inefficient to require this link when another is located so close by.
55. Overall, I considered greater weight needs to be given to the significant financial cost of providing links and therefore methods to compensate for this loss.

Summary

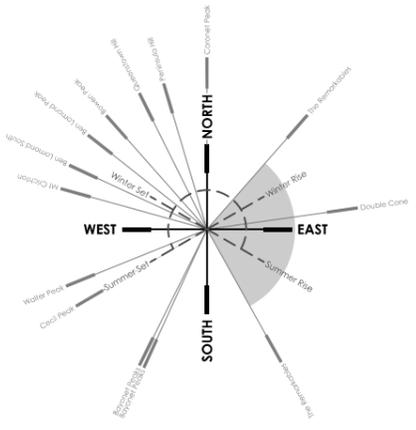
56. I have recommended several changes to the proposed provisions as amended by the s42a report which in my opinion will simplify the provisions. In addition, they will provide a better balance between the potential economic cost associated with the controls in recognition of the scarcity of the land resource whilst still maintaining appropriate control to ensure a quality built form within the town centre.
57. I am available to discuss these matters further with other expert witnesses with a view to trying to agree relevant provisions, including height mechanisms.

A handwritten signature in black ink that reads "Tim Williams". The script is cursive and fluid, with the first name "Tim" and last name "Williams" written in a single line.

Tim Williams

18th November 2016

APPENDIX A



KEY:

Property Boundaries

HEIGHT PLANES

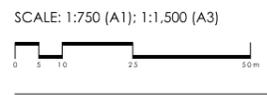
- A** 11m Height Plane (338.1)
(above Man St slab RL 327.1)
- B** 14m Height Plane (341.10)
(14m above Man St slab RL 327.1)
- F** 14m Height Plane above Shotover Street
(Maximum height shall be 327.1masl)
- P1** 12m Rolling Height (above existing ground level
plus 2m Roof Bonus)



APPENDIX A

V:\MAN_Man Street\10_Master\1_Pre Planning\MAN_10_1_SK-005 (Shotover Street Height Plane Analysis).dgn

DARBY PARTNERS
Level 1, Steamer Wharf, Lower Beach Street
PO Box 1164, Queenstown 9348
Tel +64 3 450 2200 Fax +64 3 441 1451
info@darbypartners.co.nz
www.darbypartners.co.nz



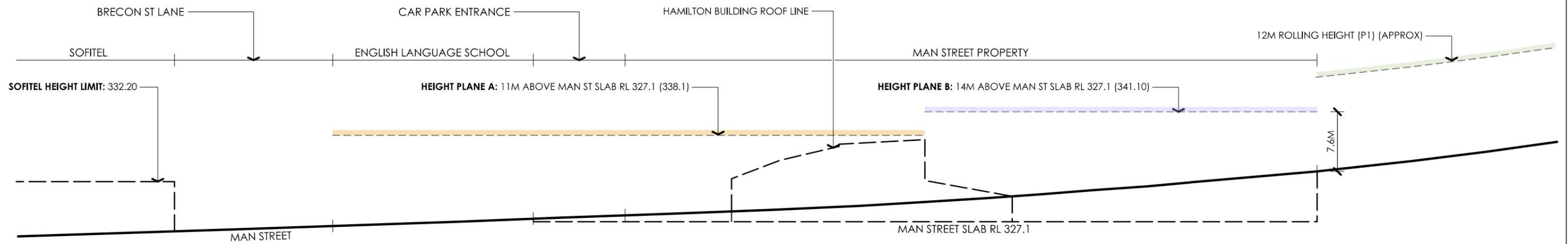
NOTE:
All boundaries areas are indicative only and subject to survey
To be used to give depiction of height limits on different sites,
not to be used to determine actual height limits of those sites.

REVISION:	NO.	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	1	For Information Only	17.11.16	TG	JC	-

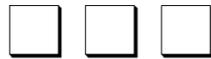
MAN STREET HEIGHT PLANE PRECINCT 7 MAP

PLAN STATUS: **DRAFT** JOB CODE: MAN_10_1 SK-001.01 DRAWING NO: REV:

V:\MAN_Man Street\10_Master\1_Pre Planning\MAN_10_1_SK-005 (Shotover Street Height Plane Analysis).dgn



APPENDIX A



DARBY PARTNERS
 Level 1, Steamer Wharf, Lower Beach Street
 PO Box 1164, Queenstown 9348
 Tel +64 3 450 2200 Fax +64 3 441 1451
 info@darbypartners.co.nz
 www.darbypartners.co.nz

SCALE: 1:250 (A1); 1:500 (A3)



NOTE:
 All boundaries, areas and levels are indicative only and subject to survey
 To be used to give depiction of height limits on different sites,
 not to be used to determine actual height limits of those sites.

REVISION:	NO.	DESCRIPTION	DATE	DRAWN	REVIEWED	APPROVED
-	-	For Information Only	17.11.16	TG	JC	-

MAN STREET HEIGHT PLANE CROSS SECTION DIAGRAM

PLAN STATUS: **DRAFT** JOB CODE: MAN_10_1 SK-005.02 DRAWING NO: REV: -