

**BEFORE THE HEARINGS PANEL  
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of Hearing Stream 8 –  
Business Zones

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES  
DISTRICT COUNCIL REGARDING UPDATED MODELLING FOR THE  
QUEENSTOWN TOWN CENTRE RECOMMENDED CHAPTER  
– HEIGHT PRECINCT P7**

**18 November 2016**

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## MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**). Its purpose is to provide the Hearing Panel (**Panel**) and submitters with the following:
  - (a) updated versions of Figures 2, 11 and 20 in Appendix A to the statement of evidence of Mr Timothy Church, attached to this memorandum as **Appendix 1**;<sup>1</sup> and
  - (b) updated recommendations to the Queenstown Town Centre chapter in Appendix 1 of the Section 42A Report for Chapter 12, attached to this memorandum as **Appendix 2**.<sup>2</sup>
2. It is acknowledged that submitter evidence is due today, Friday 18 November 2016. This information is however, provided in advance of the hearing, to allow submitters an opportunity to consider the updated figures and recommendations in advance of the hearing, rather than providing it during the Council's opening.
3. Ms Vicki Jones is the author of the Section 42A Report. She supports the **Appendix 1** versions of Figures 2, 11 and 20, and the **Appendix 2** version of redraft Rule 12.5.10.4, and will formally confirm this when she presents her evidence at the hearing. Mr Tim Church will also formally replace the out-of-date versions of the figures in his evidence with the versions attached to this memorandum in **Appendix 1**, when he presents his evidence at the hearing.

### Updated Shading Model Outputs (Figures 2, 11 and 20)

4. When using the Council's shading model to undertake further assessments and upon further reviewing Appendix A to Mr Church's statement of evidence, Ms Jones and Mr Church became aware that, in respect of Height Precinct 7 only, the model did not accurately represent all of the recommended rules.
5. Upon further interrogation of the outputs of the model, Ms Jones and Mr Church considered that it would be appropriate to amend the model slightly

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1 Dated 2 November 2016.

2 Dated 2 November 2016.

and to amend the recommendations made by Ms Jones with respect to notified Rule 12.5.10.4.

6. The various amendments to the model and, in turn, to Appendix A of Mr Church's evidence are as follows:

- (a) Amended Figure 2 in **Appendix 1**: this figure has been updated for consistency with the other amended figures;
- (b) Amended Figure 11 in **Appendix 1**: the annotation of the left-hand graphic is corrected to read "ODP" rather than "PDP" and the right-hand graphic is replaced with the amended recommended option, which is to not reinstate the recession plane rule, which exists in the ODP; and
- (c) Amended Figure 20 in **Appendix 1**: Figure 20 of Mr Church's Appendix A did not accurately reflect the fact that redraft Rules 12.5.10.4(e) and 12.5.10.4(f) require the buildings to be no more than 12m above ground level, which in the case of areas E and F of Precinct 7 means that the 12m is a rolling height plane relative to the sloping ground level rather than a flat horizontal plane as was modelled. This has now been rectified in amended Figure 20. It is noted in the annotation to the amended Figure that it has not been updated to remove the recession plane due to time constraints and the desire to provide this information to parties without delay. Ms Jones and Mr Church have advised that they do not consider it important to understanding what the recommended rules seek to achieve, or the overall visual outcome that can be expected from the Rules, which is the primary purpose of Figure 20.

#### **Updated recommendations to the Queenstown Town Centre chapter**

7. The amendments to the recommended revised Chapter 12 as a result of further interrogation of the model are as follows:

- (a) Ms Jones now considers it unnecessary from a shading perspective or for any other reason to impose a recession plane rule on Height

Precinct 7.<sup>3</sup> Using the 11 August date<sup>4</sup> to provide a useful comparison between the shading created by the Operative District Plan (**ODP**) (which has been used in the methodology as a benchmark) and the redraft rules, it is apparent that removing the recession plane rule does not result in any greater shading of the opposite side of Shotover Street than results with the recession plane;

- (b) As such, Ms Jones recommends amending redraft Rule 12.5.10.4 in the manner shown in **Appendix 2** (the amendment is shown as double strike out) in order to enable a 12m building height at the street boundary. This provides for the same building height at the street façade as is enabled under notified Rule 12.5.9. It is noted that no submitter specifically sought the (re)introduction of the recession plane rule but, rather, that the general submission #417<sup>5</sup> was being relied on to recommend this change; and
- (c) Upon further investigation of the reduced levels (**RLs**) along the Shotover Street frontage of Precinct 7, Ms Jones has advised that the levels vary across the block to a greater extent than first thought, which means that the built outcome enabled by redraft Rules 12.5.10.4(e) and 12.5.10.4(f) is unreasonably uncertain. Ms Jones therefore recommends that those Rules be amended in the manner shown in **Appendix 2** in order to ensure that the buildings do not protrude above the carpark level slab in Area F and protrude by no more than 3m in Area E (the changes are shown as double strike through and double underlined).

**DATED** this 18<sup>th</sup> day of November 2016



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J G A Winchester / S J Scott  
Counsel for Queenstown Lakes District  
Council

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3 Paragraph 10.87 of the section 42A report dated 2 November recommended a recession plane rule.  
4 Paragraph 10.26 of the section 42A report dated 2 November 2016 confirms that the 11 August date was chosen as this is a relatively busy time in Queenstown, and is also when the ODP building heights provide an acceptable extent of sunlight to the opposite side of the narrower pedestrian streets.  
5 Paragraph 1 of submission #417 states that the submission is made by Mr John Boyle c/- Ellis Gould Solicitors.

**APPENDIX 1**  
**AMENDED FIGURES 2, 11 AND 20**

# TOWN CENTRE AND BUSINESS MIXED USE ZONES

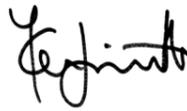
URBAN DESIGN EVIDENCE OF TIM CHURCH

APPENDIX A1 - GRAPHIC SUPPLEMENT AMENDMENT

18 November 2016



## Document Quality Assurance

<b>Bibliographic reference for citation:</b> Boffa Miskell, 2016. TOWN CENTRE AND BUSINESS MIXED USE ZONES   Urban Design Evidence   Graphic Supplement. Report by Boffa Miskell Limited for Queenstown Lakes District Council.		
Prepared by:	Tim Church Urban Designer/ Senior Principal Boffa Miskell Ltd	
Reviewed by:	Ken Gimblett Planner / Principal Boffa Miskell Ltd	
Status: FINAL	Revision / version: 2	Issue date: 18 November 2016

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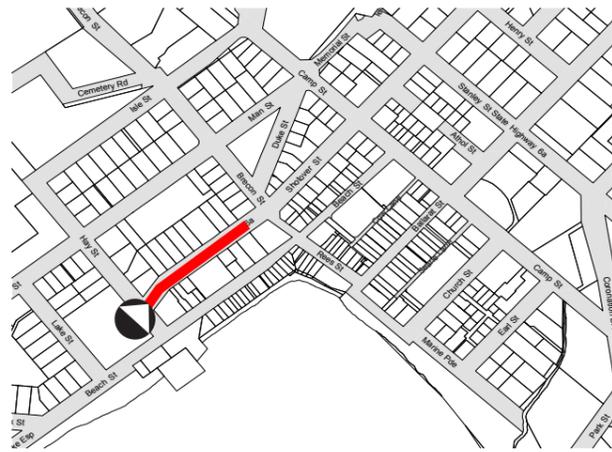
Cover photograph: Tim Church 2016

Figure 2: Model view of s42A recommended PDP Height Precincts



Indicative massing model illustrating recommended height precincts for buildings in the Queenstown Town Centre\*  
\*This figure (2) is for illustrative purposes only and more detail is provided in the figures which follow.

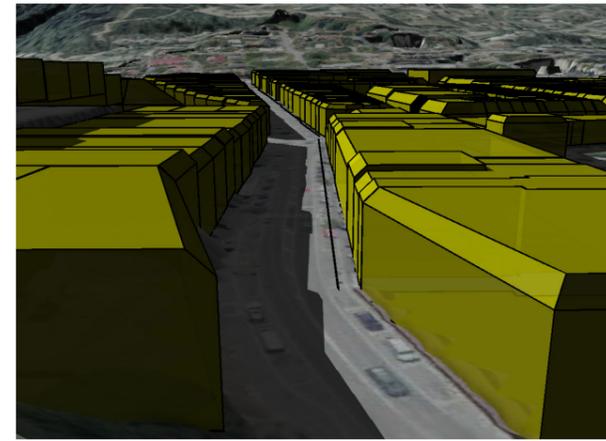
# Figure 11: Lower Shotover Street shading



Location Map

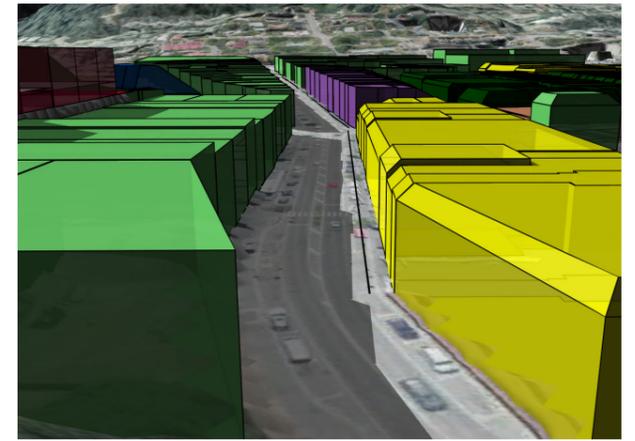


Existing - Shotover Street (Lower)



ODP 12m /45° Height - 11 August 2017 at 12.30pm\*

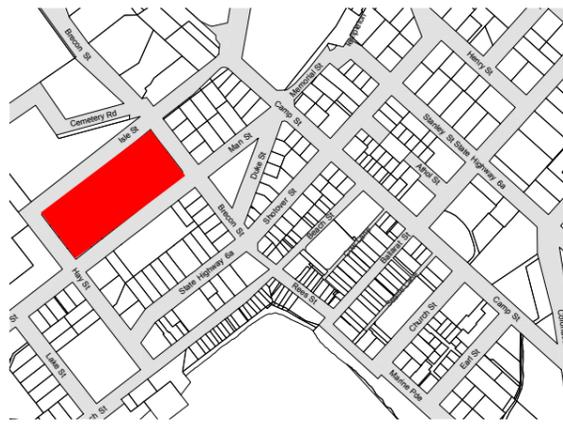
\* Illustrates potential shading effects of facade height/ recession plane only and excludes modelling of rolling height plane.



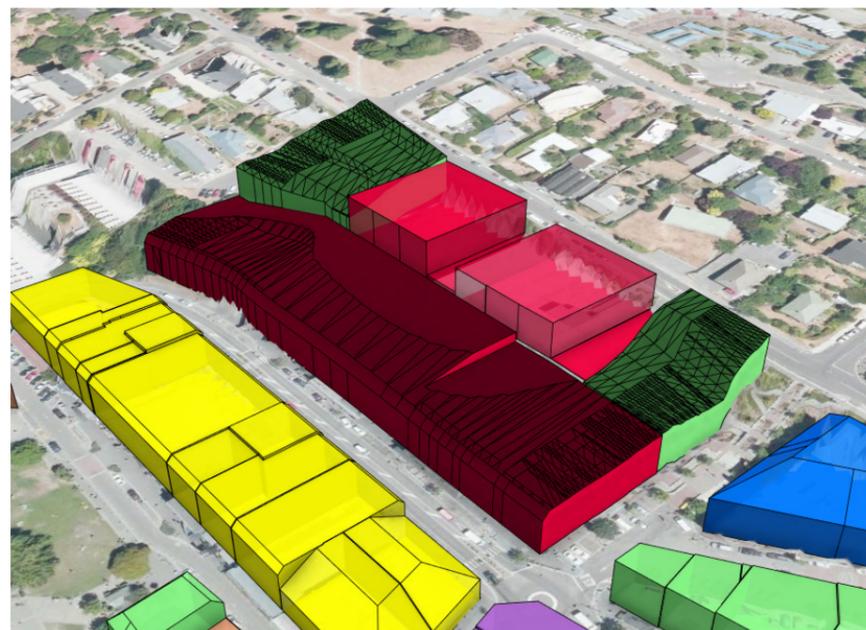
PDP/Reccomended 12m Height - 11 August 2017 at 12.30pm\*

\* Illustrates potential shading effects of facade height only and excludes modelling of rolling height plane and recommended horizontal height plane.

Figure 20: Man Street model

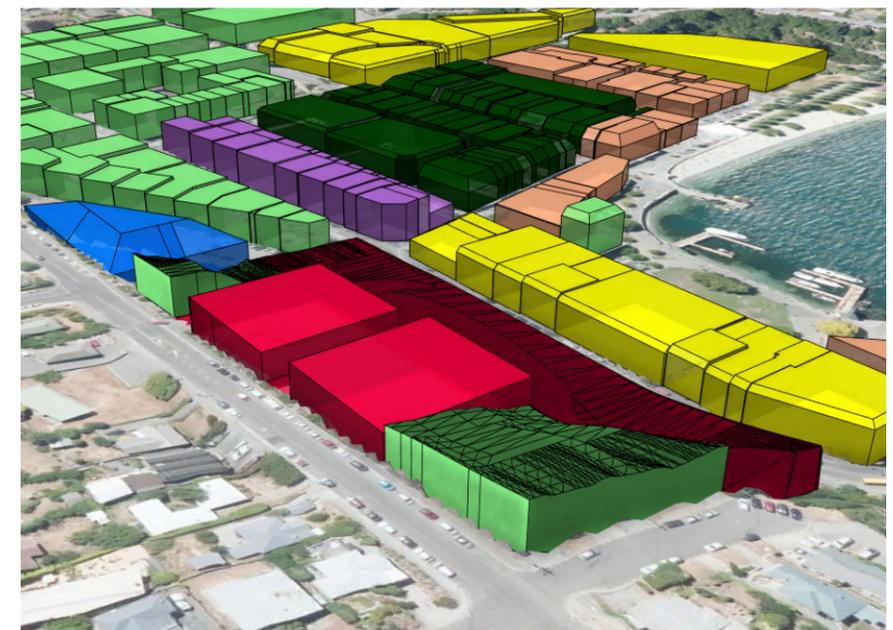


Location Map



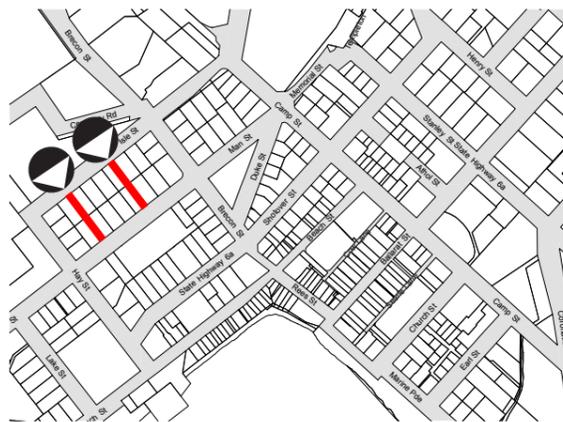
Recommended P7 Man Street Block (South East View)\*

\* Recommended approach excludes the recession plane illustrated in the model view



Recommended P7 Man Street Block (North West View)

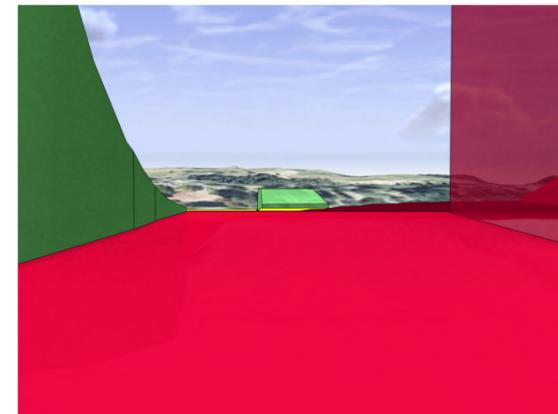
Figure 21: Man Street viewshafts



Location Map: Man Street

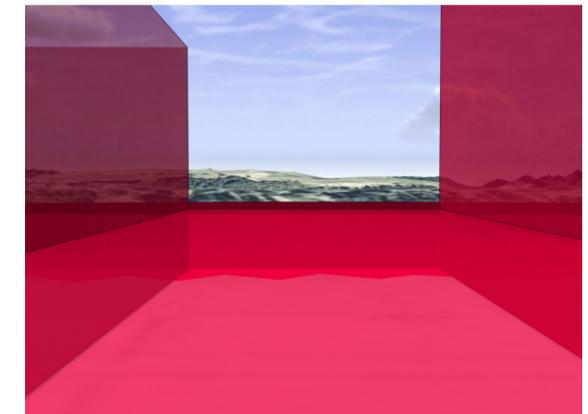


Existing Man Street Car Park ramp/  
(Eastern View Shaft)



Recommended Eastern Viewshaft  
(327.1m RL)\*

\* Excludes background landscape topography



Recommended Western Viewshaft  
(330.1m RL)\*

**APPENDIX 2**  
**AMENDED RECOMMENDED RULE 12.5.10.4**

12.5.10.4 In **Height Precinct 7 (Man Street)**, the following height rules apply within each of the areas shown on the below plan:



...

e. In Area E the maximum height shall be 12m (above ground level) 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; and in addition,~~

~~no building shall protrude through a horizontal plane drawn at 330.1 masl 17m above the level of Shotover Street, as measured at the site boundary.~~

In Area F the maximum height shall be 12m (above ground level) 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; and in addition,~~

~~no building shall protrude through a horizontal plane drawn at 327.1 masl 14m above the level of Shotover Street,~~