

Before the Queenstown Lakes District  
Council

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In the matter of            the Resource Management Act 1991

And

In the matter of            the Queenstown Lakes District Proposed District Plan – Hearing  
Stream 08

And

In the matter of            Chapter 12, Queenstown Town Centre Zone

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**Statement of Evidence of John Edmonds**

John Thompson and MacFarlane Investments Limited (Further Submission 1274)

Dated 18 November 2016

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W P Goldsmith  
Anderson Lloyd  
Level 2, 13 Camp Street, Queenstown 9300  
PO Box 201, Queenstown 9348  
DX Box ZP95010 Queenstown  
p + 64 3 450 0700 | f + 64 3 450 0752  
warwick.goldsmith@al.nz

**anderson  
lloyd.**

## INTRODUCTION

- 1 My full name is John Bernard Edmonds. I hold the qualification of Bachelor of Regional Planning from Massey University, and am a full member of the New Zealand Planning Institute. I have 25 years' experience in planning and resource management, spanning policy and resource consent roles in local government and as a private consultant. I spent five years at Nelson City Council and six years with the Queenstown Lakes District Council (QLDC), most of that time (1997-2001) as the District Planner. In January 2001 I went into private consultancy. I am in my second year as a trustee of the Queenstown Trails Trust.
- 2 I have read the Environment Court's Practice Note 2014 and in particular Part 7 that refers to the expert witnesses, and I agree to comply with it. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.
- 3 In preparing this evidence I have reviewed the following documents which are specific to this evidence:
  - (a) Section 42A Report prepared by Ms Vicki Jones, dated 02 November 2016;
  - (b) Urban design evidence of Mr Tim Church, dated 02 November 2016.
- 4 I have also made a number of site visits and given careful consideration to the issues raised in this evidence. This planning evidence is written at the request of submitter 1274 (John Thompson and MacFarlane Investments Limited) ("**Submitter**"). The Submitter is not calling separate urban design evidence. Part of the purpose of this evidence is to review urban design considerations which do not appear to have been considered by Mr Church or by Ms Jones, to enable them to reconsider their recommendations. I also advance a proposed solution for the height issues addressed in this evidence which, in my opinion, will better implement the relevant objectives and policies than the approach recommended in the s42A Report.
- 5 In preparing this evidence I refer to, and rely on, the information detailed in the three plans contained in Appendix 1 prepared by Patterson Pitts Group at the request of the Submitter. Mr Sean McLeod of Patterson Pitts Group, who prepared those plans, will be available to answer any questions relating to those plans. The purpose of the plans is primarily to provide factual information relating to the relevant existing and proposed ground levels and height levels. The plans should be self-explanatory if considered carefully.

- 6 One particular point which I highlight is the fact that the row of Datum Levels running along the base of each plan identifies the current level of the edge of the seal on the southern side of Man Street at that point. Therefore when looking at the proposed height limit at any particular point, the difference between the RL level identified at the bottom of the plan and the particular proposed height limit at that point effectively demonstrates the height of that potential future building above Man Street.

### SCOPE OF EVIDENCE

- 7 The property located at 10 Man Street (refer Figure 1 below) adjoins Man Street on its northern side and the Brecon Street steps on its eastern side. It currently contains a single story building housing a language school. Below 10 Man Street is 14 Brecon Street and 10 Brecon Street which adjoin Brecon Street on their eastern side and the Man Street carpark building (**Carpark**) on their western side. This evidence focuses on height rules applicable to those three sites which are all referred to collectively as the '**Language School**'.



Figure 1 Aerial Photo showing Man Street Block and surrounds

- 8 The primary issue which I address is the logic and rationale of the height limit applicable to the Language School in the context of the height limit applicable to the Sofitel Hotel (on the eastern side of Brecon Street) and the Carpark to the

west. Referring to Figure 1 above, it can be seen that the north – south length of the Language School is the same as the Carpark to the west and approximately the same as the Sofitel Hotel to the east. It is therefore logical, in an urban design sense, to consider the Language School in the context of those two existing adjacent developments. This is particularly the case because:

- (a) The Sofitel Hotel is a relatively recent development which is currently built to the proposed PDP height limit of 332.2 masl. That height limit is not challenged by any submission and can be considered as fixed.
- (b) The Carpark has an existing ground level podium at a known height level of 327.1 masl. A 'flat plane' height limit of 338.1 masl was proposed for the Carpark in the notified PDP. The s42A Report recommends two different height limits of 338.1 masl and 341.1 masl. Whatever height limit is ultimately determined, it will be easy to explain and understand because it is a flat plane height.
- (c) In between those two developments is the Language School where the height limit is proposed to be determined based upon original ground level. That will be a relatively steeply sloping height limit based upon an original ground level (prior to any development) which is not necessarily easy to determine.

## **ISSUES**

- 9 The first issue which arises is the obvious illogicality of the existing Sofitel Hotel having a flat plane height limit (possibly a combination of the PDP 333.2 masl height limit and existing use rights), the Carpark to the west having a flat plane height limit, which is or will be known, and the Language School in between having a steeply sloping height limit which is not certain.
- 10 The second issue is the practicality of the sloping height limit applicable to the Language School. The upper part of the potential building volume within that sloping height limit may or may not be useable depending on its width (ie: how wide the flat bit at the top of the slope is before it starts to slope down steeply). On the lower part of the site the sloping height limit prevents construction within airspace which might logically be used for valuable floor space.
- 11 The third issue is the uncertainty of the original ground level which will be the basis of the height limit applicable to the Language School. That issue (trying to determine original ground level prior to development which took place many decades ago) is frequently a cause of contention within the District, and has in the past been a cause of contention on both the Sofitel site and the Carpark site.

- 12 The fourth issue is the urban design outcome, in relation to the Brecon Street steps, of the s42A Report recommendation. Referring to, and by extrapolation from, the **attached** plans:
- (a) The northeast corner of the existing Sofitel, at 332.2 masl, is approximately 6m above the level of the adjoining Man Street;
  - (b) The recommended 14m above original ground level applicable to the Language School (above which consent status is non-complying) is 340.5m – 341.3m above the adjoining Man Street – say 340m on average;
  - (c) (a) and (b) above potentially result in a future building on the Language School site which, at the top of the Brecon Street stairs, is about 8m higher than the Sofitel Hotel. This raises an urban design issue of whether that outcome is appropriate, in terms of dominance of buildings and in terms of shading effects at certain times of the year.
- 13 The next issue is the urban design effect along the Man Street frontage. As currently proposed (and as illustrated on the attached plans) if one were driving up Man Street the eastern end of the Sofitel Hotel is about 6m above Man Street ground level – that would rise significantly to a potential Language School building about 14m above Man Street ground level – that would then drop to an eastern Carpark building which, at 338.1 masl, would be 10m dropping to 8.5m above the adjoining Man Street.
- 14 The next issue is the predictable planning scenario if the Language School retains a sloping height limit. The almost inevitable response will be that a developer will argue that the top level of that height limit is what determines effects on those neighbours primarily affected (being landowners to the north) and therefore that there is no reason not to push through the sloping height limit to achieve additional developable floor area beneath the maximum height of the sloping height limit. That scenario creates the very real potential of a contested consent application.

#### **PROPOSED ALTERNATIVE APPROACH**

- 15 To address all of the issues detailed above I recommend that:
- (a) The current recommended maximum height limit applicable to the Language School be changed from a sloping height limit above original ground level to a 'flat plane' height limit being a specified RL or masl level;
  - (b) Area P1 in the plan contained in Rule 12.5.10.4 be changed to Area G;

- (c) An additional subclause be added to Rule 10.5.10.4 specifying the maximum height within Area G, with the consequence that height within Area G is determined by Rule 12.5.10.4 rather than Rule 12.5.10.1.
- 16 Referring to the attached plans, the orange annotations represent my suggested maximum 'flat plane' RL or masl height limits for the Language School and the eastern Carpark building (also identified in orange are the roof levels of the current building on the Language School site to provide context).
- 17 In the rest of my evidence below I explain my rationale for that recommendation and I address that recommendation in the context of the relevant objectives and policies.

**Rule 12.5.10 (10 Man Street, 10-14 Brecon Street, Man Street Carpark)**

- 18 In my opinion it is appropriate that the height standard for buildings along the southern side of Man Street be defined by RLs (not height above ground level) with the height limit stepping up in relation to the above Man Street. I support a flat height plane regime as identified in Table 1 below.

**Table 1 Recommended (rounded) Height Limits for 10 Man, 10-14 Brecon Street & MSC<sup>1</sup>**

Location	Area Ref	RL (Man Street)	Step	Height Limit (RL)
<i>Sofitel (eastern end)</i>	<i>P6</i>	<i>326<sub>masl</sub></i>	<i>6m</i>	<i>332<sub>masl</sub></i>
<b>Brecon Street</b>	Street	326 <sub>masl</sub>	0m	<b>n/a</b>
<b>10 Man &amp; 10-14 Brecon</b>	G  (amended from P1)	326 <sub>masl</sub>	8m	<b>334<sub>masl</sub></b>
<b>View shaft</b>	C	327 <sub>masl</sub>	0m	<b>327<sub>masl</sub></b>
<b>MSC* East</b>	A	328 <sub>masl</sub>	8m	<b>336<sub>masl</sub></b>
<b>View shaft</b>	D	330 <sub>masl</sub>	0m	<b>330<sub>masl</sub></b>
<b>MSC West</b>	B	330 <sub>masl</sub>	8m	<b>338<sub>masl</sub></b>

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<sup>1</sup> Man Street Carpark (MSC)

## REASONS

19 In my opinion, the above regime:

- (a) Generally aligns with the relief sought by Man Street Properties Limited (notwithstanding my recommended RL for the eastern Carpark building is lower) and aligns with the approach recommended in the s.42A report for the Sofitel site in P6 and the Carpark. I agree with the rationale to apply Reduced Levels (RLs) to set building height limits rather than a sloping height in relation to original ground level.
- (b) Provides a logical and sensible method for controlling the building height along Man Street:
  - (A) Due to the variable ground level, a height limit relating to ground level can be difficult to apply and in my opinion do not promote good design in respect of built form.
  - (B) The logic of applying RLs to control building height as a method in the district plan has been successfully applied to the Sofitel Hotel site. The established height of the Sofitel Hotel above Man Street provides a logical benchmark for determining an appropriate approach to height limits above Man Street.
  - (C) The simpler the rules can be to interpret and apply the more certainty they will provide. This will result in more efficient plan administration and development processes.
  - (D) The flat height plane regime provides a reasonable level of certainty to landowners and members of the public about the anticipated height limits for development along Man Street which might be approved without public input.
- (c) Promotes good urban design outcomes, particularly the compatibility of building relationships. In my opinion the district plan should not facilitate development on the Language School site which is disproportionate to the height of the Sofitel Hotel:
  - (A) The intersection of Brecon/Man Street is locally important. It provides an excellent view shaft up and down Brecon St (NW-SE) and in my experience carries very high levels of pedestrian traffic. This is recognised by Mr Church (par 13.10), *“given the popularity of Brecon St for pedestrians accessing the Skyline Gondola under Ben Lomond and other*

*tourist attractions along this route, I consider at least the western side of the street, and preferably the Queenstown Cemetery public open space, should maintain good access to sunlight.”*

- (B) A 14m high building at 10 Man Street will appear disproportionately higher and ‘thinner’ in relation to its adjacent buildings (the Sofitel and the Carpark) and pedestrian areas (Brecon Street steps) and the proposed MSC view shaft). However, the steep natural topography (a steep escarpment) provides an opportunity for a relatively substantial amount of building mass to be provided in the airspace below 334masl (as achieved by the Sofitel Hotel).
  - (C) A 14m high building at 10 Man Street may be impractical to construct without development of adjoining land. This is because of the relatively small size of the site and practical constraints such as the southern and eastern boundaries being founded on reasonably large and old retaining walls.
  - (D) A 14m height limit for 10 Man Street and 10-14 Brecon Street (as recommended in the s.42A Report) seems to understate or ignore the above factors which I consider relevant to setting the permitted height limit for these three sites; and
- (d) Addresses all of the issues I identify in paragraphs 9 – 14 above in a logical and practical manner.

## **OBJECTIVES AND POLICIES**

20 For the above reasons I consider the amended height control regime recommended above:

- (a) Provides a more appropriate method for implementing objective 12.2.2 compared to the height control regime proposed in the Proposed District Plan and recommended in the s.42A Report.

### ***Objective 12.2.2***

***Development that achieves high quality urban design outcomes and contributes to the town’s character, heritage values and sense of place.***

- (b) Accords with policy 12.2.2.2 in respect of requiring development to maintain the existing human scale of the Town Centre as experienced from street level, contributing to the quality of streets and other public spaces



and people's enjoyment of those places; and positively responding to the Town Centre's character and contribute to the town's 'sense of place'.

***Policy 12.2.2.2 Require development to:***

***a. Maintain the existing human scale of the Town Centre as experienced from street level through building articulation and detailing of the façade, which incorporates elements which break down building mass into smaller units which are recognisably connected to the viewer; and***

***b. Contribute to the quality of streets and other public spaces and people's enjoyment of those places; and***

***c. Positively respond to the Town Centre's character and contribute to the town's 'sense of place'.***

- (c) Accords with Policy 12.2.2.3 in terms of controlling the height and mass of buildings in order to provide a reasonable degree of certainty in terms of the potential building height and mass and retention and provision of opportunities to frame important view shafts to the surrounding landscape.

***Policy 12.2.2.3 Control the height and mass of buildings in order to:***

***a. Provide a reasonable degree of certainty in terms of the potential building height and mass;***

***b. Retain and provide opportunities to frame important view shafts to the surrounding landscape; and***

***c. Maintain sunlight access to public places and to footpaths, with a particular emphasis on retaining solar access into the Special Character Area (as shown on Planning Maps 35 and 36);.***

***d. Minimise the wind tunnel effects of buildings in order to maintain pleasant pedestrian environments***

## **CONCLUSION**

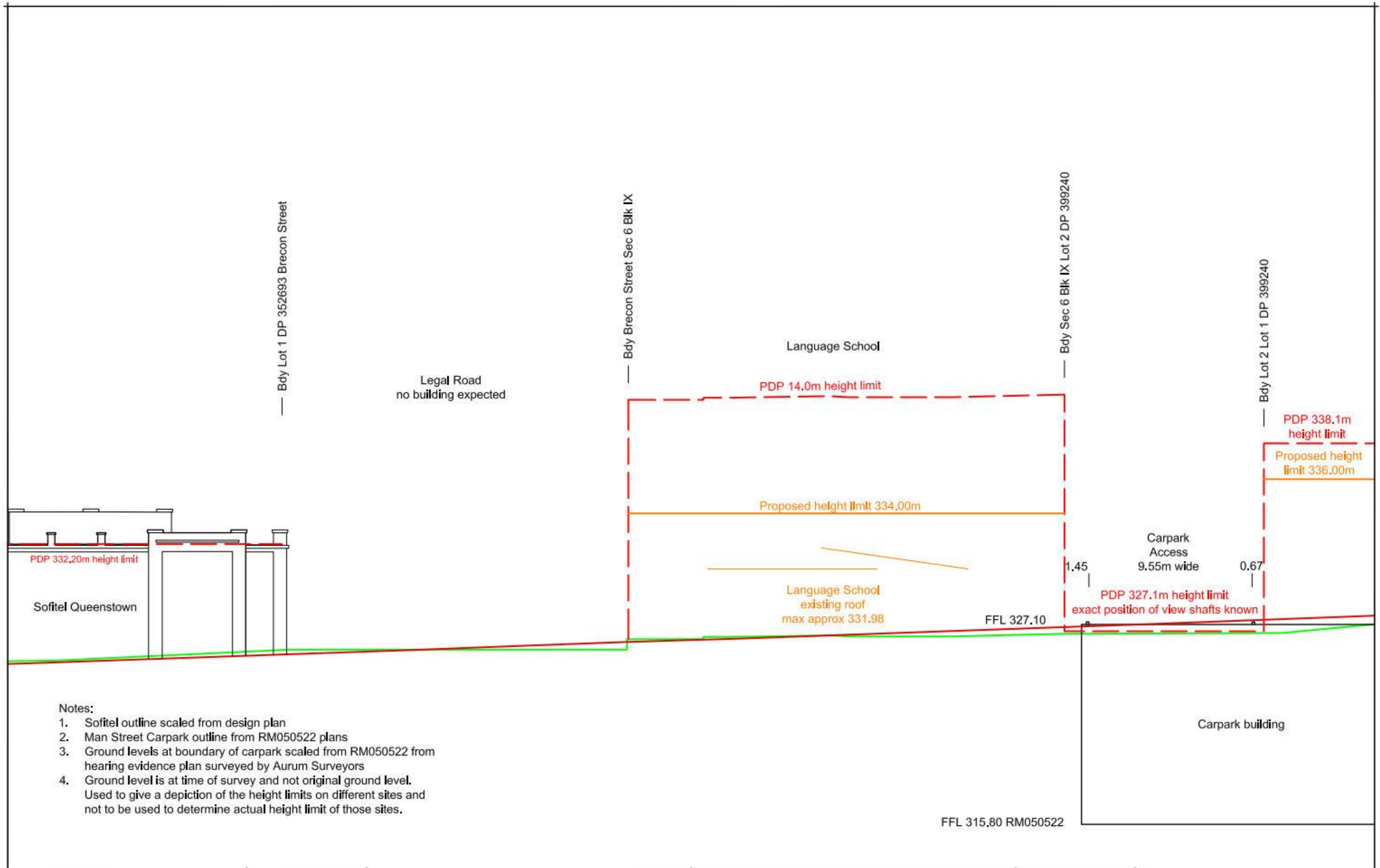
- 21 Compared to the s.32AA evaluation carried out in the s.42A Report, I believe the flat height regime recommended above will result in a more efficient and effective method:

- (a) There will be less administration costs on developers and plan administrators by improving the usability of the height controls and increasing certainty.
- (B) There should be more public benefit by improving certainty as to the anticipated streetscape environment and provision of more protection to the intersection of Brecon/Man Street.
- (c) There should be no loss of private benefit because loss of height at the top of the (Language School) slope is offset by increased development rights lower down the slope.

Dated this 18<sup>th</sup> day of November 2016


**John Edmonds**

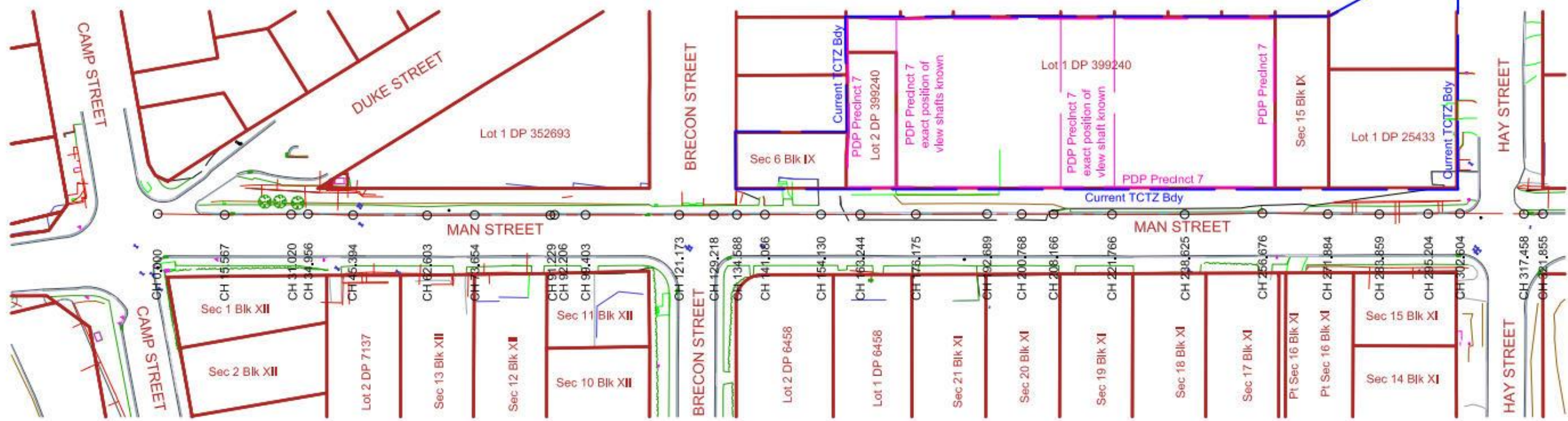
## Appendix 1- Height Plans Patterson Pitts



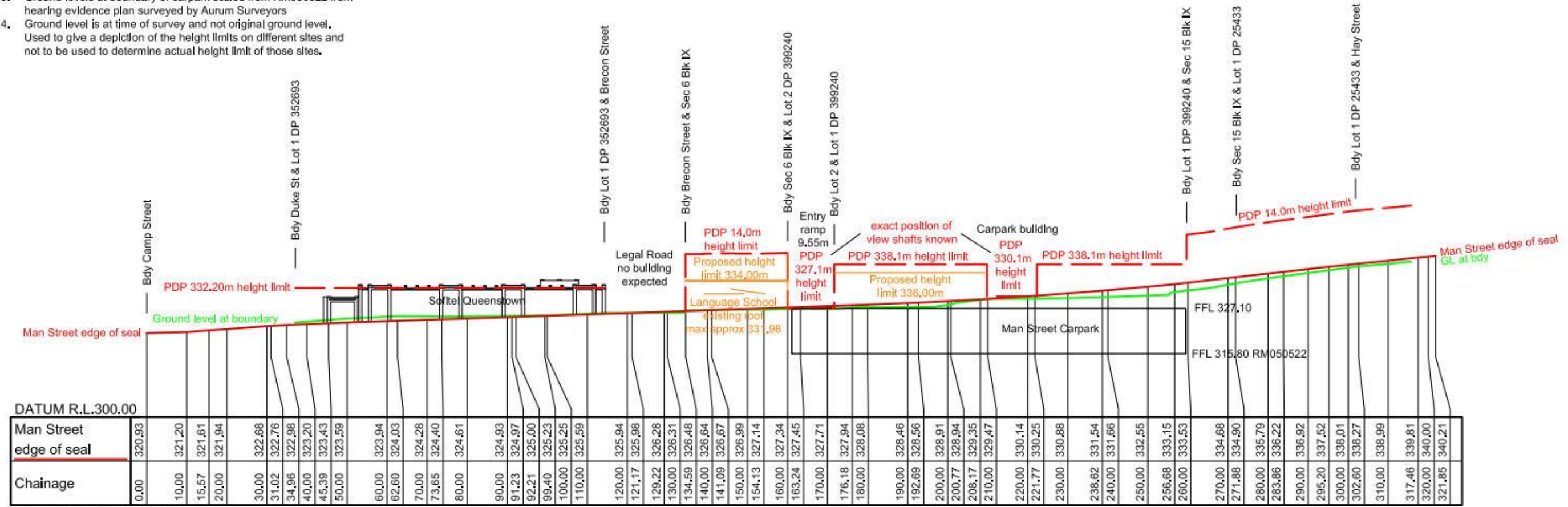
Notes:

1. Sofitel outline scaled from design plan
2. Man Street Carpark outline from RM050522 plans
3. Ground levels at boundary of carpark scaled from RM050522 from hearing evidence plan surveyed by Aurum Surveyors
4. Ground level is at time of survey and not original ground level. Used to give a depiction of the height limits on different sites and not to be used to determine actual height limit of those sites.

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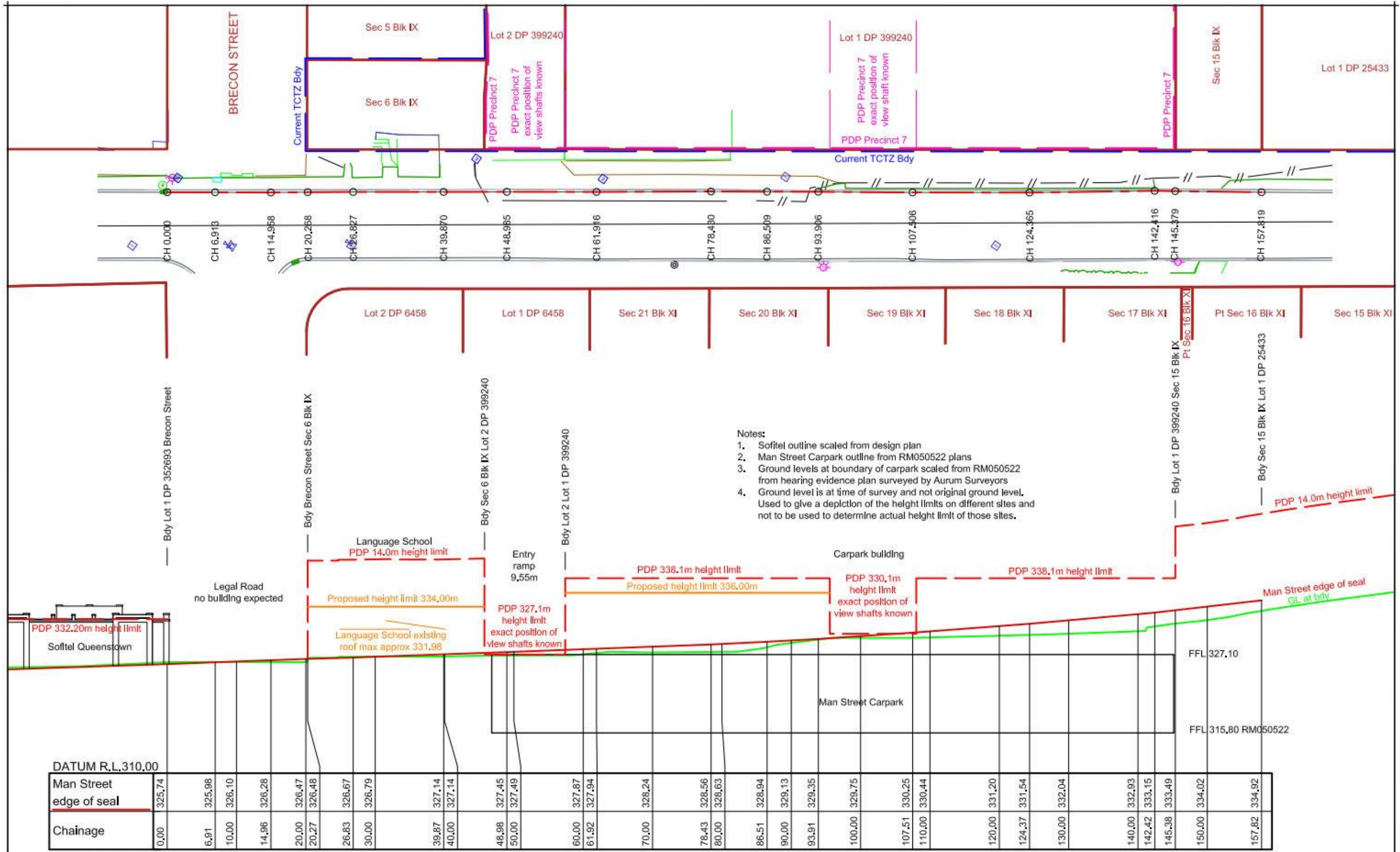
QUEENSTOWN:  
 Terrace Junction,  
 1092 Frankton Road,  
 PO Box 2645,  
 Queenstown 9349,  
 T 03 441 4715  
 E queenstown@ppgroup.co.nz

Macfarlane Investments Limited  
 5-15 Man Street, Queenstown  
 Lot 2 DP 7137 & Sec 10-13,  
 Blk XII, Town of Queenstown

Profile of Man Street edge of seal  
 showing QLDC Proposed District Plan  
 height limits for the sites opposite

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DATUM R.L.310.00

Man Street edge of seal	325.74	325.98	326.10	326.28	326.47	326.48	326.67	326.79	327.14	327.14	327.45	327.49	327.87	327.94	328.24	328.56	328.63	328.94	329.13	329.35	329.75	330.25	330.44	331.20	331.54	332.04	332.93	333.15	333.49	334.02	334.92
Chainage	0.00	6.91	10.00	14.96	20.00	20.27	26.83	30.00	39.87	40.00	48.98	50.00	60.00	61.92	70.00	78.43	80.00	86.51	90.00	93.91	100.00	107.51	110.00	120.00	124.37	130.00	140.00	142.42	145.38	150.00	157.82

SCALE 1:500 horizontal  
1:500 vertical

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Queenstown 9349,  
T 03 441 4715  
E queenstown@ppgroup.co.nz

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