Before the Queenstown Lakes District Council

In the Matter of the Resource Management Act 1991

And

In the Matter of the Queenstown Lakes Proposed District Plan

Chapter 9 (High Density Residential Zone)

Statement of Evidence of Timothy Carr Walsh (Submitter 208 & Further Submitter 1148)

Dated 30 September 2016

lane neave.

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1. INTRODUCTION

- 1.1 My name is Timothy Carr Walsh. I am a resource management planner employed by Novo Group.
- 1.2 I hold a Bachelor of Science (Honours) degree and a Master of Science degree from the University of Canterbury. I am also an Associate member of the New Zealand Planning Institute.
- 1.3 I have close to 11 years of experience as a resource management planner, working in local and central government, and as a consultant. I have been employed by Novo Group as a Senior Planner for approximately one year and 8 months. Prior to my current role I was employed as a Senior Advisor in the Christchurch Central Development Unit at the Canterbury Earthquake Recovery Authority for approximately 2 years. A summary of my qualifications and past experience is in Appendix TCW1.
- 1.4 Relevant to this matter, I have experience in processing resource consent applications including preparing Section 42A reports and attending resource consent hearings on behalf of Queenstown-Lakes District Council. As a consultant planner I have experience in evaluating development projects, preparing resource consent applications and presenting evidence at Council resource consent and plan change hearings and the Environment Court. Within the past year I have prepared several resource consent applications for proposed multi-unit residential developments (ranging from six to 70 units) in the higher density residential areas of Christchurch.
- 1.5 While employed at CERA I led the development of the *A Liveable City* residential chapter of the Christchurch Central Recovery Plan. I was responsible for instructing and coordinating a team of experts (including planners) to develop a draft residential chapter and associated advice for the Minister for Canterbury Earthquake Recovery's consideration. The chapter, as gazetted, includes the Central City Residential Zone which was inserted into the Christchurch City Plan.
- 1.6 Given my experience, particularly over the past three to four years, I am well aware of the various planning related considerations of higher density residential development, both from the perspective of territorial authorities, developers and residents.

1.7 I have been asked by the Pounamu Apartments Body Corporate Committee (**Body Corporate**) to provide evidence in relation to its submission on the Queenstown-Lakes District Council's Proposed District Plan (**Proposed Plan**).

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the hearings panel.
- 2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
- 2.3 Unless I state otherwise, this evidence is within the area of my expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. SCOPE

- 3.1 I have been asked to provide evidence as to whether the provisions in the Proposed Plan are the most appropriate to achieve the purpose of the Resource Management Act 1991 ('the Act'), particularly in relation to the Pounamu Apartments site at 110 Frankton Road, Queenstown and its immediate surrounds. Where I have found the notified provisions could be amended to better achieve the purpose of the Act I have been asked to propose amendments. I provided a statement of evidence in respect of Chapter 3 (Strategic Directions) and Chapter 4 (Urban Development) of the Proposed Plan which is complimentary to, and should be read alongside this statement.
- 3.2 The structure of my evidence for Chapter 9 (High Density Residential) is set out as follows:
 - (a) A summary of the Body Corporate submission;
 - (b) A description of the site and immediate surrounds;

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- (c) A discussion of the High Density Residential proposal, particularly as it relates to the Pounamu Apartments; and
- (d) Proposed amendments.
- 3.3 Key documents I have used in preparing my evidence include:
 - (a) The Otago Regional Policy Statement ('RPS');
 - (b) The Proposed Otago Regional Policy Statement ('Proposed RPS')
 - (c) Chapter 9 (High Density Residential) of the Proposed Plan;
 - (d) the relevant section 32 evaluation reports;
 - (e) the section 42A reports for the Strategic Directions and Urban Development chapters;
 - (f) the section 42A report for the High Density Residential chapter (including the revised Chapter 9 provisions);
 - (g) the evidence for Council of Garth Falconer (Urban Design), Philip Osborne (Economics), Stephen Chiles (Acoustic) and Ulrich Glasner (Infrastructure);
 - (h) the Boffa Miskell 'Modelling of proposed high density residential zone' report dated 24 August 2016;
 - (i) the Firestone Investments Limited submission (Submitter 722);
 - (j) comments provided by Body Corporate 402439 (29 Panorama Terrace) during preliminary consultation on the Proposed Plan;
 and
 - (k) the Body Corporate's submission and further submission.
- 3.4 In addition to the statutory documents listed above, my evidence also considers the proposed provisions in accordance with the requirements of section 32 of the Act.

4. EXECUTIVE SUMMARY

4.1 The Body Corporate are generally concerned that the proposed High Density Residential Zone provisions are skewed too far towards intensification at the expense of residential amenity, and are

specifically concerned about the potential negative impacts of future development of the large brownfield site (Lot 5 DP 351561) that adjoins the Pounamu Apartments. I consider that these concerns are valid, and consider that some relatively minor amendments to the objectives, policies and rules are necessary to ensure that they better achieve the purpose of the Act.

- 4.2 Being mindful of the simple, concise and enabling nature of the Proposed Plan, I have attempted to address the issues in respect of the Pounamu Apartments in a site specific manner, and limit other amendments that affect other High Density Residential zoned land.
- 4.3 The site specific amendment involves the insertion of a new rule requiring development within Lot 5 DP 351561 to be in accordance with a structure plan. Other amendments attempt to maximise the potential benefits of higher density residential development by improving urban design quality and ensuring appropriate protection of amenity values.

5. SUMMARY OF THE BODY CORPORATE SUBMISSION

- 5.1 The Body Corporate is generally concerned that the Proposed Plan seeks to achieve greater intensification in the high density living areas at the expense of neighbourhood character and residential amenity.
- More specifically, the Body Corporate is concerned that the dilution of the existing development controls may negatively impact how future development on immediately neighbouring properties would integrate with Pounamu Apartments. In particular, the Body Corporate expressed concern in respect of:
 - (a) the watering down of the focus in the objectives and policies on protection of amenity values;
 - (b) increased building height;
 - (c) relaxed site coverage controls;
 - (d) changes to recession plane requirements;
 - (e) reduced front and side boundary setbacks;
 - (f) no outdoor living requirements;

- (g) removal of specific urban design considerations, assessment criteria and the urban design review process; and
- (h) the Floor Area Ratio requirement.1
- 5.3 The Body Corporate are also concerned about the impact the removal of existing height controls affecting development on the opposite side of Frankton Road will have on the views and associated amenity from the apartments.

6. DESCRIPTION OF THE SITE AND SURROUNDS

- 6.1 The Pounamu Apartments are high end apartments located along the gateway to Queenstown town centre. The privately owned apartments cater for short stay accommodation and are well positioned to take in panoramic lake and mountain views. As stated in the Body Corporate submission, the apartments were rated the second best accommodation in Queenstown and the third best in New Zealand in the Travellers Choice Awards 2015.
- 6.2 The apartment buildings are contained within four separate sites legally described as Lots 1, 4, 6 and 7 DP 351561. The overall complex comprises six blocks all orientated towards Frankton Road and Lake Wakatipu beyond. Figure 1, Figure 2 and Figure 3 below illustrate the context of the Pounamu Apartments complex and its relationship to surrounding properties including Lot 5 DP 351561 ('Lot 5').
- 6.3 Figure 3 shows the cadastral boundaries of the Pounamu Apartments sites, the Panorama Apartments site, Lot 5, and a Right of Way ('ROW') easement which traverses Lot 5.

¹ Para 17 of the Body Corporate's submission.

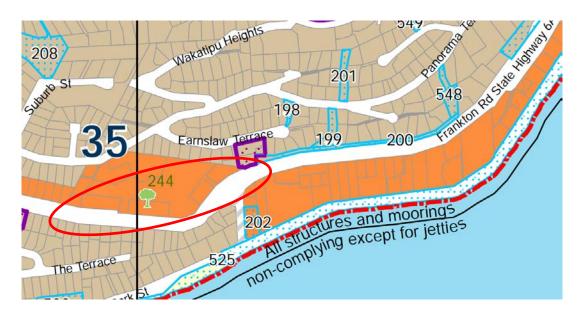


Figure 1 - Excerpt from Proposed Planning Map 37 with the Pounamu Apartments sites circled



Figure 2 - Location and layout of the six Pounamu apartment blocks (Source: Google Earth)



Figure 3 - Cadastral boundaries of the Pounamu and surrounding sites

6.4 The Pounamu Apartments complex contain 68 apartments mostly configured in a stacked arrangement with first floor apartments over ground floor apartments (see a typical cross-section at Figure 4). The buildings occupy a large proportion of the allotments within which they are located leaving little space between the buildings and potential future development within the Lot 5 site.

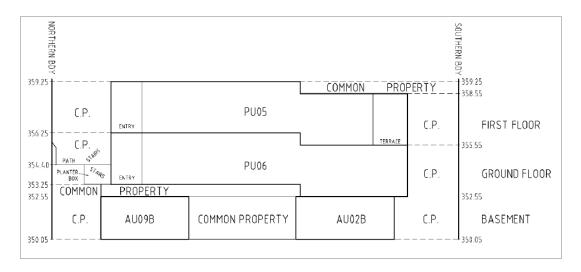


Figure 4 - Typical cross-section through the Pounamu Apartments

6.5 All the apartments operate in a dual key configuration whereby the rear studio can be used independently of the front portion (see the floor layout at Figure 5). When the rear portion is used independently, its only outlook is north facing (i.e. it does not have views to the south over the lake). All first floor apartments have balconies facing towards the lake. None of the apartments are provided with north facing outdoor living space except that a lawn area behind Lot 4 and a landscaped area behind Lot 6 provides some temporary outdoor living space within the Lot 5 site until such time as it is developed.



Figure 5 - Pounamu apartments layout (Source: www.pounamuapartments.co.nz)

6.6 Car parking for the Pounamu Apartments is provided beneath the buildings accessed from the ROW that bisects Lots 1 & 4 and Lots 6 &7. I note that the section 42A report considers this easement could

- provide outdoor living space. Given its legal purpose is to provide access, I disagree that it could provide outdoor living.
- 6.7 Lot 5 is a large (1.26 hectare) brownfield site owned by Fire Stone Investment Limited ('Fire Stone'). I understand it formerly contained the Mountain View Lodge before development of the Pounamu Apartments. Fire Stone made a submission on the High Density Residential chapter of the Proposed Plan supporting the proposed zoning and proposed restricted discretionary activity status for building heights above 7 metres and below 10 metres (the site is a 'sloping site' by Proposed Plan definition). It did not make any further submission in respect of the Body Corporate's submission, which addressed height and various other issues (refer paragraph 5.2).
- 6.8 Extensive excavation has been carried out within Lot 5 to form the access within the ROW easement and the area to the south of the access as indicated in Figure 6 and Figure 7. It does not appear that the areas of the site to the north and west of the ROW easement have been subject to any excavation and they remain steeply sloping. A partially excavated rocky knoll occupies the area between the Lot 4 and 6 Pounamu apartment buildings.
- 6.9 The site contains a protected tree a short distance to the north of the Pounamu Lot 4 site boundary which is annotated on the planning maps.



Figure 6 - Photo looking south from steps within the Parorama Apartments site

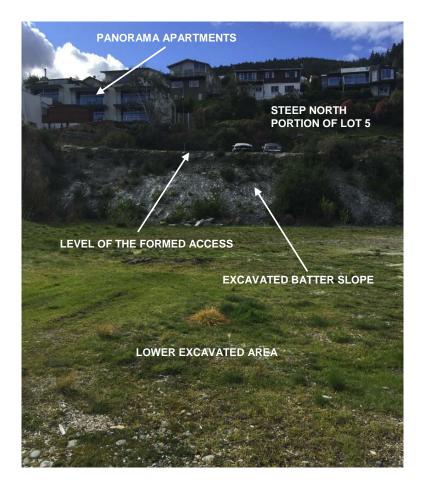


Figure 7 - Photo looking north from within Lot 5

- 6.10 The following resource consents applying to Lot 5 are relevant to consideration of the relief sought by the Body Corporate:
 - Resource consent RM041267 authorises earthworks to accommodate a proposed hotel. I understand some of these earthworks have already been undertaken.
 - Resource consent RM051147 authorises the construction and operation of a hotel at the site. The consent was issued in April 2008 via consent order following successful mediation between the parties (reference number: ENV-2007-CHC-191). The proposed hotel comprises 103 guest rooms and associated facilities including a spa and pool complex, gymnasium, restaurant, bars and conference areas. The building extends six levels including an underground parking level.
 - The application was publicly notified on the 15 February 2006 and attracted 106 submissions. The proposal was assessed as a non-complying activity due to breaches of the 7 metre height restriction and the amount of signage proposed. Consent was

- also required for matters relating to visitor accommodation in the High Density Residential Zone and the car parking layout.
- Council refused consent on the basis that it considered the proposal did not meet either of the threshold tests for non-complying activities. As a result of mediation, changes to the plans and conditions of consent were agreed between the parties.
- The consent has not been implemented as yet and would have lapsed on 16 April 2013 except Council authorised a three-year extension to the lapsing period. This extended the consent lapse date to 16 April 2016. Council authorised another threeyear extension again in March this year. The consent lapse date is now 16 April 2019.
- Council also authorised a change of conditions to resource consent RM041267 in March this year. The consent allows for an increase in the extent of proposed earthworks to accommodate the altered design of the hotel approved by way of resource consent RM051147. The approved plans of the revised earthworks are attached at Appendix TCW2. These plans indicate original ground level, current ground level and proposed ground level along two sections through Lot 5.

7. THE HIGH DENSITY RESIDENTIAL PROPOSAL

Proposed zoning

- 7.1 The proposed zoning of the Pounamu Apartments sites and Lot 5 is High Density Residential ('HDR'). The zoning carries over from the zoning in the operative Queenstown-Lakes District Plan ('Operative Plan') which is HDR Sub-Zone A. The Body Corporate have no issue with the operative zoning.
- 7.2 I support Council's proposed approach to the higher density residential zoning which rationalises Sub-Zones A & B of the HDR in the Operative Plan into a single HDR zone and replaces the current HDR Sub-Zone C zone with the proposed Medium Density Residential Zone. However, given the accommodation shortage issues affecting Queenstown (as discussed in the HDR section 32 report and evidence of Mr Osborne),

I question the approach to confirm the existing extent of HDR zoning in the District. The analysis of broad options considered in the section 32 report considers three options being:

- (a) No change;
- (b) Largely retain the existing HDR Zone boundaries but relax the development controls, and streamline and consolidate the provisions; and
- (c) Comprehensive review of zoning over a wider area, with potential expansion of zones and higher building in specific areas.
- 7.3 In my view, there are other potentially reasonable options that have not being investigated, including rezoning areas of Low Density Residential zoned land in close proximity to the town centre of Queenstown, and potentially in the Frankton area, to HDR. I consider that this approach finds significant support from the section 32 report (particularly the dwelling capacity commentary at pages 10 and 11), and in Mr Osborne's evidence.

Proposed HDR objectives and policies

7.4 I generally support the revised proposed policy framework of the proposed HDR Zone (as set out in Appendix 1 of the section 42A report). Accordingly, the following analysis focuses only on those objectives and policies that I consider ought to be amended to better achieve the purpose of the Act.

Objective 9.2.1

High-density housing development will occur in urban areas close to town centres, to provide greater housing diversity and respond to strong projected growth in visitor numbers

7.5 I consider that restricting HDR zoned land to only "town centres" may unnecessarily constrains housing supply. Subject to thorough analysis, it may also be appropriate to provide for higher density housing in close proximity to other significant commercial nodes that provide for the needs of local residents. Remarkables Park is an example of such as a commercial node.

Objective 9.2.2

High-density residential development provides a positive contribution to the environment through quality urban design and maximising environmental performance.

7.6 I support this objective and generally support its associated policies but consider that Policy 9.2.2.4 could be improved by also requiring that architecture provides for a human scale. Further, I consider that the policies ought to ensure that developments integrate with the adjacent neighbours and the wider neighbourhood. I agree that positively addressing the street and other public places is of primary importance, but I consider that the interface with neighbouring properties is also important. In my view, appropriately recognising and providing for a positive interface between neighbouring developments will deliver improved neighbourhood outcomes.

Objective 9.2.3

A reasonable degree of protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.

7.7 In my view, the term "reasonable degree" is unnecessary and pitches the objective too far towards built form intensification at the expense of neighbourhood amenity and is therefore inappropriate. As discussed in my evidence for the Strategic Directions hearing, the success of higher density residential neighbourhoods depends on striking the right balance between intensification and protecting the amenity of both existing and future residents. By the same rationale, use of the term "reasonable" in Policy 9.2.3.1 (as it applies to protection of neighbours' outlook, access to sunshine and light, and privacy) is also unnecessary and inappropriate.

Proposed HDR rules

7.8 Having reviewed the proposed HDR rules, I can appreciate the many of the concerns raised by the Body Corporate in its submission, and consider they are valid. When compared to the Operative Plan rules, the proposed development controls allow for larger buildings through:

- Removal of the restricted discretionary activity status for buildings with a footprint area over 500m²;
- Relaxed internal boundary setbacks;
- Relaxed continuous building length controls;
- The removal of the requirement for accessory buildings to comply with recession planes; and
- Flexibility for buildings extend up to 10 metres high by way of restricted discretionary consent rather than non-complying.
- 7.9 While there are many other proposed changes to Operative Plan rules, I consider that the above changes would have the most impact on the Pounamu Apartments site in terms of built form dominance, privacy, access to sunlight and visual amenity effects. I also acknowledge that some changes will result in improved outcomes such as the requirement for 20% of sites to be occupied with permeable landscaping.
- 7.10 Given the particular characteristics of the Pounamu Apartments complex and the adjoining Lot 5 site, I consider that development of Lot 5 in accordance with the proposed rules has the potential to unduly compromise the amenity the Pounamu Apartments. Therefore, I consider that the proposed rules ought to be amended to ensure acceptable amenity outcomes.
- 7.11 Some of the potential adverse effects on the Pounamu Apartments of development within Lot 5 could be avoided through the exercise of Council's discretion under Rule 9.4.4 (which controls developments of four or more residential units). The proposed matters of discretion are significantly narrower in focus compared to the Urban Design Protocol assessment criteria that apply under the Operative Plan. In my view, it is appropriate to narrow the focus of the existing assessment criteria, although I consider that the proposed matters of discretion ought to be amended so that they better implement the policies of the HDR Zone and therefore better contribute to realising the objectives of the Zone.
- 7.12 In addition to the matter of discretion concerned with natural hazards, I consider that the discretion under Rule 9.4.4 ought to cover six aspects of multi-unit residential design that if implemented well would help

ensure acceptable development outcomes for higher density residential neighbourhoods. These aspects include: public interfaces, access and parking, neighbourhood qualities, safety, residential amenity, and visual interest. While the proposed matters of discretion cover most of these aspects, I consider improvements could be made.

7.13 I note that the revised residential provisions (as set uout in Appendix of the section 42A report) delete the originally proposed floor area ratio rule and insert rules that restrict the height of buildings on the south side of Frankton Road. I support both these amendments.

8. PROPOSED AMENDMENTS

- 8.1 The above analysis finds that some minor amendments to the objectives, policies and rules are necessary to ensure that they better achieve the purpose of the Act. In proposing amendments, I am mindful of the apparent community acceptance of the provisions, and also of Council's efforts to develop a proposed plan that is enabling, simple, concise and easy to comprehend. So, while some of the amendments I propose affect the entire HDR Zone (albeit in a minor and positive way), I have attempted to address the issues in respect of the Pounamu Apartments in a site specific manner. This approach limits the extent of alterations to the Proposed Plan.
- 8.2 I consider that my proposed approach alleviates many of the concerns expressed by the Council officer in the section 42A report in respect of the Body Corporate's submission.

Proposed amendments to objectives and policies

8.3 I propose amendments to Objective 9.2.3, Policies 9.2.2.4 and 9.2.3.1, and the addition of new policy associated with Objective 9.2.2 as indicated below. Additions are indicated with <u>underlining</u> and deletions with a <u>strikethrough</u>. I have not proposed any amendments to Objective 9.2.1, although I urge the Panel to give close consideration to the location and extent of the proposed HDR zoning, particularly in the Queenstown area.

Policy 9.2.2.4

The mass of buildings shall be broken down through variation in facades and roof form, building separation or other techniques to

reduce dominance impacts on streets, parks and neighbouring properties, as well as <u>providing for human scale</u> and creating interesting building forms

New Policy 9.2.2.8

Ensure developments integrate with the adjacent and wider neighbourhood.

Objective 9.2.3

A reasonable degree of p Protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.

Policy 9.2.3.1

Apply recession plane, building height, yard setback and site coverage 9.2.3.1 controls as the primary means of limiting overly intensive development and ensuring reasonable protection of neighbours' outlook, sunshine and light access, and privacy.

Proposed amendments to rules

8.4 I propose two amendments to the proposed HDR Zone rules. The first amendment relates to Rule 9.4.4. and the second relates to providing site specific development controls for Lot 5.

Rule 9.4.4

8.5 The following proposed amendments to the Rule 9.4.4 are intended to ensure that where development alters the predominant character of an area through intensification, it contributes positively to the amenity, quality and enjoyment of the area.

Residential Unit comprising four (4) or more per site <u>including all</u> accessory buildings, fences and walls associated with that development

Discretion is restricted to the <u>extent to which development, while</u>
<u>bringing change to existing environments</u> all the following:

The location, external appearance and design of buildings

- The extent to which the development positively addresses
 the street
- The extent to which building mass is broken down and articulated in order to reduce impacts on neighbouring properties (including sunshine and light access) and the public realm
- Parking and access arrangements: safety and efficiency
- The extent to which landscaped areas are well integrated into the design of the development and contribute meaningfully to the amenity of the development
- Maintenance of the visual privacy of adjoining 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 nature and degree of risk the hazard(s) pose 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.
- Engages with and contributes to adjacent streets and public open spaces with regard to, sightlines, building orientation and setback, configuration of pedestrian entrances, windows and internal living areas within buildings, and if on a corner site is designed to emphasise the corner.
- Integrates access, car parking and garaging in a way that
 is safe for pedestrians and cyclists, and that does not
 dominate the development, particularly when viewed from
 the street or other public spaces.
- Appropriately responds to its context with respect to predominant design styles and established landscape features on the site, particularly mature trees, which contribute to the amenity of the area.

- Is designed to incorporate Crime Prevention Through
 Environmental Design principles, including effective
 lighting, passive surveillance, management of common
 areas and clear demarcation of boundaries and legible
 entranceways.
- Has regard to residential amenity for occupants and neighbours, in respect of outlook, privacy, and access to sunlight, through site design, building, outdoor living and service/storage space location and orientation, internal layouts, landscaping and use of screening.
- Provides for human scale and creates sufficient visual quality and interest through the separation of buildings, variety in building form, distribution of walls and openings, and in the use of architectural detailing, glazing, materials, and colour.

In addition to the above matters, where a site is subject to any natural hazard and the proposal results in an increase in gross floor area, discretion is restricted to whether the proposal will alter the risk to any site, and the extent to which such risk can be avoided or sufficiently mitigated. An assessment by a suitably qualified person shall be provided that addresses the nature and degree of risk the hazard(s) pose to people and property.

Site specific development controls for Lot 5

8.6 The proposed changes to the matters of discretion for Rule 9.4.4 will, in my view, improve development outcomes for all neighbourhoods within the HDR Zone. However, in order to ensure acceptable amenity outcomes for the occupants of the Pounamu Apartments, and other sites neighbouring Lot 5, I also propose the following rule be inserted into the activities table at 9.4 of the HDR chapter. The proposed rule requires discretionary resource consent for development within Lot 5 that is not in accordance with the proposed structure plan at Appendix **TCW3**. The structure plan indicates site specific building setbacks, the primary access route, and lists several development controls, the intent of which is to ensure that future development on Lot

5 appropriately recognises and responds to existing development on adjacent sites.

	Activities located in the High Density Residential Zone	Activity status
9.4.10	Development of Lot 5 DP 351561 not in accordance	D
	with 9.6 – Lot 5 Structure Plan.	_
	All other Rules under 9.4 and 9.5 continue to apply with	
	the exception of 9.4.4 (Residential Unit), 9.5.7 (Building	
	Length), 9.5.8 (Minimum Boundary Setbacks). In	
	considering any application for a resource consent, the	
	Council shall have regard to (without limiting its discretion)	
	the matters of discretion listed at Rule 9.4.4 (Residential	
	<u>Unit).</u>	

8.7 Given the site particulars of Lot 5, including its relationship to neighbouring sites and its resource consent history, I consider it is appropriate to use a site specific method to regulate development. In doing so, it is important to consider the benefits and costs associated with imposing more restrictive regulation on Lot 5. This assessment is included in the section 32AA evaluation attached at Appendix **TCW4**.

Section 32AA evaluation

- 8.8 As required by the Act, I have undertaken a section 32AA evaluation in respect of the proposed amendments. The evaluation, in accordance with section 32(1) to (4) is attached in table format at Appendix **TCW4**.
- 8.9 In summary, I consider that the minor proposed amendment to Objective 9.2.3 better achieves the purpose of the Act. Further, I consider the proposed amendments to the policies and rules better achieve the objectives, particularly in relation to development of Lot 5.
- 8.10 I consider that the benefits of the proposed amendments include improved urban design quality and appropriate protection of amenity values. In my view, these benefits would outweigh the costs which may, but not necessarily, include higher upfront development costs.
- 8.11 Based on the section 32AA evaluation, I am of the opinion that the amendments I have proposed are the most appropriate way to achieve the purpose of the Act.

Tim Walsh

30 September 2016

APPENDIX TCW1 - QUALIFICATIONS AND RELEVANT PAST EXPERIENCE

Qualifications

- 2011, Master of Science in Geography, University of Canterbury
- 2005, Bachelor of Science with Honours in Geography, University of Canterbury

Affiliations

Associate member of the New Zealand Planning Institute

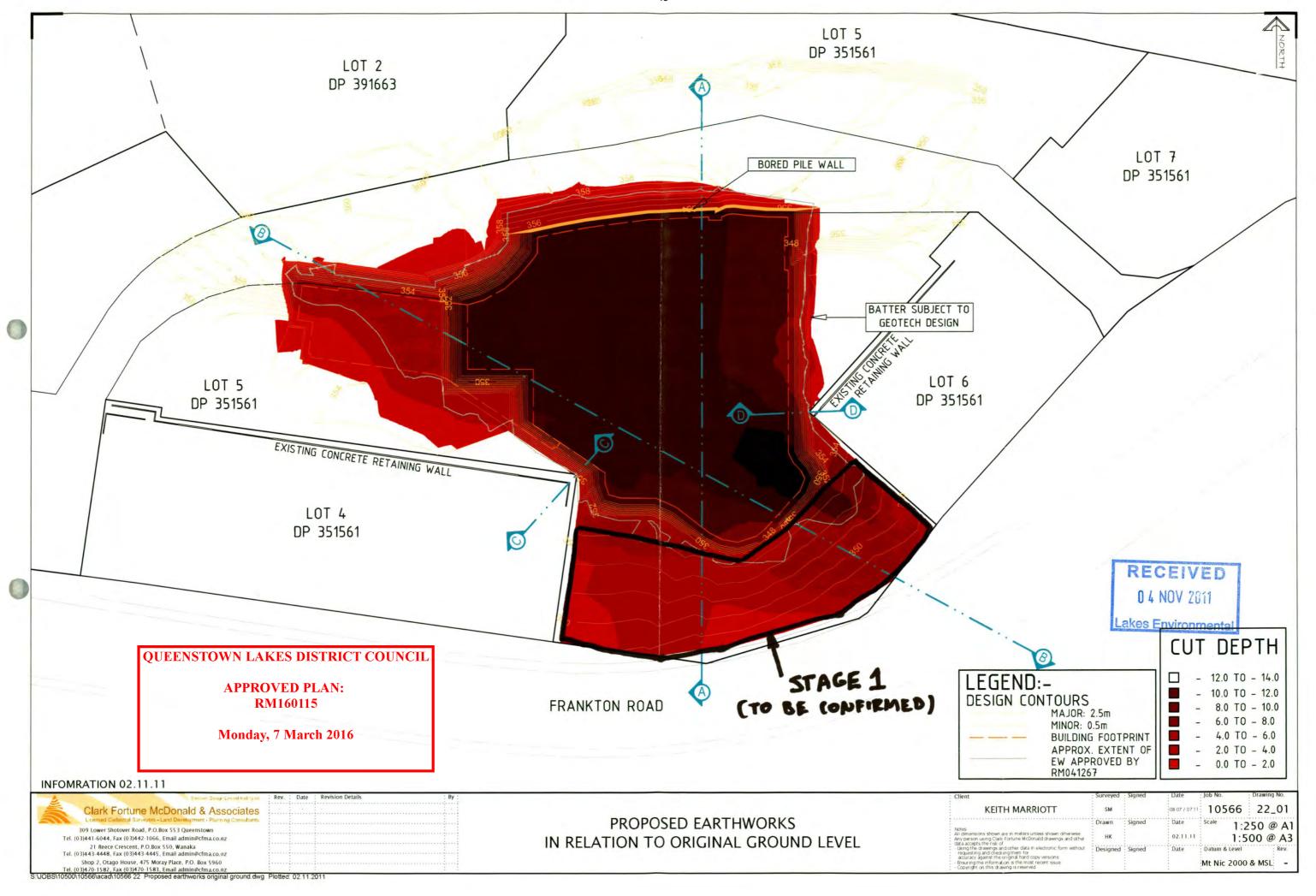
Relevant Experience

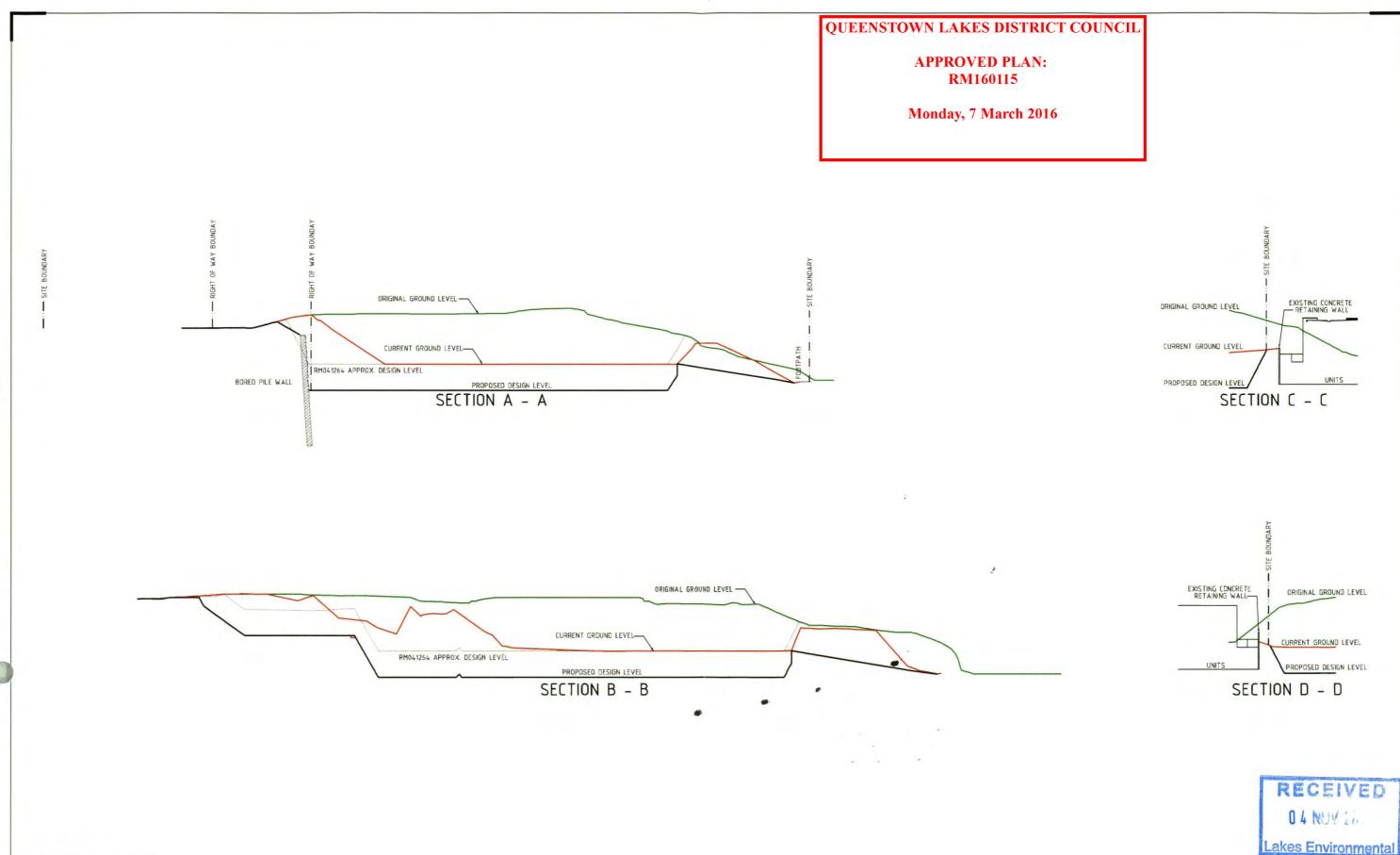
- Strategic advice, site evaluations and risk mitigation for developments
- Project management and coordination of technical experts
- Preparation of resource consent applications and assessments of environmental effects
- Involvement in district plan changes
- Preparation of expert evidence (Council & Environment Court)

Selected Employment Summary

- 2015 present, Senior Planner, Novo Group, Christchurch
- 2013 2015, Senior Advisor, CERA (Christchurch Central Development Unit), Christchurch
- 2012 2013, Acting Principal Planning Advisor, New Zealand Transport Agency, Christchurch
- 2011 2013, Senior Planning Advisor, New Zealand Transport Agency, Christchurch
- 2007 2010, Resource Management Planner, Southern Planning Group, Queenstown
- 2005 2007, Resource Management Planner, Civic Corporation Limited, Wanaka

APPENDIX TCW2 – APPROVED EARTHWORKS WITHIN LOT 5



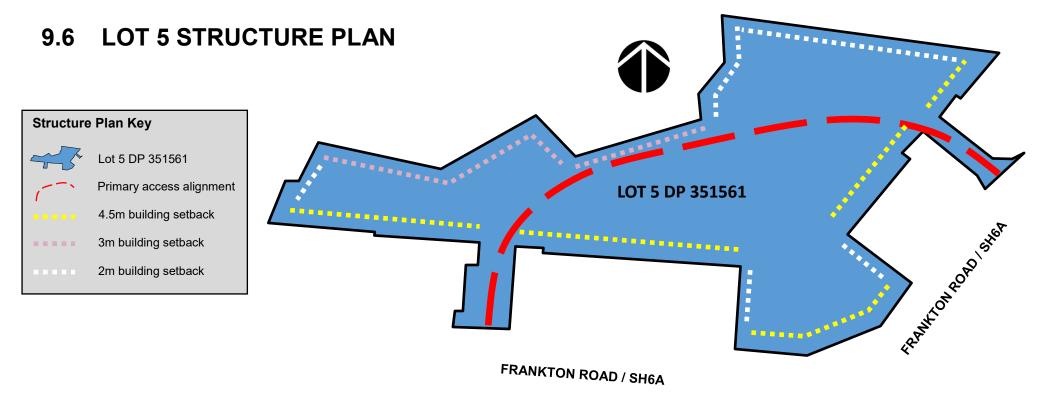


INFOMRATION 02.11.11		
Shottver Design Livered Heding as	Rev. : Date : Revision Details	: By :
Clark Fortune McDonald & Associates Leanard Cadalizal Surveyon - Land Davelopment - Planning Consultants		
309 Lower Shotover Road, P.O.Box 553 Queenstown	1	
Tel. (03)441-6044, Fax (03)442-1066, Email admin@cfma.co.nz		1 1
21 Reece Crescent, P.O.Box 550, Wanaka Tel. (03)443-4448, Fax (03)443-4445, Emaii admin@cfma.co.nz		

PROPOSED EARTHWORKS
IN RELATION TO ORIGINAL GROUND LEVEL

: Client	Surveyed	Signed	Date	Job No. Drawing No.
KEITH MARRIOTT	SM		08.07 / 07.11	10566 22_02
Notes	Drawn	Signed	Date	Scale 1:250 @ A1
All dimensions shown are in meters unless shown otherwise. Any person using Clark Fortune McDonald drawings and other data accepts the risk of:	нк		02.11.11	1:500 @ A3
 Using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy versions. 	Designed	Signed	Date	Datum & Level Rev.
Ensuring the information is the most recent issue. Copyright on this drawing is reserved.				Mt Nic 2000 & MSL -

APPENDIX TCW3 – PROPOSED STRUCTURE PLAN



9.6.1 Development requirements for Lot 5 DP 351561

The development requirements for the purposes of Rule 9.4.10 are described below and shown on the accompanying plan.

- **9.6.1.1** The maximum building footprint area for any single building is 500m².
- **9.6.1.2** The maximum height for buildings is 7m above ground level.
- 9.6.1.3 No unbroken building length shall exceed 16m. Breaks in building length shall be a minimum of 2m in depth and 4m in width for the full height of the wall and shall include a discontinuous eave line and roofline at the break. The aggregate length along any true elevation of a building, including breaks, shall not exceed 30m. This requirement does not apply to underground structures which are not visible from the ground level.
- **9.6.1.4** Accessory buildings for residential activities other than those used for the housing of animals may be located within the setback distances from internal boundaries, where the total length of the walls of accessory buildings within the setback does not exceed 7.5m in length and there are no windows or openings, other than for carports, along any walls within 2m of an internal boundary.
- 9.6.1.5 No part of any accessory building located within the specifies setback distances from internal boundaries is permitted to protrude through recession lines inclined towards the site at an angle of 25° and commencing at 2.5m above ground level at any given point along each internal boundary.

APPENDIX TCW4 - SECTION 32AA EVALUATION

EVALUATION OF PROPOSED OBJECTIVES – SECTION 32(1)(a)

Proposed changes to objectives	Appropriateness
9.2.3 A reasonable degree of p Protection of amenity values will be provided, within the context of an increasingly intensified and urban zone where character is changing.	The High Density Residential section 32 report assessed that the originally proposed objective: Sets a firm expectation that there will be change in the zone, to provide higher density housing near town centres to provide for the social, economic and cultural wellbeing of the District (RMA s5). However, it also recognises that balance is required with regard to providing some protection of amenity values (RMA s7c), especially in terms of building dominance and outlook. The same rationale as above supports the proposed change. While the proposed change shifts the balance slightly in favour of amenity protection for existing and future residents, it does not undermine the objectives of the Strategic Directions chapter of the Proposed Plan (particularly in light of amendments I proposed in evidence for the Chapter 3 hearing). The proposed change more appropriately achieves the purpose of the Act, including section 7(c).

EVALUATION OF THE PROPOSED PROVISIONS – SECTION 32(1)(b)

Are the proposed provisions the most appropriate way to achieve the objectives of the Proposed Plan?

Relevant Strategic Directions objectives:

- 3.2.3.1 Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.
- **3.2.6.1** Provide access to housing that is more affordable.
- **3.2.6.2** Ensure a mix of housing opportunities.
- 3.2.6.4 Ensure planning and development maximises opportunities to create safe and healthy communities through subdivision and building design.

Relevant High Density Residential objectives:

- **9.2.1** High-density housing development will occur in urban areas close to town centres, to provide greater housing diversity and respond to strong projected growth in visitor numbers
- 9.2.2 High-density residential development provides a positive contribution to the environment through quality urban design and maximising environmental performance
- 9.2.3 Protection of amenity values within the context of an increasingly intensified and urban zone where character is changing

Proposed changes to provisions	Effectiveness	Efficiency (Benefits)	Efficiency (Costs)	Risks of acting/not acting
Policy 9.2.2.4	The proposed changes to	Environmental:	Economic:	Setting aside the proposed
The mass of buildings shall be broken down through variation in facades and roof form, building separation or other techniques to reduce dominance impacts on streets, parks and neighbouring properties, as well as providing for human scale and creating interesting building forms New Policy 9.2.2.8 Ensure developments integrate with the adjacent and wider neighbourhood.	policies and rules are no less enabling of high density residential development compared to the Council proposed version, with the exception of development of Lot 5. Setting aside the proposed new rule 9.4.10, the proposed changes simply	Appropriately manages potential adverse effects in the context of an urban environment that is anticipated to become increasingly intensified. Social: Provides existing and future residents with confidence that the higher density	Setting aside the proposed new rule 9.4.10, the proposed changes may or may not add a minor financial cost to delivering higher density housing. However, while good residential design can sometimes involve higher initial development costs,	new rule 9.4.10, the risk of not acting (i.e. approving the Council version of the proposed provisions) is the possibility of sub-optimal amenity outcomes (see paragraph 6.4 of my Strategic Directions evidence for a list of the potential negative impacts
	seek to better ensure that	residential neighbourhoods	this is not necessarily the	of poorly design high

Policy 9.2.3.1

Apply recession plane, building height, yard setback and site coverage 9.2.3.1 controls as the primary means of limiting overly intensive development and ensuring reasonable protection of neighbours' outlook, sunshine and light access, and privacy.

Rule 9.4.4

Proposed changes to ensure that discretion covers the important aspects of multi-unit residential design including: public interfaces, access and parking, neighbourhood qualities, safety, residential amenity, and visual interest.

New Rule 9.4.10

Proposed new rule imposing greater restriction on the development of Lot 5 for the benefit of the occupants of the Pounamu Apartments in terms of amenity outcomes.

Note: please see the main body of this evidence for the specific wording of proposed changes to rules.

individual developments cumulatively contribute the creation of successful higher density living environments. In this way, the proposed changes more effectively implement the objectives of the Proposed Plan.

Given the particular characteristics of Lot 5 and existing development on the adjacent sites, the proposed insertion of a new rule to control development within Lot 5 is the most effective way of ensuring development outcomes (as they relate to the Pounamu Apartments and other surrounding sites) align with the objectives of the Proposed Plan without limiting development capacity in the wider zone.

of District will be good places to live. In turn, this will ensure the successful uptake in high density residential housing which will benefit the District in a variety of ways (see paragraph 6.3 of my Strategic Directions evidence, attached at Appendix TCW5, for a list of the benefits of higher density neighbourhoods). Further, the specific proposed development controls for Lot 5 will ensure the ongoing enjoyment of the successful Pounamu Apartments and other surrounding properties.

Economic:

Setting aside the proposed new rule 9.4.10, the proposed changes do not reduce the opportunity to efficiently utilise the physical land resource.

case. Further, well designed developments contribute to the benefits that can accrue from successful higher density neighbourhoods (see paragraph 6.3 of my Strategic Directions evidence), therefore offsetting the upfront costs. The proposed insertion of a new rule to control development within Lot 5 may limit the development potential of the site. However, without detailed modelling I cannot accurately assess what the impact might be in terms reduced yield. The reduction in yield is likely to be relatively minor when considered within the context of the site as a whole. Mitigating factors of any reduced yield include: - a comprehensive hotel development has been

consented for the site. It is

density residential development). In turn this may dilute the realisation of the potential benefits of successful high density residential neighbourhoods (as listed at paragraph 6.3 of my Strategic Directions evidence).

Setting aside the proposed new rule 9.4.10, the risk of acting (i.e. approving the proposed provisions as put forward in this evidence) is minimal.

The risk of not acting (i.e. not approving the proposed new rule 9.4.10) is that neighbours of Lot 5 may be negatively impacted by future development of the site.

The risk of acting (i.e. approving the proposed new rule 9.4.10) is that the development potential of Lot 5 will be reduced somewhat (see the previous

reasonable to assume this	discussion on efficiency
consent will be implemented	costs).
given (a) the landowners	
recently obtained approval	
to extend the consent lapse	
date out to April 2019, and	
(b) there is a critical shortfall	
of guest accommodation in	
Queenstown which	
improves the viability of the	
project;	
- earthworks have been	
undertaken on Lot 5	
previously which already	
provide a greater building	
envelope compared to the	
original ground contour; and	
- the site is very large which	
provides a wide variety of	
development options	
despite the more restrictive	
regulation proposed.	

APPENDIX TCW5 - TIM WALSH STRATEGIC DIRECTIONS EVIDENCE

BEFORE THE QUEENSTOWN-LAKES DISTRICT COUNCIL PROPOSED DISTRICT PLAN HEARINGS PANEL

IN THE MATTER of the Resource Management Act 1991

AND the Proposed District Plan

STATEMENT OF EVIDENCE OF TIMOTHY CARR WALSH ON BEHALF OF POUNAMU APARTMENTS BODY CORPORATE COMMITTEE

PROPOSED CHAPTER 3 (STRATEGIC DIRECTIONS) AND CHAPTER 4 (URBAN DEVELOPMENT)

Dated the 25th day of March 2016

lane neave.

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1. INTRODUCTION

- 1.1 My name is Timothy Carr Walsh. I am a resource management planner employed by Novo Group.
- 1.2 I hold a Bachelor of Science (Honours) degree and a Master of Science degree from the University of Canterbury. I am also an Associate member of the New Zealand Planning Institute.
- 1.3 I have approximately 10 years of experience as a resource management planner, working in local and central government, and as a consultant. I have been employed by Novo Group as a Senior Planner for approximately one year. Prior to my current role I was employed as a Senior Advisor in the Christchurch Central Development Unit at the Canterbury Earthquake Recovery Authority for approximately 2 years. A summary of my qualifications and past experience is in Appendix TCW1.
- 1.4 Relevant to this matter, I have experience in processing resource consent applications including preparing Section 42A reports and attending resource consent hearings on behalf of Queenstown-Lakes District Council. As a consultant planner I have experience in evaluating development projects, preparing resource consent applications and presenting evidence at Council resource consent and plan change hearings and the Environment Court.
- 1.5 While employed at CERA I led the development of the *A Liveable City* residential chapter of the Christchurch Central Recovery Plan. I was responsible for instructing and coordinating a team of experts (including planners) to develop a draft residential chapter and associated advice for the Minister for Canterbury Earthquake Recovery's consideration. The chapter, as gazetted, includes the new Central City Residential Zone which was inserted into the Christchurch City Plan.
- 1.6 I have been asked by the Pounamu Apartments Body Corporate Committee ('Body Corporate') to provide evidence in relation to its submission on the Queenstown-Lakes District Council's Proposed District Plan ('Proposed Plan').

2. CODE OF CONDUCT

- 2.1 I confirm that I have read the code of conduct for expert witnesses as contained in the Environment Court's Practice Note 2014. I have complied with the practice note when preparing my written statement of evidence, and will do so when I give oral evidence before the hearings panel.
- 2.2 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence to follow. The reasons for the opinions expressed are also set out in the evidence to follow.
- 2.3 Unless I state otherwise, this evidence is within the area of my expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

3. SCOPE

- I have been asked to provide evidence as to whether the provisions in the Proposed Plan are the most appropriate to achieve the purpose of the Resource Management Act 1991 ('the Act'), particularly in relation to the Pounamu Apartments site at 110 Frankton Road, Queenstown and its immediate surrounds. Where I have found the notified provisions could better achieve the Purpose of the Act I have been asked to propose amendments. Given the staged nature of the Proposed Plan hearings, this evidence only relates to Chapter 3 (Strategic Directions) and Chapter 4 (Urban Development) but will be followed by a complimentary statement that will cover elements of the proposed residential chapters to be heard later in the year.
- 3.2 The structure of my evidence for Chapters 3 and 4 is set out as follows:
 - (a) The Body Corporate submission;
 - (b) High density residential neighbourhoods; and
 - (c) Proposed amendments.
- 3.3 Key documents I have used in preparing my evidence include:
 - (a) The Otago Regional Policy Statement ('RPS');
 - (b) The Proposed Otago Regional Policy Statement ('Proposed RPS')

- (c) Chapter 3 (Strategic Directions) and Chapter 4 (Urban Development) of the Proposed Plan;
- (d) the relevant section 32 evaluation reports;
- (e) the section 42A report for the Strategic Directions chapter; and
- (f) the Body Corporate submission.

4. EXECUTIVE SUMMARY

- 4.1 Appropriately located higher density neighbourhoods can bring a multitude of benefits provided they are desirable places to live. For this reason, it is important that the Proposed Plan strikes the right balance between enabling and encouraging residential intensification (an objective which I support), and the need to ensure a high level of quality and amenity so that higher density neighbourhoods are attractive living environments for existing and future residents and visitors.
- In my view, residential intensification can be achieved without compromising residential amenity and character to an unacceptable degree. I consider that the Proposed Plan however, tips the balance in favour of intensification at the expense of an appropriate level of residential amenity and protection of established neighbourhood character. Most of the provisions of relevance to this issue are found in the High Density Residential chapter which is to be heard later in the year. Before those provisions are addressed, I consider it is important to ensure the higher order policy framework that will guide the application of those provisions is the most appropriate way of achieving the purpose of the Act by making the minor amendments proposed in this evidence.

5. SUMMARY OF THE BODY CORPORATE SUBMISSION

- As set out in the Body Corporate submission, the Pounamu Apartments are high end apartments located along the gateway to Queenstown town centre. The privately owned apartments cater for short stay accommodation and are well positioned to take in panoramic lake and mountain views.
- 5.2 The Body Corporate is generally concerned that the Proposed Plan seeks to achieve greater intensification in the high density living areas at the expense of neighbourhood character and residential amenity.

- 5.3 More specifically, the Body Corporate is concerned that the dilution of the existing development controls may negatively impact how future development on immediately neighbouring properties would integrate with Pounamu Apartments.
- 5.4 Further, the Body Corporate are concerned about the impact the removal of existing height controls affecting development on the opposite side of Frankton Road will have on the views and associated amenity from the apartments.

6. HIGH DENSITY RESIDENTIAL NEIGHBOURHOODS

- 6.1 The section 32 evaluation for the Urban Development chapter sets out some of the benefits that achieving a compact urban form can deliver. I generally agree with the identified benefits and acknowledge the community's desire to contain urban growth and support increased density in appropriate locations.
- I agree with the general acceptance that the most appropriate locations for increased residential densities are around primary commercial nodes. On this basis, I consider it appropriate to encourage and provide for higher density neighbourhoods in close proximity (i.e. within walking, easy cycling distance) of the Queenstown town centre.
- 6.3 High-quality residential intensification in these locations, including the Pounamu Apartments site and surrounds, will:
 - help to underpin the economic viability of the town centre by providing workers and customers for businesses, and to maintain the Queenstown town centre as the primary node of commerce in the district;
 - help to attract and retain productive and creative workers who seek out an urban lifestyle;
 - increase the agglomeration and productivity advantages of central Queenstown by helping to build and retain human capital;
 - leverage the Council's existing investment in high-quality infrastructure, facilities and amenities within and immediately surrounding the town centre;

- utilise existing physical and social infrastructure in a manner that provides for an efficient urban form;
- create or expand networks and neighbourhoods that will cater to people who prefer an urban lifestyle;
- provide greater housing choice within the district (which can help improve affordability);
- minimise motorised travel demand; and
- provide the residential base to support more effective public transport.
- 6.4 The section 32 evaluation for the Strategic Directions chapter acknowledges that an urban growth management approach dominated by urban intensification to protect the rural environment can negatively impact established neighbourhood character. I agree and also consider that badly designed high density developments/neighbourhoods can:
 - increase real and perceived safety concerns;
 - contribute to increased crime rates;
 - increase management and maintenance costs;
 - degrade the amenity experienced by residents of the area;
 - weaken the investment potential of an area; and
 - generally affect the desirability of an area to live and visit.
- 6.5 As the desirability of higher density neighbourhoods diminish, so do the benefits that these areas yield. For this reason, it is critical to ensure higher density neighbourhoods are attractive living environments for existing and future residents.
- 6.6 The Proposed Plan provides a mechanism to help realise the benefits of higher density development, but in my view success is dependent on striking the right balance between achieving higher densities and maintaining or improving the quality of the living environment while recognising and respecting local character. The Strategic Directions section 32 evaluation recognises this, emphasising that change needs to be carefully managed.

6.7 In my view, the balance between intensification and amenity protection is not expressed as well as it ought to be in the Strategic Directions chapter and some minor amendments are required to ensure that the relevant provisions give effect to the purpose of the Act.

7. PROPOSED AMENDMENTS

- 7.1 The opening section of the Strategic Directions chapter contains a list of the district's special qualities. I consider the list ought to also acknowledge the district's residential neighbourhoods as these make up a significant portion of the urban environment. I suggest the following addition to the list appropriately recognises this important resource:
 - Dramatic alpine landscapes free of inappropriate development
 - Clean air and pristine water
 - Vibrant and compact town centres
 - Attractive residential neighbourhoods with distinct character
 - Compact and connected settlements that encourage public transport, biking and walking
 - Diverse, resilient, inclusive and connected communities
 - A district providing a variety of lifestyle choices
 - An innovative and diversifying economy based around a strong visitor industry
 - A unique and distinctive heritage
 - Distinctive Ngai Tahu values, rights and interests
- 7.2 Goal 3.2.3 addresses the quality of the built environment. I agree with the goal and its associated objectives and policies but consider Policy 3.2.3.1.1 could be expressed in a more balanced and positive way. As below, I propose that Policy 3.2.3.1.1 be split in two. The first policy would direct that development respond to established character, and the second directs that changes to established character contribute positively to amenity, quality and enjoyment of the area. While this is a minor amendment, I consider it establishes a more appropriate balance in the higher order policy direction of the Proposed Plan that will significantly assist in ensuring the application

of the mechanical provisions in the District Plan has an appropriate focus and balance. Splitting the Policy in two also provides clarity to users of the District Plan.

3.2.3 Goal - A quality built environment taking into account the character of individual communities

- Objective **3.2.3.1** Achieve a built environment that ensures our urban areas are desirable and safe places to live, work and play.
- Policies 3.2.3.1.1 Ensure development responds to the character of its site, the street, open space and surrounding area, whilst acknowledging the necessity of increased densities and some change in character in certain locations.
 - <u>3.2.3.1.2</u> Where development alters the predominant character of an area through intensification, ensure that it contributes positively to the amenity, quality and enjoyment of the area.
 - **3.2.3.1.23** That larger scale development is comprehensively designed with an integrated and sustainable approach to infrastructure, buildings, street, trail and open space design.
 - **3.2.3.1.34** Promote energy and water efficiency opportunities, waste reduction and sustainable building and subdivision design.
- Objective **3.2.3.2** Protect the District's cultural heritage values and ensure development is sympathetic to them.
- Policies **3.2.3.2.1** Identify heritage items and ensure they are protected from inappropriate development.
- 7.3 I am mindful that this goal applies to both commercial and residential environments which is why I use the term "intensification" rather than "increased densities" which I consider has stronger residential associations. While I prefer "intensification", it could be substituted for the term "increased densities".
- 7.4 In my opinion, the amendments I have proposed are the most appropriate way to achieve the purpose of the Act. Further, I consider that the assessment in the relevant Council section 32 evaluation reports

satisfactorily address and support the proposed amendments. In particular, I consider that these amendments:

- better give effect to section 7(c) of the Act (the maintenance and enhancement of amenity values) and section 7(f) (maintenance and enhancement of the quality of the environment);
- better give effect of the relevant objectives and policies of the RPS and Proposed RPS; and
- achieve the most appropriate environmental, economic and social benefits at minimal cost and risk.
- 7.5 As such I consider that no further evaluation is required pursuant to section 32AA of the Act.

8. FURTHER EVIDENCE

- 8.1 This evidence usefully forms the basis for further evidence which will be led on behalf of the Body Corporate in respect of the residential chapters of the Proposed Plan. That evidence will primarily assess the appropriateness of the specific residential objectives, policies and rules in ensuring that they adequately protect established neighbourhood character and residential amenity.
- 8.2 If that assessment finds that the provisions do not adequately protect established character and amenity, a more appropriate option to achieving intensification may be to zone more existing residential areas medium/high density and retain appropriate controls in the existing high density neighbourhoods.

Tim Walsh

25 March 2016

APPENDIX TCW1 - QUALIFICATIONS AND RELEVANT PAST EXPERIENCE

Qualifications

- 2011, Master of Science in Geography, University of Canterbury
- 2005, Bachelor of Science with Honours in Geography, University of Canterbury

Affiliations

Associate member of the New Zealand Planning Institute

Relevant Experience

- Strategic advice, site evaluations and risk mitigation for developments
- Project management and coordination of technical experts
- Preparation of resource consent applications and assessments of environmental effects
- Involvement in district plan changes
- Preparation of expert evidence (Council & Environment Court)

Selected Employment Summary

- 2015 present, Senior Planner, Novo Group, Christchurch
- 2013 2015, Senior Advisor, CERA (Christchurch Central Development Unit), Christchurch
- 2012 2013, Acting Principal Planning Advisor, New Zealand Transport Agency, Christchurch
- 2011 2013, Senior Planning Advisor, New Zealand Transport Agency, Christchurch
- 2007 2010, Resource Management Planner, Southern Planning Group, Queenstown
- 2005 2007, Resource Management Planner, Civic Corporation Limited,
 Wanaka