

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of the Resource management Act (Act)

AND

IN THE MATTER of submissions on Chapter 12 the QLDC
Proposed District Plan 2015

STATEMENT OF EVIDENCE OF BEN FARRELL

18 November 2016

INTRODUCTION

1. My name is Ben Farrell. I am an Independent Planning Consultant employed by John Edmonds & Associates Limited, a firm of independent planners and project managers based in Queenstown.
2. My qualifications and experience are provided in my evidence in chief dated 29 February 2016. I confirm the matters raised in 1-9 of my evidence in chief relating to the code of conduct for expert witnesses also apply to this evidence. I would add that my experience includes the provision of planning advice relating to town centre planning and developments, including commercial, retail and residential developments in the Wellington, Hutt City and Queenstown town centres. I do not hold any specific urban design qualification but through my experience I am reasonably familiar with fundamental urban design principles. Within the last two years I have:
 - a. Provided strategic planning advice to various landowners and potential development investors within the Queenstown Town Centre.
 - b. Prepared expert planning advice to the Environment Court in relation to PC50.
 - c. Prepared resource consent application documentation in relation to visitor accommodation and commercial recreation activities which breach building height standards in the Queenstown Town Centre.
3. In preparing this evidence I have reviewed the following documents which are specific to this evidence:
 - a. Section 42A Report prepared by Mr Vicki Jones, inclusive of the attached recommended amendments to chapter 12 and s.32AA analysis;
 - b. Evidence prepared by Mr Tim Church.

SCOPE OF EVIDENCE

4. This planning evidence is written at the request of Well Smart Investments Limited (submitter #308).
5. The scope of my evidence is restricted to the issue of *the appropriateness of the proposed building heights and relevant objectives*, as discussed in the s.42A Report, insofar as it applies to the building height controls for 51-67 Shotover Street. These properties are located in the *Man Street Block*. They are identified in the proposed district plan maps as being within Height Precinct 7 (P7), and within Area *5* of the diagram for height standard 12.5.10.4 on page 12-19 in Appendix 1 of the s.42A Report.
6. In preparing this evidence I acknowledge and accept the following findings set out in the s.42A Report:
 - a. The resource management issue the proposed zone provisions strive to address in relation to building bulk and location standards is *“the appropriateness of the existing rules (including those relating to building height, bulk, and location) and whether they achieve quality urban design and built form efficiently and effectively and result in efficient land use and intensification”* (paragraph 7.2 of the s.42A Report).
 - b. QLDC’s monitoring investigations concluded that *“on balance it appeared the zone is working relatively effectively but that amendments are required to increase effectiveness in a number of areas. It also concludes that the objectives and policies need strengthening”* (paragraph 7.3).
7. I also acknowledge the discussion in paragraphs 7.4 and 10.12-10.14 of the s.42A Report, which identify and summarise the key changes to the height provisions affecting the Man Street Block. Except as discussed in my evidence below I generally accept these findings.



Figure 1 Aerial Photo showing Man Street Block and surrounds



Figure 2 photo of Man Street Block (view NW from 36 Shotover St, level 2)

EVIDENCE

Polices 12.2.2.4 and 12.2.2.5

8. In my opinion Polices 12.2.2.4 and 12.2.2.5 should be amended as follows¹:

Policy 12.2.2.4

Allow buildings to exceed the discretionary height standards in situations where:

- a. **The outcome is of a high quality design, ~~which is superior to that which would be achievable under the permitted height~~; and**
- b. **The cumulative effect of the additional height does not result in additional shading that will progressively degrade the pedestrian environment or enjoyment of public spaces, unless this is offset or compensated for by the provision or enhancement of public spaces and/or pedestrian links; and**
- c. **The increase in height will facilitate the provision of residential or visitor accommodation activity.**

Policy 12.2.2.5

Allow buildings to exceed the non-complying height standards only in situations where:

- ~~(a)~~ **the proposed design is an example of design excellence; or**
and
- ~~(b)~~ **building height and bulk have been reduced elsewhere on the site in order to ~~:(i)~~ Reduce the impact of the proposed building on a listed heritage item; or**
- ~~(c)~~ **~~(ii)~~ Provide an urban design outcome that is beneficial to the public environment.**

~~For the purpose of this policy, urban design outcomes that are beneficial to the public environment include:~~

- ~~• Provision of sunlight to any public space of prominence or space where people regularly congregate;~~
- ~~• Provision of a pedestrian link;~~
- ~~• Provision of high quality, safe public open space;~~
- ~~• Retention of a view shaft to an identified landscape feature.~~

9. My rationale for amending policies 12.2.2.4 and 12.2.2.5 is primarily that the policies are too narrow and inflexible and they seek to achieve outcomes which are over and above the desired outcomes of the relevant district plan objectives. While I support a directive policy regime, in this case, proposals which breach the height standards may be unreasonably hindered by the non-complying activity status. For example:
- a. The direction to achieve ~~design excellence~~ is a very high (and subjective) threshold. This threshold goes beyond the outcomes specified in objective 12.2.2, which seeks to achieve high quality urban design outcomes. Additionally, there do not appear to be any relevant strategic provisions directing or promoting town centre development to achieve high quality urban design outcomes or achieve design excellence. For non-complying activities, the policy may effectively require a development proposal developments to
 - b. Policy 12.2.5 does not appear to provide for circumstances where inconsequential or beneficial protrusions through the height limit may be acceptable but below ~~design excellence~~.

¹ Or amended otherwise with like effect

- c. In my experience high quality urban design outcomes can be appropriately achieved by ensuring building design is managed, with specific attention given to standard building design matters (i.e. those listed in Proposed Rule 12.4.6²). While control of height is important, it is only a contributing factor.
- d. The exclusion of visitor accommodation from Policy 12.2.2.4(c) suggests that additional height for visitor accommodation development is not contemplated. In my opinion such an outcome is not supported by the overarching policy framework and is not appropriate. The zone purpose and objectives clearly seek to encourage and intensify new residential and visitor accommodation activity (in addition to commercial activity).
- e. In my opinion the commentary at the end of Policy 12.2.2.5 is not particularly helpful. While the matters can be used as guidelines, they are superfluous and may provide a distraction from other matters which can equally result in urban design outcomes that are beneficial to the public environment. I believe it is more appropriate that applicants be given the opportunity to demonstrate to decision-makers, on a case-by-case basis, how their development may result in urban design outcomes are beneficial to the public environment.

Rule 12.10.5.4(e)

- 10. I consider that building height standard in rule 12.10.5.4(e) should be amended so that:
 - a. The permitted height standard increases from 12m to 15m;
 - b. The activity status for breaching the [10m+45°] height recession plane standard changes from non-complying to discretionary; and
 - c. The proposed 17m height restriction above Shotover Street is deleted.
- 11. My rationale is set out below. In my opinion:
 - a. There are three buildings within the immediate environment that exceed 17m above the height of Shotover Street (Sofitel Hotel, Crown Plaza Hotel, and the Hamilton Building). These buildings are five or six storeys high respectively.
 - b. The sites within the Area 16 can absorb additional building height (i.e. height above the proposed permitted height control) without creating any significant adverse effects on the environment or inappropriate disruption to urban form or pedestrian amenity.
 - c. Landowners, developers/investors, and members of the public should be provided with sufficient certainty as to the height of buildings that can be constructed on a particular site without the need for public notification. This can be provided via the permitted, controlled, or restricted discretionary activity status accompanied by a non-notified clause.
 - d. There are no unique or special characteristics associated with the frontage of Shotover Street that the district plan needs to specifically protect by discouraging buildings above 12m.

² Consistency with the Queenstown Town Centre Design Guidelines (2015), where applicable; External appearance, including materials and colours; Signage platforms; Lighting; The impact of the building on the streetscape, heritage values, compatibility with adjoining buildings, the relationship to adjoining verandas; The contribution the building makes to the safety of the Town Centre through adherence to CPTED principles; The contribution the building makes to pedestrian flows and linkages and to enabling the unobstructed kerbside movement of high-sided vehicles where applicable; The provision of active street frontages and, where relevant, outdoor dining/patronage opportunities.

- e. The discretionary regime is sufficient for controlling building form and effects on public amenity values (including streetscape views and sunlight access to footpaths). However, the non-complying activity status imposes unnecessary risks and costs on development and may discourage potentially good/better design outcomes compared to the permitted regime.
 - f. The effects of breaches to building height can often be satisfactorily offset or compensated (on and off the site). The policy and rule framework should provide for this.
12. In respect of s.32AA, I believe the amendments above will be more efficient and effective compared to the amendments recommended in the s.42A Report. This is primarily because there will be fewer costs (including opportunity costs) associated with developing buildings on the subject sites which exceed 12m height.

CONCLUSION

13. In the evidence above I have briefly set out reasons why policies 12.2.2.4 and 12.2.2.5 and rule 12.10.5.4(e) should be amended.



Signed 18 November 2016