

**QUEENSTOWN LAKES DISTRICT COUNCIL
PLAN CHANGE 50**

**IN THE MATTER
AND
IN THE MATTER**

of the Resource Management Act 1991

Plan Change 50 to the Queenstown Lakes District Plan:
Queenstown Town Centre Zone Extension

PANEL OF COMMISSIONERS

Sir John Hansen (Chair)
Jane Taylor

CONFERENCING JOINT WITNESS STATEMENT TO THE PANEL OF COMMISSIONERS

PLANNING AND URBAN DESIGN

DATED: Final Version 12th February 2015

INTRODUCTION

1. This signed joint statement is written in response to the Commissioners' request to conduct subject specific expert conferencing.
2. This Joint Witness Statement ('JWS') relates to the conferencing topic of **Planning and Urban Design**
3. The face to face conferencing was Facilitated by Marlene Oliver (Independent Consultant).
4. The face to face conferencing was held in Queenstown on 9th (10am to 6pm) and 10th (9am to 4.30pm) February 2015.
5. Independent planning witnesses attending were:
 - John Kyle, planning consultant (attended 9th and 10th February)
 - Tim Williams, planning consultant (attended 9th and 10th February)
 - Ian Munro, planning consultant (attended 9th February, departed at 4pm)
 - Dan Wells, planning consultant (attended 9th and 10th February)
 - John Edmonds, planning consultant (attended 9th and 10th February)
 - Paul Arnesen, planning consultant (attended 9th February, departed at 5pm)
 - Nigel Bryce, planning consultant, 42a Report Officer (attended 9th and 10th February)
6. Non-independent planning witness:
 - Mr Scott Freeman, planning consultant (attended 9th and 10th February)
7. Independent urban design witnesses were:
 - Mr Clinton Bird, urban design consultant (attended 9th and 10th February, departed at 3.45pm)
 - Mr David Gibbs, urban design consultant (attended 9th and 10th February)
 - Mr Doug Weir, urban design consultant (attended 9th and 10th February, departed at 3.45pm)
 - Ms Gillian MacLeod, urban design consultant (attended 9th and 10th February)
8. The expert witnesses listed above confirm that they have read the Code of Conduct for Expert Witnesses and Appendix 3 of the Environment Court Consolidated Practice Note 2014. All of these experts agreed to comply with those provisions in conferencing and preparing this statement. In the case of Mr Scott Freeman, he confirms his agreement to comply to the extent relevant to his status as a non-independent expert witness.
9. Following the close of conferencing on the 10th February 2015 a draft of this JWS was emailed to participants for final review and signing.
10. This JWS includes the following attachments:
 - Table 1: PC50 Planning and Urban Design JWS;
 - Memorandum from Nigel Bryce dated 2nd February 2015 and titled "Overview of Plan Change 50 – Development Activity Status and Relevant Transportation Issues";

- Letter dated 29th January 2015 – “draft 29 Jan 15 – Statement for expert conferencing 8 and 9 February 2015;
- Letter dated 30th January 2015 – “draft 30 Jan 15 – Statement for expert conferencing 8 and 9 February 2015” from Clinton Bird Urban Design Limited;
- Plan Change 50 Sun Shading Diagrams, February 2016 (sic) from Construct (hard copy);
- Minute dated 03 February 2015 from FearonHay and Construct; and
- Diagrams showing location of trees reflected in the Sun Shading Diagrams, February 2016 (sic) from Construct.

11. In signing this document each person confirms that the areas of agreement and disagreement recorded are an accurate representation as at the time of signing.

DATE: Final Version 12th February 2015

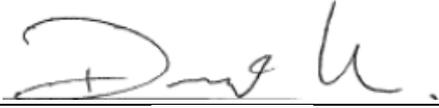
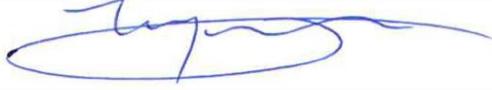
John Kyle	
Tim Williams	
Ian Munro	
Dan Wells	
John Edmonds	
Paul Arnesen	
Nigel Bryce	
Scott Freeman	
Clinton Bird	
David Gibbs	
Doug Weir	
Gillian MacLeod	

Table 1 – Plan Change 50 Planning and Urban Design Joint Witness Statement (Final Version 12/2/15)

Conferencing Dates and order of business	Hearings Panel Direction / Identified Items	Comments – People have been named where they participated in the conferencing on each topic. If a name does not appear beside a topic, it is because they chose not to participate or were absent from the face to face conferencing on the topic.
9 th February 2015	Item 1. Transport & Parking (joint session with transport, planning and urban design experts)	<p>Note: for the purpose of this discussion reference was made to the memorandum from Nigel Bryce dated 2nd February 2015 and titled “Overview of Plan Change 50 – Development Activity Status and Relevant Transportation Issues” (attached).</p> <ul style="list-style-type: none"> i. Ian Munro, John Kyle, Nigel Bryce – land use mix, including a convention centre, used as the basis for traffic modelling (to 2026) is considered reasonable for that purpose. ii. Dan Wells is happy with land use modelled as one viable scenario, however considers that a greater range of land use assumptions and longer term i.e. beyond 2026 should be assessed (including a higher proportion commercial land use activities). iii. John Kyle and Nigel Bryce - Rule 10.6.3.2A (as amended in John Kyle’s Supplementary evidence dated December 2014, amended provisions) proposes RDA activity status in the Lakeview sub zone for; convention centre; visitor accommodation; greater than 400m² of commercial and requiring consideration of effects on the transport network, by way of an integrated transport assessment (‘ITA’). John and Nigel both consider that this method will be effective in managing transport effects. iv. Dan Wells does not agree that assessing traffic effects on a case by case basis via large resource consents will satisfactorily manage cumulative traffic effects on the transport network. He considers that there is the potential for many permitted developments to establish (including residential and sub-400m² commercial units). For resource consents which will require ITAs, he is not satisfied that their incremental consideration will ensure effects on the transport network are considered in an integrated manner.
	Item 4. 34 Brecon Street	<p>Shading</p> <ul style="list-style-type: none"> i. Statement prepared by urban designers and dated 30 January 2015 (attached) sets out agreement on those matters to be incorporated into shading study. The attached folder (hard copy) of Shading Diagrams (dated Febuary 2016 (sic)) prepared by David Gibbs and it was agreed that the technical accuracy of the outputs (refer respective diagrams) is appropriate. ii. The minute dated 03 February 2015 signed by Doug Weir and Karl Baker confirms the accuracy of the modelling parameters (attached). iii. For clarification, Doug Weir records that he was not the author of the text written on the front page of the folder of the Shading Diagrams, nor of the narrative text beside each of the diagrams. This text was prepared by David Gibbs. iv. David Gibbs is to supply a diagram confirming the trees that have been included in modelling described in paragraph 4 (iii)(iv) from the memo dated 30th January 2015 (that diagram is attached). v. Clinton Bird, Doug Weir, David Gibbs, Gillian MacLeod and Ian Munro agreed that 10am in June is the time when there is the greatest adverse effect from shading cast from 24 metre high building versus a 12 metre high building (refer illustration at top of Page 38). vi. Clinton Bird, Doug Weir, David Gibbs, Gillian MacLeod and Ian Munro agreed that this part of Queenstown receives limited sunlight due to the mountains (pages 40 to 42). vii. Clinton Bird, Doug Weir, David Gibbs, Gillian MacLeod and Ian Munro agreed that the limited sunlight access to the Lakeview sub zone (pages 40 to 42) highlights the importance of optimising sunlight access to the Lakeview sub zone (specifically referring to June 21st 10am and 12noon page 42).

Conferencing Dates and order of business	Hearings Panel Direction / Identified Items	Comments – People have been named where they participated in the conferencing on each topic. If a name does not appear beside a topic, it is because they chose not to participate or were absent from the face to face conferencing on the topic.
		<p>viii. Clinton Bird and Doug Weir noted that the trees that have been agreed to be included eclipse some of the shading effects created by 24 metre high building for the worst time of year (10am June). Clinton Bird and Doug Weir agree that the worst case shading on the 21st June was acceptable on the basis of the shading effects of the existing trees that have been modelled. They do not consider that on its own the difference in just the shading effects of 12m and 24m high buildings would form a reason to limit the building on 34 Brecon Street to less than 24 metres.</p> <p>ix. Gillan MacLeod considers that the shading effects of trees that are not protected by the District Plan should not be taken into account.</p> <p>x. Ian Munro and David Gibbs consider that when compared to the shading effects enabled by PC50, and in particular if shading created by the existing environment is also taken into account, the shading analysis demonstrates that the additional height sought does not create substantially different or additional adverse effects. For example, PC50 provides for redevelopment of the old camp ground site in such a way that those buildings could entirely shadow that site.</p> <p>Not agreed - 34 Brecon Street – in relation to other matters (excluding shading addressed above) being;</p> <ul style="list-style-type: none"> • effects in relation to the cemetery; • effects on views and dominance from viewpoints other than from the cemetery. • Sustainable use (efficient) of the Brecon Street site. <p>xi. Ian Munro and David Gibbs relying on primary and supplementary evidence prepared to date, consider that they have addressed all of these matters and that the 24 metre building height limit is most appropriate.</p> <p>xii. Clinton Bird and Doug Weir continue to support the 12 metre height limit as notified for 34 Brecon Street, addressed in the primary and supplementary evidence, however Clinton seeks approval to have the opportunity to present further supplementary evidence in response to the Commissioners direction (refer Item 2(4)) relating to the effects on views from the exit of the Gondola building (top of Brecon Street on the northern boundary of the cemetery).</p> <p>Note from the Facilitator: If further evidence is to be presented by QLDC then in accordance with the Hearings Panel Directions this is to be limited to matters remaining in dispute following this expert conferencing, and is to be circulated to all parties by Wednesday 18th February 2015 (5pm).</p> <p>xiii. Gillian MacLeod records that she is not averse to an increase in height to 18 metres adjacent to the cemetery boundary, but not applying to the entire land area between the cemetery and Isle Street. It is acknowledged that there is likely to be a scope issue in that no submissions sought relief of this nature.</p>
	<p>Item 3 - Extent of Town Centre Zoning Item 3 (Management of Edge Effects, Lakeview sub zone)</p>	<p>Note: for the purpose of this discussion where reference is made to 19,000m² of commercial floor space (retail and office) this is set out at page 5 of the memorandum from Nigel Bryce dated 2nd February 2015 and titled “Overview of Plan Change 50 – Development Activity Status and Relevant Transportation Issues”, where the memorandum links back to the economic land use analysis discussed at page 25 of the 42a Officer report (memorandum is attached).</p> <p>i. John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce, David Gibbs, Dan Wells and Gillian MacLeod considered that the Lakeview sub zone should enable conference centre, visitor accommodation, high density residential, commercial recreation activities (e.g. the hot pool proposal) and public spaces, and an appropriate scale of commercial activity to support these predominant activities.</p> <p>ii. John Kyle agreed to consider the need to investigate any additional limitation on multiple commercial activities that are unrelated</p>

Conferencing Dates and order of business	Hearings Panel Direction / Identified Items	Comments – People have been named where they participated in the conferencing on each topic. If a name does not appear beside a topic, it is because they chose not to participate or were absent from the face to face conferencing on the topic.
		<p>to predominant activities in the Lakeview sub zone. Due to time constraints during this conferencing session, it was agreed that John would address any additional method via his supplementary evidence (including a further version of PC50 provisions).</p> <p>iii. Paul Arnesen promotes staging areas that are closest to the existing TCZ (being Beach Street Block and Isle Street sub zone) before the development of Lakeview Sub Zone. He recommends that the Lakeview sub zone also be staged and this staging be advanced by reducing the size of the Lakeview sub zone and by making provisions in the eastern end of the Lakeview sub zone more enabling.</p> <p>iv. Nigel Bryce, John Kyle, Clinton Bird, and Tim Williams do not agree with a staging approach. Nigel has addressed staging within his section 42a report. John does not consider that a staging requirement is supported by the economic evidence (Colegrave and McDermott). Clinton and John do not consider that the collective area of PC50 is sufficient to require or justify a staged approach. Such an approach would add to complexity in administering the plan without the requisite benefits. Clinton and John believe that this staging approach would compromise the development flexibility of the Lakeview sub zone.</p> <p>v. Gillian MacLeod, John Edmonds and David Gibbs support the re-zoning of the Beach Street, Isle Street sub zone blocks and Brecon Street (both sides) to TCZ. They support the re-zoning of the eastern part of the Lakeview sub zone to accommodate a convention centre and an appropriate scale of commercial activity. The balance of the Lakeview sub zone to be retained as HDRZ with additional height provisions. Gillian MacLeod's consideration of the extent of the boundary between the HDRZ and the "eastern part of the Lakeview sub zone" was not limited to the exclusion of the Lynch Block, to the west of the convention centre.</p> <p>vi. Gillian MacLeod considers that the provision of community housing should be recognised within the re-zoning of the Lakeview sub zone.</p> <p>vii. Subject to Dan Wells concerns that the traffic issues appear to be unresolved, should Commissioners find that the traffic reporting is reliable and indicates an acceptable level of effect on the transport network, he believes that the scenario modelled can be appropriately used as a guide to the extent of town centre zoning. Dan holds this view because he believes that the effects on the transport network of commercial activities exceeding 19,000m² (which he understands has been assumed in the transport modelling) are unknown and could be significant. He considers that the most appropriate means in which to enable 19,000m² of commercial activity (retail and office) would be to limit the town centre zoning to those parts described in point (v) above, except that he remains unconvinced as to the appropriateness of the Isle Street Sub Zone extending westward from those properties that front Brecon Street.</p> <p>viii. John Kyle stated that there can be no assurance that paring back the zone described in (vii above) would in fact yield 19,000m². Further, placing a limitation of this nature (whether a cap or reduction in the zone area) is not sufficiently flexible to respond to the market conditions over the lifetime of the zone. Such a limitation was not supported by the economic evidence (Colegrave/McDermott) and the traffic evidence of Mr McKenzie and pays insufficient regard to the effect of Rule 10.6.3.2(A)-RDA transport assessment etc. This limitation would likely result in first-in-time developers "hoarding" the commercial floor space allocation. Such limitations would be difficult to administer from a District Plan point of view, without the requisite benefit.</p>
10 th February 2015	Additional Item A. Queenstown Town Centre Zone Transition Zone	<p>i. Leaving aside issues of scope, Paul Arnesen, John Kyle, Dan Wells, John Edmonds, Nigel Bryce, Gillian MacLeod, David Gibbs agree that the Transition Sub Zone on Man Street could be uplifted and replaced with QTCZ for the reason that if PC50 progresses, the purpose of the Transition Sub Zone to protect the amenity of the HDRZ to the north would become redundant.</p>
	Item 7. East side of Brecon Street	<p>i. Leaving aside issues of scope, Nigel Bryce, John Kyle, John Edmonds, Gillian MacLeod, David Gibbs, Clinton Bird, and Doug Weir agree that the existing HDRZ that applies to the eastern side of upper Brecon Street could be uplifted and replaced with QTCZ. The experts support this as a logical extension to the TCZ, as supported by the Queenstown Town Centre Strategy</p>

Conferencing Dates and order of business	Hearings Panel Direction / Identified Items	Comments – People have been named where they participated in the conferencing on each topic. If a name does not appear beside a topic, it is because they chose not to participate or were absent from the face to face conferencing on the topic.
		2009. If this cannot be included within PC50 due to scope issues, then this re-zoning should be addressed as part of the District Plan Review.
	Item 5. Isle Street sub zone	<ul style="list-style-type: none"> i. John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce, David Gibbs, Scott Freeman and Gillian MacLeod agree that both Isle Street sub zone blocks (east and west) should be rezoned commercial, rather than High Density Residential Zone. ii. John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce and Gillian MacLeod support treating Isle Street sub zone (east) differently to the Isle Street sub zone (west), and subject to scope, support the re-zoning of this area to QTCZ. It is noted that Hockey and Watertight submissions (50/36 and 50/33) sought rezoning QTCZ limited to their combined six properties. iii. Isle Street Sub zone (east) - in relation to the controls (Rule 10.6.3.2(i) and associated assessment matter) relating to the Glenarm Cottage, John Edmonds considers these to be inappropriate and should be deleted as there are no similar controls applying throughout the District Plan for listed heritage buildings and features. John Kyle, Clinton Bird, Doug Weir, Nigel Bryce and Gillian MacLeod agree that the matter of control is not essential as the existing provision already requires consideration of design and appearance of buildings and this necessarily requires a contextual assessment. iv. David Gibbs supports the retention of the amalgamation/15.5 metre height limit across the entire Isle Street sub zone as a controlled activity. David considers that this is an important area to provide an integrated design response and provide incentive for owners to work together. This provision seeks to achieve this outcome. John Kyle, Nigel Bryce, and Clinton Bird disagree and support that this now falls to be assessed as a discretionary activity (due to concerns raised by submitters/ existing residents) and therefore any exceedance can be considered on a case by case basis. v. John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce, David Gibbs, and Scott Freeman agree with the 6 metre rear yard proposed across the Isle Street sub zone (10.6.5.1(iv)(g)) being applied to the western block only (note that the comments and recommendations in (ii) above would rezone the eastern block to QTCZ).
	Item 6. Beach Street Block	<ul style="list-style-type: none"> i. John Edmonds, John Kyle, Doug Weir, Clinton Bird, Nigel Bryce, Dan Wells, Gillian MacLeod, David Gibbs and Tim Williams support the re-zoning of the Beach Street Block to QTCZ to cover that part of the block currently occupied by the Crowne Plaza hotel. ii. The operative High Density Residential height rule for the four adjacent lots (including the lots adjacent to Zaki/ Halt/ Walker) provides for a 7 metre height limit. This height limit does not apply to Lot 1 DP 15037, comprising the existing Crowne Plaza Hotel, which is subject to its own geometric height requirement under the existing District Plan provisions. iii. Tim Williams considers that, with the exception of Lot 1 DP 15037, comprising the existing Crowne Plaza Hotel, the remaining properties (including the four properties owned by IHG/Carter and properties fronting Man Street) be retained as High Density Residential Zone (refer Will Say statement). Tim considers that height limit infringement should be addressed by way of a zone standard (non-complying activity) as opposed to a site standard (discretionary/restricted discretionary) on the basis that it provides for a greater level of scrutiny and better reflects the importance of height to the amenity of adjacent residential properties as set out in his Will Say statement. iv. John Edmonds, John Kyle, and Nigel Bryce support the entire Beach Street Block being rezoned QTCZ (as notified), subject to height being addressed as a Site Standard where infringements would be addressed as a discretionary activity (and can be supported with associated assessment criteria that have regard to the amenity of the adjoining residences). The issue raised with respect to RDA status applying to a site standard infringement across all of the PC50 area will be addressed by John Kyle by 18th February 2015.

Conferencing Dates and order of business	Hearings Panel Direction / Identified Items	Comments – People have been named where they participated in the conferencing on each topic. If a name does not appear beside a topic, it is because they chose not to participate or were absent from the face to face conferencing on the topic.
	Item 2. Siting of Convention Centre	<p>Note: the current PC50 provisions do not specify a location for a convention centre within the Lakeview sub zone.</p> <ul style="list-style-type: none"> i. John Kyle supports the current plan provisions. These do not prescribe a location for the convention centre. He notes that the plan change does not require a convention centre (it simply enables provision for a convention centre by defining this as an activity and provides a rule framework (in the Lakeview sub zone it is provided for as a RDA and outside of the Lakeview sub zone but in the QTCZ it is provided for as a full discretionary activity). On this basis, John considers that extensive discussions on the location of a convention centre within Lakeview are premature, until there is a confirmed proposal. This position is supported by Nigel Bryce. ii. David Gibbs disagrees that discussion on the location of the convention centre is premature, given that much of the plan change has been predicated on the master plan and architectural design attached to the convention centre (including the proposed height limit diagram included in PC50). iii. David Gibbs considers that the siting of a convention centre should be identified in the plan change (for example included within the structure plan) and his preferred location, referred to as 'Site 3' in the FearonHay and Populous Queenstown Lakes Development Master Plan, dated December 2013, page 0.025 (as appended to the supplementary evidence of Doug Weir (adjacent to the James Clouston Reserve)). David Gibbs considers that siting the convention centre to the eastern end of the Lakeview sub zone, means that the remaining area of the sub zone be retained as High Density Residential Zone. In support of his position, David Gibbs prepared for the purposes of expert conferencing a document titled "Queenstown Convention Centre Site Selection Study, dated 9th February 2015". Clinton Bird and Doug Weir do not agree to the confidential status of this document being removed given that they have carefully reviewed Mr Gibbs' document (prepared since the adjournment of the Hearing), disagree with its assumptions and conclusions, and they believe it constitutes new evidence. <p>Note from the Facilitator: It was suggested to the participants that if parties wished to file new evidence, other than as provided for in the Hearings Panel Direction, then they should seek approval from the Hearings Panel.</p> <ul style="list-style-type: none"> iv. The document titled "Queenstown Convention Centre Site Selection Study, dated 9th February 2015" prepared by David Gibbs for discussion at expert conferencing and circulated prior to expert conferencing was not able to be presented by David due to time constraints. David confirmed that it is his intention to seek leave from the Commissioners to have the document admitted as supplementary evidence. v. Dan Wells and John Edmonds consider that the siting of a convention centre should be identified in the plan change (for example included within the structure plan) and their preferred location, referred to in the Memorial Property submission 50/39 (which located the convention centre on the corner of Hay Street and Man Street (similar to David Gibbs – 'Site 3')). vi. John Kyle, Nigel Bryce, Clinton Bird and Doug Weir disagree that the structure plan and height limit plan within PC50 are purely based on the siting of a convention centre. vii. John Kyle, Nigel Bryce, Clinton Bird and Doug Weir consider that if a convention centre were not to proceed the integrity of the plan change would be undiminished as it would only be necessary to find an alternative development occupying a footprint of approximately 7,500m² (such as visitor accommodation or high density residential). It is noted that a 12 metre height limit exists over 80% of the Lakeview sub zone. Reinforcing this, Nigel noted that the economic assessment supporting PC50 (refer Insight Economics and discussed at page 25 of the 42a report) intentionally removed the convention centre and replaced this with a hotel as part of the indicative land use scenarios considered as part of this economic assessment. John Kyle, Nigel Bryce, Clinton Bird and Doug Weir do not consider that it is appropriate or necessary to reduce the size of the Lakeview sub zone on the premise that a convention centre does not proceed.

Conferencing Dates and order of business	Hearings Panel Direction / Identified Items	Comments – People have been named where they participated in the conferencing on each topic. If a name does not appear beside a topic, it is because they chose not to participate or were absent from the face to face conferencing on the topic.
		<p>viii. David Gibbs disagrees with the statements made in clause (vii) above and notes that the removal of the convention centre alone would still leave a very large area of town centre activities located in an area too remote to contribute to the vitality of the existing town centre, and would be contrary to the District Plan compact urban form policy outcomes.</p> <p>ix. David Gibbs challenged the ability of Doug Weir to participate as an independent expert, in conferencing on the subject of the location of the convention centre given that he is joint author of the convention centre design and Lakeview master plan. Doug Weir rejected this claim.</p> <p>Note from the Facilitator: at this point in the conferencing session (3.45pm on Tuesday 10th February) a number of the participants had left the conference, primarily to catch flights, and the remaining participants agreed that it was not appropriate to continue to advance this Item in the absence of these participants.</p>
	Item 3.(c) (Management of Edge Effects, Zoning West of any Convention Centre Site)	<p>i. John Kyle considers that the area to the west of any convention centre site (generally described as the Lynch Block) could retain a High Density Residential zoning in order to manage the identified edge effects. This is subject to retaining the height, bulk and location requirements promoted for this land via PC50.</p> <p>ii. Dan Wells, John Edmonds, David Gibbs and Nigel Bryce agree with the above.</p> <p>iii. John Kyle notes that this reduction would address some concerns that have been expressed earlier in conferencing relating to the extent of the commercial activities that could locate within the Lakeview sub zone.</p>
		Conferencing session closed at 4.30pm, 10 th February 2015.

This page is left intentionally blank.