

**BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL**

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

**AND**

**IN THE MATTER** of the Proposed Queenstown Lakes District Plan  
(Stage 3)

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**STATEMENT OF EVIDENCE OF GERARD THOMPSON FOR  
SKYCITY ENTERTAINMENT GROUP (3060)**

**STREAM 18 – FRANKTON ROAD HEIGHT CONTROL (VARIATION)**

**29 MAY 2019**

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## **1. INTRODUCTION**

### **Qualifications and Experience**

- 1.1 My name is Gerard Francis Thompson. I am a Principal of Barker & Associates Limited, an independent planning consultancy based in Auckland. I hold a Master of Science degree in Geography from Canterbury University and a Master of Environmental and Resource Planning degree from Massey University. I have practiced as a planner for 18 years and am a full member of the New Zealand Planning Institute.
- 1.2 I have advised SkyCity Entertainment Group (**SkyCity**) in respect of their Frankton Road site since the middle of last year.
- 1.3 I prepared the submission on the Frankton Road Height Variation on behalf of SkyCity.

### **Code of Conduct**

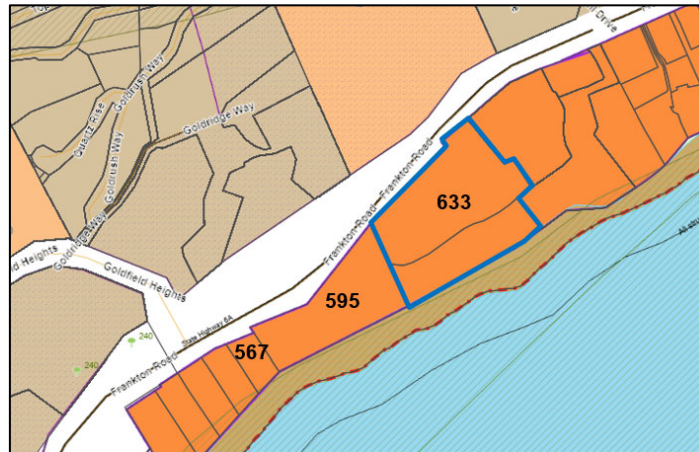
- 1.1 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving oral evidence before the Hearings Panel. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

### **Purpose and Scope of Evidence**

- 1.2 The purpose of my evidence is to provide planning advice in relation to the Frankton Road Height Control Variation to the Queenstown Lakes Proposed District Plan (**the PDP**), particularly as it relates to 633 Frankton Road and the submission by SkyCity.
- 1.3 In preparing this evidence I have read the s32 report for the Frankton Road height variation, the submission and further submission of Mr van Brandenburg on the variation and the s42A report of Mr Matthee.

## 2. 633 FRANKTON ROAD

2.1 SkyCity Entertainment Group (**SkyCity**) own the land at 633 Frankton Road shown in Figure 1 below. SkyCity purchased the site last year after being granted approval from the Overseas Investment Office. SkyCity intend to develop the site for visitor accommodation purposes and were underway with initial design for this prior to Covid-19.

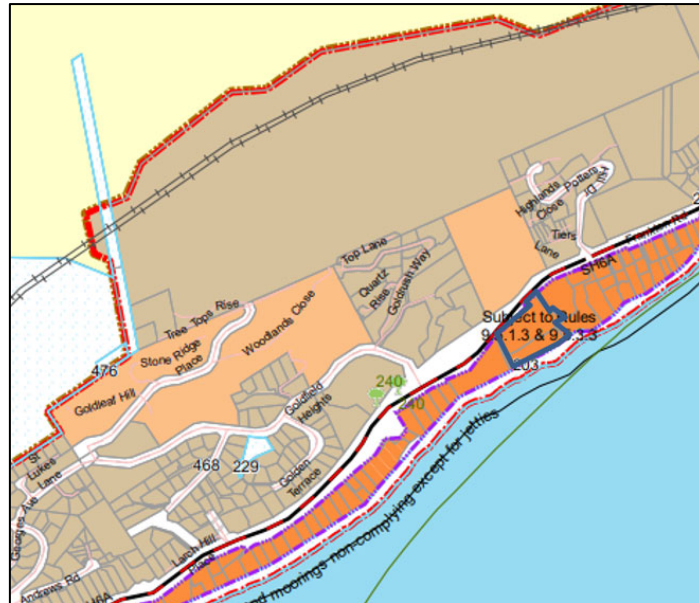


**Figure 1:** 633 Frankton Road outlined in blue (owned by SkyCity), with 567 and 595 Frankton Road also shown (Source – QLDC PDP Zone Mapping GIS)

2.2 The site is zoned High Density Residential under the PDP.

## 3. FRANKTON ROAD HEIGHT CONTROL

3.1 In its decisions on Stage 1 of the PDP review, Queenstown Lakes District Council (QLDC) imposed a height control (Standards 9.5.1.3 and 9.5.3.3) on a number of properties on the Wakatipu Lake side of Frankton Road, including 633 Frankton Road. Application of the height control rule is informed by the PDP zone map, which shows the area of land subject to these rules outlined by a purple dashed border. A snip of the decisions version zone map (Map 32) is shown in Figure 2 below.



**Figure 2:** Snip from zone map showing some of the properties subject to the height control rule defined by the purple dashed line. 633 Frankton Road is located under the text 'Subject to Rules 9.5.1.3 & 9.5.3.3' and outlined in blue. (Source – PDP Stage 1 Decisions Map)

- 3.2 The height control standards require the highest point of any building to not exceed the height above sea level of the nearest point of the road carriageway line i.e. buildings cannot be any higher than the road level.
- 3.3 This rule was recommended to be included in the High Density Residential Zone Chapter 9 following submissions seeking to protect views to Lake Wakatipu from Frankton Road<sup>1</sup>, in particular submission #520 which effectively sought the reinstatement of the Operative District Plan (**the ODP**) rule.
- 3.4 The ODP rule is Rule 7.5.3.3iv 'Height and Elevation Restrictions along Frankton Road' which specifies:

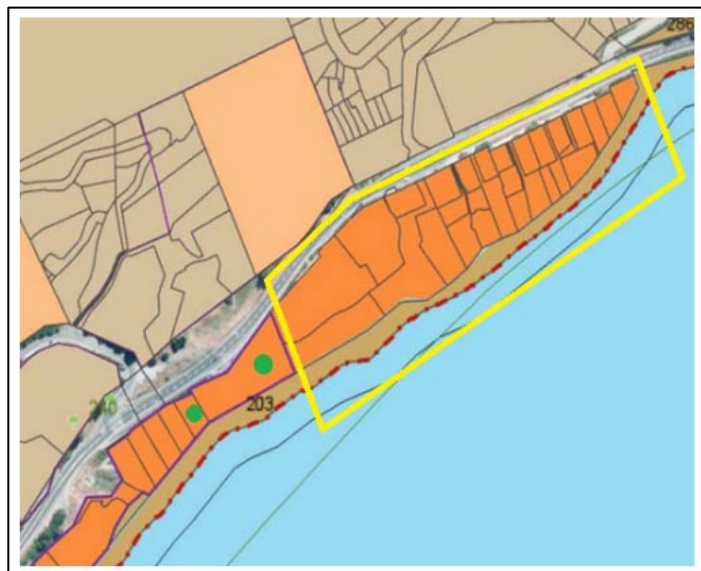
*The intrusion of a single building element on the south side of Frankton Road (SH6A) in the High Density Residential Sub-Zone A of no more than one story in height above the centreline of Frankton Road and limited to a length parallel to the road of not more than 10% of the length of the road frontage (to a maximum of 16 metres), used solely for access, reception and lobby uses related to the predominant use of the site shall be a Restricted Discretionary Activity in respect of Assessment Matter 7.7.2 xiii Urban Design Protocol.*

*This rule applies to those properties from Cecil Road (Paper Road) to, and including, Lot 1 DP 12665.*

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<sup>1</sup> QLDC PDP Hearings Panel Recommendation Report 9A Stream 6 paragraphs 559 and 565

- 3.5 Of note, this ODP rule does not apply to 633 Frankton Road. It applies to 595 Frankton Road which adjoins 633 Frankton Road to the west and to properties further along Frankton Road through to Cecil Road.
- 3.6 In the Hearings Panel Recommendations Report 9A, while the extent of the recommended height control rules (Standards 9.5.1.3 and 9.5.3.3) is recommended to be mapped, there is no discussion as to what properties it should apply to, and in particular if it should apply to properties further to the east than the ODP height control rule.
- 3.7 The effect of the rule on properties from 633 Frankton Road and further east is that establishing buildings becomes significantly constrained as the topography of land, particularly for those sites closer to Frankton, flattens out to be at a similar level to the road. In these cases no buildings would be able to comply with the height control.
- 3.8 I do not consider this was the outcome intended by the hearings panel and Council's subsequent decision. I therefore support QLDC's proposed variation to remove properties from (and including) 633 Frankton Road from the area shown on the planning maps as being subject to Standards 9.5.1.3 and 9.5.3.3 and shown in the snip in Figure 3 below.



**Figure 3:** Snip from the 42A report showing properties to be excluded from the Frankton Road height control rules bordered in yellow (Source: QLDC s42A report Frankton Road Height Control Variation paragraph 4.1).

- 3.9 I note that both the s32 report and the s42A report for the proposed Frankton Road height variation discuss that the application of Standards 9.5.1.3 and 9.5.3.3 has been erroneously applied to these properties. It is clear, in my

view, that QLDC consider this to be a mapping error and that the inclusion of the properties identified in Figure 3 above was unintentional.

- 3.10 I agree with Mr Matthee that if the mapping annotation remains on the subject properties in many cases development will require discretionary activity resource consent as development will not be able to comply with the permitted height standard/s. I agree this constrains the efficient use of land close to Queenstown town centre as intended by the High Density Residential Zone.
- 3.11 I support the removal of these properties from the mapping annotation as this provides more flexibility for the future development of 633 Frankton Road due to the application of the standard building height controls for the zone (7m for a sloping site).
- 3.12 I do not support the relief sought by Mr van Brandenburg (submission number 3294) in so far as it seeks that the height control remain on the subject properties for the reasons set out above and in Mr Matthee's s42A report. Nor do I support any amendments to the corresponding standards as sought by Mr van Brandenburg, (and which I note the s42A reporting officer has confirmed are beyond the scope of the variation). I hold a similar view to Mr Matthee on the amendments requested and support his recommendation on this submission point. I also consider the reference to 'one storey' as sought by this submitter to be problematic as a 'storey' is not defined by the PDP and therefore the height above the carriageway is effectively not limited.
- 3.13 I support the variation as notified as it better achieves the objectives and policies of the PDP, in particular Strategic Objective 3.2.2 – management of growth in a strategic and integrated manner, and Policy 3.2.2.1a. for urban development to promote a compact, well designed and integrated urban form. An appropriate height control for the subject area will enable development to be undertaken in a manner that is consistent with the balance of the High Density Residential Zone and without undue restriction.

#### **4. THE HEARING**

- 4.1 SkyCity and its relevant experts would ordinarily attend the hearing in person in support of the submission and to assist the hearings panel with decision

making. SkyCity is unable to attend this hearing due to the significant impact of the Covid-19 pandemic on its business. While I cannot attend the hearing in person, I am available to respond to written questions from the panel should there be any additional information or clarifications required on this statement of evidence.

A handwritten signature in black ink that reads "Gerard Thompson" with a long horizontal flourish extending to the right.

**Gerard Thompson**

29 May 2020