

S35 Monitoring Report Plan Change 50 Queenstown Town Centre Zone Extension 2025

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Executive Summary

The findings of this Monitoring Report are intended to inform potential future amendments to the Queenstown Town Centre - Town Centre Extension Zone (PC50 zone) provisions and mapping by monitoring the effectiveness and efficiency of the Zone in the Operative District Plan (ODP). The focus of this report is to determine whether the ODP provisions for the Zone are efficient and effective, whether the objectives and policies are being achieved and help identify any resource management issues that have emerged. The findings of this report will help to inform the review of the PC50 Special Zone in the Town Centre, and the wider review of the special zones of the ODP and fulfils the requirements of section 35(2)(b) of the Resource Management Act (1991).

1. Introduction

1.1. Requirements of the Resource Management Act (1991)

This is a report monitoring the effectiveness and efficiency of the parts of the Operative District Plan that includes Queenstown Town Centre zone which was extended with Plan Change 50 (**The Zone**). The focus of this monitoring report is whether the District Plan ('the Plan') is effective, whether objectives and policies are being achieved in the Queenstown Town Centre zone that had been extended with Plan Change 50 and whether the plan is efficient having regard to the benefits achieved.

Section 35 of the Resource Management Act states that:

Every local authority shall monitor-

...[(b)] the efficiency and effectiveness of policies, rules, or other methods....

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

This report fulfils the requirements of section 35(b) in relation to **the Zone** and monitors the effectiveness and efficiency of the Chapter 10 Town Centre Objectives, Policies, and Rules. No 'other methods' are employed. The zone objectives are also considered. This report is not an urban design review of the development that has occurred.

1.1.1 District Plan Monitoring

The RMA requires that two aspects of **The Plan** are assessed, with the findings used to inform the process of reviewing **The Plan**. With respect to the Plan's objectives, policies and methods, these aspects are:

1. District Plan Effectiveness
2. District Plan Efficiency

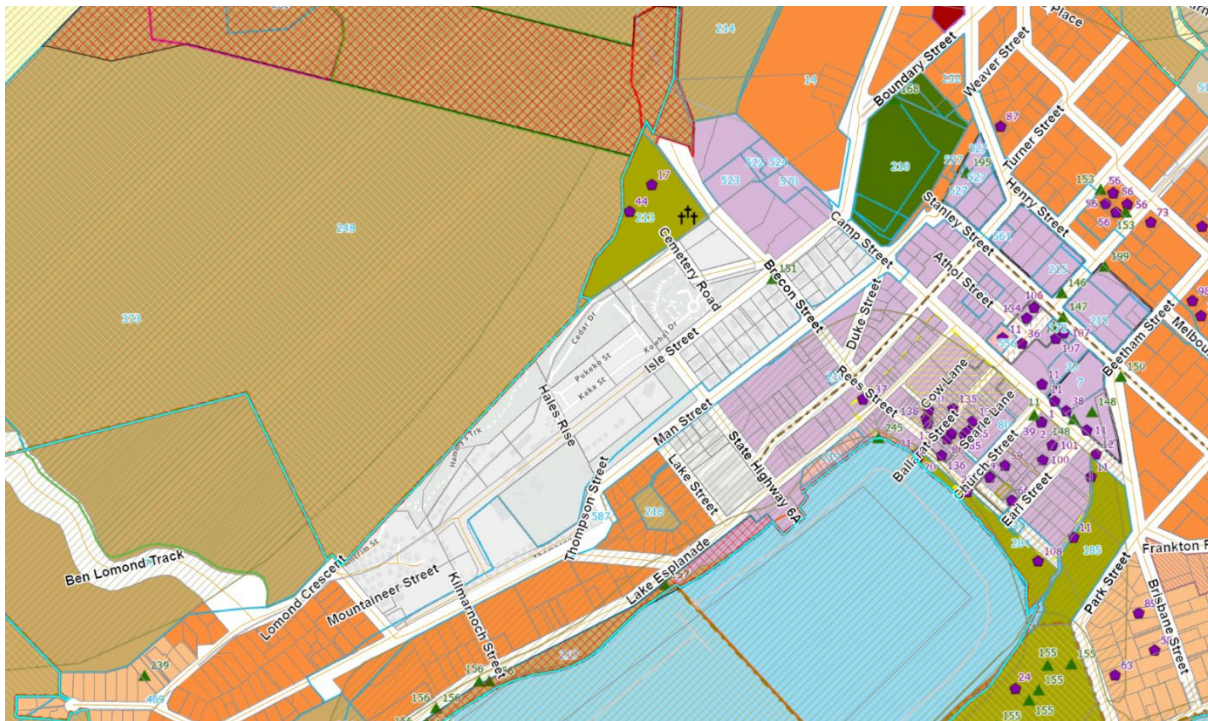
District Plan Effectiveness monitoring requires the Council to compare what is actually occurring under the District Plan provisions with the intentions of the Plan (as expressed through its objectives). This involves first identifying what the plan is trying to achieve for the zone, and to then track how well it is achieving these objectives. Once an understanding of how well the objectives are being met, the next consideration is then to identify, to what extent this can be attributed to the District Plan policies and rules and to what extent 'outside' influences may be affecting the ability of the Plan to achieve its objectives.

Plan Efficiency monitoring refers to comparing the costs of administering the Plans provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. It is noted here that determining what level of costs are acceptable is generally a subjective judgement and, as such, it is difficult to reach definitive conclusions. It is

also considered that if development can be undertaken with no resource consent fees then that improves the efficiency of the Plan.

2. What is the purpose of the Lakeview Special Zone?

The PC50 (also known as 'Lakeview') special zone is in the northwestern boundary of the Queenstown Town Centre (see marked grey areas in map 1 below). The purpose of the zone is to extend the Town Centre Zone allowing additional mixed-use zoned land by way of introducing additional commercial and tourism activities and diverse housing options.



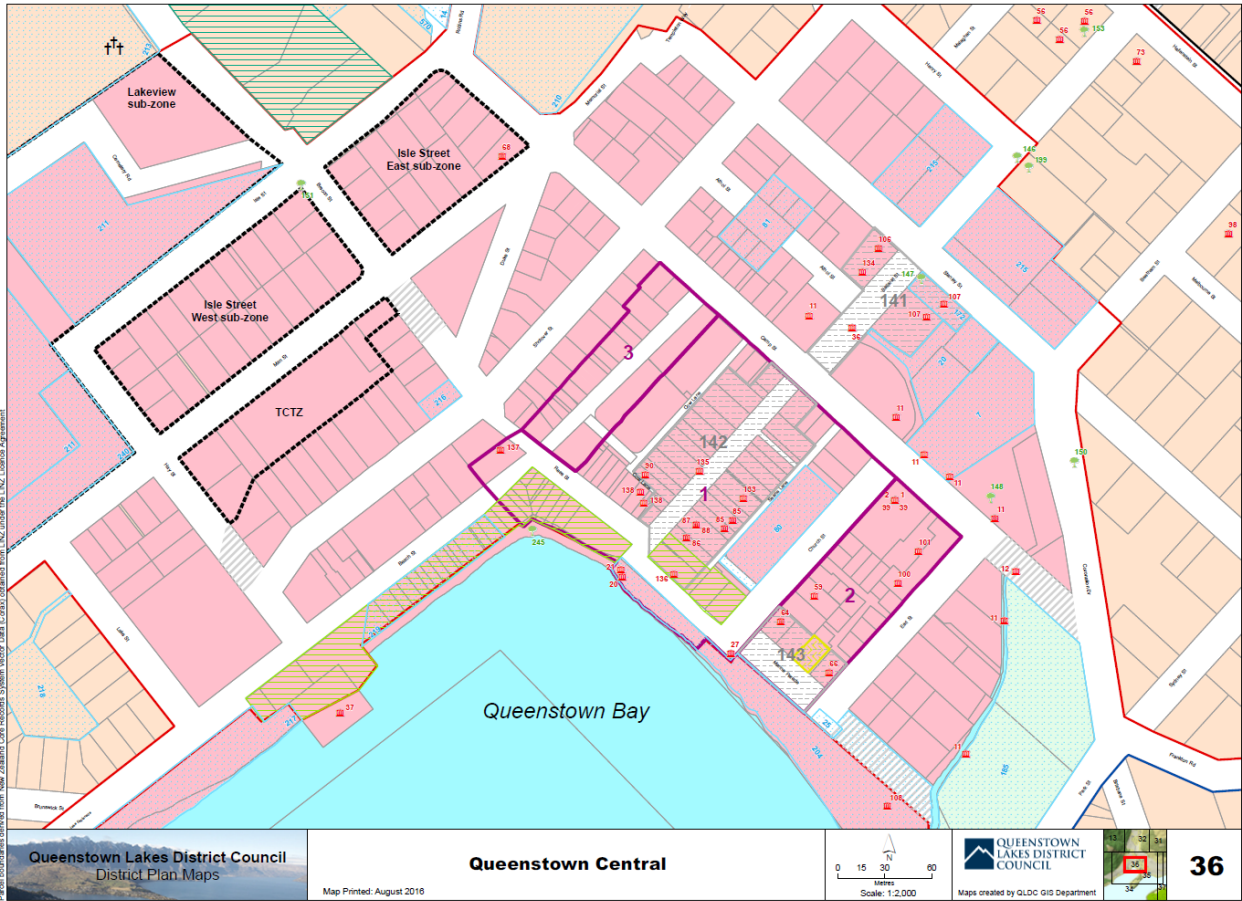
Map 1 PC 50 land shown in grey.

2.1 What is the Zone Trying to Achieve?

The spatial extent of the land subject to this monitoring report is shown above in grey areas in map 1, which are collectively known as the **Lakeview site, Isle Street blocks and the Beach Street site**.

The entire area is approximately 14.7 hectares and comprises of the former Queenstown Lakeview Holiday Park site at Thompson Street (11 hectares), together with a site of approximately 6,200m² bordering Glasgow and Thompson Streets; the site at 34 Brecon Street, being approximately 3,900m² in area; two blocks bound by Camp Street, Isle Street, Man Street and Hay Street, comprising approximately 18,400m² in area; and the block of land bound by Lake, Beach, Hay and Man Streets, comprising approximately 9,200m² in area.

While most of the Lakeview site is owned by the QLDC; Isle Street blocks and the Beach Street block are owned by private landowners. These areas are known as the 'Lakeview sub-zones' and the 'Isle Street sub-zones' in the Operative District Plan (ODP). The sub zones were created by Plan Change 50 mainly to provide for an 'extension to Queenstown Town Centre Zone' mixed use activities such as, high density residential accommodation, visitor accommodation, commercial recreation and tourism activities, as well as providing for ancillary commercial and retail activities. Note that Plan Change 50 also provides for a Convention Centre.



Map 2 District Plan map 36 showing Lakeview, Isle Street sub zones and Town Centre Transition Zone.

The premise of the Plan Change 50 came from a Subdivision Development Plan and was planned in three stages. This was not necessarily reflected in the Operative District Plan by way of a structure plan. Subdivision Development Plan envisaged subdivision to be staged which can be seen in Figure 1 below, which specifically were:

- Stage 1A (Create lot 11)
- Stage 1 (Create lots 8-10 and 13-16)
- Stage 2 (Create Lots 2-7 and 12 & 17-18)

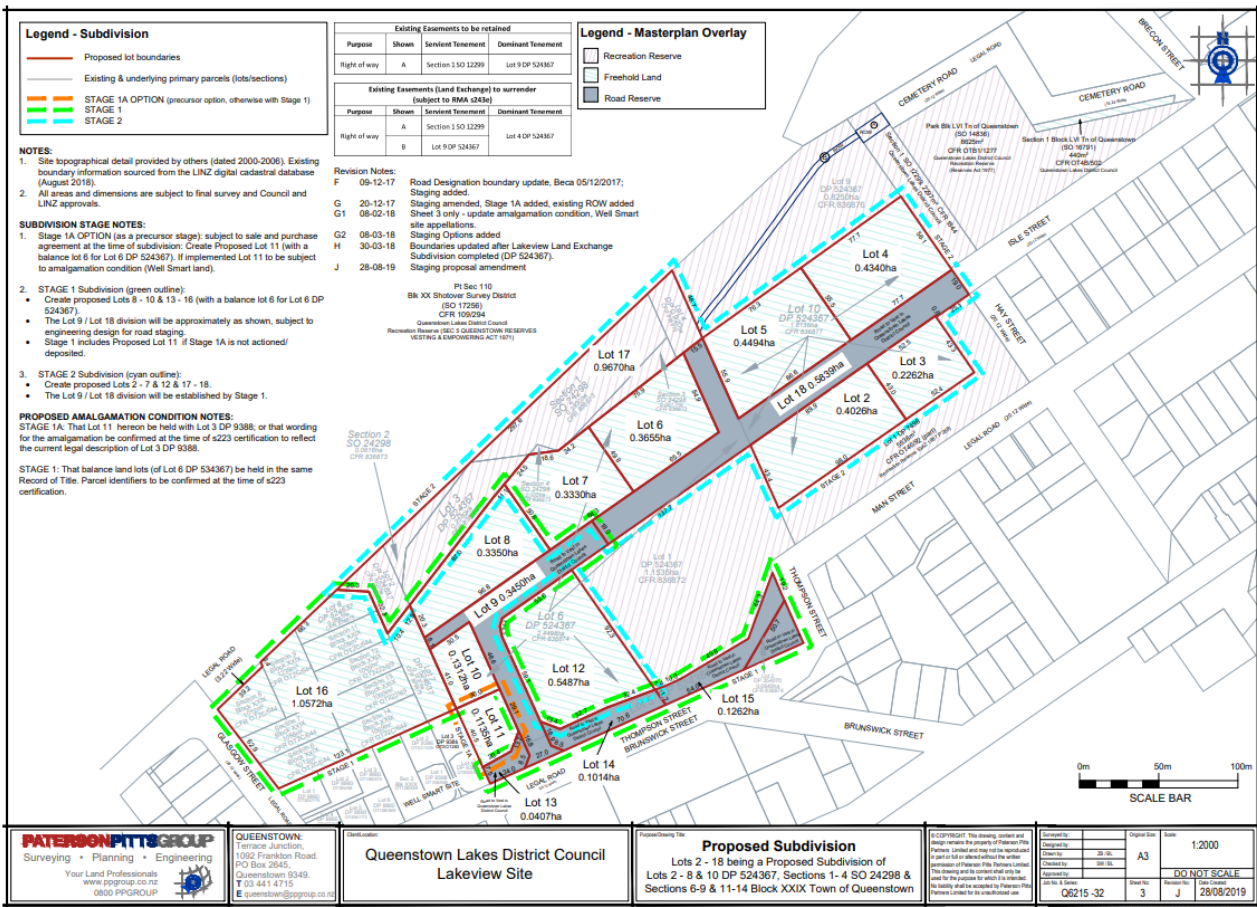


Figure 1 Proposed Subdivision Plan and Stages of Subdivision (Reference)

The development on the “Lakeview site” is envisaged to take place in seven stages according to the *Lakeview Master Development Plan* prepared by the Consortium partners (Ninety Four Feet and Augusta¹) and submitted under a Fast-Track consent application (See Figure 2 and Figure 3).



APARTMENTS		CO - LIVING	
HOTEL ROOMS		RETAIL HOSPITALITY	
CO - WORKING		GALLERY	

Figure 2 Master plan for the Lakeview Site (Reference)

¹ Melbourne-based developer Ninety Four Feet and Auckland-based investment company Augusta had signed a development agreement with the Council in 2019 to develop the Lakeview land.

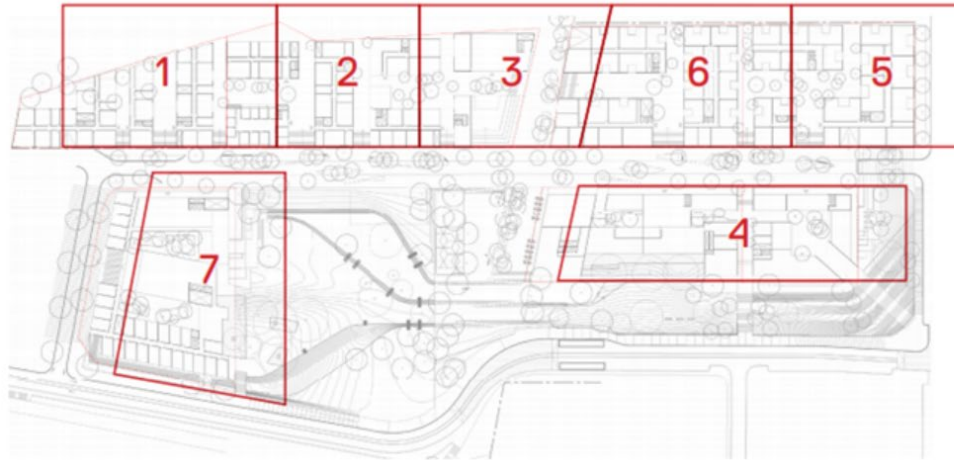


Figure 3 Stages of PC50 "Lakeview site" [\(Reference\)](#)

3. How was the zone created?

3.1 Planning Context

3.1.1 Plan Change 50

Plan Change 50 to extend the Queenstown town centre zone was publicly notified in June 2014. It was made operative in July 2016. The following resource management issues were identified through the plan change (PC50):

- 1) A shortage of commercially zoned land in the Queenstown town centre,
- 2) Excessive supply of retail land on the northern edge of the town,
- 3) Need for the Town Centre to consolidate and enliven Queenstown to facilitate growth,
- 4) The need for additional hotel and tourism capacity,
- 5) Expand existing activities and establish new ones in the town centre to sustain tourism growth,
- 6) Housing diversity issues; provide improved higher density and greater diversity in housing options.

3.1.2 Purpose of the Plan Change (PC50)

Given the resource management issues listed above, the purpose of Plan Change 50 was to:

1. Create Lakeview Subzone within a new Queenstown Town Centre,
2. Create Isle Street sub zone within the extended Queenstown Town Centre,
3. Create Lake Street / Beach Street / Hay Street / Man Street block as Queenstown Town Centre zone,
4. Introduce Lakeview and Isle Street Sub-Zone planning frameworks,
5. Introduce new height limits and height limit exceptions in these subzones,

-
8. Introduce Lakeview sub-zone Structure Plan as the development reference into the Operative District Plan,
 9. Change the rules and methods to provide for commercial and mixed-use environment within the sub-zones
 10. Amend the relevant parts of the ODP to provide for specific car parking provisions for the sub zones.

3.2 The “State” of the Special Zone

To determine the state of the PC50 Special Zone, two forms of data are assessed. This allows for the analysis of both data sets to provide a clear picture of the development activity within the Zone. This includes:

- A desktop review of resource consent data; and
- Physical monitoring of the Zone.

3.3 Resource Consents

3.3.1 Town Centre Monitoring report (2012)

Prior to PC50, a monitoring report (dated May 2012)² for the Town Centre Zones assessed the effectiveness and efficiency of the policies, objectives and rules of the Section 10 Town Centre Zone and that predated the Proposed District Plan. The 2012 monitoring report reviewed consent information, in Town Centre Zones from 2004 to 2011 in terms of their efficiency and effectiveness. The report highlighted that the relative weakness of policies has been largely masked by the limited number of consent applications reaching hearing stage.

Although the objectives and policies of the Town Centre zone anticipated and provided for a wide range of activities, the rules were not permissive, and many activities required a resource consent. New buildings or alterations to existing buildings in the Queenstown town centre will require resource consent for either a controlled activity, or a discretionary activity if it is in the Special Character Area.

The proportion of activities assessed as non-complying activities was found at odds with the small number of activities that are specifically identified as non-complying in all three of the town centre zones including Queenstown Town Centre Zone. Consequently, almost all the non-complying activities were the result of a breach of zone standards. The most frequently breached site standard was for coverage with applicants seeking to increase the area building may cover. The actual coverage requirements vary depending upon the historical character of the area and other factors such as provision for landscaping, storage or parking.

The most frequently breached zone standard was for breaches relating to height and recession planes. Breaches of these standards required assessment as a non-complying activity.

² Queenstown Lakes District Council, Policy and Planning (May 2012), "G:\Policy\Monitoring\District Plan monitoring\Town Centres\Section 10 Town Centre Zones - Monitoring Report Final.pdf" Link path. 33 pages.

The main messaging of the 2012 monitoring report is that the mixture of uses in the town centre zone has resulted in some conflict between activities and creates reverse sensitivity issues.

Conflict had arisen between different activities within the mixed-use environment of the town centre. In particular, it was notable to see the conflict between noise sensitive activities, such as residential and visitor accommodation, and noise generating activities anticipated in the town centre, such as restaurants and bars has occurred as both the number of people residing in the town centre and the number of bars and restaurants have increased. These points have been addressed through the review of the QTCZ in 2015.

Accessibility to and within the town centre has become an issue as development and traffic movements have intensified. Parking and pedestrian links within the town centre have become increasingly important. Since the completion of the 2012 monitoring report, significant street improvements on Upper Brecon Street (Skyline Gondola to Man Street) have occurred in the town centre as part of delivering on the objectives of the Queenstown Town Centre Masterplan³ which included:

- Improving walking and cycling connections and facilities.
- Reduced car traffic in Queenstown Town Centre.
- Improved public spaces in Queenstown Town Centre.

This programme of active travel works meant that Upper Brecon Street was to be transformed to give greater pedestrian priority and reinforced Brecon Street as a key part of the 'Gardens to Gondola' walking route. The design was future proofed, through consideration of existing and proposed developments along the route such as the anticipated development on the Lakeview site.⁴

At the time, the monitoring report commented on the expansion of town centre and how it can help to maintain the relevance of the town centre in the face of growth of other commercial centres. Queenstown town centre is found to be closer to its development potential and that the over-expansion of the zone is found to have a similar adverse effect on town centre vitality to the creation of new commercial zoning in other areas.

It is relevant to note for the purposes of this report that some of the issues mentioned above remain as planning issues evaluated also, as part of this Section 35 monitoring investigation.

3.3.2 Stages of Development

In 2014, following the PC50 to the Operative District Plan (ODP), much of the identified land was zoned from High Density Residential to Queenstown Town Centre and a subdivision consent (RM170924) was granted in February 2019. This consent authorised seventeen (17) lots to be created, including the earthworks as per the stages of development identified in the Subdivision Development Plan mentioned above (See Figure 1).

³ Queenstown Town Centre Spatial Framework ([Reference](#)).

⁴ QLDC (2020) Queenstown Town Centre Street Upgrades ([Reference](#)).

In December 2022, a fast-track resource consent application⁵ for Stages 1 and 2 in the Lakeview Site (approximately 6,680 sqm) and the Lot 7 and 8 development was approved to establish a range of accommodation, commercial and recreation activities with associated public spaces and car parking, across eight separate lots.

Stages One and Two were granted by the fast-track application and was comprised of the construction of five inter-connected mixed-use buildings which were to accommodate:

- 224 apartments
- 96 co-living units
- 432 sqm of retail ground level
- 2,068 sqm of hospitality space
- 148 car parks

Fast track consent sought to receive all necessary consents for the construction and operation of undertaking the above-mentioned activities.

4 Decision Making and Consent Status

4.1 RESOURCE CONSENTS

4.1.1. Overview of the Resource Consents

The resource consents recorded within the Zone are dated between 2012 and 2024 (for the purpose of this monitoring report). There are a total of 91 consents for the zone however, the number of consents that are relevant to the above time frame are 31.

The Activities undertaken in the Zone can be seen in the graph below (Graph 1).

Most of the consent applications were sought for Visitor Accommodation activities and relevant mixed-use activities including high density residential, and the remaining were mostly around seeking consents for signage, commercial activities and parking.

Many subdivision and earthworks provisions were triggered and amongst these, were the implementation of the Lakeview sub zone land exchange and the subsequent subdivision and earthworks consents. Most of these large-scale consents were publicly notified.

⁵ On 16 December 2022, the expert consenting panel made its decision and granted resource consents subject to conditions to QT Lakeview Developments Limited ([decision here](#)) and Council resource consent RM reference: RM210013 (consent sought variations to RM170924, [decision here](#)).

Several variations and changes to the consents were sought by the applicants, wanting to alter a current resource consent and / or its conditions. The reason for change in these consents were mainly around the alteration of residential activities, conditions of sale of liquor and changing the external appearance of proposed buildings.

This report used summaries of various consent decision reports. Below is a list of the consent decisions and associated relevant documentation that are reviewed, and their findings presented and summarised for the purposes of this report:

1. RM170564: Construction of an 80-room hotel in Isle Street Sub Zone;
2. RM170834: Visitor accommodation activity in Lakeview Sub Zone;
3. RM200349: 24-Unit apartment building for VA and residential in Isle Street West Sub-Zone;
4. RM190262: Temporary operation of an 84-space car park in Isle Street East Sub-Zone;
5. RM180205 - RM180206: Earthworks and construction of 130 hotel in Lakeview Sub Zone;
6. RM221062: Commercial Recreation activities on 34 Brecon Street;
7. RM180507: Visitor Accommodation comprising of two hotels and associated commercial rec on 34 Brecon St;
8. RM180981: Visitor Accommodation comprising of a 205-guest room hotel in Town Centre Transitional Sub Zone.

A detailed description of these consents is included in the Appendix-1.

Specific technical commentary regarding the activity status breaches as per Queenstown Town Centre Extension Zone are included in the section where the analysis of effectiveness of objectives, policies and rules are provided in the below sections of the report.

4.1.2 Consent Data Assessment

Relevant consent data dated from 2012 to 2024 were extracted from TechOne using the QLDC Property GIS map, by identifying the relevant PC50 sites and matching the relevant consents to this GIS overlay. There were 91 consents in total, extracted from TechOne and their RM decisions were scanned on Council ECM and iDocs data bases. Only 31 of these consents were found to be appropriate for the purposes of this report.

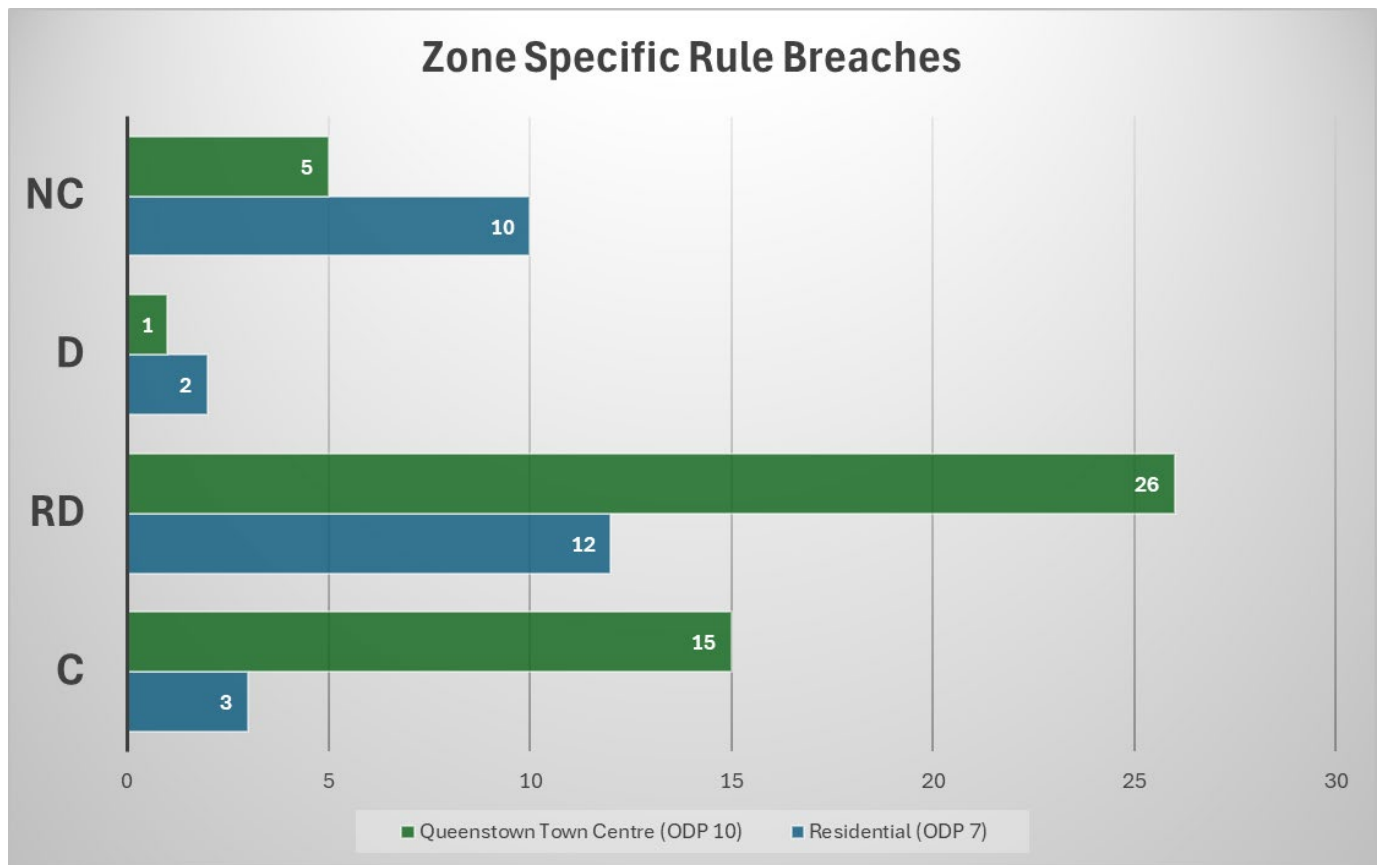
The rest were:

- not relevant to the timelines selected,
- not in the appropriate zone (not in the PC50 zone),
- isn't concluded, and
- because they were either declined, withdrawn and /or did not proceed for one reason or another. Therefore, found to not be useful to assess the effectiveness of the policies and objectives.

As seen in Graph 1 below, Zone Specific Rule breaches are also investigated for the purposes of the report. It is apparent that the Chapter 10 PC50 provisions were assessed together with Residential chapter provisions in some cases.

Whilst there were not many general discretionary rule breaches for these Chapters, there were a high number of Restricted Discretionary Activity rule breaches, especially as they related to specific PC50 provisions; and a high number of controlled activity provisions are breached. Whilst there were only five non complying activity breaches for PC50 rules, a high number of residential rules were sought to be breached.

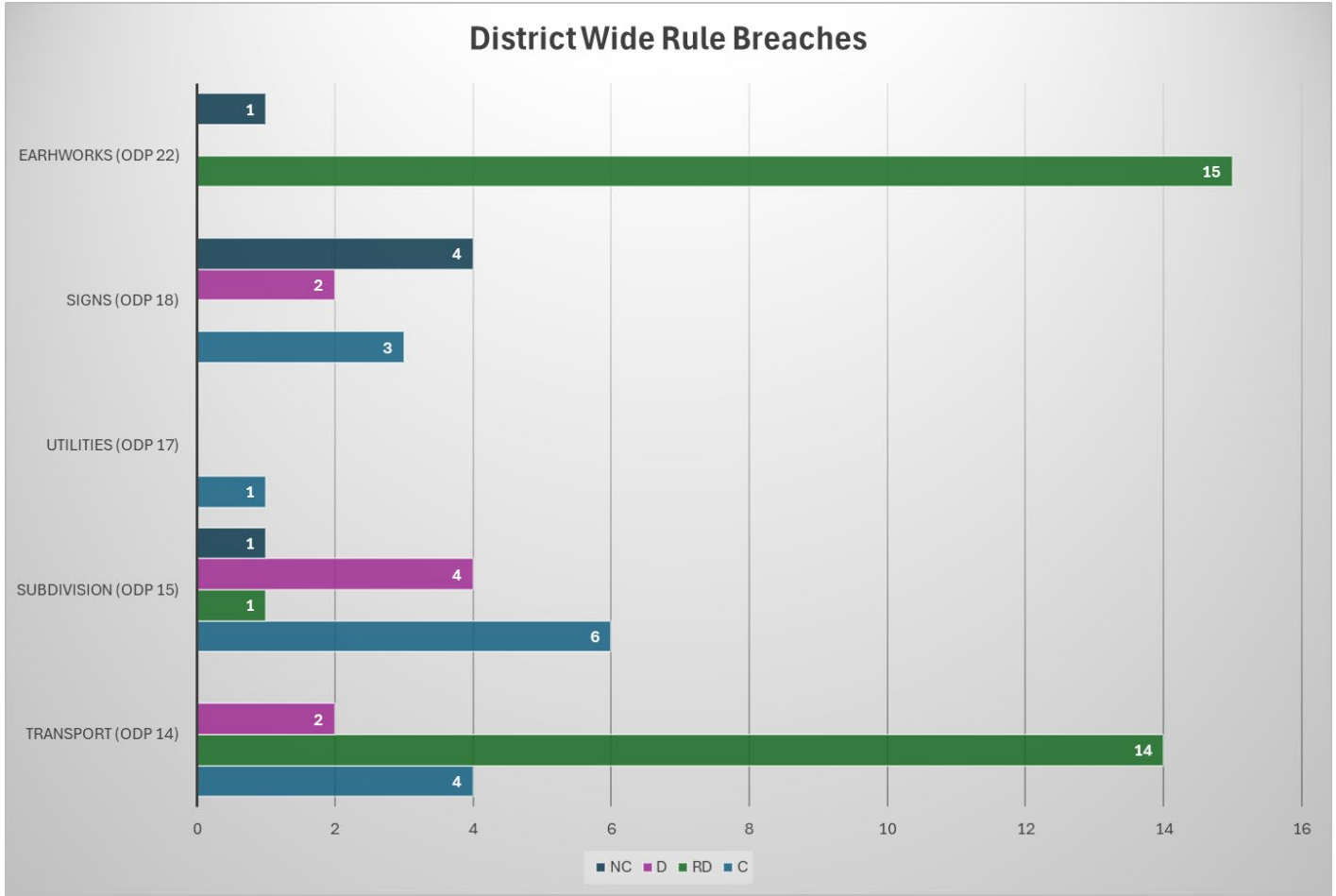
For a total of 47 rules were sought to be breached within the PC50 provisions and a total of 27 Residential zone rules were sought to be breached between 2012 and 2024.



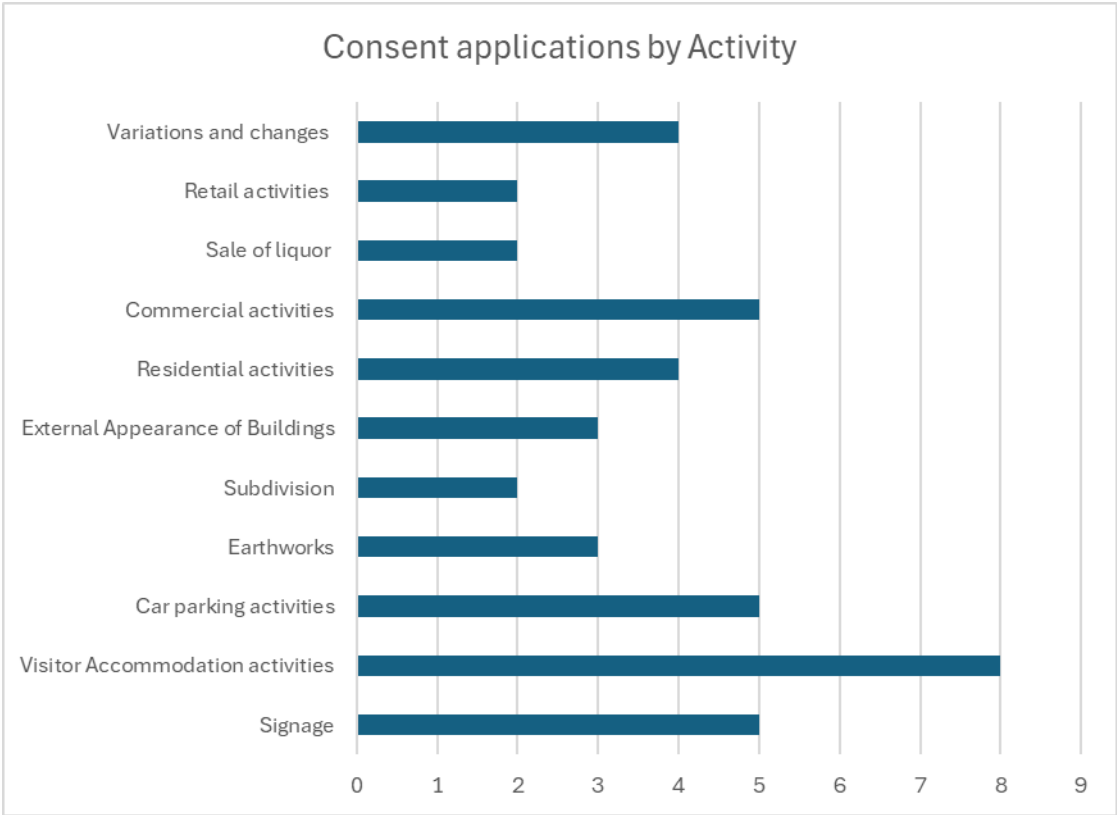
Graph 1 Zone Specific Rule Breaches

Graph 2 demonstrates the District Wide rule breaches. Chapter 22 of Earthworks RD rules and Chapter 14 of Transport RD rules are most sought to be breached as it related to the ODP’s purpose in the PC50 Zone.

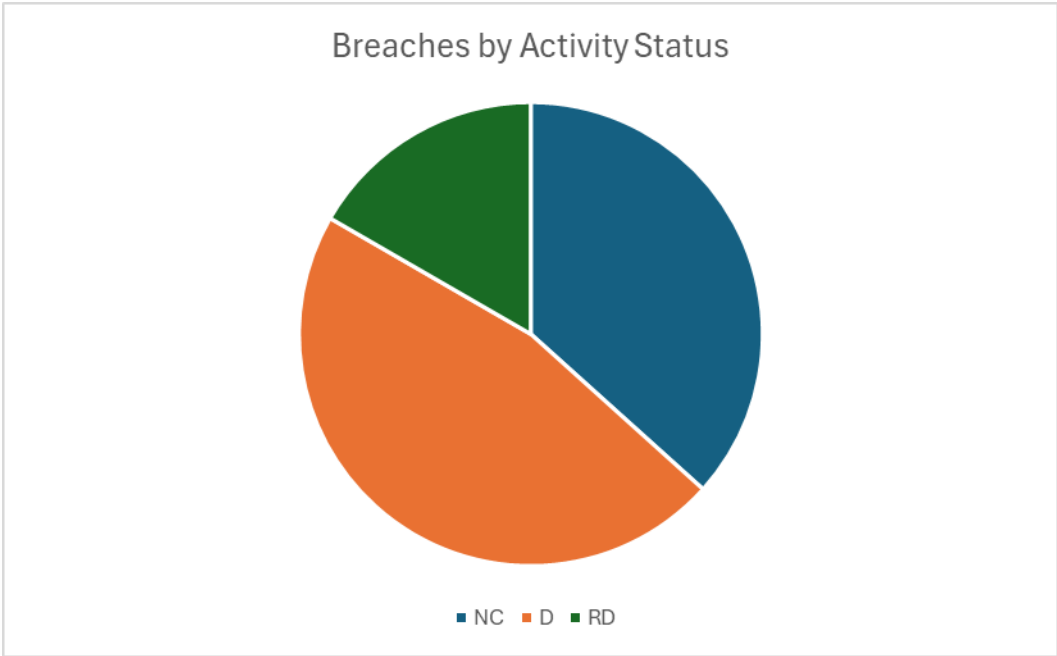
Subdivision rules were triggered as discretionary status and there were only two non complying activities were observed to be breached. The noise chapter non compliance is not obvious as these breaches were caught by the Zone rules and site standards – Consent planners commented on the specific improvements that may need to be made during the Special Zone reviews, as to how noise provisions apply from the ODP versus the PDP.



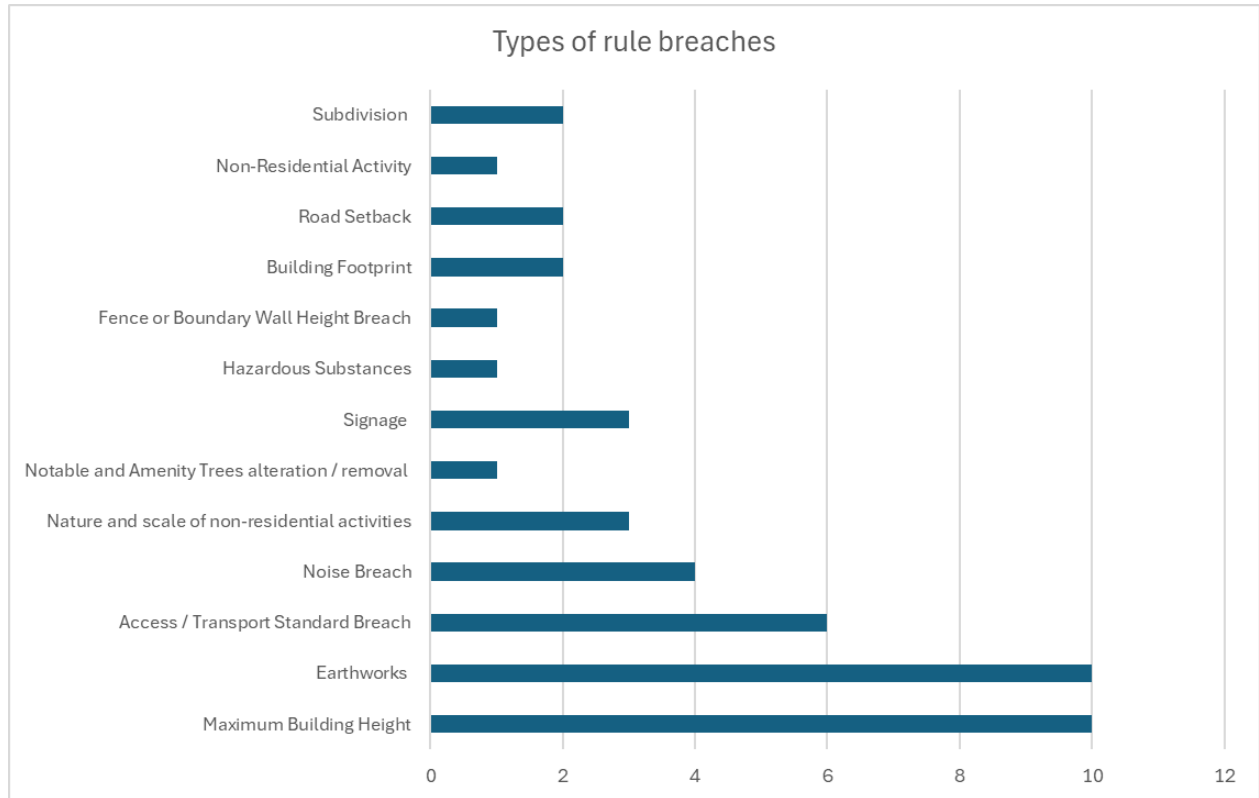
Graph 2 District Wide Rule breaches



Graph 3 Consent applications by Activity in the PC50 Zone



Graph 4 Consents by Activity Status



Graph 5 Type of rule breaches in the Zone

4.1.3 Overview of Regulatory Complaints within the Zone

QLDC regulatory complaints are reviewed as they relate to the PC50 objectives and policies and the purpose of the PC50. Whilst some of these complaints are not relevant to resource management issues. It is observed that earthworks and construction ‘Noise’ was a topic that particularly was complained about. It is not clear if noise limits were being breached when the complaints were being made.

4.1.4 Average cost of resource consents

This data is sourced from TechOne and dated between 2012 and 2024. The data was produced due to reporting requirements for the Ministry for the Environment. Note that, of the 31 consents analysed for the purposes of this report, eight consents do not include the cost data in the relevant data set. Therefore, only 21 resource consents were investigated for this purpose. Data below only captures and provides a snapshot of what is recorded through the TechOne consents data.

A total of \$182,477 were spent on consenting costs in the PC50 zone for the above time frame. Of the 21 consents analysed, two were costed more than 60K and five of these costed between \$20-\$40K and 12 of them costed between \$1000-\$7000K.

Whilst the lowest consenting fee to be recorded was \$1230, the highest consenting fee charged was \$66,376 to apply for a mixed land use resource consent on 34 Brecon Street (Lakeview Sub Zone).

The average consenting fee for the resource consents monitored was \$8689 and this is higher than the average consenting costs in NZ recorded between 2014 and 2023, being \$3,062.3.

5. How Effective are the Special Zone Objectives, Policies and Rules?

5.1 Effectiveness of the Objectives and Policies

5.1.1 Scope

This report includes an effectiveness analysis, a summary of the planning discussions made in major consent decisions, and the review of officers' S42A reports as well as the various commentary came from the Independent Panel processes, in which greater detail on the objectives and policies were made while consents decisions were deliberated.

Within the PC50, only a limited part of Chapter 10 was amended. This report focuses on the effectiveness of these amended provisions. For instance, a new implementation method was added to Objective 1 10.1.3 of the ODP (Maintenance and consolidation of the existing Town Centres and Activities Therein) which reads: *Zoning of land sufficient to encapsulate the existing town centres, with any future expansion of these areas dealt with via a plan change.* A slight change of phrase in the second limb of the existing implementation method, seeking to change the word 'outward' to 'out of centre', reading as 'to control by zoning the out of centre spread of town centre activities.'

Additional PC50 changes included the amendment of the **Objective 2 -Amenity (Enhancement of the amenity, character, heritage, environmental quality and appearance of the town centres.)**. The first limb (2.1) is amended to include 'community and tourist activities' for the group of activities that are provided for in the town centre. It reads as: 'to provide for the development of a full range of business, **community and tourist activities** while conserving and enhancing the physical, historic and scenic values and qualities of the geographical setting.

Various small but important changes were made across the chapter 10 however, where the sub zones are introduced under the Values (10.2.2) section of the chapter; the town centre is acknowledged to provide for **a broad range of functions**. the Town centre is acknowledged to have various 'built forms' that gives certain characteristics to these different areas. Alongside the Special Character Areas, the Queenstown Bay Waterfront; the sloping land bound by Lake, Hay, Isle, Camp, and Shotover streets, including the Town Centre transition sub-zone, the Isle Street sub-zone, and the Lakeview sub-zone are recognised as the extension to Town Centre Zone within the PC50 provisions.

The boundaries of Isle Street and Lakeview Sub-Zones are described and regarded as 'the extensions to the Queenstown Town Centre'. Whilst the Lakeview Sub-Zone is envisaged to be developed through a structure plan that provides for mixed use activities, Isle Street is envisaged to provide for a high-quality, mixed-use activities that supplements the

Lakeview Sub-Zone. Note that with both sub-zones and their descriptions, they are meant to connect function and purpose. Elevated position of the Isle Street sub zone is recognised and hence the built form and appearances in this zone are justified through the wording of the ODP. Described below:

Lakeview Sub-Zone

“The Lakeview sub-zone provides an extension to the Queenstown town centre. Geographically this sub zone forms the north-western boundary of the Queenstown town centre zone and is situated at a higher gradient affording extensive views across Queenstown Bay and beyond. The town centre boundary is formed by the Ben Lomond recreational reserve.

A structure plan for the Lakeview sub-zone establishes a broad development layout for this part of the town centre. Through the structure plan, public reserve areas and the square set the scene for a high-quality urban environment ensuring that the area is a desirable place to live, work and meet.

The development of activities and buildings in this sub-zone will be managed through the District Plan to accommodate commercial, mixed use, tourism and higher density residential activities. High quality urban form will be achieved via urban design, and bulk and location provisions.”

Isle Street sub-zone

The Isle Street sub-zone provides for the expansion of the Queenstown Town Centre by providing for complementary activities that connect the commercial heart of Queenstown to the commercial, community and tourist activities along Brecon Street and to the Lakeview sub-zone.

Activities and the development of buildings in this sub-zone will be managed through the District Plan to provide for a high-quality mixed use commercial and residential environment where built development can take advantage of the sub-zone’s elevated position above the town centre.

With the issues section 10.2.3, the outcomes of the PC50 were identified that the issue of provision for growth and intensification of activity levels within the town centre are permitted to flow over to the suitable land in the vicinity and that the expansion of the town centre is also clearly identified.

The relevant objectives and policies are to be reviewed are in the table below:

Objectives	Policies
<p>10.2.4 (Existing Objective)</p> <p>Objective 1- Maintenance and consolidation of the Town Centre Maintenance and enhancement of the Queenstown Town Centre as the principal commercial, administration, cultural and visitor focus for the district.</p>	<p>(New policies)</p> <p>1.2</p> <p><i>To provide for growth in tourist, visitor accommodation, high density residential, community and commercial activities by zoning suitable additional land within the vicinity of the town centre.</i></p>

	<p>1.5</p> <p><i>To enable a mixed-use environment within the Isle Street sub-zones (West and East) to provide for visitor accommodation, commercial activities and high-density residential activities.</i></p>
<p>Objective 3 (A new objective)</p> <p><i>A high quality, attractive environment within the Lakeview sub-zone where visitor accommodation, higher density residential, tourist, convention and community activities will be the predominant uses. Ancillary retail and ancillary commercial activities that are established in association with predominant uses are also provided for particularly where they meet demand arising from the intensification of use within the sub-zone.</i></p>	<p>3.1</p> <p><i>To provide a mixed-use environment which is a desirable place to visit, live and work by providing for the following activities:</i></p> <ul style="list-style-type: none"> • <i>a convention centre to serve the community and visitors;</i> • <i>tourist and commercial recreation activities;</i> • <i>high quality visitor accommodation;</i> • <i>ancillary retail activities and ancillary commercial activities established in association with the above predominant uses;</i> • <i>well-designed high density residential activities; and</i> • <i>well-designed public spaces.</i> <p>3.2</p> <p><i>To achieve an urban environment and a built form that responds to the site’s location, including any interface with the Queenstown Cemetery, and creates an attractive, vibrant and liveable environment that is well connected with the town centre.</i></p> <p>3.3</p> <p><i>To require a high quality of built form and landscaping, which contribute to the visual amenity of the area.</i></p> <p>3.4</p> <p><i>To encourage pedestrian links within and through the Lakeview subzone, and to the surrounding public spaces and reserves and manage traffic flows and need for car parking via Integrated Traffic Assessments for convention centres, visitor</i></p>

accommodation, commercial recreational and commercial tourist activities, and larger scale non-ancillary commercial activities.

3.5

To provide appropriately scaled and located public spaces (including a square) which provide a focal point for social interaction, and which contribute to a sense of place.

3.6

To enable commercial and retail floor space for ancillary retail activities and ancillary commercial activities established in association with convention centres, visitor accommodation, commercial recreational and commercial tourist activities so as to meet demand arising from the intensification of use within the sub-zone and from growth more generally.

3.7

To avoid the development of large format retail activities or the development of large scale, standalone retail complexes in the Lakeview sub-zone.

3.8

To ensure that residential development is comprehensively designed to provide a quality residential living environment and attractive streetscape.

3.9

To manage reverse sensitivity effects through appropriate building design, imposition of building performance standards and site layout.

3.10

To prescribe a range of building height limits for the Lakeview sub-zone which will maximise views from buildings and appropriately manage built scale to preserve townscape values.

5.1.2 Overall

Based on the review of the consents, new policies of PC50 in the ODP are found to be effective. The policies enabled new land use opportunities for maintaining and consolidating the town centre and meeting the objective 10.2.4. The consents granted allowed more mixed-use land uses in the extended parts of the town centre and enabled the growth of business, commercial, and tourism activities by also enabling mixed use buildings and structures where they supported the community activities.

This report includes specific information and various examples of some of the large-scale mixed-use consents granted. The consent decisions mainly give effect to the policies analysed above, although the consents sought to breach various maximum permitted zone standards, such as heights, set back boundaries, transport and access.

Overall, the processed consents and the consent decisions demonstrate the town centre's role is recognised in the PC50 zone and mixed-use activities are enabled.

5.1.3 Effectiveness of Objectives and Policies - Analysis

Across all the consent data and decision reviews, the objectives and policies were found to be mainly consistent with the zone's objectives and policies. However, since the consent data has a high number of breaches for rule and site standards, it is important to understand the interpretation of the policies in various consent decisions as they applied to the zone purpose.

Starting with the analysis of consent RM170564, the construction of an 80-room hotel proposal, the consent activity was found to be consistent with the Chapter 10 objectives and policies (1-2). The development would introduce further Visitor Accommodation and retail uses in the town centre, placing further emphasis to Queenstown Town Centre as a principal area of commercial, employment and visitor activities. It was further commented in the decisions that the development will contribute towards a densely populated town centre and the consolidation of space, with a range of activities while maintaining the qualities of the surrounding environment. The decision emphasized that *"...the height, scale and appearance of the building will not diminish the amenity of the area and will have acceptable adverse effects relating to traffic movement."*

RM200349 proposed development of 24-unit apartment building with Visitor Accommodation components, was found to be an example of a greater density of development than the existing environment; the proposal was aligned with the planned built character and intent of the zone in the ODP and therefore found to be acceptable. It was found to be consistent with the overarching Objectives and Policies within the Queenstown Town Centre Zone and Isle Street West Sub-zone and met the relevant assessment matters for the construction of new buildings.

RM190262 (Land use consent for temporary operation of an 84-space car park within the Isle Street Sub Zone) is a consent granted subject to conditions in 2019, was found consistent with Objective 1 and policies 1.1 - 1.5 for the QTC. The proposal was found to provide for an efficient and productive use of the land whilst long term development options were

considered by the landowners. It was also made clear in the application that a permanent development will be created on the site and the proposed limited consent duration meant that a car parking facility was considered to be a sensible and appropriate interim use of the site. The Isle Street sub zone's purpose in the PC50 is to enable high density visitor accommodation and residential activities.

The discussion around the infringed height limits during the consent processes of RM180205 and RM180206 are relevant in terms of the effectiveness of objectives and policies. These proposals were found to be consistent with the relevant objectives and policies of the Operative District Plan and the decisions for both consents promoted the overall purpose of the RMA.

The Section 42A report notes the proposal RM180206 is consistent with the High Density Residential and Town Centre (Lakeview Sub Zone) chapters of the Operative District Plan (ODP) and that it is consistent with the Strategic Directions Objectives and Policies of the Proposed District Plan (PDP) Stage 1 Decisions version.

However, the joint urban design expert view at the time, was that the Operative District Plan *did not explicitly set out the purpose of the plan's height control or strategy and was silent on whether or not it provided for extra height through the resource consent process as currently proposed*. The experts' opinion was that the given the site location, topography and the proposed design of the building and the way it was envisaged to be built was found appropriate in this context.

This included the appropriateness of the building in terms of its visual impact. The experts also noted that *the building height met the Plan's height control of the northern boundary that maintains the viewing opportunities from various perspectives*. The proposal was *a specific and unique response to this site and would not lead to further applications of this type seeking the degree of height proposed and would thereby not undermine the Operative District Plan approach for the Lakeview Sub Zone*.

The activities proposed found to be not contrary to Objective 3 and Policies 3.1, 3.2, 3.3 and 3.7. Policy 3.10 **as there is no policy directive in Policy 3.10**.

The hearings commissioners explored the meaning of 'prescribe' at the time in the Policy 3.10 and the ways in which the height breaches are assessed against the policies and objectives.

The consent decision weighed in the commissioner's decision in the PC50 for this specific clause which was *"...decided that a higher maximum building height could apply to the south-western end of the Lakeview subzone because that area backs up to the mountain behind it and the Ben Lomond Reserve. In that part of the sub-zone, a maximum height of 26m therefore applies."*

It was noted that the applicant's site was not a site that backed up to Ben Lomond Reserve and a 12-meter maximum height limit apply. However, the intended urban design outcome is noted to be carefully constructed although it was stated that this has not been well translated into the objectives and policies. Decision noted:

"...while the PC50 decision may have sought a particular design outcome, it has left open opportunities for applicants to breach the height limit and for the matters of discretion in assessing such applications to be very limited.

While there are “prescribed” height limits for the Lakeview sub-zone, there are no policies that obviously support these height limits or a breach of them and which direct a consent authority when it comes to consider a higher building than “prescribed” in the rule. This is compounded by a breach of the height rule falling to be assessed as a Restricted Discretionary activity, suggesting a breach is more or less anticipated. It does not fall to be assessed as, for example, a non-complying activity.”

An excerpt (see below) from Urban Design Joint Witness statement was in agreement to a similar comment:

“PC 50 does not explicitly provide a purpose to the height rule.

For PC50 Policy 3.10, the word “prescribe” relates to an operational policy direction and that it requires the Plan to include a series of height limits (i.e. the PC50 height limit plan).

Plan-making alternatives that the Policy precludes are general all-of-zone height limits, or no height limits such as some other District Plan have used.

“Prescribe” does not relate to the consideration of resource consent applications to contravene the height limits.

PC50 is silent on whether or not contraventions of height via resource consent are encouraged, discouraged or otherwise. It appears to be left to the Restricted Discretionary activities and assessment matters to allow applicants to show their alternative height can still achieve the PC50 outcomes.”

Similar to the height discussions above, RM180507 decision discussed the height issue at length. It was noted that **PC50 anticipated an increased scale of built form so the separation of the buildings from the reserves, and other positive effects of the proposal by imposing mitigating conditions, the adverse effects are appropriate and can be managed in this regard.** The additional height was found to interrupt views of The Remarkables and the Hector Mountains from Queenstown Cemetery and Ben Lomond Reserve and found to have adverse effects on the visual quality and amenity values of the landscape that are more than minor. However, it was concluded that the broad, dramatic vistas from the relevant part of the cemetery was to be maintained, and these adverse effects are found acceptable at the time.

Urban design assessment matters at Section 10.10.2 were particularly referred to, the scale of effects from the proposed building height. The expert view was that:

“...additional height should contribute to PC50’s planned larger-scale bulk and scale...” and references the Lakeview sub-zone Height Limit Plan, and Policies 2.2 and 3.10 to support this view. The District Plan contains no such guidance on additional height in relation to PC50’s overall aims.” However, the Council officer disagreed with this view in that stating:

“Indeed, the two policies referenced discuss controlling “the height, scale...of buildings...” and “prescribe a range of building height limits for the Lakeview sub-zone...” in order to “...appropriately manage built scale...”. In my opinion, the language used is clear and intends to limit the detrimental effects of additional building height in order to retain and enhance amenity and preserve townscape values.”

Expert opinion stated that during the PC50 process, the Height Limit Plan was justified in part by “*demonstrating that as a whole PC50 would provide a relatively coherent and linear (sloping generally upwards from east to west) wall of buildings rising above the historic town centre but still providing a consistent ‘ceiling’ of development along the base of Ben Lomond rising above the existing town.*”

It was suggested that the planning framework developed through the PC50 process intended additional building height to be carefully managed. Council’s urban design expert stated that the building will be seen from a number of locations, but the prominence and effects will likely soften over time as development with the surrounding PC50 zoning is established.

The consent decision assessment somewhat disagreed with this point in stating that a greater intensity of development was anticipated in the zone, along with higher buildings, as all buildings require at least a controlled activity resource consent; adding that their future form including their height cannot accurately be known as part of considering the receiving environment and that means the future development of the zone, effects resulting from this proposed height will be more than minor.

Also, of note that the officer’s 42A report disagreed the urban design expert’s statement around the ***additional heights on Brecon Street***: that it will not adversely affect the general quality of Brecon Street in terms of the streetscape outcomes sought including because the *PC50 policy framework seeks an urban than suburban or open edge to streets, with buildings expected to front road boundaries and close the streetscape in rather than be set back to retain openness*. The officer stated that a building of compliant height would still form an urban setting rather than suburban.

A reference in the report is made that ***the PC50 anticipated taller buildings on the application site specifically by allowing an additional 3.5m above the maximum height allowed on surrounding properties, and it was considered the site is capable of accommodating a larger building.***

Section 42A report analyzed the relevant part of Chapter 10 objectives and policies and found the proposal to be broadly consistent with these objectives and policies:

- Regarding the policies 1.1-1.15 in Chapter 10: *The proposal will create a landmark visitor accommodation and commercial development which will reinforce the viability of the wider town centre while establishing an important early focus for the redevelopment of the PC50 land. The development can accommodate a range of activities, including retail, and will allow for maximum consolidation of space with acceptable adverse effects.*
- *Despite the significant height of the buildings, the proposal is seen to maintain amenity of the area, while the creation of Lakeview Lane and the proposed Brecon Street upgrades will contribute to the enhancement of the street in this area and therefore is in line with for instance the Policies 2.4 and 2.7. The proposal’s inconsistency with the Policy 2.1 is noted.*

The proposal was found to enhance the Queenstown Town Centre as expanded through PC50, providing additional visitor accommodation and commercial uses and reinforcing the viability of the town centre. It helps to concentrate buildings and developments in the expanded town centre and would provide facilities for growth in tourist and visitor

accommodation markets, while allowing the continued occupation of the development site. It found that the proposal is consistent with this objective and policies.

The proposal was found to contribute positively to an attractive, vibrant and liveable environment with a high quality of built form which, although of a large scale, will add to the visual amenity of the area. Pedestrian linkage is provided within the proposal and will be integrated to the adjacent reserve, while the future improvements to Brecon Street will provide focal points for public interaction and a sense of place.

As a result, despite the height breaches, the proposal was found to be well aligned with the objective 3 under the Chapter 10 and its associated policies and being effective. There is no large format retail is proposed and although the buildings would significantly breach the prescribed buildings heights, the location of the site at the extremity of the PC50 area will allow views from buildings to be maximised while preserving the townscape values.

There are various benefits of the development mentioned in the decision:

- Urban consolidation
- Transport efficiency
- Public realm updates
- Road alignment and sensitive delineation of the cemetery boundary

As a final note on the effectiveness, for some consent proposals, building heights breaches were not found appropriate. For instance, the decision for the RM170834 VA activity for two large hotels, concluded that whilst a building height of 15.5 meter was acceptable in this part of the Lakeview sub-Zone and it was not expected to cause more than minor adverse effects on the Queenstown Cemetery, a 24-meter building, which the applicant is seeking for, and therefore found not appropriate.

5.1.4 Effectiveness of the Rules - Analysis

There is a common pattern observed in the consents reviewed. The rule breaches were usually around the maximum permitted height limits, site coverage, site standards as to buildings located in Lakeview and Isle Street Sub Zone, resource consent assessment matters, buildings adjoining an active frontage, operational noise limits, and car parking for the proposed development.

Based on the consent data, the breaches mostly occurred around the controlled and restricted discretionary activity status. Controlled activity breaches tend to be discussed in the consent decisions mainly on an urban design perspective and mostly found to be causing adverse effects being less than minor.

With the maximum permitted height limits, various consent examples give an idea of how these breaches were treated and what they meant at the time of the consent decision making. For instance, the breach on the rule **10.6.5.1 (xi) (g)**, in the Isle Street Sub Zone (12m) by 2.5m in RM170564 and its proposed design was not able to demonstrate a height gain from the roof bonus standard albeit, this breach was found acceptable because:

“The height breaches, when considered with the allowance for 12m buildings and roof elements up to an additional 2m in height, are comparable to the height of buildings anticipated in this zone.”

A similar decision was made for RM200349, which was seeking to exceed maximum permitted height infringements. Since these infringements were proposed to be located towards the centre of the site and decreasing the height infringement to 0.41m and 0.21m at the building’s northwest and southwest corners; this resulted with a decision which noted the following:

“The zone anticipates buildings of similar height and built form to that proposed and ... adverse effects in this regard are considered to be less than minor.”

Of significant note, a bundled large-scale proposal, RM180205 and RM180206, sought to breach the height limit standard, **10.6.5.1xi (d)**, and triggered a restricted discretion rule for this, and the consent decision commented that ***the purpose of the standard is not helpfully stated (emphasis added)***.

The relevant sections of the Chapter 10 were triggered. These were mostly 10.6.3.2 and 10.6.3.2A, 10.6.5.1 and assessment matters 10.10.2. As far as the non-complying activity breaches, the noise section of PC50, 10.6.5.2 (ii) were triggered.

Various District Wide matters were also breaching mostly from 18.2.4 and 18.2.5 (Signage), 14.2.2.3 and 14.2.4.2 as per Transport and Access and earthworks 22.3.2.3.

Interactions between the ODP and PDP bulk and location provisions are found to be confusing at times. Such as in the processing of RM180981. The application stated that the proposed hotel is designed in general accordance with the PDP’s ‘bulk and location’ rules. ODP allows an 8m height limit from the original ground level and this was commented on being too restrictive and inefficient for the site.

It is specifically referenced that the PDP adopted the ground level as the podium level, and this led to an increase in the height limits. The analysis in the application suggested significant height breaches occur if the ground level is the original level where the 8m would be starting from. It was also mentioned that the ODP rules result with a lower building height, ODP provisions did not require viewing corridors through the site.

5.1.5 Implementation Methods: Analysis

PC50 promoted 3 implementation methods specifically to implement Objective 3. These methods are mostly envisaged to be achieved through the District Plan tools such as the identification of the Lakeview Sub Zone as the high residential and Town Centre using rules and assessment matters to manage the effects of development of the sub-zone. The use of a structure plan to direct how the site will develop and connect with roading, and pedestrian connections are also included in the District Plan.

The benefit of including implementation methods should be acknowledged in that, these methods are utilised frequently during the consent processing and are found effective as the consent decisions demonstrated that they were adhered to in the assessment matters. The Structure plan is used for the order of the subdivision process for the land and staging the development in the Lakeview Site. The inclusion of specific assessment matters and rules for the Lakeview sub zone meant that the consent applications were assessed against specific methods for the zone. Implementation methods were particularly referred to in the applications for RM180205 and RM180206 (see Appendix 1).

6. Findings

In summary, Plan Change 50 enabled town centre extension by introducing Lakeview and Isle Street Sub zones and allowed increased maximum building heights within a spatial area that was identified as underutilised. Consent planners described the PC50 provisions as the most enabling within the town centre especially for the heights enabled within the zone. Monitoring has noted that consent breaches are required to enable the types of buildings anticipated by PC50.

Despite the minor inconsistencies mentioned in the provisions between zone specific and district wide provisions, quite a few large-scale visitor accommodation and mixed-use consents were granted within the PC50 area. This monitoring report demonstrated that the consents sought and granted in the PC50 zone, mostly sought to breach the maximum permitted building heights. Site visits and records of consents information demonstrate that the buildings consented have not been built, and the proposed projects had not been eventuated at this time. Council consent planners mentioned that, from the time that the consent application was made and to the time the consent was granted, the cost of construction would have increased, making the proposed buildings costlier than originally anticipated. This may be a factor in the number of consents being given effect to.

Based on the consent data analysed, there are a high number of Controlled Activity and Restricted Discretionary Activity rules were sought to be breached by the consent applications in the PC50 Zone.

Important to note that most of the Zone breaches occurred particularly under the ODP section 10.6.3.2 and 10.6.3.2A, 10.6.3.3, 10.6.5.1 as they relate to specific site standards. As per the District Wide provisions, there are a number of Restricted Discretionary rules under the ODP Chapter 14 (Transport) and ODP Chapter 22 (Earthworks) provisions under were found to be breached the most. A high number of controlled activity rules were found to be breached including the Subdivision provisions (Chapter 15 of ODP).

Many of the High Density Residential zone rules (Chapter 7) consents granted were for non-complying activities breaching zone standards, such as 7.5.6.3 (iv), (v), (v) (a) and (v) (b) for 'activities other than visitor accommodation' and restricted discretionary rules as they relate to zone site standards relating to commercial recreation, sales of liquor and retail (7.5.3.4) and the breaching of site standards relating to Residential activities and visitor accommodation (7.5.5.2).

Some consents in the PC50 Zone sought changes to a prior consent or the activity status that was previously applied for and hence was considered a Discretionary Activity under the Section 127 of the Act.

10.2.5 Environmental Results Anticipated	Analysis
i. A built form which recognises and responds to the physical characteristics of the site; including climate, spatial situation, surrounding topography.	<p>Generally met.</p> <p>Relevant consent decisions suggest that the breaches had been mitigated through the design of buildings.</p> <p>This was regulated through controlled activity rule, 10.6.3.2.vi. There are a few consents monitored as part of this report sought to breach various limbs of this rule. Based on the research conducted, based on the information contained in the consent decision reports, <i>built form</i> was extensively discussed during the evidence gathering and decision-making process. Proposed design of the buildings offered mitigation for the proposed development.</p>
ii. A defined urban scale and character.	<p>Met.</p> <p>A number of reviewed consent decisions suggest that proposed developments mostly went through a process of refining the design of buildings which was used as mitigation to address the controlled activity rule breaches.</p>
iii. Enhancement of the town centre as a pleasant, attractive and vibrant place for people including tourist and community facilities and businesses.	<p>Met.</p> <p>A wide variety of tourism, and business activities were granted consents and consented development provided pleasantly designed environments where communities, locals and tourists alike, are attracted to a vibrant streetscape.</p>
iv. Diversity in land use activities, built form, building external appearance, and open space all of which is responsive to the essential character of Queenstown.	<p>Met.</p> <p>Mixed use development is enabled through the consents where commercial recreation and visitor accommodation was achieved alongside high density residential - where the character of the town centre is provided for and any impact mitigated through the conditions of the consents and urban design.</p>
v. A town centre which is accessible to pedestrians and makes appropriate provision for vehicles.	<p>Generally met.</p> <p>Although various controlled activity breaches were observed through the rule 10.6.3.2 (i) for the consents granted; the balance between providing for</p>

	pedestrian access and appropriate vehicle access are struck through the consent conditions. There are examples of re-application of consents (activity being Discretionary) to change the nature of activities for instance, removing traveller drop off facilities for Visitor Accommodation.
vi. A town centre that includes a significant component of high-density residential development so that residents can live and work with reduced reliance on the use of private vehicles.	Generally met. The Zone enables high density residential however most of the consent applications are mixed use and underpinned by visitor accommodation and commercial recreation activities.
vii. Pleasant and safe public spaces and pedestrian areas of high quality which are supplied with generous levels of daylight, sunlight and weather protection and which promote pedestrian movement within the town centre.	Generally met. Mainly mitigated through the Design principles and consent conditions
viii. A general reduction in the dominance of motor vehicles within the town centre and the commensurate establishment of a balance between the requirements of vehicle safety and accessibility into the town centre and the provision of a safe and high-quality pedestrian and town centre environment.	Met. Various restricted discretionary activity breaches occurred through the consent period investigated however, these have been mitigated through the consent conditions.
ix. The management of vehicle movements in the town centre in a way which ensures good accessibility, minimal congestion and personal safety.	Generally met, although various breaches are observed through the consents granted and particularly the controlled activity breaches under the 10.6.3.2A.
x. The creation of a pattern of streets, pathways and open space which is readable to town centre users, particularly visitors.	Met. PC50 provisions are particularly sensitive towards the providence of streetscape and pedestrian links where the town centre is easy to navigate for all users of town centre.
xi. The creation of a series of core areas (of buildings and activities) within the town centre, and interconnections between them, including tourist, convention, community, visitor accommodation, high density residential and commercial activities within the Lakeview sub-zone.	Met. Through the controlled and restricted discretionary rules, particularly through the 10.6.3.2 and 10.6.3.2A that provided the regulatory tests required for this environmental result.
xii. The recognition and development of the waterfront and foreshore as an integral part of the town centre.	Not tested through the S35 report. Not within the scope of the Zone Review.
xiii. Strengthening of the visual and physical links between the waterfront and its immediate environs.	As above.
xiv. An exciting and vibrant waterfront which maximises the opportunities and attractions of a town on a lakeshore.	As above.

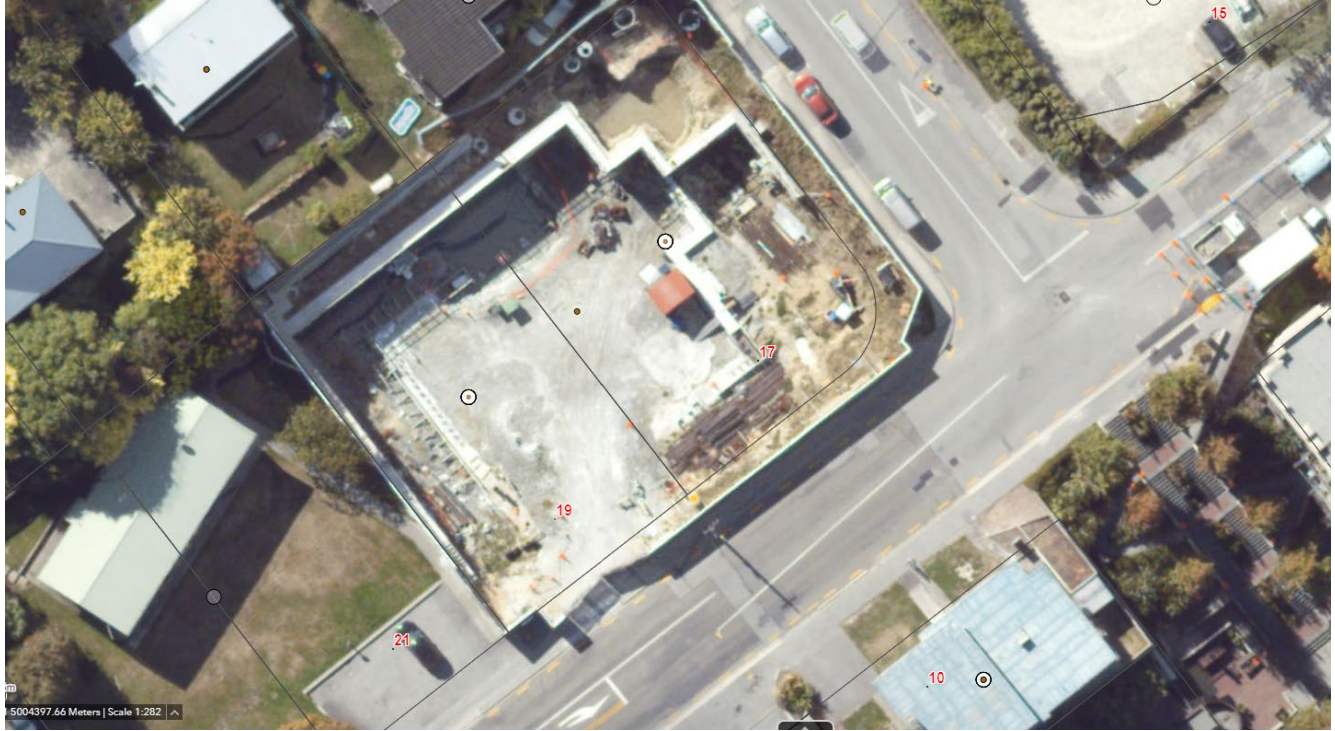
<p>xv. A coherent, underlying physical pattern of the central core derived from the historical town layout. This is particularly important in relation to the scale and style of building facades in the central core.</p>	<p>Met.</p> <p>This was a matter often discussed in relation to heights breaching views to Ben Lomond and the historic cemetery. The effects have been mostly mitigated through the consent conditions.</p>
<p>xvi. Recognition of the environmental attributes of the town and the contribution of these to its attractiveness.</p>	<p>Met.</p> <p>Ben Lomond and the contribution it makes to landscapes surrounding town centre had been a major test through the consents monitored for the purposes of this report.</p>
<p>xvii. The acceptance of the town centre as an important physical resource in its own right.</p>	<p>Met.</p> <p>Additional land for further mixed-use development consistent with the traditional/ conventional town centre zone can be seen as the elevation of this anticipated environmental result. Plan Change 50 and the consenting framework it enables promotes the 'town centre as an important physical resource'.</p>
<p>xviii. Protection and preservation of important historic buildings, and protection and development of special character areas which contribute to the identity of the town and which help to define its cultural tradition.</p>	<p>Met.</p> <p>This can particularly be seen as the recognition of the old town cemetery and its role as well as the application of protected trees schedule.</p>
<p>xix. A high-quality built environment within the Lakeview sub-zone that provides design excellence in built and urban form.</p>	<p>Met.</p> <p>Through the resource consents reviewed, various comments regarding the high-quality design and building environment are referenced.</p>
<p>xx. The recognition of Queenstown's architectural and development heritage, the protection and enhancement of its historic character, and the continued contribution of its heritage to its unique identity by means of:</p> <ul style="list-style-type: none"> • the protection, preservation and restoration of important historic buildings and facades. • the preservation, protection and enhancement of the historic characteristics identified in the three distinct parts of the Special Character Area. 	<p>Met.</p> <p>As above, identified and analysed in xviii.</p>
<p>xxi. A built environment of high architectural quality and buildings of appropriate external appearance in relation to their neighbours and surroundings.</p>	<p>Met.</p>

xxii. A visually interesting roofscape when viewed from the many elevated vantage points within and around the town centre.	Met.
xxiii. Preservation of the living environment adjacent to the town centre in terms of light admission, noise and glare	Generally met although a number of consents are found to be in breach of noise site standards as well as the district wide noise provisions.
xxiv. The opportunity for residential living within the centre which does not place undue constraints upon the general nature of activity and development with the zone.	Met. Additional capacity enabled and provided through the Lakeview and Isle Street sub zone provisions; particularly provided for allowing increased height limits to accommodate residential development. High Density Residential is enabled through the height limits being increased albeit there are still various breaches where observed consent applications sought to breach minimum height limits identified in the town centre extension zone.
xxv. Moderate ambient levels of noise and glare, recognising the large number of activities, vehicles, buildings and people in the relatively small areas of the town centre.	Partially met. As analysed above in the relevant parts of this report, there are various district wide and zone-specific standards were sought to be breached as part of the consent proposals. A particular highlight for this, is the earthworks rule and the construction noise. However, this was seen as a by-product of the re-development of the site.

Appendix-1 Consents Reviewed

1. Construction of an 80-room hotel in Isle Street Sub-Zone (RM170564)

RM170564 application sought a consent for the construction of an 80-room hotel with associated commercial recreation and retails activities at 17-19 Man Street (Map 4 below) in Isle Street Sub-Zone was granted in 2017. The consent was granted subject to conditions, such as the **maximum building height to be 14.5m above ground**, the loading area on the Man Street frontage is **no longer to be used for bus parking and drop off** and the design and layout of the building is to be amended based on the site standard provisions in the Chapter 10.



Map 3 17-19 Man Street Site.

The consent decision concludes the proposed height breaches of the greatest magnitude are concentrated in the centre of the building and on the north elevation, and they won't be prominent when viewed from street level on Man or Brecon Streets:

The height breaches when viewed from the north will be reduced in prominence if and when development consistent with the Town Centre zoning occurs on land to the north and when considered in the context of the 12m height limit and 2m roof bonus which is anticipated by the District Plan, are not considered to be particularly significant. Overall, effects on the environment relating to built form are considered to be no more than minor.

The commentary in the consent decision included an assessment relating to the existing *prominent, blank façades on the north and west elevations* in the proposal but concluded that *the development is one of the first to be initiated following Plan Change 50 becoming operative, and this is considered to be an unavoidable side effect which may be remedied as neighboring sites are developed. (emphasis added).*

2. Visitor Accommodation activity comprising two large hotels in Lakeview Sub-Zone (RM170834)

In January 2018, a decision to publicly notify the RM170834 was issued. RM170834 sought consent to establish a visitor accommodation activity at 34 Brecon Street (see map 5) comprising a 3-star and a 5-star hotel including associated commercial activities within four buildings proposed. RM170834 never went to hearing and was not granted a decision.

The applicant's request to process the consent as non-notified was refused although was discussed at length. At the time of the consent decision, the PC50 was made operative 18 months prior. It is significant for the purposes of this monitoring report because the consent sought a higher height (27.7m) for the proposed visitor accommodation buildings.

The Commissioner's decision (s95 Decision of the QLDC as to Notification only) concluded that whilst a building height of 15.5 meter is acceptable in this part of the Lakeview Zub Zone and is not expected to cause more than minor adverse effects on the Queenstown Cemetery; a 24-meter building, which the applicant was seeking for, is not appropriate. Commissioner's decision also noted that the highest buildings permitted by PC50 are at the other end of the Lakeview sub-zone, away from the cemetery.

In a nutshell, s95 decision concluded that any building over the 15.5 meter should not proceed as non-notified. And it was noted that the applicant took part in the appeal process of PC50 and asked for a 24m height permission within this zone. Applicant did not proceed with the hearings; therefore, there wasn't a decision made.



Map 4 34 Brecon Street site

3. 24-Unit apartment building for Visitor Accommodation and residential in Isle Street West Sub-Zone (RM200349)

RM200349 was granted in July 2021 on a non-notified basis subject to conditions, to build a 24-unit residential apartment building at 22 Isle St with the purpose of using it for a mix of long-term residential use and short-term visitor accommodation activities, **breaching maximum building height requirements**. A 14.2m building height was sought in a zone that permitted 12m maximum. Required setbacks in relation to building height was also proposed to be breached. Overall, the consent was considered as the restricted discretionary and granted on the basis of meeting conditions.



Map 5 22 Isle Street

4. Temporary operation of an 84-space car park in Isle Street East Sub-Zone (RM190262)

The proposal was found *consistent with the ODP objectives and policies*. Whilst it was noted that the proposal does not provide for all users, with disability parking not provided, given the temporary nature of the proposal and the location of other suitable permanent mobility car parks nearby it was found acceptable.

Given the proposal is for car parking to be provided on a temporary basis, (for 5 years only) on the basis that the proposal is solely an interim measure until additional permanent public parking is provided in the vicinity conjunction with upgraded Skyline gondola facilities. It was considered that although the proposal is not entirely consistent with PDP policies, it is of an acceptable scale and unique situation that it can be supported in this instance. Also of note, the lack of information available at the time, about the wider town centre car parking supply, pricing and its relationship to public transport services (or uptake of other active transport options) in conjunction with the general direction to reduce accessory parking in the town centre will become a necessity in the near future for Council to be able to effectively apply the policy 29.2.2.6 as it is written in the PDP.

5. Earthworks (RM180205) and the construction and operation of a 7 storey, 130 room hotel in Lakeview Sub Zone (RM180206)

Two consents were sought to undertake earthworks (and with that to breach the construction noise limits) and construction and operation of a 7-storey hotel in 2019. Two applications were bundled to be considered on a non-complying basis.

In the past, the site was used for residential activity and as a camping ground and is situated on the south-western edge of the PC50 area. Non-complying aspect of the earthworks activity was the breach of a zone standard 7.5.5.3 (xii) in relation to the construction noise.

Both consents were publicly notified and went through a hearing process. Whilst the earthworks effects on amenity was found to be more than minor, it was stated to be appropriate in the case of the hotel construction being approved as these effects will then be expected to be mitigated to the point of *being no more than minor*.

6. Two temporary buildings associated with commercial recreation activity on 34 Brecon Street (RM221062)

A land use consent was granted in 2023 to subject to conditions to undertake the construction of two temporary buildings and associated signage as part of the commercial recreation activity. The temporary buildings are proposed to stay for a maximum three years or until the consented hotel construction begins. The proposed temporary buildings propose to breach the sub clause of this rule a (a), a (d), a (e) as the small scale and height of the buildings does not allow for the minimum clear glazing requirements or the minimum floor to floor height of 4m. The proposed buildings do also not comply with the minimum ground floor internal depth from the active frontage due to the small size of the buildings.

In the decision assessment, the temporary nature of the buildings, their nature and scale are considered consistent with the existing activity onsite rather than a style that contributes more to the streetscape. It is noted that the Brecon Street streetscape itself is currently subject to change due to the construction and roadworks on other large Brecon Street developments which are affecting the pedestrian experience.

Therefore, the potential adverse effects of the temporary buildings on the Brecon Street streetscape were considered less than minor. An assessment regarding the visual connections between buildings and adjoining public spaces in the Lakeview Sub-Zone was made as to maintain the streetscape amenity. The proposed decking on the streetside of the buildings found to be providing a visual and physical connection between the temporary buildings and Brecon Street, as well as visually enhancing the buildings and providing an inviting entrance to patrons. Therefore, the potential adverse visual effects of the temporary buildings on public spaces were considered to be less than minor.

In the officer's assessment, the Lakeview Sub-Zone requires the design and setback of buildings erected at 34 Brecon Street to mitigate any adverse effects on the heritage values of the adjoining Queenstown Cemetery. The design of the proposed temporary buildings is considered sympathetic to the neighbouring Queenstown Cemetery due to their small scale. Their wooden design and surrounding wooden decking are also considered recessive while providing visual interest to pedestrians and acting as an entranceway from the street to the temporary commercial buildings. The proposed temporary buildings well set back from the boundary with the Queenstown Cemetery and no further changes were proposed to the shared boundary. Overall, the potential adverse effects of the proposed temporary buildings on the heritage values of the Queenstown Cemetery were assessed to be less than minor.

7. Visitor accommodation and associated commercial activities on 34 Brecon Street (RM180507)

The consent RM180507 is similar to RM170834 seeking consent for a large-scale visitor accommodation and associated commercial activities. As per the RM170834, RM180507 was required to be publicly notified. However, a hearing was held for the RM180507 and a consent was granted in June 2019 with a decision of the Council under the s104 of the Act, subject to conditions.

Main issues were related to height and design of the proposed buildings and their effects, height of the proposed buildings and their effects on views across the lake to the distant mountains beyond, transport (parking and maneuvering in particular), street layout, adverse effects relating to construction and operational noise and the servicing of the development proposal.

The proposed activity was found to have adverse effects on the environment that are more than minor. Specifically, height and scale of the building, the prominent and solid built form on its northwestern elevation, and its bulk and dominance which is considered will adversely affect the heritage values and setting of the Queenstown Cemetery and the Ben Lomond reserve.

Adverse effects of the increased height were considered to be mitigated by the high quality of design. Therefore, it was considered that the development will deliver a high quality of design in the streetscape and the design of the building will contribute positively to urban amenity.

The resulting height difference likely between the proposed building and future built form on Brecon Street raised concern that the buildings could be incongruous with other development but the anticipated additional height on the subject site, quality of design, and the location of the site at the extremity of the PC50 were sufficient evidence that adverse effects of the built form are found acceptable in this regard.

It was noted in the decision report that the buildings to be constructed on the boundary of Brecon Street, there is no increased setback to reduce the adverse effects of additional height on the streetscape. A high-quality building design is considered to offset these effects, and this is already an expected feature by District Plan and forms the bare minimum for the proposed site location. The S42A stated that the approval of the Skyline car park building to the northeast would help lessen the incongruity of the proposed building.

Overall, the proposal was found to have adverse effects on the environment that are more than minor and these specifically relate to the height and scale of the building, specifically the prominent and solid built form on its northwestern elevation, and its bulk and dominance which is considered will adversely affect the heritage values and setting of the Queenstown Cemetery and the Ben Lomond reserve.

It is important to mention the publicly notified resource consent application RM191029 (*Land Use Consent to establish a visitor accommodation activity comprising two hotels and associated commercial activities within four buildings, totalling 442 guest rooms and 12 ground floor commercial tenancies.*) as it is connected to RM180507.

The recommendation was to decline the consent on the new and additional evidence that was presented at the hearing. The reasons provided in the Section 42A report in the decline of the proposal was that the adverse effects are found to be more than minor because the increased height of 5.8m and 5.2m of the proposed buildings are at an increased scale above the consented RM180507.

The proposed buildings bulk and dominance was to adversely affect the setting of the Queenstown Cemetery and Ben Lomond reserve. The effects would be mostly around the visual quality and amenity values of the landscapes that are more than minor. It was also noted that the setting and values of the cemetery will also be further eroded by loss of privacy as a result of the proposed heights.

The additional height of some of the proposed the buildings results in with development that is prominent, incongruous and out of character for the streetscape, the Lakeview Sub-Zone, and the wider Queenstown town centre. They will be particularly prominent from upper Brecon Street where the extent of the full height will be most apparent. The development will extend significantly higher than the other existing and anticipated buildings in the Lakeview Sub Zone, which will create a truncated eastern end to the Lakeview sub-zone.

The consent decision assessment found this to be at odds with the intent of the PC50 provisions and the building heights of 15.5m being anticipated in the PC50 area. The proposed building was considered to be apparent from several viewpoints through Queenstown town centre, Gorge Road and Queenstown Hill. It was also noted that proposal does

not reflect the height and scale of built form intended in the PC50 provisions. It does not maintain or complement the existing town centre character which is 2-3 storey buildings anticipating 3-4 storey buildings in this particular part of the Lakeview sub-zone.

The proposal is for a further two stories in two of four buildings consented at 6-7 stories. Two of the buildings exceeding height limits, are proposing to be 9 stories and 8 stories.

Note that maximum building heights were consented under the RM180507 (establishing a visitor accommodation activity comprising two hotels and associated commercial activities within four buildings, totalling 393 guest rooms and 12 ground floor commercial tenancies) as follows:

- Building 1 – 22.5m
- Building 2 – 23m
- Building 3 – 21.9m
- Building 4 – 19.8m

8. To construct and operate a 205-guest room hotel for visitor accommodation purposes in Town Centre Transitional sub-zone (RM180981)

Consent was sought (and granted) to construct and operate a 205-room hotel (visitor accommodation) with associated landscaping and servicing. The hotel is proposed to be a part 3 storey and part 4 storey building comprising of four towers.

Relevant to this report's purpose, the proposal sought to breach the Queenstown Town Centre Zone (Town Centre Transitional Sub-Zone) Rule 10.6.3.3 site standard in regard to the maximum 70% permitted building coverage (seeking a 76.2% site coverage). The proposal also sought to breach a non-complying activity status pursuant to PDP Rule 12.5.9.4 (maximum permitted building height in Height precinct 7- Man Street).

It was considered that the proposed bulk and scale of the building is generally a positive response to the site and is mitigated by appropriate façade modulation and the bulk and scale of the proposal is commensurate and compatible with that of the nearby development. Decision report commentary noted that the development respects the desired future character of the area being the Queenstown Town Centre and any potential adverse effects on the environment in respect to building coverage would be less than minor.

ENDS

