



DECISION OF THE QUEENSTOWN-LAKES DISTRICT COUNCIL

RESOURCE MANAGEMENT ACT 1991

Applicant:	J Macalister
RM reference:	RM120687
Location:	19 Man Street, Queenstown
Proposal:	Establish a commercial office activity within an existing building.
Type of Consent:	Land Use
Legal Description:	Lot 1 Deposited Plan 6458 held in Computer Freehold Register OT12/A/318
Zoning:	High Density Residential (Subzone B)
Activity Status:	Non-Complying
Notification:	Notified
Commissioner:	David Clarke
Date Issued:	1 February 2013
Decision:	Granted with conditions

This is an application for resource consent under Section 88 of the Resource Management Act 1991 for land use consent to establish a commercial office activity within an existing building. The application was considered under delegated authority pursuant to Section 34 of the Resource Management Act 1991 on 31 January 2013. This decision was made and its issue authorised by David Clarke, Independent Commissioner, as delegate for the Council.

Notification, Assessment and Section 100 of the RMA

The application was publically notified at the request of the applicant on 21 November 2012. No submissions were received in the notification period.

A s42A report has been prepared (appendix 1) which outlines the assessment that has been undertaken of the proposal against the provisions of the District Plan and Resource Management Act 1991 (RMA).

The RMA allows for consideration of this application without a hearing under section 100 of the Act which states:

100. Obligation to hold a hearing

A hearing need not be held in accordance with this Act in respect of an application for a resource consent [...] unless –

(a) The consent authority considers that a hearing is necessary; or

(b) Either the applicant or a person who made a submission in respect of that application has requested to be heard and has not subsequently advised that he or she does not wish to be heard.

The applicant has advised they do not wish to be heard. No submissions were received in respect to this application.

Given the conclusions contained in the s42A report (appendix 1) it is considered that a formal hearing of the application is not necessary for the substantive determination of the application.

Decision

Consent is GRANTED pursuant to Section 104 of the Act, subject to the following conditions imposed pursuant to Section 108 of the Act:

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:

NZCAD: Proposed Offices: 19 Man Street Queenstown (plans L01 & L02) stamped as approved on 31 January 2013

and the **application as submitted**, with the exception of the amendments required by the following conditions of consent.

2. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100.

- 2a This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.

Hours of Operation

- 3 The hours of operation for the office activity shall be as specified in the application (generally 8.00am to 5.30pm Monday to Friday but with no specified limit to allow flexible working arrangements)

Signage

- 4 Any signage on the site associated with this activity shall be located within the signage platforms as detailed within the RM120687 application and shown on the approved plans

Prior to the erection of signage the size, design and content of the sign shall be submitted to the Principal Planner: Lakes Environmental for certification.

Appearance

- 5 Prior to repainting, the final colour for the external walls of the building shall be submitted to the Principal Planner: Lakes Environmental for certification.
- 6 Prior to occupation the consent holder shall submit to the Principal Planner: Lakes Environmental a plan for landscaping of the street scene/entry to the building. This plan shall utilise planting and/or landscape features with the objective of increasing the amenity of the site and building entry when viewed from Man Street. Once approved this plan shall be implemented within 6 months of occupation of the building.

Parking

- 5 A total of three parking spaces within the site shall be nominated for and identified on site for the exclusive use of the office activity.

Review

- 7 Within ten working days of each anniversary of the date of this decision the Council may, in accordance with sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.

- (b) To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
- (c) To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

Reasons for the Decision

The section 42A report prepared for Council (attached as appendix 1) provides a full description of the proposal, site and surrounds, and assessment of the application. A summary of the assessment and subsequent conclusions of that report are outlined below:

Summary: Effects on the Environment

Potential effects on residential amenity can occur from the establishment of commercial or non-residential activity, generated from changes to the environment including traffic and people numbers accessing the site, a loss of neighbours, hours of operation and changes to the physical characteristics of a residential area including car parking, signage and lighting.

In this case it is considered that many of the potential adverse effects as described above are already found in the existing environment. In particular the site has surface car parking established over the site, and there are traffic and people movements generated as part of the existing commercial car park operation along with signage. In this respect it is considered that the effects generated by the current proposal in terms of residential amenity will be difficult to distinguish from the existing environment.

The proposed changes to the external appearance of the building will have a small positive effect only in terms of tidying up the appearance of the building from the street. No adverse effects are anticipated. The changes proposed are not intending to establish any fundamentally new (commercial type) appearance for the building or introduce a corporate colour scheme for example which would visually signal the commercial office use to a higher degree or mean that the building will be incompatible with the surrounding environment. Rather, repainting, a new entry ramp and door and a small area of signage is proposed, which will have no adverse effects and retain the overall existing character/building form that exists on the site. A condition of consent will also be recommended to ensure the establishment of additional landscaping on the site to assist with visual amenity when viewed from the street.

The three parks within the site nominated for parking for the professional office activity will mean that the car parking provisions comply with those required under the District Plan. It is also noted that the Man Street car parking structure is located directly opposite the site which can provide for additional parking if required. Furthermore, the site is within easy walking distance from the Queenstown Town Centre.

A potential cumulative effect is therefore not considered to arise in terms of a high number of commercial activities in this zone, leading to a situation where the underlying character or intent of the zone is undermined. It is acknowledged that the zoning here on Man Street could be considered sensitive to pressure from other (non-residential) activities, given its proximity to the town centre and other commercial zoning, and in this situation it could be considered that even one new commercial activity would have an undermining effect on the character of the neighbourhood given its surrounds, however in this case given the existing environment of the site, this is not considered to result. It is also not the case that this proposal is one of a number of such activities that cumulatively changes the character of the area. This proposal appears to be the only commercial activity within this High Density Residential zoned block.

In summary, given the specific nature of this site, in particular the existing environment, and noting the affected party approvals that have been provided, the actual and potential effects of the proposed activity on the environment are considered limited and would not be significant.

Summary: District Plan Provisions

Analysis of the District plan provisions has revealed a key theme of encouraging residential activity within the High Density zones and maintaining residential amenity in these areas. The importance of residents within proximity to the town centre, for the overall well-being and success of the town centre is also emphasised. This raises a tension with the provisions which enable non-residential activity in this zone where amenity is upheld or the activity is considered compatible with the amenity of the surroundings. In this case, as discussed above and given the approvals obtained, it is considered to be the case that amenity values will not be undermined and the activity proposed could operate here in a compatible way without any large impact on the residential neighbourhood.

In particular with respect to Objective 3 (Vitality of Town Centres) it is noted that the proposal represents the establishment of a commercial office activity within a High Density Residential area. It could reasonably be expected that this kind of activity would otherwise be located in a town centre environment, therefore there is a level of impact that the proposal has in terms of the vitality and vibrancy of the town centre, in that it is drawing an activity that might otherwise be provided in the town centre out into a residential zone. In this respect the proposal does not contribute to this objective and could be considered contrary to it.

This issue is not clear cut in that the impact on the vitality and vibrancy of the town centre itself will depend on factors including the supply of available office space in the town centre. Currently it is understood that in Queenstown there is an available supply of office space in the town centre so this application will represent the displacement of an office activity outside of the centre instead of within it. Given the small scale of the office activity as proposed this is not considered to be significant in this case, although this kind of effect can be of high impact on a cumulative basis (e.g. even if a small number of offices begin to relocate out of the town centre the flow on effects in terms of the critical mass in the town centre can be large).

It is also the case that in this proposal the actual effects on the vitality of the town centre may be limited by the physical proximity to the Queenstown town centre, where users of the centre will likely perceive a trip to this office in this location on Man Street as part of their use of the town centre, and would take advantage of the amenities of the centre such as parking, visiting other businesses or purchasing food, and the office would be visited on foot from other businesses in the centre for example, rather than being perceived as another commercial node outside of, or some distance from, the centre.

This principle raises the issue of the peripheries of the town centre being at risk of development of a non-residential or commercial nature by virtue of the argument that the activity is still contributing to the centre. However, another critical aspect of a vibrant and vital town centre is the proximity of and ability for people to reside in close proximity to it, therefore the expansion of the town centre out into residential areas (while potentially leaving 'empty mass' of commercial space in the centre itself) displacing residential activity around it, needs to be carefully considered.

In this case, the activity cannot be seen as consistent with or positively contributing towards this Objective given the associated policy which specifically directs provision of high density living adjacent the town centre, however given the existing environment of the site, the scale of the residential activity being displaced and where there is not seen to be a cumulative impact of other such non-residential activity in this location, it is considered that on balance the proposal does not seriously undermine the vibrancy or vitality of the Queenstown town centre.

Overall, it is considered that the balance between these themes must ultimately be found in consideration of the cumulative impact of non-residential activities in displacing residential activity and the flow on effects in regard to town centres. It is considered that the proposal, of one office activity on this site in addition to the existing activities on the site, does not yet tip a balance of being an unacceptable loss of residential amenity.

While the proposal is not consistent with a number of District Plan provisions as discussed above, it is not considered contrary to the overall intent of the District Plan objectives and policies for the reasons stated.

Summary: Part 2

The proposal is considered to represent efficient use of an existing building for commercial activity without significantly impacting on the town centre, and while maintaining residential amenity values. Overall, it is considered that the proposal is consistent with the sustainable management purpose and principles of the Act and therefore it is appropriate that consent is granted subject to conditions.

Other Matters

Local Government Act 2002: Development Contributions

This proposal will generate a demand for network infrastructure, transportation and reserves and community facilities.

In granting this resource consent, pursuant to Part 8 Subpart 5 and Schedule 13 of the Local Government Act 2002 and the Council's Policy on Development Contributions contained in Long Term Council Community Plan (adopted by the Council on 25 June 2004) the Council has identified that a Development Contribution is required.

An invoice will be generated by the Queenstown Lakes District Council. Payment will be due prior to commencement of the consent, except where a Building Consent is required. If a Building Consent is required, then payment shall be due prior to the issue of the code of compliance certificate or prior to the connection to Council services, whichever comes first.

Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision of the Council, or certain conditions, an objection may be lodged in writing to the Council setting out the reasons for the objection under Section 357 of the Resource Management Act 1991 no later than 15 working days from the date this decision is received.

You are responsible for ensuring compliance with the conditions of this resource consent. The Council will contact you in due course to arrange the required monitoring. It is suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the Resource Management Act 1991.

If you have any enquiries please contact Paula Costello on phone (03) 450 0367 or email paula.costello@lakesenv.co.nz.

Prepared by
LAKES ENVIRONMENTAL LTD



Paula Costello
PLANNER

Reviewed by
LAKES ENVIRONMENTAL LTD



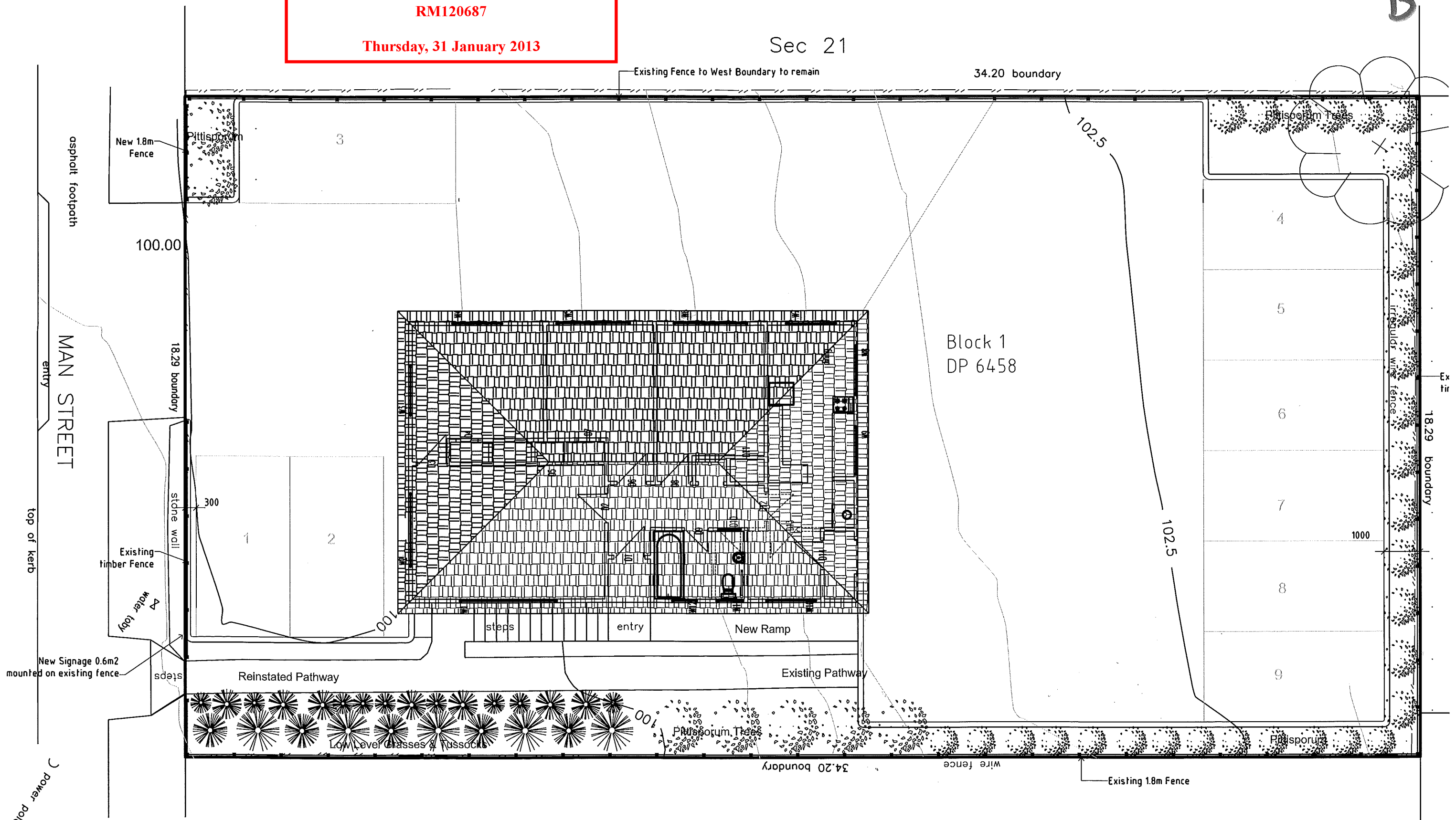
Wendy Baker
PLANNING TEAM LEADER

Appendix 1: RM120687 Section 42a Report

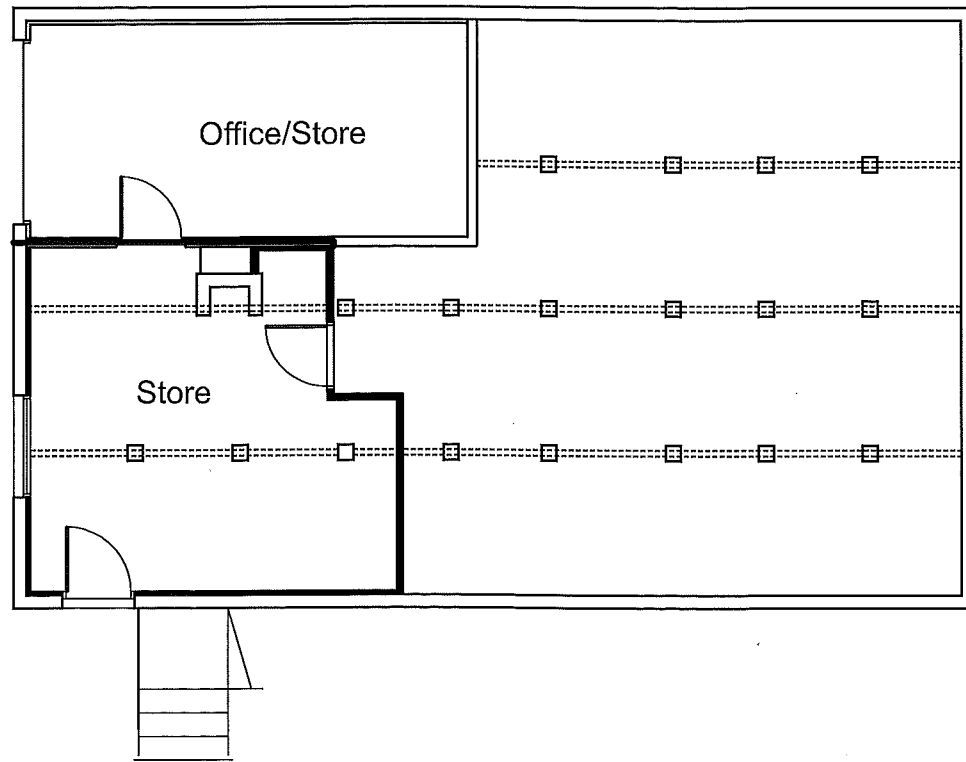
QUEENSTOWN-LAKES DISTRICT COUNCIL
APPROVED PLAN:
 RM120687
 Thursday, 31 January 2013

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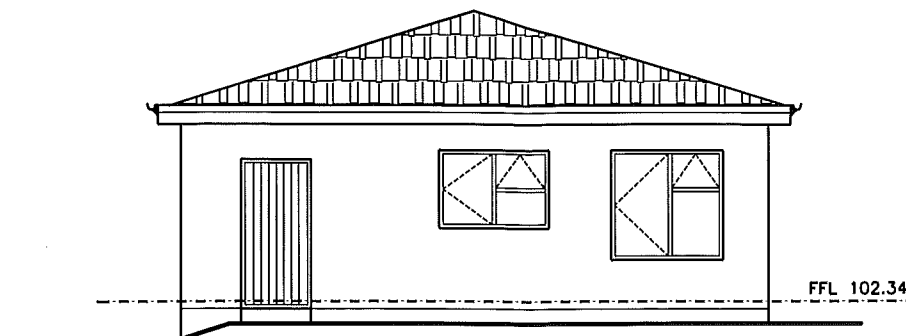
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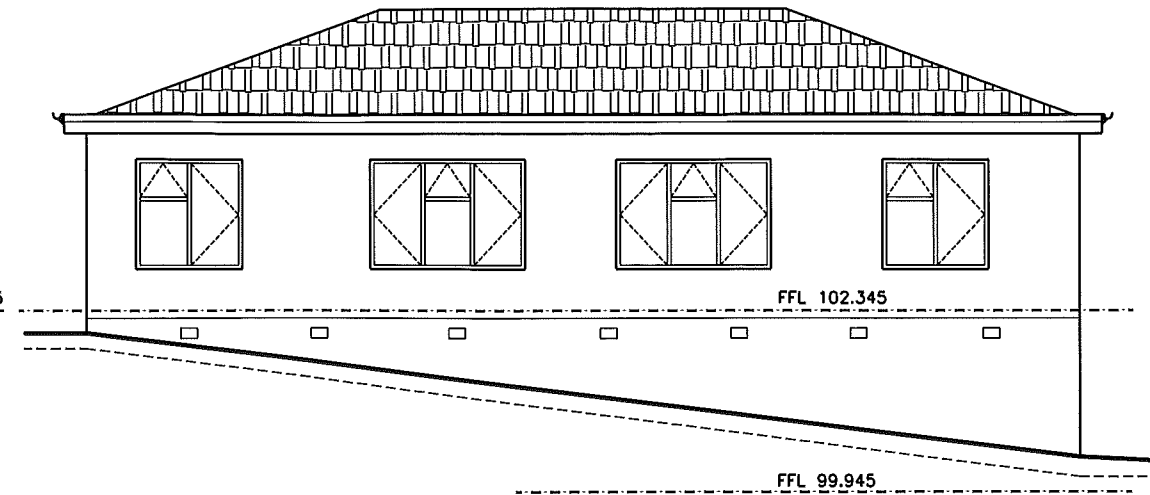
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 SCALE 1:100



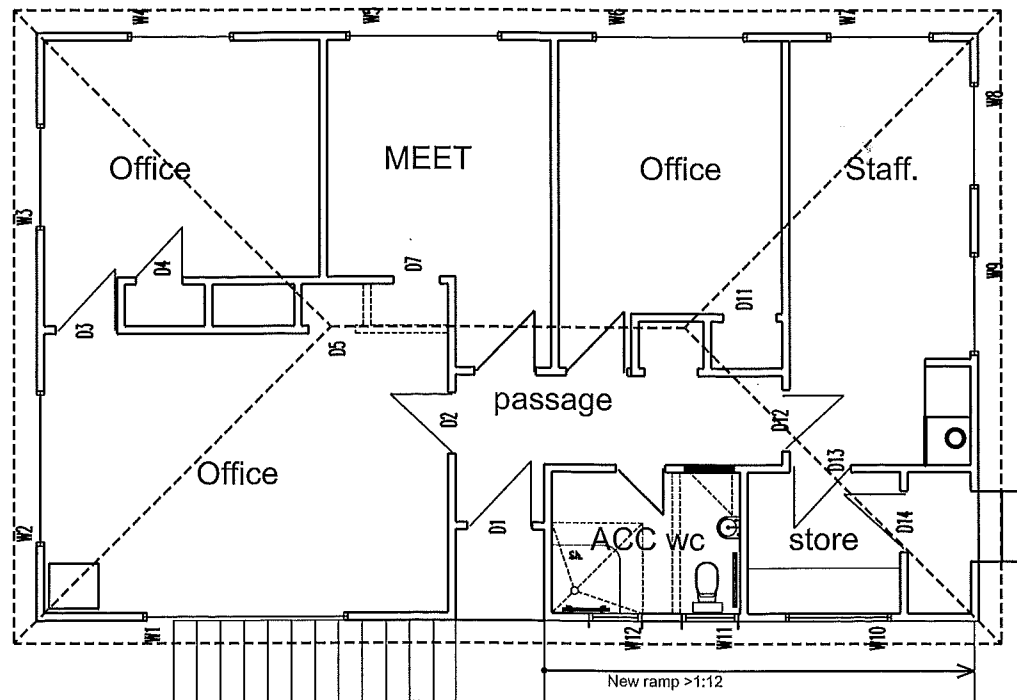
PROPOSED GROUND FLOOR PLAN
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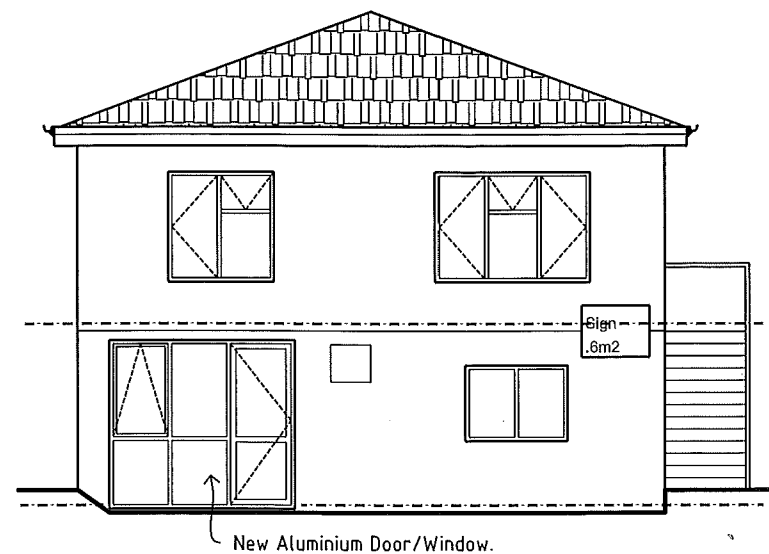
PROPOSED NORTH ELEVATION
SCALE 1:100
**APPROVED PLAN:
RM120687**
Thursday, 31 January 2013



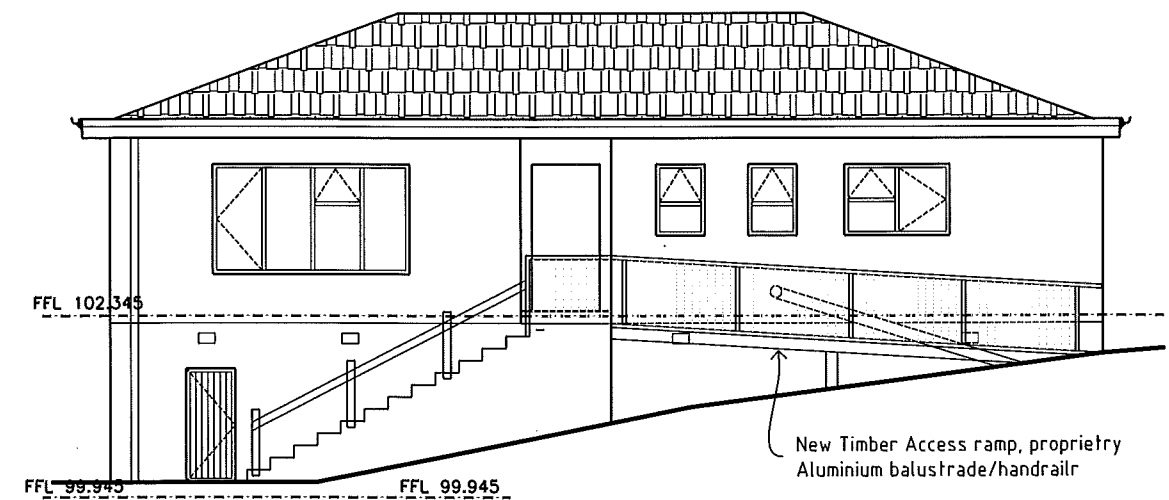
PROPOSED WEST ELEVATION
SCALE 1:100



PROPOSED FIRST FLOOR PLAN
SCALE 1:100



PROPOSED SOUTH ELEVATION
SCALE 1:100



PROPOSED EAST ELEVATION
SCALE 1:100

FILE REF: RM120687

TO Independent Commissioner Clarke
FROM Paula Costello
SUBJECT Report on a publicly notified consent application.

SUMMARY

Applicant: J Macalister
Location: 19 Man Street, Queenstown
Proposal: Establish a commercial office activity within an existing building
Legal Description: Lot 1 DP 6458
Zoning: High Density Residential
Public Notification Date: 21 November 2012
Closing Date for Submissions: 19 December 2012
Submissions:
No submissions on the application have been received

Implications For:

i) Policy	Yes
ii) Annual Plan	No
iii) Strategic Plan	No

RECOMMENDATION

That the application be granted pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

1. It is considered that the adverse effects of the activity will be minor.
2. The proposal is not considered contrary to the relevant objectives and policies of the District Plan.
3. The proposal will promote the overall purpose of the Act.

REPORT

1.0 INTRODUCTION

My name is Paula Costello. I am a planner with Lakes Environmental Limited, an organisation contracted to undertake planning and regulatory functions for the Queenstown Lakes District Council. I have worked with Lakes Environmental (formerly CivicCorp) since January 2004.

I hold the qualifications of BRS Hons (Policy & Planning) from Lincoln University, New Zealand and a Master of Urban Development and Design with Distinction from the University of New South Wales, Australia.

I am familiar with the site and its context and I have visited the subject site and its surrounds prior to writing this report.

This report has been prepared to assist the Commissioner in my role as an expert advisor. It contains a non-binding recommendation.

2.0 SITE & ENVIRONMENT

The subject site is located at 19 Man Street, Queenstown, and contains an existing residential dwelling. The application documents describe this building as a former state house that was built in the 1950's. The dwelling consists of one and a half levels, with a single garage facing the street and storage on the lower level. The dwelling surrounds have been modified to remove any landscaping e.g. lawn area around the dwelling and to provide instead for surfaced car parking. A timber fence separates the dwelling from Man Street (and other boundaries).

The current use of the site for commercial car parking activity is authorised under a previous resource consent RM050914.

A small sign associated with this commercial car parking activity is located on the street façade of the dwelling.

The nature of the dwelling on the site and the immediate surroundings are illustrated below (photo 1):



Photo 1: Subject Site (Source: Google Images)

Man Street is located on the periphery of the Queenstown Town Centre and sits in an elevated position along the north-west edge of the town centre area as shown in Figure 1 below.



Figure 1: Man Street Location & Context

In this respect Man Street forms the interface between the Queenstown Town Centre zoning, and the High Density Residential A zoning which adjoins the town centre in this location (refer Figure 2):



Figure 2: District Plan Zoning

The site is bound by residentially zoned property on three sides and Man Street. Directly opposite the site on Man Street is the entrance to the Man Street carparking building. Given the location of this car parking structure, the remaining street environment of Man Street to the west does not have a strong built presence.

The intersection of Man and Brecon Streets to the east of the site is a busy pedestrian crossing point as Brecon Street in this location forms an important connection (via the Sofitel Steps) from the town centre up to the tourism attractions on upper Brecon Street.

Overall the Man Street locality retains a residential character (as opposed to an established commercial one), but residential amenity values are not high, with Man Street forming a busy connection and parking street on the periphery of the town centre, and with a variety of different activities including the car parking structure, visitor accommodation facilities, language school, and vacant sections all currently contributing to the nature of the street.

3.0 PROPOSAL

A copy of the application and accompanying assessment of effects is attached as Appendix A.

In summary, consent is sought to establish an office within the existing dwelling on the site. The office will occupy the entire first floor of the building, and the ground floor will be set aside for storage/future expansion. It is proposed that up to eight full time office employees will occupy the building. No persons will reside on the site. Changes to the external appearance will involve the installation of an access ramp and new steps, along with the repainting of external walls.

The application states that the typical hours of operation for the proposed office activity will be 8am to 5.30pm Monday to Friday. Three car parking spaces on the site will be allocated for the office use. Signage is proposed to identify the building as an office comprising 1.2m².

4.0 SUBMISSIONS

4.1 SUBMISSIONS

No submissions have been received in respect to this application.

5.0 CONSULTATION AND WRITTEN APPROVALS

The following parties have provided their written approval for the proposal:

- A) Maximum Mojo Holdings Limited (Land Owner: *Subject Site*)
- B) R Walsh (17 Man Street Queenstown)
- C) Reece Property Limited (22 Brecon Street)
- D) The Marram Community Trust (21 and 23 Man Street, Queenstown)



6.0 DISTRICT PLAN PROVISIONS

6.1 THE DISTRICT PLAN

The site is zoned High Density Residential (Subzone A) under the District Plan. The purpose of the zone is as follows:

'...to make provision for the continuation and establishment of higher density residential and visitor accommodation activities in recognition of these areas proximity to the town centres, entertainment, shopping facilities and the transport routes which provide a link to attractions elsewhere in the District.

Visitor accommodation has been acknowledged in the zone to protect those activities and the important contribution they make to the economic and social wellbeing of the community. Residential units, intended to provide a more permanent living environment for local residents who desire a more urban setting or who cannot afford nearby low density housing, are no less important as they provide for the local work force and contribute to the life of the community.

Other non-residential activities, compatible with high density residential and visitor accommodation activities are permitted in the zone provided they meet the site and zone standards and have primary regard for residential amenities affecting the local community'

The proposal requires the following resource consents:

- A **controlled** activity consent pursuant to Rule 7.5.3.2(iii)(a) with respect to alterations to a non-residential building. Council's control is with respect to Assessment Matter 7.7.2(iii).
- A **restricted discretionary** activity consent pursuant to Rule 7.5.3.4(vi) as the proposed activity does not meet Site Standard 7.5.6.2(i)(a) as more than one full time equivalent person who permanently resides elsewhere than on the site will be employed on the site (a total of 8 full time staff equivalents are proposed to work from the site). Council's discretion is with respect to this matter.
- A **restricted discretionary** activity consent pursuant to Rule 7.5.3.4(vi) as the proposed activity does not meet Site Standard 7.5.6.2(i)(b) as more than 40m² of the gross floor area of the existing building will be used for non-residential activities. The entire first floor and some of the ground floor is proposed to be used for office activities (totalling 134.3m² of floor area). Council's discretion is with respect to this matter.
- A **non-complying** activity consent pursuant to Rule 7.5.3.5 as the proposed activity will not meet Zone Standard 7.5.6.3(iv) as the Hours of Operation of the proposed office activity will extend beyond 0730 to 2000 as specified in this standard. The applicant states that the office activity will potentially but not regularly operate outside of these hours. The typical hours of operation of the activity will be 0800 to 1730 Monday to Friday however no limit is sought.
- A **non-complying** activity consent pursuant to Rule 7.5.3.5 as the proposed activity will not meet Zone Standard 7.5.6.3(v)(a) as no persons engaged in the activity will reside on the site.
- A **non-complying** activity consent pursuant to Rule 7.5.3.5 as the proposed activity will not meet Zone Standard 7.5.6.3(v)(b) as more than three full time equivalent persons will be employed on the site. Up to eight full time equivalent persons are proposed to be employed on the site.
- A **non-complying** activity consent pursuant to Rule 18.2.5 as the proposed signage to be erected on the building (two signs totalling 1.2m² in area in addition to the existing 0.5m² sign on the building) will exceed the maximum of 0.5m² of signage for a site in the High Density Residential zone.

Overall, the proposal was considered as a **non-complying** activity.

7.0 INTERNAL REPORTS

- No internal reports from other experts have been required

8.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Resource Management Act 1991.

Subject to Part 2 of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of:*
 - (vi) *a plan or proposed plan; and*

- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

In addition, Section 104D (particular restrictions on non-complying activity) states that:

- (1) *Despite any decision made for the purpose of section 95A(2)(a) in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either –*
 - (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
 - (b) *the application is for an activity that will not be contrary to the objectives and policies of–*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Following assessment under Section 104, the application is considered under Section 104B of the Act. Section 104B states:

- After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority –*
 - a) *may grant or refuse the application; and*
 - b) *if it grants the application, may impose conditions under section 108.*

9.0 ASSESSMENT

The proposal requires assessment in terms of the following:

- (i) Effects on the Environment
- (ii) Relevant Provisions of the District Plan
- (iii) Other Matters
- (iv) Part 2 of the Act

9.2 EFFECTS ON THE ENVIRONMENT

9.2.1 The Permitted Baseline, Existing Environment & Receiving Environment

Permitted Baseline

The permitted baseline for this site includes the use of the building on the property for home occupation purposes in conjunction with residential use, that is, the undertaking of a business or trade by person(s) who also reside on the site, where the home occupation is undertaken within an area limited to 100m², no goods are stored outside of a building, and any manufacturing is undertaken within a building.

The permitted baseline also allows for commercial activity where one additional full time staff member is able to work from the site (provided the first continues to live on the site) in the situation where no more than 40m² of floor area is used for this activity. If no deliveries, clients or visitors are expected, the hours of operation are unlimited. A permitted baseline of 0.5m² of signage exists.

This permitted baseline establishes a limited ability to use the site for commercial purposes similar to (but of a smaller scale and or/different nature) to what is proposed. This baseline is not considered fanciful and is therefore considered relevant to take into account when assessing actual and potential effects below.

Existing Environment

The existing environment includes the implemented consent RM050914 which has established a commercial car parking activity on the site, specifically in the area around the dwelling on the site, which has been formed in hard surfacing. This consent allows for the formation of car parking areas (which have been established) and the use of 8 car parks surrounding the dwelling for commercial rental to persons who do not reside on the site. This activity has been given effect to and is currently undertaken on site. As stated in the application documents, there are no restrictions on the number of vehicle or people movements per day or hours of operation associated with this activity.

This activity is considered to have an impact on the character of the site and is this existing environment required to be considered in assessing actual and potential effects below. There are no unimplemented consents for the site that need to be taken into account.

Receiving Environment

The receiving environment around the subject site is made up of the activities described in section 2 (Site & Environment) above. There are not known to be any unimplemented consents in the surrounding environment that need to be taken into account when considering the existing and future state of this environment.

9.2.2 Actual and Potential Effects on the Environment

The actual and potential effects on the environment of the proposal are discussed below. This assessment has also incorporated a consideration and assessment against the relevant assessment matters of the District Plan, specifically:

- 7.7.2(ii) Controlled Activity – Buildings for Non-Residential Activities*
- 7.7.2(xxiv) Nature and Scale of Non-Residential Activities*

Residential Amenity

Potential effects on residential amenity can occur from the establishment of commercial or non-residential activity, generated from changes to the environment including traffic and people numbers accessing the site, a loss of neighbours, hours of operation and changes to the physical characteristics of a residential area including car parking, signage and lighting.

In this case it is considered that many of the potential adverse effects as described above are already found in the existing environment. In particular the site has surface car parking is established over the site, and there are traffic and people movements generated as part of the existing commercial car park operation along with signage. In this respect it is considered that the effects generated by the current proposal in terms of residential amenity will be difficult to distinguish from the existing environment.

There may be a slightly discernible increase in pedestrian movements to and from the site associated with visitors (e.g. from the town centre or surrounds) to professional offices, however given the

existing environment, this is not considered to result in any significant adverse effects. Vehicle movements and parking anticipated and the proposed signage is not considered to result in adverse effects on residential amenity when compared against the existing environment.

The hours of operation for the proposed office activity may extend beyond normal working hours on occasion however generally the hours will be normal office hours. This, along with the change that no persons will reside on site will change the character of the property in evenings and at night time when residents are usually home. However this loss of residential amenity for surrounding neighbours, when considered against the context of the neighbourhood, and taking into account he affected party approvals obtained from immediate neighbours, is not considered to be significantly adverse. No parties have made a submission on the application raising concerns regarding residential amenity (or at all).

Visual Amenity

The proposed changes to the external appearance of the building will have a small positive effect only in terms of tidying up the appearance of the building from the street. No adverse effects are anticipated. The changes proposed are not intending to establish any fundamentally new (commercial type) appearance for the building or introduce a corporate colour scheme for example which would visually signal the commercial office use to a higher degree or mean that the building will be incompatible with the surrounding environment. Rather, repainting, a new entry ramp and door and a small area of signage is proposed, which will have no adverse effects and retain the overall existing character/building form that exists on the site. A condition of consent will also be recommended to ensure the establishment of additional landscaping on the site to assist with visual amenity when viewed from the street.

No fundamental changes will be perceptible within the surrounds of the dwelling as the existing surface car parking areas will continue. This arrangement limits the ability for any landscaping to be established to enhance the general character of the area or screen car parking areas, however this is a function of the existing environment.

The signage platforms proposed are considered appropriate in area and location in addition to that which already exists on the building, and will not appear dominant on the building. The signage will appear consistent with and will be of a similar size to complying signage in the receiving environment associated with visitor accommodation activities. The content and design of the signs within the platforms is proposed to be submitted to Council for certification prior to erection. Adverse effects resulting from the proposed signage platforms will be minor.

Infrastructure

The site is serviced with connections to Council's services, and telecommunications and electricity connections also exist to the building. No adverse effects will result.

Traffic

The potential effects of traffic generation to and from the site have been discussed above. In summary, the traffic generated by the proposed office activity will be indistinguishable from the traffic generation established by the existing environment.

Furthermore, the traffic generated by the office activity will not be in addition to the existing environment, given that three parks existing on the site will be set aside for parking required for the office activity. This will remove parks from the existing pool of commercial car parking on the site and

effectively replace those vehicle movements (it may in fact reduce vehicle movements as it is most likely that car parking associated with the office activity will be limited to one movement in the morning as staff arrive and one in the afternoon as they leave. The use of commercial car parks on the site allows for more than these movements in and out of the site throughout the day).

No change to the existing parking, access point and manoeuvring areas will be undertaken, the adequacy of these existing arrangements has previously been assessed and no adverse effects will arise from the use associated with a professional office activity (e.g. staff or visitors driving into the site to park).

The three parks within the site nominated for parking for the professional office activity will mean that the car parking provisions comply with those required under the District Plan. It is also noted that the Man Street car parking structure is located directly opposite the site which can provide for additional parking if required. Furthermore, the site is within easy walking distance from the Queenstown Town Centre.

Any potential traffic related effects will be insignificant in this context.

Cumulative Effects

The High Density Residential Zone in which this site sits includes a level of non-residential activity in the form of visitor accommodation activity (lodges, boutique hotels and the Queenstown Holiday Park in the wider environs). The environment is also influenced by the existence of other zoning areas in the vicinity including the Queenstown Town Centre zone on the other side of Man Street, and the Commercial Precinct at the top of Brecon Street commencing at Isle Street.

Any potential cumulative effects must be considered in this context. There is not considered to be a high level of commercial activity such as offices or retail activity in the High Density Residential zoned land in the surrounds of the site. There are a number of such activities within a short geographic distance from the site given the adjacent zonings. The High Density Residential zoned land between Man and Isle Streets however is characterised by dwellings or visitor accommodation.

A potential cumulative effect is therefore not considered to arise in terms of a high number of commercial activities in this zone, leading to a situation where the underlying character or intent of the zone is undermined. It is acknowledged that the zoning here on Man Street could be considered sensitive to pressure from other (non-residential) activities, given its proximity to the town centre and other commercial zoning, and in this situation it could be considered that even one new commercial activity would have an undermining effect on the character of the neighbourhood given its surrounds, however in this case given the existing environment of the site, this is not considered to result. It is also not the case that this proposal is one of a number of such activities that cumulatively changes the character of the area. This proposal appears to be the only commercial activity within this High Density Residential zoned block.

Cumulative effects are therefore not considered to arise.

Summary

In summary, given the specific nature of this site, in particular the existing environment, and noting the affected party approvals that have been provided, the actual and potential effects of the proposed activity on the environment are considered limited and would not be significant.

9.3 DISTRICT PLAN PROVISIONS

Relevant District Plan provisions are found within Section 7 *Residential* of the District Plan, as follows:

Section 7 – Residential Areas

7.1.2 District Wide Residential Objectives and Policies

Objective 1 - Availability of Land

Sufficient land to provide for a diverse range of residential opportunities for the District's present and future urban populations, subject to the constraints imposed by the natural and physical environment

The associated policies look to provide sufficient land for anticipated residential and visitor accommodation, to enable these activities in a compact form with regard to landscape amenity and maintain a distinction between urban and rural areas. The proposed activity does not actively contribute to these policies in that it seeks to change a residential activity to a non-residential one, potentially displacing this residential activity and placing demand for it elsewhere. However the impact of the activity in respect to this objective is not considered to be significant given it represents the loss of one residential dwelling (and this change is not irreversible). While the proposal does not positively contribute to these provisions it is not considered contrary to the objective or policies.

Objective 2 – Residential Form

A compact residential form readily distinguished from the rural environment which promotes the efficient use of existing services and infrastructure.

In a similar manner to the above, the objective is relevant in that it seeks though the listed policies that the outward or peripheral residential expansion is discouraged, and that high density development is encouraged close to urban centres and transport routes. The proposal does remove the resource of one residential dwelling which is located in close proximity to the town centre, so a dwelling which provides residential living in a location which contributes to consolidation. However, for the same reasons as stated above, the impact created is not considered significant against this policy and overall the proposal is not considered contrary to the provisions.

Objective 3 – Residential Amenity

Pleasant living environments within which adverse effects are minimised while still providing the opportunity for individual and community needs.

The objective is concerned with residential amenity and maintaining pleasant living environments, when providing for other individual or community needs. In this case it is considered that the proposal does not undermine the existing character of the living environment experienced. The relevant policies are discussed below.

Policies:

3.1 To protect and enhance the cohesion of residential activity and the sense of community and well-being obtained from residential neighbours.

The proposal does not act to positively enhance the cohesion of residential activity in this area, with the removal of all residential activity from the dwelling, however, the sense of community and well-being obtained from neighbours is not considered to be seriously undermined given the existing environment. It is also noted that the immediately adjacent neighbours have provided their approval

for the activity, and no submissions have been received from residents in the wider neighbourhood seeking an alternative approach to protect residential cohesion.

3.3 To provide for and encourage high density residential development within the high density residential zones.

As discussed under Objectives 1 & 2 above, the proposal does not contribute to this policy and can be considered contrary to the provision and encouragement of high density residential activity within this zone.

3.4 To ensure the external appearance of buildings reflects the significant landscape values and enhance a coherent urban character and form as it relates to the landscape.

The proposal utilises an existing building which will be painted and tidied. The existing urban character will be maintained. A condition of consent will require additional landscaping to be installed to soften the street scene. The proposal does not offend this policy.

3.5 To ensure hours of operation of non-residential activity do not compromise residential amenity values, social well-being, residential cohesion and privacy.

The application states that in general hours of operation will be that of normal office activity. There may be activity within the building at other hours on occasion however any such activity will be benign and consist of for example staff working at a desk with lights on in the building. This is comparable to residential activity. Hours of operation proposed are not considered to compromise residential amenity values or privacy.

3.6 To ensure a balance between building activity and open space on sites to provide for outdoor living and planting.

The proposal, given the existing environment, is not well able to meet this policy. There is a balance between building and open space on the site, however the open space is established with surface car parking and is unable to provide for planting (or a high amenity area for outdoor living).

3.8 To ensure noise emissions associated with non-residential activities are within limits adequate to maintain amenity values.

Noise emissions associated with an office activity will fall within the District Plan limits for the residential area and will be able to maintain amenity values.

3.9 To encourage on-site parking in association with development and to allow shared off-site parking in close proximity to development in residential areas to ensure the amenity of neighbours and the functioning of streets is maintained.

On-site parking is provided in association with the activity which will assist with the functioning of surrounding streets and associated amenity of neighbours.

Objective 4 – Non-residential Activities

Non-Residential Activities which meet community needs and do not undermine residential amenity located within residential areas.

Objective 4 is the most relevant and is considered a key objective when considering this proposal. The objective seeks non-residential activities which meet community needs and do not undermine residential amenity. The proposal does not meet a community need in the sense of a local neighbourhood provider of day to day services, however the provision of an office activity will provide for a wider community resource. It has been established in the above assessment of effects that residential amenity will not be undermined. The relevant policies are listed below:

Policies:

- 4.1 *To enable non-residential activities in residential areas, subject to compatibility with residential amenity.*

This is an enabling policy, which provides for non-residential activities in residential areas if they are compatible with residential amenity. In this case given the existing environment, consultation with neighbours and analysis of effects, the proposal is considered compatible with the residential amenity of the area and aligns with this policy.

- 4.2 *To enable specific activities to be acknowledged in the rules so as to allow their continued operation and economic well-being while protecting the surrounding residential environment.*

The proposal or site is not specifically acknowledged in the District Plan rules as it is a newly proposed activity.

High Density Residential Zones – District Wide

7.1.3.2 Objectives and Policies

Objective 3: Vitality of Town Centres

To maintain and enhance the vitality and vibrancy of the town centres as places where visitors and residents intermingle.

Policies

- 3.1 *To provide for high density residential living and visitor accommodation in the high density zone, near the town centres with good linkages to the town centres.*

The proposal represents the establishment of a commercial office activity within a High Density Residential area. It could reasonably be expected that this kind of activity would otherwise be located in a town centre environment, therefore there is a level of impact that the proposal has in terms of the vitality and vibrancy of the town centre, in that it is drawing an activity that might otherwise be provided in the town centre out into a residential zone. In this respect the proposal does not contribute to this objective and could be considered contrary to it.

This issue is not clear cut in that the impact on the vitality and vibrancy of the town centre itself will depend on factors including the supply of available office space in the town centre. Currently it is understood that in Queenstown there is an available supply of office space in the town centre so this application will represent the displacement of an office activity outside of the centre instead of within

it. Given the small scale of the office activity as proposed this is not considered to be significant in this case, although this kind of effect can be of high impact on a cumulative basis (e.g. even if a small number of offices begin to relocate out of the town centre the flow on effects in terms of the critical mass in the town centre can be large).

It is also the case that in this proposal the actual effects on the vitality of the town centre may be limited by the physical proximity to the Queenstown town centre, where users of the centre will likely perceive a trip to this office in this location on Man Street as part of their use of the town centre, and would take advantage of the amenities of the centre such as parking, visiting other businesses or purchasing food, and the office would be visited on foot from other businesses in the centre for example, rather than being perceived as another commercial node outside of, or some distance from, the centre.

This principle raises the issue of the peripheries of the town centre being at risk of development of a non-residential or commercial nature by virtue of the argument that the activity is still contributing to the centre. However, another critical aspect of a vibrant and vital town centre is the proximity of and ability for people to reside in close proximity to it, therefore the expansion of the town centre out into residential areas (while potentially leaving 'empty mass' of commercial space in the centre itself) displacing residential activity around it, needs to be carefully considered.

In this case, the activity cannot be seen as consistent with or positively contributing towards this Objective given the associated policy which specifically directs provision of high density living adjacent the town centre, however given the existing environment of the site, the scale of the residential activity being displaced and where there is not seen to be a cumulative impact of other such non-residential activity in this location, it is considered that on balance the proposal does not seriously undermine the vibrancy or vitality of the Queenstown town centre.

Summary: District Plan Provisions

Analysis of the District plan provisions has revealed a key theme of encouraging residential activity within the High Density zones and maintaining residential amenity in these areas. The importance of residents within proximity to the town centre, for the overall well-being and success of the town centre is also emphasised. This raises a tension with the provisions which *enable* non-residential activity in this zone where amenity is upheld or the activity is considered compatible with the amenity of the surroundings. In this case, as discussed above and given the approvals obtained, it is considered to be the case that amenity values will not be undermined and the activity proposed could operate here in a compatible way without any large impact on the residential neighbourhood.

I consider that the balance between these themes must ultimately be found in consideration of the cumulative impact of non-residential activities in displacing residential activity and the flow on effects in regard to town centres. As stated above this can be a very fine point as to when commercial activity in the residential zone fails to be a 'one-off' insertion into the residential neighbourhood providing variation and interest and perhaps a service to residents, without any amenity impacts, and becomes a new quasi-commercial area outside of the zoned centres. The number of such activities allowed before cumulative effects would result may even be as low as two or three in a street depending on the relevant context. In this case it is considered that the proposal, as one office activity in this location in addition to the existing activities on the site does not yet tip a balance to being an unacceptable loss of residential activity under this analysis of the District Plan provisions.

While the proposal is not consistent with a number of District Plan provisions as discussed above, it is not considered contrary to the overall intent of the District Plan objectives and policies for the reasons stated.

9.4 OTHER MATTERS

Precedent Effect

Precedent effect is a matter discussed under this heading, being the concept that like should be treated with like. It is not considered that this activity should set a precedent for future non-residential activity in this environment (on Man Street, or in the wider High Density zone west of the Queenstown town centre) or elsewhere in this zone given the matters of cumulative effect discussed above, specifically that the environment in which a future similar development application may be made may likely have changed (for example by way of the implementation of this consent) or will not be the same as assessed here.

Furthermore, the subject proposal is relatively unique in terms of the existing environment and the specific receiving environment which has contributed to the conclusions found in this report. It is considered that this existing environment would not be common or easily replicated.

For these reasons it is considered that the risk of precedent effect arising from the grant of this application should not be considered high given the relatively unique nature of this application.

9.5 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of the natural and physical resources. Sustainable management is defined as:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *Avoiding, remedying, or mitigating any adverse effect of activities on the environment.*

Section 7 of the Act specifies Other Matters to which particular regard should had. These include, of relevance to this application:

- (b) *the efficient use and development of natural and physical resources;*
- (c) *the maintenance and enhancement of amenity values;*

These matters have been discussed in detail above including the amenity values of the residential area and the efficient use and development of this High Density Residential zone, taking into account the physical resource of residential activity, along with that of the town centre environment. The proposal is considered to represent efficient use of an existing building for commercial activity without significantly impacting on the town centre, and while maintaining residential amenity values.

Overall, I consider the proposal is consistent with the sustainable management purpose and principles of the Act.

10.0 CONCLUSION

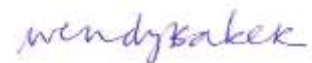
- Given the application as proposed, the existing environment and the approvals obtained, effects on the environment are considered to be minor.
- The proposal is not considered contrary to the relevant provisions of the District Plan.

- I consider that the proposal represents sustainable management as defined within Part 2 of the Resource Management Act 1991 and conclude that consent should be granted subject to conditions of consent to control matters specified in the application including the scale of the office activity, associated parking, hours of operation and signage.
-

Prepared by: Paula Costello
Planner



Reviewed by: Wendy Baker
Planning Team Leader



Report Dated: 31 January 2013

Appendix A: RM120687 Application & AEE

12 November 2012

Lakes Environmental
Private Bag 50077
Shotover Street
QUEENSTOWN

Attention: Paula Williams

Dear Paula

RESOURCE CONSENT APPLICATION

J MACALISTER

Introduction

We refer to previous discussions in relation to the proposal to convert an existing dwelling into an office at a site situated at 19 Man Street, Queenstown.

The site is 625m² in area and is legally described as a Lot 1 Deposited Plan 6458. A copy of the Certificate of Title and Location Plan are contained within Attachment A.

The site is located on the northern side of Man Street and specifically opposite the vehicle entrance to the large underground commercial car parking building situated on the southern side of Man Street. The site has a southerly aspect over the central business area of Queenstown.

The site contains a former 'state house' that was built in the 1950's. The existing dwelling consists of one and half levels, with three bedrooms on the main level and a single garage combined with a storage area on the lower level.

Aside from the dwelling, the other dominant element within the site is the commercial car park which is used by persons/businesses who work in central Queenstown. This car park was consented via the resource consent RM050914.

The various aspects of the proposal are described below.

The Proposal

In summary, land use consent is sought to establish an office within the existing dwelling located on the site.

The proposed activity has been classified as an 'office' as defined under the umbrella definition of such an activity from within the District Plan. This definition states:

'means any of the following:

- *Administrative offices where the administration of any entity, whether trading or not, and whether incorporated or not, is conducted;*
- *Commercial offices being place where trade, other than that involving the immediate exchange for goods or the display or production of goods, is transacted;*
- *Professional offices."*

The plans and specifications that indicate the proposed internal configuration/areas and external building alterations that accompany the office conversion are contained within Attachment B.

The various components of the proposed activity are detailed below.

Internal Configuration & Areas

The office will occupy the entire first floor of the existing building. The level will provide for three offices, a boardroom and ancillary space. The total area for the first floor is approximately 92.6m².

It is proposed to convert the ground floor level into storage space, with the potential to utilise this level for further office space in the future if and when required. The total area for the ground floor that will be utilised is approximately 41.68m².

The proposed office space will allow for up to six to eight full-time employees to occupy the building.

External Building Alterations

The physical external changes to the existing building will involve the establishment of a disabled person's access ramp on the eastern side of the building and a re-organisation of the existing main steps to provide appropriate step levels so as to accommodate the disabled ramp. It is also proposed to replace the main garage door with an aluminium window/door arrangement.

It is proposed to repaint the external walls of the building with appropriate modern colours. However, at this point the specific colours have not been selected. It is therefore requested that should resource consent be granted, that a condition of consent be imposed that requires the submission and approval by Lakes Environmental in terms of the final external colours.

Hours of Operation

No limit is proposed on the hours of operation or days of the week for the activity. Future tenants will clearly not operate 24 hours, seven days a week, due to the type of activity proposed. However, flexibility is considered necessary to operate a suitably accommodating office that meets the demands of the Queenstown business environment. The typical hours of operation for the proposed activity will generally be 8.00am to 5.30pm, Monday to Friday.

Visitors to the Site

It is expected that around 5 to 10 clients will visit the site throughout a normal working day. This is considered to be a conservative estimate.

Car Parking

It is proposed to provide three car parks on site that will be specifically allocated to occupants of the office.

Pedestrian Access

It is proposed to recreate the pedestrian access to the main entry door on the eastern side of the building by creating a small gap in the front fence that adjoins the Man Street boundary of the site. This new entry point from Man Street will be the primary pedestrian access point to the site for visitors and staff to the site. Appropriate signage will be put in place to direct visitors accordingly.

Signage Platforms

The specific signage has not been designed at this point, therefore signage platforms have been promoted that determine the location and size of future signage.

The proposed signage is intended to clearly yet subtly identify the building as an office.

One sign that is .6m² in area will be attached to the southern building façade. Another sign that is .6m² will be attached to the front fence. The primary purpose of the fence sign is to direct visitors to the main building entrance.

The total area of the signage proposed is 1.2m².

It is anticipated that the final design for each sign can be addressed as a condition of this consent.

Infrastructure Servicing

The existing reticulated services will be utilised to accommodate the proposed office. It is considered that the office will place no greater demand on the reticulated services when compared to the existing residential use.

Adaptable Use

The proposed internal and external changes to the existing building have been designed in a manner which will easily allow the building to be reconverted back to a residential activity in the future, should the proposed office activity cease to operate.

National Environmental Standards

All applications for resource consent need to consider the 'National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health' ("NES").

Under the NES regulations, land is considered to be actually or potentially contaminated if an activity or industry on the Hazardous Activities or Industries List ("HAIL") has been, or is more likely than not to have been, undertaken on such land. As such, the NES regulations only

applies to land that is potentially or actually affected by contaminants because of its historical and/or current use and the types of activities previously undertaken on the site. Therefore, the land use history is the trigger for determining whether a site affected by the NES regulation. Historically, the site has been used for residential activities.

Research through the Queenstown Lakes District Council and the Otago Regional Council property records does not indicate that the land contained within the site was used by activities listed within the HAIL.

Affected Party Approvals

The following landowners provided affected party approvals for the commercial car parking resource consent (RM050914) that exists for the site:

- A Bunting 14 Isle Street
- R Walsh 17 Man Street
- N Jackson 22 Brecon Street
- The Marram Trust 21 & 23 Man Street

It is noted that the property at 22 Brecon Street has been sold since the issuing of RM050914. The new owner of this property is Reece Property Limited.

Based on the type of activity proposed within this application, it is considered that only the above properties/landowners are potentially affected by the proposal. Consultation has been undertaken with these landowners and the respective written approvals from R Walsh and the Marram Trust are contained within Attachment C.

It is noted that consultation is still being undertaken with the owners of 22 Brecon Street and 14 Isle Street. Any written approvals received from these parties will be forwarded to Lakes Environmental.

The written approval of the owner of 19 Man Street is included within Attachment C.

The District Plan

In terms of the District Plan, the site is contained within the High Density Residential Zone (Sub-Zone A).

The resource consents required under the District Plan are described below.

High Density Residential Zone

- **Controlled Activity** consent pursuant to Rule 7.5.3.2(iii) for external alterations to a building that will be used for non-residential activities.

- **Discretionary Activity** consent pursuant to Rule 7.5.6.2(i)(a) for nature and scale of activities as there will be more than one full time employee who resides elsewhere who will be working from the site.
- **Discretionary Activity** consent pursuant to Rule 7.5.6.2(i)(b) as more than 40m² of the gross floor area of the existing building will be used for non-residential activities.
- **Non-complying Activity** consent pursuant to Rule 7.5.6.3(iv) with respect to the hours of operation. The proposed commercial activity will potentially operate outside the prescribed hours of operation being 0730 to 2000.
- **Non-complying Activity** consent pursuant to Rule 7.5.6.3(v)(a) for the nature and scale of activities, as no person engaged in the activity will reside on the site.
- **Non-complying Activity** consent pursuant to Rule 7.5.6.3(v)(b) for the nature and scale of activities, as more than three fulltime employees will be employed on site.
- **Non-Complying Activity** consent pursuant to Rule 18.2.5HDR(i) for the site signage, as the signage proposed will exceed the maximum area of 0.5m².

The relevant matters in which the Council has restricted its discretion/control and those matters necessary to enable a through assessment of effects are discussed below.

Assessment of Effects

The following matters will be addressed.

Existing Environment/Permitted Baseline

The existing 'environment' for the site can be broken down into two categories. The first category is the residential use of the existing dwelling, while the second category is the consented and operational commercial car park.

The authorisation by the Council for the commercial car park has regularised effects associated with this particular activity in terms of vehicle and people movements to and from the site. Further, this particular activity has no restrictions in terms of the number of vehicle/people movements per day and hours of operation.

The permitted baseline for the site (i.e. future activities undertaken without the need for resource consent) could allow the site to be developed more intensively for residential purposes, subject to complying with the relevant provisions of the District Plan.

The permitted baseline also provides an allowance for further non-residential activities to be undertaken from within the existing building, again subject to the relevant provisions of the District Plan.

Whilst not forming part of the permitted baseline, the site could be developed intensively as a Controlled Activity for visitor accommodation purposes.

Residential Amenity

The residential amenity that once dominated the site has been considerably diminished by the establishment and operation of the commercial car park. However, if the car parking area is removed from the equation, the existing building still visually exhibits a level of character commensurate with residential activity.

Due to the very minor external design alterations proposed and the benign activity that will be housed within the existing building, it will be very difficult to accurately ascertain the difference between the status quo for the site and the proposed activity to be conducted from the site.

In terms of the potential effects on the surrounding residential character that still exists in the locality, the main focus of users of the site in terms of the proposed activity (occupants and visitors) will be internally within the building and the small pedestrian path from Man Street to main entry door on the eastern elevation. In relation to this external pedestrian use, the south-eastern portion of the site is largely screened from the adjoining properties through a combination of built form, fencing and established vegetation.

Occupants within the building will use up to three car parks on site. However, there will be no discernable difference between these users of the car park and the existing consented rights associated with the commercial car park.

Overall, the effects on the remaining residential character will be less than minor due to the attributes of the overall application.

Visual Amenity

The proposed external alterations to the building will consist of the disabled ramp on the eastern façade and the replacement of the main garage door with an aluminium window/door arrangement.

Due to the small scale of this ramp, its location and a combination of existing landscaping/fencing, the visual effects when viewed from outside of the site are almost non-existent. Overall, these alterations will not compromise the buildings existing residential character.

At present, the visual appearance of the building is generally rundown. Once the building is repainted in suitable modern colours, the end result will be an increase in the visual attractiveness of the building when viewed from outside the site.

Whilst the proposed activity retains the residential appearance of the existing building, the presence of the commercial car park represents a visual contradiction. The existing building is residential in appearance, but is surrounded by a curtilage area that is clearly of a non-residential nature, consisting of a significant asphalted area which is occupied by a number of vehicles, offset only by landscaping around the periphery of the site. The proposed activity will not impact on the existing visual amenity of the site or the surrounding environment.

The signage platforms proposed for the site will be unobtrusive and will not detract from the visual amenity of the site or surrounding environment. Whilst the proposed signage platforms

exceeds the District Plan requirements, the area of the signage is smaller than signage permitted for other activities in the High Density Residential Zone (i.e. visitor accommodation).

Overall, it is considered that the visual effects resulting from the proposed activity will be de minimus.

Traffic Effects

It is considered that vehicular traffic generated from the proposed office will be comparable to any residential activity undertaken from the site.

However, of greater consideration when assessing the potential traffic effects from the proposed activity is the existence of the commercial car park that presently operates from the site. Based on the underlying resource consent RM050914, the effects from vehicular traffic that frequents the site have previously been assessed and ultimately deemed appropriate from a resource management perspective. The commercial car park establishes a limit on the number of vehicles that can access the site and as such, anticipates an associated level of traffic generation. Any potential traffic or parking effects generated by the proposed activity will be absorbed by the presence of the existing commercial car park.

A minimum of three car parks on the site will be set aside for the exclusive use of 'office' tenants. This outcome will ensure compliance with the District Plan parking standards for an office activity.

The close proximity of the site to the central business area of Queenstown and the Man Street underground car parking building will ensure that sufficient alternatives exist for additional parking requirements if and when necessary.

Based on the factors listed above, it is considered that any potential adverse effects from traffic and car parking arising from the proposed activity will be insignificant.

Noise Effects

The activity is benign in character and will not generate noise over and above what could be anticipated from a residential activity undertaken from the site.

The use of the building as an office will mean that the building will be occupied less frequently when compared to a residential activity. As such, there is a realistic expectation that on most occasions during after hour periods (i.e. weekdays, weekends, statutory holidays) the building will be unoccupied, therefore generating no noise.

Based on the above, it is considered that any noise effects will be de minimus.

Construction Effects

The internal and external building alterations are of a very small scale. As such, any adverse effects arising from construction activities are likely to be insignificant and internalised within the site.

Infrastructure Servicing Effects

The proposed office will utilise the existing service connections in terms of water, sewage, stormwater, power and telecommunications. It is highly likely that the proposed office will place less demands on the reticulated services when compared to a residential activity undertaken from the site.

Based on the above, it is considered that the potential effects on the nearby reticulated services will be de minimus.

Cumulative Effects

Cumulative effects are included in the overall definition of 'effect' as defined in Section 3 of the Resource Management Act 1991. In short, 'cumulative effects' are defined as any cumulative effect which arises over time or in combination with other effects.

Case law (Dye v Auckland RC) has stated that a cumulative effect is concerned with something that will occur rather than something that may occur, and further, any cumulative effect is confined to the effect of the activity itself on the environment.

It is considered that the environmental effects that are associated with this proposal are de minimus. It therefore stands that there cannot be any cumulative effects arising from this proposal as a cumulative effect must be one that arises as an effect of this particular proposal. It is not appropriate to consider as cumulative effects in relation to a particular proposal, any effects relating to possible future applications. Any effect that may never happen or if it does, arises from a different activity from that for which consent is sought, is not a cumulative effect.

District Plan Assessment Matters

The District Plan acknowledges that non-residential activities in residential zones have the potential to detract from residential amenity by way of noise, traffic generation, nuisance, scale/hours of operation and building appearance.

The site is reasonably unique in this regard as the range of potential effects that the District Plan seeks to address and manage have largely been regularised by the consented commercial car park.

Based on the consented car parking operation and the overall benign nature of the proposed activity, it is considered that the proposal will not adversely affect the remaining residential amenity in this location.

Conclusion

In terms of the processing on the application, the applicant requests that Lakes Environmental publicly notify the proposal pursuant to Section 95A(2)(b).

The billing details for this application are:

J Macalister
C/- P O Box 1081
QUEENSTOWN 9348

Should there be any questions in relation to this proposal, please contact me.

Yours Sincerely


James Macalister