

**BEFORE THE HEARINGS PANEL FOR THE QUEENSTOWN LAKES  
PROPOSED DISTRICT PLAN**

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

**AND**

**IN THE MATTER** of Hearing Stream 13 –  
Queenstown Mapping

**BETWEEN** **B GIDDENS**  
Submitter (#828)

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**EVIDENCE SUMMARY OF BRETT JAMES GIDDENS FOR:**

**B. Giddens (Submission #828)**

**15 August 2017**

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1. My name is Brett Giddens. My evidence in Chief<sup>1</sup> outlines my interests in respect of the Queenstown Mapping Hearings of the Proposed District Plan (PDP). I am not providing evidence in my capacity as a planner.
2. My evidence is based on the request that the properties located at 16, 18, 18b and 20 McBride Street are zoned Local Corner Shopping Zone (LCSZ) under the PDP.
3. Firstly, I clarify a minor error in my evidence at paragraph 6.1 whereby 70m<sup>2</sup> should refer to 40m<sup>2</sup>.
4. In summary, my evidence outlines:
  - (a) That my property (18 McBride Street), 16 and 18b are consented for non-complying commercial activities. With the exception of 20<sup>2</sup>, the properties are already approved for commercial activities with no residential component.
  - (b) The degree and nature of commercial use that would reasonably eventuate from a change to LCSZ will not adversely impact on the town centres (I estimate that if the sites were redeveloped to the maximum extent in the zones, the difference in floor area between the LCSZ and LDRZ would be around 700-1,200m<sup>2</sup> over the four sites).
  - (c) The views and outlook of residential properties in the surrounding area will not be impacted on by redevelopment of the sites. None of the neighbours have opposed my zoning request.
  - (d) The effects can be managed through the existing planning provisions of the LCSZ controlling bulk and location, activities, noise, landscaping, and car parking, such that the wider residential area is not compromised. A bespoke rule addressing the interface of 20 and 22 McBride Street has merit, such as a specific building setback in addition to the existing recession plane requirement.
5. In addition:
  - (a) I advise that the Queenstown Lakes District Council (QLDC) has approved RM170556 to enable the full use of my property for commercial offices with up to 6 full-time staff engaged in the activity and residing off site.<sup>3</sup> With the pending approval of 20 McBride

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<sup>1</sup> Dated 9 June 2017

<sup>2</sup> An application for resource consent is currently being processed.

<sup>3</sup> Attachment [A]

Street, the QLDC will have authorised 31 full time equivalent staff that are engaged in commercial activities that do not reside on the four sites.

- (b) Mr John Kyle for the Queenstown Airport Corporation (QAC) has provided rebuttal which opposes any additional increase in ASAN. The relief sought will not result in this outcome and likely activities will not fall into the PDP definition of ASAN.<sup>4</sup> Notwithstanding this, any new buildings will have to abide by acoustic insulation and ventilation requirements.
  - (c) A number of changes have been made to the traffic configuration in and around Frankton since my evidence was lodged.<sup>5</sup> I am not sure the degree that each of these changes have had but the traffic environment on McBride Street has changed considerably with a very noticeable reduction in traffic movements. I have the benefit of experiencing the traffic around 8 hours each day and can comment on this as personal experience.
  - (d) I have listened to the recordings from 26 July 2017 with the questions and reply from QLDC staff. There was from what I understand an incorrect response in regard to what level of permitted office activities can be undertaken in the LDRZ which needs to be clarified. There were also comments from the panel regarding the possible retention of the existing buildings; in my opinion, this would lead to negative impacts and a number of long term inefficiencies. The existing built form is also much less than what is anticipated in the current LDRZ, which can be increased as a controlled activity.
6. I have undertaken a general comparative analysis of what the LDRZ and LCSZ provides in terms of built form and commercial activity, as well as a comparison against what has been consented by the QLDC.<sup>6</sup> I anticipate that redevelopment of the properties would provide for a reasonable number of car parks and that this would have an impact on the overall building coverage, making the 75% maximum building coverage under the LCSZ difficult to achieve. The resultant level of commercial activity in my view will be inconsequential in the wider context of the Queenstown and Frankton commercial areas.

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<sup>4</sup> Refer to the definition of ASAN in the PDP

<sup>5</sup> E.g. the eastern arterial route has been opened up, SH6 leading to the Frankton Roundabout has been two-laned and right turns from McBride Street onto SH6A have been prohibited.

<sup>6</sup> Attachment [B]

7. As a final point, I note that the building coverage of the existing buildings on the four sites is less than half of what is permitted under the current LDRZ (approximately 440m<sup>2</sup> compared with 969.6m<sup>2</sup>).

DATED 15 August 2017

**Brett Giddens**

ATTACHMENT [B]: Comparative Analysis – 16, 18, 18B and 20 McBride Streets (2,424m<sup>2</sup> site area)

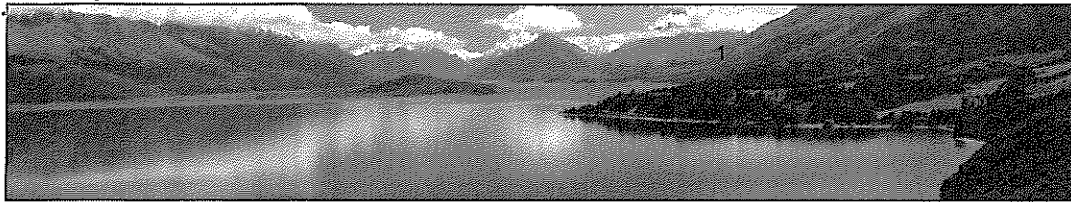
|  | Permitted Low Density Residential Zone Parameters   | Permitted Local Corner Shopping Zone Parameters  | Existing                                  |
|--|---|--|---|
| <b>Building Coverage</b>                               | 969.6m <sup>2</sup> (40%)   | 1,818m <sup>2</sup> (75%)<br>(1,454m <sup>2</sup> is 60% which is more practical)  | 440m <sup>2</sup> (estimate) <sup>1</sup> |
| <b>Gross Floor Area</b>                                | 1,454m <sup>2</sup> GFA<br><br>(assumed 40% building coverage over 1.5 levels to take into account space for car parking) | 2,727m <sup>2</sup> GFA<br><br>(same assumptions as LDRZ)<br>(2,181m <sup>2</sup> GFA if 60% building coverage applied). | 625.5m <sup>2</sup> GFA <sup>2</sup>      |
| <b>Building Height</b>                                 | 8m  | 10m  | -   |
| <b>Road Setback</b>                                    | 4.5m  | None   | -   |
| <b>Side setbacks</b>                                   | 2m  | None   | -   |
| <b>Staff residing off site engaged in the activity</b> | 8<br><br>(1 FTE per site) <sup>3</sup>  | N/A  | 31 <sup>4</sup>                           |
| <b>Recession plane</b>                                 | 2m / 45 degrees from side yards   | None   | 18 McBride St existing use rights         |

<sup>1</sup> 16: 160m<sup>2</sup>, 18: 60m<sup>2</sup>, 18A: 100m<sup>2</sup>, 20: 120m<sup>2</sup>

<sup>2</sup> 16: 298m<sup>2</sup>, 18: 100m<sup>2</sup>, 18A: 87.5m<sup>2</sup>, 20: 140m<sup>2</sup>.

<sup>3</sup> Note that one person must be residing on the site

<sup>4</sup> Resource consent for 20 McBride Street in process.



DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

|                           |   |
|---------------------------|---|
| <b>Applicant:</b>         | B Giddens   |
| <b>RM reference:</b>      | RM170556  |
| <b>Application:</b>       | Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake a conversion of an existing dwelling and home occupation to establish an office activity. |
| <b>Location:</b>          | 18 McBride Street, Frankton   |
| <b>Legal Description:</b> | Lot 1 Deposited Plan 434449 held in Computer Freehold Register 530174   |
| <b>Zoning:</b>            | Low Density Residential<br>Queenstown Airport Outer Control Boundary (noise)  |
| <b>Activity Status:</b>   | <b>Non Complying</b>  |
| <b>Date:</b>              | <b>12 July 2017</b>   |

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the RMA the application will be processed on a **non-notified** basis given the findings of Section 6.0 of this report. This decision is made by Paula Costello, Team Leader Resource Consents, on 12 July 2017 under delegated authority pursuant to Section 34A of the RMA.
2. Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. The consent only applies if the conditions outlined are met. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Paula Costello, Team Leader Resource Consents as delegate for the Council.

### 3.0 SECTION 95A NOTIFICATION

The Applicant has not requested public notification of the application (s95A(2)(b)).

No rule or national environmental standard requires or precludes public notification of the application (s95A(2)(c)).

The consent authority is not deciding to publicly notify the application using its discretion under s95A(1) and there are no special circumstances that exist in relation to the application that would require public notification (s95A(4)).

A consent authority must publicly notify an application if it decides under s95D that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)).

An assessment in this respect follows.

### 4.0 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT (s95D)

#### 4.1 MANDATORY EXCLUSIONS FROM ASSESSMENT (s95D)

A: *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*

B: *Trade competition and the effects of trade competition (s95D(d)).*

#### 4.2 PERMITTED BASELINE (s95D(b))

The consent authority may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. Home occupation activities are permitted in this zone subject to criteria. Such home occupations enable a level of non-residential activity limited to 40m<sup>2</sup> of the gross floor area between the hours of 7.30am and 8pm seven days a week as part of an existing residential use of a property, and form part of the permitted baseline for activities on the subject site.

#### 4.3 ASSESSMENT: EFFECTS ON THE ENVIRONMENT

Taking into account Sections 4.1 and 4.2 above, the following assessment determines whether the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

The relevant assessment matters are found in Section 7.7.2 iii of the District Plan and have been taken into considered in the assessment below.

The Assessment of Effects provided at Section 5 of the applicant's AEE, is comprehensive and is considered accurate. It is therefore adopted for the purposes of this report with the following comments:

#### People and Built Form:

| <i>Adverse Effects to consider</i>                        | <i>Effects on the Environment</i>   |
|---|---|
| The location, external appearance and design of buildings | From any public viewing point there will be no change to the appearance of the building on the site.  |
| The location of parking and public transport              | There is provision for three car parks on the site and on-site manoeuvring prior to existing to McBride Street.<br><br>The parking is compliant with the District Plan in terms of the number of parks required to be provided for the proposed area of office space however it is also noted that there are additional public car parks in the public car park on the corner of Gray and McBride Streets. Furthermore, the bus terminal to the rear of the site provides an alternative to the private car.<br><br>For these reasons any adverse traffic effect will be less than minor. |



Figure 2: Adjacent properties

|  |   |
|--|---|
| <p><b>16 and 18a McBride Street</b></p>        |   |
| <p><b>Adverse Effects:</b></p>                 | <p><b>Effects on Persons</b></p>  |
| <p>Traffic Generation</p>                      | <p>The office space will be provided with three car park spaces to the front of the site.</p> <p>There are additional, public car parks some 35m to the north of the site on the corner of Gray and McBride Streets. There is also parking provided in the road reserve. However, it is noted that this parking in the vicinity (off site) is under significant demand pressure and therefore it is important that parking generated from this activity is able to be provided for on the site. The applicant has provided plans to show complying levels of car parking on the site for the proposed office space, along with the ability to reverse manoeuvre within the property.</p> <p>For these reasons any adverse effect from traffic generation on the owners/occupiers of these properties will be less than minor.</p> |
| <p>Dominance / Privacy / Amenity / Density</p> | <p>The sites at 16 and 18a McBride Street abut the subject site to the north and east respectively. 16 McBride Street is a business and 18a has recently had resource consent (RM170304) approved for it to be used for office space. Both represent conversion from dwellings.</p> <p>There will be no visible change to the existing building on the subject site. Furthermore, the subject site is currently used as a home occupation office space and this application will make it fully office space which will not lead to noise or high pedestrian and/or traffic movements.</p> <p>For these reasons it is considered any of these effects will be less than minor on the owners/occupiers of the properties at 16 and 18a McBride Street.</p>  |
| <p><b>20 McBride Street</b></p>                |   |
| <p><b>Adverse Effects:</b></p>                 | <p><b>Effects on Persons</b></p>  |
| <p>Traffic Generation</p>                      | <p>Access to the subject site is on the north side of that property so is separated from this site by the width of that property.</p>   |



*Objective 3 and the relevant Policies 3.1, 3.5, 3.8 and 3.9 that seek pleasant living environments within which adverse effects are minimised whilst still providing the opportunity for community needs*

While the site will be used for office rather than residential this use will not diminish the character of the area. There will be no physical change to the building on the site. Furthermore, the use of the site will be limited to typical working hours and the office use will ensure there are no adverse noise effects.

Sufficient parking will be provided on site, with manoeuvring to meet the needs of the development.

The site is located within the outer control noise limit of the airport. Noise in this environment is one of the reasons the applicant wishes to change the use to office space. They consider the ambient noise of the area to be a direct negative impact on residential amenity.

For the aforementioned reasons it is considered the proposal is consistent with this Objective and Policies.

### **7.3 PARTICULAR RESTRICTIONS FOR NON-COMPLYING ACTIVITIES (s104(D))**

With respect to the assessment above, the first threshold test for a non-complying activity required under Section 104D has been met in that the application is not considered to create any actual or potential adverse effects which are more than minor in extent.

With respect to the second threshold test under Section 104D it is concluded that the application can pass through the second gateway test given that the proposal is not considered to be contrary to the relevant policies and objectives of the District Plan.

On this basis discretion exists to grant consent for this non-complying activity.

### **7.4 OTHER MATTERS (s104(1)(c))**

There are no other matters that are relevant to this application.

### **7.5 PART 2 OF THE RMA**

In this case the relevant District Plan provisions are valid, have complete coverage and are certain. Therefore, the above assessment under s104 matters, which give substance to the principles of Part 2, illustrates that the proposed activity accords with Part 2 of the Act.

### **7.6 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA**

Consent is **granted** to convert an existing residential unit and home occupation to an office, subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

## **8.0 OTHER MATTERS**

### *Local Government Act 2002: Development Contributions*

In granting this resource consent, pursuant to the Local Government Act 2002 and the Council's Policy on Development Contributions the Council has identified that a Development Contribution is required. Payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

Please contact the Council if you require a Development Contribution Estimate.

### *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.

## APPENDIX 1 - CONSENT CONDITIONS

1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Site Layout Plan – Amended Carparking Area' prepared by Lakes Consulting Group

**stamped as approved on 12 July 2017**

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

- 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 \$145. This initial fee has been set under section 36(1) of the Act.

### Advice Notes

1. The consent holder is advised that there may be ongoing implications for alternative rating of the property from the use of the property for office space. For further information contact the Council Rates department.

### **For Your Information**

If your decision requires monitoring, we will be sending an invoice in due course for the deposit referred to in your consent condition. To assist with compliance of your resource consent and to avoid your monitoring deposit being used before your development starts, please complete the "Notice of Works Starting Form" and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz) prior to works commencing.

You may also have conditions that require you to apply for Engineering Acceptance. To apply for Engineering Acceptance, please complete the Engineering Approval Application form and submit this completed form and an electronic set of documents to [engineeringapprovals@qldc.govt.nz](mailto:engineeringapprovals@qldc.govt.nz) with our monitoring planner added to the email at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz).

If your decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, please refer to this link. <http://www.qldc.govt.nz/planning/development-contributions/> If you wish to make a DC estimate calculation yourself, please use this link: <http://www.qldc.govt.nz/planning/development-contributions/development-contributions-estimate-calculator/> And for full details on current and past policies, please use this link: <http://www.qldc.govt.nz/council-online/council-documents/policies/policy-on-development-contributions-and-financial-contributions/>