

**STATEMENT OF EVIDENCE – PETER AND ROSEMARY MANTHEY
OWNERS – 18 VANCOUVER DRIVE, QUEENSTOWN HILL**

2 JUNE 2017

Peter Manthey is a retired director of International Real Estate Agents – Knight Frank and Associate Director of Jones Lang Lasalle.

OUR SUBMISSION SUMMARY – No 75

This is an objection to QLDCS' Submission – 790 and QLDCS' RMC150220 19 May 2015.

(A) We believe QLDC and their consultants erred in their approval of RMC150220 and in particular treating such approval as NON NOTIFIED.

This should be rescinded. The reasons are explained in more detail further on.

(B) As a consequence of (A), QLDCS' Submission 790, we suggest is based on a floored decision and premise and therefore is not valid and should be refused.

We note – Page 55 – QLDCS' Submission 790 states – “Further submitters – none” This is incorrect as whilst we are not part of the 790 submission, we do oppose it.

Accordingly, on behalf of ourselves and other adjoining owners and Queenstown residents who could not be present at these hearings, we ask the Commissioners to give favourable consideration to this submission.

SCOPE OF SUBMISSION 75

RM150220 – This application involved a Non Notified major land exchange between QLDC and DOC- **Refer Appendix – Item 1 (Attachment)**

The lead up over a number of years to this decision and the decision itself in 2015 has been shrouded in secrecy and despite previous enquiries by ourselves and a number of local residents both to QLDC and the Councils' Property Consultants – APL, virtually no information until now has been attainable by the public, hence the inclusion of this as part of our submission.

Without this property exchange ratified by RMC150220, submission 790 would not have been made.

This shows the proposed QLDC subdivision land.

The May 2015 subdivision land exchange document states no less than 10 times that it's effect on Queenstown - Visually, Adjoining Owners, the Environment, Fauna, Services and Traffic are only **minor** and on that basis, everything could be approved on a Non Notified basis.

Essentially it states in the document, that the approval has no Major physical effect. Only lines and words in a document changing zoning and boundaries and ownership. Isn't that what these hearings are about – people and companies wanting to do just that.

Other parties wanting to achieve these changes have to go through a due process.

QLDCS' CURRENT SUBMISSION – 790

This proposes to extend medium density zone in a subdivision of approximately 9.3 hectares to the rear northern boundary of Vancouver Drive residences and includes a major portion of the previous DOC reserve land.

The Non Notification of RMC150220 (giving residents no right to object) is a precursor to the approximately 10 HA subdivision proceeding either by QLDC or quite likely being sold to a private developer.

The previously titled Section 142SO22124 – small sliver of land (as referenced by a QLDC consultant) held prior to the land swap by QLDC whilst zoned for residential use was incapable of being developed due to limited road access and shape. In addition, it was economically unviable to be subdivided.

Refer Appendix – item 3 (Attachment)

This is confirmed also by the fact that it has sat to all intents and purposes as part of the reserve since 1995.

Accordingly, the suppositions throughout the QLDC'S approval of RM150220 purporting that the effects are only Minor and therefore being Non Notifiable are patently untrue.

In fact, QLDC'S own Resource Management engineer – Ms Overton states on Page 6 of the Application "The proposal will facilitate a land exchange and could be considered a precursor to potential future development of Section 1". In other words, confirming our assertions. Furthermore, she states – "Therefore, buildings on the site do to a degree form part of the relevant baseline". This baseline forms an integral part of QLDC'S decision to NON NOTIFY.

In addition, page 2 of QLDC consultant – AURUMS report states “The site includes the Queenstown Hill Millennium walkway that starts at the end of Belfast Terrace and Section 1 needs to have Recreation Reserve status removed.”

Aurums’ document in RMC150220 states - Section 1 SO Plan 23185 and Section 2 SO plan 433650 transferred to QLDC from DOC 70 HA for the purpose of subdivision by QLDC – Page 2.

Page 3 states “The application to be NON COMPLYING ACTION”

Page 3 also states – “a consent authority must publicly notify an application if it decides under 595D that the activity will have or likely to have adverse effects on the immediate or visual environment or owners or occupiers of adjacent land.

I suggest that the land swap, rezoning and eventually subdivision for some 400 blocks (based on QLDC’S figures) by virtue of these precursors (in the QLDCS’ Consultants words) will have MAJOR not MINOR impacts and create INJURIOUS AFFECTION on us and other adjoining land owners.

We are aware of the increased population demands on Queenstown and QLDCS’ need for extra funding, however, this should not prejudice owners legal rights. This is reinforced numerous times in QLDCS’ experts recommendations of many private submissions to these hearings .

We would suggest by these sorts of actions, the Council are increasingly in danger of destroying the Queenstown vista by urban sprawl.

QLDCS’ expert consultant to this Hearing states in Submission 790 –

“It is my opinion that the development of the notified area of MDR within this site will have significant adverse effect on the landscape context of Queenstown.

The MDR zone – in a location where it will breach the skyline in many views from the township. It will extend much higher up the hillside than surrounding development.

It will reduce the natural context of the township which is very important to its character.”

SUGGESTED PROPORTIONAL REZONING TO PARKLAND RESERVE

Whilst we believe we have provided sufficient information as to why the proposed rezoning and subdivision should not be accepted and RM150220 should be reversed.

Should this hearing not agree, we suggest the impact of such a potential major subdivision be mitigated between some of the existing housing and further providing some visual green space to Queenstown CBD and surrounding areas.

(a) We note that none of QLDC'S experts have adversely commented on this request including Glenn Davis – 24/5/2017 who does not oppose it being rezoned to Reserve.

(b) As subdivisional layout plans can be changed, our request is a minimum area as per the attached plan be zoned as reserve..

As the future development of 200-300 homes would be required to provide some green space allocation, this could form part of that.

The land area suggested, we believe, is only approximately 1200 sq metres or 1.3% of the subdivisional area – **Refer Appendix – item 4 (Attachment)** .

The land suggested for Reserve provides for some minor connectivity to the existing cul-de-sac in Vancouver Drive.

This represents our minimal request.

Preferably the proposed rezoned Parkland/Reserve would run along the rear northern boundaries of all effected Vancouver Drive properties.

As QLDC would be aware, provision of park/recreation of this nature, is not unprecedented as several other small existing areas are already provided on the lower parts of Queenstown Hill including a walking track to Vancouver Drive and the Reserve, in question some of which are shown on the attached Google Earth Plan.

APPENDIX

Item 1 – Subdivision application by QLDC – RM150220 – dated 19 May 2015

Item 2 (a) – Aerial plan delineating QLD proposed subdivisional area

Also shows existing QLDC land – part section 142

Item 2 (b) – Subdivisional plan as contained in QLDC document RM150220

Item 3 – Shows existing QLDC land adjoining existing Vancouver Drive properties

Item 4 - Aerial plan delineating proposed Reserve/Park area.

Item 5 – Google map showing existing QLDC reserve land south of Vancouver Drive Reserve section with blue line is the existing track to Vancouver Drive.

DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

NOTIFICATION UNDER s95 AND DETERMINATION UNDER s104

RESOURCE MANAGEMENT ACT 1991

Applicant:	Queenstown Lakes District Council
RM reference:	RM150220
Application:	Subdivision application under Section 88 of the Resource Management Act 1991 (RMA) to subdivide Section 2 SO 433650 into two lots and amalgamate proposed Section 2 with Lot 4 DP 477835.
Location:	Land located at the end of Belfast Terrace and Vancouver Drive, Queenstown Hill, Queenstown.
Legal Description:	Section 1 Survey Office Plan 23185 and Section 2 Survey Office Plan 433650 held in Computer Freehold Register 584966
Zoning:	Rural General High Density Residential Sub-Zone C, Designation 171 – Commonage Recreation Reserve Designation 79 – Larchwood Reservoir Designation 374 - Forestry Operations
Activity Status:	Non-complying
Decision Date	19 May 2015

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 Hanna Afifi, Senior Planner, on 15 May 2105 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 220 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 Hanna Afifi, Senior Planner, as delegate for the Council.

1. PROPOSAL AND SITE DESCRIPTION

Queenstown Lakes District Council seeks resource consent for the subdivision of a parcel of land located on Queenstown Hill, at the end of Kerry Drive and Vancouver Place. Consent is sought to subdivide Section 2 Survey Office Plan 433650 into two lots being, proposed Section 1 comprising 8.84 hectares and proposed Section 2 comprising 61.4 hectares. The lots are proposed to be amalgamated by an amalgamation covenant with Lot 4 DP 447835 comprising 6.05 hectares.

The application states that an agreement has been reached between the Department of Conservation and the Queenstown Lakes District Council to carry out a land exchange between Section 1 (hereon) and Lot 4 DP 447835 located at the end of Belfast Terrace.

The land exchange will result in the Department of Conservation owning Lot 4 DP 447835 and Section 2 (SO 483628) in the application and Queenstown Lakes District Council owning Section 1 in a fee simple title.

Section 1 SO Plan 23185 and Section 2 SO Plan 433650 (CFR 584966) is land vested in Council by the Department of Conservation as recreation reserve and comprises 70.2849 hectares more or less.

Lot 4 DP 447835 (CFR 569609) is fee simple land owned by the Queenstown Lakes District Council and described as 6.0533 hectares more or less and is shown on the proposed subdivision plan as coloured grey.

Part Section 142 Block XX Shotover Survey District (SO Plan 22124) (Part CFR CT18A/594) is fee simple land owned by the Queenstown Lakes District Council and is identified on the proposed subdivision plan as coloured grey.

The application states that Council and DOC have agreed to enter into a land exchange pursuant to Section 15 of the Reserves Act 1977, whereby the Council will exchange the Council land (being described as Lot 4 DP447835 (CFR 569609) and Part Section 142 Block XX Shotover Survey District (SO Plan 22124) (Part CFR OT18A/594) coloured grey on the proposed subdivision plan for the residential land (being land described as part Section 2 SO Plan 433650 (part CFR 584966) coloured green on the subdivision plan.

The application states that Council wish to acquire that part of the reserve coloured green for future residential development. The purpose of the subdivision is stated as to create a separate computer freehold register for the Council land coloured grey and the residential land coloured green

A copy of the Land Exchange Agreement has been submitted as part of the application.

It is proposed in the application that Section 2 (Balance Parcel) and Lot 4 DP 447835 be amalgamated by a covenant and will become Department of Conservation Reserve land. The applicant has stated that the actual classification of Lot 4 DP 447835 as reserve is not part of this application. It is further stated that there is signed land exchange agreement between the Department of Conservation and the Queenstown Lakes District Council which covers this.

Site and Locality Description

The applicant has provided a detailed description of the site and location in Section A.1.1 of the report entitled Assessment of Effects, prepared by Samuel Lynds of Aurum Survey Consultants, and submitted as part of the application (hereon referred to as the applicant's AEE and attached as Appendix 2). This description is considered accurate and is adopted for the purpose of this report.

In addition to this, a site access point leads uphill from Vancouver Drive to the substation and water tank. The substation is located on Section 1 SO 248383 Block XX Shotover Survey District, and the water tank is located on Section 1 SO 23185. The Queenstown Hill walking track is located north of the proposed subdivision. The proposed subdivision is located on steep undulating slope on the south side of Queenstown Hill. The area is densely covered with wilding pine trees.

2. ACTIVITY STATUS

2.1 THE DISTRICT PLAN

The subject site is split zoned Rural General and High Density Residential Sub Zone C. The site is designated with the following:

Designation 79 – Larchwood Reservoir located on Section 1 S O 23185

Designation 171- Recreation Reserve located on Part Section 104, Block XX Shotover Survey District, and;

Designation 374 – Forestry Operations located on Section 1 SO Plan 24383, Section 1 S O Plan 23185, and Part Section 104 Block XX Shotover Survey District.

The authority responsible for the above designations is the Queenstown Lakes District Council.

The proposed activity requires resource consent for the following reasons:

- A **controlled** subdivision activity consent pursuant to Rule 15.2.3.2 (lot sizes and dimensions), Rule 15.2.7.1 (subdivision design), Rule 15.2.8.1 (property access) Rule 15.2.10.1 (natural and other hazards), Rule 15.2.11.1 (water supply), Rule 15.2.12.1 (storm water disposal), Rule 15.2.13.1 (sewerage treatment and disposal), Rule 15.2.14.1 (trade waste disposal), Rule 15.2.15.1 (energy supply and telecommunications), Rule 15.2.16.1 (open space and recreation), Rule 15.2.17.1 (vegetation and landscaping), Rule 15.2.18.1 (easements). The Council's control is respect to these matters.
- A **discretionary** subdivision activity consent pursuant to Rule 15.2.3.3(vi) in respect to subdivision in the Rural General zone.
- A **non-complying** subdivision activity pursuant to Zone Standard 15.2.6.3(iii) Building Platforms where the subdivision of the Rural General zoned land does not include a residential building platform.
- A **non-complying** subdivision activity pursuant to Rule 15.2.11.3 (i) Zone Subdivision Standard – Water Supply as the proposed lot is not going to have a connection to a reticulated water supply laid to the boundary of the net area of the lot.

Overall, the application is considered to be a **non-complying** activity.

2.2 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH

Based on the Preliminary Site Investigation prepared on behalf of the applicant by Davis Consulting Group (DCG) that historic and current activities both on and adjacent to the site are highly unlikely to have impacted the sites soils and that it is highly unlikely that there is a risk to human health associated with the development. It is considered that the piece of land to which this application relates is not a HAIL site, and therefore the NES does not apply.

3. 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. 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. In this case the permitted baseline is set out, based upon the situation whereby the Requiring Authority (Queenstown Lakes District Council) for the designation on this site utilises the provisions of the designation.

In respect to subdivision, there are no permitted subdivision activities, however the amalgamation of lots by a covenant, in the locality would fall within the permitted baseline.

The permitted baseline has been applied as this subdivision will help facilitate the relocation of the recreation reserve status further to the west at the end of Kerry Drive and could be a precursor for future development to occur on the land zoned High Density Residential Sub Zone C.

In order to understand the permitted baseline it requires a consideration of the rules of the designation which are found within "B – Recreation Reserves" in the Designation section of the District Plan.

These rules could provide for multiple buildings on the site, as long as each building has a footprint of no greater than 100m², and that the combined total of all buildings on the site shall not exceed a maximum of 5% of the total site area, with a height limit of 8m in the residential zoned area and 10m in the rural zoned area, setbacks from neighbours are required for buildings of 5m in the Residential zone and 10m in the Rural zone, and recession planes apply. Additionally, no more than 30% of the site area in the Residential zone and 20% in the Rural zone shall be covered by impervious surfaces (including footpaths, pools, car parking areas).

Therefore, these rules would allow for multiple buildings to be located on the reserve as a 'permitted activity' (on the basis that Council as the requiring authority undertake these works) in accordance with the parameters above.

However, no development is proposed as part of this subdivision.

It is noted that the consideration of the use of this reserve for built form or recreation reserve associated activities falls under the Reserves Act and is a separate matter for Council's consideration under the Reserve Act process.

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.

Subdivision Design, Lot Size and Dimensions

The 8.84 hectares of land is mostly zoned High Density Residential sub zone C, and the lot size complies with the minimum requirements for the zone as set out in the District Plan.

The portion of Rural General zoned land which borders the High Density Residential Sub Zone C zoned land is located to the west and east, with a small slither of land to the north. This rural land is not

proposed to contain a residential building platform as part of the subdivision. The land in question is steep and undulating, and the existing character will be maintained as there is no development anticipated as part of this application and development rights of the residential zoned area of the land will ensure the lot created can provide for future residential land use with the residential zoned land.

Overall any adverse effects associated with subdivision design, lot size and dimensions are considered to be no more than minor.

Infrastructure and Easements

Council's Resource Management Engineer, Ms Lyn Overton, has assessed the application and commented that a Council reservoir is located within Section 1 SO 23185, and this lot is currently held in the same title as Section 2 SO 433650. As a result of the subdivision, proposed Section 1 will then be amalgamated with Section 1 SO 23185. Appropriate amalgamation conditions are recommended by Ms Overton in this regard.

In relation to infrastructure, Ms Overton has advised that the Council's water, stormwater and wastewater reticulation connections are available to the boundaries of Lot 4 DP 447835 and Section 2 SO 433650. The application does not propose to extend the services to proposed Section 2.

Ms Overton has assessed this issue and is satisfied with this arrangement, as Section 2 will be amalgamated by a covenant with a fully serviced lot, being Lot 4 DP 447835, and therefore an un-serviced lot is not being created. Ms Overton has stated that at the time proposed Section 2 is de-amalgamated or developed the lot owner will need to provide a water, stormwater and wastewater connections and pay the relevant development contributions.

Ms Overton has recommended a consent notice condition be imposed on the subdivision to alert future owners that proposed Section 2 is not serviced and at the time of future development of the site service connections will need to be provided and development contributions will be required.

I accept Ms Overton's advice in this regard and rely on her findings. From this I conclude, that any adverse effects on the environment are likely to be less than minor in relation to infrastructure and appropriate conditions are recommended.

Access and Vehicle Manoeuvring

There are no changes proposed to the access arrangements as part of this proposal.

Lot 4 DP 447835 will continue to be accessed from the end of Kerry Drive, and access to proposed Section 2 SO 433650 will continue to be accessed from the cul-de-sac head of Vancouver Drive.

Ms Overton has assessed the access arrangement and provided a comment that Aurora currently have an agreement for access over the dirt track to the substation site. Ms Overton has discussed the access issue with Council's property managers, APL Property, who have confirmed in an email dated 29/04/2015 that formal access will be provided at the time proposed Section 1 is further subdivided. The proposed subdivision will not impact on that access arrangement and the status quo will be maintained.

Access to the Council reservoir is currently via a dirt track through Section 2 SO 433650. Ms Overton is satisfied in the event the site is de-amalgamated or on-sold then legal access to the reservoir will be created.

I accept the advice of Ms Overton in this regard, and rely on her findings. From this I conclude, that adverse effects on access and vehicle manoeuvring will be less than minor and mitigated by appropriate conditions.

Natural Hazards

The site is identified in the QLDC Hazard Maps as being located with the LIC1 liquefaction hazard category.

In relation to this natural hazard, Ms Overton states:

"The QLDC Hazard Register Maps show the site falls within the LIC1 liquefaction hazard category, with an assessed liquefaction risk being "Nil to Low". Based on this hazard category and lack of any obvious site factors which suggest otherwise, I am satisfied that future buildings are unlikely to be at risk of liquefaction in a seismic event and that standard foundations as required under NZS 3604:2011 for timber framed buildings are sufficient. Foundation requirements for the buildings will be addressed under the related building consent and no conditions are necessary."

This assessment is accepted, and it is considered that adverse effects on the environment will be less than minor in this regard.

Reserve Designation

Although no development is proposed as part of this application, the proposal will facilitate a land exchange and could be considered a precursor to potential future development of Section 1. The land exchange will result in a relocation of a zoned area for residential development from a potentially more visible location above the Queenstown Central Business District (CBD) to a less visible location from the CBD.

Although no development is proposed as part of this subdivision, nor any residential building platforms proposed, one of the issues of this application is that this subdivision could be a precursor for future development of this High Density Residential zoned land previously protected by Recreation Reserve status to occur. The permitted baseline has demonstrated that Council as the Requiring Authority could establish a number of buildings on this reserve in accordance with the designation. Therefore, buildings on the site do to a degree form part of the relevant baseline.

In any case, this proposal does not grant approval for the lifting of the reserve status. This process will be considered under a separate process from the Resource Management Act 1991 being section 15 of the Reserves Act.

In respect of this issue, future resource consent applications to Council will consider the future land use against the relevant zone provisions under the District Plan, and by way of comparison to the permitted baseline, which for this site has been established above as the development of the reserve in accordance with the conditions found within the designation section of the Plan.

As no built development is proposed as part of this application, any adverse effects on character, amenity, density, views and outlook will be no more than minor.

4.4 DECISION: EFFECTS ON THE ENVIRONMENT (s95A(2))

Overall the proposed activity is not likely to have adverse effects on the environment that are more than minor.

5.0 EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E) in relation to the activity. Section 95E requires that a person is an affected person if the adverse effects of the activity on the person are minor or more than minor (but not less than minor).

5.1 PERMITTED BASELINE (s95E(2)(a))

The consent authority **may** disregard an adverse effect of the activity on a person if a rule or national environmental standard permits an activity with that effect. In this case the permitted baseline is found within section 4.2.

5.2 ASSESSMENT: EFFECTS ON PERSONS

Taking into account section 5.1, the following outlines an assessment as to whether the activity will have or is likely to have adverse effects on persons that are minor or more than minor:

As no development is proposed as part of this application, and each of the lots proposed are sufficient in area to provide for their anticipated land use under their respective zoning (High Density Residential) or proposed reserve classification (in the case of land to be taken by DoC), in respect of neighbouring/nearby property owners it is considered that any adverse effects will be less than minor. The proposed subdivision will not be visually perceivable and the resulting non-compliances (no connection to services, no building platforms) will not result in any reduction to the amenity of these parties.

With reference to Section 176 Effect of Designation (1)(b) no person may, without the prior written consent of the Requiring Authority in this case the Council, do anything in relation to the land that is subject to the designation that would prevent or hinder a public work or project or work to which the designation relates, including undertaking any use of the land, subdividing the land, and changing the character, intensity or scale of the use of land.

The Larchwood Reservoir (Designation 79) is proposed to be held by an amalgamation covenant with Section 2 hereon and as no development is proposed as part of this subdivision including any infrastructure requirements and that there is no proposed changes to the access arrangements, it is considered that there is nothing that will hinder this designated site. As a result of this proposal there will be no change to the character, intensity or scale of the use of land.

The proposal will not hinder the forestry activity designated as part of Designation 374.

The Aurora Substation has been excluded from this subdivision. Ms Overton has assessed this aspect of the application and has not raised any issues.

Recommended conditions of consent, including any necessary easement being duly granted or reserved and consent notices in respect of future development will avoid adverse effects on the environment.

Overall adverse effects on potentially affected parties are considered to be less than minor.

5.3 DECISION: EFFECTS ON PERSONS (s95B(1))

In terms of Section 95E of the RMA, no person is considered to be adversely affected.

6.0 OVERALL NOTIFICATION DETERMINATION

Given the decisions made above in sections 4.4 and 5.3 the application is to be processed on a non-notified basis.

7.0 S104 ASSESSMENT

7.1 EFFECTS (s104(1)(a))

Actual and potential effects on the environment have been outlined in section 4 of this report. Conditions of consent can be imposed under s220 of the RMA as required to avoid, remedy or mitigate adverse effects.

7.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

The relevant assessment matters are found in Parts 5 (Rural Areas) and 15 (Subdivision, Development and Financial Contributions) the District Plan and have been taken into considered in the assessment above.

The relevant objectives and policies are contained within Part 4 (District Wide Issues), 5 (Rural Areas), 7 (Residential Areas) and 15 (Subdivision, Development and Financial Contributions) of the District Plan.

Part 4 – District Wide Issues

Objective 4.2.5 seeks to ensure that subdivision is undertaken in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values. Policy 1 is of relevance and relates to future development. The underlying land is zoned High Density Residential Sub Zone C and Rural General, as no development is proposed as part of this subdivision and the subdivision is occurring on land zoned for residential use the subdivision is not located in an area considered to be vulnerable to degradation. In terms of Policy 2 the subdivision is located on land zoned for residential development which has been located in an area considered to have potential to absorb change without detracting from landscape and visual amenity values. There is no development proposed on that portion of land zoned Rural General. The area further to the west split zoned Low Density Residential/Rural General will become Recreation Reserve and will be protected from future development in an area more visible from the CBD.

The proposal is in aligned with Objective 4.4.3, Objective 1 in respect of provision of reserves as recreation reserve will be created on Lot 4 DP 447835 which contains land zoned Low Density Residential and Rural General. The recreation reserve status on Section 1 will be altered as part of this subdivision process and will as part of possible future application allow development of the land in accordance with the High Density zoning. No development is proposed as part of this application, nor any services to support future development. The proposal is not contrary to the objectives relating to provisions of reserves.

Part 5 – Rural Areas

The proposal is not contrary to Objective 5- Amenity Protection and it associated relevant policies (5.1), (5.2), (5.3). There is no residential building platforms proposed on the Rural General zoned portion of the land, and no servicing is proposed nor any development which will ensure that the subdivision will not lead to a pattern of land use which will adversely affect landscape, visual, cultural or other amenity values. The proposal is in accordance with policies 5.5 relating to the effects of the subdivision on the safe and efficient functioning of services and roads. The site is covered in dense wilding pines and weeds, therefore there is no significant trees or areas of vegetation that warrant protection through this subdivision process. There is no known archaeological sites and sites of cultural significance on the site (policy 5.6).

Part 7 - Residential Areas

Part 7.1.2, Objective 1 seeks to ensure that sufficient land is available to provide for a diverse range of residential opportunities for the District's present and future urban populations. The proposal will facilitate the development of the area zoned High Density Residential satisfying policies 1.1, 1.2 and 1.3.

Part 15 - Subdivision, Development and Financial Contributions

Relevant objectives and policies contained in Part 15 seek to ensure that services are provided at the time of subdivision. As there is no development proposed as part of this subdivision, it has been accepted that in this case it is appropriate that consent notices be imposed on the title to alert future owners that proposed Section 2 is not serviced, and at the time of future development of the site service connections will need to be provided and development contributions will be required. The proposal is not contrary to Objective 1 – Servicing in this regard.

The proposal does not propose any development of the land, nor any proposed residential building platforms. Any future land use will be subject to further resource consent applications, which will be considered and decided upon its on merits. The subdivision complies with District Plan requirements in terms of lot sizes, dimensions and design for the respective zones.

Summary

Overall, it is considered that the proposal is not contrary to the relevant objectives and policies of the District Plan.

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

Section 104D of the Act requires that a substantive decision can only be made for non-complying activities if the actual or potential adverse effects on the environment will be minor or, the application is not contrary to the objectives and policies of the Plan.

It is considered that the adverse effects will not be more than minor and the proposal is not contrary to the objectives and policies of the District Plan.

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

7.4 PART 2 OF THE RMA

The application as proposed is consistent with the purposes and principals set out in Part 2 of the RMA, being the sustainable management 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, whilst also sustaining the potential of resources to meet the reasonably foreseeable needs of future generations, and in addition avoiding, remedying or mitigating adverse effects on the environment.

7.5 DECISION ON RESOURCE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 220 of the RMA.

8.0 OTHER MATTERS

Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

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.

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 if all conditions have been met.

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.

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 Rachel Beer on phone (03) 441 0499 or email Rachel.Beer@qldc.govt.nz.

Report prepared by



Jane Sinclair
CONSULTANT PLANNER

APPENDIX 1 - Consent Conditions
APPENDIX 2 - Applicant's AEE

Decision made by



Hanna Affi
SENIOR PLANNER

APPENDIX 1 – CONSENT CONDITIONS

General Conditions

1. That the development must be undertaken/carried out in accordance with the plans:
 - 'Proposed Land Exchange and Reserve Re-Classification, Commonage Area, Queenstown' drawn by Aurum Survey Consultants Limited, dated 21 October 2014, reference 2962-3R-1B.

stamped as approved on 15 May 2015

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.

To be completed before Council approval of the Survey Plan

3. Prior to the Council signing the Survey Plan pursuant to Section 223 of the Resource Management Act 1991, the consent holder shall complete the following:
 - a) All necessary easements shall be shown in the Memorandum of Easements attached to the Survey Plan and shall be duly granted or reserved.

Amalgamation Covenant

4. Prior to certification pursuant to section 224(c) of the Resource Management Act 1991 (RMA), and pursuant to sections 240(3) of the RMA, the Queenstown Lakes District Council hereby requires as a condition of granting of a resource consent for the subdivision of land contained in Computer Freehold Register 584966 that; (CSN to be advised)
 - i) Section 2 SO Plan 433650 be held in the same ownership as land contained in Lot 4 DP 447835 Computer Freehold Register 569609 and shall not without the consent of the Council be transferred, leased or otherwise separately disposed of , and
 - ii) Section 1 hereon be held in the same ownership as land contained in Section 1 SO 23185 and shall not without the consent of the Council be transferred, leased or otherwise separately disposed of.

Ongoing Conditions/Consent Notices

5. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notice pursuant to section 221 of the Act.
 - a) Section 2 has no Council service connections for water, stormwater or wastewater nor have any development contributions been paid as it is intended that Section 2 will remain amalgamated with Lot 4 DP 447835. The owner of the lots shall provide services to Section 2 in accordance with Council's standards at that time development occurs within the lot or prior to cancelation of the amalgamation condition. .Development contributions will be payable for Lot 2 at this time, noting that no historic dwelling equivalent credits as set out in the Council's Policy on Development Contributions are available for this lot.
 - b) In the event that services are provided to Section 2 and development contributions are paid as per (a) above, this consent notice condition shall be deemed to have expired and may be removed from the Computer Freehold Register for Section 2 SO 483628.

- c) At the time Section 1 is further subdivided/developed or on-sold by Council, legal access shall be provided to Section 1 SO 24383.

APPENDIX 2 – APPLICANT'S AEE



ASSESSMENT OF EFFECTS & FURTHER INFORMATION

In regard to a consent application to

Subdivide Section 2 SO 433650 into Two Lots and Amalgamate Proposed Section 2 with Lot 4 DP 477835

On behalf of

Queenstown Lakes District Council

CONSENT APPLICATION SUMMARY

Applicant:	Queenstown lakes District Council
Location:	Vancouver Drive, Queenstown
Proposal:	Re-classification of Recreation Reserve to Freehold Title
Type of consent:	Subdivision
Legal description:	Section 2 SO 433650
Zone:	Rural General, High Density Residential Sub-Zone C, Designation 171 & 374
Activity status request:	Non-Complying Activity
Date prepared:	10 April 2015
Aurum file reference:	3811

A.) Assessment of Effects in Accordance with Section 88, and the Fourth Schedule of the Resource Management Act 1991

A.1. Description of the Proposal

A.1.1. Site & Location

The site is located at the end of Vancouver Drive, Queenstown Hill, Queenstown. The site includes the Queenstown Hill Millennium Walkway that starts at the end of Belfast Terrace.

Located adjacent to the site is the Queenstown Lakes District Council Larchwood Reservoir and Aurora Substation. Access to these utilities is via gravel track through the site

The land is legally described as Section 2 SO 433650 held in Computer Freehold Register 584966. The site is 70.2449ha (total CFR area is 70.2849ha as includes Section 1 SO 23185).

A.1.2. Proposal

The applicant seeks consent to undertake a two lot subdivision as per the attached plan in which the resulting Section 2 will be held by and amalgamation condition in the same title as Lot 4 DP 447835.

As present Section 2 SO 433650 is Recreation Reserve with delegated authority to the Queenstown Lakes District Council (QLDC). An agreement has been reached between the Department of Conservation and Queenstown Lakes District Council to carry out a land swap for Section 1 (hereon) and Lot 4 DP 447835 at the end of Belfast Terrace presently owned by QLDC in freehold title.

For the land exchange to occur Section 1 (hereon) needs to have the Recreation Reserve status removed by gazette notice and a freehold title issued. The purpose of SO 483628 is to enable this to be completed. A resource consent is therefore required to separate Section 1 from Section 2.

A.1.3. Zoning and Activity Status

A.1.3.1 QLDC District Plan

Under the Queenstown Lakes District Council District Plan the site is in two different zones; the majority of proposed Section 2 is Rural General while the majority of proposed Section 1 is High Density Residential Sub-Zone C.

The zone boundary is not coincident with the proposed boundary between Sections 1 & 2. Any implications of this will be address if Section 1 is ever developed further.

The site is subject to designations:

- 171 which is the Commonage Recreation Reserve.
- 374 which is the Queenstown Hill Forestry Operation.

A.1.3.2 QLDC District Plan Rules

As the Land being subdivided is zoned Rural General and all of the High Density residential land is with proposed Section 1 the proposal is considered Non-Complying as no building platforms are proposed in this application (Rule 15.2.3.3 (vi)).

Section 2 does not have water supply to the boundary as required by rule 15.2.11.3 (i). This is a Non-compliance.

The implications of this are very minor as Section 2 is Recreation Reserve administered by QLDC and therefore the servicing issue could be addressed in the unlikely event of the reserve classification being revoked. We would accept a Consent Notice to cover servicing for Section 2 if necessary.

The proposal complies with all other relevant rules.

A.1.3.3 QLDC District Plan Objectives

Part 4 (District Wide Issues)

As this application does not propose any development of the land and is only to facilitate an ownership exchange it is not in conflict with any of the district wide objectives.

Part 5 (Rural Areas)

The proposal does not conflict with any of the rural area objectives.

Part 7 (Residential Areas)

The proposal does not conflict with any of the residential area objectives.

Part 14 (Transport)

The proposal does not conflict with any of the transport objectives.

Part 15 (Subdivision)

This proposal does not conflict with any of the subdivision objectives although there are considerations of future land use that can be considered in this case. The land exchange will facilitate Section 1 to be available at some future time for residential development. When and if development is proposed all of these issues will be considered and designed for in detail.

A.2. *Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity :*

The activity does not create any significant adverse effects and no alternative locations were considered.

A.3. *An assessment of the actual or potential effect on the environment of the proposed activity:*

The relocated boundary, along with the re-classification of the land will move a potential residential area into a less visible area from downtown Queenstown and is more in keeping with the surrounding land use.

A.4. *Where the activity includes the use of hazardous substances and installations, an assessment of the risks to the environment which are likely to arise from such use:*

Not applicable.

A.5. *Where the activity includes the discharge of any contaminant, a description of:*

- (i) The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and***
- (ii) Any possible alternative methods of discharge, including discharge into any other receiving environment:***

No development is proposed by this application and therefore there are no discharges proposed.

A.6. A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:

None required.

A.7. An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:

None undertaken.

A.8. Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom:

Other than Council's normal monitoring, no additional monitoring is proposed.

A.9. RMA Part 2:

(i) Matters of National Importance

This proposal involves the subdivision of Rural General land into two large lots that are in keeping with the District Plan zoning. The reclassification of land resulting from this subdivision will be more in keeping with the District Plan zoning. The subdivision in this case is not inappropriate development of this land and is therefore not a matter of national importance.

A.10. Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects:

This proposal has less than minor effect on the wider community as no development of the land is proposed.

A.11. Any physical effect on the locality, including any landscape and visual effects:

There are no physical or visual effects.

A.12. Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity:

There are no effects on the local ecosystem.

A.13. Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:

No effects.

A.14. Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants:

No discharges are proposed.

A.15. Any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations

No hazards are likely to arise from this proposal.

B.) Further Information

B.1. Servicing

There are existing service connections at the end of Vancouver Drive that can service Section 1. Section 2 could be serviced through Lot 4 DP 447835 (as they will be held in the same title by an amalgamation condition) by connecting into existing services at the end of Kerry Drive. Despite this Section 2 is considered not serviced and may require a Consent Notice for servicing in this case as discussed above.

Legal road frontage to Section 1 is off Vancouver Dr and frontage for Section 2 is off Kerry Dr by virtue of the amalgamation with Lot 4 DP 447835.

No service or access easements are considered necessary.

B.2 Easements

No additional easements are required.

B.3. Financial Contributions

No additional demand is proposed on the existing infrastructure as this time, therefore no financial contributions are anticipated.

B.4. Hazard Register

The site (Section 1) is classified as LIC1 in terms of liquefaction hazard. No further investigation is required.

B.5. HAIL (NES)

A preliminary site investigation (PSI) has been undertaken by Davis Consulting Group to assess if there have been any HAIL activities on the site. The PSI concluded that the historic light pastoral use of the land and any subsequent activities are highly unlikely to have impacted the site soils (see attached report).

C.) Conclusion

We anticipate this application will be assessed on a non-notified basis. It is believed there will be minimal adverse effects on the surrounding environment as a result of the subdivision.

Attachments

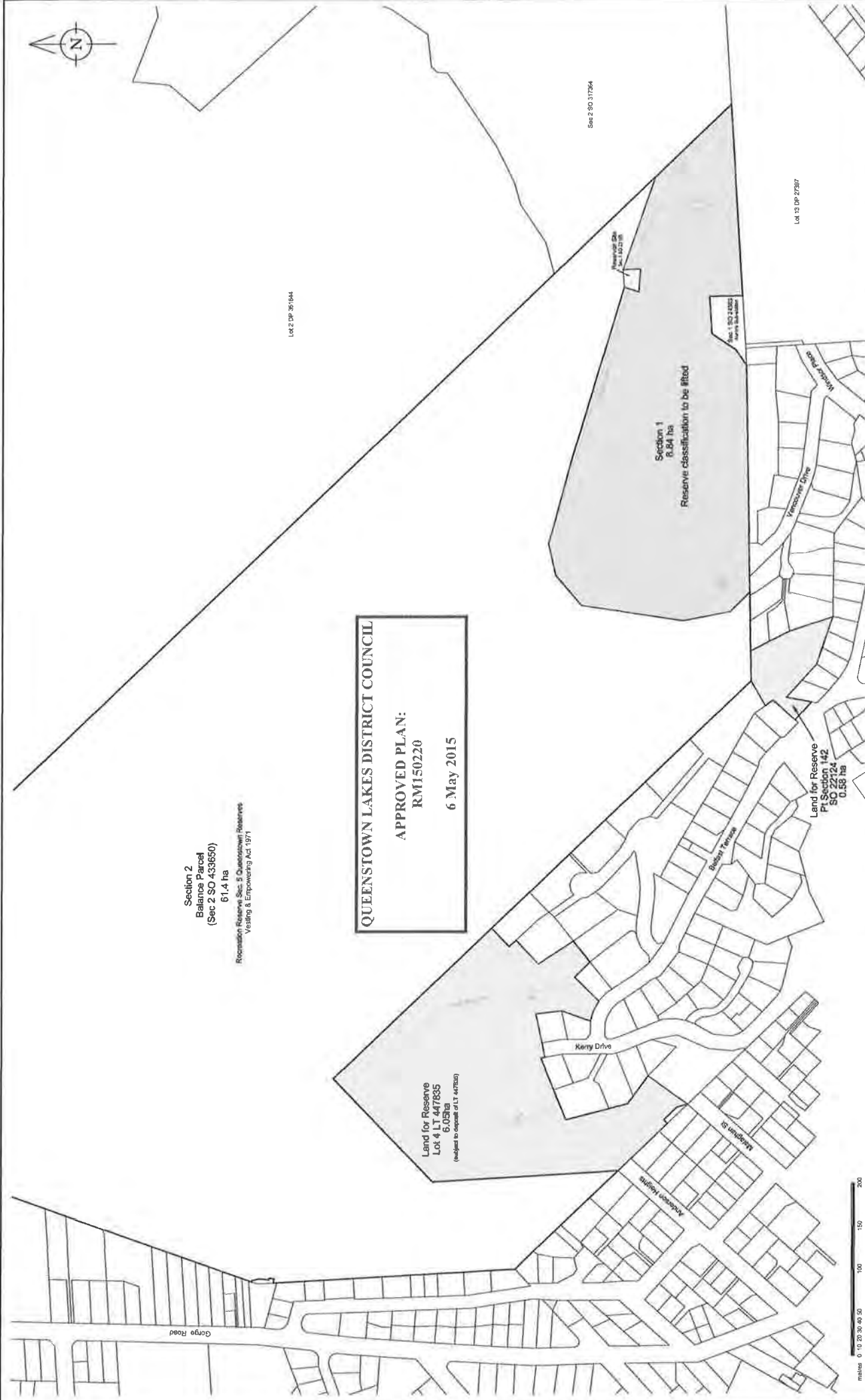
Please find attached to this application the following items

- *Form 9*
- *A site location plan of the proposal;*
- *Plan of proposed subdivision.*
- *Draft survey plan.*
- *A copy of the Computer Freehold Register.*
- *Soils PSI*
- *Proof of Deposit*

Yours faithfully
Aurum Survey Consultants



Samuel Lynds
Surveyor (BSurv hons)
Mobile 027-4247018
slynds@ascl.co.nz



Section 2
Balance Parcel
(Sec 2 SO 433650)
61.4 ha
Recreation Reserve, Sec. 5 Queenstown Reserves
Visiting & Empowering Act 1971

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM150220
6 May 2015

Land for Reserve
Lot 4 LT 447835
6.05ha
(subject to deposit of LT 447835)

Section 1
8.64 ha
Reserve classification to be fitted

Land for Reserve
Pt Section 142
SO 433650
0.66 ha



DATE: 21 Oct 2013
BY: Bruce Milward

Scale: 1:4000
Original Plan-A3

DRAWING & ISSUE No:
2962-3R-1A

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AURUM SURVEY

**PROPOSED LAND EXCHANGE
AND RESERVE RE-CLASSIFICATION,
COMMONAGE AREA,
QUEENSTOWN.**

REV	DATE	REVISION DETAILS	BY:
A	21-10-13	Initial release	BAM

NOTES:
- Boundaries imported from LINZ database
- All boundaries, dimensions and areas are subject to survey

1. Where necessary using Aurum Survey Consultants drawings and other data, except the site of...
2. Being the drawings of other data for any purpose not agreed to in writing by Aurum Survey Consultants.

ITEM 2(a)

Sec 2
SO 317364

Sec 1
SO 23175

Lot 1
DP 496901

Sec 1
SO 24363

Pt Lot 1
DP 21763

Lot 13
DP 21397

Lot 94 DP 24186
Lot 83 DP 23944
Lot 84 DP 23944
Lot 85 DP 23944
Lot 2 DP 496901
Lot 1 DP 486970
Lot 3 DP 23944
Lot 87 DP 23944
Lot 88 DP 23944
Lot 89 DP 23944
Lot 92 DP 23944
Lot 92D DP 23944
Lot 2A2B DP 23944
Lot 94 DP 486285
Lot 1 DP 23944
Lot 2 DP 23944
Lot 3 DP 23944
Lot 4 DP 23944
Lot 75 DP 23944
Lot 76 DP 23944
Lot 77 DP 23944
Lot 78 DP 23944
Lot 79 DP 23944
Lot 80 DP 23944
Lot 81 DP 23944
Lot 82 DP 23944
Lot 83 DP 23944
Lot 84 DP 23944
Lot 85 DP 23944
Lot 86 DP 23944
Lot 87 DP 23944
Lot 88 DP 23944
Lot 89 DP 23944
Lot 90 DP 23944
Lot 91 DP 23944
Lot 92 DP 23944
Lot 93 DP 23944
Lot 94 DP 23944

Pt Sec 142 BLK XX
Shotover SD

Vancouver Dr

100 m

500 ft



Section 2
Balance Parcel
(Sec 2 SO 433650)
61.4 ha
Recreation Reserve Sec. 5 Queenstown Reserves
Vesting & Empowering Act 1971

QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM150220
6 May 2015

Land for Reserve
Lot 4 LT 447835
6.05ha
(subject to deposit of LT 447835)

Section 1
8.84 ha
Reserve classification to be lifted

Land for Reserve
Pt Section 142
SO 22124
0.58 ha



NOTES:
- Boundaries imported from LINZ database
- All boundaries, dimensions and areas are subject to survey

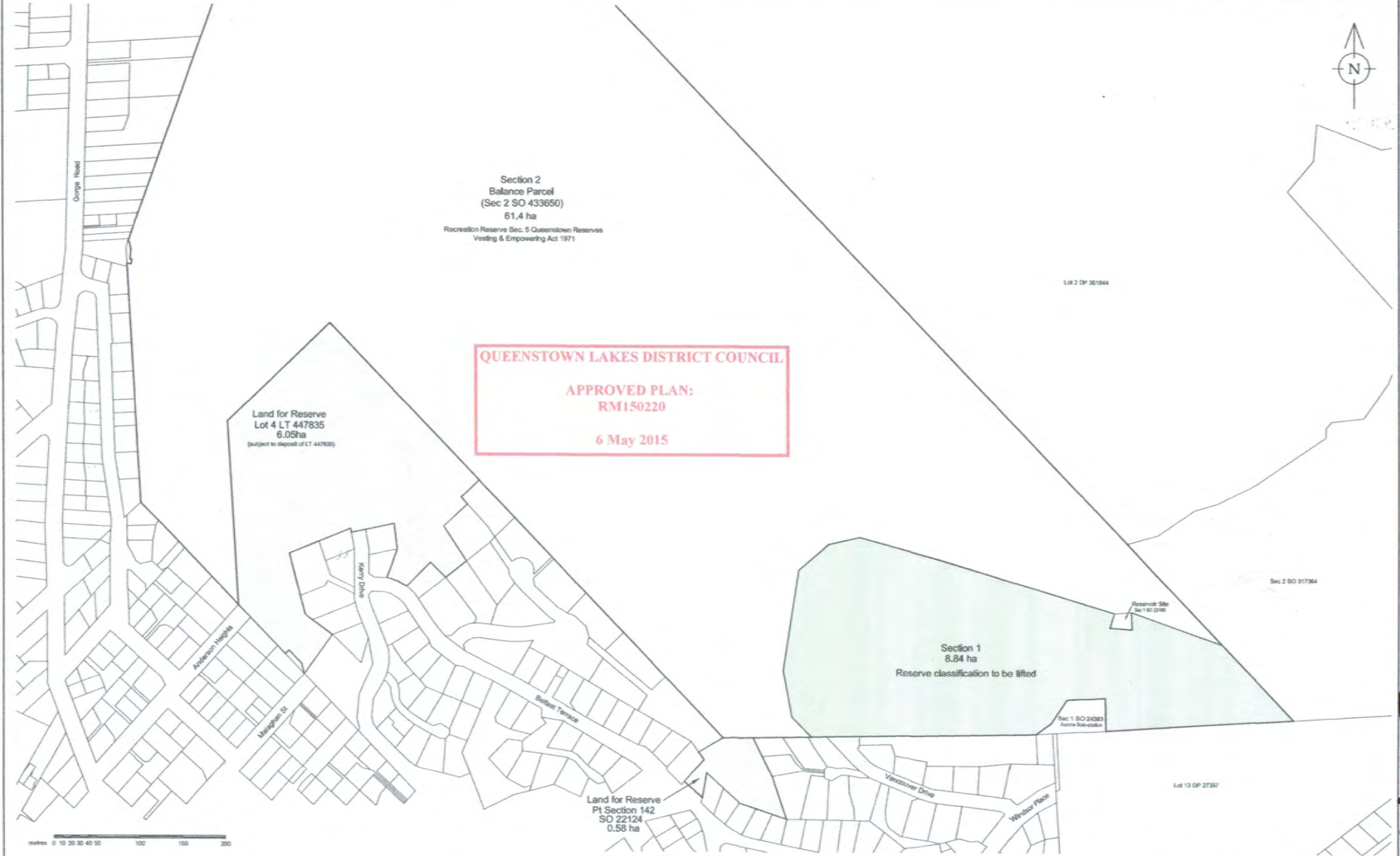
REV.	DATE	REVISION DETAILS	BY
A	25-10-15	Initial release	BAM

PROPOSED LAND EXCHANGE
AND RESERVE RE-CLASSIFICATION,
COMMONAGE AREA,
QUEENSTOWN.

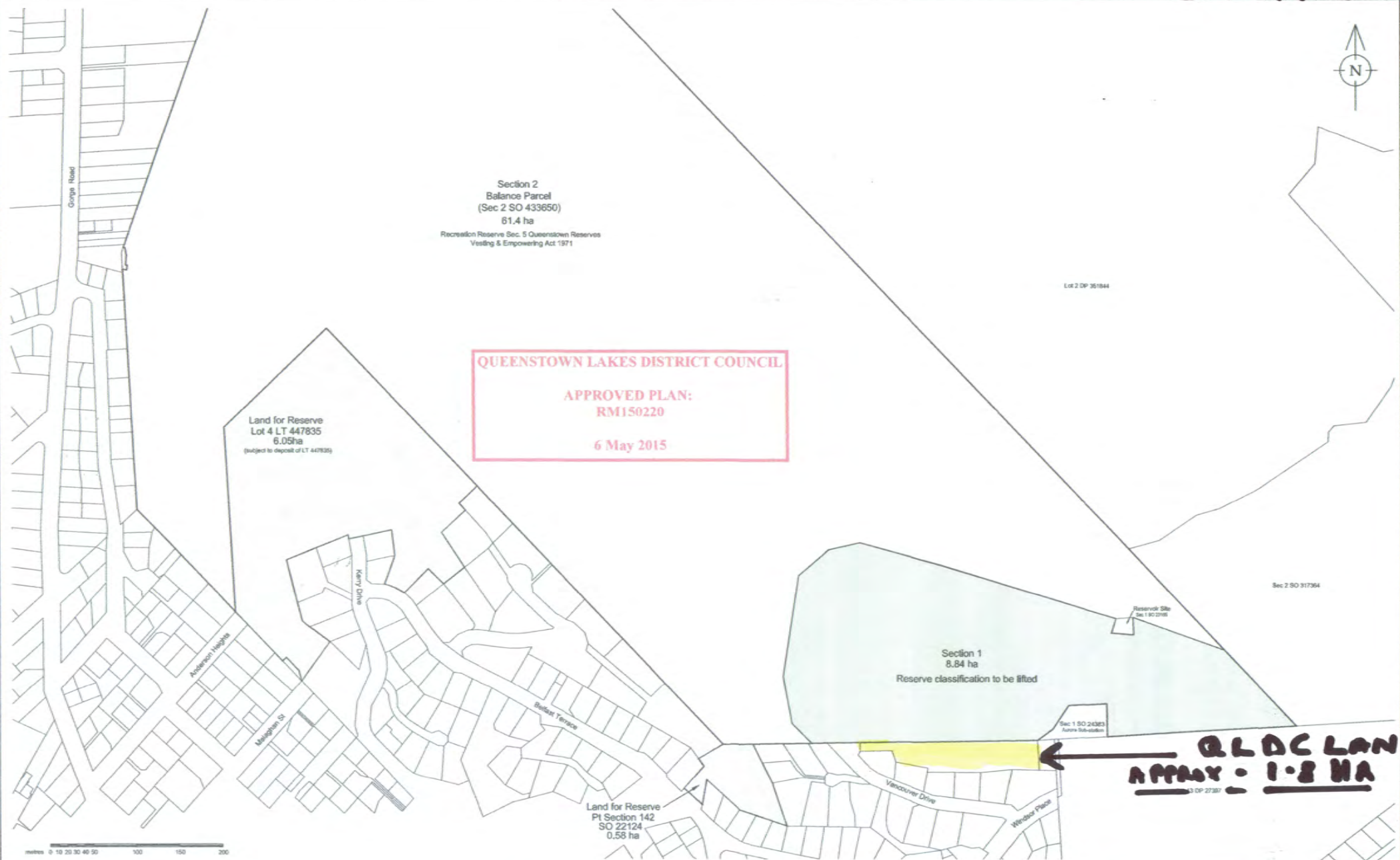
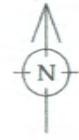
DATE: 21 Oct 2013
BY: Bruce McLeod
Scale: 1:4000
Original Plan A3
DRAWING & ISSUE No.
2962-3R-1A



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Item 2(b)



QUEENSTOWN LAKES DISTRICT COUNCIL
APPROVED PLAN:
RM150220
6 May 2015

QLDC LAND APPROX: 1.8 HA

ITEM 3

NOTES:
 - Boundaries imported from LINZ database
 - All boundaries, dimensions and areas are subject to survey

A person/company using Aurum Survey Consultants drawings and other data accepts the risk of:
 1. using the drawings and other data in electronic form without requesting and checking them for accuracy against the original hard copy version;
 2. using the drawings or other data for any purpose not agreed to in writing by Aurum Survey Consultants.

REV.	DATE	REVISION DETAILS	BY:
A	21-10-13	Initial release	BAM

**PROPOSED LAND EXCHANGE
 AND RESERVE RE-CLASSIFICATION,
 COMMONAGE AREA,
 QUEENSTOWN.**

DATE: 21 Oct 2013	Scale: 1:4000	DRAWING & ISSUE No. 2962-3R-1A
BY: Bruce McLeod	Original Plan A3	

AURUM SURVEY

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 Fax 03 442 3469
 Email admin@esdc.co.nz

ITEM 4



Section 2
80 438650

Section
80 2124

Pt Lot
DP 217

Pt Section 142
80 22124

Lot 86
DP 23944
22

Lot 88
DP 23944
20 18 18

Lot 87
DP 23944
14

Lot 88
DP 23944
18

Lot 89
DP 23944
6

Lot 90
DP 23944
2A 2B

Lot 84
DP 23944
43

Lot 83
DP 23944
21

Lot 78
DP 23944
17

Lot 79
DP 23944
13

Lot 4
DP 23944
9

Lot 77
DP 23944
5

Lot 76
DP 23944
1

Lot 75
DP 23944
9

Lot 74
DP 23944
10

Lot 2
DP 410709
2

Lot 36
DP 21257
14

Lot 1
DP 410709
20

Lot 37
DP 21257
20

Lot 38
DP 21257
20

Lot 68
DP 21257
7

Lot 3
DP 23944
7

Lot 72
DP 23944
7

Lot 71
DP 23944
7

Lot 82
DP 23944
1A 1B

Lot 71
DP 23944
3

Lot 91
DP 24186
10

Lot 92
DP 24186
10

Windsor Pl 100 ft

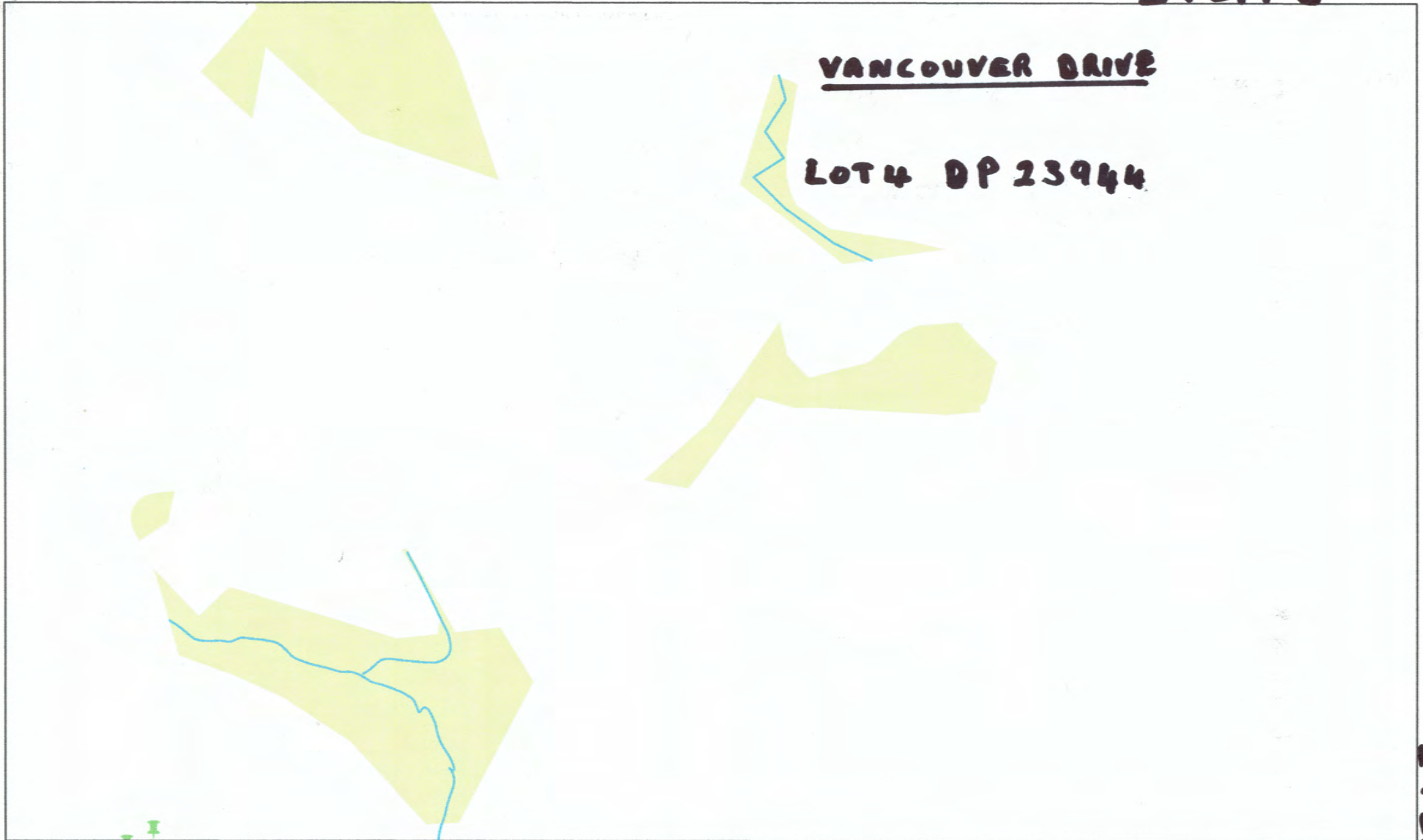
50 m

Windsor Pl

London Lane

Vancouver Dr

ITEM 5



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ITEM 5