

APPLICATION AS NOTIFIED

Elmton Limited

(RM260555)

QUEENSTOWN LAKES DISTRICT COUNCIL

SERVICE OF NOTICE / LIMITED NOTIFICATION

Service of Notice for Limited Notification of a Resource Consent application under Section 95B of the Resource Management Act 1991.

The Queenstown Lakes District Council has received an application for a resource consent from:

Elmton Limited

What is proposed:

Application under Section 88 of the Resource Management Act 1991 (RMA) for the use of two residential units for a Residential Visitor Accommodation activity for up to 365 days per calendar year with a minimum stay of two nights, accommodating up to eight (8) guests per residential unit; and an associated breach to the mobility parking standard.

The location in respect of which this application relates is situated at:

The subject site is located at 32A and 32B Dart Place, in the northwestern part of Fernhill, approximately 3 km from Queenstown Town Centre.

A full copy of this Limited Notified package is available for you to download on the following link:

<https://www.qldc.govt.nz/services/resource-consents/notified-resource-consents#limited-not-rc> or via our edocs website using RM260555 as the reference <https://edocs.qldc.govt.nz/Account/Login>

This file can also be viewed at our public computers at these Council offices:

- **Gorge Road, Queenstown;**
- **and 47 Ardmore Street, Wanaka during normal office hours (8.30am to 5.00pm).**

The Council planner processing this application on behalf of the Council is Sol Kim, who may be contacted by phone at 03 441 1820 or e-mail at sol.kim@qldc.govt.nz

Any person who is notified of this application, but a person who is a trade competitor of the applicant may do so only if that person is directly affected by an effect of the activity to which the application relates that –

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition.

If you wish to make a submission on this application, you may do so by sending a written submission to the consent authority no later than:

19 August 2026

The submission must be dated, signed by you and must include the following information:

- a) Your name and postal address and phone number/fax number.
- b) Details of the application in respect of which you are making the submission including location.
- c) Whether you support or oppose the application.
- d) Your submission, with reasons.
- e) The decision you wish the consent authority to make.
- f) Whether you wish to be heard in support of your submission.

You may make a submission by sending a written or electronic submission to Council (details below). The submission should be in the format of Form 13. Copies of this form are available Council website:

<https://www.qldc.govt.nz/services/resource-consents/notified-consents/current-notified-resource-consents/>

You must serve a copy of your submission to the applicant, as soon as reasonably practicable after serving your submission to Council, using the following address:

C/- Hamish Barrell
hamish@avanzar.co.nz
Avanzar Consulting Limited
5/41 Sir William Pickering Drive, Burnside, Christchurch 8053

QUEENSTOWN LAKES DISTRICT COUNCIL



(signed by Wendy Baker, Independent Commissioner, pursuant to a delegation given under Section 34A of the Resource Management Act 1991)

Date of Notification: 22 July 2026

Address for Service for Consent Authority:

Queenstown Lakes District Council
Private Bag 50072, Queenstown 9348
Gorge Road, Queenstown 9300

Phone
Email
Website

03 441 0499
rcsubmission@qldc.govt.nz
www.qldc.govt.nz

TechnologyOne ECM Document Summary

Printed On 22-Jul-2026

Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Application form	9597074	1	14-May-2026
PUB_ACC	Assessment of Environmental Effects (AEE)	9591245	1	12-May-2026
PUB_ACC	Record of Title 561285	9597076	1	14-May-2026
PUB_ACC	Record of Title 561284	9597075	1	14-May-2026
PUB_ACC	Visitor Accommodation Management Plan	9591247	1	12-May-2026



APPLICATION FOR RESOURCE CONSENT
OR RMA FAST-TRACK RESOURCE CONSENT

FORM 9: GENERAL APPLICATION



Section 87AAC, 88 of the Resource Management Act 1991 (Form 9)

Please make sure that you are completing **the correct form** for your consent application type. This form provides mandatory contact information and details of your application and must be completed in full. If the incorrect form is used, or if information or supporting materials are missing, your application will be returned, and you will need to resubmit your application in full.



APPLICANT //

- Must be a person or legal entity (limited liability company or trust).
- Full names of all trustees required.
- The applicant name(s) will be the consent holder(s) responsible for the consent and any associated costs.

Applicant's full name / company / trust [Name decision is to be issued in]

ELMTON LIMITED

All trustee names (if applicable)

Authorised person for company or trust

Michael Karabassis

Postal address

[Contact details supplied must be for the applicant and not for an agent acting on their behalf and must include a valid postal address]

34 Heaton Street, Merivale, Christchurch

Email address

michael@netfunds.co.nz

Phone number (daytime)

Phone number (mobile)

021 207 0368

The applicant is:



Owner



Occupier



Prospective Purchaser [of the site to which the application relates]



Lessee



Other [Please specify]

Our methods of corresponding with you are by email and phone.



INVOICING DETAILS //

Information on payments and the costs involved with different application types can be found on our [charges and fees webpage](#).

Invoices will be sent out via email unless you specifically request to receive via post.

First name

Surname

Authorised company/trust (if applicable)

ELMTON LIMITED

Email address

michael@netfunds.co.nz

Postal address

34 Heaton Street

Postcode

8052

Address/location to which this application relates to

32A and 32B Dart Place, Fernhill

Postcode

9300



CORRESPONDENCE DETAILS //

If you are acting on behalf of the applicant e.g. agent, consultant or architect, please fill in your details in this section.

Name and company

Hamish Barrell at Avanzar

Postal address

5/41 Sir William Pickering Drive, Christchurch

Email address

hamish@avanzar.co.nz

Phone number

033581117

Phone number (mobile)

0272534380



CONSENT(S) APPLIED FOR //

Identify all consents sought.



Land Use Consent



Land Use Consent including earthworks



Land Use Consent combined with s127 and/or s221



Subdivision Consent

If the application type you are applying for is not listed it is because it has its own application form which you will need to complete instead of using this form i.e.:

- s127 Change or Cancellation of Consent Condition
- s221 Change or Cancellation of Consent Notice
- Boundary / Marginal or Temporary Activity Notice
- Outline Plan
- Designations

[These forms can be downloaded here.](#)

If you are applying for a Land Use and s127, please indicate your applicable RM Number:



QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC



Controlled Activity Land Use

If your consent qualifies as a fast-track application under section 87AAC, tick here to **opt out** of the fast track process:



Opt out



BRIEF DESCRIPTION OF THE PROPOSAL //

Please complete this section, any form stating 'refer AEE' will be returned to be completed with a description of the proposal.

Consent is sought to:

Operate residential visitor accommodation from existing residential dwellings at 32A and 32B Dart Place, Fernhill, Queenstown.



DETAILS OF SITE //

Legal description field must list legal descriptions for all sites pertaining to the application. Any fields stating 'refer AEE' will result in return of the form to be fully completed.

Address / location to which this application relates

32A and 32B Dart Place

Legal Description [Can be found on the Computer Freehold Register or Rates Notice – e.g Lot x DPxxx (or valuation number)]

Lot 1 DP444414 and Lot 2 DP444414

District Plan zone(s)

Suburban Residential Zone



OWNER DETAILS //

Please supply owner details for the subject site/property if not already indicated above.

Owner name

See above

Owner address

See above

Owner email address

See above

If the property has recently changed ownership, please indicate on what date (approximately) AND the name(s) of the previous owner(s):

Date

05/25/2026

Name(s)

Brett Flintoff & Sangita Talwar



SITE VISIT REQUIREMENTS // Should a Council officer need to undertake a site visit, please answer the questions below.

Question	Yes	No
Is there a gate or security system restricting access by council?	☐	☒
Is there a dog on the property?	☐	☒
Are there any other hazards or entry restrictions that council staff need to be aware of? If 'yes' please provide information below.	☐	☒



PRE-APPLICATION MEETING

Have you had a pre-application meeting with Council regarding this proposal? ☐ Yes ☒ No

If 'yes' please provide the reference number and/or name of staff member involved.

Correspondence had with Carrie Skilton, 7/04/2026



NATIONAL ENVIRONMENTAL STANDARDS (NES) // For assessing and managing contamination in soil to protect human health.

This site may be subject to or covered by the NES for assessing and managing contamination in soil to protect human health regulations 2011. The applicant is required to address the NES regarding the past use of the land. Activities on the Hazardous Activities and Industries List (HAIL) can be found on the [MFE website](#).

If the land subject to this application been used for (including its present use) an activity on the HAIL, your application involved subdividing or changing the use of the land, sampling or disturbing soil, or removing or replacing a fuel storage system, then the NES may apply and you may need to seek consent for this concurrently in your application.

Does the proposed activity require resource consent under the NES? ☐ Yes ☒ No

If 'yes' an assessment of the application under the NES must be provided as part of your Assessment of Effects on the Environment, a detailed site investigation may be required.



OTHER CONSENTS

HAVE YOU APPLIED FOR OR OBTAINED ANY OTHER RESOURCE CONSENT(S) FROM OTAGO REGIONAL COUNCIL (ORC)?

☐

Yes

☒

No

If 'yes' please indicate what type of consent and supply the application number.

HAVE YOU APPLIED FOR A PROJECT INFORMATION MEMORANDUM (PIM) OR A BUILDING CONSENT FOR THIS PROJECT?

☐

Yes

☒

No

If 'yes' please supply the BC number.



DECLARATION OF INFRINGEMENT HISTORY

Select one of the following statements:

CORPORATION/TRUST/INCORPORATED SOCIETY/UNINCORPORATED SOCIETY:

☒

I declare that I am a person authorised to make this declaration on behalf of the Applicant. The Applicant has not been the subject of any abatement notices, enforcement orders, infringement notices, or convictions under the Resource Management Act 1991.

☐

I declare that I am a person authorised to make this declaration on behalf of the Applicant. The Applicant has been the subject of the following abatement notices, enforcement orders, infringement notices, and convictions under the Resource Management Act 1991 (list all matters and the date of each):

NATURAL PERSON:

☐

I declare that I am a natural person and that in the past 7 years I have not been the subject of any abatement notices, enforcement orders, infringement notices, or convictions under the Resource Management Act 1991.

☐

I declare that I am a natural person and that in the past 7 years I have been the subject of the following abatement notices, enforcement orders, infringement notices, and convictions under the Resource Management Act 1991:

A natural person is an identifiable individual. A non-natural person is not an identifiable individual, and includes companies, trusts, and unincorporated persons.



PAYMENT // An initial fee is payable upon receiving the initial fee invoice following the submission of this application.

Please wait for the initial fee invoice to be issued and **use the application reference on the invoice for your payment.**

This fee **MUST** be paid with the correct application reference in order for the processing to begin.

Incorrectly referenced payments will be refunded directly to your bank account and you will be required to resubmit payment using the correct application reference.

AMOUNT TO PAY - LAND USE AND SUBDIVISION RESOURCE CONSENT FEES

Please select from drop down list below:

\$2426 Restricted Discretionary Activity (overall consent status)

The initial fee is made up of an administration lodgement fee of \$300.00 and monitoring fee of \$287.00 (for land use consent applications and designation related applications) if applicable. It also includes a charge reflective of the overall activity status of your application or the type of application you are applying for, this charge is treated as the application deposit.

The initial fee amounts are a minimum initial charge, and any further costs incurred will be invoiced monthly until processing is complete. The actual costs of your application will be calculated as the application progresses.

Please refer to our [!\[\]\(f2b341b2842f84b06275b7e52ec9f0ae_img.jpg\) **charges and fees webpage**](#) for more information.



INFORMATION REQUIRED TO BE SUBMITTED // Attach to this form any information required (see below).

To be accepted for processing, your application should include the following:

- ☒ Form 9: General Application (this form).
- ☒ Record of Title for the property (no more than 3 months old). To be named Record of Title with the title identifier at the end and to be separate documents if multiple titles (i.e. Record of Title 12345, Record of Title 678910).
- ☐ Copies of any Covenants, Consent Notices, Easement Instruments etc. These are to be named Consent Notice or Easement Instrument with the title identifier at end and to be separate documents (i.e. Consent Notice 123456, Easement Instrument 123456, Covenant 123456). These can be obtained from Land Information NZ.
- ☒ A plan or map showing the locality of the site, topographical features, buildings etc.
- ☒ A site plan at a convenient scale.
- ☐ Written approval of every person who may be adversely affected by the granting of consent (s95E).
- ☐ Acknowledgment that written approval has not been supplied from all affected parties.
- ☐ An AEE (Assessment of Effects). An AEE is a written document outlining how the potential effects of the activity have been considered along with any other relevant matters, for example if a consent notice is proposed to be changed.
- ☒ The AEE includes the relevant provisions of the District Plan and affected parties including who has or has not provided written approval.

Your application must be submitted via our online [!\[\]\(cf907b6581366ac39ee91719072e5253_img.jpg\) **Community Portal**](#).

It's important that all your documents are named correctly - it helps us to process your application quickly and efficiently.

If you do not follow the required naming convention, your application will be rejected.

Please name your documents as per the guide below.

- Application Form
- AEE (Assessment of Environmental Effects)
- Landscape Report
- Engineering Report
- Affected Party Approval/s
- Ecological Report
- Traffic Report
- Record of Title including the title identifier at the end and to be separate documents if multiple titles (i.e. Record of Title 12345, Record of Title 678910)
- Covenants, Consent Notices, Easement Instruments etc. including the title identifier at end and to be separate documents (i.e. Consent Notice 123456, Easement Instrument 123456, Covenant 123456)
- Geotechnical Report
- Urban Design Report
- Wastewater Assessment



DECLARATION //

Please note: all boxes must be checked and a signature provided in order for your application to be processed.

The Council relies on the information contained in this application being complete and accurate. The Applicant must take all reasonable steps to ensure that it is complete and accurate and accepts responsibility for information in this application being so.



I apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.



I am/we are aware as the applicant, of all of my/our obligations arising under this application including, in particular but without limitation, my/our obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the [charges and fees section](#) and [Council's other guidance for resource consent applications](#).



I/we agree, to make payment of all Additional Charges under s36(5) by the 20th of the month following the invoicing of the charges **(the Agreed Date)**.



In accordance with s92AA(1)(a)(iii), I/we acknowledge that this declaration constitutes written notice that the charges under s36(5) are to be paid by the Agreed Date.



I/we accept that failing to make payment by the Agreed Date may result in the application being treated as incomplete and returned, in accordance with the process under s92AA(1)(b) and (c).



I/we understand that after an application has been returned under this section, if the application is lodged again with the consent authority, it is to be treated as a new application.



Authorised signatory

Date

12/05/2026

Full name

Michael Karabassis



DECLARATION OF AUTHORITY TO ACT ON BEHALF //

Please sign this section if you are acting on behalf of the applicant.



I apply for the resource consent(s) for the Proposal described above and I certify that, to the best of my knowledge and belief, the information given in this application is complete and accurate.



Signed as an authorised agent of the Applicant

Digitally signed by Hamish Barrell
Date: 2026.05.13 19:23:31 +12'00'

Date

12/05/2026

Full name and title of person lodging this form

Hamish Barrell, Principal Planner

Company name and address

Avanzar, Sir William Pickering Drive, Christchurch



APPLICATION FEES - IMPORTANT INFORMATION

When you lodge an application, an initial fee must be paid before any processing can begin. This initial fee is a deposit and represents the minimum charge for your application.

The initial fee includes:

- a deposit based on the overall activity status of the application you are applying for,
- an administration and lodgement fee, and
- a monitoring fee, where applicable.

This deposit contributes toward the total cost of processing your application. Your application will not be accepted or processed until the initial fee has been paid.

If your application is notified or requires a hearing, you will be required to pay a notification deposit and/or a hearing deposit. If unpaid, the processing of an application will be suspended until the sum is paid.

Any further costs incurred through the processing of your application are additional charges.

They will be charged on an hourly basis, and can be found listed on our [charges and fees webpage](#).

Additional fees will be invoiced monthly until the processing of your application is complete.

The actual total cost of your application will be calculated progressively as work is carried out.

Please note that by signing and lodging this form you are acknowledging that the details in the applicant section represent the person or entity responsible for payment of invoices and in addition will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by Council related to the recovery of any debt and that you are agreeing to the payment date which will be a monthly invoice of additional fees.



PRIVACY INFORMATION

The information that you have provided on this form is public information and is gathered for a lawful purpose to ensure the efficient functioning of Council's duties, powers and functions under the Resource Management Act 1991 and the Building Act 2004. The information will enable Council to adequately assess your application for Resource Consent in accordance with the statutory processes under the Resource Management Act 1991. The information may also be collected for and disclosed to, the Ministry for the Environment and Queenstown Lakes District Council, for the purpose of statistical analysis, so that the Agencies can efficiently undertake their statutory duties. The information will be stored on a public register ([Council's eDocs website](#)) and is available to the public in accordance with the terms and conditions set out on the eDocs website.

While available to the public through the eDocs portal, any disclosure of the information on the website must be in accordance with the Local Government Official Information and Meetings Act 1987 and must not be used for a purpose other than for the reason it was collected. Members of the public should not share or distribute this information for any purpose that is not a lawful purpose set out under relevant legislation.

Any unauthorised use, disclosure, or distribution of this information by third parties may constitute a breach of the Privacy Principles set out under the Privacy Act 2020 and may be reported to the Privacy Commissioner which could result in legal sanctions.



USE OF EXISTING DWELLINGS FOR RESIDENTIAL VISITOR ACCOMMODATION

32A and 32B Dart Place, Fernhill

Prepared by AVANZAR CONSULTING LTD
For Michael Karabassis

5/41 Sir William Pickering Drive
Burnside
Christchurch 8053
Ph: (03) 358 1117
www.avanzar.co.nz

QUALITY ASSURANCE

Reference: 14727

Title: Application for Land Use Consent – Visitor Accommodation 32A and 32B Dart Place, Fernhill

Client: Michael Karabassis

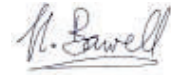
Filename: RC Application 32A & 32B Dart Place Fernhill - Final

Version: 2

Date: 12 May 2026

Prepared By: Hamish Barrell

Signature:



Reviewed By: Mary Clay

Signature:



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Appendix 1: Certificates of Title

Appendix 2: Site Plan

Appendix 3: Building Plans and Elevations

Appendix 4: Visitor Accommodation Management Plan

1. SUMMARY OF APPLICATION DETAILS

This report is an application for land use consent (including an assessment of the actual and potential effects on the environment) to operate Residential Visitor Accommodation (RVA) from existing residential dwellings at 32A and 32B Dart Place, Fernhill, Queenstown. This application has been prepared in accordance with Schedule 4 of the Resource Management Act 1991 ('RMA' or 'the Act').

Applicant:	Michael Karabassis
Applicant's Address:	34 Heaton St, Merivale, Christchurch
Land Owner:	Michael Karabassis
Owner's Address:	34 Heaton St, Christchurch
Site Address:	32A and 32B Dart Place, Fernhill
Legal Description:	LOT 1 DP 444414 and LOT 2 DP 444414
Certificate of Title:	Lot 1 and Lot 2 DP 444414
Site Area:	Combined 801m ²
Zoning:	Operative District Plan Zone – Not Applicable Proposed District Plan, as varied by the Urban Intensification Variation - Suburban Residential Zone
Proposed Activity:	Land use consent under the Proposed Queenstown Lakes District Plan as a Restricted Discretionary activity status.

2. APPLICATION SITE AND SURROUNDING ENVIRONMENT

2.1 The Site

The application encompasses two adjoining allotments at 32A and 32B Dart Place, Fernhill (together, the 'subject site') with a combined total area of approximately 801m², situated on the south-western side of Dart Place as it follows a curved alignment through this established residential neighbourhood. The location of the site is shown in Figure 1 below.



Figure 1: Aerial image of Site Locality: Source- Queenstown Lakes Spatial Data Hub

32A Dart Place is an irregularly shaped allotment, the boundary of which tapers toward the south-western corner. The site accommodates an existing residential dwelling and associated accessory structures. The dwelling contains four (4) bedrooms across two levels, together with open-plan living, kitchen and dining areas, bathroom and associated facilities.

32B Dart Place is situated immediately to the south of 32A, sharing a common boundary and again contains four (4) bedrooms across two levels. The combined frontage to Dart Place provides vehicular and pedestrian access for both allotments.

Topography across the site reflects the broader hillside character of the Fernhill locality, with the gradient sloping towards Lake Wakatipu. Between the rear (eastern) boundary of 32B Dart Place and 21 Wye Street is a steep embankment of approximately 3–4m. The elevated position of the sites afford panoramic views across the wider Fernhill residential environment toward the lake and the Remarkables mountain range beyond.

2.2 Surrounding Environment

The immediate context is characterised by low-density residential development typical of the Fernhill locality. The Dart Place streetscape in the vicinity of the subject sites presents a consistent residential character, with a mix of dwelling typologies (nothing more than two storeys in height), varying lot sizes and building ages predominantly from the 1990s and 2000s. The subject sites sit within a well-established suburban neighbourhood that retains a strong residential character.

The adjoining and nearby properties are as follows:

- To the east — 30B Dart Place: A residential duplex dwelling understood to be occupied by long-term tenants. This property shares a common boundary with the site and the proximity of habitable rooms and outdoor living areas to the shared boundary is a relevant consideration in any assessment of amenity effects.
- To the west — 36B Dart Place: A residential property that appears to be owner-occupied. The amenity expectations of this neighbouring resident warrant consideration in this assessment, although the property is screened to a large extent by vegetation within the gully feature between the sites.
- Further east — 28A Dart Place: A residential property understood to operate, or have recently operated, as short-term visitor accommodation. The transient nature of occupancy at this property is noted as contextual information relevant to the cumulative effects assessment.
- To the west — Undeveloped land described as a steep gully with creek and understood to be in Council ownership. This provides a certain degree of separation between the subject sites and 36B Dart Place.
- To the north — Dart Place and rising terrain. Dart Place lies to the north, with land on the opposing (northern) side of the road rising rapidly into a forest. There is no dwelling immediately across the road but several further along on the opposite side of the site that have a potentially distant overlooking relationship with the subject site. These properties appear to be largely owner-occupied.
- To the south — the site boundary to the south falls away to owner occupied properties sharing a right-of-way and accessing to Wye Place.

2.3 Site History

Fernhill as a suburb was started in the 1970s and Dart Place was constructed in stages in the 1980s and 1990s. The dwellings on the proposed site are currently used for residential purposes and were constructed in 2003. This was followed by the undertaking of a two lot fee simple subdivision around the 2 dwellings in 2011.

3. DESCRIPTION OF PROPOSED ACTIVITY

Land use consent is sought to use the existing four-bedroom residential dwellings at 32A Dart Place and 32B Dart Place for Residential Visitor Accommodation (RVA), to each contain a maximum of eight (8) guests, each let to a single group for a minimum of two (2) nights, for up to 365 nights per year.

The Applicant proposes to let the residential units through online platforms (including but not limited to Airbnb, Bookabach and similar short-term letting websites), to be managed through an appointed local property manager based in the Queenstown area.

3.1 Accommodation Configuration

The dwellings each contain four bedrooms.

Each dwelling will comfortably accommodate a maximum of eight guests without overcrowding. Each dwelling will be let to a single group at any one time, and will not operate as a backpacker hostel, boarding house or serviced apartment.

A condition of consent ensuring a maximum occupancy of eight guests at any one time is invited.

3.2 Management Arrangements

As standalone residential units each rented to a family or group, there will be no dedicated on-site manager. However, an appointed local property manager will be readily contactable at all times through electronic means (telephone, instant messaging, email). The property manager will be responsible for guest check-in briefings, property servicing between stays, and responding to any complaints or concerns from neighbouring properties.

A Visitor Accommodation Management Plan (VAMP), including a Noise Management Plan (NMP), has been prepared and is attached as Appendix 4 to this application. The VAMP sets out the specific procedures to be implemented to ensure the activity is managed in a manner that protects the residential amenity of the surrounding neighbourhood.

3.3 Vehicle Access and Parking

Access to the subject sites is from Dart Place via the existing vehicle crossing and common driveway. There are three officially designated car park spaces per lot as shown below from the RoT:



Figure 2: Site Configuration from copy of Title

Access to the site will continue to use the existing vehicle crossing from Dart Place. Currently there is a carport for two vehicles and another formed space at the north corner of Lot 1, which should be more than sufficient for most circumstances. However, there is in fact plenty of additional space available on the site for additional parking should that be required, including a dedicated mobility space. So while three spaces are provided, can meet the requirement for mobility users, further spaces could also be added on site if such a need was justified.

The intention is to understand the needs of guests prior to arrival and then to provide specific guidance on the parking situation, as documented in the VAMP.

3.4 Rubbish and Recycling

The Applicant is aware of the Council's policy that properties classified as commercial or accommodation are not entitled to the Council's kerbside waste collection service where RVA is undertaken for more than 180 nights per year. As consent is sought for up to 365 nights per year, private rubbish and recycling collection will be arranged either by the local property manager when servicing the unit between stays, or through engagement of a private waste contractor.

3.5 Other Activities and Consents

There are no other resource consents related to this activity that form part of the current proposal.

3.6 Consultation

The closest neighbours have been approached being the owners of 30B Dart Place and 21 Wye Place. They had no verbal objection in principle to the proposal and were reassured that the activity will be carefully managed by means of a visitor management plan (attached).

4. PLANNING FRAMEWORK

Under Schedule 4, Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant rules of the proposed district plan. For the application site, these are the **Error! Reference source not found.**

4.1 Zoning

Operative District Plan

*The previous provisions of the Operative District Plan regarding visitor accommodation are now deemed inoperative. The relevant rules under the replacement Proposed District Plan are now treated as operative pursuant to section 86F of the Resource Management Act.***Error! Reference source not found.***Proposed Queenstown Lakes District Plan*

The subject sites are located within the Suburban Residential Zone under the Proposed District Plan. All appeals relating to visitors accommodation provisions in the PDP have now been resolved and the provisions are now treated as operative. The PDP has now been varied by the Urban Intensification Variation (UIV). This zoning was previously referred to as the 'Lower Density Suburban Residential Zone'; the renaming was effected by the UIV, which did not amend the rules or standards relevant to residential visitor accommodation (RVA) or visitor accommodation (VA) in this zone.

The subject sites are located outside of any Visitor Accommodation Sub-Zone.



Figure 2: Excerpt from Proposed District Plan's Planning Map with the application site outlined in Red.

4.2 Proposed District Plan Rules

As noted above, the site is zoned Suburban Residential. The tables below contain a summary of the relevant rules that will need to be considered when assessing the proposed activity.

4.2.1 Chapter 7 – Suburban Residential Zone

The relevant rules of Chapter 7 of the Proposed District Plan (Suburban Residential Zone) are assessed as follows:

Rule / Standard	Assessment	Compliance
Rule 7.4.7 – Activity Table: Residential Visitor Accommodation	RVA, meaning the use of a building established as a residential unit (including a residential flat) by paying guests where the length of stay by any guest is less than 90 nights, is a permitted activity.	A maximum of 365 nights of stay is proposed. Does not comply.
Rule 7.4.15 - Visitor Accommodation not otherwise defined	Means the use of land or buildings to provide accommodation for paying guests where the length of stay for any guest is less than 90 nights; and (iv) Excludes Residential Visitor Accommodation and Homestays.	Not Applicable
Rule 7.5.15 – Visitor Accommodation (outside subzone)	7.5.15.1 - The total nights of occupation by paying guests on a site do not exceed a cumulative total of 90 nights per annum from the date of initial registration.	The intention is to operate beyond a total of 90 nights. Does not Comply
	7.5.15.2 - A single residential unit (inclusive of a residential flat) must be rented to a maximum of one (1) group of guests at any one time.	VAMP specifies: Complies
	7.5.15.3 - The number of guests must not exceed 2 adults per bedroom and the total number of adults and children must not exceed: 9 in a three-bedroom or more residential unit	VAMP specifies: Complies
	7.5.15.4 - No vehicle movements by a passenger service vehicle capable of carrying more than 12 people are generated.	Limited by occupancy numbers: Complies
	7.5.15.5 - Outdoor space is not used between the hours of 10:00pm and 7:00am and sign/s are installed and visible from the outdoor space advising the permitted hours of use.	VAMP specifies: Complies

Rule / Standard	Assessment	Compliance
	7.5.15.6 - Rubbish and recycling is not left on/adjacent to the road, except on the day of collection.	VAMP specifies: Complies
	7.5.15.7 - The activity is registered with Council prior to commencement.	Complies
	7.5.15.8 Council is provided with the following information at the time of registration: - The contact details of the person and/or organisation responsible for managing the property and responding to any complaints; and - Confirmation that the immediately adjacent neighbouring properties, including any property with shared access arrangements, have been provided written notice that the property is to be used for residential visitor accommodation etc.	Complies
	7.5.15.9 The information required by Standard 8 is reviewed and resubmitted to Council on an annual basis (from the date of registration of the activity), including the annual provision of written notice to neighbours required by Standard 8.b.	Complies
	7.5.15.10 Up to date records of the activity are kept including: a record of the date and duration of guest stays and the number of guests staying per night; and a detailed record of any complaints received and remediation actions taken.	Will comply
	7.5.15.11 The records required by Standard 10 are provided to Council on an annual basis from the date of registration and made available for inspection by Council with 24 hours' notice.	To Comply

The matters over which Council has restricted its discretion under Rule 7.5.15 (and the associated restricted discretionary provisions) are:

- (a) The location, nature and scale of activities;
- (b) Vehicle access and parking;
- (c) The management of noise, rubbish, recycling and outdoor activities;
- (d) Privacy and overlooking;
- (e) Outdoor lighting;
- (f) Guest management and complaints procedures;
- (g) The keeping of records of RVA use and availability of records for Council inspection; and
- (h) Monitoring requirements, including imposition of an annual monitoring charge.

4.2.2 Chapter 29 – Transport

The relevant rules of Chapter 29 of the Proposed District Plan (Transport) are assessed as follows:

Rule / Standard	Assessment	Compliance
Rule 29.5.4 .5– Mobility Parking: Visitor Accommodation (6+ guests)	Rule 29.5.4 requires the provision of one mobility parking space for any visitor accommodation activity involving six or more guests, with no formal mobility parking space currently provided on-site. As the proposal accommodates a maximum of eight guests, this standard is triggered.	Dedicated on-site parking is provided though the intention is not for the exclusive use for mobility impaired drivers, when not applicable. Does Not Comply
Rule 29.5.6. - Reverse Manoeuvring	On-site manoeuvring shall be provided for a B85 vehicle to ensure that no such vehicle is required to reverse either onto or off any local road where the activity is on a rear site.	While reverse manoeuvring is possible by utilising available space on Lot 1 in an abundance of caution: Does not Comply

The matters over which Council has restricted its discretion under Rule 29.5.6 are:

- Effects on the safety, efficiency, and amenity of the site and of the transport network, including the pedestrian and cycling environment, including any positive effects on the efficiency or amenity of the site.
- The design and location of required parking spaces, loading spaces, and on-site manoeuvring areas.

4.3 Activity Status

In summary, the application is a restricted discretionary activity, as follows:

- A restricted discretionary activity pursuant to Rule 7.4.7 read with Rule 7.5.15 (Chapter 7, Suburban Residential Zone, PDP) for residential visitor accommodation exceeding 90 nights per annum.
- A restricted discretionary activity pursuant to Rule 29.5.4.5 (Chapter 29, Transport, PDP) due to the need to provide an exclusive mobility space for both 32A and 32B (subject to the processing planners advice in relation to this technical non-compliance).
- A restricted discretionary activity pursuant to Rule 29.5.6 (Chapter 29, Transport, PDP) due to the need to reverse manoeuvre from 32B Dart Place32B (subject to the processing planners advice in relation to this technical non-compliance).

5. ASSESSMENT AGAINST MATTERS OF DISCRETION

The activity status set out in section 4.4 above states that the proposed activity is a restricted discretionary activity. The matters over which the Council has restricted its discretion are specified for activities such as that proposed are set out in clause 7.5.15 of the Proposed District Plan. The following is an assessment of the proposal's non-compliances relating to 7.5.15.1.

5.1 Location, Nature and Scale of Activities

Refer to Section 7 of this report.

5.2 Vehicle Access and Parking

Refer to Section 7.3 of this report.

5.3 Management of noise, rubbish, recycling and outdoor activities

The majority of the RVA activity will be undertaken within each of the enclosed dwellings. A condition of consent is volunteered to ensure adherence to the applicable noise limits within the Proposed District Plan. The attached NMP identifies the following measures to manage noise from each of the outdoor living areas:

- No use of outdoor living areas between 10:00 pm and 7:00 am;
- No amplified sound in outdoor areas between 8:00 pm and 8:00 am;
- Signage within the dwellings and in outdoor areas informing guests of the residential context, noise expectations and the manager's contact details;
- A documented complaints response procedure; and
- Annual NMP review procedures.

The outdoor living areas have the greatest potential for noise effects, particularly during evening hours given the hillside topography and the proximity of neighbouring habitable rooms (particularly for the owner occupier at 30B Dart Place to the east). The NMP measures described above, together with guest briefings and signage on arrival, are considered sufficient to ensure adverse noise effects on neighbouring properties will be less than minor.

Private collection or disposal will be arranged as set out in Section 3.4 above. The VAMP establishes procedures for ensuring waste is managed appropriately between and during guest stays. As with noise, rubbish management in a RVA context is largely self-regulating given the commercial incentive to maintain positive guest reviews. Adverse effects will be less than minor.

5.4 Privacy and overlooking

The proposal does not involve any changes to the built form of the dwellings. The existing building setbacks, screening, fencing and vegetation remain unchanged. Given that the RVA activity will be carried out from within the existing residential dwellings, and guests will use the properties in a manner broadly similar to residential occupation, the privacy of neighbouring properties will not be materially diminished.

The proximity of 30B Dart Place to the east and 21 Wye Place with their shared boundaries and close proximity to the site are acknowledged as the most sensitive interfaces.

The volunteered restriction on outdoor living area use during evening hours will provide effective protection of the privacy and amenity of these occupants.

The gully feature to the west provides adequate separation and screening from 36B Dart Place. Properties to the north, while elevated above the subject sites, are separated by the Dart Place carriageway.

Adverse effects with respect to privacy and overlooking will be less than minor.

5.5 Outdoor Lighting

A condition of consent is volunteered to ensure that any outdoor lighting associated with the RVA activity shall either be turned off between 10:00 pm and 7:00 am, be sensor-activated, or be directed away from adjacent roads and properties such that light spill beyond the property boundaries does not occur. These measures will ensure adverse glare effects on the wider environment will be less than minor.

5.6 Guest Management and Complaints Procedures

The attached VAMP sets out comprehensive procedures for guest management, including pre-arrival briefings on parking, house rules, noise expectations and behaviour in the outdoor living areas. The local property manager will be available at all times by telephone, instant messaging and email.

An annual letter drop will be undertaken to the owners and occupiers of immediately adjoining properties providing the contact details of the current RVA manager and inviting them to make direct contact in the event of any concerns. This proactive approach is considered best practice for community relations in a residential RVA context.

Adverse effects with respect to guest management will be less than minor.

5.7 Record Keeping and Monitoring

The Applicant understands the requirement to maintain comprehensive records of the RVA activity, including guest numbers, booking dates and duration of stays. A condition of consent is invited requiring that such records be maintained and promptly provided to the Council upon request. Standard monitoring by the Council's compliance team is considered sufficient.

6. ASSESSMENT OF RELEVANT OBJECTIVES AND POLICIES

Under Schedule 4, Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant objectives and policies of the regional policy statement, regional plan, district plan and any proposed plan.

6.1 Otago Regional Policy Statement

Under sections 73(4) and 75(3)(c) of the RMA, local authorities must ensure that their district plans continue to give effect to the relevant regional policy statement. Therefore, it shall be considered that if an activity is consistent with the objectives and policies of the relevant district plan or proposed plan, that it would also be consistent with the objectives and policies of the regional policy statement.

As determined earlier, the proposed activity is considered to be not contrary to any of the objectives and policies of the Proposed District Plan; therefore, the proposed activity shall be considered to not be contrary to the objectives and policies of the relevant Regional Policy Statement.

6.2 Proposed Queenstown District Plan Error! Reference source not found.

The objective and policies of the Proposed District Plan relevant to the proposed development are outlined as follows:

The relevant objective and policies of Chapter 7 (Suburban Residential Zone) of the Proposed District Plan are as follows:

Objective 7.2.8 – Visitor accommodation, residential visitor accommodation and homestays are enabled at locations, and at a scale, intensity and frequency, that maintain the residential character and amenity values of the zone.

Policy 7.2.8.3 – Ensure that residential visitor accommodation and homestays are of a scale and character that are compatible with the surrounding residential context and maintain residential character and amenity values.

As determined throughout this assessment, the proposed RVA activity is of a modest scale (maximum eight guests within a single group, per unit) and will be undertaken from within existing residential dwellings without any alteration to their external appearances. The activity will be practically indistinguishable from ordinary residential use when viewed from outside the site. The comprehensive VAMP will ensure that residential amenity values in the Dart Place neighbourhood are maintained. The proposal is consistent with Policy 7.2.8.3.

Policy 7.2.8.4 – Provide opportunities for low intensity residential visitor accommodation and homestays as a contributor to the diversity of accommodation options available to visitors and to provide for social and economic wellbeing.

The proposal provides an additional low-intensity accommodation option for visitors to the Queenstown Lakes district, making use of existing residential infrastructure in a manner that generates positive social and

economic wellbeing outcomes. The proposal aligns with Policy 7.2.8.4.

Policy 7.2.8.5 – Manage the effects of residential visitor accommodation and homestays outside the Visitor Accommodation Sub-Zone by controlling the scale, intensity and frequency of use and those effects of the activities that differentiate them from residential activities.

The proposed VAMP, together with the volunteered conditions of consent, constitute a comprehensive suite of management measures to address those effects (noise, outdoor living, parking, privacy, waste) that could potentially differentiate the RVA activity from standard residential occupation. The proposal is consistent with Policy 7.2.8.5.

6.3 Proposed District Plan – Chapter 29 (Transport)

The proposal will align with Objective 29.2.2 and Policy 29.2.2.1, which seek to ensure that access and parking is safe and efficient for all transport modes and users. While reverse maneuvering is technically required for users of the rear unit at 32B it is considered this to be an existing and fully consented situation.

6.4 Summary

On balance, it is considered that this proposal is consistent with the objectives and policies of the relevant regional and district plans.

7. ASSESSMENT OF ENVIRONMENTAL EFFECTS

The status of this proposal under the Proposed District Plan and the Resource Management Act 1991 are set out earlier in this report. Section 104 of the Resource Management Act sets out those matters that must be considered when assessing an application for resource consent. Amongst other things, these matters require a consideration of any actual and potential effects on the environment arising from the proposal.

7.1 Permitted Baseline

In assessing this application, it is relevant to consider the permitted baseline – that is, the effects of any existing lawfully established activity on the site, and any activity that can be undertaken as of right under the Proposed District Plan.

With respect to visitor accommodation, the permitted baseline includes the use of each dwelling for RVA for up to 90 nights per annum once registered as a holiday home with the Council. In order to operate as a permitted activity, certain standards must be met, including requirements relating to guest numbers, record keeping, provision of written notice to neighbours, restrictions on outdoor living area use, rubbish and recycling management, and the prohibition of heavy vehicles.

A permitted baseline also exists for the use of both dwellings for standard residential activity, including the associated effects of residential occupation (noise, traffic, visitors).

The Council must have regard to these permitted baselines when assessing the incremental adverse effects of the proposed activity over and above those which could lawfully occur in any event.

7.2 Location, Nature and Scale of the Activity

The proposed RVA activity will be undertaken from within the existing residential dwellings at 32A and 32B Dart Place without any substantial modification to built form or appearance. The existing building will continue to present as a complementary component of the Dart Place streetscape. Adverse effects on the visual amenity of the street and neighbouring properties will therefore be less than minor.

The proposed activity is small in scale in comparison to more intensive forms of visitor accommodation (hotels, motels, hostels). It accommodates a single group of up to eight guests per unit and will be compatible with the anticipated residential character of the Suburban Residential Zone.

Nature and Scale – Cumulative Effects: there are other RVAs in the area with the closest being the property at 28A Dart Place which is understood to operate or have operated as short-term visitor accommodation.

On the available information, the proposed activity will not represent a threshold at which the residential character of the Dart Place neighbourhood would be unacceptably altered. The wider Fernhill locality and Queenstown district will more than adequately absorb the proposed activity while maintaining its strong residential character. Adverse cumulative effects are considered to be less than minor.

7.3 Vehicle Access and Parking

The parking needs associated with the proposed RVA activity will be of a broadly similar nature and scale to that which could be expected of the current consented residential occupation and of the permitted 90-night RVA baseline.

Establishing an exclusive mobility parking space on-site is possible but it must be pointed out that this would typically result in a non-mobility vehicle needing to find alternative arrangements – typically on the street. In the unlikely event that there was to be a potential conflict between mobility and non-mobility drivers this situation could be resolved by the property manager prioritizing the needs of mobility persons in terms of which of the three car parks on-site best suits the mobility driver's needs. The intention is for the property manager to understand the needs of guests prior to arrival and then to provide specific guidance on the parking situation, as documented in the VAMP.

No coach parking is proposed. Given the maximum occupancy of eight guests, the proposal is not of a scale that would attract organised tour groups requiring coach drop-off. A condition of consent that no coaches are to pick-up, drop-off, or park at the site is volunteered.

With respect to reverse maneuvering, as noted above, Rule 29.5.6 requires it for 32B Dart Place. Based only on the size of the formed driveway and schedule of right-of-way easements it is acknowledged that it would be tight for guests at Lot 2 to avoid reverse maneuvering entirely. That said, this is an existing and fully consented situation and as such the effects were considered at that time and deemed acceptable. Also the site is intended to be operated as an integrated whole. Though it is not considered necessary, for the reason given above, there is in theory sufficient space for guests of Lot 2 to maneuver within the front yard of Lot 1 should this be required.

The traffic generation associated with the proposed RVA activity will be of a broadly similar nature and scale to that which could be expected of a standard residential occupation and of the permitted 90-night RVA baseline. Guest arrivals and departures will occur in private vehicles or by taxi/rideshare. The existing access from Dart Place is considered suitable for the proposed activity.

With respect to pedestrian safety, the existing access points will continue to be used which has good visibility along Dart Place, a local road, and adequate on-site parking will be provided. Adverse effects in this regard will be less than minor. Overall, adverse effects on the environment will be less than minor with respect to vehicle access and parking.

7.4 Noise and Outdoor Living Areas

The majority of the RVA activity will be undertaken within the enclosed dwellings. Potential for adverse noise effects is greatest in relation to the use of outdoor living areas, particularly during night-time hours. The outdoor living areas of 32A and 32B Dart Place, given the hillside topography and the proximity of the neighbouring dwellings at 30B Dart and 21 Wye Place, represent the most sensitive interfaces.

The VAMP and NMP establish the management measures described in Section 5.3 above to avoid and mitigate adverse noise effects. In particular, the restriction on outdoor living area use between 10:00 pm and 7:00 am,

together with restrictions on amplified sound and the provision of in-house guest signage, are considered to be effective measures to ensure that noise effects will be no greater than those associated with standard residential occupation.

Overall, adverse effects on the environment will be less than minor with respect to noise and outdoor living areas.

7.5 Privacy and Overlooking

The proposal does not alter the existing built form and therefore does not create any new privacy or overlooking issues not already present under the permitted baseline of residential occupation. The occupation of the dwellings by short-term guests will not generate privacy effects materially different from those associated with ordinary residential use.

The interface with 30B Dart and 21 Wye Place is the most sensitive in this regard and for that reason the NMP restriction on outdoor living area hours has been set to secure protection for the privacy of those occupants. Adverse effects will be less than minor.

7.6 Effects on Persons – Neighbouring Properties

The following assessment addresses the effects of the proposed activity on the persons who own or occupy the immediately affected properties. Under section 95D of the RMA, the Council must disregard effects on persons who own or occupy the subject site or any land adjacent to it. Under section 95E, a person is not an 'affected person' unless the activity's adverse effects on that person are minor or more than minor.

30B Dart Place (eastern neighbour, long-term tenants)

30B Dart Place share a common boundary with the site and its occupants have the most direct interface with the proposed activity. The proximity of habitable rooms and outdoor areas is noted. The volunteered NMP restrictions (outdoor area hours, noise limits, guest briefings) will ensure that effects on the occupants of 30B are no greater than those that could occur under standard residential use. The annual letter drop with manager contact details provides an accessible complaints mechanism. On balance, adverse effects on the occupants of 30B Dart Place are considered to be less than minor and these persons are not considered to be adversely affected persons.

36B Dart Place (western neighbour, owner-occupied)

36B Dart Place is separated from the subject sites by the gully with associated vegetation including a large pinus radiata tree, which provides substantial visual and acoustic attenuation. The orientation of this property relative to the subject sites further limits the potential for noise or privacy effects. The VAMP measures will ensure adverse effects are less than minor. The owner of 36B Dart Place is not considered to be an adversely affected person.

Properties to the north of Dart Place (overlooking, owner-occupied)

The properties to the north of Dart Place, on the rising terrain opposite the subject sites, are separated by the carriageway. While these properties have an elevated and potentially overlooking relationship with the subject sites, the separation afforded by Dart Place means that visible activity associated with the RVA use (guest arrivals and departures, outdoor use) will be largely indistinguishable from ordinary residential occupation. The NMP restrictions on outdoor living area use after 10:00 pm will protect evening amenity. Adverse effects on these persons will be less than minor.

Properties to the south of 32B Dart Place (overlooking, owner-occupied)

The properties to the south at Wye Place, on lower terrain to that of the subject site maybe overlooked by top floor windows relationship of the unit at 32B Dart Place. There is a degree of separation afforded by the driveway adjoining the boundary on the adjoining property and visible activity associated with the RVA use (guest arrivals and departures, outdoor use) will not be readily apparent and / or indistinguishable from ordinary residential occupation. The NMP restrictions on outdoor living area use after 10:00 pm will protect evening amenity. Adverse effects on these persons will be less than minor.

7.7 Positive Effects

The proposal will result in positive effects through the provision of additional ready-to-occupy visitor accommodation within the Queenstown Lakes district at a time when visitor accommodation supply is a recognised policy priority. The activity contributes to the social and economic well-being of the district in a manner that utilises existing residential infrastructure without requiring new construction.

7.8 Use of Hazardous Substances and Installations

Under Schedule 4, clause 6(1)(c) of the RMA, where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use must be provided.

The proposed activity does not include the use of hazardous substances and installations. Accordingly, there is no need for risks to the environment to be considered.

7.9 Discharge of Contaminants

Under Schedule 4, clause 6(1)(d) of the RMA, where the activity includes the discharge of any contaminant, a description of the nature of the discharge, the sensitivity of the receiving environment to adverse effects and any possible alternative methods of discharge must be provided.

The activity as defined by this application does not include the discharge of contaminants on the environment. The necessary permissions have been obtained from Queenstown Lakes District Council to permit the discharge of stormwater to the curb and channel.

7.10 Risk of Hazards

It is considered that the proposed activity is unlikely to exacerbate the risk of natural hazards, and any effects upon the risk of natural hazards it may result in would be less than minor.

The proposed activity does not include any hazardous substances and hazardous installations that may have effects on the environment.

7.11 Consideration of Alternatives

Under Schedule 4 clause 6(1)(a) of the Resource Management Act 1991 (RMA), where it is likely that an activity will result in any significant effect on the environment, a description of any possible alternative locations or methods for undertaking the activity must be provided.

As will be demonstrated in the following assessment of effects on the environment, any effects generated as a result of this activity will not be significant. Accordingly, under Schedule 4 clause 6(1)(a) of the Act, there is no need for alternatives to be considered.

7.12 Mitigation Measures Proposed

Under Schedule 4, clause 6(1)(e) of the RMA, a description of the mitigation measures to be undertaken to prevent or reduce the actual or potential effects must be provided.

- Implementation of the Visitor Accommodation Management Plan (VAMP), including the Noise Management Plan (NMP), as attached to this application;
- Maximum occupancy of eight (8) guests at any one time, let to a single group;
- Restriction on use of outdoor living areas between 10:00 pm and 7:00 am;
- No amplified sound in outdoor areas between 8:00 pm and 8:00 am;
- Provision of in-dwelling and outdoor signage as specified in the NMP;
- No coach vehicles to pick-up, drop-off or park at the site;
- Outdoor lighting to be controlled in accordance with Section 5.5 above;
- Annual letter drop to immediately adjoining property owners/occupiers;
- Maintenance of booking records and provision to Council on request; and
- Mobility parking provision as specified.
- Weekly rubbish collection by contractor.

7.13 Conclusion

Overall, the proposed use of the existing residential dwellings at 32A Dart Place and at 32B Dart Place for RVA will result in adverse effects on the environment that are less than minor. The comprehensive VAMP and the volunteered conditions of consent will ensure that the amenity values of the surrounding Dart Place neighbourhood are maintained and that the activity remains compatible with the residential character of the Suburban Residential Zone.

8. OTHER STATUTORY DOCUMENTS

Under Schedule 4, Clause 2(g) of the RMA, the following is an assessment of the activity against the relevant provisions of any other relevant statutory documents (other than district plans or proposed district plans).

8.1 Geotechnical Assessment

The subject sites are located on moderately sloping hillside terrain. The rear boundary of the site adjoins a steep drop of approximately 3–4 metres to 21 Wye Street. Currently unaware of any issues in this regard and further it is noted that these matters were subject to past consented activity associated with the subdivision, erection of dwellings and subsequent residential use and not something within the discretion of this application to review.

8.2 National Environmental Standard – Soil Contamination

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health requires sites subject to a change of land use to be assessed to determine if:

- (a) *an activity or industry described in the HAIL is being undertaken on it; and/or*
- (b) *an activity or industry described in the HAIL has been undertaken on it; and/or*
- (c) *it is more likely than not that an activity or industry described in the HAIL is being or has been undertaken on it.*

The proposed activity is a change of use from residential to a commercial activity (RVA). However, given the residential history of the subject sites and the absence of any known HAIL (Hazardous Activities and Industries List) use, it is considered that no further soil contamination investigation is required under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. It is considered that the obligations under clause 6 of the NES have been met and that the site does not require further investigation to enable its subdivision under clause 8(4) of that standard.

9. PART 2 OF THE RESOURCE MANAGEMENT ACT

The purpose of the RMA, as set out in Section 5, is to promote the sustainable management of natural and physical resources. The proposed use of the existing dwelling for RVA represents a sustainable use of existing built resources without requiring new infrastructure or development. It enables people and communities to provide for their social, economic and cultural wellbeing in a manner consistent with the purpose of the Act.

Section 6 of the RMA sets out the matters of national importance. None of these matters are strictly relevant to the current proposal.

The proposal will align with the requirements of Section 7 of the RMA, in particular with respect to the ethic of stewardship, the maintenance and enhancement of amenity values, and the maintenance of the quality of the environment through the proposed VAMP and conditions of consent.

The proposed activity is not considered likely to be inconsistent with any of the Principles of the Treaty of Waitangi as required by Section 8.

Overall, the proposal is considered to be consistent with Part 2 of the RMA.

10. NOTIFICATION

Section 95A allows a consent authority to publicly notify an application for resource consent. However, subsection (2) states that a consent authority must notify the application if –

- a) *it decides (under section 95D) that the activity will have or is likely to have adverse effects on the environment that are more than minor; or*
- b) *the applicant requests public notification of the application; or*
- c) *a rule or national environmental standard requires public notification.*

Section (3) states that 'Despite subsections (1) and (2) (a) a consent authority must not publicly notify the application if:

- a) *a rule or national environmental standard precludes public notification of the application; and*
- b) *subsection (2)(b) does not apply.*

Subsection 4 allows for the notification of an application should the Council decide there are special circumstances.

Section 95D outlines that in determining whether an activity will have adverse effects that are more than minor, an authority must:

- a) *disregard any effects on persons who own or occupy*
 - i) *the land in, on, or over which the activity will occur; or*
 - ii) *any land adjacent to that land; and*
- b) *may disregard an adverse effect of the activity if a rule or national standard permits an activity with that effect; and*
- c) *In the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reverses control or restricts discretion; and must:*
- d) *disregard trade competition and the effects of trade competition; and*
- e) *must disregard any effect on a person who has given written approval to the relevant application.*

Section 95E outlines the requirements for determining whether a person is an affected person. It states that a person must be considered as an affected person if the activity's adverse effects on the person are minor or more than minor (but are not less than minor).

The section allows for the council to disregard effects if a rule or national standard permits an activity with that effect, and, where an activity has a controlled or restricted discretionary activity, must disregard any adverse effects of the activity on the person that does not relate to a matter over which the Council has discretion.

Importantly, under subsection 3, the Consent authority must decide that a person is not an affected person if –

- a) *the person has given written approval to the activity and has not withdrawn the approval in a written notice*

- received by the authority before the authority has decided whether there are any affected persons; or*
b) *if it unreasonable in the circumstances to seek the person written approval.*

Written approvals from persons who could potentially be considered affected by this proposal are currently being sought.

Limited notification requires an assessment of whether any persons are 'affected persons' under section 95E. As determined in Section 7.6 of this report, adverse effects on neighbouring and adjacent landowners and occupiers will be less than minor. On the basis of that assessment:

- The occupants of 30B Dart Place and 21 Wye Place are relatively close as neighbours. It is considered that adverse effects on these persons will be less than minor and that they are not adversely affected persons. However, the Applicant invites the Processing Planner to advise on this matter before confirming whether further efforts to engage these occupants/owners is required.
- The owners of 36B Dart Place are quite separated and not considered to be adversely affected persons.
- No other persons are considered to be adversely affected by the proposal.

Overall, it is considered that the Council can and should proceed with processing this application on a non-notified basis.

11. CONSIDERATION OF APPLICATIONS (SECTIONS 104 -104B)

Section 104 sets out those matters that must be considered when assessing an application for a resource consent. Subject to Part 2 of the Act, Section 104(1) requires a consent authority to have regard to the following matters:

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant standards of-*
 - (i) a national environment standard;*
 - (ii) other regulations;*
 - (iii) a national policy statement;*
 - (iv) a New Zealand coastal policy statement;*
 - (v) regional policy statement or proposed regional policy statement;*
 - (iv) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Assessment against these matters has been provided within this application, above.

For restricted discretionary activities, Section 104B(1) of the RMA requires the consent authority to consider only the matters over which it has restricted its discretion. These matters have been assessed in Section 5.0 above, and in each case the effects have been determined to be less than minor or appropriately managed through the proposed VAMP and conditions of consent. Accordingly, consent may be granted.

12.CONCLUSION

This application seeks land use consent to use the existing residential dwellings at 32A and 32B Dart Place, Fernhill for short-stay Residential Visitor Accommodation, let to a single group of a maximum of eight (8) guests for up to 365 nights per year.

The subject sites are located within the Suburban Residential Zone of the Proposed District Plan (as varied by the Urban Intensification Variation). The proposed activity is a restricted discretionary activity under Rules 7.4.7 and 7.5.15 of Chapter 7 (Suburban Residential Zone) due to the proposed duration exceeding 90 nights per annum, and additionally under Rule 29.5.6. - Reverse Manoeuvring and Rule 29.5.4 of Chapter 29 (Transport) due to the absence of a formal mobility parking space for an activity accommodating six or more guests.

The assessment in this report has determined that:

- The resulting adverse effects on the environment will be less than minor and will be effectively managed and mitigated through the proposed VAMP, NMP and volunteered conditions of consent;
- No person is considered to be adversely affected by the proposal;
- The proposal is consistent with the relevant objectives and policies of the Proposed District Plan; and
- The proposal is consistent with Part 2 of the RMA.

Accordingly, it is respectfully requested that the Council grant land use resource consent to the proposal as sought, subject to appropriate conditions of consent.



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
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R.W. Muir
Registrar-General
of Land

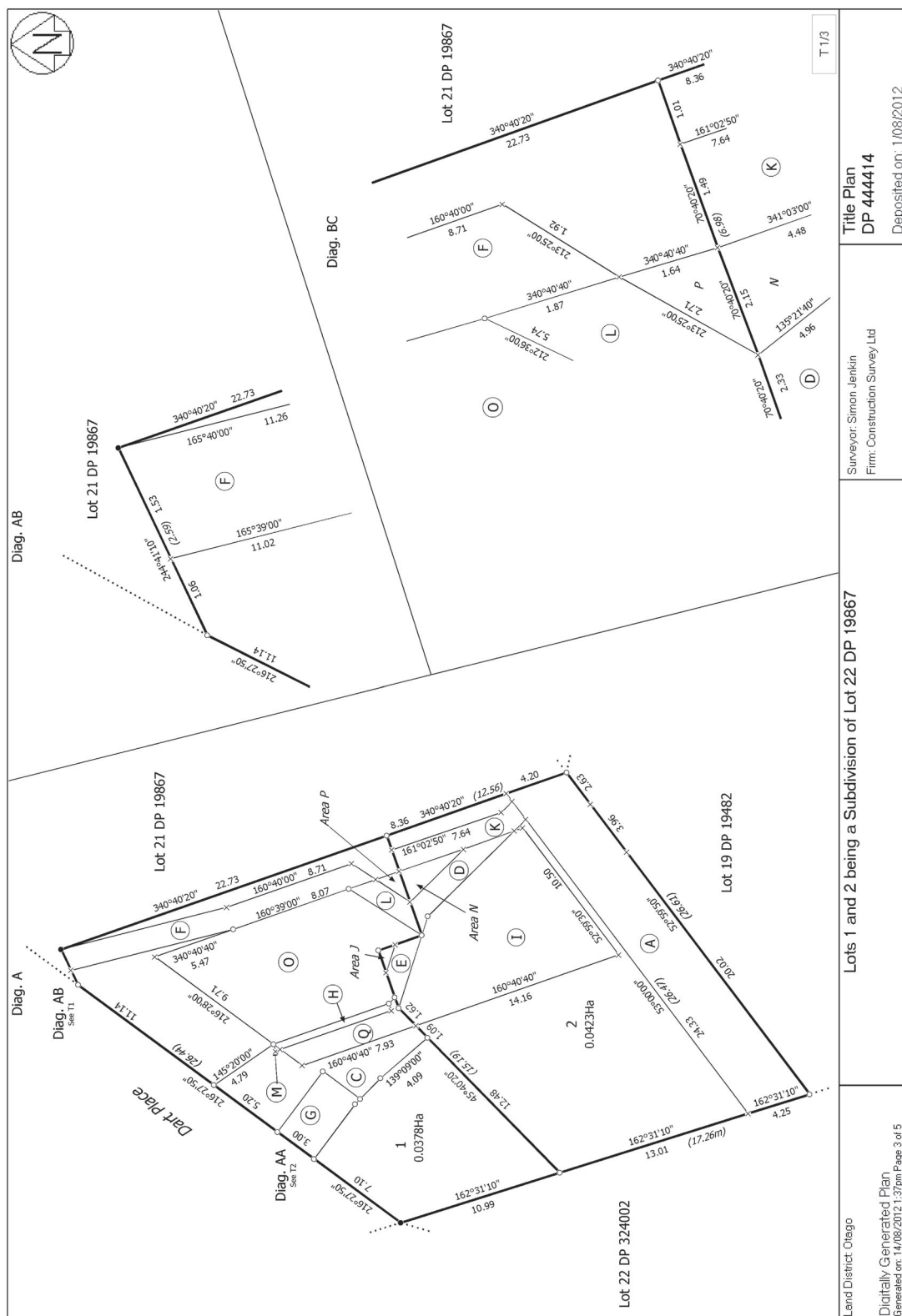
Identifier **561285**
Land Registration District **Otago**
Date Issued 01 August 2012

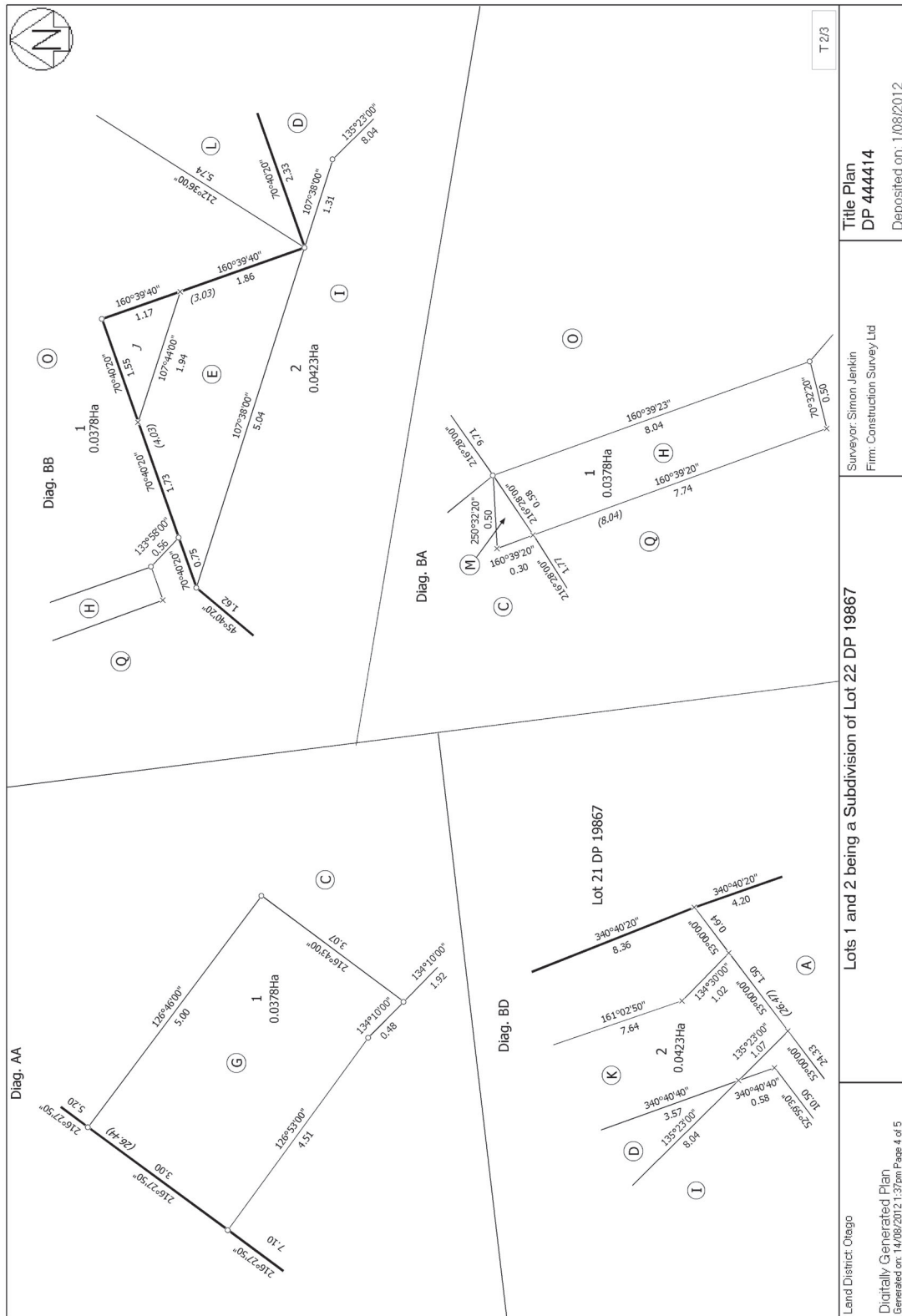
Prior References
OT11A/199

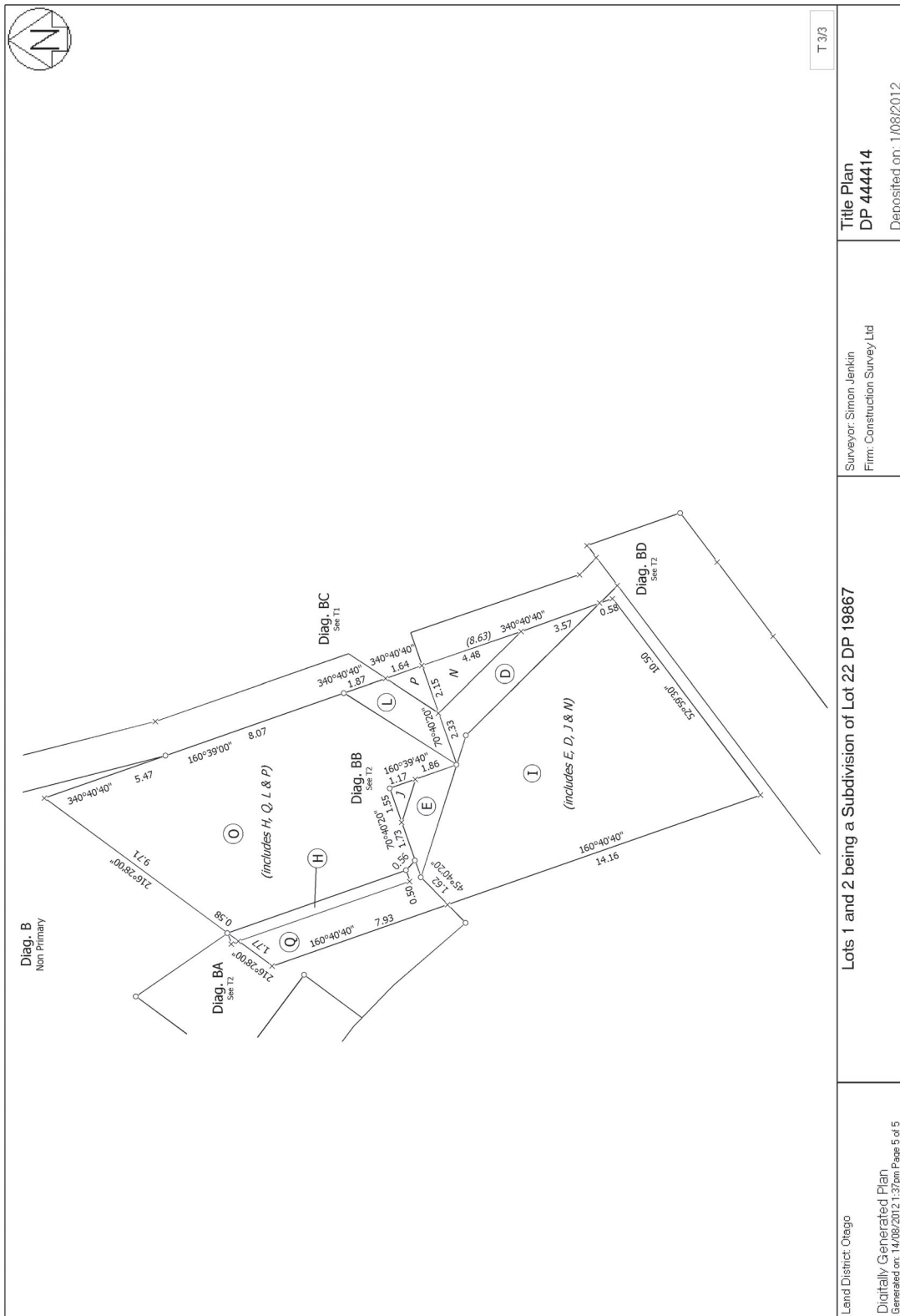
Estate Fee Simple
Area 423 square metres more or less
Legal Description Lot 2 Deposited Plan 444414
Registered Owners
Brett Harry Flintoff and Sangita Talwar

Interests

Appurtenant hereto is a right to drain sewage specified in Easement Certificate 649323.2 - 24.1.1986 at 4:30 pm
The easements specified in Easement Certificate 649323.2 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a right to drain water and sewage over part marked A on DP 444414 specified in Easement Certificate 661089.2 - 11.8.1986 at 10:29 am
The easements specified in Easement Certificate 661089.2 are subject to Section 309 (1) (a) Local Government Act 1974
Land Covenant in Deed 661360 - 14.8.1986 at 10:00 am
Subject to a right to drain sewage (in gross) over part marked A on DP 444414 in favour of The Lake County Council created by Transfer 661361.2 - 14.8.1986 at 10:01 am
The easements created by Transfer 661361.2 are subject to Section 309 (1) (a) Local Government Act 1974
Subject to a right to drain water and sewage over parts marked A, D, E & K on DP 444414 created by Easement Instrument 9105813.2 - 1.8.2012 at 9:22 am
Appurtenant hereto is a right of way and a right of way (with height limits) and a right of way (parking) and a right to convey power, water and telecommunications created by Easement Instrument 9105813.2 - 1.8.2012 at 9:22 am
The easements created by Easement Instrument 9105813.2 are subject to Section 243 (a) Resource Management Act 1991
9105813.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.8.2012 at 9:22 am









**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **561284**
Land Registration District **Otago**
Date Issued 01 August 2012

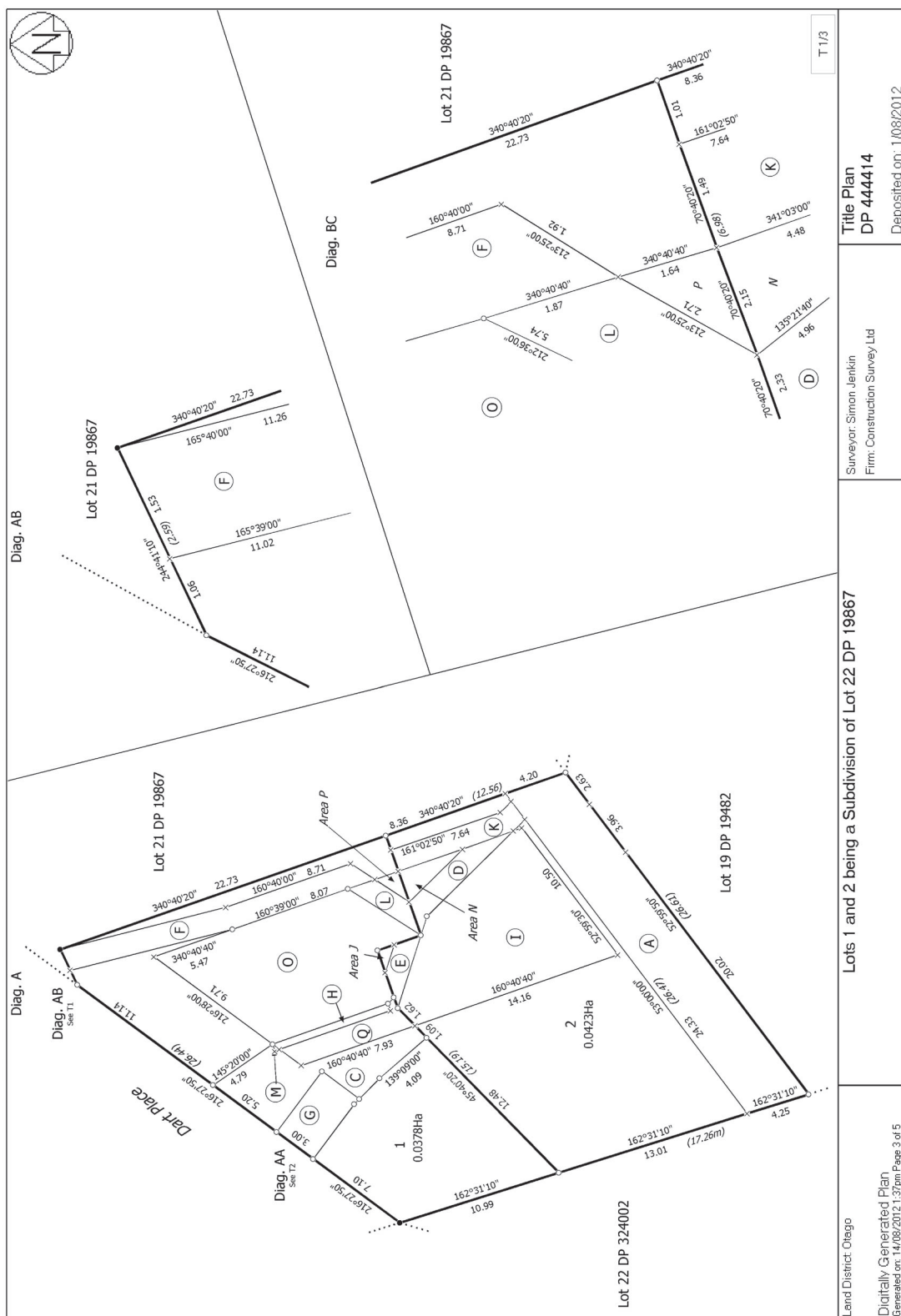
Prior References

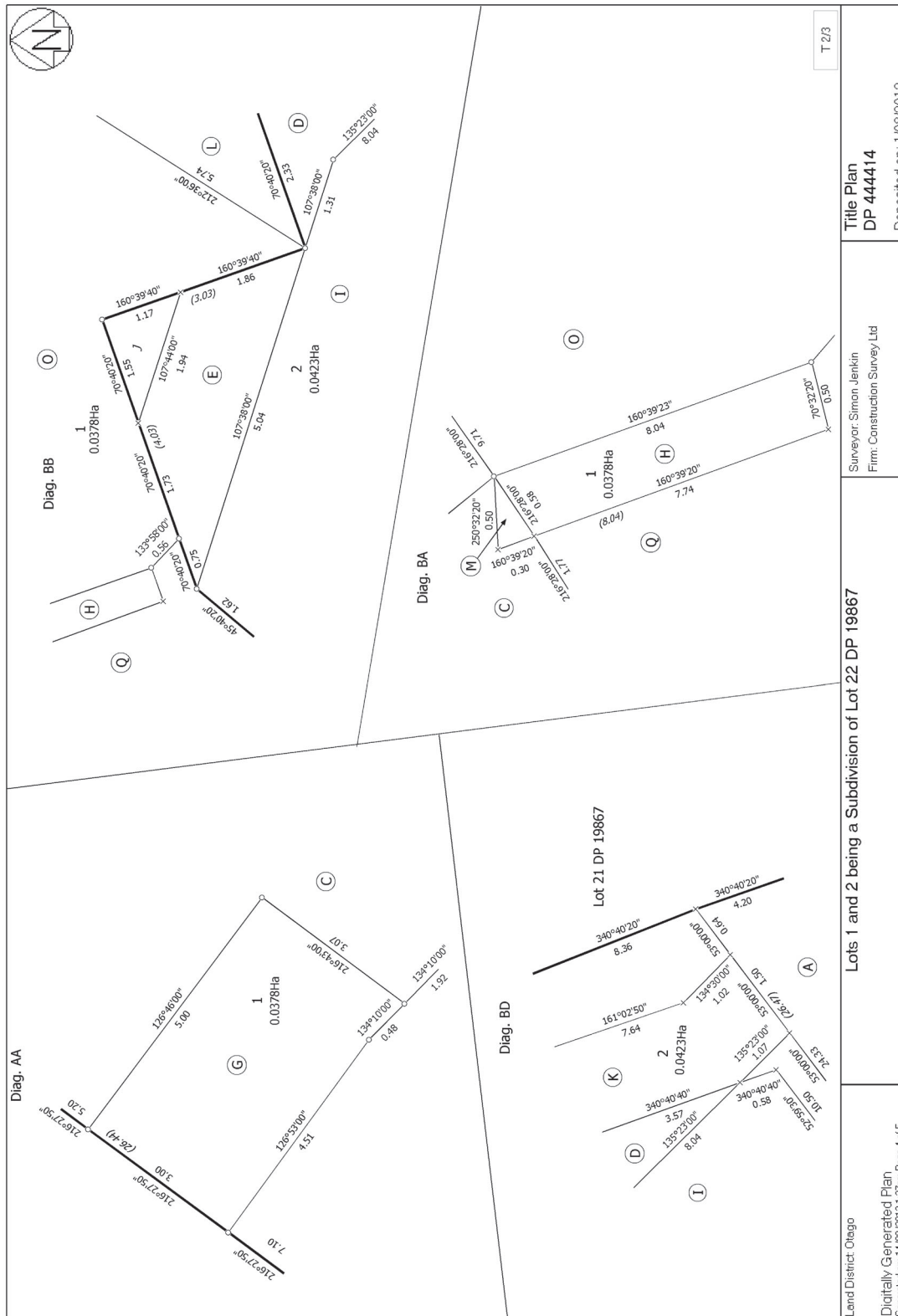
OT11A/199

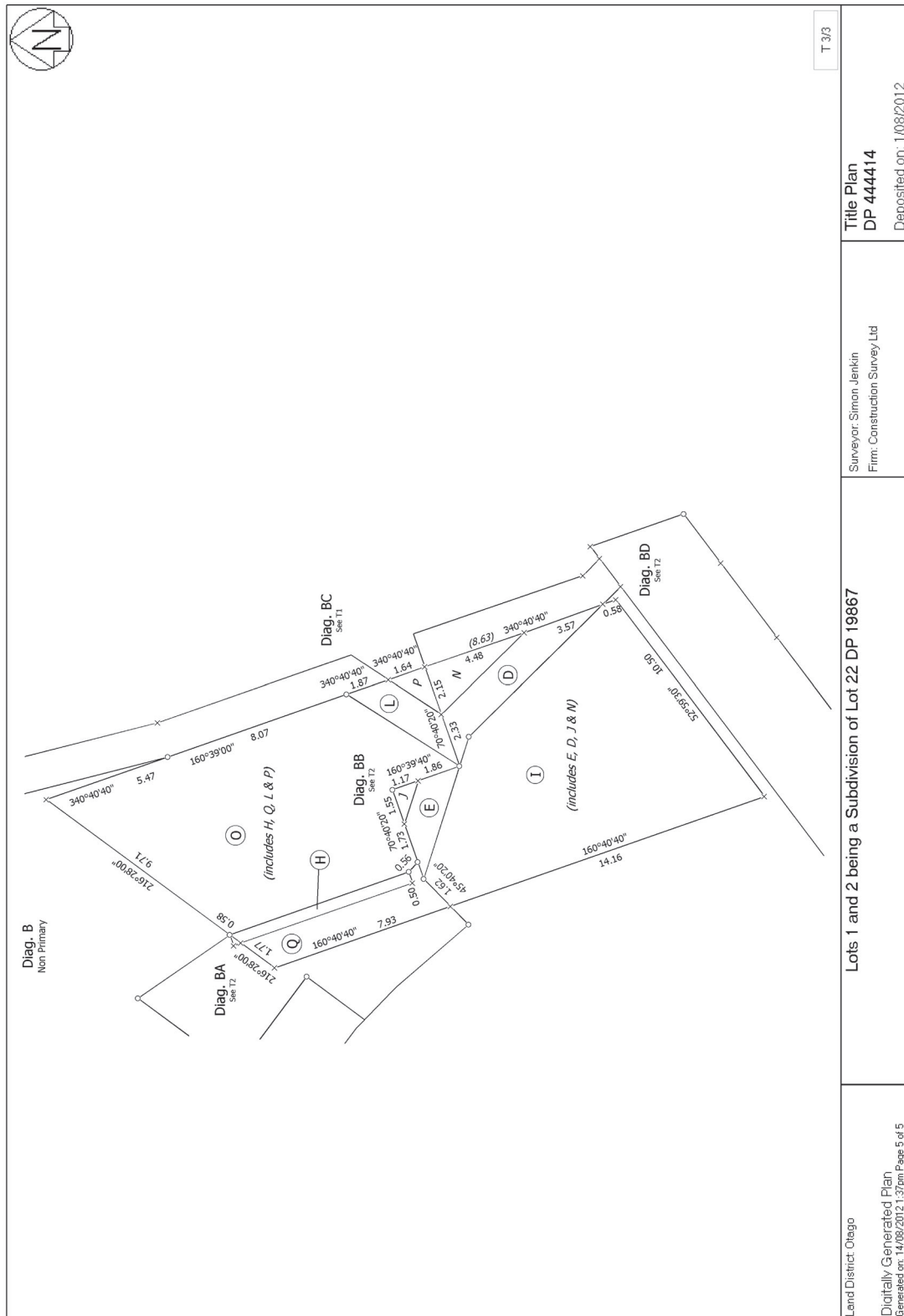
Estate Fee Simple
Area 378 square metres more or less
Legal Description Lot 1 Deposited Plan 444414
Registered Owners
Brett Harry Flintoff and Sangita Talwar

Interests

Appurtenant hereto is a right to drain sewage specified in Easement Certificate 649323.2 - 24.1.1986 at 4:30 pm
The easements specified in Easement Certificate 649323.2 are subject to Section 309 (1) (a) Local Government Act 1974
Land Covenant in Deed 661360 - 14.8.1986 at 10.00 am
Subject to a right of way over parts marked C & Q and a right of way (with height limit) over parts marked H & M and a right of way (Parking) over part marked G and a right to convey power, water and telecommunications over parts marked F & L on DP 444414 created by Easement Instrument 9105813.2 - 1.8.2012 at 9:22 am
Appurtenant hereto is a right to drain water and sewage created by Easement Instrument 9105813.2 - 1.8.2012 at 9:22 am
The easements created by Easement Instrument 9105813.2 are subject to Section 243 (a) Resource Management Act 1991
9105813.3 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 1.8.2012 at 9:22 am







Visitor Accommodation Management Plan 32A and 32B Dart Place, Fernhill, Queenstown

1. Purpose

The purpose of this Visitor Accommodation Management Plan (VAMP) is to provide a foundation for avoiding adverse effects resulting from the use of the residential units at 32A and 32B Dart Place, Fernhill, Queenstown for Residential Visitor Accommodation. This plan also contains a Noise Management Plan (NMP) - designed to assist in achieving compliance with the relevant Visitor Accommodation noise standards of the District Plan (as of January 2026):

- Daytime 0800 – 2000 hours: 50dBA LAeq (15 min)
- Night-time 2000 – 0800 hours: 40dBA LAeq

Noise levels shall be measured and assessed in accordance with NZS 6801:2008 and NZS6802:2008.

2. Property Manager Details

A Local Property Manager is to be used¹.

3. Property Manager Responsibilities

The Property Manager is responsible for the following matters:

On booking and prior to check-in

- Advising guests of the sleeping configuration/bed availability for the dwelling.
- Advising guests how to safely access the site and where to park.
- Advising guests that coaches cannot pick-up, drop-off, or park at the site.
- Advising guests that there is currently on-site car parking for a maximum of one regular-sized car for Lot 2 and two vehicles on Lot 1 and that no larger vehicles (i.e. Motorhomes, 12-seater transit vans etc) may be driven to the site.
- Confirming with guests any special needs around mobility car parking and advising how this can be prioritised on site should there be more than one car arriving for Lot 2

Guests will be advised that the mobility guests can be easily loaded/unloaded into a vehicle under the carport – however there are stairs down to the dwelling and as such the property may not be suitable to accommodate guests with mobility needs.

On Check-In

- To provide the guests with a copy of the “House Rules” (as set out in Section 4.0 of the VAMP);
- To check that the number of guests does not exceed eight.

¹ At the time of writing this is Snowbird Property Management with the following contact details:
Address for Service: Andrew Laery / Email: Hello@snowbirdhq.com

- To check that the on-site compendium contains a copy of the House Rules, and a copy of the conditions of resource consent.
- To ensure guests are familiar with the car parking arrangement for the site.

On Servicing & Other Visits

- To ensure that rubbish & recycling bins do not remain on the street for more than 24 hours
- To ensure the maximum number of guests staying within the dwelling does not exceed eight at any time.

4. House Rules

- i) There shall be no more than eight guests present at any one time.
- ii) There shall be no use of any outdoor living areas between 10 pm and 7 am.
- iii) Be courteous of neighbours. There shall be no undue nuisance or noise to neighbours or the local community.
- iv) Any noisy activities should only occur inside after 8 pm with windows and doors closed.
- v) Rubbish/recycling bins are to go out on the evening before collection, or the morning of collection (before 7.00am) and be brought back in as soon as possible after being emptied (unless rubbish/recycling is collected privately by the Property Manager).
- vi) There shall be no sleeping on sofas.
- vii) There shall be no use of illegal substances or conduct of illegal activities at the property.

5. Noise Management Plan

This NMP will set out specific methods and procedures to be undertaken by the owner/manager of the Residential Visitor Accommodation (RVA).

Noise Management Procedures

The manager of the RVA shall advise guests prior to moving in that the building is located within a residential area and request that they respect this by keeping noise levels to a reasonable level, especially between the hours of 8.00 pm to 8.00 am.

The manager of the RVA shall provide their phone contact number to all guests and be contactable within a reasonable period of time.

Specific Noise Mitigation Measures

The manager of the RVA shall advise guests that they are not to play amplified sound from the outdoor living area between the hours of 8.00 pm – 8.00 am, and that the outdoor living area is not to be used between 10.00 pm – 7.00 am. Amplified sound includes but is not limited to amplified speakers (musical or otherwise) and musical instruments. The outdoor living area is defined as the area shown in Figure 1, highlighted in green, and does not include the interior of the dwelling. Compliance with this does not absolve the need to avoid excessive or unreasonable noise to neighbouring properties at any time of the day or night.

The consent holder shall erect signs (minimum A4 size) on site to remind guests that they are in a residential area and to keep noise to a reasonable level, especially between the hours of 8.00 pm to 8.00 am. One sign shall be installed in the kitchen and one weatherproof sign (i.e. laminated or plastic)

shall be installed within the outdoor living area. The outdoor sign shall also state that no amplified sound/music is to be played from the outdoor living area between the hours of 8pm – 8am, and that the area is to be vacated between 10pm – 7am.

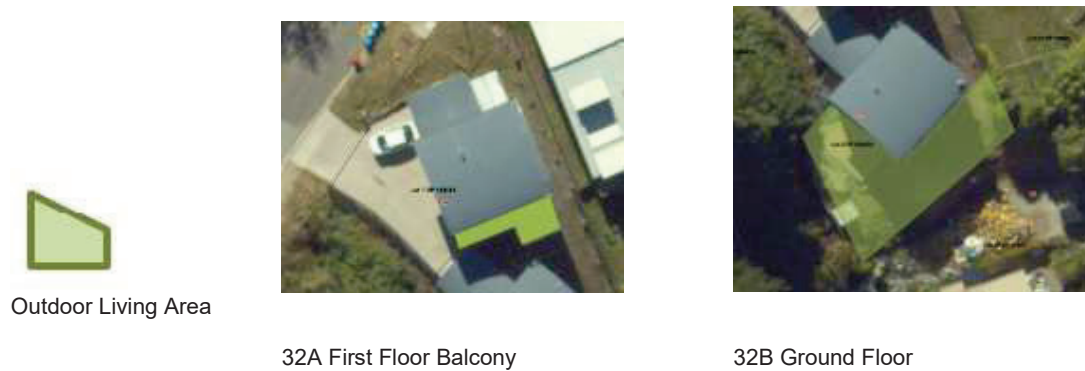


Figure 1 - Outdoor Living Areas

6. Complaint Procedures

Should a complaint be received in relation to the RVA activity on the site, including from the Council or its Enforcement Officers, neighbours, or any other party, the RVA manager shall take the following steps:

- Take written note of the complaint.
- Investigate the complaint and update the complaints register.
- Decide on any actions, if necessary, that need to be taken to prevent further complaints of the same nature.
- Review the Noise Management Plan to ensure the specified noise mitigation methods remain the best practice to avoid future noise complaints.
- Respond to the complainant and advise them of the outcome of the above processes.
- Details of all complaints (including any remedial actions taken) shall be kept for at least the preceding 5 years and any complaints received shall be forwarded to the Council Monitoring Department for monitoring purposes within 48 hours of the complaint being received.
- The complaint register shall be made available for inspection by the Council at all times.

7. Review of Noise Management Plan

- This NMP shall be reviewed on an annual basis to ensure the specified objectives and methods to ensure the minimisation of noise remain best-practice.
- This review shall be completed no later than 30 December of each year.
- Should any changes to this NMP result from the review process, the amended NMP shall be submitted to the Council's Monitoring Planner for certification.
- As part of this annual review, a letter drop shall be undertaken to all neighbouring property owners – identified by a red circle number in Figure 2 below. This letter shall advise each neighbouring unit owner of the contact details of the current manager of the RVA activity and invite neighbours to contact this manager should they have any questions or complaints.

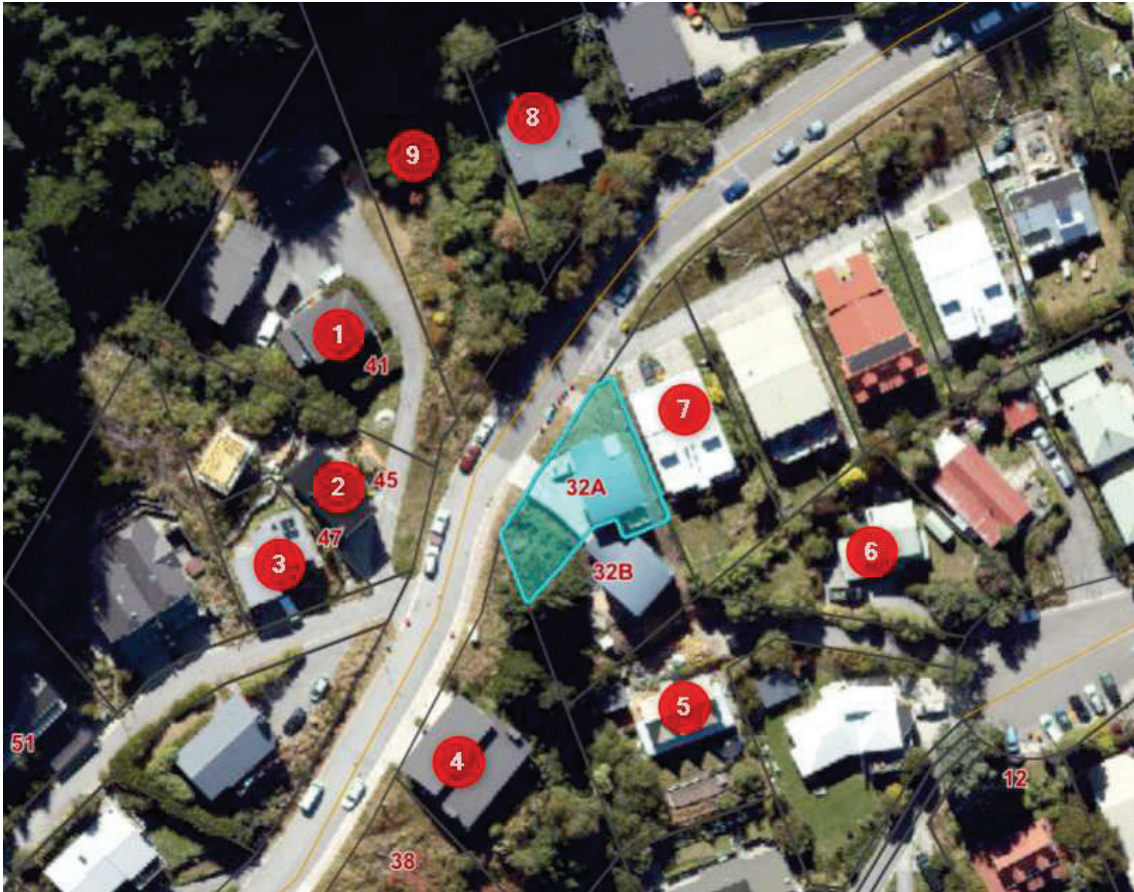


Figure 2 – Neighbours to Receive an Annual Letter