

## TechnologyOne ECM Document Summary

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Class	Description	Doc Set Id / Note Id	Version	Date
PUB_ACC	Appendix A - Form 9	7157123	1	23-Feb-2022
PUB_ACC	AEE	7157124	1	23-Feb-2022
PUB_ACC	Appendix B - Record of Title	7157121	1	23-Feb-2022
PUB_ACC	Appendix B - Consent Notice 7875350.2	7157122	1	23-Feb-2022
PUB_ACC	Appendix C - Scheme Plan	7157843	1	23-Feb-2022
PUB_ACC	Appendix D - Sought Consent Notice Cancellations	7157119	1	23-Feb-2022
PUB_ACC	Appendix E - RM200922 Approval	7157118	1	23-Feb-2022
PUB_ACC	Appendix F - Aurora Confirmation	7157117	1	23-Feb-2022
PUB_ACC	Appendix F - Chorus Confirmation	7157116	1	23-Feb-2022
PUB_ACC	Appendix G - Soakage Confirmation RM070656	7157115	1	23-Feb-2022



APPLICATION FOR RESOURCE CONSENT OR  
FAST TRACK RESOURCE CONSENT

# FORM 9: GENERAL APPLICATION



Under Section 87AAC, 88 & 145 of the Resource Management Act 1991 (Form 9)

PLEASE COMPLETE ALL MANDATORY FIELDS\* OF THIS FORM.

This form provides contact information and details of your application. If your form does not provide the required information it will be returned to you to complete. Until we receive a completed form and payment of the initial fee, your application may not be accepted for processing.



## 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: **Simon and Joanne Guest**

(Name Decision is to be issued in)

All trustee names (if applicable):

\*Contact name for company or trust:

\*Postal Address: **963 Aubrey Road, Albert Town, Wanaka**

\*Post code:

**9305**

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

\*Email Address: **guesty8870@gmail.com**

\*Phone Numbers: Day **0210584263**

Mobile:

\*The Applicant is:



Owner



Prospective Purchaser (of the site to which the application relates)



Occupier



Lessee

Other - Please Specify:



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

The decision will be sent to the Correspondence Details by email unless requested otherwise.



## 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 & Company: **Nicole Malpass, IP Solutions Ltd**

\*Phone Numbers: Day **02108060084**

Mobile:

\*Email Address: **nicole@ipsolutions.nz**

\*Postal Address: **15 Cliff Wilson Street, Wanaka**

\*Postcode:

**9305**



## INVOICING DETAILS //

Invoices will be made out to the applicant but can be sent to another party if paying on the applicant's behalf. For more information regarding payment please refer to the Fees Information section of this form.

\*Please select a preference for who should receive any invoices and how they would like to receive them.

Applicant:



Agent:



Other - Please specify:

Email:



Post:



\*Attention: **Simon Guest**

\*Postal Address: **963 Aubrey Road, Albert Town, Wanaka**

\*Post code:

**9305**

\*Please provide an email AND full postal address.

\*Email: **guesty8870@gmail.com**



## OWNER DETAILS // Please supply owner details for the subject site/property if not already indicated above

Owner Name: **As above**

Owner Address:

If the property has recently changed ownership please indicate on what date (approximately) AND the names of the previous owners:

Date:

Names:



## DEVELOPMENT CONTRIBUTIONS INVOICING DETAILS //

If it is assessed that your consent requires development contributions any invoices and correspondence relating to these will be sent via email. Invoices will be sent to the email address provided above unless an alternative address is provided below. Invoices will be made out to the applicant/owner but can be sent to another party if paying on the applicant's behalf.

\*Please select a preference for who should receive any invoices.

Details are the same as for invoicing



Applicant:

☐

Landowner:

☐

Other, please specify:

\*Attention: **Simon Guest**

\*Email: **guesty8870@gmail.com**

[Click here for further information and our estimate request form](#)



## 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:

**963 Aubrey Road, Albert Town, Wanaka, 9305**

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

**Lot 2 DP 406222**

District Plan Zone(s): **Large Lot Residential B**



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

Is there a gate or security system restricting access by council?

YES ☐ NO ☒

Is there a dog on the property?

YES ☐ NO ☒

Are there any other hazards or entry restrictions that council staff need to be aware of?

YES ☐ NO ☒

If 'yes' please provide information below

Please contact homeowner prior to visiting site.



## PRE-APPLICATION MEETING OR URBAN DESIGN PANEL

Have you had a pre-application meeting with QLDC or attended the urban design panel regarding this proposal?

☐

Yes

☒

No

☐

Copy of minutes attached

If 'yes', provide the reference number and/or name of staff member involved:



## CONSENT(S) APPLIED FOR // \* Identify all consents sought

☒

Land use consent

☒

Subdivision consent

☒

Change/cancellation of consent or consent notice conditions

☐

Certificate of compliance

☐

Extension of lapse period of consent (time extension) s125

☐

Existing use certificate



## QUALIFIED FAST-TRACK APPLICATION UNDER SECTION 87AAC

☐

Controlled Activity

☐

Deemed Permitted Boundary Activity

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

☐

## 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:

Two-lot subdivision with associated consent notice and covenant condition cancellations.



## APPLICATION NOTIFICATION

Are you requesting public notification for the application?

☐

Yes

☒

No

Please note there is an additional fee payable for notification. Please refer to Fees schedule



## OTHER CONSENTS

Is consent required under a National Environmental Standard (NES)?

- NES for Assessing and Managing Contaminants in Soil to Protect Human Health 2012

An applicant is required to address the NES in regard to past use of the land which could contaminate soil to a level that poses a risk to human health. Information regarding the NES is available on the website

➔ <https://environment.govt.nz/publications/national-environmental-standard-for-assessing-and-managing-contaminants-in-soil-to-protect-human-health-information-for-landowners-and-developers/>

You can address the NES in your application AEE OR by selecting ONE of the following:

☐

This application does not involve subdivision (excluding production land), change of use or removal of (part of) a fuel storage system. Any earthworks will meet section 8(3) of the NES (including volume not exceeding 25m<sup>3</sup> per 500m<sup>2</sup>). Therefore the NES does not apply.

☒

I have undertaken a comprehensive review of District and Regional Council records and I have found no record suggesting an activity on the HAIL has taken place on the piece of land which is subject to this application.

NOTE: depending on the scale and nature of your proposal you may be required to provide details of the records reviewed and the details found.



## OTHER CONSENTS // CONTINUED

☐

I have included a Preliminary Site Investigation undertaken by a suitably qualified person.

☐

An activity listed on the HAIL has more likely than not taken place on the piece of land which is subject to this application. I have addressed the NES requirements in the Assessment of Environmental Effects.

☒ Any other National Environmental Standard

☐

Yes

☒

N/A

Are any additional consent(s) required that have been applied for separately?

☒ Otago Regional Council

Consents required from the Regional Council (note if have/have not been applied for):

☐

Yes

☒

N/A



## INFORMATION REQUIRED TO BE SUBMITTED //

Attach to this form any information required (see below & appendices 1-2).

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

☒

Computer Freehold Register for the property (no more than 3 months old) and copies of any consent notices and covenants  
(Can be obtained from Land Information NZ at <https://www.linz.govt.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).

☒

An Assessment of Effects (AEE).

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. Address the relevant provisions of the District Plan and affected parties including who has or has not provided written approval. See [Appendix 1](#) for more detail.



We prefer to receive applications electronically – please see Appendix 5 – [Naming of Documents Guide](#) for how documents should be named. Please ensure documents are scanned at a minimum resolution of 300 dpi. Each document should be no greater than 10mb



## PRIVACY INFORMATION

The information you have provided on this form is required so that your application can be processed under the Resource Management Act 1991 and may also be used in statistics collected and provided to the Ministry for the Environment and Queenstown Lakes District Council. The information will be stored on a public register and may be made available to the public on request or on the company's or the Council's websites.



## FEES INFORMATION

Section 36 of the Resource Management Act 1991 deals with administrative charges and allows a local authority to levy charges that relate to, but are not limited to, carrying out its functions in relation to receiving, processing and granting of resource consents (including certificates of compliance and existing use certificates).

Invoiced sums are payable by the 20th of the month after the work was undertaken. If unpaid, the processing of an application, provision of a service, or performance of a function will be suspended until the sum is paid. You may also be required to make an additional payment, or bring the account up to date, prior to milestones such as notification, setting a hearing date or releasing the decision. In particular, all charges related to processing of a resource consent application are payable **prior to issuing of the decision**. Payment is due on the 20th of the month or **prior to the issue date – whichever is earlier**.



## FEES INFORMATION // CONTINUED

If your application is notified or requires a hearing you will be requested to pay a notification deposit and/or a hearing deposit. An applicant may not offset any invoiced processing charges against such payments.

Section 357B of the Resource Management Act provides a right of objection in respect of additional charges. An objection must be in writing and must be lodged within 15 working days of notification of the decision.

**LIABILITY FOR PAYMENT** – Please note that by signing and lodging this application form you are acknowledging that the details in the invoicing section are 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 QLDC related to the enforcement of any debt.

**MONITORING FEES** – Please also note that if this application is approved you will be required to meet the costs of monitoring any conditions applying to the consent, pursuant to Section 35 of the Resource Management Act 1991.

**DEVELOPMENT CONTRIBUTIONS** – Your development, if granted, may also incur development contributions under the Local Government Act 2002. You will be liable for payment of any such contributions.

A list of Consent Charges is available on the on the Resource Consent Application Forms section of the QLDC website. If you are unsure of the amount to pay, [please call 03 441 0499](#) and ask to speak to our duty planner.

Please ensure to [reference any banking payments correctly](#). Incorrectly referenced payments may cause delays to the processing of your application whilst payment is identified.

If the initial fee charged is insufficient to cover the actual and reasonable costs of work undertaken on the application you will be required to pay any additional amounts and will be invoiced monthly as work on the application continues. Please note that if the Applicant has outstanding fees owing to Council in respect of other applications, Council may choose to apply the initial fee to any outstanding balances in which case the initial fee for processing this application may be deemed not to have been paid.



## PAYMENT // An initial fee must be paid prior to or at the time of the application and proof of payment submitted.

Please reference your payments as follows:

Applications yet to be submitted: RM followed by first 5 letters of applicant name e.g RMJONES

Applications already submitted: Please use the RM# reference that has been assigned to your application, this will have been emailed to yourself or your agent.

Please note processing will not begin until payment is received (or identified if incorrectly referenced).

I confirm payment by:

☐

Bank transfer to account 02 0948 0002000 00 (If paying from overseas swiftcode is – BKNZNZ22)

☒

Invoice for initial fee requested and payment to follow

☐

Manual Payment (can only be accepted once application has been lodged and acknowledgement email received with your unique RM reference number)

\*Reference **RMQUEST**

\*Amount Paid: Landuse and Subdivision Resource Consent fees - please select from drop down list below

\$3200 - Other subdivision (e.g. Rural Residential, Rural Lifestyle)

(For required initial fees refer to website for Resource Consent Charges or spoke to the Duty Planner by phoning 03 441 0499)

\*Date of Payment **TBC**

Invoices are available on request



## APPLICATION & DECLARATION

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.



If lodging this application as **the Applicant:**

I/we hereby represent and warrant that I am/we are aware 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 Fees Information section.

OR:



If lodging this application as **agent of the Applicant:**

I/we hereby represent and warrant that I am/we are authorised to act as agent of the Applicant in respect of the completion and lodging of this application and that the Applicant / Agent whose details are in the invoicing section is aware of all of his/her/its obligations arising under this application including, in particular but without limitation, his/her/its obligation to pay all fees and administrative charges (including debt recovery and legal expenses) payable under this application as referred to within the Fees Information section.



PLEASE TICK

I hereby 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 (by or as authorised agent of the Applicant) \*\*

Full name of person lodging this form **Nicole Malpass**

Firm/Company **IP Solutions Ltd**

Dated **23/2/2022**

\*\*If this form is being completed on-line you will not be able, or required, to sign this form and the on-line lodgement will be treated as confirmation of your acknowledgement and acceptance of the above responsibilities and liabilities and that you have made the above representations, warranties and certification.



Section 2 of the District Plan provides additional information on the information that should be submitted with a land use or subdivision consent.

The RMA (Fourth Schedule to the Act) requires the following:

#### 1 INFORMATION MUST BE SPECIFIED IN SUFFICIENT DETAIL

- Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.

#### 2 INFORMATION REQUIRED IN ALL APPLICATIONS

- (1) An application for a resource consent for an activity (the activity) must include the following:

- (a) a description of the activity;
- (b) a description of the site at which the activity is to occur;
- (c) the full name and address of each owner or occupier of the site;
- (d) a description of any other activities that are part of the proposal to which the application relates;
- (e) a description of any other resource consents required for the proposal to which the application relates;

Information provided within the Form above

- (f) an assessment of the activity against the matters set out in Part 2;
- (g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).

- (2) The assessment under subclause (1)(g) must include an assessment of the activity against—

- (a) any relevant objectives, policies, or rules in a document; and
- (b) any relevant requirements, conditions, or permissions in any rules in a document; and
- (c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).

Include in an attached Assessment of Effects (see Clauses 6 & 7 below)

- (3) An application must also include an assessment of the activity's effects on the environment that—

- (a) includes the information required by clause 6; and
- (b) addresses the matters specified in clause 7; and
- (c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

#### ADDITIONAL INFORMATION REQUIRED IN SOME APPLICATIONS

- An application must also include any of the following that apply:
  - (a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1));
  - (b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A));



QUEENSTOWN  
LAKES DISTRICT  
COUNCIL

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

P: 03 441 0499  
E: resourceconsent@qldc.govt.nz  
www.qldc.govt.nz



## ASSESSMENT OF ENVIRONMENTAL EFFECTS

### Clause 6: Information required in assessment of environmental effects

- (1) An assessment of the activity's effects on the environment must include the following information:
  - (a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity;
  - (b) an assessment of the actual or potential effect on the environment of the activity;
  - (c) if 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;
  - (d) if the activity includes the discharge of any contaminant, a description of—
    - (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
    - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment;
  - (e) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect;
  - (f) identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted;
  - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved;
  - (h) if the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).
- (2) A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.
- (3) To avoid doubt, subclause (1)(f) obliges an applicant to report as to the persons identified as being affected by the proposal, but does not—
  - (a) oblige the applicant to consult any person; or
  - (b) create any ground for expecting that the applicant will consult any person.

### CLAUSE 7: MATTERS THAT MUST BE ADDRESSED BY ASSESSMENT OF ENVIRONMENTAL EFFECTS

- (1) An assessment of the activity's effects on the environment must address the following matters:
  - (a) any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects;
  - (b) any physical effect on the locality, including any landscape and visual effects;
  - (c) any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity;
  - (d) 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;
  - (e) any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants;
  - (f) any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations.
- (2) The requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.



## UNDER THE FOURTH SCHEDULE TO THE ACT:

- An application for a subdivision consent must also include information that adequately defines the following:
  - (a) the position of all new boundaries:
  - (b) the areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:
  - (c) the locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:
  - (d) the locations and areas of any existing esplanade reserves, esplanade strips, and access strips:
  - (e) the locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:
  - (f) the locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):
  - (g) the locations and areas of land to be set aside as new roads.

## Will your resource consent result in a Development Contribution and what is it?

- A Development Contribution can be triggered by the granting of a resource consent and is a financial charge levied on new developments. It is assessed and collected under the Local Government Act 2002. It is intended to ensure that any party, who creates additional demand on Council infrastructure, contributes to the extra cost that they impose on the community. These contributions are related to the provision of the following council services:
  - Water supply
  - Wastewater supply
  - Stormwater supply
  - Reserves, Reserve Improvements and Community Facilities
  - Transportation (also known as Roading)

[Click here for more information on development contributions and their charges](#)

OR Submit an Estimate request \*please note administration charges will apply



Please note that some land use consents can be dealt with as fast track land use consent. This term applies to resource consents where they require a controlled activity and no other activity. A 10 day processing time applies to a fast track consent.

If the consent authority determines that the activity is a deemed permitted boundary activity under section 87BA of the Act, written approval cannot be withdrawn if this process is followed instead.

A fast-track application may cease to be a fast-track application under section 87AAC(2) of the Act.

While it is not essential that your documents are named the following, it would be helpful if you could title your documents for us. You may have documents that do not fit these names; therefore below is a guide of some of the documents we receive for resource consents. Please use a generic name indicating the type of document.

Application Form 9

Engineering Report

Assessment of Environmental Effects (AEE)

Geotechnical Report

Computer Register (CFR)

Wastewater Assessment

Covenants &amp; Consent Notice

Traffic Report

Affected Party Approval/s

Waste Event Form

Landscape Report

Urban Design Report

Ecological Report

23<sup>rd</sup> February 2022

Queenstown Lakes District Council  
Wanaka Office  
47 Ardmore Street  
WANAKA 9305

**Attention: Wanaka Planning Department**

## **1.0 INTRODUCTION**

Please find an application for Resource Consent for a two-lot subdivision at 963 Aubrey Road, Albert Town, 9305.

This application includes a description of the activity and an assessment of the likely outcomes. This application also includes detailed discussion on how those likely outcomes align to the relevant assessment criteria including Objectives and Policies, and overall, the purposes and principles of the Resource Management Act.

Overall, the proposed development will give rise to potential adverse effects that are no more than minor in degree in terms of the environment and less than minor in terms of persons.

## **2.0 APPLICATION DETAILS**

<b>APPLICANT</b>	<b>SIMON AND JOANNE GUEST</b>
<b>SITE LOCATION</b>	<b>963 AUBREY ROAD, ALBERT TOWN, WANAKA</b>
<b>LEGAL DESCRIPTION</b>	<b>LOT 2 DP 406222</b>
<b>SITE AREA</b>	<b>4,260m<sup>2</sup></b>
<b>ZONING (ODP)</b>	<b>RURAL RESIDENTIAL</b>
<b>ZONING (PDP)</b>	<b>LARGE LOT RESIDENTIAL B</b>

## **3.0 APPENDICES**

<b>APPENDIX A</b>	<b>FORM 9</b>
<b>APPENDIX B</b>	<b>RECORD OF TITLE AND ENCUMBRANCES</b>
<b>APPENDIX C</b>	<b>PROPOSED SCHEME PLAN</b>
<b>APPENDIX D</b>	<b>CONSENT NOTICE CANCELLATIONS</b>
<b>APPENDIX E</b>	<b>RM200922 APPROVAL</b>
<b>APPENDIX F</b>	<b>UTILITY CONFIRMATIONS</b>
<b>APPENDIX G</b>	<b>SOAKAGE CONFIRMATION RM070656</b>

#### **4.0 SITE DESCRIPTION**

The subject site is located approximately 430m south of the Aubrey/Gunn Road roundabout. The site encompasses 4,260m<sup>2</sup> of land area which consists of relatively flat topography. It currently comprises of two residential units (secondary residential unit approved via RM200922) and an associated accessory building (shed).

The subject site is accessed via a shared right of way that extends for approximately 80m from Aubrey Road. This right of way is located adjacent a Large Lot Residential A zoned property that is situated between the subject site and Aubrey Road.

A Rural zoned site is located to the west, elevated above the subject site on the north eastern reaches of Mount Iron, while another Large Lot Residential A zoned property lies to the south. Glimpses of the site are available from Aubrey Road between existing vegetation on both the subject site and surrounding sites, and by built form on surrounding sites.

Whilst there was an extensive band of mature pines located along the site's northern boundary, and part of the western boundary, the majority of these have been felled (note they are present in QLDC Aerial Imagery).

In terms of buildings, there is an existing principle building and sleep out located in the north eastern extent of the site; further to the south of this (on the other side of an existing fence),

there is a secondary residential unit (as approved by resource consent and to be exercised) as well as a shed.

Each residential unit (either side of the existing fence) is served by independent driveway alignments and operate entirely independently of one another.

They are serviced separately aside from that of a separate water connection which is proposed to be installed as part of this consent. As such, this application purely seeks to create differing tenureship opportunities over two existing separately defined land areas and their respective occupation.

Topographically, the site is generally flat for the full extent of the property. Importantly, the site is almost completely void of native Kanuka which is prevalent within the surrounding area to the north and west. The site contains two Kanuka trees situated over 10m away from each dwelling.

The site is zoned as Rural Residential under the Operative District Plan (ODP) and Large Lot Residential B under the Proposed District Plan (PDP).

Large Lot Residential B zoning carries a larger minimum lot size (4,000m<sup>2</sup>) as opposed to that of Large Lot Residential A (2,000m<sup>2</sup> average with a 1,500m<sup>2</sup> minimum). It is understood that this is due to identified areas having landscape or topographical constraints set out within the zone's purpose within Chapter 11, Large Lot Residential:

*“The zone generally provides for a density of one residence every 2000m<sup>2</sup> to provide for a more efficient development pattern to utilise the Council’s water and wastewater services while maintaining opportunities for a variety of housing options, landscaping and open space. Identified areas have a residential density of one residence every*

*4000m<sup>2</sup> reflecting landscape or topographical constraints such as around Mt Iron in Wanaka.”*

This is then emphasised throughout the objectives and policies noting that Council should *“require larger lot sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B)”*.

It is considered that the subject site exhibits **neither** significant landscape or topographical constraints which would necessitate a larger lot size in the location of the site’s land resource.

This application therefore proposes a non-complying subdivision activity associated with a contravention of the zone’s minimum allotment rule.

Figure 1 below shows the site and surrounds.



**Figure 1:** Subject site highlighted in blue and surrounds, QLDC GIS.

Note that the majority of pine trees shown above have since been removed.

#### 4.1 DESCRIPTION OF PROPOSAL

The application seeks Resource Consent to undertake a two-lot subdivision including associated consent notice cancellations at 963 Aubrey Road, Albert Town.

Proposed Lot 1 will have an area of 2,142m<sup>2</sup> (1783m<sup>2</sup> net) and includes the existing residential unit. Proposed Lot 2 will have an area of 2,118m<sup>2</sup> (2021m<sup>2</sup> net) and will encompass the secondary residential unit. The proposed boundary location runs diagonally north to south, along the alignment of the existing fence.

Access to both lots will continue to extend from the shared access from Aubrey Road.

As demonstrated below, the building coverage that will eventuate upon each proposed lot will be below the permitted scope of 15%.

**Table 2: Proposed Lot Configurations**

Proposed Allotment	Net Area (m <sup>2</sup> )	Built form	Resultant Building Coverage	Access
1	1783	Existing Residential Dwelling	8.7% (155m <sup>2</sup> )	Existing vehicle crossing from Aubrey Road
2	2021	Existing Secondary Residential Dwelling	8.4% (170m <sup>2</sup> existing) 9% (181m <sup>2</sup> inc. extension approved under RM200922)	Existing vehicle crossing from Aubrey Road

Due to the proposed boundary location and existing built form, there will be a minor non-compliance with regards to the eastern internal boundary setback between Lots 1 and 2. This is highlighted within **Appendix C** whereby the setback is 4m instead of the stipulated 6m.

## 4.2 SERVICING

### Water Supply

The subject site is currently supplied with Council reticulated water via a lateral that is located in the site's north-eastern corner. This will continue to serve proposed Lot 1.

Proposed Lot 2 will be provided with a new connection to Council reticulated water within the right of way. This connection will be made in accordance with Council standards including the installation of appropriate toby valve.

### Stormwater

Proposed Lot 1 is provides for stormwater discharge via an existing soakpit that is located to the south-east of the existing occupation. This infrastructure will remain within the proposed area of Lot 1.

Proposed Lot 2 is also catered for in terms of stormwater via an existing soakpit. If any part of this soakpit is located within the area of Lot 1, appropriate easements or, re-location of the soakpit will be carried out as part of the subdivision. The applicant is agreeable to a condition in this regard.

Confirmation of soakage as per the underlying subdivision is attached as **Appendix G**. The proposed subdivision will not change these previously observed conditions, nor built form outcomes envisaged by that subdivision.

### Wastewater

The subject site is currently supplied with Council reticulated wastewater via a lateral that is located on the site's northern boundary. This service extends from Aubrey Road up to the right of way. The secondary residential unit currently gains wastewater via this existing connection, this is proposed to remain as is, for Lot 2 with any necessary easements being



duly granted and reserved.

Proposed Lot 1, which houses the primary existing residential unit, is currently serviced via an existing septic tank. This is proposed to be decommissioned with a new low pressure connection being made to the line that is already installed within the right of way.

Any necessary easements in this regard will be duly granted and reserved.

#### Electricity and Telecommunications

Both proposed lots are already serviced with connections to both electricity and telecommunications. However, proposed Lot 2 will be provided with new, separate connections to both of these utilities. Please find applicable utility service documentation that confirms the availability of supply attached as **Appendix F** to this application.

#### Vehicle Access

Vehicle access is via a right of way from Aubrey Road. This right of way is 6m in legal width and 5.7m in formed width. Whilst this access is in general accordance with the code of practice, it is noted RM220001 has proposed to upgrade the access to include a widened entrance as well as a passing bay.

This access arrangement will remain the same and there are existing driveways which service both proposed lots.

### **4.3 COVENANT AND CONSENT NOTICE CONDITION CANCELLATIONS**

Various consent notice conditions were deemed appropriate under RM070656. Generally, these are related to the appropriate servicing of the subject site including waste and storm

water provisions for the subject site and two surrounding sites. These conditions can be viewed in full in **Appendix B** attached to this application. Condition 2b) is deemed irrelevant due to the application proposing to connect into the reticulated wastewater service (and as such no longer requiring a septic tank system). Conditions 1a)-1c) and 3a) are also deemed irrelevant due to not relating to the subject site. It is noted that condition 2a) is still relevant regarding stormwater disposal and therefore is proposed to be retained. The cancellations sought in this regard are attached as **Appendix D** are sought within this application (cancellations struck out).

Further to the above, two covenants in favour of council were deemed appropriate during the processing of RM200922. Both of these are proposed to be cancelled as follows:

Covenant

~~4. Prior to completion of the building extension, a covenant shall be registered on the computer freehold register of Lot 2 DP 406222 held in Record of Title 421818 to the effect that:~~

~~a) No residential flats are permitted on the site.~~

~~b) The second residential unit shall have a maximum floor area of 81m<sup>2</sup> in size.~~

#### 4.4 NATIONAL ENVIRONMENTAL STANDARDS FOR ASSESSING CONTAMINANTS IN SOIL

With respect to a preliminary site investigation (PSI) of soil contaminants, consistent with the published guidelines for assessing and managing contaminants in soil to protect human health, a site walk over has been undertaken, followed by an investigation of known land use associated with the site.

Both the Queenstown Lakes District Council's GIS hazard register and Otago Regional Council records have been searched and there is no known history of use of chemicals and/or any other hazardous contaminants (herbicides/pesticides/waste discharges and/or other). Accordingly, no adverse effects are anticipated in this regard.

#### **4.5 PROPOSED CONDITIONS OF CONSENT**

The applicant is willing and agreeable to conditions of consent which are standard for a consent of this nature. The below condition is offered in addition to these:

- 224 certification is unable to be gained until such a time that a code of compliance has been issued for the approved extension as per RM200922 and all/any associated conditions have been satisfied.

It is important to note that the recession plane standards, colour and lighting standards will all be applicable if this consent were to be approved. Landscaping controls are not deemed applicable due to the lack of landscape values exhibited by the subject site.

#### **5.0 SITE HISTORY**

The following resource consents are relevant to this application:

- RM070656 – Approved a five-lot subdivision which created the subject site as it currently exists.
- RM090704 – Approved land use consent for the existing residential dwelling and garage.
- RM130244 – Approved land use consent to construct an accessory building (garage) on the subject site.
- RM141014 – Approved land use consent to undertake additions to the existing residential dwelling at the subject site.
- RM200922 – Approved the extension of the residential flat such that it formed an additional residential unit.

It is noted that whilst the initial establishment of the residential flat/cottage (which was subsequently extended under RM200922) did not require resource consent, it gained building consent under BC181131.

## **6.0 RELEVANT PROVISIONS OF THE OPERATIVE DISTRICT PLAN**

### **6.1 ACTIVITY STATUS (Operative District Plan)**

The subject site is zoned Rural Residential under the Operative District Plan (ODP), however due to the relevant rules within the Proposed District Plan being deemed operative under s86F of the RMA, the relevant rules in the ODP can be deemed inoperative and therefore are not triggered.

### **6.2 ACTIVITY STATUS (Proposed District Plan)**

Under the Proposed District Plan, the site has been zoned Large Lot Residential B, and the proposed subdivision and land use (contravention of boundary setback) requires the following consents:

- A **restricted discretionary** activity pursuant to Rule 27.5.7 in regard to all urban subdivisions within the Large Lot Residential Zone. Council's discretion is restricted to the following:
  - a) subdivision design and any consequential effects on the layout of lots and on lot sizes and dimensions;
  - b) internal roading design and provision, relating to access to and service easements for future subdivision on adjoining land, and any consequential effects on the layout of lots, and on lot sizes and dimensions;
  - c) property access and roading;
  - d) esplanade provision;
  - e) the adequacy of measures to address the risk of natural hazards;

- f) fire fighting water supply;
  - g) water supply;
  - h) stormwater design and disposal;
  - i) sewage treatment and disposal;
  - j) energy supply and telecommunications, including adverse effects on energy supply and telecommunications networks;
  - k) open space and recreation;
  - l) ecological and natural values;
  - m) historic heritage;
  - n) easements.
- 
- A **non-complying** activity pursuant to Rule 27.5.22 for the subdivision of a property which does not comply with the minimum lot areas specified in Part 27.6.
  
  - A **restricted discretionary** activity pursuant to standard 11.5.3.2 for the breach of an internal setback. Council's discretion is restricted to the following matters:
    - a. The effect on openness and spaciousness;
    - b. Effects on views and outlook from neighbouring properties;
    - c. Visual dominance of buildings; and
    - d. Landscaping.
  
  - A technical **non-complying** activity pursuant to Rule 27.5.26, being that approved consent RM200922 has yet to be exercised however, it is noted that this application proposes a condition such that RM200922 shall be exercised prior to gaining 224c.

Overall, under the Proposed District Plan, the proposal qualifies as a **non-complying** activity.

### 6.3 ACTIVITY STATUS (Resource Management Act)

The application requires consent for the following reason:

- A **discretionary** activity consent pursuant to s87B, in accordance with s221 of the Act which states that the cancellation/change of a consent notice must be processed in accordance with s88 to s121 and s127(4) to s132 of the Act. It is proposed to cancel Consent Notice (7875350.2) conditions as detailed in section 4.3 above.
- A **discretionary** activity consent pursuant to section 127(3)(a) of the RMA which deems an application to change or cancel consent conditions to be a discretionary activity. It is proposed to cancel condition 4 which was due to be registered to the record of title as a covenant, as contained within RM200922.

Overall, under the Resource Management Act the proposal qualifies as a **discretionary activity**.

## 7.0 ASSESSMENT OF ADVERSE EFFECTS

### 7.1 PERMITTED BASELINE

Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline).

Whilst it is noted that there is no permitted baseline for subdivision activities, there is a permitted baseline in terms of land use outcomes which are relevant and include the following:

- Residential activities (including renting out separate dwellings to separate parties/persons on the property);

- Home occupation;
- Establishment of residential dwellings, including a residential flat, at a density of one per 4,000m<sup>2</sup> and a minimum allotment size of 4,000m<sup>2</sup>;
- Fencing (and associated definition of occupation);
- Landscape Planting;
- 15% building coverage (this is relevant to this application as there is less site coverage proposed as a result of subdivision than the site currently provides for);
- Internal setbacks of 6m;
- Road setbacks of 10m;
- Maximum building height of 8m;
- Earthworks up to 400m<sup>3</sup>;

## **7.2 EXISTING ENVIRONMENT**

The existing environment is also of relevance to the consideration of the proposed subdivision and comprises of consented development. In this respect, the two residential units, associated accessory buildings and existing fence which separates the two units, form the existing environment. The residential units are occupied by separate parties and essentially operate completely independently of one another.

It is noted again that RM200922 approved the extension of a residential flat and consequentially defined it as a residential unit.

This resource consent, whilst not exercised, forms a useful 'existing environment' baseline which is taken into account within the below assessment.

## **7.3 RECEIVING ENVIRONMENT**

In addition to the permitted baseline and existing environment, it is important to consider the receiving environment which includes existing and consented development adjacent to and in the vicinity of the application site. The receiving environment includes residential units, accessory buildings and landscaping on the properties immediately to the north, west and south of the site. Whilst the site to the east is currently void of built form, there is a building consent for a two-storey unit with garaging (BC200098).

Importantly, the area to the east and south is zoned as Large Lot Residential A. Within this zone, there have been multiple subdivisions within the vicinity of the subject site as follows:

- RM181522 – Approved a two-lot non-complying subdivision at 972 Aubrey Road with a minimum lot size of 1745m<sup>2</sup>.
- RM211068 – Approved a two-lot subdivision at 979 Aubrey Road with a minimum Lot size of 1567m<sup>2</sup>, including a breach of building coverage.
- RM211131 – Approved a two-lot subdivision at 992 Aubrey Road with a minimum Lot size of 1501m<sup>2</sup>, including a setback breach.
- RM190315 – Approved a two-lot non-complying subdivision at 1017 Aubrey Road which breached minimum shape factor with a minimum lot size of 2000m<sup>2</sup>.

The site to the north (961 Aubrey Road), has recently gained consent for a breach in density, enabling a second residential unit to be established on the site which is approximately 4,000m<sup>2</sup> in net area (RM210297).

With the up-zoning of the areas to the east, northeast and south being relatively recent, there is an anticipation that these areas will increase in density over the coming years.

To the west is land zoned rural which includes that of Mount Iron, which is both an Outstanding Natural Feature and a Significant Natural Area (SNA). It is noted that the foothills of Mount Iron is characterised by residential activities, including that directly to the west of



the subject site which includes a residential accessory building within the internal boundary setback (RM160821). Post this, it is noted that a 4,000m<sup>2</sup> section was carved off within the area which is zoned Rural, with a building platform being established on both the larger lot as well as the smaller area, now known as 965B (approved via RM180604).

It is within the context of the permitted baseline, existing and receiving environments that the actual and potential effects of the proposed development will be considered below.

## **7.4 SUBDIVISION CONSIDERATIONS**

### Subdivision Design, Lot Sizes, Layout and Dimensions

As indicated above, the subject site exhibits neither significant landscape nor topographical constraints which would necessitate a larger lot size as directed by Chapter 11. As a result, this application proposes a non-complying subdivision activity as a consequence of Lot 1 being 1783m<sup>2</sup> and Lot 2 being 2021m<sup>2</sup> in area (both less than 4,000m<sup>2</sup>).

The 2015 QLDC Subdivision Design Guidelines are relevant and encourage infill subdivision where appropriate. One of the key principles of these guidelines is the identification of the opportunities and constraints of a site and surrounding area, with an encouragement of subdivision schemes that respond accordingly.

In this respect, both proposed lots offer large, flat areas of land within close proximity to Albert Town, the Hikuwai Conservation Area, the Clutha River and Three Parks Commercial area, whilst being unencumbered by landscape and topographical constraints.

The subject site is well placed such that future owners are able to effectively access local trails, explore outdoor recreational opportunities whilst still being within active transport distance to Albert Town and Wanaka Township. Despite being rear sites, both lots are oriented north-

south, being relatively narrow east west, offering beneficial solar gains with a large flat outdoor living spaces for future residential opportunities. The current physical occupation on both Lots offer northern and eastern outdoor living spaces, and being rear sites, both are oriented away from Aubrey Road.

The site offers existing residential units as well as service connections with opportunities to connect separately to council reticulation.

The application responds to subdivision opportunities presented by the site. This has resulted in a layout that takes advantage of the existing configuration of built form resources, fencing and associated outdoor living opportunities. The scheme will give rise (if approved) to two pleasant large lot residential living environments within proximity to commercial and community services as well as outdoor recreational opportunities.

Whilst the proposed lot sizes are not anticipated by the district plan, they do comply with 30m by 30m shape factors and exhibit no topographical nor landscaping constraints which is a determinative factor when considering the appropriateness of subdivision within the Large Lot Residential B zone (as directed by the District Plan).

Overall, it is considered that the adverse effects resulting from the subdivision design and layout will be less than minor.

### Services and Infrastructure

The services are detailed within section 4.2 above. As demonstrated within this section, both proposed lots are largely already serviced and proposed Lot 2 is able to be adequately serviced.

In terms of firefighting water there is a hydrant located within the right of way which stems from Aubrey Road, located in the north eastern of the subject site. This hydrant has been deemed appropriate to service the entire buildable area of the subject site/existing title and as such will remain appropriate for ongoing fire-fighting provision.

Overall, it is considered that the proposed subdivision can be appropriately serviced and will not result in adverse effects in this regard.

### Natural Hazards

The subject site is shown on QLDC hazards register as being susceptible to Liquefaction but has classified this risk as LIC1: 'Nil to Low'.

As with the surrounding area, the subject site is subject to an element of Seismic Risk. This risk is no greater than the surrounding area and is therefore deemed to be addressed appropriately via the building consent process.

As a result of the above, adverse effects with regards to natural hazards will be less than minor.

### Open space and recreation

When considering the nature and scale of the subdivision put forward by this application, the provision of open space and recreation is not considered necessary. In this respect, the subject site is less than 450m from the Hikuwai conservation area as well as less than 1.5kms from the Local Shopping Centre of Albert Town and the Clutha River (and associated walking tracks). As a result, adverse effects in this regard will be less than minor.

### Ecological and Natural Values

There is no significant vegetation on the subject site and accordingly, there are no significant ecological or natural values present. Overall, adverse effects in this regard will be less than minor.

#### Historic Heritage

There are no historical heritage features noted to be on the subject site, nor were any discovered during the development of the subject nor surrounding sites. Adverse effects in this regard will be less than minor.

#### Easements

All necessary easements will be duly granted and reserved. Adverse effects in this regard are deemed to be less than minor.

### **7.6 CONSENT NOTICE & COVENANT CONDITION CANCELLATION CONSIDERATIONS**

As discussed above, various consent notice conditions were deemed appropriate to implement under RM070656. Generally, these are related to the appropriate servicing of the subject site including waste and storm water provisions for the subject site and two surrounding sites. These conditions can be viewed in full in **Appendix B** attached to this application. Condition 2 b) is now deemed irrelevant due to the application proposing to connect into the reticulated wastewater service. Conditions 1a)-1c) and 3a) are also deemed irrelevant due to not relating to the subject site. The cancellations sought in this regard are attached as **Appendix D** are sought within this application (cancellations struck out). As demonstrated within section 4.2 of this document, the subdivision is able to be adequately serviced with the addition of a consent notice for proposed Lot 2 with regards to wastewater provision.

Adverse effects with regards to the removal of the above consent notice conditions will be less than minor.

Further to the above, two covenants in favour of council were deemed appropriate (by Council) under RM200922. Both of these are proposed to be cancelled. The reasoning behind these covenant conditions under RM200922 was as follows:

*“Approving the proposed extension would enable further development to occur, such as the ability to erect a residential flat (and other associated accessory buildings) ancillary to each residential unit as a permitted activity, as the site would house two residential units. This would result in a density that is not anticipated in this zone and is out of character with the area. The Large Lot Residential B Zone is recognised by a low-density residential character, with the low residential density and larger lot sizes to ensure it remains in keeping with the area’s landscape qualities and does not create intensive development that may cause or exacerbate adverse effects on the environment.”*

*“To mitigate the adverse effect of increased built form occurring on this site (beyond the scope of this application), the applicant has offered a covenant to be registered on the Record of Title prohibiting the erection of a residential flat ancillary to both residential units. In addition to this, mitigation restricting the second residential unit to 81m<sup>2</sup> in size will ensure the character and scale of the ‘residential flat’ is maintained as a residential flat, without compromising the integrity of the zone. This will ensure that the second residential unit would still operate and appear similar to the existing residential flat (given the minimal 11m<sup>2</sup> increase in floor area).”*

The above assessment does not account for the reasoning behind the density provision as stated by the District Plan. This application seeks to address this illogical approach, contending

that there are neither topographical or landscape constraints present within the site which Chapter 11 (as well as the relevant District Plan decision documents) state as the reason behind the larger minimum lot size of 4000m<sup>2</sup>.

In addition to the above, the assessment provided within RM200922 does not fully take into consideration the building coverage allowance within the zone of 15%. Whilst this was debated at the time, it is again important to point out that with or without covenant 4b), the site could currently contain as many sleepouts/bedrooms/garages/accessory buildings/extensions to the existing units constructed on site as a permitted activity up to 15% coverage of the site (a situation which is not fanciful and has been played out in this zone – see for example the development present upon 699 Aubrey Road).

The primary residential dwelling could also accommodate a whole second storey without contributing to site coverage requirements. Both of these situations are able to increase the built form (and associated predominance of buildings) on site to an extent which is *within* the permitted confines of the district plan and therefore be an anticipated outcome along with any associated adverse effects on residential character and amenity. Alongside these sleepouts and second storey, there will associated traffic movements and related effects that - all within permitted confines of the District Plan.

As a result of the above, and noting that this application does not seek to increase the building coverage restriction beyond that of the district plan, it is considered appropriate to remove covenants 4a) and 4b) placed upon RM200922.

Overall, adverse effects with regards to the removal of the two consent conditions noted above will be less than minor.

## **7.7 SETBACK CONSIDERATIONS**

### The effect on openness and spaciousness

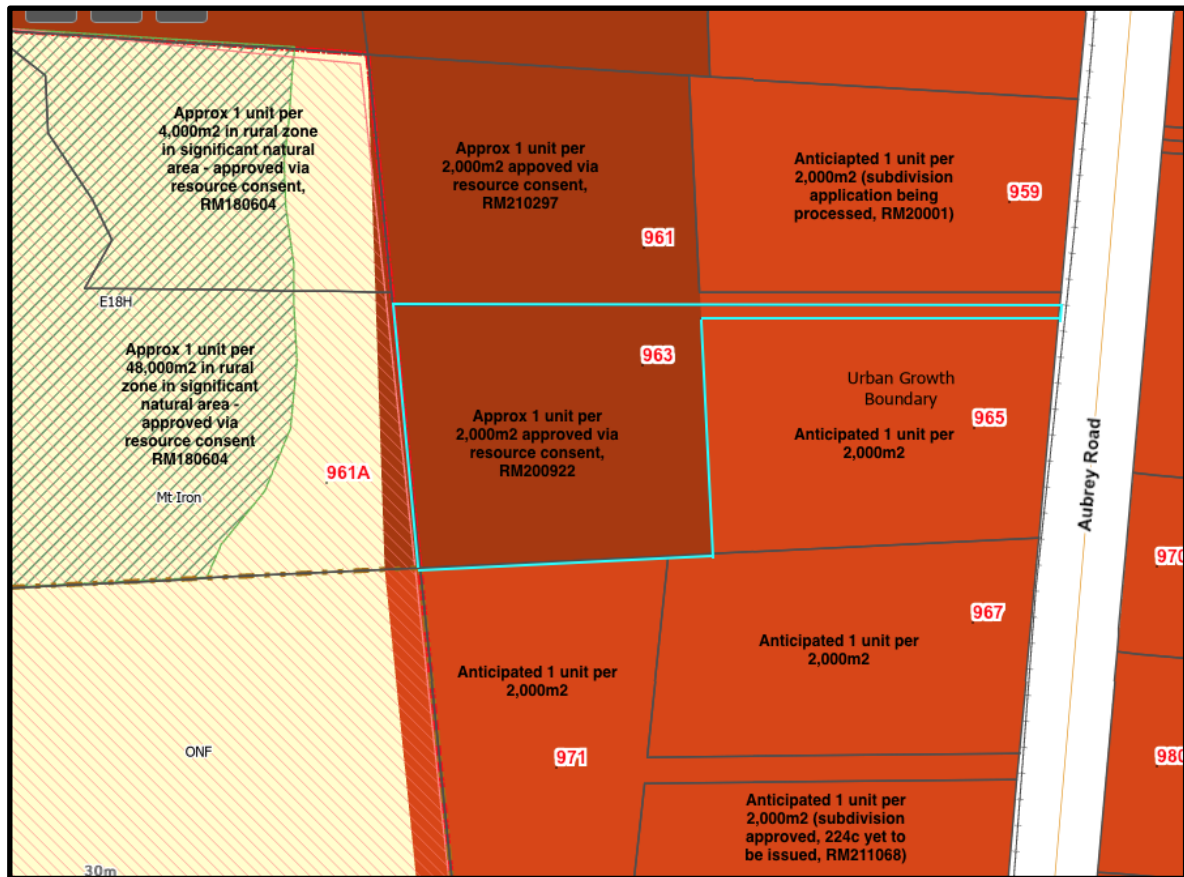
The setback shortfall is 2m less than that stipulated under the district plan being 4m from the secondary dwelling and the proposed boundary. As the fence is currently in place, it is not considered that there will be any effect on openness or spaciousness than what is exhibited on site as a permitted activity/the status quo.

Each proposed lot remains within the site coverage permitted by the zone and as a result, it is unlikely that there will be any effect on openness and spaciousness as viewed from outside of the subject site.

As a result, adverse effects from the shortfall in setback between will be less than minor.

### Effects on views and outlook from neighbouring properties

It is again important to note the existing and receiving environment which includes two residential units, separated by an existing fence and serviced by separate driveways, as well as surrounding residential activities which generally involve either 1 residential unit per 2,000m<sup>2</sup> or the anticipation of 1 unit per 2,000m<sup>2</sup>:



**Figure 2: Zoning Map of subject site (outlined in blue) with actual or anticipated densities noted. Source: QLDC GIS.**

### Visual dominance of buildings

As noted above, the subject site as currently developed does not exceed limitations relating to building coverage (15%), nor does the current built form extend beyond the 8m maximum height stipulated for the zone. If either site were to be redeveloped or accommodate additional buildings that exceed rules relating to building coverage and/or building height, a resource consent will be required and considered on its merits at the time of application.

As such, the current or future dominance of built form will not be a determinative factor of consideration of this subdivision.



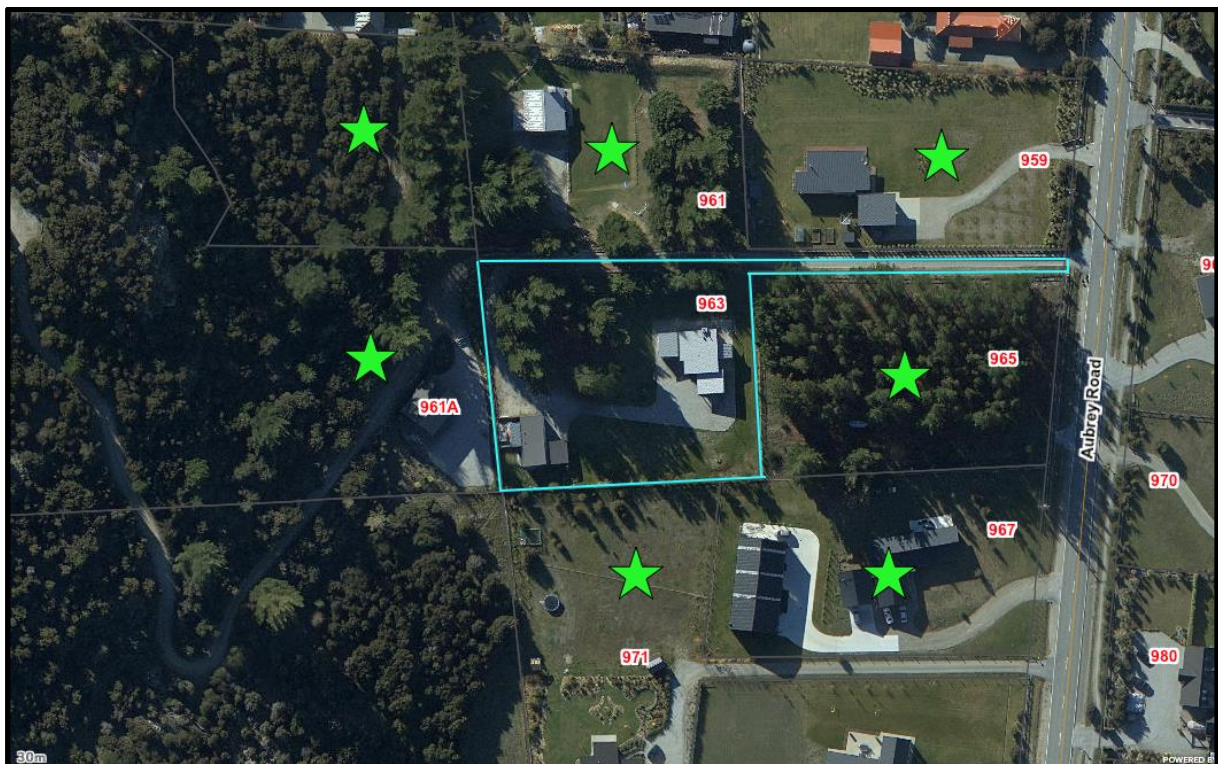
### Landscape

As discussed, there are no landscaping constraints offered by the site which perhaps on another site may contribute to the character of that site or the wider Large Lot B sub zone. This area of discretion provides for the recognition, protection and/or opportunity for enhancement of any special or limiting characteristics that the land exhibits. However, in this instance, there are no landscape features which are considered particularly valuable and as such there is no reason to deem any landscape feature as a limiting factor to development.

The site is currently well manicured and maintained, this situation is not anticipated to change. Overall, any adverse effects in relation to landscaping will be less than minor.

## **7.8 ASSESSMENT OF EFFECTS ON PERSONS**

The properties subject to the following assessment are highlighted below in Figure 3:



**Figure 3:** Aerial Image of subject sites (outlined in blue) with neighbours subject to assessment indicated with green star. Source: QLDC GIS.

It is again important within this section to account for the existing and receiving environment. The existing environment including two residential units, separated by an existing fence and serviced by separate driveways. The receiving environment surrounding the application site exhibits residential built form including Large Lot Residential A zoning (allowing minimum lot sizes down to 1,500m<sup>2</sup> with an average of 2000m<sup>2</sup>) to the northeast, east and south of the site (refer to figure 2 above for anticipated/actual densities).

Whilst the proposed lot sizes are less in area than those anticipated by the district plan for this subzone as a Restricted Discretionary activity, it is considered that outcomes will be in keeping with the existing and receiving environments. The proposed lots currently operate independently of one another and as such the application purely seeks to create new tenureship opportunities whereby the situation on the ground, as perceived is unlikely to change (aside from separate service connections as necessary).

The setback shortfall is only considered to internally impact the proposed lots, being well separated from any other boundary. Since the applicant owns both proposed lots, the adverse effects in terms of people in this regard can be disregarded. Despite this, it is considered that a 4m internal setback is ample given the lack of landscaping and topographical constraints present within the subject site and is consistent with the internal setback rules for Large Lot A subzone.

Overall, adverse effects upon surrounding neighbouring properties will be less than minor.

## **8.0 OBJECTIVES AND POLICIES OF THE OPERATIVE & PROPOSED DISTRICT PLAN**

The most relevant objectives and policies are those found within the Proposed District Plan given that this chapter is, for the most part, operative. As such, it is just the PDP that will be assessed below.

The relevant objectives and policies of the PDP are contained within chapters 3 (Strategic Direction, 4 (Urban Development), 11 (Large Lot Residential Zone) and 27 (Subdivision and Development).

Generally, the provisions of Chapters 3 and 4 seek to ensure that urban development results in a compact urban form that makes efficient use of the land and infrastructure resources available. This is encouraged via the identification of urban growth boundaries and focussing urban development within those boundaries. This application makes efficient use of land where there is the ability to absorb such development (ie. the lack of topographical and landscaping constraints). As such, the application is considered consistent with both Chapters 3 and 4.

Chapter 11 focusses on low density living opportunities within the defined urban growth boundaries.

*11.2.1 Objective - A high quality of residential amenity values are maintained within the Large Lot Residential Zone.*

*Policies:*

*11.2.1.1 Maintain low density residential character and amenity through minimum allotment sizes that efficient utilise the land resource and infrastructure (Area A), and require larger allotment sizes in those parts of the zone that are subject to significant landscape and/or topographical constraints (Area B).*

*11.2.1.2 Maintain or enhance residential character and high amenity values by controlling the scale, location and height of buildings and in addition within Area B by requiring landscaping, colour and vegetation controls.*

*11.2.1.3 Control lighting to avoid glare to other properties, roads, public places and views of the night sky.*

*11.2.1.4 Have regard to hazards and human safety, including fire risk from vegetation and the potential risk to people and buildings, when assessing subdivision, development and any landscaping in Area B.*

The proposal will result in lot sizes, that, whilst not strictly anticipated by the District Plan as a restricted discretionary activity, are considered appropriate when accounting for what subzone B is attempting to achieve (ie. requiring larger lot sizes when sites are encumbered by landscaping and/or topographical constraints).

The development, as demonstrated within discussions herein, responds accordingly to the opportunities and constraints of the site and surrounds, resulting in a pleasant, low density, future living environment which is close to Albert Town, outdoor recreation (Hikuwai Reserve) and within the vicinity of Wanaka Township.

As discussed, given the lack of significant landscaping/vegetation features present within the site, controls in this regard are not offered by this application. The colour of buildings remain controlled by District Plan Standard 11.5.10 and this standard will effectively serve any future land use development within the proposed sites.

Similarly, it is considered that District Plan Standard 11.5.8 will control development outcomes in regard to glare.

As demonstrated, the proposed development will not be adversely affected by natural hazards to a degree beyond the area which surrounds it. In terms of fire risk from vegetation and the potential risk to people and buildings, the subject site does not exhibit significant flammable vegetation. The two Kanuka plants currently located within the site are beyond 10m from any buildings and the applicant is agreeable to a condition in regard to future planting to ensure this risk is minimised.

As a result, the development is considered consistent with objective 11.2.1 and the associated policies.

*11.2.2 Objective - Predominant land uses are residential. Where appropriate, community and recreational activities also occur.*

*Policies:*

*11.2.2.1 Provide for residential and home occupation as permitted activities, and recognise that depending on the location, scale and type, community activities may be compatible with and enhance the zone's amenity values.*

The proposal is purely residential in nature, within the urban growth boundary of Wanaka and as a result, the proposal is considered consistent with Objective 11.2.2 and the relevant associated policies.

Chapter 27 Subdivision and Development generally provides for well designed, appropriately serviced subdivisions which avoid, remedies and mitigates adverse effects on persons and the environment.

*27.2.1 Objective - Subdivision that will enable quality environments to ensure the District is a desirable place to live, visit, work and play.*

*Policies:*

*27.2.1.1 Require subdivision infrastructure to be constructed and designed so that it is fit for purpose, while recognising opportunities for innovative design.*

*27.2.1.2 Enable urban subdivision that is consistent with the QLDC Subdivision Design Guidelines 2015, recognising that good subdivision design responds to the neighbourhood context and the opportunities and constraints of the application site.*

*27.2.1.3 Require that allotments are a suitable size and shape, and are able to be serviced and developed for the anticipated land use under the applicable zone provisions.*

*27.2.1.4 Discourage non-compliance with minimum allotment sizes. However, where minimum allotment sizes are not achieved in urban areas, consideration will be given to whether any adverse effects are mitigated or compensated by providing:*

- a. desirable urban design outcomes;*
- b. greater efficiency in the development and use of the land resource;*
- c. affordable or community housing.*

*27.2.1.5 Recognise that there is an expectation by future landowners that the key effects of and resource required by anticipated land uses will have been resolved through the subdivision approval process.*

As demonstrated within section 4.2 of this report, the subdivision is able to be serviced appropriately. The subdivision adheres, as much as is possible with infill development, to the 2015 QLDC Subdivision Guidelines responding to both the opportunities and constraints of the site and surrounding area.

The development contributes towards intensifying development within the urban growth boundary whilst complying with outcomes sought by the District Plan (ie. a greater density of development within the Large Lot Zone which is not encumbered by topographical and/or landscaping/vegetation constraints).

Overall, it is considered that the proposal is generally consistent with Objective 27.2.1 and its associated policies.

*27.2.2 Objective - Subdivision design achieves benefits for the subdivider, future residents and the community.*

*Policies:*

*27.2.2.1 Ensure subdivision design in urban areas provides a high level of amenity for future residents by aligning roads and allotments to maximise sunlight access.*

*27.2.2.2 Ensure subdivision design maximises the opportunity for buildings in urban areas to front the road.*

*27.2.2.4 Urban subdivision shall seek to provide for good and integrated connections and accessibility to:*

- a. existing and planned areas of employment;*
- b. community facilities;*
- c. services;*
- d. trails;*
- e. public transport; and*
- f. existing and planned adjoining neighbourhoods, both within and adjoining the subdivision area.*

*27.2.6 Encourage innovative subdivision design that responds to the local context, climate, landforms and opportunities for views or shelter.*

*27.2.7 Promote informal surveillance for safety in urban areas through overlooking of open spaces and transport corridors from adjacent sites and dwellings and by effective lighting.*

The proposal offers northern oriented living opportunities for the resultant sites whilst fitting around the existing physical occupation of the subject site. The application site is within the urban growth boundary and in close proximity of Albert Town and within the vicinity of Wanaka Township, appropriately located in terms of employment centres, community facilities and services.

It is considered that the proposed subdivision appropriately responds to the local context, climate and existing topography with both lots offering large flat outdoor living spaces and flat building spaces for any future redevelopment, northern living opportunities and oriented away from the noise of the Road (Aubrey Road) from which both proposed sites gain access.

Overall, it is considered that the proposed development is consistent with the above objectives and policies.

*27.2.3 Objective - The potential of small scale and infill subdivision in urban areas is recognised and provided for while acknowledging their design limitations.*

*Policies:*

*27.2.3.1 Accept that small scale subdivision in urban areas, (for example subdivision involving the creation of fewer than four allotments), and infill subdivision where the subdivision involves established buildings, might have limited opportunities to give effect to policies 27.2.2.4, 27.2.2.5 and 27.2.2.7.*

*27.2.3.2 While acknowledging potential limitations, encourage small scale and infill subdivision in urban areas to:*

- a. ensure lots are shaped and sized to allow adequate sunlight to living and outdoor spaces, and provide adequate on-site amenity and privacy;*
- b. where possible, locate lots so that they over-look and front road and open spaces;*
- c. avoid the creation of multiple rear sites, except where avoidance is not practicable;*
- d. where buildings are constructed with the intent of a future subdivision, encourage site and development design to maintain, create and enhance positive visual coherence of the development with the surrounding neighbourhood;*
- e. identify and create opportunities for connections to services and facilities in the neighbourhood.*



This application proposes what classes as infill subdivision, encouraged by the above policy. The associated outcomes with this development align with associated factors deemed advantageous for infill subdivision. It does this via the creation of adequate lot sizes and shapes for the greatest opportunity for solar gains whilst providing for onsite amenity and privacy through the adequate setback distances. Despite creating a rear this is a product of the existing physical occupation of the subject sites making a road frontage outcome not possible in such a location. As a result, the proposal appropriately responds to the opportunities and constraints of the site whilst achieving appropriate levels of amenity, privacy and access to sunlight and is consistent with Objective 27.2.3 and its associated policies.

*27.2.5 Objective - Infrastructure and services are provided to new subdivision and development.*

*Policies:*

*Transport, Access and Roads*

*27.2.5.2 Ensure safe and efficient pedestrian, cycle and vehicular access is provided to all lots created by subdivision and to all developments.*

*27.2.5.5 Ensure appropriate design and amenity associated with roading, vehicle access ways, trails and trail connections, walkways and cycle ways are provided for within subdivisions by having regard to:*

- a. the location, alignment, gradients and pattern of roading, vehicle parking, service lanes, access to lots, trails, walkways and cycle ways, and their safety and efficiency;*
- b. the number, location, provision and gradients of access ways and crossings from roads to lots for vehicles, cycles and pedestrians, and their safety and efficiency;*
- c. the standard of construction and formation of roads, private access ways, vehicle crossings, service lanes, walkways, cycle ways and trails;*

*Water supply, stormwater, wastewater:*

*27.2.5.6 All new lots shall be provided with connections to a reticulated water supply, stormwater disposal and/or sewage treatment and disposal system, where such systems are available or should be provided for.*

*Easements*

*27.2.5.17 Ensure that services, shared access and public access is identified and managed by the appropriate easement provisions.*

*27.2.5.18 Ensure that easements are of an appropriate size, location and length for the intended use of both the land and easement.*



The subdivision as applied for is able to appropriately serviced and accessed as per the standards dictated within the district plan and subdivision code of practice. As a result, the proposal is therefore considered to be consistent with the level of safety and efficiency anticipated under those provisions.

Overall, it is considered that the proposed development is consistent with Objective 27.2.5 and its associated policies. In turn, it is considered that the proposal is consistent with, and not contrary to, the relevant objectives and policies of the Proposed District Plan.

## 9.0 NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT 2020

The Queenstown Lakes District Council is understood to be a Tier 2 Local Authority. The NSPUD encourages Local Authorities to make planning decisions that improve housing affordability (objective 2) and enable more people to locate in urban areas where there is demand for housing or business land, employment and/or public transport access (objective 3). There is a recognition with the document (objective 4) that urban environments, including amenity values, develop and change over time in response to the diverse and changing needs of people.

Policy 2 highlights the requirement of local authorities, at all times to provide at least sufficient development to meet expected demand for housing. This subdivision supports this policy through the provision of residential development with a variety of lot sizes, within proximity to Wanaka Township, within an area zoned for residential purposes.

In particular, Policy 6 (b) states that **when making planning decisions** which affect urban environments, decision makers have regard to:

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
  - i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
  - ii. are not, of themselves, an adverse effect*

The PDP as drafted and adopted in the form of Chapters 11 and 27 as they relate to the Large Lot Residential Zone predates the strong directive of the National Policy Statement on Urban Development 2020. Outcomes proposed by this application are aligned to the NPSUD being that it seeks to achieve another residential living opportunity which responds to both district planning documents as well as the site specific opportunities and constraints offered by the subject site. This development is within the urban area of Wanaka, close to employment, community, service and recreation opportunities.

Overall, taking this into account, there is a clear directive to Council to provide a varied density of housing, that this supply should be within urban areas, and arguably Council should consider that the effects related to providing the outcomes proposed may in themselves, not be considered adverse. This application quantifies effects, determining them to be of a type and scale that support approval in any case.

## **10.0 PART II OF RMA 1991**

In consideration of the relevant principles outlined in Sections 5, 6, 7 and 8 of the Act, it is considered that if approved, the subdivision and subsequent residential land-use activities will continue to achieve the purpose of the Act as presented in Section 5.

The proposal will provide for Wanaka's residents being that the development as proposed will contribute to the residential needs of society as well as catering for their social well-being, while ensuring any adverse effects are avoided, remedied or mitigated.

## 11.0 CONCLUSION

This application seeks Resource Consent for a two-lot subdivision at 963 Aubrey Road, Wanaka, 9305.

When aligned against the relevant assessment criteria of the District Plan, it is considered that development as proposed will promote outcomes encouraged by the rules, assessment criteria, objectives and policies of both the Large Lot Residential zone and Rural Living Areas.

As demonstrated throughout this report, the proposal will not give rise to any adverse effects which are more than minor. It is therefore respectfully requested that Council approve this proposal subject to appropriate conditions of consent on a non-notified basis.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Nicole Malpass'.

Nicole Malpass  
IP Solutions Ltd

Reviewed by

A handwritten signature in black ink, appearing to read 'Dan Curley'.

Dan Curley  
Managing Director  
IP Solutions Ltd



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



R.W. Muir  
Registrar-General  
of Land

**Identifier** **421818**  
**Land Registration District** **Otago**  
**Date Issued** 11 July 2008

**Prior References**  
OT5C/356

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**Estate** Fee Simple  
**Area** 4260 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 406222  
**Registered Owners**  
Simon Peter Guest and Joanne Guest

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**Interests**

Subject to Section 59 Land Act 1948

Appurtenant hereto is a right of way created by Transfer 441129.1 - 3.6.1975 at 1:52 pm

7875350.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 11.7.2008 at 9:00 am

Subject to a right to convey water in gross over part marked B on DP 406222 in favour of Queenstown Lakes District Council created by Easement Instrument 7875350.4 - 11.7.2008 at 9:00 am

The easement created by Easement Instrument 7875350.4 is subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey electricity in gross over part marked B on DP 406222 in favour of Aurora Energy Limited created by Easement Instrument 7875350.5 - 11.7.2008 at 9:00 am

The easement created by Easement Instrument 7875350.5 is subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey telecommunications and computer media in gross over part marked B on DP 406222 in favour of Telecom New Zealand Limited created by Easement Instrument 7875350.6 - 11.7.2008 at 9:00 am

The easements created by Easement Instrument 7875350.6 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right to convey water over part marked B on DP 406222 created by Easement Instrument 7875350.7 - 11.7.2008 at 9:00 am

The easement created by Easement Instrument 7875350.7 is subject to Section 243 (a) Resource Management Act 1991

Appurtenant hereto is a right of way and a right to drain water created by Easement Instrument 7875350.8 - 11.7.2008 at 9:00 am

Subject to a right of way and a right to drain water part marked B on DP 406222 created by Easement Instrument 7875350.8 - 11.7.2008 at 9:00 am

The easements created by Easement Instrument 7875350.8 are subject to Section 243 (a) Resource Management Act 1991

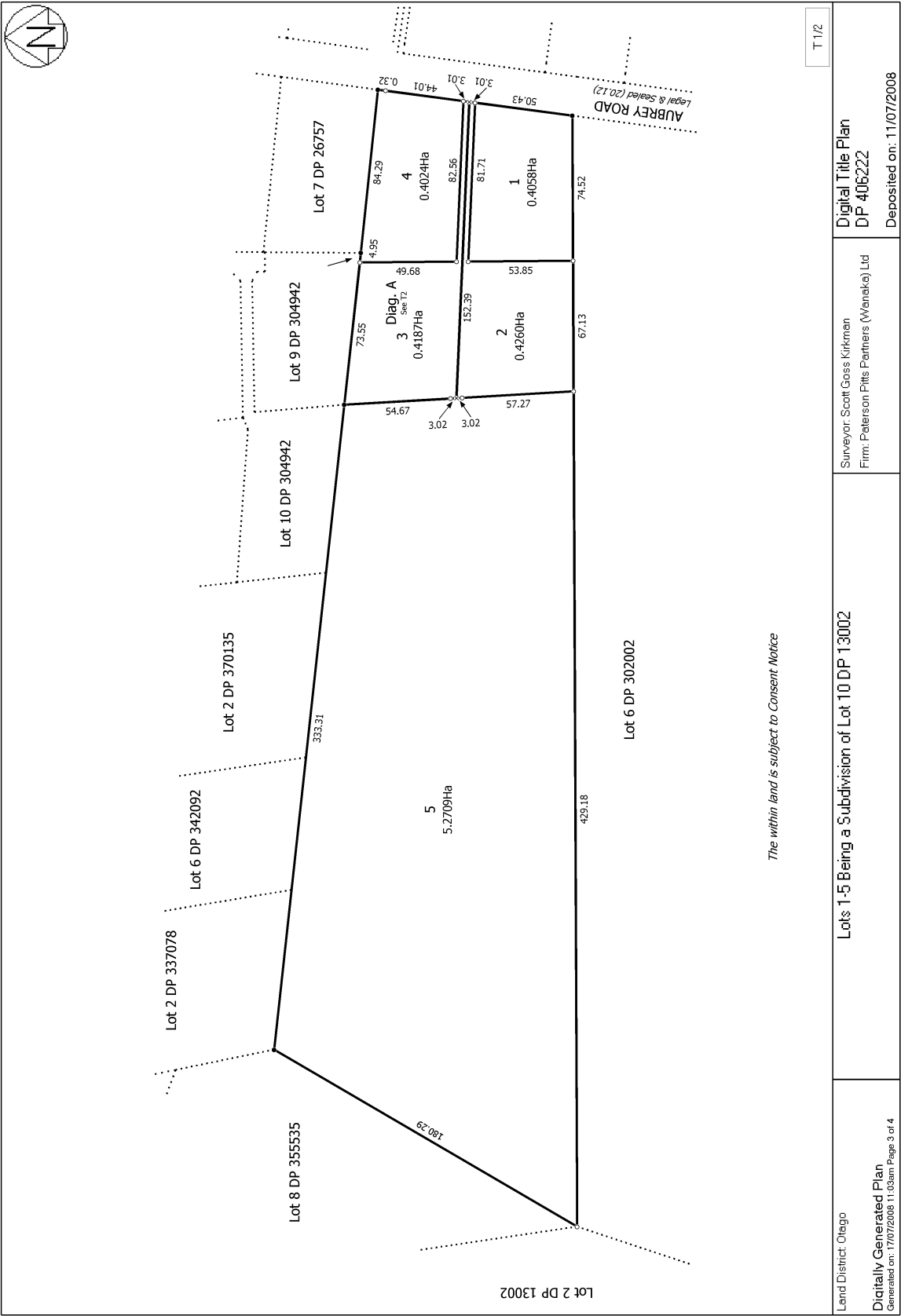
11344929.2 Mortgage to ANZ Bank New Zealand Limited - 5.2.2019 at 12:15 pm

Subject to a right to drain sewage over part marked M on DP 546044 created by Easement Instrument 11809496.4 - 8.12.2020 at 4:37 pm

The easements created by Easement Instrument 11809496.4 are subject to Section 243 (a) Resource Management Act 1991

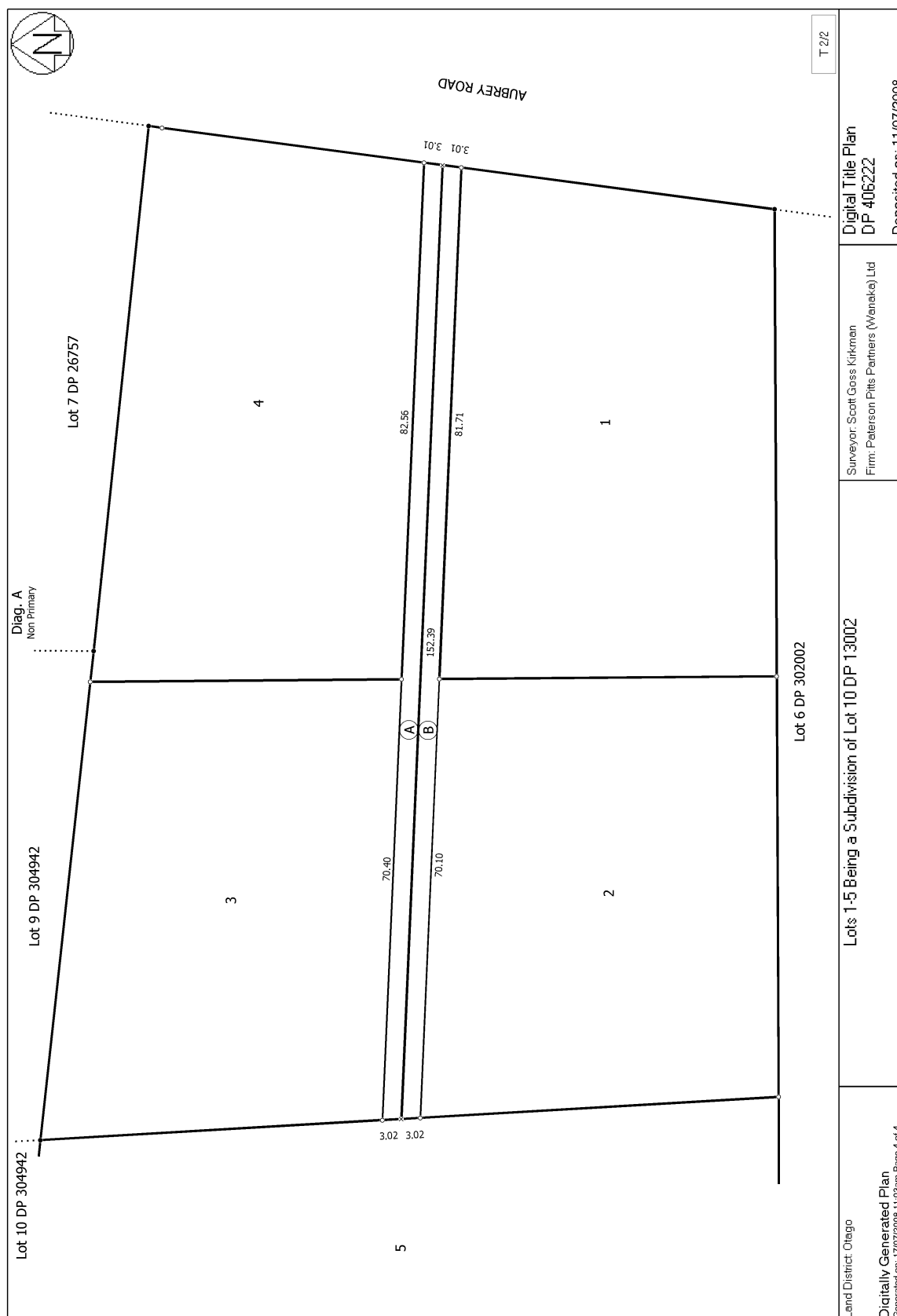
Subject to a right to drain sewage over part marked M on DP 546044 created by Easement Instrument 11809496.5 -

8.12.2020 at 4:37 pm



T 1/2

Land District: Otago	Lots 1-5 Being a Subdivision of Lot 10 DP 13002	
Digitally Generated Plan Generated on: 17/07/2008 11:03am Page 3 of 4	Surveyor: Scott Goss Kirkman Firm: Paterson Pitts Partners (Manuka) Ltd	Digital Title Plan DP 406222 Deposited on: 11/07/2008



**CONO 7875350.2 Consen**

Cpy - 01/01, Pgs - 004, 11/07/08, 07:27



DocID: 313148939

**IN THE MATTER** of Lots 1 -5 being a  
Subdivision of Lot 10 DP 13002 being  
Deposited Plan 406222.

AND

**IN THE MATTER** of Resource  
Consent RM 070656 Queenstown Lakes  
District Council.

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**CONSENT NOTICE PURSUANT TO  
SECTION 221 OF THE RESOURCE  
MANAGEMENT ACT 1991**

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**PATERSON PITTS PARTNERS LTD  
REGISTERED SURVEYORS  
WANAKA**

---



**IN THE MATTER** of Lots 1 - 5 being a  
Subdivision of Lot 10 DP 13002 being  
Deposited Plan 406222.

**AND**

**IN THE MATTER** of Resource  
Consent RM 070656 Queenstown Lakes  
District Council.

## **1. Operative Part**

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments: -

Lot 1 DP 406222  
Lot 4 DP 406222

### **Condition**

- a) At the time a dwelling is erected on Lots 1 & 4, the owner for the time being shall construct a sealed vehicle crossing to the lot from Aubrey Road to be in terms of Diagram 2, Appendix 7 and Rule 14.2.4.2 of the Partially Operative District Plan. The vehicle crossing shall have a minimum separation of 10 metres from the right of way serving Lots 2, 3 & 5. The vehicle crossing shall be trafficable in all weathers and be capable of withstanding a laden weight of up to 25 tonnes with an axle load of 8.2 tonnes or have a load bearing capacity of no less than the public roadway serving the property, whichever is the lower. The vehicle crossing shall be formed and sealed from the edge of the Aubrey Road carriageway to the property boundary or for a minimum of 6 metre from the road carriageway, whichever is the greater. Provision shall be made to continue any roadside drainage.
- b) At the time a dwelling is erected on Lots 1-4, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 NZS4404:2004 to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.

- c) At the time a dwelling is erected on Lots 1-4, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design an effluent disposal system in terms of AS/NZS 1547:2000 that will provide sufficient treatment/renovation to effluent from on-site disposal, prior to discharge to land. To maintain high effluent quality such a system would require the following:

- Specific design by a suitably qualified professional engineer.
- A requirement that each lot must include systems that achieve the levels of treatment determined by the specific design.
- Regular maintenance in accordance with the recommendations of the system designer and a commitment by the owner of each system to undertake this maintenance.
- Intermittent effluent quality checks to ensure compliance with the system designer's specification.
- Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.

## **2. Operative Part**

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments: -

Lot 2 DP 406222

Lot 3 DP 406222

### **Condition**

- a) At the time a dwelling is erected on Lots 1-4, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
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### 3. Operative Part

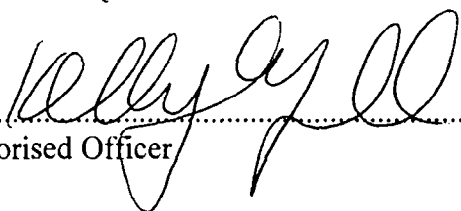
The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments: -

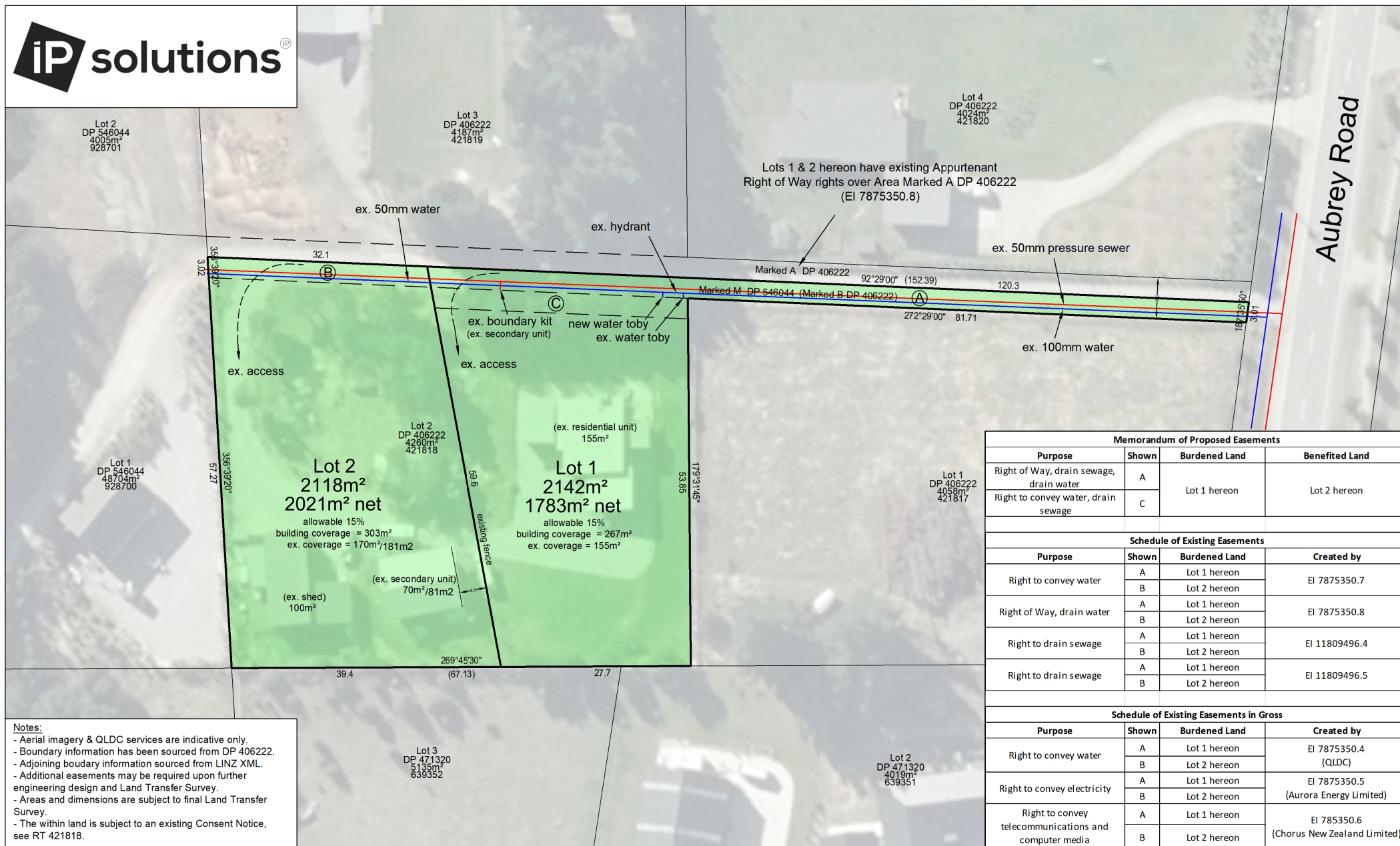
Lot 5 DP 406222

#### Condition

- a) Services to the existing dwelling on Lot 5 were not assessed in terms of Council's standards as part of subdivision consent RM070656. Adequate servicing of the allotment and existing dwelling shall be the responsibility of the owner. Any further development may require services to be upgraded.

Dated this 27<sup>th</sup> day of June 2008

  
.....  
Authorised Officer



Memorandum of Proposed Easements			
Purpose	Shown	Burdened Land	Benefited Land
Right of Way, drain sewage, drain water	A	Lot 1 hereon	Lot 2 hereon
Right to convey water, drain sewage	C		
Schedule of Existing Easements			
Purpose	Shown	Burdened Land	Created by
Right to convey water	A	Lot 1 hereon	EI 7875350.7
	B	Lot 2 hereon	
Right of Way, drain water	A	Lot 1 hereon	EI 7875350.8
	B	Lot 2 hereon	
Right to drain sewage	A	Lot 1 hereon	EI 11809496.4
	B	Lot 2 hereon	
Right to drain sewage	A	Lot 1 hereon	EI 11809496.5
	B	Lot 2 hereon	
Schedule of Existing Easements in Gross			
Purpose	Shown	Burdened Land	Created by
Right to convey water	A	Lot 1 hereon	EI 7875350.4 (QLDC)
	B	Lot 2 hereon	
Right to convey electricity	A	Lot 1 hereon	EI 7875350.5 (Aurora Energy Limited)
	B	Lot 2 hereon	
Right to convey telecommunications and computer media	A	Lot 1 hereon	EI 785350.6 (Chorus New Zealand Limited)
	B	Lot 2 hereon	

Rev	Description	Date
A	ORIGINAL	18/02/22

**Lots 1 & 2 being a Subdivision of Lot 2 DP 406222**  
(963 Aubrey Road, Wanaka)

Client:	Guest	COPYRIGHT This drawing and parts thereof are copyright to Measured Land Surveys Limited and shall not be reused, copied or reproduced without the written permission of Measured Land Surveys Limited.	
Scale:	1 : 500 @ A3	 THE CONSULTING SURVEYORS OF NEW ZEALAND A DIVISION OF THE NEW ZEALAND INSTITUTE OF SURVEYORS	 Sheet: 1 of 1
Surveyed:	Drawn: ST 18/02/22		
Datum:	Lindis Peak 2000	Job #:	Rev:
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**IN THE MATTER** of Lots 1 -5 being a  
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SECTION 221 OF THE RESOURCE  
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**PATERSON PITTS PARTNERS LTD  
REGISTERED SURVEYORS  
WANAKA**

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- Disposal areas shall be located such that maximum separation (in all instances greater than 50 metres) is obtained from any watercourse or water supply bore.

## 2. Operative Part

The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments: -

Lot 2 DP 406222  
Lot 3 DP 406222

### Condition

- a) At the time a dwelling is erected on Lots 1-4, the owner for the time being shall engage a suitably qualified professional as defined in Section 1.4 of NZS4404:2004 to design a stormwater disposal system that is to provide stormwater disposal from all impervious areas within the site. The proposed stormwater system shall be subject to the review of Council prior to implementation.
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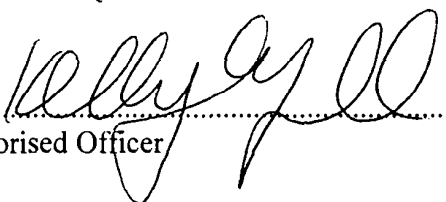
The following conditions pertaining to this Consent Notice are to be registered against the titles of the following allotments: -

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Dated this 27<sup>th</sup> day of June 2008

  
.....  
Authorised Officer





**DECISIONS OF THE QUEENSTOWN LAKES DISTRICT COUNCIL**  
**NOTIFICATION UNDER s95A AND s95B AND DETERMINATION UNDER s104**  
**OF THE RESOURCE MANAGEMENT ACT 1991**

<b>Applicant:</b>	S & J Guest
<b>RM reference:</b>	RM200922
<b>Application:</b>	Application under Section 88 of the Resource Management Act 1991 (RMA) to undertake an extension to a residential flat resulting in a second residential unit on the site.
<b>Location:</b>	963 Aubrey Road, Wanaka
<b>Legal Description:</b>	Lot 2 Deposited Plan 406222 held in Record of Title 421818
<b>Zoning:</b>	<b>ODP:</b> Rural Residential <b>PDP:</b> Large Lot Residential B
<b>Activity Status:</b>	<b>Discretionary</b>
<b>Decision Date</b>	<b>22 December 2020</b>
<b>Re-Issue Date</b>	<b>29 January 2021</b>

**SUMMARY OF DECISIONS**

1. Pursuant to sections 95A-95F of the Resource Management Act 1991 (**RMA**) the application will be processed on a **non-notified** basis given the findings of Section 5 of the Section 95A and 95B report. This decision is made by Sarah Gathercole, Senior Planner, on 22 December 2020 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 the Section 104 decision imposed pursuant to Section 108 of the RMA. This consent can only be implemented if the conditions in Appendix 1 are complied with by the consent holder. The decision to grant consent was considered (including the full and complete records available in Council's electronic file and responses to any queries) by Sarah Gathercole, Senior Planner, under delegated authority pursuant to Section 34A of the RMA.
3. Pursuant to section 133A of the RMA this consent is being re-issued due to a minor error in reference to the applicant's agreement of condition 4b. This is considered a minor mistake or defect and therefore the consent can be re-issued pursuant to section 133A of the RMA. The decision was made and the re-issue authorised by Sarah Gathercole, Senior Planner, as delegate for Council on 28 January 2021. This re-issue is made 15 days after the grant of the consent.

## 1. SUMMARY OF PROPOSAL AND SITE DESCRIPTION

Consent is sought to undertake renovations to an existing residential flat, increasing the floor area to 81m<sup>2</sup>, meaning it will now be classified as a second residential unit on the site.

The applicant has provided a detailed description of the proposal, the site and locality and the relevant site history in Section(s) 4 and 5 of the report prepared by Nicole Malpass of IP Solutions, 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.

For reference the subject site and surrounds is identified below.

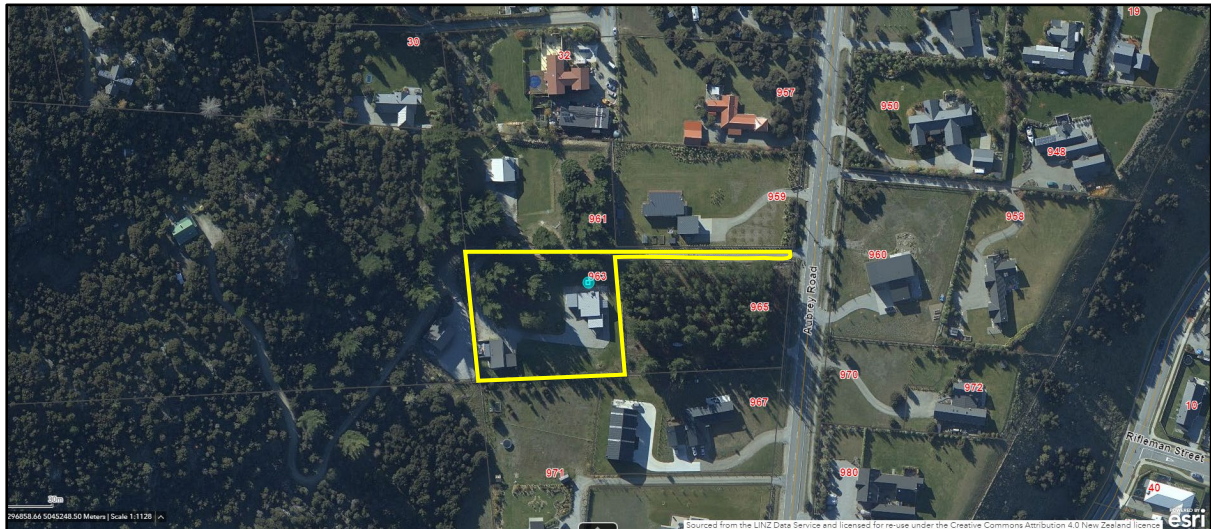


Figure 1: Subject site outlined in yellow and surrounds

## 2. ACTIVITY STATUS

QLDC currently has an Operative District Plan (ODP) and Proposed District Plan (PDP).

Council notified its decisions on Stage 1 of the PDP on 7 May 2018, and notified its decisions on Stage 2 of the PDP on 21 March 2019. There are a number of appeals on these decisions. Stage 3 of the PDP was notified on 19 September 2019 and Stage 3B on 31 October 2019, and decisions on submissions are pending.

Where there are rules in the PDP that are treated operative under s.86F of the RMA, corresponding rules in the ODP are treated as inoperative. Consent is required under Section 9(3) of the RMA, pursuant to the ODP and PDP rules which are listed below.

### 2.1 OPERATIVE DISTRICT PLAN

The subject site is zoned Rural Residential by the ODP. There are no relevant rules under the ODP as the rules in Chapter 8 (Rural Living) are treated as inoperative given the relevant rules under the PDP are treated as operative pursuant to section 86F of the RMA.

### 2.2 PROPOSED DISTRICT PLAN

The subject site is zoned Large Lot Residential B by the PDP and the proposed activity requires resource consent under the PDP for the following reason:

*Rules that are treated as operative under s86F:*

- A **discretionary** activity resource consent pursuant to Rule 11.5.9.2 for the establishment of a second residential unit on a site with a total area of 4,260m<sup>2</sup>. Rule 11.5.9.2 specifies a maximum of one residential unit per 4,000m<sup>2</sup> net site area.

### **2.3 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH 2011 (“NES”)**

Based on the applicant’s review of Council records the proposed activity is on a piece of land that is, or is more than likely to be, a HAIL site.

### **2.4 ACTIVITY STATUS SUMMARY**

Overall, the application is being considered and processed as a **discretionary** activity under the PDP.

# NOTIFICATION DETERMINATION DECISION UNDER SECTIONS 95A AND 95B OF THE RESOURCE MANAGEMENT ACT

## **3. SECTION 95A – PUBLIC NOTIFICATION**

Section 95A of the RMA requires a decision on whether or not to publicly notify an application. The following steps set out in this section, in the order given, are used to determine whether to publicly notify an application for a resource consent.

### **3.1 Step 1 – Mandatory public notification**

The applicant has not requested public notification of the application (s95A(3)(a)).

Public Notification is not required as a result of a refusal by the applicant to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the RMA (s95A(3)(b)).

The application does not involve exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Therefore, public notification is not required by Step 1.

### **3.2 Step 2 – Public notification precluded**

Public notification is not precluded by any rule or national environmental standard (s95A(5)(a)).

The proposal is not:

- a controlled activity; or
- a boundary activity as defined by section 87AAB that is restricted discretionary, discretionary or non-complying.

Therefore, public notification is not precluded (s95A(5)(b)).

### **3.3 Step 3 – If not precluded by Step 2, public notification is required in certain circumstances**

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if notification is not precluded by Step 2 and the consent authority decides, in accordance with s95D, that the proposed activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

An assessment in this respect is therefore undertaken, and decision made in Sections 3.3.1 - 3.3.4 below:

#### **3.3.1 Effects that must / may be disregarded (s95D(a)-(e))**

*Effects that must be disregarded:*

- *Effects on the owners or occupiers of land on which the activity will occur and on adjacent land (s95D(a)).*
- *Trade competition and the effects of trade competition (s95D(d)).*

*Effects that may be disregarded:*

- *An adverse effect of the activity if a rule or national environmental standard permits an activity with that effect (s95D(b)) – referred to as the “permitted baseline”. The relevance of a permitted baseline to this application is provided in section 3.3.2 below.*

### 3.3.2 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 consists of the erection of one residential unit per 4,000m<sup>2</sup> net site area. I note that the definition of a residential unit under the PDP includes a residential flat as an accessory building. Residential flats are restricted to a total floor area of 70m<sup>2</sup> in this zone.

There is currently both a residential unit and a residential flat with a total floor area of 70m<sup>2</sup> on-site. This forms the permitted baseline, including those relevant aspects of the receiving environment. As such, the following assessment is focused on the adverse effects of the 11m<sup>2</sup> increase in floor area of the existing residential flat, and any associated adverse effects.

### 3.3.3 Assessment: Effects On The Environment

Taking into account Sections 3.3.1 and 3.3.2 above, the following assessment determines whether the proposed activity will have, or is likely to have, adverse effects on the environment that are more than minor that will require public notification (s95A(8)(b)).

The following parts of the Assessment of Effects provided at Section 7.4 of the applicant's AEE, is considered comprehensive and accurate, and is adopted for the purposes of this report:

- *Services, access, parking and manoeuvrability*

*Additional assessment is as follows:*

#### **Density**

To be considered a residential flat, ancillary to the main residential unit on site, the total gross floor area for the building must be 70m<sup>2</sup> or less. The proposed extension results in a floor area of 81m<sup>2</sup> and is therefore assessed as a second residential unit.

In the Large Lot Residential B Zone, the standard for density is one residential unit per 4,000m<sup>2</sup>. The site is just over 4,000m<sup>2</sup> resulting in a density of one unit per 2,130m<sup>2</sup>.

Although only slightly larger than the permitted residential flat, by virtue of consent being granted, the existing 'flat' would be considered a residential unit in its own right, as under the definition of residential flat in the PDP, it is stated that a proposal that fails to meet the maximum area criteria will be considered as a residential unit.

The existing residential flat and main residential unit are not linked together from a functionality and use perspective. They share a right-of-way from Aubrey Road which veers off to provide individual driveway access for the main residential unit (front unit) and residential flat (rear unit). Additionally, there is an existing fence separating the front and rear of the site, which contain the existing residential unit and flat respectively.

The residential flat is currently rented separately to the residential unit. The applicant has clarified that it is proposed to retain the second residential unit as a separately rented building to the main residential unit. Therefore, the functionality will become similar to two independent residential units.

Approving the proposed extension would enable further development to occur, such as the ability to erect a residential flat (and other associated accessory buildings) ancillary to each residential unit as a permitted activity, as the site would house two residential units. This would result in a density that is not anticipated in this zone and is out of character with the area. The Large Lot Residential B Zone is recognised by a low-density residential character, with the low residential density and larger lot sizes to ensure it remains in keeping with the area's landscape qualities and does not create intensive development that may cause or exacerbate adverse effects on the environment.

To mitigate the adverse effect of increased built form occurring on this site (beyond the scope of this application), the applicant has offered a covenant to be registered on the Record of Title prohibiting the erection of a residential flat ancillary to both residential units. In addition to this, mitigation restricting the second residential unit to 81m<sup>2</sup> in size will ensure the character and scale of the 'residential flat' is maintained as a residential flat, without compromising the integrity of the zone. This will ensure that the second residential unit would still operate and appear similar to the existing residential flat (given the minimal 11m<sup>2</sup> increase in floor area).

Similarly, traffic generation will not increase to the site as a result of the extension, as both buildings will continue to operate as separate units, although one is significantly smaller than the other. The proposal will not increase the number of bedrooms within the flat and therefore it is unlikely that the occupancy of the building will change. The subject site will remain in single ownership and should an application be made to separate the residential units in the future through a subdivision this is unlikely to be supported.

For these reasons, it is considered that the density is not increased to a point where adverse effects on character or amenity of the wider or adjoining area occurs. Given the character of the surrounding area, the density is considered appropriate and will result in less than minor adverse effects on the environment.

### **Access**

The application has been reviewed by Councils Land Development Engineer, Cam Jones, regarding the existing access to the site. Mr Jones has advised that the access has a formed width of approximately 3.2m with a 6.0m reciprocal easement area. The access currently serves four residential units. He is satisfied that the access is adequate to service five units, according to Council's standards, and makes no recommendations with regard to the access to the site.

I note also that while the access is technically providing for one more residential unit, the actual use of the access will remain the same as existing.

The adverse effects in terms of vehicular access can therefore be considered less than minor.

### **3.3.4 Decision: Effects On The Environment (s95A(8))**

On the basis of the above assessment, it is assessed that the proposed activity will not or is not likely to have adverse effects on the environment that are more than minor. Therefore, public notification is not required under Step 3.

### **3.4 Step 4 – Public Notification in Special Circumstances**

There are no special circumstances in relation to this application.

## **4. LIMITED NOTIFICATION (s95B)**

Section 95B(1) requires a decision on whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A.

### **4.1 Step 1: certain affected groups and affected persons must be notified**

#### ***Determination under s95B(2)***

The proposal does not affect protected customary rights groups, and does not affect a customary marine title group; therefore limited notification is not required.

#### ***Determination under s95B(3)***

Limited notification is not required under Step 1 as the proposal is not on or adjacent to, or may affect land subject to a statutory acknowledgement under Schedule 11, and the person to whom the statutory acknowledgement is made is not determined an affected person under section 95E (s95B(3)).

#### **4.2 Step 2: if not required by Step 1, limited notification precluded in certain circumstances**

Limited notification is not precluded under Step 2 as the proposal is not subject to a rule in the District Plan or is not subject to a NES that precludes notification (s95B(6)(a)).

Limited notification is not precluded under Step 2 as the proposal is not a controlled activity land use (s95B(6)(b)).

#### **4.3 Step 3: if not precluded by Step 2, certain other affected persons must be notified**

If limited notification is not precluded by Step 2, a consent authority must determine, in accordance with section 95E, whether the following are affected persons:

##### *Boundary activity*

The proposal is not a boundary activity where the owner of an infringed boundary has not provided their approval.

##### *Any other activity*

The proposal is not a boundary activity and therefore the proposed activity falls into the ‘*any other activity*’ category (s95B(8)), and the adverse effects of the proposed activity are to be assessed in accordance with section 95E.

##### **4.3.1 Considerations in assessing adverse effects on Persons (S95E(2)(a)-(c))**

- 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 (a “permitted baseline”). Section 3.3.2 above sets out the relevance of the permitted baseline to this application.
- b) The consent authority **must** disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and
- c) The consent authority **must** have regard to every relevant statutory acknowledgement specified in [Schedule 11](#).

##### **4.3.2 Assessment: Effects on Persons**

Taking into account the exclusions in sections 95E(2) and (3) as set out in Section 4.3.1 above, 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:





*Figure 2: Subject site outlined in blue; neighbouring properties considered in this assessment indicated with red dots*

The subject site is surrounded by similarly zoned Large Lot Residential properties containing residential activities. The access to the site is shared via a right-of-way with a number of adjacent properties. The proposed extension will not increase the use of the right-of-way, as the use is expected to remain unchanged.

Although an extension to a building is occurring, the building setbacks and all other standards in terms of location, design and siting are complied with. It is therefore considered the existing large lot residential character of the site will remain unchanged and the proposed extension will not create an adverse effect by intensifying the residential activity on the site to any noticeable degree.

Adverse effects associated with the addition of 11m<sup>2</sup> of floor space to the existing residential flat will be indiscernible from beyond the subject site and no persons are considered to be adversely affected to an extent that is minor or more than minor.

#### 4.3.3 Decision: Effects on Persons (s95E(1))

In terms of section 95E of the RMA, and on the basis of the above assessment, no person is considered to be adversely affected.

Therefore, limited notification is not required under Step 3.

#### 4.4 Step 4 – Further Notification in Special Circumstances (s95B(10))

Special circumstances do not apply that require limited notification.




## 5. NOTIFICATION DETERMINATION

For the reasons set out in sections 3 and 4 of this notification decision report, under s95A and s95B of the RMA, the application is to be processed on a non-notified basis.

Prepared by

Decision made by




Gemma Conlon  
**CONSULTANT PLANNER**

Sarah Gathercole  
**SENIOR PLANNER**

Re-issue prepared by

Re-issue decision made by




Gemma Conlon  
**CONSULTANT PLANNER**

Sarah Gathercole  
**SENIOR PLANNER**

# DECISION UNDER SECTION 104 OF THE RESOURCE MANAGEMENT ACT

## 6. S104 ASSESSMENT

This application must be considered in terms of Section 104 of the RMA.

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

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) *any relevant provisions of:*
  - (i) *A national environmental standard;*
  - (ii) *other regulations;*
  - (iii) *a national policy statement;*
  - (iv) *a New Zealand coastal policy statement;*
  - (v) *a regional policy statement or proposed regional policy statement;*
  - (vi) *a plan or proposed plan; and*
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

### 6.1 EFFECTS ON THE ENVIRONMENT (s104(1)(a)&(ab))

Actual and potential effects on the environment have been outlined in the section 95 report. Conditions of consent can be imposed under s108 of the RMA as required to avoid, remedy or mitigate adverse effects (s104)(1)(a)).

### 6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

#### Operative District Plan

The subject site is zoned Rural Residential under the ODP. The relevant objectives and policies within the ODP are situated within Section 4, District-wide issues and Section 8, Rural Living Areas.

Section 4 contains policy direction to ensure the amenity and character of the area are in keeping with the relevant zone. In this case, the effects on amenity are less than minor and the proposal does not affect the character of the zone to a minor or more than minor extent, due to the mitigation proposed. It is therefore considered that the proposal is consistent with the relevant objectives and policies in Section 4.

In Section 8, Objective 1 and the related policies seek the establishment of low-density rural living managed and contained in both extent and location. Objective 2 seeks to protect the rural amenity which exists alongside this rural living environment. The addition to the residential flat will be consistent in terms of style, location and materials which exist on the property. This contributes towards the maintenance of amenity. Due to the small nature of the addition (approximately 11m<sup>2</sup>), it will retain the low-density character of the subject site and those surrounding.

Overall, due to the location, nature and scale of the addition to the existing residential flat, it is considered that the proposal is consistent with the above objectives and their related policies.

#### Proposed District Plan

The relevant objectives and policies are contained within Chapter 11 of the PDP. Generally, they seek that the zone is developed in accordance with the expectations to ensure amenity and character are maintained. As outlined in the applicant's AEE, Objective 11.2.1 seeks that a high quality of residential amenity values is maintained within the Large Lot Residential Zone. The associated policies seek the maintenance of low-density residential character and high amenity values through the controlling of colour, scale, location and height of buildings as well as adhering to landscaping and vegetation controls. Objective 11.2.2 and the related policies seek the predominant land use of the Large Lot Residential Zone to be residential. Given the relatively small departures this proposal has from a complying development and the mitigation proposed, it is considered that it is consistent with the relevant objectives and policies.

### 6.3 PART 2 OF THE RMA

The purpose of the RMA is to promote the sustainable management of natural and physical resources. This proposal does not affect the sustainable potential of resources to meet the foreseeable needs of future generations (s5(a)), it does not affect the life-supporting capacity of air, water, soil or ecosystems (s5(b)) and as assessed does not have significant adverse effects on the environment (s5(c)).

Section 6 of the RMA sets out the matters of national importance which must be recognised and provided for. None of these are relevant to this application and there are no natural hazards associated with this proposal.

Section 7 sets out other matters that must be given regard to. Of relevance are the maintenance and enhancement of amenity values (s7(c)) and of the quality of the environment (s7(f)). The proposal is assessed as not having adverse effects on either.

Section 8 requires that the principles of Te Tiriti o Waitangi are taken into account. This proposal is consistent with the treaty principles.

Overall, the proposal is considered to meet the purpose and principles of the RMA.

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

Consent is **granted** to undertake an extension to a residential flat resulting in a second residential unit on the site subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

Prepared by



Gemma Conlon  
**CONSULTANT PLANNER**

Decision made by



Sarah Gathercole  
**SENIOR PLANNER**

Re-issue prepared by



Gemma Conlon  
**CONSULTANT PLANNER**

Re-issue decision made by



Sarah Gathercole  
**SENIOR PLANNER**

## 8.0 DEVELOPMENT CONTRIBUTIONS AND ADMINISTRATIVE MATTERS

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

This proposal may require a development contribution under the Local Government Act 2002 in line with QLDC's Development Contribution Policy. Where a development contribution is determined as required, payment will be due prior to commencement of the consent, except where a Building Consent is required when payment shall be due prior to the issue of the code of compliance certificate.

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

### *Administrative Matters*

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

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 building consent granted under the Building Act 2004. A building consent 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 RMA.

If you have any enquiries, please contact Sarah Gathercole on phone (03) 4410465 or email [sarah.gathercole@qldc.govt.nz](mailto:sarah.gathercole@qldc.govt.nz).

## 9.0 APPENDICES LIST

**APPENDIX 1 – Consent Conditions**

**APPENDIX 2 – Applicant's AEE**

## **APPENDIX 1 – CONSENT CONDITIONS**

### **General Conditions**

1. That the development must be undertaken/carried out in accordance with the plans, “Guest Cottage Additions, 963 Aubrey Road, Wanaka”, prepared by MCV Design Limited, dated October 2020:
  - ‘Site Plan’, Drawing No 100
  - ‘Floor Plan’, Drawing No 101
  - ‘Elevations’, Drawing No 301

**stamped as approved on 22 December 2020**

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

2. 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.
3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

### **Covenant**

4. Prior to completion of the building extension, a covenant shall be registered on the computer freehold register of Lot 2 DP 406222 held in Record of Title 421818 to the effect that:
  - a) No residential flats are permitted on the site.
  - b) The second residential unit shall have a maximum floor area of 81m<sup>2</sup> in size.

### **Advice Notes**

- a) This site may contain archaeological material. Under the Heritage New Zealand Pouhere Taonga Act 2014, the permission of the Heritage New Zealand Pouhere Taonga must be sought prior to the modification, damage or destruction of any archaeological site, whether the site is unrecorded or has been previously recorded. An archaeological site is described in the Act as a place associated with pre-1900 human activity, which may provide evidence relating to the history of New Zealand. These provisions apply regardless of whether a resource consent or building consent has been granted by Council. Should archaeological material be discovered during site works, any work affecting the material must cease and the Heritage New Zealand Pouhere Taonga must be contacted (Dunedin office phone 03 477 9871).

### **For Your Information**

#### **Monitoring**

The conditions in your decision will advise if monitoring is required. To assist with compliance of your resource consent, and to avoid your monitoring deposit being used before your development starts, please complete the “[Notice of Works Starting Form](#)” and email to the Monitoring Planner at [RCMonitoring@qldc.govt.nz](mailto:RCMonitoring@qldc.govt.nz)

#### **Environmental Management Plan**

Please be aware of your requirements to appropriately manage environmental effects associated with your activity. Site management means having adequate controls in place on your site. This will ensure compliance is achieved and harmful by-products of construction activities do not damage the environment or cause nuisance to neighbours. We’ve provided some [advice](#) to help you mitigate any possible adverse effects that may be generated on your site as a result of construction related activities.

**Engineering Acceptance**

You may also have conditions that require you to apply for Engineering Acceptance. To apply, please complete the [Engineering Acceptance Application Form](#) and submit to [engineeringapprovals@qldc.govt.nz](mailto:engineeringapprovals@qldc.govt.nz). Further information regarding Engineering Acceptance can be found [here](#).

**Development Contribution**

If this decision requires a development contribution (DC) charge, we will be sending a notice in due course. To answer questions such as what is a DC charge, when a DC charge is triggered and timing of payments, this information is available [here](#).

If you wish to make a DC estimate calculation yourself, please use this [link](#). Full details on current and past policies can be found [here](#).

**APPENDIX 2 – APPLICANT’S AEE**

11<sup>th</sup> November 2020

Queenstown Lakes District Council  
Wanaka Office  
47 Ardmore Street  
WANAKA 9305

**Attention: Wanaka Planning Department**

## **1.0 INTRODUCTION**

Please find an application for Resource Consent to alter and extend a residential flat at 963 Aubrey Road, Albert Town, such that post works it will technically be defined as a residential unit and subsequently breach the prescribed site density.

The application includes a site description, description of the proposed activity and an assessment of how the proposal aligns with the relevant District Plan rules and assessment criteria.

## **2.0 APPLICATION DETAILS**

<b>APPLICANT</b>	<b>SIMON AND JOANNE GUEST</b>
<b>SITE LOCATION</b>	<b>963 AUBREY ROAD, ALBERT TOWN, WANAKA</b>
<b>LEGAL DESCRIPTION</b>	<b>LOT 2 DP 406222</b>
<b>SITE AREA</b>	<b>4,260m<sup>2</sup></b>
<b>ZONING (ODP)</b>	<b>RURAL RESIDENTIAL</b>
<b>ZONING (PDP)</b>	<b>LARGE LOT RESIDENTIAL B</b>

## **3.0 APPENDICES**

<b>APPENDIX A</b>	<b>FORM 9</b>
<b>APPENDIX B</b>	<b>RECORD OF TITLE</b>
<b>APPENDIX C</b>	<b>PROPOSED COTTAGE PLANS</b>



#### **4.0 SITE DESCRIPTION AND DESCRIPTION OF PROPOSAL**

This application seeks to construct an 11m<sup>2</sup> extension to an existing residential flat at 963 Aubrey Road, Albert Town.

The subject site is located approximately 429m south of the Aubrey/Gunn Road roundabout. The site covers 4,260m<sup>2</sup> of relatively flat land, which currently comprises the existing residential occupation and substantial trees / landscape plantings.

The site is currently occupied by one residential unit, residential flat and an associated accessory building (shed).

The site is accessed via an existing shared right of way that extends approximately 80m from Aubrey Road. A band of trees is located just off of the northern and western boundaries which spreads from the north western corner toward the centre of the site. A shed is located in the south western corner of the site with a residential flat to the south while the existing dwelling is located closer to the north eastern section of the site. Glimpses of the site and occupation described above are available from Aubrey Road between existing vegetation on both the subject site and surrounding sites, and by built form on surrounding sites.

The site is zoned as Rural Residential under the Operative District Plan (ODP) and Large Lot Residential under the Proposed District Plan (PDP). The surrounding land use predominantly comprises of large lot residential development. Figure 1 below shows the site and surrounds.



Figure 1: Subject site highlighted in blue and surrounds, QLDC GIS.

The additional 11m<sup>2</sup> area of the building extension coupled with the existing area of the residential flat (70m<sup>2</sup>) equates to 81m<sup>2</sup>. This means that the building will no longer qualify under the definition of a residential flat.

Due to the extension, the building will qualify as an additional residential unit, which when accounting for the subject site's land area, will trigger the applicable site density rule.

The extension will result in a new internal layout/configuration, seeing no change in the number of bedrooms currently provided by the existing residential flat.

In terms of site layout and, please refer to the site plan below. For detailed building plans please also refer to those plans attached at **Appendix C**.

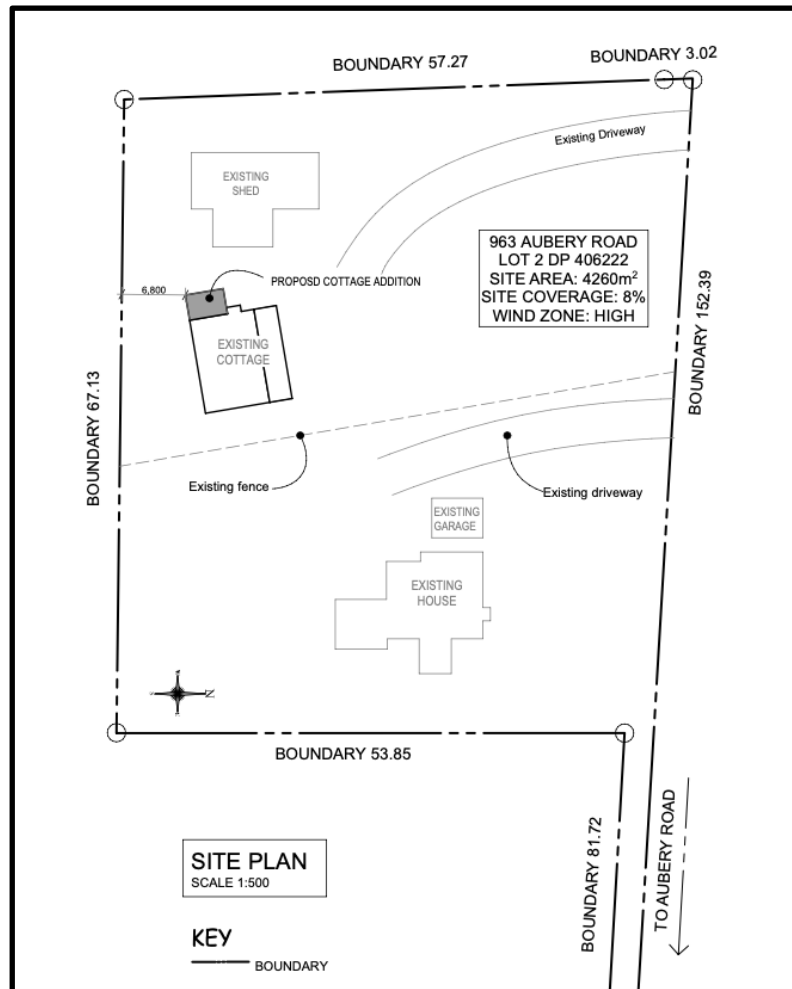


Figure 2: Site Plan, attached as part of this application as Appendix C.

Aside from the breach in site density, the proposal breaches no further district plan rules.

## 5.0 SITE HISTORY

The following resource consents are relevant to this application:

- RM090704 – Approved land use consent for the existing residential dwelling and garage;
- RM130244 – Approved land use consent to construct an accessory building (garage)

on the subject site;

- RM141014 – Approved land use consent to undertake additions to the existing residential dwelling at the subject site.

It is noted that whilst the residential flat which forms this application did not require resource consent, it gained building consent under BC181131.

## 6.0 RELEVANT PROVISIONS OF THE DISTRICT PLAN

### 6.1 ACTIVITY STATUS

The subject site is zoned Rural Residential under the Operative District Plan (ODP), however Due to the Proposed District Plan being deemed operative under s86F of the RMA, the relevant Rules in the ODP can be deemed inoperative and therefore are not triggered.

The subject site is zoned Large Lot Residential under the Proposed District Plan, and the proposed activity requires the following consents:

- A **discretionary** activity consent pursuant to Rule 11.5.9.2 for the establishment of a secondary residential dwelling on a site with a net site area less than 4,000m<sup>2</sup>.

Overall under the Proposed District Plan, the proposal qualifies as a **discretionary** activity.

## 7.0 ASSESSMENT OF ADVERSE EFFECTS

### 7.1 PERMITTED BASELINE

Pursuant to Section 104(2) of the Act, when considering the actual and potential effects of an application for resource consent, a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the permitted baseline).

In this instance, the permitted baseline includes:

- Residential activities;
- Construction of one residential unit per 4000m<sup>2</sup> of zoned land area (including residential flats up to 70m<sup>2</sup>);
- Any number of bedrooms and associated traffic movements;
- 15% site coverage of buildings and maximum height of 8m;
- Home occupation activities;
- Landscape planting;
- Fencing; and
- Earthworks up to 400m<sup>3</sup> per year.

## 7.2 EXISTING ENVIRONMENT

The existing environment is also of relevance to the consideration of the proposal and comprises of consented development. The existing environment includes the existing residential unit, associated residential flat (the subject of this consent), associated vehicle crossing, driveway, fencing and landscaping.

## 7.3 RECEIVING ENVIRONMENT

In addition to the permitted baseline and existing environment, it is important to consider the receiving environment which includes existing and consented development adjacent to and in the vicinity of the application site. The receiving environment includes residential units, accessory buildings and landscaping on the properties immediately to the east, south and west of the site. The wider area is characterised by large lot, low density, residential developments.

It is within the context of the permitted baseline, existing and receiving environments that the actual and potential effects of the proposed development will be considered below.

## **7.4 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT**

### Character and amenity

The addition to the existing residential flat is situated to the west of the existing built form (away from the road). As noted above, the addition is 11m<sup>2</sup> in area bringing the existing residential flat from 70m<sup>2</sup> in area to 81m<sup>2</sup> in area, therefore shifting it from being defined as a residential flat, and into the residential unit definition under the PDP. This has led to a breach in site density, however in terms of outcomes, total built form (building coverage and height) will be less than anticipated to be established on such zoned land as a permitted activity. Accordingly, it is only the internal configuration/floor area of the existing residential flat that triggers the requirement for consent.

The cladding and materials used in this addition will be appropriate and will not give rise to any adverse effects.

Overall, the breach in site density will be imperceivable from adjoining properties, Aubrey Road or any other public space. Consequently, any adverse effects on character and amenity will be less than minor.

### Services, access, parking and manoeuvrability

The proposal will not change the likely number of persons who will occupy the subject building, noting in any case that there is no rule constraint relating to bedrooms or occupants that are able to accommodate a residential flat.



The two units will utilise an existing shared right of way from Aubrey Road with each already utilising separate and logical driveways. It is noted that both units have ample onsite parking and manoeuvrability available and/or established.

It is noted that there are already services and infrastructure connected to the site with no additions required for the small extension which forms this proposal.

Overall, adverse effects in terms of services, access, parking and manoeuvrability will be less than minor.

## 7.5 ASSESSMENT OF EFFECTS ON PERSONS

Taking into account the permitted baseline, the following will assess the potential adverse effects on persons. Figure 3 below shows the subject site and immediately adjacent properties.



Figure 3: Aerial image of subject site (highlighted in blue) and surrounding sites subject to assessment (highlighted with orange star), QLDC GIS.

The small addition is 11m<sup>2</sup> in area, which will grow the existing residential flat to be 81m<sup>2</sup> in area therefore technically defining it as an additional residential unit.

Despite the addition technically breaching the density of the site, there are no additional bedrooms being added and therefore the number of tenants which the dwelling can accommodate will be the same as the existing (it is however important to note that the definitions do not relate to bedrooms or occupant numbers). In any case, as the building will remain as per the status quo (in terms of use and intensity), adverse traffic and/or effects associated with people use and movements experienced by adjoining property owners and/or occupants, will remain consistent with what exists currently.

Furthermore, the addition will be clad in the same materials as existing; Cedar/Larch BB weatherboards with corrugated coloursteel roofing (sandstone grey). These colours and materials are consistent with the cottage as it exists therefore reducing any potential adverse effects on amenity and outlook as perceived from surrounding properties.

#### 965, 961, 959, 961 and 967 Aubrey Road

965, 961, 959, 961 and 967 Aubrey Road are situated to the west, north, north east, east and south east the subject site (respectively).

The location of this addition is towards the west of the existing residential flat (oriented away from the road). It is single storey in nature with a maximum height of 5.1m (in line with the current built form) and will be shielded from the west by an existing accessory building (shed) and the existing residential flat from the east. Due to the location, existing planting and small nature of the addition, any adverse effects on the owners/occupiers of 965, 961, 959, 961 and 967 Aubrey Road in terms of amenity, outlook and privacy will be less than minor.



### 971 Aubrey Road

971 Aubrey Road is situated directly south of the subject site. This site consists of a residential dwelling and associated accessory buildings. This built form is situated approximately 70m to the south of the subject site. It is noted that the small addition which forms this application will not breach any setback standards and is therefore considered appropriate in terms of privacy.

Due to the location, existing planting and small nature of the addition, any adverse effects on the owners/occupiers of 971 Aubrey Road in terms of amenity, outlook and privacy will be less than minor.

## **8.0 OBJECTIVES AND POLICIES OF THE OPERATIVE & PROPOSED DISTRICT PLAN**

### **Operative District Plan (ODP)**

The subject site is zoned Rural Residential under the ODP. The relevant objectives and policies within the ODP are situated within Section 8, Rural Living Areas. Despite still having consideration for these, it is understood that limited weight can be given to the following objectives and policies.

Objective 1 and the related policies seek the establishment of low density rural living managed and contained in both extent and location. Objective 2 seeks to protect the rural amenity which exists alongside this rural living environment.

The addition to the residential flat will be consistent in terms of style, location and materials which exist on the property. This contributes towards the maintenance of amenity. Due to the up zoning of the area, the remaining rural character is relatively depleted. However, due

to the small nature of the addition (approximately 11m<sup>2</sup>), it will retain the low density character of the subject site and those surrounding.

Overall, due to the location, nature and scale of the addition to the existing residential flat, it is considered that the proposal is consistent with the above objectives and their related policies.

### **Proposed District Plan (PDP)**

The relevant objectives and policies are contained within Chapter 11 (Large Lot Residential) of the PDP. These are discussed below.

Objective 11.2.1 – A high quality of residential amenity values are maintained within the Large Lot Residential Zone. The associated policies seek the maintenance of low density residential character and high amenity values through the controlling of colour, scale, location and height of buildings as well as adhering to landscaping and vegetation controls. Objective 11.2.2 and the related policies seek the predominant land use of the Large Lot Residential Zone to be residential.

This proposal encourages the low density residential use of the subject site, within the urban growth boundary, by providing for an additional bedroom to be placed on the existing residential flat. Due to the location, nature and scale of the addition, adverse effects in terms of amenity and perceived density of development will be less than minor. The small addition will be in the same colour and materials as the existing building which ensures continuity and protection of residential character and amenity.

Overall, the application is consistent with and not contrary to the relevant objectives and policies set out within the PDP.

**9.0 PART II OF RMA 1991**

In consideration of the relevant principles outlined in Sections 6, 7 and 8 of the Act, it is considered if approved, the proposed addition to the current residential flat will achieve the purpose of the Act as presented in Section 5.

**10.0 CONCLUSION**

This application seeks Resource Consent to establish an extension to a residential flat which consequently breaches site density at 963 Aubrey Road, Albert Town.

When aligned against the relevant assessment criteria of the District Plan, it is considered that the small extension as proposed and consequential breach in site density, will promote outcomes encouraged by the rules, assessment criteria, objectives and policies of the District Plan.

As demonstrated throughout this report, the proposal will not give rise to any adverse effects which are more than minor. It is therefore respectfully requested that Council approve this proposal subject to appropriate conditions of consent on a non-notified basis.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Nicole Malpass'.

Nicole Malpass

IP Solutions

# RESOURCE CONSENT DRAWINGS

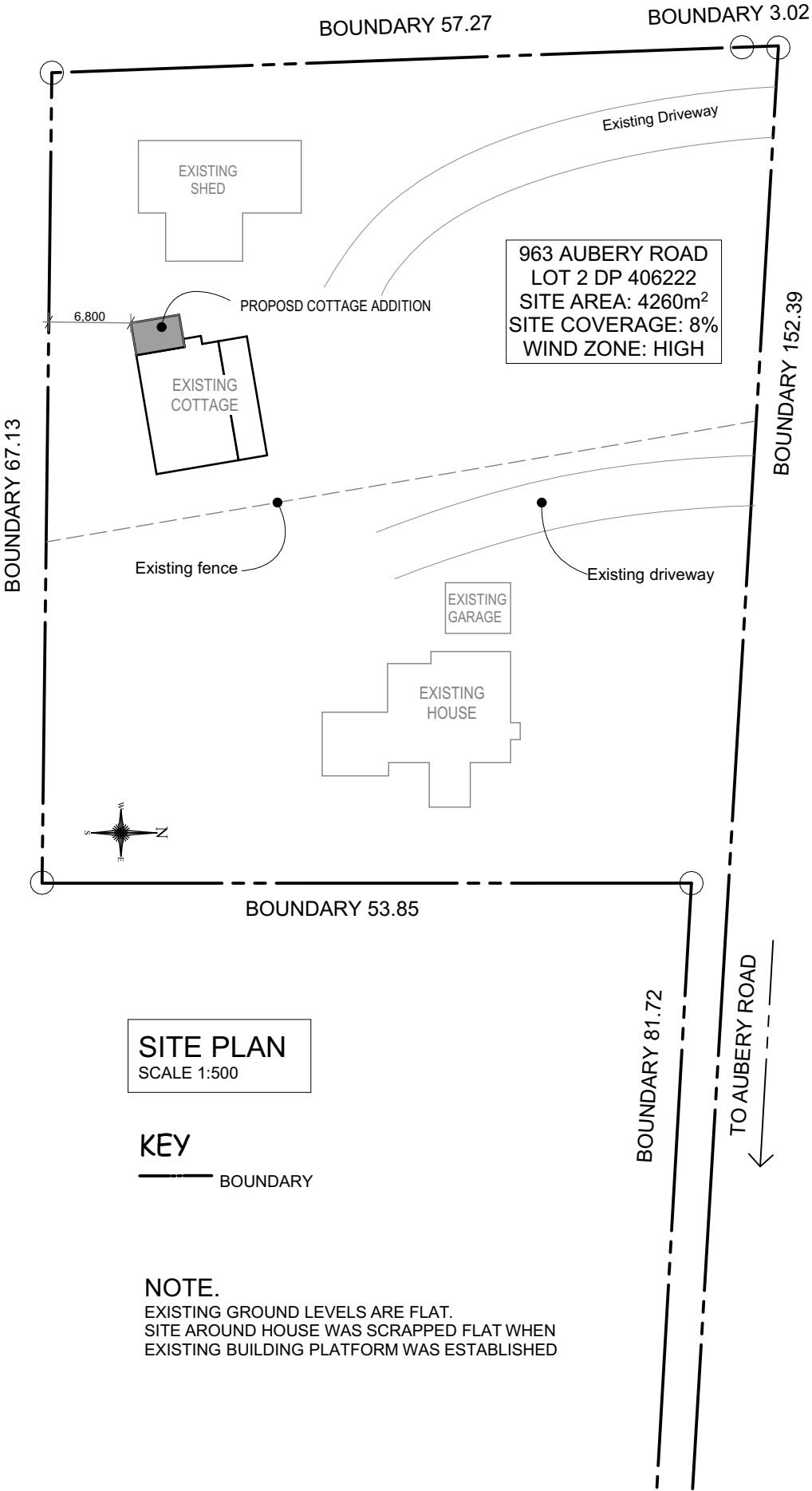
FOR THE PROPOSED WORK AT  
**963 AUBERY ROAD**  
**WANAKA**  
FOR  
**S & J GUEST**

DRAWINGS	
100	SITE PLAN
101	FLOOR PLAN
301	ELEVATIONS

**QUEENSTOWN LAKES DISTRICT COUNCIL**

**APPROVED PLAN:**  
**RMRM200922**

**22 December 2020**



RESOURCE CONSENT ISSUE

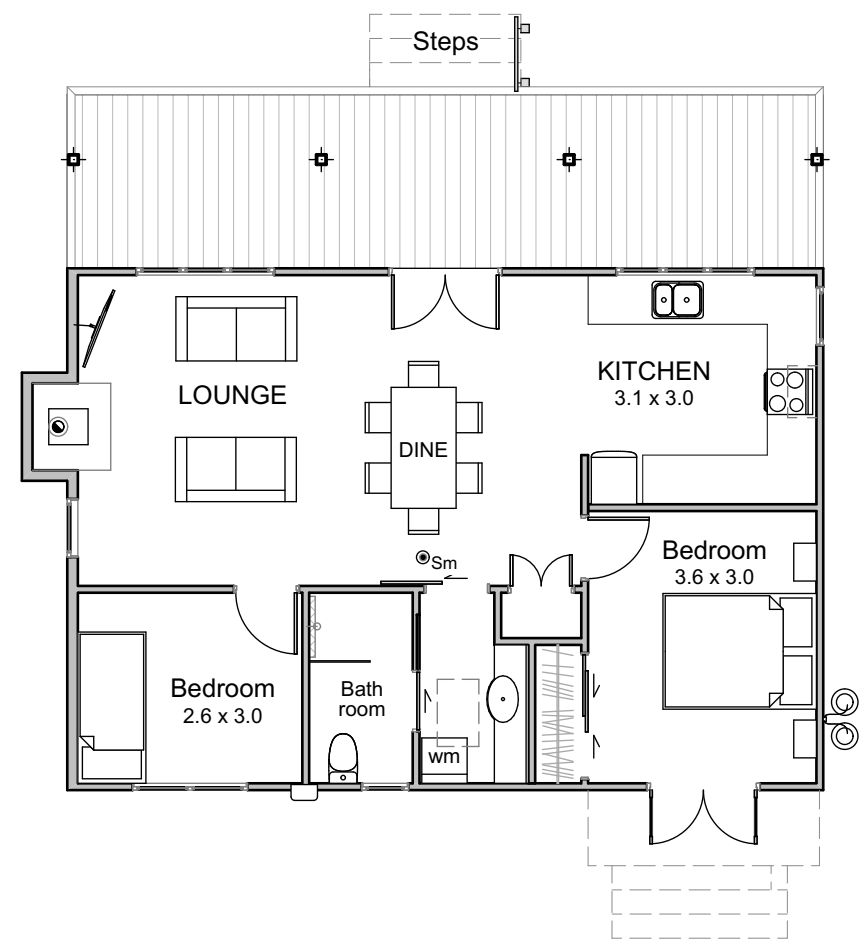
MCV DESIGN LTD  
E-mail: rich@hotmail.co.nz  
Ph: 03 4431706 027 2070157

**GUEST. COTTAGE ADDITIONS**  
**963 Aubrey Rd, Wanaka**

Site Plan

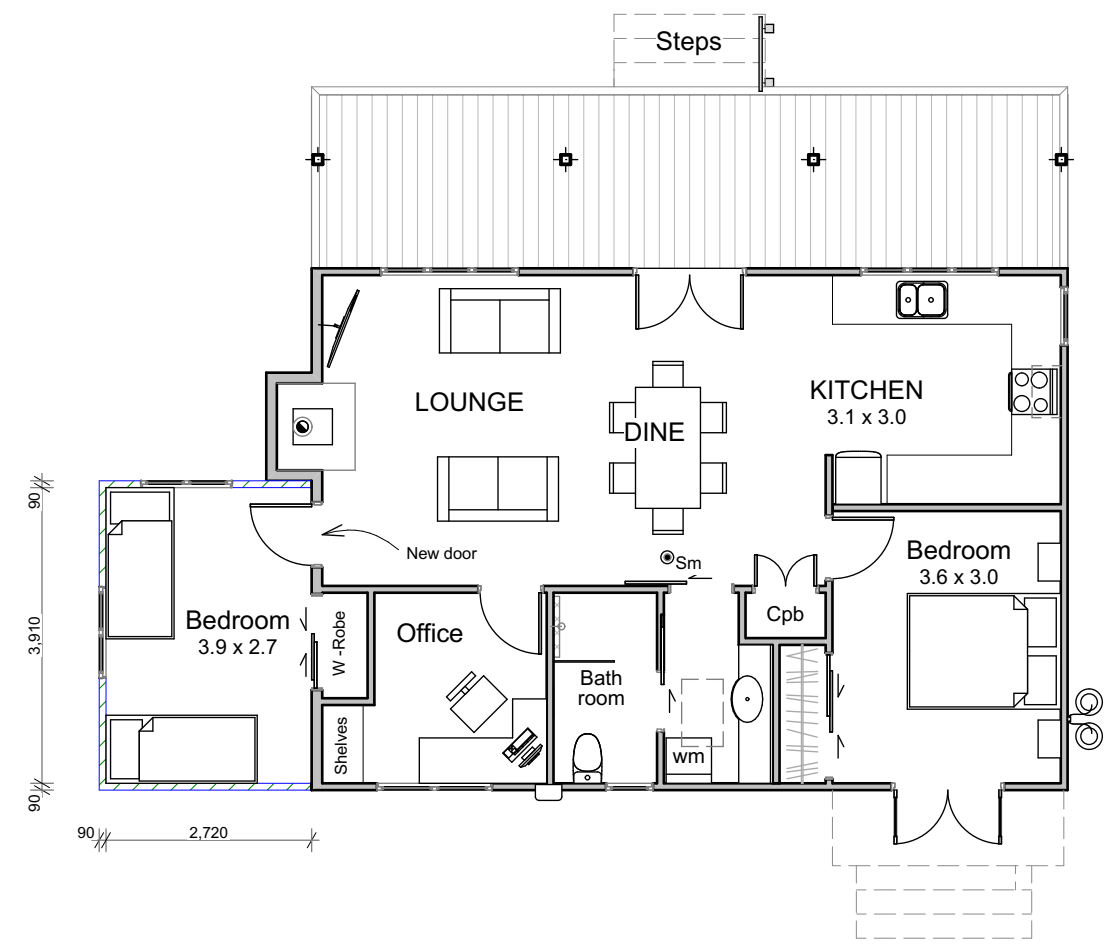
**DRAWN:** RICH V  
**DATE:** OCT 2020  
**SCALE:** AS SHOWN @ A3

**DRAWING NO**  
**100**



EXISTING FLOOR PLAN  
SCALE 1:50

FLOOR AREA: 70m<sup>2</sup>



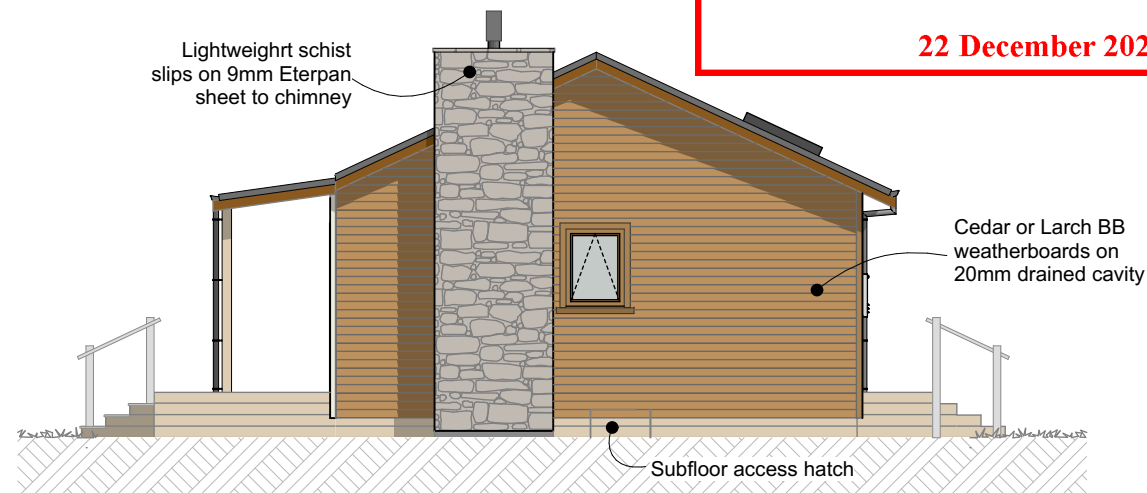
PROPOSED FLOOR PLAN  
SCALE 1:50

TOTAL NEW FLOOR AREA: 81m<sup>2</sup>

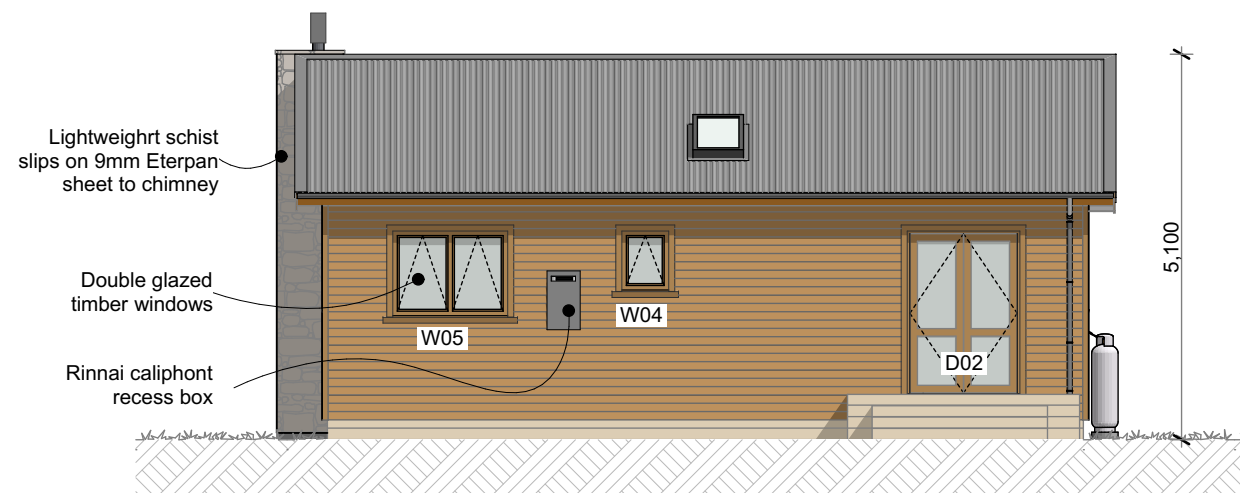
- KEY
- Existing Walls
  - New Walls



EXISTING NORTH ELEVATION  
SCALE 1:100



EXISTING WEST ELEVATION  
SCALE 1:100

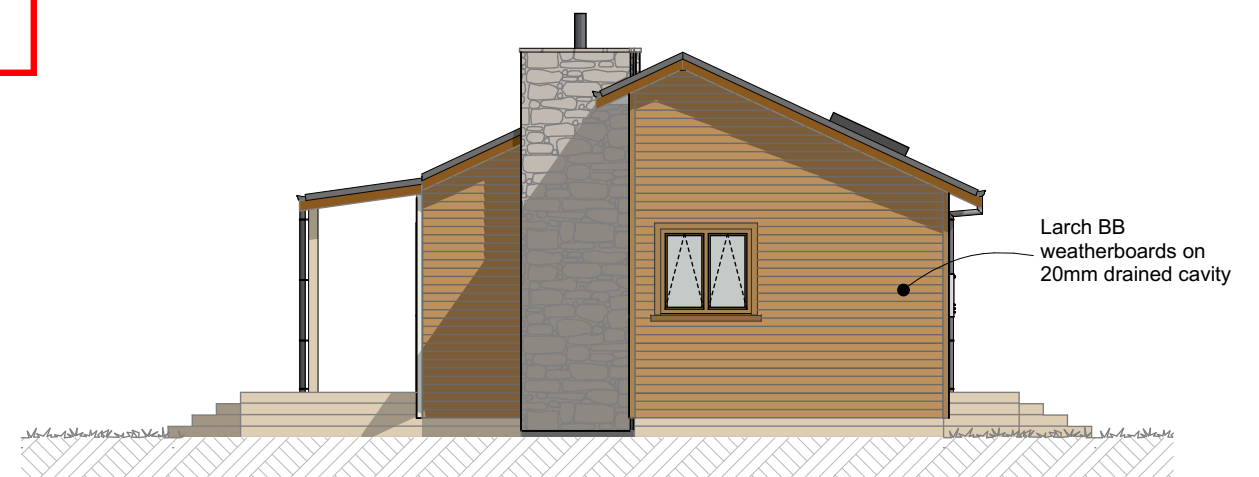


EXISTING SOUTH ELEVATION  
SCALE 1:100

30



PROPOSED NORTH ELEVATION  
SCALE 1:100



PROPOSED WEST ELEVATION  
SCALE 1:100



PROPOSED SOUTH ELEVATION  
SCALE 1:100

QUEENSTOWN LAKES DISTRICT COUNCIL  
APPROVED PLAN:  
RMRM200922  
22 December 2020

MCV DESIGN LTD  
E-mail: rich@hotmail.co.nz  
Ph: 03 4431706 027 2070157

GUEST. COTTAGE ADDITIONS  
963 Aubrey Rd, Wanaka

Elevations

DRAWN: RICH V  
DATE: OCT 2020  
SCALE: AS SHOWN @ A3

DRAWING NO  
301

RESOURCE CONSENT ISSUE

**AURORA ENERGY LIMITED**

PO Box 5140, Dunedin 9058

PH 0800 22 00 05

WEB [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz)



21 January 2022

Nicole Malpass  
IP Solutions

Sent via email only: [nicole@ipsolutions.nz](mailto:nicole@ipsolutions.nz)

Dear Nicole,

**ELECTRICITY SUPPLY AVAILABILITY FOR A PROPOSED TWO LOT SUBDIVISION.  
963 AUBREY ROAD, WANAKA. LOT 2 DP 406222.**

Thank you for your inquiry outlining the above proposed development.

Subject to technical, legal and commercial requirements, Aurora Energy can make a Point of Supply<sup>1</sup> (PoS) available for this development.

**Disclaimer**

This letter confirms that a PoS **can** be made available. This letter **does not** imply that a PoS is available now, or that Aurora Energy will make a PoS available at its cost.

**Next Steps**

To arrange an electricity connection to the Aurora Energy network, a connection application will be required. General and technical requirements for electricity connections are contained in Aurora Energy's Network Connection Standard. Connection application forms and the Network Connection Standard are available from [www.auroraenergy.co.nz](http://www.auroraenergy.co.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read "Niel Frear".

**Niel Frear**

CUSTOMER INITIATED WORKS MANAGER

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<sup>1</sup> Point of Supply is defined in section 2(3) of the Electricity Act 1993.

## Chorus New Zealand Limited

P O Box 6640

Wellesley street

Auckland 1141

1/02/2022



### **Quote: New Property Development**

#### **1 connection points at 963 Aubrey Road, Albert Town 9305**

Thank you for your enquiry about having Chorus network provided for the above development.

Chorus is pleased to advise that, as at the date of this letter, we are able to provide reticulation for this property development based upon the information that has been provided.

The total contribution we would require from you is \$0.00 (including GST). This fee is a contribution towards the overall cost that Chorus incurs to connect your development to our network. This quote is valid for 90 days from 01 February 2022. This quote is conditional on you signing a New Property Development Contract with us for the above development.

If you choose to have Chorus provide reticulation for your property development, please log back into your account and finalise your details. If there are any changes to the information you have supplied, please amend them online and a new quote will be generated. This quote is based on information given by you and any errors or omissions are your responsibility. We reserve the right to withdraw this quote and requote should we become aware of additional information that would impact the scope of this letter.

Once you would like to proceed with this quote and have confirmed all your details, we will provide you with the full New Property Development Contract, and upon confirmation you have accepted the terms and paid the required contribution, we will start on the design and then build.

For more information on what's involved in getting your development connected, visit our website [www.chorus.co.nz/develop-with-chorus](http://www.chorus.co.nz/develop-with-chorus)

Kind Regards

Chorus New Property Development Team



# PETHERICK CONSULTANCY LIMITED

(As Trustee for Petherick Family Trust)

## **Civil Engineering Consultant**

Director M Petherick  
BE (Civil), Dip. Bus. Studies

Reference JN 3854

## **PRELIMINARY ASSESSMENT FOR ON-SITE WASTEWATER AND STORMWATER MANAGEMENT**

*Assessment based on criteria set out in AS/NZS 1547:2000  
"On-Site Domestic Wastewater Management" and in NZ Building Code.*

### **1. SITE INFORMATION**

#### **Owner/Developer;**

Mr Douglas Paul

The development proposal for this site involves a subdivision which will create four new lots, each of 4000m<sup>2</sup>.

#### **Address/Location;**

Aubrey Road, Wanaka.  
Lot 10, DP 13002.

#### **Site Plan Details;**

A copy of an aerial photograph, overlaid with the proposed site plan, is appended to this assessment.

### **2. SITE EVALUATION**

#### **Work Undertaken;**

Soil profiles have been identified through observations and investigations in conjunction with similar work on adjacent sites in the same geological formations. A hand dug test pit has also been excavated at the site.

#### **Geology;**

The property lies on a flat alluvial terrace at the base of Mt Iron. The topsoil layer is underlain by sands and gravels, which are assumed to extend to significant depths. At greater depths the area is likely to be underlain by rock.

#### **Climate;**

The climate in the area is semi arid with hot, dry summers and cold winters. Annual rainfall is only moderate and in winter extended periods of frost can occur.

#### **Water Supply;**

The water for this development will be drawn from the Albert Town reticulated supply.

#### **Site Description;**

The site is currently planted in pine trees.

**Site Exposure;**

The site is relatively exposed to weather from all sectors although shelter will be provided by Mt Iron to the south of the site, and by any of the pine trees which may be retained on the site.

**Environmental Aspects;**

There are no environmental aspects which are considered to be significant or critical in relation to this development.

**Site Stability;**

There are no stability issues at this site.

**Drainage Controls;**

There are no surface water bodies, at or near this site, which require drainage controls. The effluent disposal field will need to be located at least 50 meters away from any water bore and from any irrigation facilities.

### **3. ASSESSMENT**

**Stormwater Disposal;**

Stormwater from the site can readily be discharged into soak pits. The soak pits should extend into the gravel layer and should be located a suitable distance from buildings and from any wastewater disposal field.

For typical dwellings at this site two soak pits, each approximately 2.0m square and excavated 2.0m into the underlying gravels should have sufficient capacity for the required stormwater management.

**On-Site Wastewater Management;**

A variety of systems, ranging from primary systems to other more sophisticated ones could be used at this site.

In accordance with the provisions set out in AS/NZS 1547 the appropriate design loading rate (DLR) for primary treated effluent discharged into the underlying sands and gravels at this site is 20mm per day. The permissible loading rate for secondary treated effluent would be significantly higher

As a matter of course the appropriate DLR should be confirmed in conjunction with the specific requirements of the selected system and the soils which are actually encountered at the nominated disposal site.



Murray Petherick  
Design Engineer

28 September, 2007